

**MINUTES OF THE ALTOONA, WI
REGULAR PLAN COMMISSION MEETING
July 9, 2019**

(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: Brendan Pratt, Andrew Schlafer, Dean Roth, Bill Hoepner,
Barb Oas-Holmes and Matthew Biren. Andraya Albrecht arrived at 5:04
p.m.

Also Present: City Planner Joshua Clements
City Clerk Cindy Bauer

(III) Citizen Participation Period.

Chuck Nagel, Chippewa Falls, was present to comment on the AirBnB (Short Term Stay) that will be on the agenda tonight. Nagel also mentioned the different types of zoning throughout the state and other states and commented on affordable housing.

Carolyn Carlson, 2204 Moonlight Bay Drive, Altoona had concerns with the AirBnB that is down the road from her, specifically mentioning that as far as she understands, there is no resident living at that property and complained of nuisances such as loud noise, etc.

Motion by Roth/Hoepner to close Citizen Participation Period. **Motion carried.**

(IV) Approval of minutes.

Motion by Biren/Hoepner to approve the minutes of the June 10, 2019 Regular Plan Commission meeting. Oas-Holmes abstained. **Motion carried.**

(V) Unfinished Business

(1) Discuss/consider modification to an approved Final Implementation Plan for The Clubhouse in the Hillcrest Greens Planned Community Development regarding refuse enclosure (Discussed at the 2019 May 13 Plan Commission).

City Planner Clements explained that at the May 13 Plan Commission meeting the Plan Commission heard discussion from City Staff and the owner's repetitive regarding placement of the refuse enclosure at The Clubhouse in the Hillcrest Greens Planned Community Development. Clements recalled that the refuse enclosure was relocated from the plans approved for The Clubhouse on August 10, 2015 to a location 3-to-5 feet from a future sidewalk and highly visible along a public roadway. The location has been drawing complaints from neighbors. The Plan Commission discussed resolution through installing a roof and improving landscape buffering around the existing refuse enclosure, adding a roof and reducing the size of the enclosure, or relocating elsewhere on the site. The Plan Commission directed the owner's representative to appear before the Plan Commission and present alternative locations for Plan Commission consideration.

Sean Bohan, Advanced Engineering was present to explain the refuse enclosure regarding the proposed location. Bohan mentioned that he, along with the owner, looked at various potential areas following the May 13, 2019 Plan Commission Meeting to come up with a better plan to relocate the refuse enclosure. After consideration Bohan went back to the current site to make some possible adjustments. Bohan suggested taking nine (9) feet off the proposed building, cover with a roof, and push back the dumpsters, thus decreasing the size of the enclosure, and adding screening around the enclosure with suggested arborvitaes. Some concrete will be removed to allow for the screening.

Motion by Biren/Hoepner to approve the proposed modification of the Site Plan for The Clubhouse regarding the refuse enclosure to be (roofed and screened) as presented by Bohan. **Motion carried.**

(VI) New Business

(1) Public Hearing at 5:00 p.m. or as soon thereafter as is possible regarding a Conditional Use permit for parcels #201216401000 and #201216402000 located at 3612 and 3604 Spooner Ave for a mixed-use building in the C Commercial District (19.40.020 A. 24.).

Mayor Pratt opened the public hearing at 5:15 p.m.

City Planner Clements explained that the petitioner, Lee Haremza, proposes to construct a mixed-use residential and commercial office building on two parcels that together comprise approximately 0.48 acres located at the NW corner of Spooner Avenue and Orchard Lane. As reflected in the site concept provided, the proposed two-story building contains 8 dwelling units and one commercial office and warehouse suite of approximately 1,300 sf². The concept illustrates 29 vehicle parking spaces. The building is proposed to be facing toward the street, with parking behind. Access to the property is existing off of Spooner and Orchard Lane, the site concept proposes a new driveway access from Orchard toward the rear of the site. There will likely be some modifications through the detailed Site Plan review. The property is currently vacant, although the lot is entirely paved. Properties to the west are commercial (machine shop), south is vacant (C Commercial and R-3 Multi-family), north and east are single-family residential (R-1). City Planner Clements noted that Mr. Haremza has committed to delivering a well-landscaped site that will improve stormwater performance in the area, including removing approximately 7,500 sf² of paved boulevard along Spooner Avenue and 1,000 sf² along Orchard lane and replacing with landscaping. The site concept includes adding a stormwater retention pond in the southeast corner of the site. City Planner Clements mentioned that if the Conditional Use is approved, then approval of a detailed Site Plan consistent with the Conditional Use Permit will be required prior to issuance of any construction permits.

