

**PLAN COMMISSION MEETING**

**Monday, April 11, 2016 at 4:30 p.m.**

**Council Chambers in the Municipal Building**

**AGENDA:**

- 1) W7049 Kiln Road – Public Hearing – CUP Request
- 2) Site Plan Review Minutes – April 11, 2016
- 3) Plan Commission Minutes – April 11, 2016

## W7041 Kiln Road

### Background

Arthur Lenius is looking to build an 80' x 30' (2,400 square feet) pole barn on his property located at W7041 Kiln Road. The parcel is 27.84 acres. This parcel has two dwelling units which conform with the Intergovernmental Cooperative Plan Agreement Between the City of Watertown and the Town of Emmet (1 dwelling unit per 10 acres).

### Issues

The following issues have been identified by the Zoning Administrator:

#### 1. Authority

- a. Under the Intergovernmental Cooperative Plan Agreement Between the City of Watertown and the Town of Emmet, W7041 Kiln Road is identified as the State Highway 26-16 Corridor and County Highway "L" Corridor under Section 3.02(e). Which puts the parcel under the City Growth Area further defined in Section 3.01 of the Intergovernmental Cooperative Plan Agreement between the City of Watertown and the Town of Emmet.
- b. The City of Watertown's authority is further derived under Section 6.04 of the Intergovernmental Cooperative Plan Agreement Between the City of Watertown and the Town of Emmet:

**Restrictions on Residential Development Within City Growth Areas.** *The Town acknowledges that it is the intent of the Agreement to recognize and confirm that the territory within the City Growth Areas will eventually be attached to the City. The Town acknowledges that the City has a legitimate role in ensuring that area within the City Growth Areas are carefully planned and developed. It is anticipated that at some point in the future these lands will be attached to the City and attached to the City's public utility system. It is reasonable, therefore, that the City should require that residential areas within the City Growth Areas be developed in general accordance with the City's comprehensive plan, municipal ordinances, and design standards. The parties further acknowledge that haphazard or premature development in this area could prevent efficient use of the land resources and inhibit efficient and cost-effective delivery of urban services. Therefore, in order to accomplish the intended purposes of the Agreement, the Town agrees that any new residential development within the city Growth Areas will incorporate the following standards for land divisions within the City Growth Area*

- c. Under Section 7.01(B), New Development, of the Intergovernmental Cooperative Plan Agreement between the City of Watertown and the Town of Emmet, the City is to treat new development to the Standards of Rural Holding (RH).

#### 2. Need of CUP

- a. Under Section 18.206(8)(c):

**(c) Detached Residential Garage, Carport, Utility Shed, Play Structure, or Lawn Ornament**

*Description: A private residential garage, carport or utility shed is a structure which primarily accommodates the sheltered parking of a passenger vehicle and/or the storage of residential maintenance equipment of the subject property. Walks, drives, paved terraces and purely decorative garden accessories such as ponds, fountains, statuary, sun dials, flag poles, etc., shall be permitted in setback areas but not closer than 3 feet to an abutting property line other than a street line. For the purposes of this section, children's play structures including play houses or elevated play structures and climbing gyms, shall be considered accessory structures and shall comply with the requirements of this Section whether such play structures are placed on a foundation or not. Swing sets, slides, and sandboxes are not considered children's play structures for purposes of this Section. A building permit is not required for construction of a play structure. Play structures shall not be used for storage or be constructed out of materials that would constitute a nuisance. It may be located on the same lot as a residential unit or units, or on a separate lot in conjunction with a residential land use. See Section 18.408 for requirements applicable to legal, nonconforming garages. **Garages, carports and utility sheds in excess of 1,000 square feet of gross floor area, or which exceed 30% coverage of the rear yard area, or which exceed the lot coverage of the principle structure, are not permitted in residential districts except as conditional uses in the RH and ER-1 Districts (Also see Sec. 18.206(8).)***

*1. Regulations:*

*a. One attached or detached garage, and two accessory structures, shall be permitted by right.*

