

PLAN COMMISSION MEETING

Monday, February 13, 2017 at 4:30 p.m.

Council Chambers in the Municipal Building

AGENDA:

- 1) Cty Rd. E – Rodney Johnson – CSM
- 2) Preliminary Review: Amendment of Chapter 550, Zoning Code, Alcoholic Beverage Production
- 3) Revisited: Preliminary Review of Amendment of Chapter 545, Subdivision Code, Parkland
Dedication and Improvement Fees
- 4) Plan Commission Minutes – January 23, 2017

County Road E – Extraterritorial CSM

Background:

Rodney Johnson would like to create a 6 acre parcel from 40.82 acre parent parcel. The new parcel would be zoned A-3 residential. There are no pre-existing structures located on the proposed lot.

Issues:

The following issues have been identified by the City of Watertown Zoning Administrator:

1. County Road E is identified in the 2009 City of Watertown Comprehensive Plan as having an expanded Right-of-Way, this means that the Right-of-Way should be 120 feet (60 feet from centerline)
 - a. The Preliminary CSM indicates that the right-of-way has been dedicated to 60 feet from Centerline
 - i. The Final CSM needs to maintain indication of a right-of-way dedication of 60 feet from the centerline for Willow Road.
2. Airport Approach Protection Zone elevation limits development on the newly created lot to 968 feet above mean sea level. The City of Watertown is looking to maintain the proper height restrictions within the Airport Approach Protection Zone under Wisconsin Statute Section 114.136(1)(a) which states:

POWERS OF MUNICIPALITIES. (a) Any county, city, village or town that is the owner of a site for an airport or spaceport which has been approved for such purpose by the appropriate agencies of the state and the federal government may protect the aerial approaches to such site by ordinance regulating, restricting and determining the use, location, height, number of stories and size of buildings and structures and object of natural growth in the vicinity of such site and may divide the territory to be protected into several areas and impose different regulations and restrictions with respect to each area. The provisions of such ordinance shall be effective whether the site and the lands affected by such ordinance are located within or without the limits of such county, city, village or town, and whether or not such buildings, structures and object of natural growth are in existence on the effective date of the ordinance. Such regulations, restrictions and determinations are declared to be for the purpose of promoting the public safety, welfare and convenience, and may be adopted, enforced and administrated without the consent of any other governing body. Any ordinance adopted under this section may be amended from time to time in the same manner as is provided for the adoption of the original ordinance in sub. (2). The authority granted in this section shall be independent and exclusive of any other authority granted in the statutes.

- a. The CSM should State:
 - i. Note: Lot 1 has an Airport Approach Protection Zone elevation limit of 968 feet above mean sea level for all building, structures and object of natural growth; whether or not such buildings, structures and object of natural growth are in existence.

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. Denial of the Preliminary CSM
2. Approval of the Preliminary CSM without conditions
3. Approval of the Preliminary CSM with conditions, as identified by the Plan Commission:
 - a. For Lot 1, maintain a dedication of 60 feet from the centerline for County Road E.
 - b. Create a note that states:
 - i. Note: Lot 1 has an Airport Approach Protection Zone elevation limit of 968 feet above mean sea level for all building, structures and object of natural growth; whether or not such buildings, structures and object of natural growth are in existence.

JEFFERSON COUNTY

PRELIMINARY REVIEW FOR CERTIFIED SURVEY

A division of land located in Government Lot 7 of Section 14, Town 8 N, Range 15 E, Town of Watertown, Jefferson County, Wisconsin, on Parcel Number(s) 032-0815-1444-000

Date Submitted: January 30, 2017
Revised: _____

Owner: Rodney L. Johnson
Address: 404 Riverwood Court
City, ST Zip: Watertown, WI 53094
Phone: 920-941-0235

Note to be placed on final CSM

Petition # _____ Zoning _____

Check for subsequent zoning changes with Jefferson County Planning and Zoning Department.

