

## PLAN COMMISSION

---

Time and Date: The Plan Commission met on February 18, 2014, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

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

Others Present: Lenz, DeSantis, Alwin, Hocking, Thompson, Scholfield, 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.

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

### **Approve the minutes of the January 21, 2014 meeting.**

Radtke motioned to approve the minutes of the January 21, 2014 meeting. Bohlken seconded, and the motion carried unanimously 5-0.

### **PUBLIC HEARING: Approve a conditional use at 406 & 408 North 3<sup>rd</sup> Street to allow for installation of awning signs, in a B4-1, Central Business District (Kraimer).**

Dylan Alwin, 723 South 72<sup>nd</sup> Avenue, said he represents the sign company that will most likely install the awnings. The existing awnings will be removed and will be replaced with streamlined, canvas awnings. There will be 3 awnings in total. The logos will be placed on 2 of the awnings. The awnings will be black with white copy and will be non-lit.

Mayor Tipple closed the public hearing.

Lenz stated that the conditional use is for the lettering on the awning. Awnings themselves downtown are permitted, and will be approved by the zoning administrator who will look at the clearance of the awnings, size, etc. The lettering on the awning is considered a sign and there are regulations for these signs, mainly that they are flat against the awning and on the front or sides of the awnings. Also, content is restricted to only the names of the business or logo. The proposed signs conform to these regulations. Lenz said he spoke with Kraimer and said the new awnings would be similar to what is there now, but he liked the colors used at the CVA across the square. Staff does not see issues with the awning signs and recommends approval.

Bohlken motioned to approve the conditional use at 406 & 408 North 3<sup>rd</sup> Street to allow for installation of awning signs, in a B4-1, Central Business District. Radtke seconded and the motion carried unanimously 5-0. This item will go to Common Council on February 25, 2014.

### **PUBLIC HEARING: Rezone 815 South 24<sup>th</sup> Avenue, 2210 Sherman Street, 2212 Sherman Street and 2220 Sherman Street from IM, Interchange Industrial District to IB, Interchange Business District (Koszarek).**

Karen Hocking, 2616 Nightingale Lane, said that she owns 815 South 24<sup>th</sup> Avenue, which is the old Webko building. Hocking said that several requests have been made to her to have an office at the location and would like the change made.

Mayor Tipple closed the public hearing.

Lenz said that the request is being made by Hocking and city of Wausau. 815 South 24<sup>th</sup> Avenue is technically a little small for a rezoning, but there have been discussions in the past with real estate brokers about the property that fronts on Sherman Street. This area houses more commercial uses than industrial uses. Residential zoning is located to the east, business zoning to the south, and this would be a good transitional zoning from the industrial. The trend in the area seems to be for offices, retail, restaurants, and hotels. The manufacturing businesses tend to straddle the railroad tracks. Lenz said that it makes

sense to rezone the property.

Valitchka motioned to rezone 815 South 24<sup>th</sup> Avenue, 2210 Sherman Street, 2212 Sherman Street and 2220 Sherman Street from IM, Interchange Industrial District to IB, Interchange Business District. Bohlken seconded, and the motion carried unanimously 5-0. The item will go to Common Council on March 11, 2014.

**PUBLIC HEARING: Rezone 404 Franklin Street from R4, General Residence District to UDD, Unified Development District and approve the General Development Plan to allow for a mixed use residential and professional office building (Thompson).**

Mark Thompson, 2000 Lester Street, said that a mixed residential and office use is being proposed in the church. R4 zoning would allow for a 2-unit property and business could be a conditional use if it was located on an arterial street, which it is not. The parcel is too small to rezone as a stand-alone property. The UDD would allow for below minimum setbacks. Thompson said that it is proposed for a 5' fence on the front yard, which would be over the 3' allowable fence for R4 zoning.

Bill Scholfield, 2231 Bryce Lane, said that he is representing Christian Science Church and has spent a year and half trying to determine what could be done with the property. The neighbors have been part of the discussion and would like to see this move forward. The church members are hard-pressed to keep the building maintained. Scholfield said that this would help bring the property back onto the tax rolls.

Mayor Tipple closed the public hearing.