*b. A conditional use permit is required for:*

*1) A combination of accessory structures exceeding a total of 1,000 square feet; or*

*2) More than two accessory structures.*

- b. The new structure will be 2,400 square feet on a parcel. The Total parcel is 1,212,710.4 square feet. The structure takes up .002 percent of the parcel
- c. The Accessory Structure would comply with Section 18.105(1)(a)(6)(a) which states:

***Residential Density and Intensity Requirements:***

*Minimum Zoning District Area: 35 acres*

*Maximum Gross Density (MGD): .03 du/acre*

*Minimum Landscape Surface Ratio (LSR): 90%*

*Maximum Building Coverage: 10,000 sf or 5%, whichever is greater*

***Maximum Accessory Building Coverage: 10%***

**3. Other Issues**

- a. Under Section 18.105(1)(a)(6)(b)(P):

*Maximum Height of Accessory Structure: 15 feet*

- i. Under Section 18.034:

*Building height: The vertical distance from: (1) the lowest elevation of the adjoining ground level or (2) the established grade, whichever is lower to the top of the cornice of a flat roof, to the deck line of a mansard roof, **to a point of the roof directly above the highest wall of a shed roof**, to the uppermost point on a round or other arch type roof, or to the midpoint distance of the highest gable on a pitched or hip roof. Unless excepted by specific provisions in this Ordinance, building height includes the height of any structures attached to a building*

ii. Under Section 18.406(1):

**Permitted Exceptions to Maximum Height Regulations**

*(a) The maximum height regulations listed for residential and non-residential uses and accessory structures in each zoning district are the maximum permitted heights for all buildings and structures, except those exempted by this Section, below.*

*(b) The following are permitted to exceed the maximum height regulations by 10 feet, within any district where permitted: church spires, belfries, cupolas and domes which do not contain useable space, public monuments, water towers, fire and hose towers, flag poles, chimneys, smokestacks, cooling towers, and elevator penthouses. Such uses may exceed said maximum by more than 10 feet with the approval of a conditional use permit.*

*(c) Any building or structure not otherwise accounted for by (b), above, may exceed said maximum height regulations with the granting of a conditional use permit which specifically states the maximum permitted height of the proposed building or structure.*

b. Under Section 18.718(3):

**Standards for all Residential, Office, Commercial, and the PI Zoning Districts**

*Except for exposed foundations not to exceed 3 feet in height from the adjacent grade, all non-single family development located within the RH, CR-10ac, ER-1, SR-4, TR-6, MR-8, MR-10, IR, NO, PO, NB, PB, GB, CB, and PI districts shall employ only high-quality, decorative exterior construction materials on the visible exterior of the following portions of all structures and buildings:*

*(a) any portion of the building or structure visible from adjacent residentially zoned property;*

*(b) any portion of the building or structure located within 50 feet of a public right-of-way; or,*

*(c) any other portion of the building or structure visible from a public street and/or situated at an angle of 60 degrees or less: from a line which is parallel to the nearest right-of-way (for uncurved rights-of-way); or from a line which is parallel to a chord connecting the right-of-way boundary on the inside side of the curve at points located at, or opposite from, the two outer boundaries of the subject property along the right-of-way line (for curved rights-of-way).*

*The following exterior construction materials shall not be considered "high quality, decorative:" nondecorative concrete block or cinder block, non-decorative concrete foundation walls or panels, corrugated walls or panels, non-decorative plywood, asphaltic siding, or other non-decorative surfaces as determined by the Plan Commission.*

**Options:**

These are the following options, but not limited to, for the Plan Commission based on the information received by the City of Watertown Zoning Administrator:

1. Deny the Conditional Use Permit
2. Approve the Conditional Use Permit without conditions.
3. Approve the Conditional Use Permit with conditions identified by the Plan Commission

## **Conditional Use Findings as Recommended by the Zoning Administrator**

1. The proposed conditional use (the use in general, independent of its location) is in harmony with the purposes, goals, objectives, policies and standards of the City of Watertown Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City.