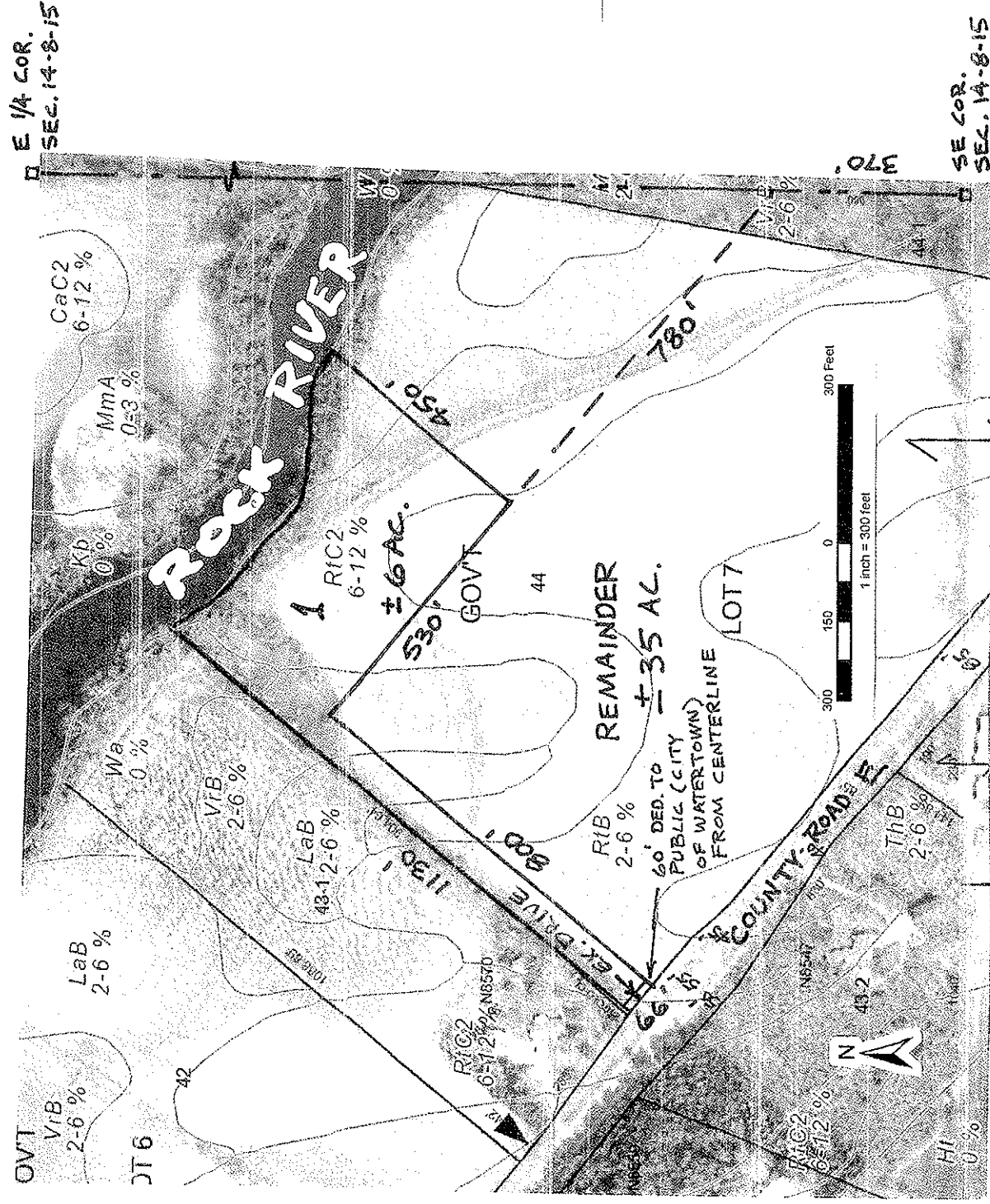
Surveyor: Anderson Land Surveying LLC
Address: W6141 Star School Road
City, ST Zip: Fort Atkinson, WI 53538
Phone: 920-563-8162

