

**MINUTES OF THE PLANNING COMMISSION MEETING HELD SEPTEMBER 28, 2022**

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Present: Mayor Tutaj, Tom Kiepczynski, Richard Lentz, Tim Niemiec, Eric Stemwell

Also Present: City Administrator Johnsrud, City Attorney Alexy, City Clerk/Treasurer Uecker

Excused: Alderman Wattawa, Charles Buechel, City Engineer Dejewski

Mayor Tutaj called the meeting to order at 6:00 p.m.

**Minutes:**

Moved by Richard Lentz, seconded by Tom Kiepczynski to place on file the minutes of the Planning Commission meeting held August 24, 2022 and September 6, 2022. Motion carried.

**Correspondence with Possible Action:**

- None

**Special Use Application: 2525 East Crawford Avenue – M1 to M1SU for Indoor Wholesale Distribution Facility:**

The property is owned by BRI, LLC – Darrick Dysland. A Special Use permit is required for an indoor wholesale distribution facility. Per City Administrator Johnsrud, the requested use of the property is for purposes of a wholesaler for CBD products, but there will be no retail sales at the location. The applicant, ServD Distribution has been operating in the building since July 1, 2021 without a Certificate of Occupancy. Fines had been issued and have been paid.

Moved by Tom Kiepczynski, seconded by Richard Lentz to recommend to the Common Council to deny the Special Use Application for 2525 East Crawford Avenue per §455-48(F) – 7 “Compliance with Standards”.

City Attorney Alexy clarified that the application is part of trying to clean up issues with Mr. Dysland. He also stated that §455-48(F) (H) (I) covers what can be used to allow or deny an application – not past history with the property owner. Eric Stemwell asked if the property was in compliance and City Attorney Alexy stated that this is the first step in bringing the property into compliance. Mr. Stemwell was also concerned that this type of business would be in close proximity to two schools. City Administrator Johnsrud reiterated that the business would be a wholesaler, not a retail outlet.

Mr. Kiepczynski called the question on the motion.

Moved by Tom Kiepczynski, seconded by Richard Lentz to recommend to the Common Council to deny the Special Use Application for 2525 East Crawford Avenue per §455-48(F) – 7 “Compliance with Standards”. Motion carried with Mayor Tutaj voting “aye”.

**Change of Zoning Application: 4120 South Pennsylvania Avenue – M1 to R1 for Single Family Home:**

The lot in question is the entrance to the Hidden Ponds development and is currently zoned M1. The buildable area is approximately 35feet wide which is narrow for a single family home. City Attorney

Alexy clarified that this is a straight rezoning request and explained the Wisconsin Statute §62.23(7) standards that apply for rezoning.

Moved by Eric Stemwell, seconded by Tim Niemiec to recommend approval of the Change of Zoning from M1 to R1 for a single family home at 4120 South Pennsylvania Avenue. Motion carried.

Moved by Tom Kiepczynski, seconded by Eric Stemwell to suspend the agenda to Unfinished Business – 4464 South Whitnall Avenue Front Yard Decorative Fence Permit application. Motion carried.

**4464 South Whitnall Avenue Front Yard Decorative Fence Permit Application:**

The application is for a decorative fence enclosing the front of the property. City Attorney Alexy stated that the matter was carried forward to this meeting to the Common Council to consider revisions to the fence ordinance, which they did at the last Common Council meeting. The only applicable change to that ordinance was regarding building materials.

Andy Nelson, the property owner, stated that the fence is wrought iron and used for space definition. There are columns with the fence that are made from high end culvert piping. The question was brought up if the culvert piping could be painted black, and Mr. Nelson stated that the current fence has a pleasing look and that he would consider painting it in the future when it didn't have a pleasing look. Richard Lentz felt that the fence fit the area. In response to comments by Mr. Nelson, City Administrator Johnsrud clarified that a gate could not be installed in that the ordinance does not permit a front yard fence to extend across the entire front yard.

Moved by Richard Lentz, seconded by Tom Kiepczynski to authorize the issuance of the General Building Permit – Fencing as the type, color and location of the fencing material is compatible with the surrounding area. Motion carried.

Moved by Tom Kiepczynski, seconded by Richard Lentz to resume the agenda. Motion carried.

**Change of Zoning Application: 4430 South Kansas Avenue – M1 to M2 for Materials Reclamation Facility – Hazardous Materials Storage – Outdoor Storage – Truck Freight Terminal:**

City Administrator Johnsrud stated that the requested change in zoning is to “duplex” the property – a portion would still be for freight and then the rest of the property would be used for the proposed materials reclamation facility. The Fire Department has submitted a letter stating that with the requested zoning change, the building would have to be fire alarmed and sprinkled by Code.

Wade Wollermann of Endpoint Solutions spoke to the Commission. He stated that they have a facility in Hartford that they have grown out of. The company is much attuned as to how to manage these types of properties and have all the required permits (DNR, etc.) needed to run a facility like this. All roll-off containers would be in the building and not stored outside. Handling of materials would be limited to non-hazardous materials. Tom Kiepczynski asked if he could provide to the City a list of all the hazardous waste that they handle.

City Attorney Alexy asked if there would be any impact to the nearby residential neighborhood by airborne substances. Mr. Wollermann stated that containers don't get opened so that would eliminate that issue and the company also has an internal plan if there are any issues, i.e.: spills, etc. Nothing that they handle would be immediately dangerous to life.

Eric Stemwell asked if all the containers would be sealed as the City doesn't want any air quality issues and asked if he would be open to a clause in the permit stating if any air quality issues arose, would the company put in an air quality system. The owner would have no issue with that, but they have had no issues in the past with air quality.

City Administrator Johnsrud said that the City does not currently include reclamation and hazardous materials storage in the Special Use tables as either a special or permitted use, so the use table would also need to be amended for this request to move forward .

Moved by Eric Stemwell, seconded by Tom Kiepczynski to recommend the denial of the Change of Zoning Application for 4430 South Kansas Avenue based on the suitability of the location and to direct that the required Public Hearing be set. Motion carried.

**Revision of Zoning Code Non-Residential Use Table to Permit by Special Use "Storage Facility – Hazardous Materials" within M-2 General Industrial Zoning:**

City Attorney Alexy stated that this revision is due to the discussion regarding 4430 South Kansas Avenue.

Moved by Tim Niemiec, seconded by Eric Stemwell to table the Revision of Zoning Code Non-Residential Use Table to Permit by Special Use "Storage Facility – Hazardous Materials" within M-2 General Industrial Zoning. Motion carried.

**Change of Zoning Application: 2040 East St. Francis Avenue – M1-SU to M1-SU for Rental of U-Haul Trucks/Vans:**

City Administrator Johnsrud stated that this is the third time this application has appeared before the Planning Commission. The building has not been completed, permits have not been pulled and plans for the third building have not been submitted. City Attorney Alexy stated that the Commission needs to either approve or deny the request rather than to carry it forward.

Moved by Tom Kiepczynski, seconded by Tim Niemiec to recommend that the Change of Zoning Application for 2040 East St. Francis Avenue be denied based on §455-48(H) – Public Benefit based on the proximity to another U-Haul rental facility in the City. Motion carried.

**Adjourn:**

Moved by Eric Stemwell, seconded by Tom Kiepczynski to adjourn. Motion carried.

Time: 7:11 p.m.