**The proposed conditional use is in harmony in with the Intergovernmental Cooperative Plan Agreement between the City of Watertown and the Town of Emmet. The accessory structure does meet the design standards associated with the State Highway 26-16 Corridor and County Highway "L" Corridor. However, if corrugated metal walls are used, an additional conditional use permit is needed.**

2. The proposed conditional use (in its specific location) is in harmony with the purposes, goals, objectives, policies and standards of the City of Watertown Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City.

**The proposed conditional use is in harmony in that it's a rural land use that is consistent with the comprehensive plan's future land use map which shows a long-term growth area.**

3. The proposed conditional use, in its proposed location and as depicted on the required site plan (see 18.905(3)(d), above), does not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this Chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide development.

**The proposed conditional use, in its proposed location and use does not require a site plan. The character of this neighborhood is more in line with Rural Holding type development due to the parcels existence in the Town of Emmet. A pole building would not be out of character.**

4. The proposed conditional use maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.

**The general environs of the Highway 16 residential area are of less dense Rural Holding type land use. The 27.84 acre parcel with the primary**

**structure and proposed accessory structure achieve the current desired consistency of land use intensities and impacts.**

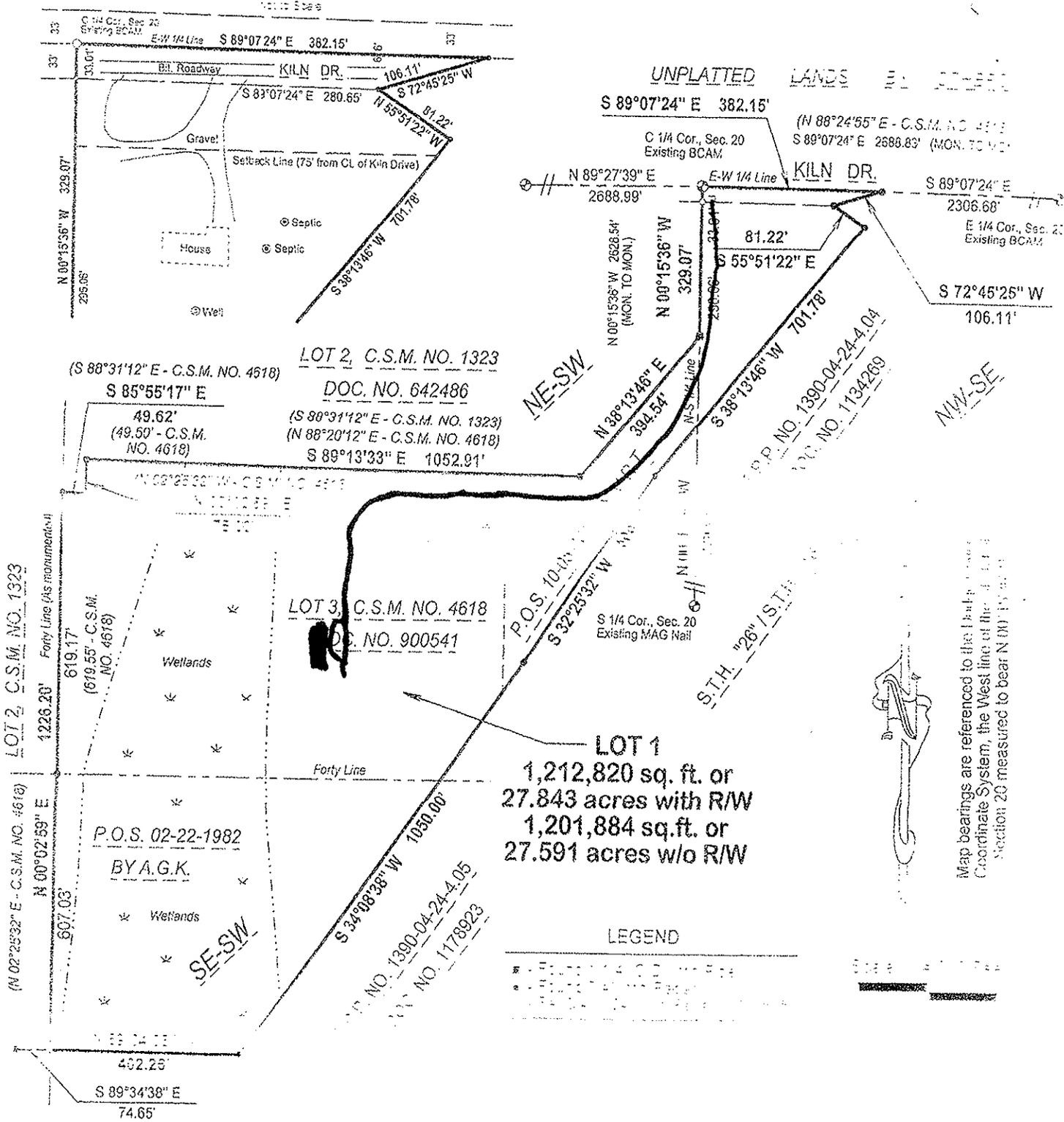
5. The proposed conditional use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property.

