

**CITY OF WAUPACA
CITY PLAN COMMISSION**

**PUBLIC HEARING
COUNCIL CHAMBERS, CITY HALL**

**WEDNESDAY, MAY 1, 2019
5:15 P.M.**

Present: Mayor Brian Smith, Chairperson, Ald. Eric Olson, Tracy Behrendt, Pat Phair, John Kneer, Ald. Alan Kjelland and Justin Berrens, Public Works Director

Absent: none

Others Present: Andrew Dane, Interim Development Director, Tony Hoes, ADI Development Co., and Henry Veleker, City Administrator/Clerk

PUBLIC NOTICE

SPECIAL USE PERMIT

CITY OF WAUPACA

YOU ARE HEREBY NOTIFIED that ADI Development Co, Tony Hoes, Agent, has made application to the City Plan Commission requesting a Special Use Permit in accordance with Section 17.230(4)(c)(2) of the Municipal Code, B-4 Strip Commercial District, Special Uses, to allow for the use of the property as a food service establishment (restaurant), more fully described as follows, to wit:

1020 W Fulton Street:

A parcel of land being part of the Northwest 1/4 of the Northeast 1/4, Section 25, T22N, R11E, City of Waupaca, Waupaca County, Wisconsin, described as follows:

Commencing at the Northeast corner of said Section 25;

Thence S89°18'16"W, 1629.42 feet along the North line of said Northeast 1/4;

Thence S01°17'13"E, 561.81 feet along the Northerly extension of the West line of Lot 3, Volume 9 Certified Survey Maps, Page 198, Map Number 3043 to a point on the Westerly line of said Lot 3;

Thence S00°34'01"W, 60.00 feet along the Westerly line to the Northwest corner of Lot 1, Volume 25, Certified Survey Maps, Page 127, Map Number 6843, the POINT OF BEGINNING;

Thence continuing S00°34'01"W, a distance of 182.40 feet along the Westerly line of said CSM 6843;

Thence S89°25'33"E, a distance of 103.53 feet;

Thence S00°34'01"W, a distance of 124.40 feet;

Thence N86°13'18"E, a distance of 114.20 feet;

Thence N00°34'27"E, 303.13 feet along said Easterly line to the Northeast corner of said Lot 1 CSM 6843;

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Thence S89°15'26"W, 217.50 feet along the Northerly line of said Lot 1 CSM 6843 to the Northwest corner thereof being the POINT OF BEGINNING.

Tax Parcel No. 34 25 12 6

YOU ARE FURTHER NOTIFIED that the City Plan Commission will hold a Public Hearing on the request on Wednesday, May 1, 2019, at 5:15 P.M. in the Council Chambers, City Hall, 111 S. Main Street. The hearing will be for the purpose of giving an opportunity for any person interested, their attorneys or agents, to be heard.

Henry Veleker
City Administrator/Clerk

PUBLISH: April 11 and 18, 2019

Andrew Dane, Interim Development Director read the Public Hearing Notice into the record and explained that this property is the Domino's Pizza Restaurant and they are requesting to move into the prior Arby's Restaurant location on W. Fulton St. He added that Waupaca City Code requires a Special Use Permit be issued for all restaurants.

Mayor Smith asked for testimony in favor of the subject limiting comments to 3 minutes or less.

Tony Hoes, President of ADI Development Co., Green Bay, WI said he is in favor of relocating Domino's Pizza Restaurant to the prior Arby's Restaurant location because they would be expanding their space from 2,000 square feet to 2,800 square feet, it allows them outdoor seating and a drive-through window.

Hearing no further testimony in favor of the subject Mayor Smith asked for testimony in opposition of the subject.

Hearing no further testimony in favor or testimony in opposition of the subject Mayor Smith declared the Public Hearing closed at 5:20 p.m.

