

**OCTOBER 7, 2020 PLAN COMMISSION MEETING MINUTES
CITY OF EDGERTON**

Commission Chair Christopher Lund called the meeting to order at 6:02 p.m.

Present: Christopher Lund, Jim Burdick, Anne Radtke (remote connection), Jim Kapellen, Julie Hagemann, and Ron Webb.

Excused: Paul Davis.

Others Present: City Administrator Ramona Flanigan and a few citizens.

City Administrator Ramona Flanigan confirmed the meeting agendas were properly posted on Friday, October 2nd at the Post Office, Edgerton Library, and City Hall.

PUBLIC HEARING: The Plan Commission held a public hearing to hear comments regarding a request by Terri Nottestad for approval of a conditional use permit to allow the “permanent” establishment of an outdoor entertainment areas at 520 N. Main St. (parcel 6-26-305.02).

City Administrator Flanigan stated the Plan Commission previously approved a temporary conditional use for 520 N Main St. for an outdoor entertainment area. The petitioner has made improvements to the site and now wishes to apply for a conditional use permit without a sunset date.

The petitioner wishes to not include the rear entrance to the building within the beer garden because the entrance is used as an accessible entrance into the building. This means patrons accessing the beer garden will exit the building and go down a ramp before reaching the beer garden.

Terry Nottestad, owner of 520 N Main St, stated the majority of her parking is located in the rear beyond the beer garden. It would be inconvenient, especially for those with disabilities, to walk around the building to enter or go through the beer garden gate. There will be a gate to the beer garden so it will be fenced off.

Jim Kapellen asked if the new fencing will be located in the same place as the temporary. Terry Nottestad stated it would. Kapellen has not heard of any complaints since the temporary beer garden has been put into place.

Hearing no further comments, the Mayor closed the public hearing.

CONSIDER CONDITIONAL USE PERMIT FOR 520 N MAIN ST: Jim Kapellen/Jim Burdick moved to approve a conditional use permit to allow the establishment of an outdoor entertainment area at 520 N Main St in accordance with the approved plans with the following conditions and findings of fact:

Conditions:

1. Any lighting changes do not create a nuisance to the neighboring properties.

2. The Plan Commission allows the proposed configuration of the beer garden access without the building entrance included in the garden fence.
3. The petitioner amends the liquor licenses to allow the serving of alcohol in the beer garden prior to its expiration.
4. No outside music or entertainment is allowed in the beer garden.
5. The petitioner complies with all the conditions listed in 22.304(5)(y) other than those waived by the Plan Commission or Council.

Finding of fact:

1. The proposed conditional use with the above conditions is in harmony with the purposes, goals, and objectives of the Master Plan or the Zoning Ordinance. 22.206.(4)(c) 2.
2. The proposed conditional use, in its proposed location and as depicted on the site plan, will not result in undue adverse impact on nearby property, the character of the neighborhood, traffic factors, and public rights-of-way. 22.206.(4)(c) 3.
3. The proposed conditional use maintains the desired land use intensity and land use impact as it relates to the environs of the property 22.206.(4)(c) 4.
4. The proposed conditional use will not create major undesirable impacts on nearby properties, the environment, or the community as a whole, per Section 22.206(4)(d).
5. The potential public benefits of the proposed conditional use outweigh any and all potential adverse impacts of the proposed conditional use.

The motion passed on a 6/0 roll call vote.

PUBLIC HEARING: The Plan Commission held a public hearing to hear comments regarding a request by Rachel Murray for approval of a conditional use permit to allow the establishment of a home occupation manicure business as an accessory use at 1350 Savannah Woods Drive.

City Administrator Flanigan stated the proposal is to have 5-10 customers per week (Mon-Fri) coming to the home from 9:00 am – 2:00 pm and 2-3 clients per week from 4:00 pm – 6:00 pm. The Zoning Administrator (Flanigan) determined a conditional use is required to allow the Commission and adjoining property owners an opportunity to comment on the use because clients will be coming and going from the residence.

Petitioner Rachel Murray stated she has a State manicuring license and wishes to maintain her client base she has established. She does not plan on expanding the business nor have signs for the business outside. She wishes to have a business in her home to allow more time for home schooling her children.

Hearing no further comments, the Mayor closed the public hearing.

CONSIDER CONDITIONAL USE PERMIT FOR 1350 SAVANNAH WOODS DRIVE: Ron Webb/Julie Hagemann moved to approve a conditional use permit for Rachel Murray to allow the establishment of a home occupation for a manicure business for the parcel located at 1350 Savannah Woods Drive with the following conditions and findings of fact:

Conditions:

1. The business complies with the conditions listed in Section 22.304(5)(n) of the Code of Ordinances

2. The number of clients is limited to a maximum of 15 per week.
3. Clients are at the premises one at a time.
4. Hours of operation are limited to 9:00 am 6:00 pm Monday – Friday.