**The proposed development and the entire State Highway 26-16 Corridor and County Highway "L" Corridor are served by private well and septic systems located at each parcel.**

6. The potential public benefits of the proposed conditional use outweigh any and all potential adverse impacts of the proposed conditional use (as identified in Subsections 1. through 5., above), after taking into consideration the Applicant's proposal and any requirements recommended by the Applicant to ameliorate such impacts.

**The proposed accessory structure is compliant with the Intergovernmental Cooperative Plan Agreement between the City of Watertown and the Town of Emmet, the 2009 City of Watertown Comprehensive Plan. If the Structure is to use corrugated metal walls, a conditional use permit would be needed to be compliant with City of Watertown Ordinances. Based on this, the development submittal, and the above findings, the City of Watertown Zoning Administrator recommends the approval the Conditional Use.**

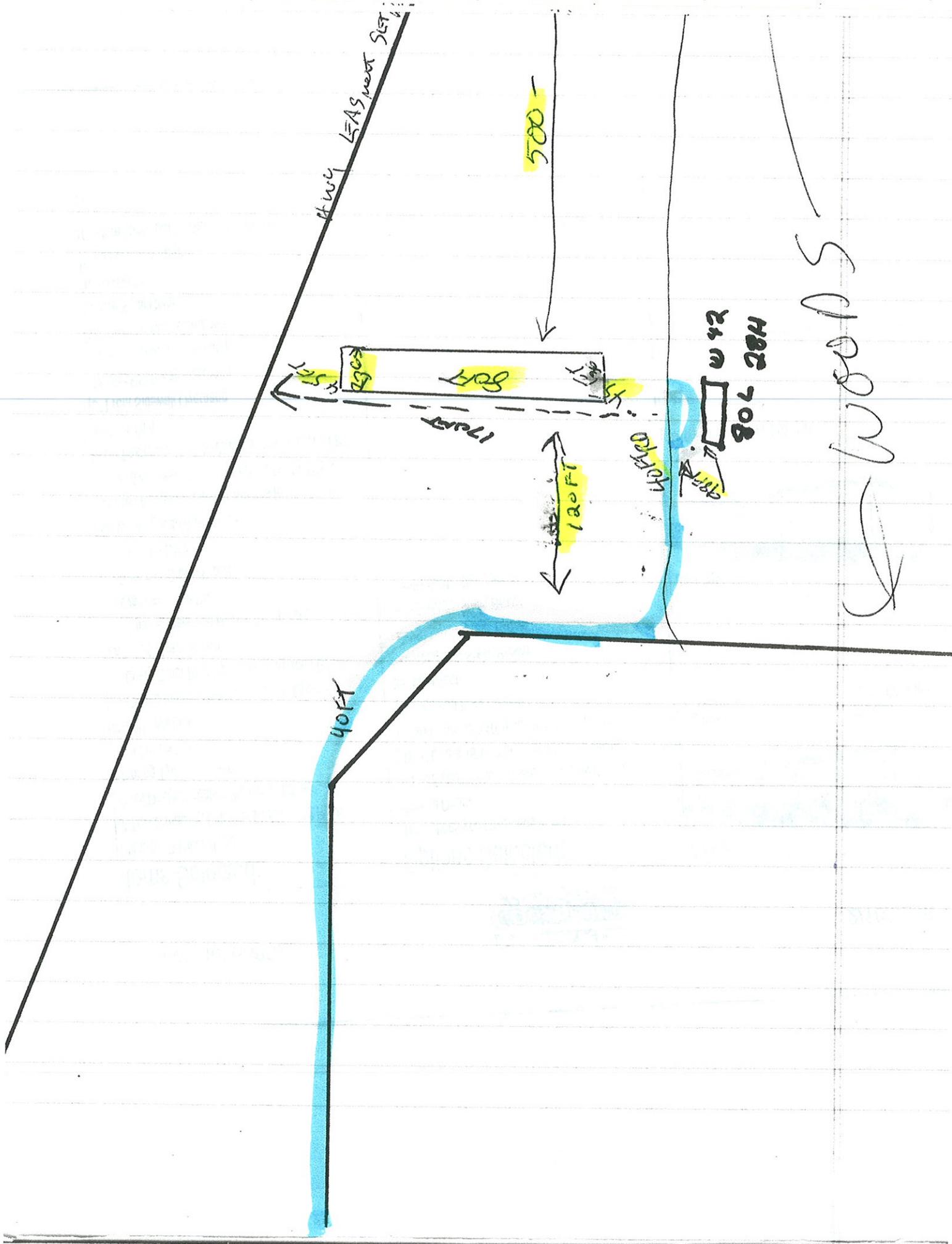
Of part of the Southeast 1/4 of the Southwest  
 Dodge County Certified Survey, Watertown, Wisconsin  
 Dodge County Certified Survey, Watertown, Wisconsin  
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**NOTES:**  
 Access to State Trunk Highway 26/16 is restricted per Transportation Project Plat No:  
 1390-04-24 - 4.04 & 4.05.  
 This survey was performed for the purpose of combining adjacent lands under the same  
 ownership into one parcel.  
 The wetlands are shown per the DNR Wetland Inventory Map.

**OWNER:** Arthur Lenius  
**PROPERTY ADDRESS:** W7049 Kiln Drive  
 Watertown, WI 53098





