

PLAN COMMISSION MEETING

Monday, December 11, 2017 at 4:30 p.m.

Council Chambers in the Municipal Building

AGENDA:

- 1) 919 Charles Street – Review & Recommendation – Public Hearing – CUP Request for Indoor & Outdoor Institutional
- 2) 426 S. Montgomery Street – Review & Recommendation– Public Hearing – CUP Request for Outdoor Storage or Wholesaling
- 3) Site Plan Review Minutes – November 27, 2017
- 4) Plan Commission Minutes – November 27, 2017

919 Charles Street – CUP

Background:

The Watertown Historical Society is seeking a Conditional Use Permit for Indoor & Outdoor Institutional, which allows for Non-Profit based recreational/entertainment usage at the Octagon House Location.

Issues:

The following issues have been identified by the Zoning Administrator:

1. Per Section 550-51C & 550-51D:

C. Indoor institutional. Description: Indoor institutional land uses include all indoor public and not-for-profit recreational facilities (such as gyms, swimming pools, libraries, museums and community centers), schools, colleges, churches, nonprofit clubs, nonprofit fraternal organizations, convention centers, hospitals, jails, prisons and similar land uses.

(1) Regulations.

(a) Shall be located with primary vehicular access on a collector or arterial street.

(b) Shall provide off-street passenger loading area if the majority of the users will be children (as in the case of a school, church, library or similar land use).

(c) All structures shall be located a minimum of 50 feet from any residentially zoned property.

(2) Parking requirements. Generally, one space per three expected patrons at maximum capacity. However, see additional specific requirements below:

(a) Church: one space per five seats at the maximum capacity.

(b) Community or recreation center: one space per 250 square feet of gross floor area, or one space per four patrons to the maximum capacity, whichever is greater, plus one space per employee on the largest work shift.

(c) Funeral home: one space per three patron seats at the maximum capacity, plus one space per employee on the largest work shift.

(d) Hospital: two spaces per three patient beds, plus one space per staff doctor and each other employee on the largest work shift.

(e) Library or museum: one space per 250 square feet of gross floor area or one space per four seats to the maximum capacity, whichever is greater, plus one space per employee on the largest work shift.

(f) Elementary and junior high: one space per teacher and per staff member, plus one space per two classrooms.

(g) Senior high: one space per teacher and staff member, plus one space per five non-bused students.

(h) College or trade school: one space per staff member on the largest work shift, plus one space per two students of the largest class attendance period.

D. Outdoor institutional. Description: Outdoor institutional land uses include public and private cemeteries, privately held permanently protected green space areas, country clubs, nonpublic golf courses, and similar land uses.

(1) Regulations:

(a) Shall be located with primary vehicular access on a collector or arterial street.

(b) Shall provide off-street passenger loading area if a significant proportion of the users will be children.

(c) All structures and actively used outdoor recreational areas shall be located a minimum of 50 feet from any residentially zoned property.

(d) Facilities using night lighting and adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60 (see § 550-99). Said bufferyard shall be located at the property line adjacent to said residentially zoned property.

(e) Shall comply with § 550-142, standards and procedures applicable to all conditional uses.

(2) Parking requirements. Generally, one space per three expected patrons at maximum capacity. However, see additional specific requirements below:

(a) Cemetery: one space per employee, plus one space per three patrons to the maximum capacity of all indoor assembly areas.

(b) Golf course: 36 spaces per nine holes, plus one space per employee on the largest work shift, plus 50% of spaces otherwise required for any accessory uses (e.g., bars, restaurants).

(c) Swimming pool: one space per 75 square feet of gross water area.

(d) Tennis court: three spaces per court.

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 as identified by the Plan Commission

426 Montgomery Street & 510 South Church Street – CUP

Background:

Building Products, Inc. and James Haim are requesting a Conditional Use Permit for 426 South Montgomery Street and 510 South Church Street for Outdoor Storage or Wholesaling. Both parcels are zoned General Industrial, GI.

