

**MINUTES OF THE PLAN COMMISSION MEETING
MONDAY, JULY 13, 2009 – 7:30 P.M.**

The Plan Commission met in City Hall on Monday, July 13, 2009 at 7:30 P.M. Present were Plan Commission members Mayor Greg Hoffman, Dan Varga, Jeff Labs, Alderperson Jason Anderson, Mike Tzanakis, Peter Drogemuller, Curt Stepanek, Rick Rubenzer and Tom Hubbard. Absent was commissioner Dave Cihasky. Also attending were City Planner Jayson Smith, City Inspector Paul Lasiewicz, Ronda Ficke of 15384 125th Street in Bloomer, Bruce Hayhoe Sr. of 17504 175th Street in Bloomer, Louie Hebert of 19524 74th Avenue in Chippewa Falls, Gary Stone of 402 S. Main Street in Cadott, Martin & Vicki Fankhauser of 606 W. Garden Street in Chippewa Falls, Sean Severson of 730 Herbert Street in Chippewa Falls, Swoboda Construction of 10410 CTH “B” in Chippewa Falls, Pam Chance of 315 Olive Street in Chippewa Falls, Steve & Odella Warner of 600 W. Garden Street in Chippewa Falls, Connie Russell of 7655 161st Street in Chippewa Falls, Greg & Shawn Hamman of 206 7th Avenue in Chippewa Falls, Caroline Koehler of 608 W. Garden Street in Chippewa Falls, Marcella Bowe of 726 Herbert Street in Chippewa Falls, Rodney & Elizabeth Henning of 337 Portland Avenue in Chippewa Falls, Skip & Julie Bertrand of 526 Bryant Street in Chippewa Falls, James & Joyce Klein of 416 Herbert Street in Chippewa Falls, Kenneth Schemenauer of 1414 Broadway Avenue in Chippewa Falls, William Ruf of 1327 Broadway Avenue in Chippewa Falls, Leigh & Julie Darrow of 1431 Broadway Avenue in Chippewa Falls, Michael Raycher & Amanda Larson of 206 ½ E. Central Street in Chippewa Falls representing their Special Use Permit application for a pet grooming/boarding business at #822 First Avenue, Daryl Wojcik of No Mercy Excavating representing his Conditional Use Permit application to operate a salvage yard along Herbert Street, Bill Albright representing Westwood Land Company, Tom & Laura Bitney of 1221 Broadway Avenue in Chippewa Falls, Don Schaefer of 1312 Broadway Avenue in Chippewa Falls, Chuck Goettl of 1315 Broadway Avenue in Chippewa Falls, Roger & Jane Rihn of 1426 Broadway Avenue in Chippewa Falls, Jane Lardahl of 1103 Weatherridge Road in Chippewa Falls, Russ Blair of 228 Oak Knoll Drive in Chippewa Falls, Patricia Popple of 561 Summit Avenue in Chippewa Falls, Shane Begley (AT & T) of 14114 S. Country Circle in Gordon, WI, Scott Crotty of 2801 Olson Drive in Chippewa Falls and Bill Burich of 304 7th Avenue in Chippewa Falls.

1. **Motion** by Varga, seconded by Hubbard, to approve the minutes of the June 8, 2009 Plan Commission meeting. All present voting aye. Motion carried.

2. Bill Albright appeared to request a change in the “build to” line of Lots #1-#3 (attachment) of the Willow Creek Subdivision. Rubenzer apprised the Plan Commission of requested changes that could require an additional public hearing and notice process in order to be considered. The attached sheets show these types of changes. After discussion, the Plan Commission concluded that the requested changes would be considered minor and not require an additional public hearing and notice process. **Motion** by Hubbard, seconded by Tzanakis, to allow requested changes in the build-to/setback line for Lots #1-#3 of the Willow Creek Subdivision as shown on the attachment. Said

changes to be allowed without requirement of an additional public hearing and notice process. All present voting aye. Motion carried.