In addition to the info required by Section 236.34 of State statutes, Sec. 15.04(f) of the Jefferson County Land division/Subdivision Ordinance requires that the following be shown:

- Existing buildings, watercourses, drainage ditches and other features pertinent to the proper division.
- Location of access to a public road, approved by the agency having jurisdiction over the road.
- All lands reserved for future public acquisition.
- Date of the map
- Graphic Scale

- Rezoning
- Allowed Division within an existing Zoning District
- Survey of Existing Parcel

Intent and Description of Parcel to be Divided: Create a 6 acre more or less (nonprime lot combination) A-3 residential building site.



NOTE: Areas and dimensions on this Preliminary are approximate only and in most cases will vary from the Final survey data.

Town Board Approval _____ Date _____
(Includes Access approval if applicable) Town wishes to sign Final Certified Survey Map Yes _____ No _____

County Highway Approval _____ Date _____
(if applicable)

Extraterritorial Approval _____ Date _____
(if applicable)

County Surveyor Approval _____ Date _____

Zoning Office Approval _____ Date _____

Preliminary Review: Chapter 550, Zoning Code, Alcoholic Beverage Production

Background:

As the current Zoning Ordinances are written, brewpubs, micro-breweries, micro-distilleries are deemed an Agricultural Services land use. Agricultural Services land uses are only permitted in Heavy Industrial and Rural Holding zoning districts. The proposed amendment to the Zoning Code allows for flexibility for brewpubs, micro-breweries and micro-distilleries outside of Heavy Industrial zoning districts

Issues:

The following issues have been identified by the City of Watertown Zoning Administrator:

1. Per Section 550-50D

*Agricultural service. Description: Agricultural service land uses include all operations pertaining to the sale, handling, transport, packaging, storage or disposal of agricultural equipment, products, by-products or materials primarily used by agricultural operations. Examples of such land uses include agricultural implement sales, storage or repair operations; feed and seed stores; agricultural chemical dealers and/or storage facilities; animal feed storage facilities; commercial dairies; **food processing facilities**; canning and other packaging facilities; and agricultural waste disposal facilities (except commercial composting uses, see § 550-53F).*

(1) Regulations.

(a) Shall not be located in, or adjacent to, an existing or platted residential subdivision.

(b) All buildings, structures, outdoor storage areas, and outdoor animal containments (pastures, pens and similar areas) shall be located a minimum of 100 feet from all lot lines.

(c) If within the RH District, shall be located in an area that is planned to remain commercially viable for agricultural land uses.

(2) Parking requirements. One space per employee on the largest work shift. [Note: Agricultural land uses are hereby made exempt from the surfacing requirements of § 550-107F(1).]

2. Per Section 550-37B(2), Heavy Industrial:

Principal land uses permitted as conditional use (per § 550-45B):

(a) Agricultural services.

(b) Clear-cutting.

(c) Outdoor maintenance service.

(d) Sexually oriented land use.

(e) Vehicle repair and maintenance.

(f) Junkyard or salvage yard.

(g) Waste disposal facility.

- (h) Composting operation.*
- (i) Airport/heliport.*
- (j) Freight terminal.*
- (k) Communication tower.*

3. Please see attached Vandewalle & Associates Memo and Zoning Code amendments.
4. The Zoning Administrator would like to set a Public Hearing date before the Common Council on March 7, 2017

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. Postpone to a definite time
 - a. The Plan Commission will set a date in the future to review the pending Zoning Code amendment.
2. Postpone indefinitely
 - a. The Plan Commission sets the pending Zoning Code amendment aside with no particular intention of ever taking it up again.
3. Set the Public Hearing date for March 7, 2017 or whichever the Plan Commission deems appropriate



VANDEWALLE & ASSOCIATES INC.