The following people spoke during the Public Hearing:

David Westrate, owner of the lots, was present to give some past history of the proposed lots and gave his support of the project.

Elke Swanson, 3619 Sherwin Avenue, Altoona, had some concerns of the proposed building and the layout of the building in regards to the garages facing the back end of their lots.

Lee Haremza, petitioner, commented that he has presented an early phase of the design at this time. There will be more detailed plans as the project moves forward.

Jeff Geissler, 3611 Sherwin Avenue had concerns with the proposed building as presented in relation to the amount of people moving in and out of the building.

Bob Swanson, 3619 Sherwin Avenue had concerns with the proposed building. Swanson commented on some of the current commercial buildings along that corridor that aren't well maintained.

Bryan Sedlander, 3620 Sherwin Avenue, lives across the street from the Swanson's. Sedlander had safety concerns with the potential increase of traffic on his street. He also commented that there should be extra street lighting on Orchard Lane.

Motion by Schlafer/Hoepner to close the public hearing at 5:40 p.m. **Motion carried.**

(VI)(2) Discuss/consider Conditional Use permit for parcels #201216401000 and #201216402000 located at 3612 and 3604 Spooner Ave for a mixed-use building in the C Commercial District.

City Planner Clements recommended that the Plan Commission approve the petition for conditional use without conditions. Plan Commission Member Biren commented that full cut off lighting should be implemented on the lot.

Motion by Hoepner/Oas-Holmes to approve the Conditional Use Permit to allow for a mixed-use building in the C Commercial District. **Motion carried.**

(VI)(3) Discuss/consider recommendation to Council regarding an application to rezone parcel 201100607150 from C Commercial District to R-3 Multiple Family Dwelling District as requested by Lee Haremza.

City Planner Clements explained that the subject parcel is approximately 0.990 acres and is located immediately east of the CCF Bank located at the corner of Fairfax Street and Spooner Avenue. The parcel has joint access from an existing private drive shared by the Bank and other parcels. The applicant, Lee Haremza, has submitted an offer to purchase contingent upon rezoning. Mr. Haremza proposes to construct a two-story multi-family building containing approximately 20 dwelling units. The conceptual site layout shows 34 automobile parking spaces. Adjoining uses to the east and south are residential multi-family. Uses to the west and north are commercial. City Planner Clements noted that if approved, the petitioner must complete successful Site Plan review prior to commencing development activities.

Lee Haremza, petitioner was present to discuss his intention for the proposed lot. Haremza commented that this property is in conjunction with the lot across the road (as discussed in item 2). Both lots are owned by the same person/seller.

David Westrate gave some background history of the proposed and surrounding lots and expressed his support of the project.

Motion by Hoepner/Roth to recommend to Council approval of the rezoning. **Motion carried.**

(VI)(4) Discuss/consider recommendation to Council regarding an application to rezone parcel #201209005000 at 711 Fairfax Street from C Commercial District to R-3 Multiple Family Dwelling District as submitted by Frank Lechner.

City Planner Clements explained that the petitioner has submitted a petition to rezone the property at 711 Fairfax from C Commercial to R-3 Multiple Family Dwelling District. The most recent use for the property was a car wash. The petitioner is seeking to rezone in order to enable renovation and adding a second story to accommodate 8 dwelling units. City Planner Clements said it is the opinion that based upon review of adopted City development policies and examination of Wisconsin case law, that the proposed rezoning does not constitute a spot zone.

- Mixed commercial/residential uses are a conditional use in the C Commercial District (remainder of the corridor).
- Properties to the west are zoned R-2, which permit two-unit dwellings. The proposed use is reasonably compatible with uses allowed in those zoning districts.
- While there are no adjacent parcels zoned as R3, adjacent zone districts (C, R2) allow uses of similar scale.
- Further, the City has adopted goals in the Comprehensive Plan to advance development of multi-unit housing where infrastructure supports the use and is proximity to transportation and employment;
- There are no anticipated adverse externalities of the proposed use to adjacent uses or to the public, or are existing uses in the vicinity anticipated to generate adverse externalities onto the proposed use of the parcel in question.

Residential/commercial adjacency. Context is important in how people utilize the physical environment, and generation of both direct, indirect, and induced impacts. Euclidean zoning, which our current zoning structure is largely based, functions under the perspective that public health, safety and welfare is best served by strictly enforcing physical separation of residential, commercial and residential uses into separate districts or zones. Without diving deeply into theory or history, this separation of uses was based upon the challenges of the time (1920s – 1960s). However, most of these issues have been addressed through building technology and materials, modern utilities, and pollution regulations. The negative externalities of this separation are well documented in terms of human health, transportation and utility costs and obligations, and many others.