Findings of fact:

1. The proposed conditional use with the above conditions is in harmony with the purposes, goals, and objectives of the Master Plan or the Zoning Ordinance. 22.206.(4)(c) 2.
2. The proposed conditional use, in its proposed location and as depicted on the site plan, will not result in undue adverse impact on nearby property, the character of the neighborhood, traffic factors, and public rights-of-way. 22.206.(4)(c) 3.
3. The proposed conditional use maintains the desired land use intensity and land use impact as it relates to the environs of the property 22.206.(4)(c) 4.
4. The proposed conditional use will not create major undesirable impacts on nearby properties, the environment, or the community as a whole, per Section 22.206(4)(d).
5. The potential public benefits of the proposed conditional use outweigh any and all potential adverse impacts of the proposed conditional use.

The motion passed on a 6/0 roll call vote.

PUBLIC HEARING: The Plan Commission held a public hearing to hear comments regarding a request by Leslie Schneeberger for approval of a conditional use permit to allow the establishment of a home occupation massage therapy business as an accessory use at 209 Park Lane.

City Administrator Flanigan stated the proposal includes up to 20 customers per week (Mon-Fri) coming to the home from 10:00 am - 6:00 pm plus some clients on Saturdays 10:00 am-2:00 pm with one client at a time. Because this home occupation involves customers coming to the home for service, the Zoning Administrator determined a conditional use is required regarding provisions that the business shall in no way be incompatible with the character of nearby residents and not create a nuisance for neighboring properties. The conditional use allows the Plan Commission and the adjoining property owners to have input into the establishment of the use.

There are plans to have a small, removable yard sign advertising the business.

Business owner, Leslie Schneeberger, stated she hopes this will be a temporary move and she can return to a retail location after the pandemic. She does hold a State of Wisconsin license for massage therapy.

Hearing no other comments, the Mayor closed the public hearing.

CONSIDER CONDITIONAL USE PERMIT FOR 209 PARK LANE:

Jim Kapellen/Ron Webb moved to approve the conditional use permit for Leslie Schneeberger to allow the establishment of a home occupation massage therapy business for the parcel located at 209 Park Lane under the following conditions and findings of fact:

Conditions:

1. The business complies with the conditions listed in Section 22.304(5)(n) of the Code of Ordinances

2. The number of clients is limited to a maximum of 15 per week.
3. Clients are at the premises one at a time.
4. Hours of operation are limited to 10:00 am - 6:00 pm Monday – Friday and 10:00 am-2:00 pm on Saturdays.
5. A temporary yard sign is allowed when the business is open.

Findings of fact:

1. The proposed conditional use with the above conditions is in harmony with the purposes, goals, and objectives of the Master Plan or the Zoning Ordinance. 22.206.(4)(c) 2.
2. The proposed conditional use, in its proposed location and as depicted on the site plan, will not result in undue adverse impact on nearby property, the character of the neighborhood, traffic factors, and public rights-of-way. 22.206.(4)(c) 3.
3. The proposed conditional use maintains the desired land use intensity and land use impact as it relates to the environs of the property 22.206.(4)(c) 4.
4. The proposed conditional use will not create major undesirable impacts on nearby properties, the environment, or the community as a whole, per Section 22.206(4)(d).
5. The potential public benefits of the proposed conditional use outweigh any and all potential adverse impacts of the proposed conditional use.

The motion passed on a 6/0 roll call vote.

CSM AT 407 COLONIAL CIRCLE/ELM HIGH DRIVE: City Administrator Flanigan stated the southern end of this parcel touches a portion of Colonial Circle on the southern edge and also crosses Elm High Drive to the north. The petitioner proposes to divide the parcel into 3 lots.

Lot 3 will contain the existing single-family structure on Colonial Circle. The other 2 lots are not serviced with water and sewer and it is unlikely those services would be installed because a sanitary lift station would be required. If the land division is approved, the expectation is that an owner may request to construct a structure having a private well and septic.

Lots 1 and 2 are substandard in area for the A-1 District. If either lot were to be developed, they would have to be rezoned to residential. In addition, if developed, the petitioner would be required to pay the parkland and park improvement impact fees.

Julie Hagemann asked if the Master Plan would allow residential development in this area. Flanigan stated there are a number of small areas like this that would require a comprehensive plan amendment if someone wanted to build on the parcels.

A Jim Kapellen/Ron Webb motion to approve the preliminary and final 3 lot CSM located at 407 Colonial Circle/Elm High Drive subject to the following conditions:

1. The final CSM indicates all easements.
2. A note appears on the face of the CSM stating lots 1 and 2 have to be rezoned from A-1 prior to establishing a single-family structure.
3. The petitioner pays the \$20 platting fee for the two new lots.
4. The owner pays the parkland and park improvement impact fees in the amount of \$890.91 per housing unit at the time a building permit is issued for lots 1 and 2.

The motion passed on a 6/0 roll call vote.

Being no other business before the Commission, a Jim Kapellen/Ron Webb motion to adjourn passed on a 6/0 roll call vote.

Ramona Flanigan/ch
City Administrator

Approved October 29, 2020