Lenz said that the current zoning, size, and location make it hard to find a suitable use for this parcel. It is basically limited to another church or residential use. UDD zoning has been used in the past and at times it seems realistic to have the flexibility. The proposal is for residential and office use. Staff feels that these uses would be a good fit with the downtown. There hasn't been any negative feedback with the proposal. The neighborhood did not want the church to be torn down and this seems to be a good way to preserve it. Lenz said that he recommends approval, the first one being for the general development plan.

Mayor Tipple asked if lighting on the sign would be discussed. Lenz said that could be part of the precise implementation plan.

Valitchka asked Thompson to describe the design idea on the west dormer of the conservatory. Thompson answered there aren't a lot of windows in the building and there are a lot of plants. It will be a greenhouse with the brick front and will use as much glass as possible. Valitchka asked if this would be part of the apartment. Thompson answered that it would be part of the main apartment. There are 2 apartment units proposed. The principal apartment would be on the 1<sup>st</sup> floor. The second apartment would be above the added garage and would be much smaller in size. The conservatory would be part of the principal residential unit.

Valitchka motioned to rezone 404 Franklin Street from R4, General Residence District to UDD, Unified Development District and approve the General Development Plan to allow for a mixed use residential and professional office building. Bohlken seconded, and the motion carried unanimously 5-0. This item will go to Common Council on March 11, 2014.

**Approve the Precise Implementation Plan for 404 Franklin Street to allow for a mixed use residential and professional office building.**

Lenz said that the sign has been discussed with Thompson, considering the recent history with signs in this area. Thompson said that a sign was included in the plan. There is not a unanimous feeling that a

sign would be needed or not or if it should be lit or not. Mayor Tipple said that it may not be an issue. Thompson said the sign would be visible from both frontages. Lenz said that while working with the Marathon County Historical Society on their signs, the neighbors seemed okay with an externally lit sign. Staff would recommend that if a sign is needed that it be externally lit as opposed to an internally lit cabinet sign as shown.

Mayor Tipple asked about the size of the sign. Lenz answered that the size should be fine.

Valitchka asked if the sign would be located on the southeast side. Thompson answered that it would be located on the southwest side. Valitchka asked Thompson if the office space would be for his professional office building. Thompson answered yes. Lenz said that staff will look over the final design of a sign and a permit would still be needed, but, he said there aren't any sign guidelines with UDD zoning, so if the commission has any feedback, it would be appreciated. Mayor Tipple said that there should be sensitivity to this district, so there aren't any clashes. Valitchka said a time limit for lighting would be appropriate. Thompson said he wouldn't have any objections. Valitchka asked what the regular business hours would be. Thompson said most of the contact is out of the office. Valitchka asked what the regular office hours are. Thompson answered normal hours would be 7:30 AM – 4:00 PM. Valitchka asked staff what is normally done. Lenz answered that 9:00 PM has been used as a cutoff, but it could be done earlier or later. He said that after business hours the sign is not directing customers to the business, but it is being more as an advertising device. Thompson said that after hours guests may still look for signage. Marquardt suggested 9:00 PM like other businesses.

Marquardt asked if Lenz had an issue with the 5' fence. Lenz said that a residential property would be limited to 3' in the front, but for commercial properties, fences can go up to 8 feet. This is somewhat of a grey area and plan commission can put whatever zoning standards it feels is necessary. Lenz said he personally didn't have an issue with the height because it is wrought iron and can be seen through. Marquardt said it is on an angle for traffic visibility. Radtke asked if it was the same height as the child care center in the area and it was thought to be similar.

Valitchka motioned to approve the precise implementation plan for 404 Franklin Street to allow for a mixed use residential and professional office building, with the conditions that: 1) Signage is turned off at 9:00 PM; 2) a 5' fence is acceptable; and 3) the signage needs to be externally lit. Radtke seconded and the motion carried unanimously 5-0. This motion will go to Common Council on March 11, 2014.

**Approve petition for annexation – Eckert, the south 30 feet of the western 786.21 feet of 3800 North 25<sup>th</sup> Street (Town of Wausau).**

Marquardt said that the property owner would like to dedicate a portion of the property as public right-of-way. The property is not located in the city, so it cannot be dedicated until it is annexed. This item went to CISM and was approved unanimously.

Marquardt motioned to approve the petition for annexation – Eckert, the south 30 feet of the western 786.21 feet of 3800 North 25<sup>th</sup> Street. Radtke seconded and the motion carried unanimously 5-0. This item will go to Common Council on February 25, 2014.

