

## PLAN COMMISSION

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Time and Date: The Plan Commission met on January 21, 2014, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

Members Present: Marquardt, Bohlken, Radtke, Oberbeck, Valitchka, Nutting

Others Present: Lenz, Hebert, DeSantis, Zietlow, Milanowski, Crisman, Wanserski, Kemerling, Dovorany, Kellbach, Marsh, Ghidorzi, 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.

Marquardt called the meeting to order at approximately 5:00 p.m. noting that a quorum was present.

### **Approve the minutes of the December 17, 2013 meeting.**

Radtke motioned to approve the minutes of the December 17, 2013 meeting. Bohlken seconded, and the motion carried unanimously 6-0.

### **PUBLIC HEARING: Approve the revision to the City of Wausau Floodway Study.**

Hebert said that the City of Wausau along with the Village of Rothschild, City of Schofield, Town of Rib Mountain, and Marathon County have new data available to analyze the floodplain. This area is mainly south of the Wausau Dam, south of Stewart Avenue, east of Highway 51, and west of Grand Avenue. The elevation has not changed; there is just better data to measure the surface. This will help FEMA create new floodplain maps for the area.

Marquardt closed the public hearing.

Valitchka asked Hebert to describe the significant changes. Hebert said that for the City of Wausau, there aren't many significant changes. The significant changes mainly apply to Schofield and Rib Mountain. The city is primarily involved because of Lake Wausau.

Nutting motioned to approve the revision to the City of Wausau Floodway Study. Radtke seconded and the motion carried unanimously 6-0. This item will go to Common Council on February 11, 2014.

### **PUBLIC HEARING: Rezone 1204 West Bridge Street from IR, Interchange Residence District to UDD, Unified Development District and approve the General Development Plan to allow for a convenience store with a fueling canopy and single-bay carwash (Osgood).**

Hans Zietlow, Director of Real Estate for Kwik Trip, said that this Kwik Trip proposal will be similar to the Stewart Avenue location. It will be a LEED certified building; it will be highly landscaped, and will have a very appealing look. Zietlow showed members of Plan Commission and the audience images of various plans for the building. Zietlow said the residences will not be able to see Kwik Trip, because it will be screened with fencing and trees. There was a neighborhood meeting and it seemed to be very positive. Zietlow said that the access easement issue has been taken care of with the adjacent property owner.

Mark Milanowski, Woodland Twin Homes, said that his family owns duplexes located on Nicolet Street. Milanowski submitted a letter to the Plan Commission members, which was passed out prior to the meeting, and Milanowski read the letter. Milanowski said he opposed the use because it will increase traffic, it will be detrimental to the neighborhood, it will bring down property values, it will create hazards to children, and it will create noise and light pollution. Milanowski said that the property should be used for a less disruptive use. Milanowski said that the letter was written on Monday and has since received a call from Marquardt. Milanowski thanked Marquardt and commended Osgood on the plans, but said that the facts still stand. There is no fence or tree that will take the lights or sounds away.

Joan Crisman, 1315 Holub Street, said that she lives on the very west end of Holub Street. Crisman is a member of the church, has grandchildren, and is concerned about pedestrian traffic. There is a lot of traffic that comes down off of Bridge Street, including a lot of semis. The semis are at a healthy rate of speed. This Kwik Trip would be a big calling card for pedestrian traffic. It is currently safer to drive than to walk. There could be a better use for the area. Crisman said she is concerned about the safety, light pollution, and noise.

Dr. Wanserski said that he has had an office building on the southwest side of the intersection for the past 16 years and went through this same process. Wanserski said he has paid over \$300,000 in property taxes and has a vested interest in the area. This would be detrimental to the neighborhood and there is a concern of public safety. This is a very busy intersection and accidents occur a lot. There are two high schools in the area with inexperienced drivers utilizing the intersection. Getting off of the interstate will be a safety concern. Another concern is light pollution. Currently, the professional businesses need to turn the lights off at 11 p.m. and asked if Kwik Trip would have the same constraints. The area has been a professional area with churches and schools. The gas station drawings are beautiful, but it just covers up what it really is. This property just became available and this is the first attempt to redevelop it. There is not a big area of leased space available in the community. This would be a three-acre piece and would be perfect for a professional building. A gas station would be a mistake. Wanserski said that the property owners take great pride in their buildings and want to keep it a professional area. Wanserski asked the commission to think hard. An artist rendering is used to change the thought of a gas station. Wanserski asked if a turn lane would be addressed. Wanserski asked the commission not to allow this use.