Hwy EASMENT SET

500'

1200'

800'

1700'

1200'

Hwy EASMENT

800' 708'

400'

WOODS



**SITE PLAN REVIEW COMMITTEE**  
**April 11, 2016**

The Site Plan Review Committee met on the above date at 1:30 P.M. in Room 2044 of the Municipal Building. The following members were present: Mayor John David, City Planner Mike Slavney, Jacob Maas, Jaynellen Holloway, Andrew Beyer, Jay Haberkorn, Curt Kleppin, Tim Gordon, Doug Zwieg, and Robert Schwerer. Also in attendance were Secretary Nikki Zimmerman, Scott Zietlow of Kwik Trip and Scott Anderson of Snyder's Associates.

Chairperson Jacob Maas called the meeting to order.

**1. 900 W. Main Street – Kwik Trip – Gas Station/Car Wash Redevelopment**

Kwik Trip has removed the car wash that used to be at this location and is looking to redevelop the site. They are proposing a 10,000 square foot store which will include a 10-pump fueling station and a 2-bay car wash. The site will be all concrete with stormwater draining to detention ponds. The exterior of the building will be all brick with a green metal roof. The southern-most driveway access on Carriage Hill Drive is proposed to be removed and the driveway access on Hiawatha Street will be slightly adjusted. The fuel canopy and columns will be tan to match the tan on the exterior of the building. The following items were discussed:

-The Fire Department had concerns about the 12' road in the back and requests it to be wider to accommodate for the necessary emergency vehicle turning radius and appropriate width. The Fire Department will email the requirements and discuss possibilities with the appropriate representatives.

