

**Item 24-1283: Proposed text amendments to the Municipal Code Chapter 19 Traffic and Vehicles and Chapter 23 Zoning Relating to Residential Driveways, Driveway Extensions, Parking Pads and Outdoor Parking of Vehicles/Trailers on Residential Property**

**Item 24-1285: Proposed text amendments to the Municipal Code Chapter 16 Streets, Sidewalks and Other Public Places and Chapter 23 Zoning Relating to Official Map Amendments and Zoning Amendments/Public Hearing Notices**

**Item 24-1287: Proposed text amendments to the Municipal Code Chapter 9 Licenses, Permits and Business Regulations and Chapter 23 Zoning Relating to Consumption of Alcohol Uses**

**City Plan Commission**

Wed, Oct 09, 2024 3:30PM

**Mayor Jake Woodford 01:08**

All right, on to public hearings and appearances. We do have three public hearings today, and we'll take up the first. This is item 24-1282. It's a public hearing for proposed text amendments to the Municipal Code Chapter 19, traffic and vehicles and chapter 23 zoning related to residential driveways, driveway extensions, parking pads, and outdoor parking of vehicles, trailers on residential property. Don, wanna give us an overview? Number three.

**Principal Planner Don Harp 01:40**

Thank you, Mayor. At the September 25 meeting, staff have presented the draft text amendments in regards to the driveways and driveway extensions and pads to the plan commission for an information meeting just to introduce what those amendments look like, and provided staff commentaries to justification why we're proposing those changes. At that time, plan commission advise staff to move forward to prepare the necessary public hearings. So, we had done that, and therefore we're back in front of the plan commissions for an informal public hearing prior to going to Council.

**Principal Planner Don Harp 02:19**

Overview of the amendments are really kind of a lateral movement, taking the driveway regulations that affect residential property and shifting those into the land use portion of our municipal code under Chapter 3 zoning—23 zoning. We also refined the permitting process because we had meetings with our Public Works staff. There are several policies that relate to residential driveway construction, and also there's a permitting process for work in the public right of way. So, we wanted to capture that into the zoning code, just to have that as more of a transparent process when contractors and citizens apply for permits related to driveways for residential.

**Principal Planner Don Harp 03:05**

The regulations aren't increasing the regulatory requirements. So, we're not making anything more restrictive compared to the two districts. We are simply removing any duplication of standard or things that could cause conflicting administration as we move forward.

**Principal Planner Don Harp 03:24**

In addition to that, there's an entire chapter that relates to parking of trailers and vehicles on property, which is a duplication in 19 versus 23 so we're just looking to amend the code by deleting that section and then stick with

what's in the zoning code currently, and just creating an outline format, updating the definitions to help administer that section of the code. With that, staff is recommending approval of the amendments, as stated in our staff report.

**Mayor Jake Woodford 03:55**

Thank you. This is a public hearing. Is there anyone who wishes to speak? All right, Alder Hartzheim.

**[Aldersperson Hartzheim speaks off microphone.]**

**Mayor Jake Woodford 04:04**

We'll—yeah, we can take the we can take comments from alders when we take it up. All right, this is a public hearing. Is there anyone who wishes to speak? This is a public hearing. Is there anyone who wishes to speak? Hearing none, I declare that public hearing closed.

**Mayor Jake Woodford 04:25**

We'll move now to the associated action item. This is item 24-1283. Is there a motion? We have a motion and a second to approve. We'll open the floor for discussion. Alder Hartzheim. All right.

**Aldersperson Sheri Hartzheim (District 13) 04:43**

Thank you, Chair. My concern in this—and actually, I'm pleased with this, because it takes away the Common Council action that might be required as far as variance requests. My concern is that Board of Appeals members, Board of the zoning appeals members, may not be all up to up—well versed on what the requirements would be for a variance. And I would just like to have a bit of a rundown of how those people are chosen. Obviously, they're mayorally appointed. But then what kind of training did they get to be able to do these things appropriately? Because honestly, the Common Council hasn't had great training as far as variance requests as well.

