

Planning Commission Meeting Minutes

Monday, February 9, 2015 - 6:00 p.m.

Public Safety Building, Council Chambers, Second Floor, 321 S. Fourth Street, Stoughton, WI.

Members Present: Mayor Donna Olson, Chair; Ron Christianson, Vice-Chair; Greg Jenson; Eric Hohol; Matt Hanna and Scott Truehl

Absent and Excused: Todd Krcma

Staff: Planning Director, Rodney Scheel and Zoning Administrator, Michael Stacey

Press: Mark Ignatowski

Guests: Robert and Sanne Roeven; Ron Bothum; Rosalie Bjelde; Marlene Judd; Tom Vavra; Gurinder Dhillon and Michael Engelberger.

1. **Call to order.** Mayor Olson called the meeting to order at 6:00 pm.
2. **Consider approval of the Planning Commission meeting minutes of January 12, 2015.**
Motion by **Truehl** to approve the minutes of January 12, 2015 as presented, 2nd by **Hanna**.
Motion carried 5 - 0.
3. **Council Representative Report.**
Christianson reported O-1-15 was approved and R-2, 3, 4, 5 and 6 were all approved. R-12-15 related to the keeping of pigeons was sent back to Planning for further review.
4. **Meeting Summary & Status of Developments.**
Scheel gave an overview of the meeting summary and status of developments. There were no questions. Hohol arrived at 6:03 pm.
5. **R-19-15 Request by Ronald Bothum for extra-territorial approval of a certified survey map (CSM) to allow a lot line adjustment at 2514 County Highway A, Town of Dunkirk.**
Scheel explained the request.

Motion by **Truehl** to recommend the Common Council approve the resolution as presented, 2nd by **Christianson**. Motion carried 6 - 0.
6. **R-20-15 Request by Robert & Laura Roeven for extra-territorial approval of a certified survey map (CSM) to allow a land division to add 1.879 acres to the property at 845 State Highway 138 for a total combined acreage of 4.91, Town of Dunkirk.**
Scheel explained the request.

Motion by **Christianson** to recommend the Common Council approve the resolution as presented, 2nd by **Truehl**. Motion carried 6 - 0.
7. **Request by Tom Vavra, Vavra Engineering for conceptual discussion/review of a proposed planned development to rebuild the BP convenience store building at 1009 W. Main Street.**
Scheel gave an overview of the conceptual plan. Tom Vavra described some of the site limitations.
Hohol stated we owe it to the property owner to work with him to improve the site.

Scheel gave an overview of the non-conformities of the site plan such as a shortage of greenspace; accessory building setback requirements; distance between buildings and parking shortage. Scheel stated the limitations of the site lend itself better suited for the Planned Development zoning.

The Commissioners all agree we need to help the property owner improve the site.

The applicant will continue to work with City staff toward a Planned Development zoning process.

8. Request by Rosalie Bjelde, 101 W. Broadway Street, Stoughton to discuss allowing a zoning ordinance amendment for the keeping of pigeons. (Referral from Council)

Scheel explained the request and noted the Common Council voted 9-2 in favor of creating regulations for the keeping of pigeons.

Hohol stated there was frustration at the Council regarding the Planning Commission not making a recommendation on a specific proposal.

Hanna suggested this may set precedence for similar future requests, if we set in motion changes to ordinances with only one request for a given topic.

Hohol stated a lot of work has already been done from the Public Safety Committee that can be sent to Council.

Hanna believes there should be a process for special requests like this.

Motion by Jenson to reduce the number of pigeons allowed to not more than 50 in the draft ordinance. Motion died for lack of a second.

Motion by Hohol to reduce the number of pigeons allowed to not more than 25 in the draft ordinance, 2nd by Jenson.

Scheel stated staff will have to make amendments and bring back for a public hearing for ordinance changes considered for the zoning code.