Physical development regulations such as zoning and related standards have moved toward addressing elements identified as negative or burdensome more directly as they relate to the specific context of a site. While Altoona's zoning ordinances still remain heavily as written in 1970 with regard to zoning classifications, there are contextual standards that are applied. These include those identified in the site plan chapter, requiring buffering and landscaping to manage sound, light, and aesthetic concerns. The Commercial District, for example, provides for zero required setback- except when a commercial use is adjacent to a residential use, then a setback and buffer are required. Indeed, a substantial portion of the commercial property in Altoona are located in linear corridors where they are adjacent to residential uses on at least one side (N. Hillcrest Parkway, S. Hillcrest Parkway, Spooner Ave., Hamilton Ave., Fairfax St.).

While there may be concerns and thoughtful vigilance should be exercised, the proposed use would not introduce adverse externalities from existing neighboring uses onto the proposed residential use. The unknown would be the future of the parcels to the north and south that are zoned commercial; particularly to the south where two single-family homes exist. Regardless of the ultimate next development condition or use of adjacent parcels, each developer must respond to the context in the particular time and within the standards provided. The onus would be on future development of that neighboring parcel to address that context, and not for the current proposal to respond to various unknown development scenarios.

Plan Commission Member Schlafer had some hesitancy whether the proposed rezoning was still classified as spot zoning. Schafer didn't feel that R-3 zoning was the proper use for this property.

Plan Commission Member Roth compared the previous rezoning use and felt this particular property was an odd fit.

Staff recommends that the Plan Commission recommend that the Council **Approve** the appeal for zoning with the following conditions:

1. The rezoning ordinance shall be recorded at such time that the petitioner obtains an approved Site Plan for the proposed zoning district and submits application for construction permits that meet the approved Site Plan. The delayed effective date shall be the date whereby the petitioner submits permit application satisfying an approved Site Plan.
2. The deadline for recording of the rezoning ordinance shall be 24 months of date of Council approval of rezone, after which time the ordinance shall spoil.

The purpose of the delayed recording is to ensure that a Site Plan can be formulated to City standards and that the proposed property use and described arrangement is commercially feasible. If it is found to not be feasible by the petitioner or meeting City standards by the Plan Commission (site plan), the parcel would remain as currently zoned.

Motion by Oas-Holmes/Hoepner to not recommend to Council approval of the rezoning for parcel #201209005000 from C to R3. Biren against. **Motion carried.**

(VI)(5) Discuss/consider recommendation to the City Council to amend Chapter 19.61 "Accessory Buildings and Uses" regarding short term rentals (Public Hearing at the 2019 July 11 Council Meeting)

City Planner Clements explained that the Plan Commission discussed short-term rentals at the June 10 meeting. The Commission directed staff to propose ordinance language prohibiting short-term rentals with term 6 days or less, and creating conditions for rentals with term between 7 and 29 days. The stated intention is that the prohibition on rentals 6 days or less shall be temporary in nature, until the issue is better understood, and a response that is similar to other communities in the region can be determined.

Summary of the proposed modifications to Chapter 19.61:

- Articulate Purpose and Definitions.
- Create “Short Term Rental Permit”, administrative and enforcement procedures
- Refer to existing State permit and license requirements
- Create Specific Standards
 - Rentals less than 7 days must occur at an owner-occupied property
 - Create minimum parking, maximum occupancy
 - Require posting of City permit
 - Require creation and posting of an Operational Notice, including quiet hours, burning regulations, and other similar notices.

Motion by Schlafer/Oas-Holmes to recommend to Council approval of an ordinance amending Title 19 more specifically to amend Chapter 19.61 “Accessory Buildings and Uses” regarding Short Term Rentals.

(VI)(6) Discuss/consider recommendation to the City Council to amend Chapter 19.28 “R-1 One-Family Dwelling District” and Chapter 19.56 “Yards, Lot Areas and Open Spaces” regarding garage setback (Public Hearing at the 2019 July 11 Council Meeting)

City Planner Clements explained that Chapter 19.28 and Chapter 19.56 were amended by the City Council, upon recommendation by the Plan Commission, in December 2017 regarding building setbacks. Including among those provisions was the requirement that garages be set back from the principal façade of the dwelling. The Plan Commission discussed this provision at the 2019 May 13th meeting and directed staff to remove the requirement. The proposed ordinance language removes the requirement and reframes the provision as an encouragement without regulatory effect.