Mayor Brian Smith, Chairperson

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**CITY OF WAUPACA
CITY PLAN COMMISSION**

**PUBLIC HEARING
COUNCIL CHAMBERS, CITY HALL**

**WEDNESDAY, MAY 1, 2019
5:20 P.M.**

Present: Mayor Brian Smith, Chairperson, Ald. Eric Olson, Tracy Behrendt, Pat Phair, John Kneer, Ald. Alan Kjelland and Justin Berrens, Public Works Director

Absent: none

Others Present: Andrew Dane, Interim Development Director and Henry Veleker, City Administrator/Clerk

PUBLIC NOTICE

REZONING

CITY OF WAUPACA

The Church of Christ of Waupaca has made application for a Zoning Change from "B-2 Central Business District and RC Resource Conservation District" to "B-2 Central Business District" for a parcel of land located on West Badger Street (Part of Tax Parcel No. 34-19-82179, 215 W Badger Street) more fully described as follows, to wit:

LOT 1

Commencing at the Northeast corner of Section 30, Township 22 North, Range 12 East;

Thence N 88°58'14" W, 1156.48' along the North line of the Northeast 1/4 of said Section 30;

Thence S 00°04'21" W, 1201.42' to the South right of way of West Badger Street, and the Northeast corner of Lot 10 of Block N of the Original Plat, also the Point of Beginning of this description;

Thence S 00°04'21" W, 131.76', along the East line of the said Lot 10 and Lot 9 of the Original Plat, to the Southeast corner of Lot 9, and the North line of Out Lot 172 of President and Trustees Plat;

Thence S 89°30'36" E, 7.68' along said North line of Out Lot 172;

Thence S 00°04'21" W, 66.00' to the South line of said Out Lot 172, also the North line of Out Lot 173 of President and Trustees Plat;

Thence N 89°30'36" W, 156.18' along the line common between said Out Lot 172 and Out Lot 173;

Thence N 00°04'21" E, 66.00', to the South Line of South Franklin Street;

Thence S 89°30'36" E, 16.50' along said South line of South Franklin Street to the Southwest corner of Lot 9, and the East right of way line of said South Franklin Street;

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Thence N 00°04'21" E, 131.76' along said East right of way line, to the South right of way line of West Badger Street;

Thence S 89°30'36" E, 132.00' along said South right of way line of West Badger Street, to the Point of Beginning, there terminating.

Said parcel contains 0.636 acres. Parcel subject to easements, restrictions and reservations in use or of record.

YOU ARE HEREBY NOTIFIED the Public Hearing for the rezoning request is scheduled for Wednesday, May 1, 2019 at 5:15 p.m. in the Council Chambers of the City Hall, 111 S. Main Street, Waupaca. The hearing will be for the purpose of giving an opportunity for any person interested, their attorneys or agents, to be heard.

A map of the property may be obtained from the City Planning and Development Office.

Henry Veleker
City Administrator/Clerk

PUBLISH: April 11 and 18, 2019

Andrew Dane, Interim Development Director read the Public Hearing Notice into the record and explained that the Church of Christ, located at 215 W. Badger Street desires to expand their structure by adding a new auditorium, accessible restrooms and additional parking to accommodate future growth. They have purchased the adjacent property currently zoned B-2 Central Business District and RC Resource Conservation and are requesting the zoning be changed to B-2 Central Business District.

Mayor Smith asked for testimony in favor of the subject limiting comments to 3 minutes or less.

Hearing no testimony in favor of the subject Mayor Smith asked for testimony in opposition of the subject.

Hearing no further testimony in favor or testimony in opposition of the subject Mayor Smith declared the Public Hearing closed at 5:22 p.m.

