

## Minutes of Plan Commission Meeting May 21, 2019

**Call to Order** – Phil Wedekind called the meeting of the Commission to order at 5:15 PM.

**Roll Call** – Present were Phil Wedekind, Dennis Thurow, Roy Franzen, Pat Liston, Jim O’Neill, Tom Kolb, and Dee Marshall.

Also in attendance were Tom Pinion, Atty Emily Truman, Dan Goff, and Brian Zawistowski.

### **Call to Order**

- a. Note compliance with the Open Meeting Law. Wedekind noted compliance with the Open Meeting Law.
- b. Agenda Approval: It was moved by Kolb, seconded by Liston to approve the agenda as posted. Motion carried unanimously.
- c. Minutes Approval: It was moved by Liston, seconded by Kolb to approve the minutes of the April 16, 2019 meeting. Motion carried unanimously.

**Public Invited to Speak** (*Any citizen has the right to speak on any item of business that is on the agenda for Commission action if recognized by the presiding officer.*) –There were no speakers.

### **New Business**

- a. Review Condominium Plat for a 7-unit single-family residential development on a 2.46-acre parcel on the north side of Inverness Trail for Vintage Investments, LLC – Dan Goff, 340 Inverness Terrace introduced himself to the Commission. Pinion presented the background information to the Commission. Pinion said originally this was for seven individual homes; however, in the interim, Goff has had two perspective buyer expressing a desire for a duplex, so Goff is proposing a total of eight units, six single-family homes, and one duplex. This will include an extension of a proposal private drive, which will be a common space. Pinion presented the map saying that this development would be regulated by the City’s Subdivision Ordinance, and what has been submitted does comply with the Subdivision Ordinance. He said along with the map is set a documents entitles Condominium Declarations, which spells out what is allowed, and what is not, such as setbacks, accessory buildings, etc. Pinion then stated that the Stormwater Management design also complies with the State and the City’s Wasterwater Ordinance. After Pinion’s detailed presentation and short discussion, it was moved by Liston, seconded by Franzen to approve the Condominium Plat as presented. On roll call vote for the Motion, Ayes – Thurow, Franzen, Liston, O’Neill, Kolb, Marshall, and Wedekind. Nay – 0, motion carried 7-0.
- b. Review signage for DEZ Arms – Brian Zawistowski, Wisconsin Dells introduced himself to the Commission. Pinion presented background to Commission. Pinion said that it would be monument sign close to driveway. It was stated that DEZ has revised their logo. It was moved by O’Neill, seconded by Kolb to approve the signage for DEZ Arms as presented. On roll call vote for the motion, Ayes – Franzen, Liston, O’Neill, Kolb, Marshall, Wedekind, and Thurow. Nay – 0, motion carried 7-0.
- c. Consideration of an amendment to the Zoning Code to add Pet Stores to allowable permitted used in the B-1 Downtown Business, B-2 Neighborhood Business, B-3 Highway-Oriented Business, and I-4 Planned Industrial/Business districts and creation of a corresponding Licensing Provision to Chapter 12 of the General Code of Ordinances – Pinion presented the background to the Commission for this topic. Pinion stated that the proposed solution is to add as permitted uses in the zoning code, have it well defined, and then have a parallel licensing requirement in the ordinance similar to what was done for short-term rental dwellings. Kolb felt that pet stores should not be in the Downtown Business or Neighborhood Business Districts. Liston asked how this would apply to the live meat sale at the Fair. Truman said that the definition of a pet store is dogs, cats, rabbits, rodents, insects, reptiles, or birds. Truman said that under this proposed ordinance, it would have to be one of this mentioned species, and a permanent establishment, and feels that the meat sale could be comfortable excluded. Liston asked about Farm & Fleet selling chicks once a year, and Truman felt that this would be licensed under this proposed ordinance. Pinion said that because they have been doing this for years, it would be a non-forming use and be grandfathered in; however, if they discontinued it for one or two years, then they would have to seek special permission to resume it. Kolb asked if the grandfathered pet stores would need to be licensed. Truman did not have the answer directly; however, she felt that the intent is to require all existing businesses to have a license, because the City would want to make sure that the businesses that currently exist are meeting all requirement of the ordinance. Kolb would like to see all businesses, even if grandfathered to have to pay a yearly license fee. Liston said he did not feel that Farm & Fleet should have to pay a license fee, because they only sell about two weeks in the spring. Truman said that the definition could be changed that a pet store is one that continuously sells animals for a 12-month period. Wedekind asked if the establishments would be inspected. Truman said that this is one concern of the CSO is that she does not have the ability to enforce anything at this time, because there is no ordinance. Kolb asked about State Statutes Chapter 951 and what it was. Truman stated that it is entire Chapter on animal cruelty laws. Truman said that most animal sale laws on a municipality level, Legislature has refused to adopt animal sale laws. She said that there are other states that do have rather strong animal sale laws, but this is primarily regulated on a municipal level. Truman said that she would work on sample language for puppy mills, and dog fighting. O’Neill wanted something in the ordinance regarding endangered species. Truman stated that as part of the proposed definition does include the exclusion of any animal listed in Chapter 9.10,

which was too long to include in the summary. After a lengthy discussion, Truman summarized saying she will provide an amendment with no grandfathering clause, add some immunizations language, record of sale information, will provide sample ordinances from other municipalities. She said that she would also provide the Commission with current Ordinance 9.10, which list the current prohibited animals. Kolb said that he would like the elimination of B-1 and B-2 in the amendment. Pinion mentioned no puppy mills. Franzen mentioned pigs; Truman said that this was an ordinance specifically for pet stores. Truman said that some municipalities specifically for pigs, and she offered to draft an ordinance regarding pigs as pets. It was the consensus of the Commission to postpone this issue. It was moved by Liston, seconded by Kolb to postpone this amendment until the next meeting. On roll call vote for the motion, Ayes – Liston, O’Neill, Kolb, Marshall, Wedekind, Thurow, and Franzen. Nays – 0, motion carried 7 to 0.

**Adjournment** - It was moved by Wedekind, seconded by Liston to adjourn at 5:50 p.m. The motion carried unanimously.

Phil Wedekind, Mayor Designee