Jim Kemerling, 1125 Easthill Place, said that he is President of Riiser and is aware of gas station discussions. This is a safety concern. Kemerling said that he has not seen the traffic patterns and is not sure what the ingress and egress patterns are from this location. There is a traffic problem now. Kwik Trip does traffic projections of the site and this may have an influence on the amount of traffic that will be added there. Tax revenue would be created, but how many more people will come to Wausau because of this new location. There are other alternatives. Kemerling said he does not speak as a competitor, because Riiser is not in that area, but as a member of the community. The convenience store should not be in this area.

John Dovorany, 1405 Kenwood Drive, said that he is concerned about the traffic. Stevens Drive is a residential road and where the entrance will be located will cause a traffic nightmare. Traffic bottlenecks at the intersection every morning from 7 a.m. – 8 a.m. and 3 p.m. – 4 p.m. Dovorany said he cannot see how people will be able to get out between these high traffic times. This is a huge safety issue and the Bridge Street intersection may need to be redesigned or change the Kwik Trip access. This is not a great location for this use, but does not have an objection with the UDD zoning. Dovorany said that they only have one access area which is on Kenwood Drive because access on Stevens Drive wasn't allowed.

Karen Kellbach, 502 West Knox Street and Alderperson for the district, said that when she first received the call to meet with Chris Ghidorzi to go over the plans she had concerns about the residents. Kellbach said she polled 25 residents and only one resident was against it. Kellbach said she hasn't heard a lot since then, until today. Kellbach said she received two calls against this rezoning. Gene Urmanski and Bob and Fay Winter called in opposition. The resident that was against it at the time of the poll was Harley Schmieden. A lot of people are for it, so it is a mixed bag of reaction.

Darrin Marsh, 1204 Nicolet Street, said that he is concerned about the Kwik Trip entrance on Stevens Drive and doesn't know how people will get in. There are several children under the age of 12 and it is safety is a concern. Marsh said that they moved to this residential area because it was safe, quiet, and family friendly. This is not something to look forward to.

Chuck Ghidorzi, 1 Corporate Drive, said that Kwik Trip is a great company to work with and that they are

very conscientious. For this project, Kwik Trip has worked very well with the neighbor, deeding some land over to Abigail Apartments. The land will give Abigail Apartments 10 extra paved parking spots and a dumpster enclosure. This has generated aspects of the plan that are favorable. The closest neighbor to the Kwik Trip is in support, Pam Schroeter. There will be screening for the Schroeter duplex. Ghidorzi said that in terms of the traffic, Bridge Street and the intersection was designed for traffic and has 6 lanes. Panera Bread and Walgreens had the same concern. There is a lot of traffic at these location, but works very well. Kwik Trip has answered all of the light concerns on 28<sup>th</sup> Avenue.

Marquardt closed the public hearing.

Nutting asked Wanserski how any business would fit in the area because any business would generate traffic. Wanserski said that you need to look at what is there and what is developed. Wanserski said he respects the individuals that do the planning and told Ghidorzi what has been done on the west side is fantastic. This is a professional area with dental offices operating 8 a.m. – 5 p.m. During the peak times, there isn't a lot of traffic, which is unlike a gas station. The professional businesses operate 4 – 4 ½ days a week. There are churches in the area. Accountants and lighter traffic businesses would be best because they filter traffic in and out. Wanserski said that the professional businesses are done at 5 p.m. Per the UDD, lights need to be out at 11:00 p.m. and asked if the rules would be changed. It would not be fair to the other businesses to have the game changed.

Nutting asked if changes are planned for Stevens Drive or if there are pedestrian signals. Marquardt answered that there are walking signals with Bridge Street. Nutting asked if modifications would need to be made with Stevens Drive. Marquardt said that there aren't any in the works. The latest DOT numbers show the average traffic count is 4,300 vehicles and generally four lanes aren't needed until the traffic count reaches 10,000-12,000, depending on the situation.

Nutting asked Zietlow how the neighborhood meeting went. Zietlow said that whenever a store is being built, a neighborhood meeting is held. The only negative comments were from the business gentlemen that were there. Zietlow said that there weren't any negative comments from the high schools, church, or majority of the residents. Normally when people are very opposed to something, they will show up. The meeting was pretty uneventful. Nutting said that lighting restrictions were placed on the Kent Street location and asked if the lamps around the canopy would be allowed. Zietlow said that LEED stores have LED lighting and almost zero foot-candles at the property line. The sound under the canopy can be metered down and part of the staff recommendation is that it would be monitored. Kwik Trip has a history of being very successful with its neighbors very close. Zietlow said that Kwik Trip has the ability to turn the light and the sound down. Nutting asked if the verbal announcement would be eliminated. Zietlow said that it will be monitored as a condition. The reason for the verbal announcement is for a security measure and ADA. This stops drive-offs and said that he would doubt any neighbors would be able to hear. If the announcements could be heard, it could be brought down.