Issues:

The following issues have been identified by the Zoning Administrator:

1. In the early to mid-2000's there was an issue with refrigerated trucks at this location.
 - a. With that said, the proposed industry does not require refrigerated trucks.
2. Per Section 550-53B:

Outdoor storage or wholesaling. Description: Outdoor storage and wholesaling land uses are primarily oriented to the receiving, holding and shipping of packaged materials for a single business or a single group of businesses. Such a land use in which any activity beyond loading and parking is located outdoors is considered an outdoor storage and wholesaling land use. Examples of this land use include contractors' storage yards, equipment yards, lumberyards, coal yards, landscaping materials yard, construction materials yards, and shipping materials yards. Such land uses do not include the storage of inoperative vehicles or equipment or other materials typically associated with a junkyard or salvage yard (see Subsection D below).

(1) Regulations:

- (a) All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls and fencing. Such walls and fencing shall be a minimum of eight feet in height and shall be designed to completely screen all stored materials from view from nonindustrialized areas at an elevation of five feet above the grade of all adjacent properties and rights-of-way. Said walls or fencing shall be screened from residentially zoned property by a bufferyard with a minimum opacity of 0.80.*
- (b) The storage of items shall not be permitted in permanently protected green space areas (see § 550-97).*
- (c) The storage of items shall not be permitted in required frontage landscaping or bufferyard areas.*
- (d) In no event shall the storage of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of § 550-107. If the number of provided parking stalls on the property is already less than the requirement, such storage area shall not further reduce the number of parking stalls already present.*
- (e) Storage areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence or line of planters, or by a clearly marked paved area.*
- (f) Materials being stored shall not interfere in any manner with either on-site or off-site traffic visibility, including potential traffic/traffic and traffic/pedestrian conflicts.*
- (g) Inoperative vehicles or equipment, or other items typically stored in a junkyard or salvage yard, shall not be stored under the provisions of this land use.*

(h) Facility shall provide a bufferyard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property (see § 550-99).

(i) All outdoor storage areas shall be located no closer to a residentially zoned property than the required minimum setback for buildings on the subject property.

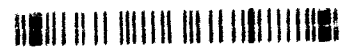
(2) Parking requirements. One space for every 10,000 square feet of gross storage area, plus one space per each employee on the largest work shift.

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 as identified by the Plan Commission

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Document # 1295328

Office of Register of Deeds

Jefferson County, WI

RECEIVED FOR RECORD

Jun. 13, 2011 AT 8:45 am

Staci Hoffman

Total Pages 5

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ORDER MODIFYING CONDITIONAL USE PERMIT

The attached Order Modifying Conditional Use Permit was adopted by the City of Watertown Plan Commission at its regular meeting on May 23, 2011. This document modifies a certain Conditional Use Permit of the City of Watertown Planning Commission, dated December 13, 2010 and recorded in the Office of the Register of Deeds for Jefferson County, Wisconsin on January 14, 2011, as Document No. 1289721.

Thomas J. Levi
City Attorney
P.O. Box 16
Watertown, WI 53094-0016

PIN: 28-291-0815-0423-058

DOCUMENT DRAFTED BY:
ATTORNEY THOMAS J. LEVI
STATE BAR NO. 1002305

BEFORE THE PLAN COMMISSION OF THE CITY OF WATERTOWN

CITY OF WATERTOWN JEFFERSON & DODGE COUNTIES STATE OF WISCONSIN

IN RE: Revocation of Conditional Use Permit of:

MONTGOMERY PROPERTIES, LLC
c/o JAMES HAIM, Registered Agent
691 Lac LaBelle Drive
P.O. Box 265
Oconomowoc, WI 53066-0265

ORDER MODIFYING CONDITIONAL USE PERMIT

The above-entitled matter having come on for a hearing to revoke the Conditional Use Permit of Montgomery Properties, LLC, on May 23, 2011, before the City of Watertown Plan Commission and the undersigned, Mayor Ronald Krueger, Chairperson, presiding, and upon the appearances of the Petitioner, Joseph Heimsch, City of Watertown Zoning Administrator, together with the City Attorney, for the City of Watertown, Thomas J. Levi, of the law firm of Bender, Levi & Associates, SC, and there appearing on behalf of the Respondent, Montgomery Properties, LLC, its attorney, Susan M. Sager, of the law firm of Michael, Best & Friedrich, LLP, by telephone, and upon the testimony of Chief of Police Timothy Roets and Mr. Daniel Sullivan entered upon the record in the public hearing on May 23, 2011, and it appearing that the following should be entered as the Order of the Plan Commission:

NOW, THEREFORE, upon the motion of Richard Tietz, Member, it being duly seconded by Mr. Rudy McCormick, Member, and unanimously carried by the Plan Commission entered upon the record following the public hearing;

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1. **IT IS ORDERED**, that that the Conditional Use Permit of Montgomery Properties, LLC issued by the Plan Commission on December 13, 2010 is hereby modified to add a fifth condition, as follows:

“5. Prior to the property owner leasing any portion of the subject property to more than a single tenant, the property owner or the tenant shall apply to the City of Watertown Site Plan Review Committee and present for approval: (a) The identification and name, current address, principal responsible party involved; (b) A floorplan footprint of the portion of the building or premises which the tenant intends to occupy and lease; and (c) A Plan of Operation for the tenant describing the nature and scope of the use intended on the premises, hours of operation and any other relevant factors so as to gauge the compatibility of the intended use with other contemporaneous uses on the subject property, pursuant to Sections 18.907 and 18.908 of the City of Watertown Zoning Code.”

2. **IT IS FURTHER ORDERED**, that the original Conditional Use Permit of Montgomery Properties, LLC issued by the Plan Commission on December 13, 2010 for the subject property, located at 426 South Montgomery Street in the City of Watertown, Jefferson County, Wisconsin remains in full force and effect as to Conditions numbered One (1) through Four (4), inclusive, so as to comply with the City of Watertown Zoning Code at Section 18.205(10)(a).

LET THIS ORDER BE ENTERED ACCORDINGLY.

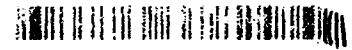
DATED at Watertown, Wisconsin, this 7th day of June 2011.

THE CITY OF WATERTOWN PLAN COMMISSION

By: 
Ronald Krueger, Chairperson

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Document # 1289721
Office of Register of Deeds
Jefferson County, WI
RECEIVED FOR RECORD
Jan. 14, 2011 AT 8:00 am

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Total Pages 2
Fee 30.00
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Document No.

Document Title

**CONDITIONAL USE PERMIT BY THE
CITY OF WATERTOWN PLANNING COMMISSION**

On December 13, 2010, the applicant hereinafter described, petitioned for, and was granted by the Watertown Planning Commission, a Conditional Use Permit as hereinafter described, that the said premises, which use is not a permitted principal or accessory use in the zoning district classification within which the premises are encompassed. This Conditional Use Permit is personal in nature with the present applicant below, is not binding on successors in interest, and does not run with the land. Upon any transfer, sale, gift, or other conveyance of the property, the Conditional Use Permit will terminate and expire, unless renewed and approved by the Watertown Planning Commission in writing.

Return to:

Mike Hoppenrath
106 Jones Street
Watertown, WI 53094-0477

28-291-0815-0423-058

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|----|----------------------------------|--|
| 1. | Applicant: | Montgomery Properties, LLC/Mr. James Haim |
| 2. | Owner(s) of premises: | Montgomery Properties, LLC |
| 3. | Address of owner(s) of premises: | PO Box 265, Oconomowoc, WI 53066 |
| 4. | Address of premises: | 426 S .Montgomery Street, Watertown, WI 53094 |
| 5. | Legal description of premises | Part of L. Hubbels, O.P.W.S., J. Rogans and Sta. Grds., as Desc. and Rec. in Doc. No. 1183239. State Assessed. T.I.D. No. 5. Located in the City of Watertown, Jefferson County, Wisconsin. |
| 6. | Zoning district classification: | GI, General Industrial |
| 7. | Description of conditional use: | To operate a multi-tenant building on the premises. |
| 8. | Conditions: | <ul style="list-style-type: none"> 1. The landscaping and opacity level along any residential property lines will follow the Zoning Code. An opacity level of 0.4 will be required using a combination of fencing and landscaping. 2. No access onto S. Monroe Street. 3. No outdoor activity between the hours of 10:00 p.m. and 7:00 a.m. including the operation of any refrigeration units. This does not include any employee shift changes when using personal vehicles. 4. No outdoor storage on the site. This will include any trucks, trailers, or refrigeration trailers. |