**Mayor Jake Woodford 05:23**

Thank you. Somebody like to speak to the preparation for the board? Director Homan, your mic? All right, go ahead.

**Director Kara Homan (Community And Economic Development) 05:37**

So, I've only been with the city for about a year and a half, but I've managed Board of Appeals in three different communities. The UW Stevens Point Center for Land Use Education actually creates a manual for all Board of Appeals members. You can use it if you're a county, a village, a city; it's all the same. So anytime we onboard a new member, we would make sure they have that book. CLUE also, every year or two, does in person as well as virtual trainings, and we would make sure to make that available to all board members, either if they're new or as a refresher.

**Mayor Jake Woodford 06:13**

Alder Hartzheim.

**Aldersperson Sheri Hartzheim (District 13) 06:14**

Thank you. I find that very refreshing, because again, Common Council members who have had to come against these variance requests have not had a really good background on what decision making should be made there. Thank you.

**Mayor Jake Woodford** 06:26

Yeah, absolutely. And just to your question about appointments, this is an area where we're very mindful of not only the interest of applicants for these positions, but also the expertise. So, making sure that people come with a good understanding of what that appointment will require, so that we're aligning the interests of members, but also making sure that you know there's a reasonable background, or, if not, a background, a preparation to serve in that capacity. So, we're mindful of that too.

**Aldersperson Sheri Hartzheim (District 13)** 06:59

Thank you, Chair.

**Mayor Jake Woodford** 07:00

And I'll take your comment also about Council preparation around these as feedback that we can we can certainly consider the ways to provide more information to Council about how these things get evaluated, because there are some nuances to it, and also there are, there are some things that constrain a Council action when it comes to reviewing those appeals. So, I think that's great feedback, and something that we can take back and think about in terms of some further education for the Council on that.

**Aldersperson Sheri Hartzheim (District 13)** 07:31

Thank you. When I was working for the City of Sheboygan in this capacity, the board of—the Board of Zoning Appeals capacity, the first thing I was told was, "No, is usually the answer." And if that is sort of the general thought process at first, that's probably a good general piece of advice. Thank you.

**Mayor Jake Woodford** 07:49

Yeah, and of course, not to get off topic here, but the burden is on the applicant to demonstrate a hardship. And I think that's, that's really where, where the board comes at these things from. So, it's less about a judgment of, you know, up or down, yes or no. It's really more about evaluating that application and considering whether the conditions have been met to require a variance or be eligible for a variance, and that that's really the orientation that we encourage our Board to take. We, of course, want to be open and have those conversations, but applicants are also advised of the situation before they would put forward an appeal, because we also don't want to have unnecessary process for people if, odds are, the board's not going to be able to be able to grant that variance request. And we've got countless examples of times when city staff have worked closely with people who are dealing with a challenge around zoning, and we're able to avoid those processes where ultimately, they're not going to get the outcome they want. That doesn't work out in every case, and sometimes it does need to come before a board, and when it does, we put that forward, but we do try to work with folks on that. So that that's a little bit more context on how we come at those things. All right. Further discussion on 24-1283.

**Mayor Jake Woodford** 08:08

All right. And I'll just know for the record. While discussion may be limited today, we did have a first pass at this at our last meeting, able to ask some questions, and nothing has substantially changed since the first time the plan commission took a look at this. So just noting that for the record.

**Mayor Jake Woodford** 09:14

Any further discussion? Hearing, none. We have a motion and a second to approve. All those in favor please signify by saying aye. Aye. Any opposed? With none opposed, that item has been approved.

**Mayor Jake Woodford 09:52**

We will head back to hearings and appearances. The second public hearing is item 24-1284, proposed text amendments to the Municipal Code, Chapter 16, street, sidewalks and other public places, and chapter 23 zoning related to official map amendments and zoning amendments, public hearing notices. Lindsay, all right.