-The Water/Wastewater Departments would like the pipe changed from the tap to the new valve with ductile iron. Also attention should be applied when the precast manhole shall be cored to ensure that it is properly sealed with a boot which shall be inspected by the Water/Wastewater Departments. There will be 2 meters (one for the store and one for the car wash). The sizes need to be submitted to the City per Jacob Maas's request.

-The Engineering Department stated that the stormwater review is being handled by Ruckert Mielke. There is concern of the proposed entrance off the tank area to Hiawatha Street. The plans depict that it allows for less than 2 car lengths to Main Street. This could potentially cause backups and/or accidents. Some possibilities of this area are to move this access away from the intersection to the northwest or make it an "exit only". This will be further investigated and discussed with staff.

-The Inspection Department stated that appropriate erosion control measures are in place for the construction period.

-In regards to zoning, Jacob stated there are currently 2 parcels that need to be combined and a CSM presented to the city. In addition a lighting plan must be submitted. The outdoor display areas must be shown on the site plans and will need to be combined with the conditional use permit request from the Plan Commission.

-City Planner Mike Slavney stated that sidewalk shall be placed on Carriage Hill Drive as well as on W. Main Street along with sidewalk connections to the building with crosswalks provided where necessary. The car wash water shall be recycled. The signage shall be changed to a new monument sign which needs to be 12' away from the property lines with a height not to exceed 10'. This new monument sign shall be included with the conditional use permit request.

A motion was made and seconded to make a positive recommendation to the Plan Commission with the following items:

- Widen the car wash escape lane to accommodate fire engine access
- Replace the existing water line and valve with ductile iron and, when installed, remove the old water line and valve
- The manhole shall be properly sealed with a boot which is to be core drilled
- Comply with all stormwater requirements from Ruckert Mielke
- Consider changing the Hiawatha Street driveway access to exit only
- Provide a CSM showing the parcels combined at the time of conditional use permit application
- Provide a lighting plan and photometric plan with LED lights
- Work with staff to adjust the area provided for 5' wide public sidewalks on Hiawatha and Carriage Hill Drive.
- Provide sidewalk connection to the store
- Replace the non-conforming pylon sign with a conforming monument sign
- Recycle the water from the car wash
- Depict any outdoor display areas on the site plan
- FEMA approval must be obtained for the floodplain CLOMR

**2. Site Plan Review Minutes – February 22, 2016**

Motion was made and seconded to approve the minutes as submitted.

Unanimously approved.

There being no further business to come before this committee, motion was made and seconded to adjourn. So ordered.

Respectfully submitted,  
Nikki Zimmerman, Secretary

**NOTE: These minutes are uncorrected and any corrections made thereto will be noted in the proceedings at which these minutes are approved.**

## Plan Commission Minutes

Monday, April 11<sup>th</sup>, 2016

The Plan Commission met on the above date at 4:30pm in Council Chambers of Municipal Building with the following members present: John David, Ken Berg, Augie Tietz, Tony Arnett, Rick Tortamasi & City Engineer Jaynellen Holloway. Also in attendance were Zoning Administrator Jacob Maas, Staff Engineer Andrew Beyer, Mitch & Taryn Klatt, and Ed Walsh.

**1:N8728 River Road, Town of Watertown—Richard/Teresa Gimler—Preliminary CSM:** Jacob Maas gave a summary stating that Richard & Teresa Gimler are looking to create a 1 acre parcel at N8728 River Road, in Town of Watertown, from a 41.2 acre parent parcel, which has an existing farmstead. Their plan is to rezone this smaller parcel to residential use. Jacob would like the right of way for the road in front of this parcel to be consistent with the rest of River Road at 66' with 33' from centerline. As such, he would like the dashed lines on the CSM to be removed so as to show that this newly created Lot 1 Parcel's property lines do not extend into the right of way, and that it is dedicated land. Also, Jacob noted our Airport Approach Protection Zone requirements limit structures, buildings or natural growth to an elevation not to exceed 973 ft above mean sea level. The minutes should reflect that there is a single smaller parcel being created in this CSM. Tony Arnett moved to approve the Preliminary CSM, referenced as Lot 1, at N8728 River Road, with the conditions that a 66' dedication of right of way be in effect and that this land parcel adhere to the Watertown Airport Approach Protection standards limiting buildings, structures or natural growth to elevations of 973 ft above mean sea level, seconded by Augie Tietz and approved unanimously.