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FOR THE WATERTOWN PLANNING COMMISSION:

Dated this 12th day of JANUARY, 2011

By: [Signature]
Ron Kueger, Planning Commission Chairman

ATTEST:

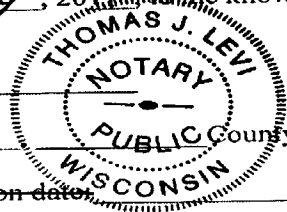
By: [Signature]
Michael Hoppenrath, City Clerk, Treasurer

STATE OF WISCONSIN)
(SS
JEFFERSON COUNTY)

Personally came before me this 12th day of January, 2011, to me know to be the persons who executed the foregoing instrument.

Print name: Thomas J. Levi

Notary Public: Jefferson County, WI



My commission is permanent. If not, state expiration date: _____

This Instrument Drafted By:
Jason Schall
Assistant City Engineer

SITE PLAN REVIEW COMMITTEE
November 27, 2017

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: Tim Gordon, Doug Zwiig, Andrew Beyer, Mayor John David, Robert Schwerer, Rick Schultz, Curt Kleppin, Jaynellen Holloway and Kevin Freber. Also in attendance were Matt Carey of Pinnalce Engineering Group and Shaun Curci of Aldi.

Acting Chairperson Andrew Beyer called the meeting to order.

1. 1520 S. Church Street – Aldi, Inc. Proposed Expansion

Matt Carey of Pinnacle Engineering Group and Shawn Curci of Aldi, Inc. were present to present details of a proposed 3,000 square foot expansion to the current Aldi, Inc. store. The expansion would occur along the east wall. There would also be new exterior signage and landscaping.

The following comments were made by the City of Watertown department representatives present:

- | | |
|--------------|---|
| Water: | No comments or concerns but noted there is currently a 6" service is being run into the building. |
| Engineering: | The storm water will have to be reviewed by the City's consultant with fees invoiced to the applicant. |
| Fire: | The applicant and/or designer shall contact Tim Gordon to review turn radius requirements. Tim Gordon stated he has received an email from the alarm company. |
| Building: | Provide Doug Zwiig with a hard copy and a digital copy of the final state-approved plans and work with Doug to provide any necessary permits. |
| Zoning: | Continue to work with Jacob to verify compliance. |

The question was asked if construction could occur past the allowable hours per City code. City staff will review which committee would have to review a potential variance and will contact the applicant with the information.

Motion was made and seconded to approve the expansion proposal, as stated above with the following conditions:

- a) The storm water will be reviewed by the City's consultant with fees invoiced to the applicant.
- b) Applicant and/or designer shall consult with Tim Gordon in the Fire Department to verify all necessary compliance.
- c) Final design and permits shall be submitted to the Building, Safety and Zoning Department.

Unanimously passed.

2. Site Plan Review Minutes – September 25, 2017

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, November 28, 2017

The Plan Commission met on the above date at 4:30pm in Council Chambers of City Hall with the following members present: Chairperson John David, Alderperson Fred Smith, Alderperson Augie Tietz, Tony Arnett, Sherry Cira and Rick Tortomasi. Also in attendance were: City Engineer Jaynellen Holloway, Staff Engineer Andrew Beyer and Melissa Lampe representing the Historical Society.

1: Review, Action & Recommendation – Proposed Amendment to the City of Watertown Comprehensive Plan

Chairperson John David called the meeting to order at 4:30 pm. Notable and excused absences of the Plan Commission include: Zoning Administrator Jacob Maas. City Engineer Jaynellen Holloway explained that Ad-Tech is purchasing two parcels located at 1303 & 1307 West Main Street for the purpose of expansion. An additional parcel, located at 108 S. Votech Drive, is land that was dedicated to the City of Watertown for future right-of-way use; the dedicated right-of-way was never developed. 1303 & 1307 West Main Street are currently zoned Planned Business (PB); 108 S. Votech Drive is zoned unknown (UN); Ad-Tech and the City of Watertown are looking to rezone the three parcels to General Industrial. Additionally, the process is being guided by Section 66.1001. A motion was made by Tony Arnett to give a positive recommendation to the Comprehensive Plan amendment. The motion was seconded by Rick Tortomasi and approved unanimously.