Hanna read a list of additional requirements he believes should be considered as follows:

- The loft shall be sided similar to the principle structure;
- All premises on which pigeons are kept and maintained shall be kept reasonably clean and free from filth, garbage and such substances which attract rodents at all time;
- All lofts shall be completely enclosed with wire netting or equivalent material that will prevent pigeons from escaping the confines of the loft or coop;
- The outline of the loft to house said pigeons shall be of such design to conform with the symmetry of the existing buildings;
- The loft floor area shall not exceed fifty square feet in area;

- Any loft housing pigeons shall be elevated a minimum of six inches and maximum of twelve inches above grade to insure free-way beneath the loft;
- The loft shall rest upon concrete footings or piers having a minimum depth of four feet;
- Any loft built expressly to house pigeons shall have a maximum height of six feet;
- In the event a complaint has been filed with the City prior to renewal of said license within the calendar year prior to renewal, applicants must receive written approval from not less than 50 percent of the owner-occupied neighboring property owners whose property is within 100 feet of the applicant's property lines exclusive of street right-of-way prior to approval of said license by the Common Council. If no complaint has been received, the license renewal application shall be sent to the Department of Planning & Development only for consideration;
- All applications shall be on forms supplied by the City Clerk and the application fee per application in the amount established by ordinance;
- Renewal of such loft license shall be required for each calendar year and if application for said renewal is not made prior to January 1 of each year, said loft license shall be null and void and any and all pigeons maintained therein shall be in violation of section 78-206(8)(z), which shall also require the removal of said loft and pigeons; provided, however, if a renewal application is made within ten days after January 1 of each year, the same shall be considered by the Department of Planning & Development by payment of twice the amount of the loft license fee;
- Upon filing an application, the City Clerk shall notify all property owners within 300 feet from the applicant's property at least ten days prior to the Planning Commission meeting and a super majority of three-fourths of the Council shall be required for the granting of said application if two of the property owners within said 100 feet object in writing with the City Clerk prior to the granting of such license by the Common Council;
- Revocation of license. Sworn complaints for revocation of a loft license may be made in writing any time by residents of the City of Stoughton and filed with the City Clerk to be heard by the Planning Commission with ultimate decision by the Common Council. All sworn complaints must cite the provisions of this Code which apply with the understanding that a pigeon is an animal in the context of sections 6-2 and 6-3, regarding public nuisances, including allowing pigeons to perch or remain on another's property. Any licensee found in the discretion of the Planning Commission and Common Council to have violated one or more of said regulations shall be subject to revocation of said loft license;
- Right of Entry for Inspection. City enforcement officers may enter and inspect any property or loft at any reasonable time for the purpose of investigating either an actual or suspected violation or to ascertain compliance or noncompliance with this section;
- Commercial breeding of pigeons is not allowed;
- A conditional use permit shall be required to keep pigeons in any residential district.

The motion to change the number of pigeons allowed to a maximum of 25 carried 5 – 1 (Christianson voted no).

Motion by **Hohol** to amend the draft ordinance to include the comments by Hanna, 2nd by **Jenson**. Motion carried 6 – 0.

The drafts will be prepared for a public hearing in March.

9. Discuss amending the zoning ordinance related to the parking of recreational vehicles.
Scheel explained the ordinance amendment.

Hanna questioned licensed motor homes not being a recreational vehicle.

Jenson suggested including what is excluded in the ordinance.

Hanna discussed permeable pavement including turfstone and questioned how that section of the code would be interpreted. Scheel stated he would interpret the code to mean that turfstone and other types of permeable pavement would be allowed but not just pavers as tire paths with grass in between.

Hohol would like to see a definition for recreational vehicles.

Scheel stated changes will be made and brought back.

10. Discuss an ordinance amendment banning outdoor furnace installations.

Scheel explained the proposed creation of this ordinance section. Hohol is in favor of creating this ordinance section. A three year moratorium banning the installation of outdoor furnaces expired in January 2015.

Motion by **Hohol** to recommend Council approve the ordinance amendment as presented, 2nd by **Truehl**.

Hanna questioned if maintenance is allowed. Scheel stated maintenance of existing outdoor furnaces is allowable but not replacement of the furnace. Scheel stated the City Attorney has not reviewed this proposed amendment yet and will review this aspect of the ordinance as part of his review.

Motion carried 6 – 0.

11. Discuss proposed zoning ordinance amendments.

Scheel explained the proposed amendments.

Hanna questioned the reasoning to remove the 30” requirement for decorative fencing. Stacey stated staff has historically reviewed fencing requests regardless of size since fencing cannot be installed in easements and must be positioned correctly on the property.

Hohol questioned temporary fencing such as around a small garden. Stacey stated temporary fencing like that is allowed without requirements.

Hanna questioned how decorative garden features are regulated. Stacey stated they are regulated in a different section of code.

The ordinance will be amended if necessary and brought back for public hearing next month.

12. Future agenda items

Ordinance amendments.

13. Adjournment

Motion by Jenson to adjourn at 7:20 pm, 2nd by Truehl. Motion carried 6 - 0.