**Principal Planner Lindsey Smith 10:16**

All right. So similar to the last text amendment, we talked about this at our previous plan commission meeting, we gave a pretty depth overview, but just a little brief summary. So, within this text amendment, there's four different sections that I talked about last time. So, section one talks about the official map amendment process, and this was an internal policy that we had, and this just codifies it within our code, clarifying exactly what those steps are to amend our official map.

**Principal Planner Lindsey Smith 10:43**

Section B includes actually transitioning the public hearing for zoning amendments to our plan commission. So, by the adoption of this text amendment, Common Council will be then designating the official public hearing here at plan commission. So, this may be our last informal one we have at plan commission, and we'll be actually having that formal public hearing occur here, so there wouldn't be that double duplication of notification to those property owners, which sometimes causes confusion, but they still would have an opportunity at Council to come talk underneath public comment if they still have concerns they want to address to the council.

**Principal Planner Lindsey Smith 11:23**

Also, within Section B talks about actually having a simple majority of the quorum to vote on zoning amendments, and so that's something driven by state statute. We just are amending it to align with that. Another section or subsection in B talks about the zoning amendment standards, which we had a list of about six of them previously, which were very vague and could be open for interpretation. We really tried to specify exactly what we're looking for in those amendments, so it's easier for plan commission and common council to easily say "Yes, it meets one of these four and we should recommend approval."

**Principal Planner Lindsey Smith 12:08**

And then the last section in—subsection in B was eliminating the term of a "temporary zoning" and "permanent zoning" when a property is annexed into the city. That was very—from the public perception that can be very confusing of like, "Is this a temporary or permanent? Wait, I thought it was permanent. Now we're rezoning it." So, we are eliminating that term within the text amendment.

**Principal Planner Lindsey Smith 12:29**

Moving on to Section C, Section C was eliminating residential uses within our agricultural zoning district. So, we talked about this briefly last time, our current agricultural zoning district requires a minimum of 10 acres. So, if someone was coming to planning staff and saying, "I have this property that I own in the city that's 30 acres, and I would like to subdivide it and build single family homes," we would tell them that lot has to be a minimum of 10 acres to build a single-family home. I don't—as we were reviewing this is why are we encouraging someone to say we want to have 10 acres. We want to look at, try to, evaluate efficient development, having them on smaller lots. And so, with that, we realized this was something that shouldn't have been within our zoning code in the agricultural district.

**Principal Planner Lindsey Smith 13:25**

So, if someone wants has a 30-acre parcel and they want to build a single-family home, they will then be recommended to look at our residential zoning districts, which would then allow them to build a single-family home, but the minimum lot size is 8000 square feet. So, there's a large difference between telling someone "We

want 10 acres" or "We only need 8000 square feet." So, this will encourage if someone is looking to build a new set single family home in a on a property that's zoned Ag is to rezone to our residential district. So, this will really work towards our Smart Growth principles, trying to provide more compact development, walkable neighborhoods, development decisions that are cost effective. If you think of we're extending a water main along that frontage, we only have one house for 10-acre lot. That's not very efficient development that we're having occur on those lots. So, with that, that was Section B, and then the final section was just aligning our PD and our TND zoning districts for zoning amendments to align with all other zoning amendment processes. Hopefully, brief summary of this group of text amendments.

**Mayor Jake Woodford 14:42**

Thank you. All right, this is a public hearing. Is there anyone who wishes to speak? This is a public hearing. Is there anyone who wishes to speak? This is a public hearing. Is there anyone who wishes to speak? Hearing none. I declare that public hearing closed. We'll note for the record there are no members of the public in attendance.

**Mayor Jake Woodford 15:05**

Moving on to our associated action item. This is item 24-1285, request to approve proposed text amendments to the Municipal Code, Chapter 16, street, sidewalks and other public places and chapter 23 zoning related to official map amendments and zoning amendments, public hearing notices as identified in the attached documents. Open the floor for discussion. First, Commissioner Fenton, go ahead.

**[Aldersperson Fenton says something off microphone.]**

**Mayor Jake Woodford 15:32**

Thank you. We need a motion. Thank you. All right, we have a motion and a second to approve. Now we'll open the floor for discussion. And Commissioner Fenton.

