

MINUTES OF THE PLANNING COMMISSION MEETING HELD AUGUST 28, 2024

Present: Mayor Tutaj, Alderwoman Fliss, Charles Buechel, Tom Kiepczynski, Richard Lentz, and Eric Stemwell. Tim Niemiec was excused.

Also Present: City Administrator Mark Johnsrud, Fire Chief Poplar, and City Attorney Alexy (via telephone).

Mayor Tutaj called the meeting to order at 7:00 PM

Minutes:

Moved by Alderwoman Fliss, seconded by Eric Stemwell to place on file the minutes of the Planning Commission meeting held July 24, 2024. Motion carried.

4224 S. Kinnickinnic Avenue - Application for Rezoning from B-2 General Business to B-2 General Business with a Special Use to Permit – Motor Vehicle Sales Facility - Light

Administrator Johnsrud explained that 4224 S. Kinnickinnic Ave. (KK Ave.) used to be Mack Motors, an outboard motor repair facility which had been in business at that location for 40 years. Applicant and business owner Arif Abdiu has purchased that property and painted the building, and did put up unpermitted signage for United Motors LLC. The request is to permit motor vehicle sales and repair to complement the business they operate next door at 4230 S. KK Ave., which is a property Mr. Abdiu leases. The existing property is a legal non-conforming use property.

He continued that the Comprehensive Plan outlines to encourage smaller scale uses, consistent with character of KK Ave to the north, encouraging redevelopment as a continuation of urban revitalization occurring in the Bayview area, and encourage a new identity for this area as a creative, urban enclave that attracts a younger, urban demographic for the City. Within the frame of the Comprehensive Plan, Administrator Johnsrud's opinion is that the use does not comply with the Plan.

Administrator Johnsrud noted that if the property is going to be used for vehicle sales, there is a City right-of-way that extends 120' at 4224 preventing the parking lot from coming down to the street. If the lot was going to be used for auto sales, cars would not be allowed to be parked behind the boulevard.

Commissioner Kiepczynski confirmed with Administrator Johnsrud and Mr. Abdiu that while painting and signage had been placed, no work was currently occurring at 4224. Mr. Abdiu plans on continuing in the same line of work he currently does on other lots he owns elsewhere, which include sales and light repair of vehicles, with no auto body work.

Administrator Johnsrud explained that the application is for Motor Vehicle Sales Facility – Light, which permits only the repair of vehicles they sell. A repair facility for the general public would not be allowed under the zoning. Attorney Alexy asked if this business was going to operate as a separate business from the current business next door. His concern is that in 455-20 (A)(1), the code does not provide an exception that would allow the current legal, non-conforming use

business to be enlarged onto the adjacent property. Both parcels would need to be re-zoned to make them permitted uses.

Administrator Johnsrud posed that if the request was changed to a Wholesale Motor Vehicle Facility – Light, that would allow for the sale of 3 cars, and still permit office and/or repair of saleable vehicles. He reiterated that the real question is whether the Planning Commission wants to allow this type of long-term business on that corner with respect to the Comprehensive Plan. If so, then the Comprehensive Plan would need to be amended, and then the parcels would need to be rezoned so that we aren't expanding a legal, non-conforming use.

After further discussion by the Committee, Attorney Alexy detailed his recommendation as needing to take the following into consideration: the Comprehensive Plan, the expansion of the legal, non-conforming use on the existing parcel, the proposed site plan may not conform with parking requirements for the motor vehicle sales provision. These issues would all need resolution before moving forward.

Moved by Tom Kiepczynski, seconded by Richard Lentz to direct City staff and the City Attorney to work with the applicant and return to the body in 30 days. Motion carried.

Request to Amend the City Comprehensive Plan to Rezone Parcel # 592-9972-001 from M-1 Limited Industrial to R-2 Single Family and Duplex Residential

Administrator Johnsrud gave context to the request and explained that the applicant needed to make a request to change the Comprehensive Plan and sign a reimbursable cost agreement, ensuring that all the cost of changing the Comprehensive Plan would be borne by the applicant. The applicants did so. He also discussed with the applicant concerns from Fire Chief Poplar with having any residential property within 150' of a fire hydrant. This property would be 273' from a hydrant, establishing the need for the applicant to install their own private hydrant. At that time, the applicant articulated that they had concerns for "when the DPW facility is closed and it's converted into single-family homes", would those homes be able to use their private hydrant. The City has no plan to relocate the DPW facility, nor is there another suitable space in the City to rehome the DPW, so this comment was speculation. The parcel is a unique property. The applicant also owns the R-2 zoned parcel next to it, and it is attractive to them to build at the back of the property if permitted by the rezoning leading to a more secluded look.

Fire Chief Poplar gave insight about multi-family vs. single family dwelling and fire code as it pertains to each. Citywide, the majority of every single family, duplex, or triplex within our City has a hydrant placement no more than 300' apart, ensuring that each dwelling is no more than 150' from a hydrant. Our code relating to multi-family dwelling ensures that the sprinkler room for these facilities is no more than 150' from a fire hydrant. The threshold for this proposed dwelling exceeds this unless a private hydrant would be installed. Another issue is that the City Code is reasonable but strict for access guidelines for multifamily dwellings. This included width of driveways to accommodate apparatus with respect to snow and/or leaf removal, as well as stability of those improved surfaces to account for apparatus weights. The City has made strides in applying these same guidelines for single-family dwellings as well. In this

instance, the single-family dwelling would need to consider the width and length of driveway to account to patient transport and fire suppression access.

Administrator Johnsrud noted that these are expensive requirements for the prospective homebuilder, with the cost of a hydrant being about \$50,000 and the cost of a 10' wide, 7" thick concrete driveway spanning more than 200' in length would be more than \$100,000. He did explain this to the applicant; the applicant responded that they wished to wait and see what the Commission had to say about the proposal.

Attorney Alexy clarified that if the City were to provide a watermain extension and special charged the applicant for the cost, if in the future there were expansion, there is a provision with regard to recouping costs when others join in. If it is privately held, then there would be no mechanism for the City to enforce.

Tom Kiepczynski had concerns that the applicants may have problems with their property bordering the DPW property, or that a future homeowner may have problems.

There was further discussion about the City Comprehensive plan, with Attorney Alexy urging members of the Committee not to take the provisions of the plan lightly and to treat it with respect due to the effort in its creation. Charles Buechel reminded the Committee that the Comprehensive plan was designed a long time ago and designed to take a long time to change. He feels if we keep reforming or amending the plan, it's not a good thing. Alderwoman Fliss communicated that the Plan is more of a guide, and there should be room for movement due to economic change and other factors.

Moved by Alderwoman Fliss, seconded by Tom Kiepczynski to deny to request to amend the City Comprehensive Plan to Rezone Parcel #592-9972-001 with respect to the safety of the protective services, the surrounding environment of the lot, and out of respect for the Comprehensive Plan. Motion carried.

Adjourn:

Moved by Alderwoman Fliss, seconded by Eric Stemwell to adjourn. Motion carried.

Time: 7:18 PM