

**MINUTES OF THE ALTOONA, WI
REGULAR PLAN COMMISSION MEETING
May 17, 2017**

(I) Call Meeting to Order.

The meeting was called to order by Mayor Brendan Pratt at 5:00 p.m. held in the Council Chambers at Altoona City Hall.

(II) Roll call.

Members present: Mayor Brendan Pratt, Barbara Oas Holmes,
Andrew Schlafer, Andraya Albrecht, Dean Roth, Red Hanks, Bill
Hoepner.

Also Present: City Planner, Joshua Clements
Building Inspector Eric Velin
Jason Manz, Manz Construction, CUP applicant
Michael McCrackin, Happy Days Auto
Paul Johnson, Arnies Service Center

(III) Citizen Participation Period.

Motion by Schlafer/Oas-Holmes to close Citizen Participation Period. **Motion carried.**

(IV) Approval of minutes.

Motion by Schlafer/Hanks to approve the minutes of the March 20, 2017 Plan Commission meeting. Hoepner, Hanks abstained. **Motion carried.**

(V) Unfinished Business – none.

(VI) New Business

(1) Public Hearing at 5:00 p.m. or as soon thereafter as is practical for Plan Commission review of a previously approved Conditional Use Permit and Site Plan review for property located at 1602 Spooner Avenue, Altoona, WI (parcel #201-1009-01-010) as requested by City Planner Joshua Clements. The request is to review and consider modification or revocation of Conditional Use Permit as regulated by Section 19.59.020 F.

Mayor Pratt opened the public hearing at 5:02 p.m.

City Planner Clements explained that the multi-tenant commercial property at 1602 – 1614 has a Conditional Use Permit issued in 2007 for automotive repair facility. A site plan was prepared at that time. Since that time, there has been a record of violations of the Conditional Use Permit with regard to property conditions, illustrated below. These uses and conditions are also addressed by one or more existing ordinances.

ACTIONS:

Paving – As shown on the enclosed site plan, the is access to the use at 1614 Spooner from two curb cuts, one to the west and one to the east. The plan illustrated paving of each for the circulation of vehicles. Access to the east was paved in 2010, at which time a single lane of parking south of the building was also added. *The west access has not been paved, which causes rutting and erosion* due to traffic from the on-site uses (1614 Spooner) as well as vehicles from the adjoining property (1704 Spooner). Parking of vehicles on unpaved areas is regularly observed and documented.

HISTORY:

2007 July 9 Conditional Use & Site Plan

2008 June	Notice of Conditional Use Violation
2009 December 17	Notice of Conditional Use Violation
2010 March 8	Plan Commission Action
2010 August 17	Notice of Conditional Use Violation
2010 October 20	Notice of Conditional Use Violation
2016 August 25	Notice of Code Violation

City Planner Clements mentioned that upon talking to Manz earlier this week, an option would be to use a barrier at the west access to prohibit people from driving through that particular area and eventually do some landscaping.

Jason Manz was present to answer any questions Plan Commission Members had regarding his site. Manz said his intent at a later time when he looked at options and paved the other adjacent entryway was to terminate access through that point for his tenants. Manz said he has put up barricades but he has not enforced it to keep his tenants from using the entryway.

Plan Commission Member Hanks did not see a problem with the two driveways.

City Planner Clements said the issue was not the extra driveway, it was the property not being paved.

Mayor Pratt clarified to Member Hanks that Manz had a Conditional Use Permit and that Manz originally said what he was going to do in his site plan. So now how can we rectify a Conditional Use Permit that was given in the past; how can the City work with Manz to accommodate the issue.

Mike McCrackin, own the property next to the Manz property. He commented that Manz has allowed him to utilize part of his driveway for access to McCrackin's property.

Member Schlafer commented that this issue has come up ten years ago and we are still having the same concerns as ten years ago. Schlafer said he wants to be pro-business; he doesn't want to drive businesses out of Altoona. Schlafer said Spooner Avenue and Hwy 12 is the gateway into Altoona. If I'm a business owner who is investing lots of money and making their building nice and then there are others who don't keep up to date on their property, and the city can't regulate that. Schlafer appreciated City Planner Clements on his efforts to clean up areas as needed and in a reasonable time.