**Aldersperson Denise Fenton (District 6) 15:41**

So, and anybody on staff who can take this, can we assume that an existing house on land that's zoned agricultural would be an allowed non-conforming use after these zone zoning changes?

**Principal Planner Lindsey Smith 15:57**

Correct, they would be able to continue the use of a single-family home.

**Aldersperson Denise Fenton (District 6) 16:01**

Okay, okay. So, so following up on that, if zoned agricultural and somebody wanted to start a farm on that 30 acres, could they be approved for a non-conforming use to build a home there?

**Principal Planner Lindsey Smith 16:21**

No, nope. So, our zoning district would not allow them to build a single-family home on that 30-acre parcel. They could explore rezoning to a residential district and subdividing and having the house still nearby that parcel which they can have a house located towards the road and still have the agricultural land and operation on the remainder of the parcel.

**Aldersperson Denise Fenton (District 6) 16:45**

Thank you.

**Mayor Jake Woodford 16:48**

Alder Hartzheim.

**Aldersperson Sheri Hartzheim (District 13) 16:51**

Thank you, Chair. Building upon what Commissioner Fenton mentioned, my concern is that this sort of treats negatively folks who are currently zoned agricultural within the city, but I understand that that's probably a rarity except for the temporary zoning for when parcels are annexed. It is a concern on the north side of town where there is a fair amount of folks who want to be a part of the city, but want to maintain their small farm sort of thing. So those are my concerns. I don't know how to really codify or explain those concerns beyond what was mentioned by Alder Fenton, but is—I feel as though this is, again, a negative or a discouraging factor of folks wanting to annex into the city but remain agriculture—agriculturally zoned.

**Mayor Jake Woodford 17:49**

Could you speak to non-conforming properties and how that would work in a situation like Alder Hartzheim's describing.

**Principal Planner Lindsey Smith 17:57**

Yep, so when a property would be rezoned—or would be annexed into the city, the zoning would be Ag. And so, if they would want to continue that operation of the agricultural use, that would be permitted. So, they can continue that operation on their property when annexed into the city, as long as it was that use was in existence prior to annexation. And if someone would want to—let's say they annexed in and they want to build a couple homes on a, let's say, a 30-acre lot, they could still look at then going through the rezoning process to one of our three residential districts, and that would still allow them to have that—build a single-family home but still have a larger lot. One thing to note is we don't have a maximum lot size in the city. So, if they would annex to R1-A, they could still have a 10-acre lot. We're just not saying per our code "You need to have a 10-acre lot." So, it still allows for someone to have those larger lots per our current code, just we aren't requiring saying you have to have 10 acres.

**Aldersperson Sheri Hartzheim (District 13) 19:07**

Thank you. That is—that helps a lot. Thank you.

**Mayor Jake Woodford 19:13**

Further discussion or questions. Just on that, residential zoning, residential district zoning, you mentioned that the minimum lot sizes 8000 square feet, but that does not preclude somebody from having a larger lot size, right?

**Principal Planner Lindsey Smith 19:33**

Yes, yep. So, 8000 square feet is a minimum lot size for a single-family home, but they can have a larger lot.

**Mayor Jake Woodford 19:40**

Right. I think that's important just to Alder Hartzheim's question. And if there are different circumstances for different developments. We deal with that all the time. So, this provides, still flexibility for different lot sizes. It's really just trying to get away from the requirement right now that lot sizes be a minimum of 10 acres. So, so that's really what we're trying to move away from. Actually, will give folks more flexibility when they're thinking about lot sizes and configurations.

**Mayor Jake Woodford 20:14**

Further discussion? Hearing none. We have a motion and a second to approve. All those in favor, please signify by saying, aye. Aye. Any opposed? With none opposed, the item has been approved.

**Mayor Jake Woodford 20:29**

Back to public hearings. This is public hearing 24-1286, proposed text amendments to the Municipal Code, Chapter Nine, licenses, permits and business regulations and chapter 23 zoning related to consumption of alcohol uses. Lindsay, we're sticking with you.

