

PLAN COMMISSION MEETING

Monday, January 8, 2018 at 4:30 p.m.

Council Chambers in the Municipal Building

AGENDA:

- 1) 210 S. Water Street – Review & Recommendation – Public Hearing – Conditional Use Permit (CUP) Request for Indoor Commercial Entertainment
- 2) Review & Approve Successor Conditional Use Permit language for Pre-Existing Taverns
- 3) Plan Commission Minutes – December 11, 2017

210 South Water Street – CUP

Background:

Cynthia Torres is looking to amend the existing Conditional Use Permit (Indoor Commercial Entertainment) for 210 South Water Street to allow live music, karaoke, and DJs to perform at her restaurant. The Property is zoned CB, Central Business.

Due to the uniqueness of this property, the Zoning Administrator has attached the amended Conditional Use Permit which also includes the 2 other Indoor Commercial Entertainment land uses occurring at 210 S. Water Street. The amended Conditional Use Permit creates a permit that encompasses all current Conditional Uses, which will allow for easier amendments or Successor Conditional Use Permit issuance in the future (1 document vs. 3 separate documents)

Issues:

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

1. Review attached Conditional Use Permit
2. No outside music or theatrical performances.
 - a. This would require a Conditional Use Permit for Outdoor Commercial Entertainment

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, with changes as recommended by the Plan Commission
 - a. No outside music or theatrical performances
3. Approve the Conditional Use Permit without changes

01/03/18

I Cynthia Torres, am writing
this note regarding LOS Primos
Mexican American Restaurant.
(Conditional use permit) we are
requesting the permit for Dj,
Karaoke and live band on the weekends
or, special Holidays. We are planning
on having events like these to
get the place known. live Bands
We plan on only having on
Big events or once a month. If that
hours we request would be 8pm-2am

thank you

Cynthia Torres
920-988-2774

~~_____~~

Document No.

Document Title

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

On January 8, 2018, the owner and operator(s) 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 by right principal or accessory use in the zoning district classification within which the premises is encompassed. This Conditional Use Permit is personal in nature with the owner and operator(s) 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 via a Successor Conditional Use Permit within 12 months of any transfer, sale, gift or other conveyance of the property. Failure to renew via Successor Conditional Use Permit within 12 months of any transfer, sale, gift or other conveyance of the property will result in expiration and termination of the Conditional Use Permit and will require reapplication and approval by the Watertown Planning Commission.

Return to:

City Clerk
106 Jones Street
Watertown, WI 53094-0477

28-291-0815-0421-147

1. Applicant(s)/Operator(s): Pete & Melanie Moe (Trend Fitness)
Watertown Players, Inc. (Theater/Concert)
Cynthia Torres (Restaurant)
2. Owner(s) of premises: Arthur J. Lenius
3. Address of owner(s) of premises: N1015 C.T.H. L, Watertown, WI 53098
4. Address of premises: 210 South Water Street, Watertown, WI 53098
5. Legal description of premises: Lots 6, 7, 8 and 9 in Block 38 according to the original plat of Watertown on the West side of Rock River, as surveyed by J. C. Payton and recorded in the Twelfth Ward, formerly the Third Ward of the City of Watertown, County of Jefferson, Wisconsin. Excepting part of Lot 9 described as Lot 1 of Certified Survey Map No 3990 Recorded in Volume 19 Certified Surveys Page 164.
6. Zoning district classification: CB, Central Business
7. Description of conditional use(s): Indoor Commercial Entertainment
 1. Health or Fitness Center
 2. Theater
 3. Restaurant
8. Conditions:
 1. Inspection by Watertown Fire Department/Building Inspector for Code Compliance.
 2. No outside music or theatrical performances.
 3. Allowance of indoor live music, karaoke, DJs and theatrical performances.
 4. Compliance with all applicable State & Local Statutes/Ordinances.

Let copies of this order be filed in the permanent records of the Common Council of the City of Watertown, let a copy of this permit be recorded at the Jefferson County Register of Deeds as a covenant on the title for the premises for which this Conditional Use is granted, and let copies be sent to the proper City authorities and the Owner/Applicant, as applicable.