Manz asked if the ordinance could be reviewed to add additional services. Manz said properties around other communities were able to use crushed granite. Is this something that could be looked over in the future. Mayor Pratt said as the City progresses more into review of additional lots the City could offer options.

Motion by Schlafer/Hoepner to close the public hearing at 5:18 p.m. **Motion carried.**

(VI)(2) Discuss/consider modification or revocation of Conditional Use Permit and Site Plan for the property located at 1602 Spooner Avenue, WI (parcel #201-1009-01-010).

City Planner Clements discussed the following enforcement options:

Enforcement Options:

- (1) Issuance of Municipal Citation(s) per *Altoona Municipal Code 1.08* for future violations, without additional warning; and/or
- (2) Modifying existing Conditional Use Permit, specifically the Site Plan, with completion deadlines; and/or
- (3) Revoke Conditional Use Permit authorizing use of an automobile repair business (which would dislocate existing auto repair business tenant).

Recommendation:

- (1) Insist upon immediate discontinuation of parking on unpaved surfaces.
- (2) Completion of paving of areas used for driving of vehicles, as illustrated in the 2007 Site Plan, no later than September 1, 2017. The alternative is to physically prohibit, and maintain prohibition, vehicle access and parking of unpaved areas, and to establish and maintain turf or other city staff

approved landscaping conditions that meet *Altoona Municipal Code 19.54 Site Plan* standards. If west drive area is not paved, vehicle access from the public roadway as well as adjoining property must be physically prohibited.

- (3) Subsequent violations of ordinance observed by city staff and confirmed by photographic record will result in issue of municipal citation(s) without warning.

The above recommendation is based upon perspective that the desire is to achieve desired outcomes in terms of site conditions without displacing existing businesses, to the degree practicable. As such, use of municipal citations for enforcing ordinances is recommended, rather than complete revocation of the existing Conditional Use Permit.

Manz said they are proposing to not drive in the driveway and make due with a single entrance. There will be barricades restricting access.

Motion by Schlafer/Oas-Holmes to approve enforcement of Conditional Use Permit for 1602 Spooner Avenue (parcel #201-1009-01-010) directing Manz to work on completing the paving and landscaping conditions of his conditional use permit, and if the issues aren't resolved in a reasonable amount of time, enforcement may proceed with enforcement of City Ordinance. **Motion carried.**

(VI)(3) Discuss/consider Plan Commission guidance to staff regarding enforcement of City Ordinances: 19.52.040 E. (paving of commercial drives and parking areas); 15.04.120 (exterior finish of structures, specifically temporary "tarp structures" prohibited).

City Planner Clements explained since February 2016, at the time he was hired, code enforcement efforts have increased. Previously, Building Inspector Eric Velin primarily responded to individual complaints and other highly visible flagrant cases. Over the past year, staff has been directed to elevate time and priority to identifying and mitigating easily identifiable violations, as workload allows.

A total of **181** enforcement cases were undertaken in 2016, and as of May 1, **40** enforcement cases undertaken thus far in 2017. These range from significant and complex violations due to accumulations of refuse or deteriorating structures, to simple yard parking violations. General enforcement procedure upon receipt of complaint or observation of possible violation was distributed to Plan Commission Members.

City Planner Clements further explained that multiple commercial properties in Altoona have been observed and recorded creating erosion and/or vehicle tracking of material into public roadways. Recognizing that this may be a sensitive enforcement on which elected officials may receive feedback, enforcement staff requests policy direction from the Plan Commission regarding enforcement of 19.52.040 E regarding paving of commercial properties.

19.52 – Parking and Loading Spaces

19.52.010 – Automobile parking and truck parking and loading spaces required. Asphalt concrete, portland cement concrete or approved pavers shall be required for off street parking and loading spaces as allowed in the several zoning districts as regulated in Sections 19.52.010 through 19.52.040. (Ord 3E-08, (part), 2008).