3. The Plan Commission considered additional information (fence picture and details and revised site plan) provided by No Mercy Excavating in support of a petition to operate a salvage yard on Parcel #4291 along Herbert Street. Jim & Joyce Klein of #416 Herbert Street voiced concerns about noise from the Christensen Pit Operation and didn't want additional noise at their house. Ms Klein stated that she had tried to obtain a copy of the Christensen permit but had not received it. City Inspector Paul Lasiewicz informed the Commission and attendees that the Christensen pit had been in operation prior to adoption of the City Code and that Chippewa County regulated and permitted the Christensen pit. Further, that Chippewa county had ruled that material storage and crushing operations were allowable within the pits operation permit. The Commission discussed normal hours of operation and crushing and grinding hours of operation. Vicki Fankhauser of #606 W. Garden Street requested a tree/vegetative noise buffer be constructed along the south property line and was concerned with wetland preservation. Rod Henning of #337 Portland Avenue listed concerns of dust and noise associated with a 40 foot high conveyor and asked No Mercy Excavating to locate operations along Highway #37 where other No Mercy Excavating equipment was located. Daryl Wojcik of No Mercy Excavating informed Mr. Henning that No Mercy Excavating had no equipment stored along Highway #37 and Mr. Henning had confused No Mercy Excavating with some other company. Wojcik continued that No Mercy Excavating was a three truck operation and requested crushing and grinding only for a two week period once every two to three years. Julie Bertrand of #525 Bryant Street echoed dust, noise and wetland regulation concerns. Sean Severson of #738 Herbert Street asked about air quality and whether this was a truck route. Rubenzer stated the I-3 Heavy Industrial Zone probably came into being because of the proximity to rail and a former business being located there. Steve Warner of #600 W. Garden St, Russ Blair and Patricia Popple all spoke against a Conditional Use Permit being issued to No Mercy Excavating. After discussion, there was a **motion** by Hubbard and a second by Tzanakis to schedule a public hearing to consider granting a Conditional Use Permit to No Mercy Excavating to operate a salvage yard on Parcel #4291 along the West side of Herbert Street, South of Bryant Street and North of Garden Street. Said hearing contingent upon receipt of the \$175 legal advertisement fee and proper notification of the adjacent property owners and the resolution to include the following conditions:

- 1) All fencing be installed prior to operations,
- 2) Planting of a coniferous tree buffer along the south property line consisting of at least four foot high trees, twenty feet on center,
- 3) Crushing and grinding operations restricted to the hours of 8 A.M. to 5 P.M.,
- 4) Crushing and grinding operations restricted to two consecutive weeks during the month of November once every two years.,
- 5) Regular hours of operation for transfer of materials of 7A.M. to 7 P.M.,
- 6) Clean materials (lead and asbestos free) allowed for storage are steel, concrete, hot mix, ferrous and non-ferrous metals and topsoil,
- 7) No automobile parts or recycling allowed,
- 8) No sand storage,
- 9) A silt fence is required at the down slope side of storage piles,
- 10) Storm water Management Plan is required and
- 11) Fugitive Dust Plan is required.

All present voting aye. Motion carried.

4. Mayor Hoffman opened a public hearing to consider C.U.P Resolution #09-02 (attached) and to consider granting a Conditional Use Permit to Xcel Energy to construct a 70 foot high monopole communication tower and microwave dish on Xcel's Parcel #3449.48 located at #2801 Olson Drive in the 4th Riverside Industrial Park. Scott Crotty of Xcel Energy appeared in support of the permit and to answer any questions. No one else spoke or asked questions and Mayor Hoffman closed the public hearing. **Motion** by Tzanakis, seconded by Hubbard to approve C.U.P. Resolution #09-02 granting a Conditional Use Permit to Xcel Energy to construct a 70 foot high monopole communication tower and microwave dish on Xcel's Parcel #3449.48 located at #2801 Olson Drive in the 4th Riverside Industrial Park. All present voting aye. Motion carried.

5. The Plan Commission considered a petition (attached) from A T & T for a Conditional Use Permit to place six antennae on the East Hill Water Tower located at #1821 Kennedy Road. In addition, to construct a 12 foot by 26 foot equipment storage building. Utilities Manager Rubenzer indicated that engineering details had been worked out with A T & T's engineer Edge Consulting. The lease agreement negotiations are almost completed and will be presented to the Common Council for approval early in August. After discussion there was a **motion** by Hubbard and a second by Varga, to schedule a public hearing to consider granting a Conditional Use Permit to A T & T to place six antennae on the City's water tower located at #1821 Kennedy Road. In addition, for leasing space for a 12 foot by 26 foot equipment enclosure. Said hearing to be scheduled upon receipt of the \$175 fee from A T & T and proper notification of the adjacent property owners. All present voting aye. Motion carried.