Dated this _____ day of _____, 2018

By: _____
John David, Planning Commission Chairman

ATTEST:

By: _____
Elissa Meltesen, City Clerk, Treasurer

STATE OF WISCONSIN)
(SS
JEFFERSON COUNTY)

Personally came before me this _____ day of _____, 2018, to me know to be the persons who executed the foregoing instrument.

Print name: _____

Notary Public: _____, _____ County, WI

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

This instrument drafted by:
Jacob Maas
Zoning Administrator
City of Watertown

Review & Approve Successor Conditional Use Permits - Taverns

Background:

On October 19, 2017 the City of Watertown Clerk/Treasure asked both the City of Watertown's Zoning Administrator and Attorney to weigh in on tavern license requirements and jukeboxes. The City Zoning Administrator deferred that question to the City Attorney. However, during this query, the City of Watertown Zoning Administrator noted that the tavern did not have Conditional Use Permit for Indoor Commercial Entertainment. Apparently not many, if any taverns have a Conditional Use Permit as taverns. Many of these bars have switched owners or operators since the current Zoning Code was adopted in 2003. Conditional Use Permits are tied to the owners or operators.

On November 13, 2017 the Plan Commission reviewed the taverns & Conditional Use Permit issue, and made recommendation that the taverns go through the Successor Conditional Use Permit Process. This processes would go into effect on July 1, 2018 with the annual liquor license renewal.

Issues:

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

1. Review attached Successor Conditional Use Permit for Taverns.
2. Once approved, the City Attorney should review the Successor Conditional Use Permit for legal form & language.

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. Approve the Successor Conditional Use Permit for taverns, without changes
2. Approve the Successor Conditional Use Permit for taverns, with changes as recommended by the Plan Commission
3. Deny the Successor Conditional Use Permit for Taverns, send back to Zoning Administrator for drastic changes

6. **Review Preliminary CSM for N8589 River Road:** James Hill would like to create a 1-acre lot from a 7.46-acre parent parcel. A motion was made by Fred Smith, seconded by Sherry Cira, to approve the Preliminary CSM with the condition that the Preliminary CSM clearly indicate a right-of-way dedication of 66 feet (33 feet from centerline) for River Road. The motion was approved unanimously.
7. **206 W. Main Street Request for Zoning Code Interpretation:** A property owner in the Central Business District would like to sell and repair motorcycles completely within the structure of his building. The proposed business would fall into the category of Indoor Maintenance Services, and be allowed by right in the Central Business District, if a motorcycle is properly classified as a "vehicle". The Commission agreed that this was a proper interpretation and therefore no problem existed and no action was required.
8. **Discussion Regarding Taverns and Conditional Use Permits:** Those taverns requiring Conditional Use Permits change owners or operators fairly often and few of the new owners or operators have renewed the original CUP. The city recently dramatically reduced its fees for a "Successor CUP". This option is now readily affordable and would offer a reasonable remedy for the problem of taverns that still require a CUP, yet have allowed the original permit to lapse. The consensus was to have Jacob prepare a draft ordinance to this effect for review at the next meeting.
9. **Approve Plan Commission Minutes of October 23, 2017:** A motion was made by Augie Tietz, seconded by Tony Arnett, to approve these minutes and the motion was approved unanimously.

There being no further business to come before the Commission, the meeting adjourned at approximately 5:22 p.m.

Respectfully submitted,

Fred Smith
Alderman

Plan Commission Minutes

November 13, 2017

The Plan Commission met on the above date at 4:30 p.m. in the Council Chambers of City Hall with the following members present: Mayor John David, Alderman Fred Smith, Alderman Augie Tietz, Tony Arnett and Sherry Cira. Also in attendance were Civil Staff Engineer Andrew Beyer, Zoning Administrator Jacob Maas, Tom and Lorraine Kohn, Jim Hill, Sheryl Rupnow, Mike and Mary Rothschadl and John Kannard.