Nutting asked how the berm near the residences would be created. Zietlow said that part of it is the natural grade of the property that allows for a hill coming up from the properties on Nicolet Street. The property owners will barely be able to see the top of the canopy. The residences currently see Bridge Street and a reasonable person would rather want to see this. Nutting said he wanted to make a statement about the children safety. Nutting said he raised four children on 1<sup>st</sup> Avenue and taught his children about safety and everyone needs to instruct their children. This reason should not hinder opportunities for the community. It is an unreasonable fear.

Radtke asked where the traffic counts were taken from. Marquardt answered that they were taken from the DOT. Radtke asked if there are projected traffic counts. Zietlow answered that the 4,000 traffic count is accurate. Kwik Trip does not do projection counts. Most of the vehicles coming to Kwik Trip are already driving past. Zietlow said he does not see traffic as an issue; it is not a destination site. The DOT

counts are very accurate, as are the estimates for going to four lanes.

Radtke asked how far the notices were sent. Lenz said the notices for the public hearing were sent 300' from the property and invitations for the neighborhood meeting were sent 200' from the property. Per the ordinance, notices of the public hearing need to be sent out to property owners within 100' of the proposed property. Radtke asked if the notices were sent to property owners or tenants. Lenz said that the only information on file is for the owners. The City does not maintain tenant information. Radtke asked if the notice is sent to the property. Hebert said that the mailing address used for tax purposes, would be the address of the property owner.

Oberbeck said that Stevens Drive is 100' from a major intersection and asked how it has been addressed. Oberbeck said it is dropping 3-4 feet off of Stevens Drive, but there is also a drop coming from Bridge Street. Most of the traffic pattern for fueling and some will be exiting out onto Stevens Drive. Zietlow said that the drive off of Stevens Drive is a lengthy drive with a 3% grade. The vast majority of traffic will be off of Bridge Street. People will probably not use the Stevens Drive driveway during high traffic times. The Stevens Drive driveway will carry less than 20% of the total customers. Stevens Drive is not a major access point.

Oberbeck asked if there are traffic concerns about having the major entrance at this location. Marquardt said that Bridge Street was designed with the left turn lane and a driveway was put in as shared driveway. The shared driveway was intended for a driveway entrance and this shouldn't be an issue. Oberbeck asked if the left turn coming out across traffic would not be an issue. Marquardt answered not any more than any other intersection.

Valitchka asked how many people attended the neighborhood meeting. Zietlow answered 10. Valitchka asked if anyone from the high schools were present. Zietlow answered that someone was there from Wausau Newman, but not from Wausau West. Valitchka asked if a market study was done and why this location was chosen. Zietlow said that according to the demographics and access this is a great location. There are stop lights on both sides and will create an easy way to get into and out of. The market study and analysis showed that this is a natural and easy site. Valitchka asked what demographic attracted Kwik Trip to this spot. Zietlow answered that it was a combination of the population base, it was a local artery and there is a void of other stores. Valitchka asked if a different location could be found to the west. Zietlow answered that this is the only location in the immediate vicinity. This location is the best for Kwik Trip. It is very hard to explain to others what is entailed in siting.

Valitchka asked if there are push buttons on the stop lights. Marquardt answered that they are already there. Valitchka said that there is pedestrian traffic. Valitchka asked what the car wash hours were and if it turns off at a certain time. Zietlow said that he wasn't sure if it was on the staff report, but the car wash hours could be limited. This may be a negative for anybody working 3<sup>rd</sup> shift. Valitchka said that the blower fan can be loud and the neighbors may hear that no matter what is done. Valitchka said that this development is out of character from what was talked about during the rezoning in 2000. Valitchka said that he appreciates the effort that has gone into the plans. The change with a retail store at a corner was never envisioned. Valitchka said he is faced with a challenge to remain open. Valitchka stated that he will have a challenge to vote for this rezoning looking at the long-term plan.

Lenz said that there are two items about this project on the agenda. The first would be to approve the rezoning and general development plan. The second item would be to approve the precise implementation plan. As staff looks for zoning recommendations, the comprehensive plan is reviewed. It is difficult to tell what was in mind for this area and this specific parcel. When general policies are looked at, growing tax base is a legitimate goal of the plan. Another goal is to keep land uses compatible with each other, particularly with residential neighborhoods. The petitioners were aware that the Plan Commission would be looking at the compatibility factor. Another aspect of a zoning decision is the

testimony at the public hearing – there were points made on both sides and it is for the plan commission to decide how well the petitioner addressed the concerns. Lenz stated that if the Plan Commission does recommend approval, some conditions as listed on the staff report may apply. These conditions would be: to keep the volume of the external speakers to the lowest level practicable; to limit the signs facing north to non-illuminated; to have stormwater management plans approved by city staff; and to require sign permits based on the sign package submitted.