To: Jacob Maas, City of Watertown
From: Mike Slavney and Jackie Mich, City Planning Consultants
CC: John David, Mayor; Jaynellen Holloway, City Engineer
Date: 20 January 2017
Re: Draft Text to Address Beverage Production Land Uses

RECOMMENDED APPROACH:

We recommend amending Article 1 to include definitions of “large-scale alcoholic beverage production” and “small-scale alcoholic beverage production.” Rather than creating new land uses, we recommend fitting these two definitions into existing land use categories. Specifically, large-scale alcoholic beverage production will be considered a type of Heavy Industrial land use, and small-scale alcoholic beverage production will be considered a type of Indoor Commercial Entertainment and Outdoor Commercial Entertainment land use.

Large-scale alcoholic beverage production:

- Includes beer production of 300,000 barrels or more per year
- Includes production of 25,000 gallons or more per year of all other beverages
- Regulated as a type of Heavy Industrial land use, which is permitted by right in the Heavy Industrial (HI) zoning district.
- Allows for tasting of products produced on-site and sale of related products

Small-scale alcoholic beverage production:

- Includes beer production of less than 300,000 barrels per year
- Includes production of less than 25,000 gallons per year of all other beverages
- Indoor facilities are regulated as a type of Indoor Commercial Entertainment land use, which is permitted by Conditional Use in the following zoning districts: Neighborhood Office (NO), Planned Office (PO), Neighborhood Business (NB), Planned Business (PB), General Business (GB), Central Business (CB), and Planned Industrial (PI)
- Outdoor facilities are regulated as a type of Outdoor Commercial Entertainment land use, which is permitted by Conditional Use in the following zoning districts: General Business (GB) and Central Business (CB)
- Allows for tasting of products produced on-site and sale of related products

PROPOSED CHANGES TO ZONING TEXT:

1. Add the following definitions to Article I:

Large-scale alcoholic beverage production: a large-scale facility devoted primarily to production of fermented malt beverages at or above 300,000 barrels per calendar year (or as established by Wis. Stats. 125.29), or the production of wine, distilled spirits, or any other alcoholic beverage at or above 25,000 gallons per calendar year. Such facilities may include indoor or outdoor tasting or sampling facilities for products produced on-site and sale of other products directly related to on-site activities.

Small-scale alcoholic beverage production: a small-scale facility devoted primarily to production of fermented malt beverages at a level of less than 300,000 barrels per calendar year, or the production of less than 25,000 gallons of wine, distilled spirits, or any other alcoholic beverage per calendar year. Such facilities may include tasting or sampling facilities for products produced on-site and sale of other products directly related to on-site activities.

2. Add “large-scale alcoholic beverage production” to the list of example land uses under Heavy Industrial land use in Section 550-55(B):

B. Heavy industrial land use. Description: Heavy industrial land uses are industrial facilities which do not comply with one or more of the following criteria: are conducted entirely within an enclosed building; are not potentially associated with nuisances such as odor, noise, heat, vibration and radiation which are detectable at the property line; and do not pose a significant safety hazard (such as danger of explosion). More specifically, heavy industrial land uses are industrial land uses which may be wholly or partially located outside of an enclosed building; may have the potential to create certain nuisances which are detectable at the property line; and may involve materials which pose a significant safety hazard. However, in no instance shall a heavy industrial land use exceed the performance standards listed in Article XI. Examples of heavy industrial land uses include meat product producers; ~~large-scale alcoholic beverage production, alcohol beverage producers;~~ paper, pulp or paperboard producers; chemical and allied product producers (except drug producers) including poison or fertilizer producers; petroleum and coal product producers; asphalt, concrete or cement producers; tanneries; stone, clay or glass product producers; primary metal producers; heavy machinery producers; electrical distribution equipment producers; electrical industrial apparatus producers; transportation vehicle producers; commercial sanitary sewage treatment plants; railroad switching yards; and recycling facilities not involving the on-site storage of salvage materials.

(1) Regulations.

(a) Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property abutting properties which are not zoned heavy industrial (see § 550-99).