**Discuss notification distance for public hearing notices.**

Lenz said that he did some research on notifications and the reasoning behind the distances. A section of the Wausau Municipal Code was revised in 2008 and it appears that there were similar discussions back then. The state statutes do not require notification of neighbors. The 100' minimum from the local ordinance appears to come from the formal protest petition area of the statutes. Adjacent property owners and property owners across the street have a right to file a formal protest. If 20% of property owners sign

a formal protest, Common Council would need an overwhelming majority vote for it to pass. There are specific procedures to follow for filing the petition, which are located on the city website. The public input is still taken into consideration even if people have not filed a formal protest petition or are outside the area. He said we may still want to notify people regardless of the actual petition. The city of Wausau ordinance can be looked to change the distance if it is not sufficient, but he said only people with 100 feet have the formal protest rights through the statutes. He added per our local ordinance, notice is sent to property owners, not the tenants. The city does not have records of the tenants in specific units. In recent practice, a notification of 300' was used for the Bridge Street Kwik Trip. The 100 feet in the ordinance would not have crossed Bridge Street and staff does flex the boundary based on how wide the public right-of-way is and in some cases how big the adjacent properties are. Lenz said that staff always goes beyond 100' and is not opposed to expanding it. But, there are drawbacks to expanding it too far. He said we may be inviting more opposition than is needed. Notification sent four blocks away from the proposed change, for example, would take more staff time to send out more notices and more staff time to receive calls. It would also take more time at Plan Commission for the public hearings. He thought a 100' is a good guideline with the flexibility to go wider. The Plan Commission can recommend more notices be sent on a case by case basis, if it is felt more neighbors should have been included. Bohlken thanked Lenz for clarifying this.

Valitchka said that 100' is the statutory requirement for the right to protest and beyond that, property owners that protest are not legally bound. Lenz said that is correct. Valitchka said that staff is being consumer friendly and is done on a case-by-case basis. Lenz said that it is the intent to use 100' as a guideline and to inform them of any rights to protest. There isn't a requirement to inform them over 100'. Part of making a zoning change is to take in account the public input. Nobody has ever been restricted from giving public input because they live outside the area. On the Kwik Trip protest form, only a couple of the individuals that signed the form would have actually been qualified for the formal protest.

Radtke said that on the Kwik Trip rezoning, 100' doesn't go anywhere and asked if that would have been an exception to the rule. Lenz said that the statutes remove the right-of-way. The signed petition that was submitted included people from several blocks away. This was also the case with the Northwestern Ave rezoning. Some of the individuals that signed it were over 1000 feet away. Radtke asked if the petition qualified. Lenz said that the petition was accepted and heard, but Common Council was not legally bound to have a super majority.

Valitchka asked if an informational slide could be created about the notification details about protests. The legal right is an important thought. A simple fact sheet may provide education and help with a balancing act for Plan Commission, petitioner, and residences. Mayor Tipple asked Lenz if it is available on the website. Lenz said that the process is outlined on the planning website and drawings are included to help determine what is allowed and what is not allowed. Mayor Tipple said it is spelled out on the website. Valitchka asked if protests are referred to in the notification. Lenz said that it doesn't say anything in the notification, but maybe it could. He said there would need to be some additional GIS work going into the notifications and possibly two different notices sent out. Valitchka said that a general reference about protesting could be added to the notification. Anything that can be done to enhance the learning of civic responsibility may be helpful. Radtke asked if there is additional documentation with the petition. Lenz said that there are the instructions along with a packet of information. Radtke asked if it states 100' to qualify for protest. Lenz answered yes. Radtke said that a gentleman that did the petition called her. Lenz said that there is a drawing showing 3 different scenarios. The first scenario is protest within the zoning area, the second scenario is directly adjacent, and the third scenario is directly across the street. The protest form needs to be notarized and to the clerk 4 days prior to the council meeting. Sometimes people are unhappy when they receive notices but then are not in the formal protest area. Mayor Tipple said that there are reasons for the rules.

**Future agenda items for consideration.**

---

There weren't any suggestions for items on future agendas.

**Adjourn.**

---

Radtke moved to adjourn. Bohlken seconded. Motion to adjourn carried unanimously and the meeting adjourned at 5:45 p.m.

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