6. The Plan Commission considered a Certified Survey Map (attached) dividing an existing parcel, owned by Louis Hebert, into one lot and two outlots. Outlot #1 will be dedicated to Chippewa County as public right-of-way for County "S" road purposes. **Motion** by Tzanakis, seconded by Drogemuller, to recommend that the Common Council approve the Certified Survey Map dividing the Louis Hebert parcel into one lot and two outlots. Outlot #1 to be dedicated to Chippewa County for County Trunk "S" road purposes. Said approval contingent upon receipt of the \$100 Certified Survey Map review fee. All present voting aye, except Hubbard who recused himself from the vote. Motion carried.

7. Bruce Hayhoe Sr. appeared to support the petition to rezone parcel #4453.1000, Lot #1, located at the southeast corner of Jefferson Avenue (STH #124) and 7th Avenue, from C-4 Highway Commercial to R-3-8 Multi Family 8-plex. Don Schaefer of #1312 Broadway spoke of the integrity of the existing neighborhood and was concerned with the up keep and maintenance of an 8-plex. Roger Rihn of #1426 Broadway was concerned with parking lot layout space for the 8-plex unit, traffic congestions and property values. Shawn Hamman spoke as a daycare owner about concerns with traffic congestion and felt the 8-plex zoning was not cohesive with the neighborhood. She also was concerned with property values and being able to sell her house and did not want to see the rezoning take place. Bill Burich of #304 7th Avenue questioned why not take advantage of other existing 8-plex zoning districts in the City of Chippewa Falls. He doubted that a driveway access from STH #124 would be permitted

and listed drainage and water problems that would be associated with the project. Leigh Darrow of #1421 Broadway proposed a lesser zoning such as R-2 Two Family and pointed out that existing lots zoned two-family along Broadway Street were actually single family houses. Laura Bitney of #1221 Broadway Avenue expressed concern for children near STH #124. Ken Schemenauer of #1414 Broadway Avenue was concerned with storm water runoff onto his lot from the lot proposed for rezoning. Chuck Goettl of #1315 Broadway Avenue reaffirmed the concerns other neighbors expressed and said he was content with the existing Highway Commercial zoning. Commissioner Stepanek stated that this request would result in obvious “spot zoning” and felt it was not appropriate due to the surrounding residential zoning intensity. **Motion** by Stepanek, seconded by Hubbard, to recommend that the Common Council deny the request to rezone parcel #4453.1000, Lot #1, located at the southeast corner of STH #124 and 7th Avenue from C-4 Highway Commercial to R-3-8 Multi-family 8-plex. All present voting aye. Motion carried.

8. Mike Raycher and Amanda Larson of #206 ½ E. Central Street appeared to support their petition for a Special Use permit for a pet grooming and boarding facility at #822 First Avenue. The Plan Commission discussed the petition and whether or not a kennel license was required. A to-scale site plan, location map, to-scale floor plan and map of the surrounding area are required. Also kennel license regulations and information about the State of Wisconsin oversight of pet grooming and boarding facilities is necessary. **Motion** by Anderson, seconded by Hubbard to table action on the request for a Special Use Permit for a pet boarding and grooming facility in the existing building located at #822 First Avenue until more information is presented. All present voting aye. Motion carried.

9. Pamela Chance appeared to support her petition to rezone Parcel #4716, (Stormy’s Bar) at #1200 W. River Street from I-3 Heavy Industrial Zoning District to C-2 General Commercial. Ms Chance wishes to put on a 24’ x 40’ addition onto the existing building. The Plan Commission discussed that this request was “spot zoning” but that the C-2 General Commercial Zoning District listed the existing use (Stormy’s Bar) of a tavern as a permitted use and would not be in amongst a more restrictive zoning such as a residential district. **Motion** by Anderson, seconded by Tzanakis, to recommend that the Common Council conduct a hearing to consider rezoning Parcel #4716, (Stormy’s Bar) at #1200 W. River Street from I-3 Heavy Industrial Zoning District to C-2 General Commercial. Said hearing to be scheduled upon receipt of the \$175 legal advertisement fee and proper notice of adjacent property owners. All present voting aye. Motion carried.

10. **Motion** by Varga, seconded by Hubbard, to adjourn. All present voting aye. Motion carried. The Plan Commission adjourned at 10:15 P.M.

Richard J. Rubenzer, P.E., Secretary
Plan Commission