19.52.040 Supplemental parking and loading space requirements

C. Any driving area used for accessing parking spaces must be surfaced as described in Section 19.52.010. (Ord 3E-08, (part), 2008).

D. Any parking spaces or access areas installed on any property in addition to the parking spaces required by Section 19.52.020 shall be paved as described in Section 19.52.010. (Ord 3E-08, (part), 2008).

E. Any unsurfaced parking, parking access areas or other driving areas existing prior to the approval date of this ordinance shall be surfaced as described in Section 19.52.010 within 2 years of receiving notice from the City. (Ord 3E-08, (part), 2008).

There are multiple purposes for requiring parking and access areas to be paved, including:

- (1) Prevent erosion and tracking of material into public roadways. Erosion is detrimental to waterways, may damage works of infrastructure, and removal of accumulated sediment is required from stormwater facilities.
- (2) Paved areas allow for greater control of stormwater, directing water into designed stormwater facilities, avoiding damage to property or the natural environment.
- (3) Prevent deterioration of the property in question due to rutting and washing out.
- (4) Prevent standing water in undesirable locations, such as outside of stormwater facilities, drainageways and natural watercourses, which may create human or environmental health threats due to propagation of insects and waterborne disease.
- (5) Prevent wind-blown erosion which is a public health hazard and general nuisance.
- (6) Aesthetic concerns.

Multiple commercial properties in Altoona have been observed and recorded creating erosion and/or vehicle tracking of material into public roadways.

Determination of policy may impact eight known commercial properties with unpaved parking and/or access areas:

Record of observed erosion:

2351 Spooner Avenue (Arnie's Service Center)
1602 Spooner Avenue (Manz property)
2003 Spooner Avenue (Hannic LLC)
1704 Spooner Avenue (Happy Days Auto)
2437 Spooner Avenue
1420 N Hillcrest Parkway (Transport Garage)
1027 N Hillcrest Parkway (Mega Holiday)

Observed unpaved parking:

1504 N Hillcrest Parkway (Sport Rider)

Erosion is recognized as a nuisance and addressed directly or indirectly by other ordinances, including:

- *8.32.030 Dust and Erosion Prohibited. A. All lots, including boulevards, shall be sufficiently covered with grass, vegetation, trees hedges or pavement, so as to prevent the blowing of dust and/or erosion from such a lot.*
- *Chapter 14: Storm Water*
- *15.12 Building Construction Site Runoff, Erosion and Sediment Control*
- *19.54 Site Plans*

Recommendation: Direct staff to enforce 19.52.040 as applied to properties observed causing erosion and/or vehicle tracking of material into public roadways.

Plan Commission Member Schlafer recalled that any time Council has talked about enforcing ordinances, Council has been sensitive. The City wants to be pro-business and not drive any businesses out of town. However, staff probably errs to the side of too much time to enforce the ordinances. If Staff give them two years, it allows the business owner more time to pave it at a time when they can afford it or budget it.

Motion by Oas-Holmes/Hoepner to direct staff to work with property/business owners to resolve observed and anticipated erosion, and enforce Chapter 19.52 of the Altoona Municipal Code and associated ordinances as necessary. **Motion carried.**

Plan Commission Member Schlafer said he is behind City Planner Clements and is supportive of his enforcement efforts.

Altoona Municipal Code, Section 15.04.120 – Exterior Finish Required was next discussed.

15.04.120 – Exterior Finish Required. *1. Exterior Finish Required. All buildings shall have a weather-resistant, uniform and neighborhood compatible exterior finish. Tarpaper, insulation or similar material is not acceptable. All exterior finish shall be completed and installed within one (1) year of the issuance of the building permit unless an extension is granted in writing by the Building Inspector or the Building Inspector's designee.*

Recommendation:

- (1) Affirm staff interpretation of 15.04.120 prohibiting temporary structures.
- (2) Direct staff to propose ordinance language providing requirements for deployment of temporary structures for temporary periods of time that protect health, safety, welfare and aesthetics. These may include duration and conditions of deployment, such as setbacks, maintenance and anchoring.