The modification to 19.56.045 “Nonconforming Setbacks” recommended by staff is to modify subsection 3 to read:

- ~~3-~~ 2. No additions or new construction will be allowed within a nonconforming front yard or street-fronted side yard setback of ~~15~~² *ten* feet or less without a variance, except as provided in Section 19.56.050

The purpose of this recommendation is that there are many areas of the City where the predominate existing homes were constructed prior to 1970, and for which setbacks are commonly less than 15 feet. This modification may improve developability of existing and small lots in existing neighborhoods.

Motion by Hoepner/Biren to recommend to Council approval of an ordinance amending Title 19 more specifically to amend Chapter 19.28 and 19.56 regarding garage setbacks. **Motion carried.**

(VI)(7) Discuss/consider recommendation to Council regarding the Final Implementation Plan for Creekside at Hillcrest Greens.

City Planner Clements explained that the Final Implementation Plan (FIP) of the Creekside in Hillcrest Greens in the Hillcrest Greens Planned Community Development (PCD) describes implementation of the remaining portions of the Hillcrest Greens General Implementation Plan (GIP) identified as multi-family residential on the west end of the development, adjacent to Sawgrass Place. The Creekside encompassed two 24-unit residential buildings. A total of 92 automobile parking spaces are illustrated, comprised of 12 garage stalls in two 6-unit buildings, and 80 surface spaces, 36 of which are covered by two open air canopies. The total project area is 4.17 acres.

City Planner Clements noted that the applicant is requesting to delay action at the July 11, 2019 Council Meeting to July 25, 2019 instead to give the applicant time to make the suggested changes as proposed by City Staff.

Bill Albright was present to explain his intention and comment on the proposed changes suggested by City Staff. The proposal includes the proposed reconfiguration of three parcels on Sawgrass Place, including relocation of the existing stormwater pond.

Staff recommends that the Plan Commission recommend approval of the Final Implementation Plan for Creekside at Hillcrest Greens with the following modifications (conditions) of approval:

- (1) The shared access easement shall be consistent with the existing Plat (2014-0318) 20 feet to the adjoining property to the west. The easement text shall be modified to incorporate public utility access within the same.
- (2) Submittal and successful review of final *storm water plan* and *civil site plan* by City Engineer as described in the *Altoona Municipal Code* Chapter 14. The civil plan shall illustrate compliance with the Steep Slopes Ordinance (19.15.110) and confirm autoturn access for municipal firetruck.
- (3) Provide dedicated pedestrian walkway separated from vehicle driving areas connecting the public sidewalk to those adjacent to the buildings.
- (4) Fire Department Connections (FDC) shall be 4" STORZ and located on the front of the building, near the water service lines.
- (5) The petitioner shall provide a revised storm water model for the proposed pond relocation to confirm compliance with Title 14 and any other applicable standards.
- (6) All exterior building and site lighting shall be shielded and full cut-off design.
- (7) No signs are indicated in the plan or approved through this permit.
- (8) The trash enclosures shall be comprised of building and site compatible materials such that bins are fully screened from the public right-of-way.
- (9) All HVAC equipment, regardless of location, shall be screened consistent with City standards.

Motion by Hoepner/Roth to recommend to City Council approval of the Final Implementation Plan for Creekside at Hillcrest Greens will staff recommended approval conditions. **Motion carried.**

(VI)(8) Discuss/consider recommendation to Council regarding a Certified Survey Map (CSM) reconfigure three parcels: #201237810020, #201237806000, and #201-237801020 on Sawgrass Place in the Hillcrest Greens Planned Community Development.

City Planner Clements explained that the proposed CSM accompanies the Final Implementation Plan for Creekside at Hillcrest Greens. The CSM would reconfigure three existing parcels into three new parcels to implement the Creekside. As discussed on the previous agenda item, the proposal entails relocating an existing storm water pond. The CSM maintains the existing access easement dedicated to The Center, 3701 US Highway 12, and adjoining property at 3611 US Highway 12, which are located to the west of the subject parcels. That easement provides alternative access to those properties should the current access onto Highway 12 be closed in the future.

City Planner Clements noted that the recommended FIP approval conditions include preservation of 20-foot access easement, as is recorded on the Plat. The proposed CSM illustrates a 15-foot easement. If the FIP is approved with that condition, modifications to the CSM will be required. City Planner Clements noted that action on this item will be postponed until the July 25, 2019 Council Meeting.

Motion by Biren/Hoepner to recommend to City Council approval of the CSM to reconfigure three parcels as noted. **Motion carried.**

(VI)(9) Discuss/consider recommendation to Council regarding the Final Plat for Hillcrest Greens IV in the Hillcrest Greens II Planned Community Development.