Mayor Brian Smith, Chairperson

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**CITY OF WAUPACA
CITY PLAN COMMISSION**

**PUBLIC HEARING
COUNCIL CHAMBERS, CITY HALL**

**WEDNESDAY, MAY 1, 2019
5:22 P.M.**

Present: Mayor Brian Smith, Chairperson, Ald. Eric Olson, Tracy Behrendt, Pat Phair, John Kneer, Ald. Alan Kjelland and Justin Berrens, Public Works Director

Absent: none

Others Present: Andrew Dane, Interim Development Director and Henry Veleker, City Administrator/Clerk

PUBLIC NOTICE

SPECIAL USE PERMIT

CITY OF WAUPACA

YOU ARE HEREBY NOTIFIED that Church of Christ of Waupaca has made application to the City Plan Commission requesting a Special Use Permit in accordance with Section 17.230(2)(c)(1) of the Municipal Code, B-2 Central Business District, Special Uses, to allow for the use of the property as a church, more fully described as follows, to wit:

215 W. Badger Street:

A part of the NE 1/4 of the NE 1/4 and part of the SE 1/4 of the NE 1/4 of Section 30, Township 22 North, Range 12 East, City of Waupaca, Waupaca County, Wisconsin, bounded and described as follows:

LOT 1

Commencing at the Northeast corner of Section 30, Township 22 North, Range 12 East;

Thence N 88°58'14" W, 1156.48' along the North line of the Northeast 1/4 of said Section 30;

Thence S 00°04'21" W, 1201.42' to the South right of way of West Badger Street, and the Northeast corner of Lot 10 of Block N of the Original Plat, also the Point of Beginning of this description;

Thence S 00°04'21" W, 131.76', along the East line of the said Lot 10 and Lot 9 of the Original Plat, to the Southeast corner of Lot 9, and the North line of Out Lot 172 of President and Trustees Plat;

Thence S 89°30'36" E, 7.68' along said North line of Out Lot 172;

Thence S 00°04'21" W, 66.00' to the South line of said Out Lot 172, also the North line of Out Lot 173 of President and Trustees Plat;

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Thence N 89°30'36" W, 156.18' along the line common between said Out Lot 172 and Out Lot 173;

Thence N 00°04'21" E, 66.00', to the South Line of South Franklin Street;

Thence S 89°30'36" E, 16.50' along said South line of South Franklin Street to the Southwest corner of Lot 9, and the East right of way line of said South Franklin Street;

Thence N 00°04'21" E, 131.76' along said East right of way line, to the South right of way line of West Badger Street;

Thence S 89°30'36" E, 132.00' along said South right of way line of West Badger Street, to the Point of Beginning, there terminating.

Said parcel contains 0.636 acres. Parcel subject to easements, restrictions and reservations in use or of record.

Part of Tax Parcel No. 34-19-82179

YOU ARE FURTHER NOTIFIED that the City Plan Commission will hold a Public Hearing on the request on Wednesday, May 1, 2019, at 5:15 P.M. in the Council Chambers, City Hall, 111 S. Main Street. The hearing will be for the purpose of giving an opportunity for any person interested, their attorneys or agents, to be heard.

Henry Veleker
City Administrator/Clerk

PUBLISH: April 11 and 18, 2019

Andrew Dane, Interim Development Director read the Public Hearing Notice into the record and explained that the Church of Christ, located at 215 W. Badger Street desires to expand their structure by adding a new auditorium, accessible restrooms and additional parking to accommodate future growth. A Special Use Permit is required to conform to all applicable regulations of the district in which the Church of Christ is located.

Mayor Smith asked for testimony in favor of the subject limiting comments to 3 minutes or less.

Hearing no testimony in favor of the subject Mayor Smith asked for testimony in opposition of the subject.

Hearing no further testimony in favor or testimony in opposition of the subject Mayor Smith declared the Public Hearing closed at 5:27 p.m.

Mayor Brian Smith, Chairperson
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**CITY OF WAUPACA
CITY PLAN COMMISSION**

**REGULAR MEETING
COUNCIL CHAMBERS, CITY HALL**

**WEDNESDAY, MAY 1, 2019
5:27 P.M.**

1. ROLL CALL

Present: Mayor Brian Smith, Chairperson, Ald. Eric Olson, