

PLAN COMMISSION

Time and Date: The Plan Commission met on June 17, 2014, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

Members Present: Marquardt, Rosenberg, Oberbeck, Bohlken, Gisselman

Others Present: Stephenson, Nicoliason, Woller, Leher, Lenz, Hebert, DeSantis

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 May 20, 2014 and June 3, 2014 meeting.

Bohlken motioned to approve the minutes of the May 20, 2014 and June 3, 2014 meetings. Rosenberg seconded, and the motion carried unanimously 5-0.

PUBLIC HEARING: Approve a conditional use at 1500 Merrill Avenue to allow for an educational academy, in a B2, Community Service District (Stephenson).

Anne Stephenson, Acton Academy, presented information via phone because she could not appear in person. She stated that she intends to open a small 36 student school directly above the Mount View Montessori school which has very similar principles. Marquardt asked if there were any public questions, then closed the public hearing.

Lenz said that the conditional use permit application and photos of the academy were passed out. The conditional use permit was requested for a business zoning district, B2, where certain types of schools can be allowed with a conditional use permit. This particular educational academy isn't directly addressed in the zoning code; however staff feels that it is appropriate for this type of institution to apply for a conditional use permit in a business district. Lenz asked that Stephenson explain more about the school and how it differs from a traditional school and the types of students it would have. Stephenson explained that the academy is a maximum of 36 students in an elite multi-age classroom hearkening back to the one room schoolroom of old with 1st – 5th graders. Stephenson said that the academy is unique because it uses the best of face to face instruction, the best of technology and the very best of project based learning. She said it's similar to a Montessori classroom and added a strong technology and hands on component. The academic performance of these students is really exemplary and in 10 months of typical attendance, students will gain 2-3 years of academic standing on standardized tests. However, they do not believe in teaching to the test but this is shown in the year end testing. The school year is extended to 11 months with smaller breaks in between. The school day would be very typical from about 8:15 in the morning until about 3:30 in the afternoon with potential for after school clubs like chess or robotics. Staff will be Stephenson as executive director and a full time teacher, known as a guide, as well as various apprentices or part time guides for areas such as art. The number of students (36) in the academy would be very small compared to the number of students (100) in the Montessori portion of the building.

Lenz stated that from a land use perspective, there should not be issues with it since it is in the same building as the preschool and daycare facility. It shouldn't conflict with neighboring properties and staff has not received any complaints regarding this proposed use. Staff recommends approval of the conditional use. Lenz asked if there would be something added to the current sign and Stephenson stated she would use the existing sign. DeSantis asked Stephenson if she has considered expanding the fire alarm system in the Montessori to the upper level. Stephenson confirmed that this expansion was being addressed. Rosenberg motioned to approve the conditional use at 1500 Merrill Avenue to allow for an educational academy, in a B2, Community Service District. Bohlken seconded, and the motion carried unanimously 5-0. This item will go to Common Council on July 8, 2014.

PUBLIC HEARING: Approve a conditional use at 402 North 3rd Avenue to allow for a digital message center sign, in a R3, Two Family Residence District (Nicoliasen).

Dennis Nicoliasen, 1813 Crestview Drive, church council member and on property committee at First English Lutheran Church. They have received requests from the congregation to modify their existing sign and obtain an electronic sign; their original sign was completed by Graphic House. They have secured funding to have Graphic House replace this sign because it is difficult for the secretary to change the letters especially during winter when it's tricky to open the sign and shovel the snow. They are hoping to install the sign this summer.

Matt Woller with Graphic House, 9204 Packer Drive, stated that their intent is to remove the existing reader board and replace it with a digital message center within the existing structure of the sign. The sign location, size and shape will not be altered. The top header of the sign will not be changed in any way. He explained that Nicoliasen or the person controlling the sign can change the brightness of the sign and lower the brightness if it is requested by neighbors. The digital message will be red and more of a text based message with possible religious symbols and minimal graphics – it is not intended to be full color. Nicoliasen added that the option of amber color letters on a black background for the digital message was not chosen and they went with red letters on a black background similar to other businesses such as Walgreens.

Marquardt closed the public hearing.

Lenz said that pictures of the current and proposed sign were distributed. The conditional use was approved in 2003 for the original sign that is a static bulletin board. This is an amendment to the conditional use to allow for a new sign in an R3 residence district. The zoning code does distinguish between flashing and non-flashing signs. The message needs to be displayed for at least 6 seconds which is considered static; if the message is displayed for less than 6 seconds it is considered flashing. Lenz clarified that in the zoning district, the message needs to be non-flashing. He said in other cases where signs are in residential districts, digital message signs have been approved with a condition that the sign be turned off at certain times. Lenz recommended this as an option for the Plan Commission that the condition could be added to turn off the sign. Other signs have been approved with the condition that they be extinguished between 10pm – 6am. Lenz hadn't presented that condition to the petitioner. Nicoliasen stated they would comply if required. Nicoliasen asked if other churches with signs also have this requirement to turn the sign off between 10pm – 6am. Lenz stated that some signs have been approved with the condition while others have been approved without this condition. Commercial buildings such as CVS or Walgreens are generally not under this restriction. Some churches and schools, especially in residential areas have this requirement but Lenz does not have a list of which churches and schools have this requirement and which do not. Lenz believed the most recent sign that was approved, at Trinity, did have this requirement. Marquardt asked if their existing sign is lit and Nicoliasen confirmed that the current sign is illuminated and electricity is connected.

Rosenberg motioned to approve the conditional use at 402 North 3rd Avenue to allow for a digital message center sign, in a R3, Two Family Residence District (Nicoliasen), Marquardt asked if the condition that the sign be turned off between 10pm – 6am would be included. Rosenberg asked if the condition could be added later as it doesn't seem necessary at this time. Lenz said that there haven't been concerns raised by any neighbors, which is why this condition was added to other signs in the past. Hebert stated that the district is all residential to the east except for the gas station. Rosenberg motioned to approve the conditional use at 402 North 3rd Avenue to allow for a digital message center sign with the condition that the sign be turned off between 10pm – 6am, seconded by Gisselman, and the motion carried unanimously 5-0. The item will go to Common Council on July 8, 2014.

Amend Precise Implementation Plan for 1015 South 17th Avenue to allow for digital message sign.

Lenz said that drawings for the digital message sign with and without the readerboard were passed out, along with the site plan for the sign. The sign will be perpendicular to 17th Avenue and the building. Lenz stated that a sign without the digital message center was installed at this location so this is an amendment to the zoning to allow for the digital message center sign. The UDD does not have set standards for signs and staff looks to other zoning districts for guidance on determining standards. This sign would be allowed in a B2.

Oberbeck asked what information would be displayed on the message center. Brandon Leher, owner of Thunder Lube, at 1015 South 17th Avenue, stated the current advertisements for oil changes or transmission fluid specials would be displayed on the message center. Leher stated that he would prefer a digital sign, which would look more professional. Lenz stated that at a previous meeting, this type of sign was discussed for the downtown zoning district, where the content on a reader board is regulated. But since this is a UDD there is not a clear restriction on the content, although plan commission could regulate it. Hebert added that the sign would be raised approximately two feet to accommodate the reader board, but it will still be under ten feet.

Gisselman motioned to approve amending the Precise Implementation Plan for 1015 South 17th Avenue to allow for a digital message sign, seconded by Rosenberg, and the motion carried unanimously 5-0. The item will go to Common Council on July 8, 2014.

Discussion and possible action on an Amendment to the Official City Map to establish the new exterior lines of the realignment of Bridge Street from Westwood Drive to 28th Avenue and Pine Ridge Boulevard from Plaza Drive to Bridge Street.

Marquardt stated that this item was tabled by CISM at their last meeting. Gisselman motioned to table this item, seconded by Rosenberg, and the motion carried unanimously 5-0.

Discussion and possible action on the dedication of 80th Avenue

Marquardt said that 80th Avenue is being realigned to allow for the expansion of Wausau Coated which will cross 77th Avenue. The new 80th Avenue will provide access to the property that is south of Wausau Coated and access to Wausau Coated. CISM approved this item last week. Gisselman motioned to approve the dedication of 80th Avenue, seconded by Rosenberg, the motion carried unanimously 5-0.

Discuss checklist requirement of Unified Development Districts

Lenz stated that this has been on previous agendas, but postponed a couple times. He explained the UDD is a special zoning district with basically no set standards. It is designed for negotiation between the petitioner and the commission. There has been discussion of how we use the UDD. He explained the zoning code and information from the website is included in the packet. A general and precise plan is submitted and then the commission may or may not approve the plan. The information from the website was created by staff to determine how to use the UDD. The checklist provides specific information that should be included in the petitioner's plan. The last item on the checklist is used to judge the merits of the application. UDD's are often already established and the plans are amended or a precise plan is approved from an older general plan. Sometimes certain items on the checklist don't apply.

Oberbeck raised concerns that UDD should be for unique situations and zoning should be very specific. Oberbeck stated that UDD is not meant to be spot zoning and sometimes it's used for simple projects and the commission should examine the UDD and items on the checklist. Oberbeck said the checklist is written that all criteria must be met in order for approval; however that is often not the case.

Lenz pointed out that the UDD zoning chapter has a statement of intent and agrees that this should be reviewed. He said a traditional UDD is for a large site that has smaller components, but a zoning map will show that it has been used on smaller parcels around the city, perhaps to get around zoning regulations. Staff is cautious to recommend the UDD for smaller parcels for individual projects. Lenz agrees that the checklist language states that all criteria must be answered yes, but they don't always apply to every situation and the ordinance states the criteria shall be used but does state that all criteria must be met for approval. Lenz said the wording on the checklist should be modified.

Oberbeck said he wants examination of the intent for the UDD and consideration that the requirements are specific, similar to a variance that has a justification. Oberbeck said the UDD should be more strict to what is on the checklist instead of using the UDD in order to create loopholes.

Future agenda items for consideration.

No additional items added.

Adjourn.

Rosenberg moved to adjourn, Oberbeck seconded. Motion to adjourn carried unanimously and the meeting adjourned at 5:40 p.m.

The Plan Commission is next scheduled to meet at 5:00 pm on Tuesday, July 15, 2014.