- 1. Review Public Hearing Comments and Make Recommendation for Zoning Area "1", – Welsh Road Area, Boundary Adjustment:** Per the Intergovernmental Cooperative Plan Agreement between the City of Watertown and the Town of Emmet, Area "1" is scheduled to go through a mandatory boundary adjustment into the City of Watertown. The four parcels will be zoned Single-Family Residential, under the City's Zoning Districts. Attaching these parcels require amending the Official Zoning Map of the City and a Public Hearing was held before the City Council on November 7. At that Public Hearing, several property owners spoke about the unfairness of requiring a hook-up to public sewer and water within five years or less, regardless of whether the property has an adequate well and/or septic system. The city staff proposed the following amendment language to address those concerns:

 "...upon the residence(s) having a private wastewater treatment system that does not meet the then-current Dodge County Sanitary Code Requirements, in which case the property with the failing private wastewater treatment system must connect to the City's municipal water and sanitary systems."

A motion was made by Fred Smith, seconded by Tony Arnett, to adopt the proposed amendment and it was approved unanimously. A motion was then made by Augie Tietz, seconded by Tony Arnett, to make a positive recommendation to the Common Council to approve the amended ordinance. The motion was approved unanimously.
- 2. Review Public Hearing Comments and Make Recommendation for Zoning Area "2", – Brandt/Quirk Park Railroad Right-of-Way Area, Boundary Adjustment:** Per the Intergovernmental Cooperative Plan Agreement between the City of Watertown and the Town of Emmet, Area "2" is scheduled to go through a mandatory boundary adjustment into the City of Watertown. The land in question will be zoned Right-of-Way, under the City's Zoning Districts. Attaching this land requires amending the Official Zoning Map of the City and a Public Hearing was held before the City Council on November 7. At that Public Hearing, there were no comments. A motion was made by Tony Arnett and seconded by Sherry Cira, to make a positive recommendation to the Common Council to approve the Boundary Adjustment Ordinance. The motion was approved unanimously.
- 3. Review Public Hearing Comments and Make Recommendation for Zoning Area "3", – Highway 16 Railroad Right-of-Way Area, Boundary Adjustment:** Per the Intergovernmental Cooperative Plan Agreement between the City of Watertown and the Town of Emmet, Area "3" is scheduled to go through a mandatory boundary adjustment into the City of Watertown. The land in question will be zoned Right-of-Way, under the City's Zoning Districts. Attaching this land requires amending the Official Zoning Map of the City and a Public Hearing was held before the City Council on November 7. At that Public Hearing, there were no comments. A motion was made by Tony Arnett and seconded by Augie Tietz, to make a positive recommendation to the Common Council to approve the Boundary Adjustment Ordinance. The motion was approved unanimously.
- 4. Fence Variance Request for 501 Revere Way:** Curtis Loontjer would like to install an 8-foot-tall fence along his rear yard, which backs on South Concord Avenue. Mr. Loontjer has an odd parcel that has three street frontages. A variance is required for the fence to be 8-feet for the entire distance of his rear yard. A motion was made by Tony Arnett, seconded by Sherry Cira, to approve the Variance Request. The motion was approved unanimously.
- 5. Review Preliminary CSM for 500 Welsh Road:** Janet Vick would like to create a 1.957-acre lot from a 6.86-acre parcel. The parent parcel is zoned General Business. A motion was made by Augie Tietz, seconded by Tony Arnett, to approve the Preliminary CSM with the condition that an Airport Approach Protection Zone elevation of 975 feet above mean sea level for all buildings, structures and objects of natural growth be included on the CSM. The motion was approved unanimously.

Document No.

Document Title

SUCCESSOR CONDITIONAL USE PERMIT FORM

On July 1, 2018, the owner(s) and operator(s) hereinafter described, petitioned for, and was granted by the City of Watertown Zoning Administrator, a Successor Conditional Use Permit as hereinafter described, that the said premises, which use is not a permitted by right principal or accessory use in the zoning district classification within which the premises is encompassed. This Successor Conditional Use Permit shall permit the pre-existing & current land use of Indoor Commercial Entertainment – Tavern, which existed prior to adoption of the current City of Watertown Zoning Code. This Successor Conditional Use Permit is personal in nature with the owner and operator(s) 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, this Successor Conditional Use Permit will terminate and expire, unless renewed via a Successor Conditional Use Permit within 12 months of any transfer, sale, gift or other conveyance of the property. Failure to renew via Successor Conditional Use Permit within 12 months of any transfer, sale, gift or other conveyance of the property will result in expiration and termination of the Successor Conditional Use Permit and will require reapplication and approval by the Watertown Planning Commission.