**Principal Planner Lindsey Smith 20:47**

Yes. All right. So, this text amendment was also discussed at plan commission at our last meeting. So, the proposed text amendment removes uses related to consumption of alcohol as a special use in our C1, C2, and our CBD zoning districts, and it will be transition it to a permitted use. So previously, a bar, a tavern, a restaurant that would want to serve alcohol, would have to go through a special use process to get approval before they can serve alcohol at their site. So, this will actually move it to permitted. One thing to note, within the text amendment, it states special provisions for these uses, which were actually the standards we applied for all of our special uses that came before. So those standards are still going to apply to these uses. They just won't have to go through the public hearing process and the notification that would happen through plan commission and common council. So, we're—same process or same requirements that would have to happen from approval.

**Principal Planner Lindsey Smith 21:53**

And then the other thing to note is that community development department is involved in the liquor license review, and so Community Development Department will still be reviewing then when a request comes into the clerk's office to ensure they're meeting those special provisions that we have outlined within our zoning code.

**Mayor Jake Woodford 22:10**

Thank you.

**Principal Planner Lindsey Smith 22:11**

With that, staff recommends approval as prepared in the text amendments.

**Mayor Jake Woodford 22:17**

This is a public hearing. Is there anyone who wishes to speak? This is a public hearing. Is there anyone who wishes to speak? This is a public hearing. Is there anyone who wishes to speak? Hearing none, I declare that public hearing closed. We'll move now to the associated action item. This is item 24-1287, request to approve proposed text amendments to the Municipal Code, Chapter Nine, licenses, permits and business regulations and Chapter 23 zoning related to consumption of alcohol uses. Is there a motion?

**Deputy Director Pete Neuberger (Public Works) 22:49**

Move to approve.

**Mayor Jake Woodford 22:51**

We have a motion and a second to approve. And discussion? Alder Hartzheim.

**Aldersperson Sheri Hartzheim (District 13) 22:56**

Thank you for indulging me, Chair. Often what comes before city plan is premises amendments or temporary premises amendments for special use permits. In other words, a bar wants to use their parking lot for a special event, and they want to change where they can serve alcohol. How does this change affect those sorts of things? How would the public become aware of "Hey, now my neighborhood bar is going to have a whole bunch of people rambling through the parking lot," that sort of thing?

**Principal Planner Lindsey Smith 23:29**

So, the temporary premise amendments actually do not come through plan commission. So, they are only seeing permanent expansions that would come through plan commission. So those temporary ones are not going through plan commission and being notified of the neighborhood. Your second was expansion, if they would know expansion. So, there wouldn't be a notification then to the neighborhood of any even if a new restaurant would come within their neighborhood, or an expansion would occur. So, there wouldn't be a notification to the neighborhood about it. There would be—the license would come before licensing and council, so they may, through just reading agendas, find out about the proposed new business or expansion, but that's really would be—they would have to look to our agendas to know if something was happening.

**Aldersperson Sheri Hartzheim (District 13) 24:18**

Thank you. I believe that these are good things for the city and good things for the businesses within the city, but that was a concern of mine, just how neighboring areas would be affected. But again, I'm seeing that this is sort of based on the zoning anyway. So, if you're in a commercial zone, then you already know that whatever it is, it's going to be a commercial establishment. Thank you.

**Mayor Jake Woodford 24:39**

And in a way, we're trying to simplify regulation of these licenses, because they're already heavily regulated through safety and licensing and the common council. So, at this point, it's just an additional burden on applicants to have to come before another commission, um, for a step that I think seems unnecessary, which is, which is why this changes before us now. So, appreciate the effort of staff to clean this up and try and streamline for business owners and applicants in the future that that's really at the heart of this change.

**Mayor Jake Woodford 25:22**

Further discussion? Hearing none, we have a motion and a second to approve. All those in favor, please signify by saying, aye. Aye. Any opposed? With none opposed, that item has been approved.