(b) All outdoor activity areas shall be located a minimum of 100 feet from residentially zoned property. No materials shall be stacked or otherwise stored so as to be visible over bufferyard screening elements.

(2) Parking requirements. One space per each employee on the largest work shift.

3. Add “small-scale alcoholic beverage production” to the list of example land uses under Indoor Commercial Entertainment land use and Outdoor Commercial Entertainment land uses in Sections 550-52(H) and (I):

C. **Indoor commercial entertainment.** Description: Indoor commercial entertainment land uses include all land uses which provide entertainment services entirely within an enclosed building. Such activities often have operating hours which extend significantly later than most other commercial land uses. Examples of such land uses include restaurants, taverns, theaters, health or fitness centers, all forms of training studios (dance, art, martial arts, etc.), [small-scale alcoholic beverage production](#), bowling alleys, arcades, roller rinks, and pool halls.

(1) Regulations:

- (a) If located on the same side of the building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 150 feet, or as far as possible, of a residentially zoned property.
- (b) Facility shall provide bufferyard with minimum opacity of 0.60 along all borders of the property abutting residentially zoned property (see § 550-99).

(2) Parking requirements. One space per every three patron seats or lockers (whichever is greater) or one space per three persons at the maximum capacity of the establishment (whichever is greater).

D. **Outdoor commercial entertainment.** Description: Outdoor commercial entertainment land uses include all land uses which provide entertainment services partially or wholly outside of an enclosed building. Such activities often have the potential to be associated with nuisances related to noise, lighting, dust, trash and late operating hours. Examples of such land uses include outdoor commercial swimming pools, driving ranges, miniature golf facilities, [small-scale alcoholic beverage production](#), amusement parks, drive-in theaters, go-cart tracks, and racetracks.

(1) Regulations:

- (a) Activity areas shall not be located closer than 300 feet to a residentially zoned property.
- (b) Facility shall provide bufferyard with minimum opacity of 0.80 along all borders of the property abutting residentially zoned property (see § 550-99).
- (c) Activity areas (including drive-in movie screens) shall not be visible from any residentially zoned property.

(2) Parking requirements. One space for every three persons at the maximum capacity of the establishment.

This approach accommodates a wide variety of uses that may arise, including breweries, liquor distilleries, wineries, cider production, or mead production. We do not recommend allowing artisan coffee roasters (at any scale) outside of industrial zoning districts. Experience is showing that neighborhoods tend to object to odors associated with these uses.

Revisited: Preliminary Review of Chapter 545, Subdivision Code, Parkland Dedication and Improvement Fees

Background:

Last year the Plan Commission approved the revisions laid out by the City Attorney to be compliant with 2007 Wisconsin Act 44. The amendment was postponed until after the City Code was recodified in the Fall of 2016. After reviewing the pertinent recodified Code section, it became evident that sections of code were removed. The amendments needed would exceed those granted by Plan Commission. After discussion with the City Attorney, it is best to re-submit the compliant code that also contains the deleted sections of compliant code.

Issues:

The following issues have been identified by the City of Watertown Zoning Administrator:

1. Please see attached Ordinance

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:

2. Postpone to a definite time
 - a. The Plan Commission will set a date in the future to review the pending Zoning Code amendment.
3. Postpone indefinitely
 - b. The Plan Commission sets the pending Zoning Code amendment aside with no particular intention of ever taking it up again.
4. Set the Public Hearing date for March 7, 2017 or whichever the Plan Commission deems appropriate

AN ORDINANCE

TO AMEND CHAPTER 545, SUBDIVISION OF LAND, THROUGH THE REMOVAL
AND ADDITION OF LANGUAGE

Sponsor: Mayor David
From: Plan Commission with Positive Recommendation

SECTION 1. Recreate Section 545-09B:

* * *

B. Fees to Defray Administrative Expenses. The subdivider of land divisions within the city shall reimburse the city for its actual cost of design, inspection, inventorying, mapping, and collecting attribute information for infrastructure features for the GIS database, testing, construction, and associated legal and real estate fees for the required public improvements for the land division unless otherwise recovered through other fees. The subdivider shall pay to the City of Watertown fees as set by the Common Council and provided under separate fee schedule. Site Plan Review Committee review fees applicable to zoning and development-related issues shall not be applied to land divisions. The city's costs shall be determined as follows:

1. The cost of city employees' time engaged in any way with the required public improvements based on the hourly rate paid to the employee multiplied by a factor determined by the relied-upon or participating City department(s) to represent the city's cost for expenses, benefits, insurance, sick leave, holidays, vacation and similar benefits;

2. The cost of city equipment employed;

3. The cost of mileage reimbursed to city employees which is attributed to the land division;

4. The actual costs of City materials incorporated into the work including transportation costs plus a restocking and/or handling fee not to exceed ten percent (10%) of the cost of the materials;

5. All consultant fees associated with the public improvements at the invoiced amount in compliance with Section 66.0628(3), Wisconsin Statutes.

6. A predevelopment surety of one thousand dollars (\$1,000.00) per acre of development, at a minimum of five thousand dollars (\$5,000.00) to a maximum of twenty-five thousand dollars (\$25,000.00), shall be provided to the city until the final plat or certified survey map has been recorded.

* * *

SECTION 2. Remove Section 545-09C

* * *

~~C. Payment for engineering, planning or legal services. The subdivider shall pay to the City of Watertown the actual cost of any engineering, planning or legal work undertaken by consultants hired by the City, outside of the City budget, at the request of the developer and the Plan Commission.~~

* * *

SECTION 3. Amend Sections 545-33A(1) & 545-33A(2) :

* * *

A. Parkland Dedication Fees and Land Dedications

1. Any development approval, which enables the creation of additional dwelling units, shall require compliance with this parkland dedication fee and land dedication requirement. This would include any land division, which creates new lots. It would also include any building permit for any dwelling unit per existing lot (single-family, duplex, or other multi-family building.) Except for developments submitted to the City for approval prior to June 14, 2006, and after September 7, 2016, each new development within the corporate limits of the City shall be required to comply with the parkland dedication requirements here stated, including the parkland dedication fee imposed in lieu mechanism authorized under this Chapter (as applicable), as well as the subsections following hereto

2. In the design of a subdivision, including minor subdivisions, or planned developments, provision shall be made for suitable sites of adequate area for parks, playgrounds, open spaces, schools, drainage ways, storm water management or treatment facilities and other public purposes. Such sites as are shown on the Official Map, Master Plan or Parks and Open Space Plan shall be made a part of the design. Where such are not shown on said plans or map, consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, ponds, streams, and woodland, prairie and wetland plant and animal communities.

* * *

SECTION 3. Amend Sections 545-33C(3) – (5):

* * *

3. Revenues derived from funds collected from impact fees imposed and collected but not used as statutorily required within the applicable statutory period from the date of payment of the impact fee, as prescribed in Section 66.0617(9), Wisconsin Statutes ~~period of ten (10) years after the time of collection, for which the impact fees were imposed~~, shall be refunded on a pro-rated, proportional basis, as determined by the Common Council, to the then-current Owner of Record of the property with respect to which the impact fee was imposed.

4. Any funds subject to a refund may be obtained upon application of the then-current Owner of Record, who shall be entitled to return of the original impact fee paid, together with interest at the rate of one percent (1.0 %) per year from the date of said payment to the date of said refund. The Owner of Record must submit a written application for a refund to the City Clerk-Treasurer of the City of Watertown within one hundred eighty (180) days after the expiration of the applicable statutory time as prescribed in Section 66.0617(9), Wisconsin Statutes ~~period outlined in this section~~.