Return to:

City Clerk
106 Jones Street
Watertown, WI 53094-0477

Parcel PIN:

1. Operator(s):
2. Owner(s) of premises:
3. Address of owner(s) of premises:
4. Address of premises:
5. Legal description of premises
6. Zoning district classification:
7. Description of conditional use: Indoor Commercial Entertainment - Tavern
8. Conditions: Shall maintain compliance with Chapter 220 of the City of Watertown Municipal Code.

Let copies of this order be filed in the permanent records of the Common Council of the City of Watertown, let a copy of this permit be recorded at the Jefferson County Register of Deeds as a covenant on the title for the premises for which this Conditional Use is granted, and let copies be sent to the proper City authorities and the Owner/Applicant, as applicable.

Dated this _____ day of _____, 2018

By: _____
John David, Mayor & Planning Commission Chairman

ATTEST:

By: _____
Elissa Meltesen, City Clerk, Treasurer

STATE OF WISCONSIN)
(SS
JEFFERSON COUNTY)

Personally came before me this _____ day of _____, 2018, to me know to be the persons who executed the foregoing instrument.

Print name: _____

Notary Public: _____, _____ County, WI

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

This instrument drafted by:
Jacob Maas
Zoning Administrator
City of Watertown

Plan Commission Minutes

December 11, 2017

The Plan Commission met on the above date at 4:30 p.m. in the Council Chambers of City Hall with the following members present: Mayor John David, Alderman Fred Smith, Alderman Augie Tietz, Tony Arnett, Rick Tortomasi, and Sherry Cira. Also in attendance were City Engineer Jaynellen Holloway, Civil Staff Engineer Andrew Beyer, Zoning Administrator Jacob Maas, Melissa Lampe representing the Historical Society, William Baker, Mike and Michele Martin, Sean Sontag, Jeff Schake and John Jensen representing Building Products, Inc.

1. **919 Charles Street – Review & Recommendation - Public Hearing - Conditional Use Permit (CUP) Request for Indoor a& Outdoor Institutional:** The Watertown Historical Society is requesting a CUP for 919 Charles Street for Indoor & Outdoor Institutional, which would allow for Non-Profit based recreational/entertainment usage at the Octagon House. Following a public hearing where one person spoke in favor of granting the CUP, a motion was made by Augie Tietz, seconded by Tony Arnett, to approve the Conditional Use Permit without conditions. The motion was approved unanimously.
2. **426 South Montgomery Street & 510 South Church Street – Review & Recommendation - Public Hearing - Conditional Use Permit (CUP) Request for Outdoor Storage or Wholesaling:** Building Products, Inc. and James Haim are requesting a CUP for 426 South Montgomery Street and 510 South Church Street for Outdoor Storage or Wholesaling. Both parcels are zoned General Industrial (GI). A public hearing was held where several individuals spoke. All were inquiring about the plans for operation on the site, including: 1) what truck route would be allowed, specifically opposing the use of Lafayette Street? 2) what were the intended hours of operation? and 3) would screening be required on the perimeter of the property where it presently did not exist or was in need of repair? A motion was made by Tony Arnett, seconded by Rick Tortomasi, to approve the CUP with the following conditions:
 1. That the hours of operation be limited to 7 a.m. until 9 p.m.;
 2. That screening be required based on a standard to be set by the Building Inspection Department; and
 3. That the traffic pattern be reviewed and established by the Building Inspection Department.

The motion was approved unanimously.

3. **Approve Site Plan Review Minutes of November 27, 2017:** A motion was made by Tony Arnett, seconded by Augie Tietz, to approve these minutes and the motion was approved unanimously.
4. **Approve Plan Commission Minutes of November 27, 2017:** A motion was made by Sherry Cira, seconded by Rick Tortomasi, to approve these minutes and the motion was approved unanimously.

There being no further business to come before the Commission, the meeting adjourned at approximately 4:52 p.m.

Respectfully submitted,

Fred Smith
Alderman