Valitchka asked Marquardt if he is comfortable with the traffic intersection, the entrances, and exists from an engineering standpoint and also how safety would be rated. Marquardt answered that it is a busy intersection. When the DOT rebuilt the intersection in 2005, it was built based on a 25-year traffic projection. Bridge Street, which included this intersection, was designed for traffic for the year 2030 and 26,000 vehicles. The count is currently under 19,000 vehicles. 17<sup>th</sup> Avenue to the south was built in the early 1990's, for a projection of 15,500 vehicles in 2014. The current count is 10,000. All legs of the interchange have capacity from DOT standpoint of design. Marquardt said that based on that information, the intersection is capable of handling the traffic and safety is in the hands of the driver.

Lenz added that based on numbers he obtained from the Police Department, there were nine crashes at the intersection in 2012. This is not in the top 10 intersections for the city. The highest intersection has 35-36 crashes per year. Marquardt added that the driveway off of Steven Driving lines up with Kenwood Drive and said that it is always better to line up intersection driveways across from each other. Marquardt said that because of the merging traffic, the further south the driveway should be located is across from Kenwood Drive.

Valitchka asked Lenz about his view on the character of the neighborhood. Lenz said that the original UDD was for an office building, but on the other hand the lot has remained vacant since that approval in 2000. The private sector would best be able to comment on the market for office development at this location. But, that is not the proposal on the table. This would be a LEED-certified building, masonry construction, with high quality landscaping. In terms of convenience stores, Kwik Trip does a good job with their new stores.

Nutting said that the lot has been vacant for years and asked why it has been vacant for so long. Members of the audience said that it was just recently placed on the market. Marquardt stated that Plan Commission will make a recommendation to Common Council, but said that Common Council has the final say.

Nutting motioned to rezone 1204 West Bridge Street from IR, Interchange Residence District to UDD, Unified Development District and approve the General Development Plan to allow for a convenience store with a fueling canopy and single-bay carwash. Bohlken seconded, and the motion failed 2-4. Nutting and Marquardt voted in support of the rezoning. The item will go to Common Council on February 11, 2014.

**Approve the Precise Implementation Plan for 1204 West Bridge Street to allow for a convenience store with a fueling canopy and single-bay carwash.**

This item was tabled since the rezoning did not pass. If the Common Council approves the rezoning, this item will be placed on the next agenda.

**Approve Relocation Order and Map for the construction of Curling Way from its current termini north to Junction Street.**

Valitchka motioned to approve the relocation order and map for the construction of Curling Way from its current termini north to Junction Street. Bohlken seconded.

Marquardt said that this went to CISM meeting and was approved unanimously.

The motion carried unanimously 6-0. This item will go to Common Council on January 28, 2014.

**Approve petition to vacate the right-of-way abutting 1022 Merrill Avenue.**

Marquardt said that this item went to CISM and was approved unanimously.

Bohlken motioned to approve the petition to vacate the right-of-way abutting 1022 Merrill Avenue. Valitchka seconded.

Valitchka asked if the property owner would be responsible for maintaining the entire grass area if the vacation is approved. The adjacent property owner would be responsible for clearing the sidewalk and maintaining all of the grass area. There is a small portion of the northern triangle that will not be vacated. If this small area would be vacated, it would go to the property on the other side of Merrill Avenue. The property owner at 1022 Merrill Avenue will be responsible for taking care of everything.

The motion carried unanimously 6-0. This item will go to Common Council on February 11, 2014.

**Future agenda items for consideration.**

Valitchka said he recently viewed a virtual tour of a parcel of land. Valitchka said that there are projectors and asked if it is reasonable to invite the use of electronic GIS and 3-dimensional graphics to be illustrated from the screen for the commission and the audience. Marquardt said that he would pass that along to developers.

Bohlken said that there have been questions in the past about notifications and asked for a discussion on permanently extending it to 300'. Lenz said that staff could look into it. He said that staff always goes more than the minimum, but sometimes it depends on the street widths. He said there could be downsides to extending it too far. Right now, only those within a 100' radius can petition, and it is great for more people to be informed, but sometimes it leads to confusion about who has what rights. Bohlken said we should look at the differences between taking it from the edge of the property versus the middle. Valitchka asked if this is in the state statutes. Lenz answered yes. Oberbeck wondered if 100' is the minimum and if there is a maximum guideline. Lenz said that staff will look into the statutes and see if there is any flexibility.

**Adjourn.**

Nutting moved to adjourn. Bohlken seconded. Motion to adjourn carried unanimously and the meeting adjourned at 6:20 p.m.

**The Plan Commission is next scheduled to meet at 5:00 pm on Tuesday, February 18, 2014.**