City Planner Clements explained the Final Plat for territory known as "Hillcrest Greens IV". The Final Implementation Plan for the development ("Hillcrest Greens II") was approved by the City Council

on May 23. City Staff has confirmed that the Plat is consistent with the approved Final Implementation Plan.

Motion by Hoepner/Oas-Holmes to recommend to Council approval of the Final Plat for Hillcrest Greens IV. **Motion carried.**

(VI)(10) Discuss/consider recommendation to City Council regarding a Certified Survey Map (CSM) to reconfigure four parcels: Lot 15, 16, 23, and Outlot 3 in River Prairie Northwest Quadrant as requested by River Flats, LLC. (Public Hearing scheduled at the 2019 July 11 Council Meeting).

City Planner Clements explained that the proposed CSM accomplishes lot combination and resizing for River Flats. Clements noted that the SIP was approved by the City Council on December 20, 2018. The CSM enlarges the parcels consistent with the land purchase agreement. The CSM also adds “Access Note” that Outlot 1 is to provide egress to Lot 1.

Motion by Hoepner/Biren to recommend to Council approval of the proposed Certified Survey Map. **Motion carried.**

(VI)(11) Discuss/consider recommendation to Council regarding an application to rezone Lot 1 of CSM #3470 V19 P284 located at the corner of Fairway Drive and N. Willson Drive from R-1 One-Family Dwelling District (Temporary Designation) to RP River Prairie Mixed Use District, and Outlot 1 of that CSM from R-1 to P Public and Conservancy as submitted by the City of Altoona (Public Hearing at the 2019 July 11 Council Meeting).

City Planner Clements explained that the identified Lot 1 and Outlot 1 of CSM 3470, of the CSM approved by the City Council on May 23, was recently acquired from the WI DOT. Previously, the property was DOT right-of-way, and as such, did not have a zoning classification. Pursuant to Altoona Municipal Code 19.24.030, lands incorporated into the City shall be subject to R-1 zoning until such time the property is rezoned, within 120 days. While the lands were not incorporated into the City through purchase, Zoning Administrator Clements regards this rezoning action as the applicable procedure. Lot 1 is intended to be marketed for development. The Zoning Administrator recommends the Plan Commission and Council assign RP River Prairie Mixed Use District as the applicable zoning to allow for commercial, residential, and mixed-use development and to follow the River Prairie Design Guidelines and Standards. The parcel is approximately 1.62 acres. The recommended zoning for Outlot 1 is P Public and Conservancy, as the Outlot is currently utilized as a stormwater pond. The Outlot is approximately 0.90 acres.

Motion by Hoepner/Roth to recommend to Council approval of the rezoning for Lot 1 of CSM # from R-1 to River Prairie Mixed Use and Outlot 1 from R-1 to P. **Motion carried.**

(VI)(12) Upcoming Plan Commission Dates (Discussion)

City Planner Clements mentioned that per email correspondence from City Clerk Cindy Bauer, the August Plan Commission meeting is scheduled for **Tuesday, August 13**. Plan Commission members mentioned that they would be available at 5:00 p.m. Clerk Bauer will confirm with the Plan Commission Members regarding the exact time of the August 13, 2019 Plan Commission Meeting.

Additional Dates:

Chippewa Valley Housing Task Force

July 15th, 8:00 a.m. L.E. Phillips Public Library, Eau Claire Room.

Momentum West Housing Summit

August 15th, 8:00 – 3:00 p.m., CVTC Rice Lake

<http://business.momentumwest.org/events/details/2019-momentum-west-housing-conference-53>

Planning Department will cover registration for Plan Commissioners (\$50)

American Planning Association – Wisconsin Chapter

Annual Conference

October 2-4, Halls of the Lismore, Eau Claire

<https://wisconsin.planning.org/conferences-and-events/2019-conference-information/>

Planning Department will cover registration for Plan Commissioners (\$100, est.)

No Action

(VI)(13) Supplemental Materials (Discussion)

City Planner Clements commented that he included some materials in the Plan Commission Packets that members might find of interest. Those items included the following:

- Zoning Practice 6.19. *Housing Reform Through State Legislation and Local Zoning*. American Planning Association, June 2019.
- 2019. *Attainable Housing: Challenges, Perceptions, and Solutions*. Urban Land Institute.

City Planner Clements also commented on the enclosed two relatively short papers regarding housing, sponsored by leading associations with expert authors. Reading is highly recommended.

(VII) Miscellaneous Business and Communications.

Plan Commission Member Roth commented on the Hillcrest Greens Plat regarding the School Districts.

(VIII) Adjournment.

Motion by Roth/Oas-Holmes to adjourn at 7:30 p.m. **Motion carried.**

Minutes transcribed by Cindy Bauer, Altoona City Clerk