City Planner Clements commented on some of the types of temporary structured buildings within the City of Altoona. Clements described how temporary structures are not presently allowed by Altoona Municipal Code. The City of Eau Claire specifically prohibits such structures, with the stated rationale concerning public health and safety due to lack of durability and anchoring. Staff (Velin) has interpreted existing City ordinances to prohibit any temporary structures, but that falling cost has led to the proliferation of temporary tarp garages in recent years. As enforcement has proceeded, citizens have requested consideration for use of temporary tarp structure for limited during for reasonable purposes, including sheltering construction materials during projects. Clements was asking input from Plan Commission regarding what should be regulated and how much.

Motion by Hanks/Roth to direct city staff to further research other municipalities in regards to definition of temporary structures, permitting and regulation, and bring back at a future meeting. **Motion carried.**

(VII) Miscellaneous Business and Communications.

(1) Updated information from Paul Johnson of Arnies Service Center, 2351 Spooner Avenue, regarding the number of cars and duration of tenure as required for business operations.

City Planner Clements explained that the Automotive Service Center operated by Paul Johnson as a Conditional Use at 2351 Spooner Ave was last modified at the September 11, 2006 meeting of the Altoona Plan Commission. The conditions of the use adopted at that time are as listed below:

- Screening on dumpster.
- Outside storage behind the building (non-vehicle storage) and not extending in the 30 foot grass area located in the back of the property line.
- Update and maintain existing signs.
- No more than 15 sale cars in the designated area.
- Long storage cars in back in an orderly fashion.
- Short term vehicles (nose end into the building on the north/east side of building.)
- Revisit this conditional use permit in one year. (City Staff to keep log of complaints if any regarding Arnies).

City Planner Clements provided a copy of the minutes from the April 11, 2016 "miscellaneous business" discussion regarding this operation

Paul Johnson, who operates the sales and service, was present at last month's March 14th meeting to informally talk about his business operation with regard to the aesthetics of autos which are located on the property for storage or sale, and regarding the area available for daily business traffic.

Staff visits to Arnie's Service Center were scheduled to observe vehicles associated with the business. These visits have been conducted within a few days prior to the Plan Commission meeting last month, and again on April 6, 2016 in preparation for this meeting.

The vehicles on site on these occasions were as follows:

March 14, 2016

In "For Sale" areas	3 units
In storage areas	52 units
In customer parking at the East building wall	6 units

April 6, 2016

In "For Sale" areas	8 units
In storage areas	38 units
In customer parking at the East building wall	6 units

Building Inspector Eric Velin related that he had talked with Paul Johnson of Arnie's Service about the Plan Commission's interest in his efforts to diminish the number of vehicles on the impound lot. Mr. Johnson is aware and that he should return to another meeting of the Plan Commission so as to outline the number of vehicles and explain the estimated turn-around time necessary for the business operation.

Mayor Blackburn asked for information to be made available for the next meeting (in May) regarding the number and specific identification of all vehicles that have been on the lot for a period of six months or more.

Administrator Golat said that at a future meeting the item can be put on the agenda for formal review.

Paul Johnson, representing Arnie's Service Center commented that he has recently been removing/scraping vehicles on his lot.

Mayor Pratt asked if Mr. Johnson could level, grade and gravel the site. Johnson mentioned that the last time he graveled his lot was approximately 4 years ago. Johnson said as he gets rid of more vehicles he would gravel again.

Member Schlafer suggested that City Planner Clements and Paul Johnson create a strategy to make improvements to address the concerns discussed. Those include grading the lot, screening the impounded vehicles, and come back to the Plan Commission at a future meeting.

(VIII) Adjournment.

Motion by Hanks/Oas-Holmes to adjourn at 6:40 p.m. **Motion carried.**

Minutes transcribed by Cindy Bauer, Altoona City Clerk