5. The payment of an impact fee imposed under this section as a condition of a permit for new construction or issuance of a zoning permit, conditional use permit, or land division may be contested as to the amount, collection, refund, or use of the impact fee to the Watertown Public Works Commission, provided that the applicant files a written notice of appeal in the Office of the City Clerk -Treasurer within fifteen (15) days of the approval of the Full Building Permit by the Office of the Building Inspector for new construction or issuance of any other permit or land division permit upon which the impact fee is imposed. Such notice of appeal shall be entitled, "Notice of Appeal of Impact Fee" and shall state the applicant's name, address, telephone number, address (if available) and legal description of the land development upon which the impact fee is imposed, and a statement of the nature of and reasons for the appeal. Said "Notice of Appeal of Impact Fee" shall be immediately forwarded by the Clerk/Treasurer of the City to the Watertown Public Works Commission Chairperson. The Chairperson shall schedule the appeal for consideration by the Watertown Public Works Commission at a regular meeting as soon as reasonably practicable under the circumstances and shall notify the applicant of the time, date and place of such meeting in writing by regular mail, deposited in the mail no later than at least three (3) days before the date of such meeting. Upon review of such appeal, the Watertown Public Works Commission may adjust the amount, collection, refund or use of the Impact Fee upon just and reasonable cause shown. On and after June 14, 2006, and prior to September 7, 2016, all impact fees imposed under this chapter that are not otherwise required to be paid by the developer or land owner as provided above in this subsection shall be imposed upon each buildable lot in a development and shall be payable in full,

at the annually adjusted rate then in effect, within fourteen (14) days of issuance of any zoning, conditional use or building permit. After September 7, 2016, all impact fees imposed under this chapter that are not otherwise required to be paid by the developer or land owner as provided above in this subsection shall be imposed upon each buildable lot in a development and shall be payable in full, at the annually adjusted rate then in effect, at the time of issuance of any zoning, conditional use or building permit under this chapter or any other controlling authority.

* * *

SECTION 4. Create Section 545-33C(12):

* * *

12. The current owner of a property on which an impact fee has been paid may apply for a refund of such fee if the City has not used such impact fee within the applicable statutory period from the date of payment of the impact fee, as prescribed in Section 66.0617(9), Wisconsin Statutes; or (b) the building permit for which the impact fee has been paid has lapsed for non-commencement of construction; or (c) the project for which a building permit has been issued has been altered in a manner which has resulted in a decrease in the amount of the impact fee due; or (d) as otherwise authorized in this Ordinance.”

* * *

SECTION 5. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed

SECTION 6. This ordinance shall take effect and be in force the day after its passage and publication.

Plan Commission Minutes
Monday, January 23rd, 2017

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 & Staff Engineer Andrew Beyer, along w/ Zoning Administrator Jacob Maas and private citizens Charles & Chris Teich.

1: N8825 Willow Road- Charles & Christine Teich-Preliminary CSM: Mayor David opened the meeting, then asked Jacob Maas to give a summary of rationale for a Preliminary CSM request at N8825 Willow Road in the Town of Watertown. Jacob stated that Charles & Chris Teich want to create a 2.6 acre lot from a 31.13 acre parcel. He noted that our 2009 Comprehensive Plan does not recommend Willow Road for an expanded right of way. However, the Preliminary CSM does not reference any dedication for this road, but should state that it is the standard 33' from centerline, in this case. The Teich's stated they are selling the remaining "parent parcel" but will continue to live at this newly created 2.6 acre lot on Willow Rd. The Town of Watertown has already approved their proposal and need Jefferson County Board to do the same after we take action. Augie Tietz moved to approve this Preliminary CSM for N8825 Willow Road on the condition that a 33' Right of Way be dedicated for this portion of road, which was seconded by Tony Arnett and approved unanimously.

2: Plan Commission Minutes—January 9th, 2017: Motion was made by Augie Tietz to approve the Plan Commission minutes for January 9th, 2017 as written, seconded by John David & approved unanimously.

There being no further business to come before the Commission, a motion to adjourn at 4:37pm was made by Tony Arnett and seconded by John David. So ordered.

Respectfully Submitted, Ken Berg Alderperson