**2: 329 E Water Street—Mitch Klatt—Fence Variance Request:** Mayor David recognized Mitch & Taryn Klatt from the audience and asked for their comments on their request for a fence variance at 329 E Water Street. Mitch stated that he and his wife own a house next to 12 duplexes and two cul de sacs as part of Renner Lane. As a result, they would like to block some of the visibility of vehicle headlights and traffic from these rentals with the installation of a 6 foot side yard fence running along Renner Lane. They would like to install this new wood fence along the back side also and enclose it on all sides for benefit of their dogs. All sections of this fence shall be behind their house. Our City Code states the maximum height of any fence shall be 8 feet when located on any residentially zoned property, but not within a required front yard setback or a required street yard setback. John David moved to grant a fence variance to Mitch Klatt for 329 E. Water Street, for the reasons stated. This was seconded by Rick Tortamasi and approved unanimously.

**3: 406 Carl Schurz Drive—Edwin Walsh—Review Driveway Variance from March 14<sup>th</sup> Meeting:** Mayor David recognized Ed Walsh in attendance, who owns the property at 406 Carl Schurz Drive and was absent at the March 14<sup>th</sup> Plan Commission meeting when this matter was discussed and acted on. Mr. Walsh stated he was under the impression that his attendance was not needed and that the variance would likely be granted for a wider driveway entrance, as he was requesting. He recently added an 18 foot section to his garage for other vehicles and storage and a wider driveway entrance is needed. Our City Code states that all curb openings for access drives shall have a maximum width of 25' for residential uses. It further states that access drives may be flared between the right of way line and the roadway up to a maximum of 5 extra feet. The March 14<sup>th</sup> Plan Commission meeting granted Mr. Walsh a variance allowing a 30' width for his driveway entrance. Mr. Walsh mentioned he had acquired a portion of platted right of way that was previously vacated on Carl Schurz Drive, thereby adding to the tax base for 406 Carl Schurz Drive and increasing his amount of square footage for this

parcel of land. Mr. Walsh feels he has more than adequate green space at his parcel to accommodate the extra driveway width and garage that he recently added on. He also stated he was under the impression his variance request to 45' would be viewed favorably, based on previous contacts at city hall. Jacob did note that there is a property to the southeast on Carl Schurz Drive that has a driveway width of 31.5' with a 36' wide apron.

Discussion was made about Mr. Walsh taking his variance request to the Zoning and Board of Appeals as a way of attaining approval for his wider driveway width request, but a \$200 fee is required for consideration to be given. Ken Berg moved to recommend this fee be waived due to the circumstances brought up by Mr. Walsh, but he withdrew his motion after Mayor David moved to grant a driveway variance allowing 35' of width for Ed Walsh at 406 Carl Schurz Drive. This was seconded by Rick Tortamasi and approved unanimously.

Mayor David also asked Jaynellen Holloway to research the feasibility of changing our driveway width requirements for residential uses in light of the popularity of three car garages for new single family housing units and/or whether conditional use permits may be an appropriate option for evaluating the unique circumstances of property owners desiring wider driveway entrances for their properties.

**4: Plan Commission Minutes—March 28<sup>th</sup>, 2016:** A motion was made by Tony Arnett to approve the minutes of March 28<sup>th</sup>, 2016 Plan Commission meeting as written, seconded by Augie Tietz and approved unanimously.

There being no further business to come before the Commission, a motion to adjourn at 5:05pm was made by Jaynellen Holloway and was seconded by Rick Tortamasi. So ordered.

Respectfully Submitted, Ken Berg Alderperson