2: 1303 & 1307 W. Main Street – Review & Recommendation – Rezoning Request from GB to GI

The City of Watertown is looking to amend the 2009 City of Watertown Comprehensive Plan to allow Ad-Tech to rezone 1303 & 1307 West Main Street from General Business to General Industrial. Ad-Tech is purchasing 2 parcels located on West Main Street for the purpose of expansion. A motion was made by Tony to give a positive recommendation to the rezoning of 1303 & 1307 West Main Street from General Business (GB) to General Industrial (GI). The motion was seconded by Sherry Cira and approved unanimously.

3: 108 S. Votech Drive – Review & Recommendation – Rezoning Request from GB to GI

The City of Watertown is looking to amend the 2009 City of Watertown Comprehensive Plan to allow the rezoning of 108 S. Votech Drive from Unknown (UN) to General Industrial (GI). The S. Votech Drive parcel's unique zoning classification is due to its history as undeveloped dedicated future right-of-way. Augie Tietz made a motion to give a positive recommendation to the rezoning of 108 S. Votech Drive from Unknown (UN) to General Industrial (GI). The motion was seconded by Tony and approved unanimously.

4: 919 Charles Street – Discuss FEE for CUP

The Watertown Historical Society is looking to waive Conditional Use Permit (CUP) fees (\$500) for the Octagon House. The Watertown Historical Society will be seeking a CUP for Indoor and Outdoor Institutional, which allows for non-profit based recreational and/or entertainment usage at the Octagon House location. Melissa Lampe, President of the Watertown Historical Society, spoke briefly on the request stating that the Octagon House received a donation and is looking to create a new revenue stream from the Octagon House Visitor Center. Melissa said that she is requesting the fee waiver because the Historical Society acts as an entity of the City. Tony stated that in his mind, the Historical Society is not a City entity but rather a non-profit and a precedent could be set if fees are waived. Fred said that the

Historical Society is supported by the City in the annual budget and the Watertown Historical Society should be able to waive the CUP fee under Section 550-157 which states: *Fees for procedures requested by the City of Watertown. There shall be no fee in the case of applications filed in the public interest by the Common Council or the Plan Commission, other agency or official of the City of Watertown.* Fred stated that it is in the public interest to waive the CUP fee as the City funds/underwrites the Historical Society's budget currently. A healthy discussion followed regarding waiving CUP fees to entities which receive City funding. Fred stated that a waiver of CUP fees applies to an entity receiving direct financial support in the City's officially approved budget that meets the definition of Section 550-157. Section 550-157 was discussed in further detail. Tony mentioned that the City is one of many contributors to the Historical Society's budget. Augie stated that the City is currently the primary funding source of the Historical Society. Fred said that waiving fees is merited by the history of the funding of an organization that benefits and/or works on behalf of the City. Rick said that a fee reduction in lieu of the fee waiver could constitute a compromise. Mayor David stated that a fee reduction would not set a precedent. A motion was made by Fred to waive the Conditional Use Permit fee for the Watertown Historical Society. The motion was seconded by Augie. The motion passed with Commissioners David, Smith, Tietz, Tortomasi and Holloway voting in favor, and commissioner Arnett voting against. Commissioner Cirra abstained from vote.

5: Plan Commission Minutes – November 13, 2017

A motion was made by Augie to approve the Site Plan Review Minutes of November 13, 2017 as printed. The motion was seconded by Tony and approved unanimously.

There being no further business to discuss, a motion to adjourn was made by Jaynellen, seconded by Rick, so moved. The Plan Commission adjourned at 5:00 pm.

Respectfully submitted: Andrew Beyer, Civil Staff Engineer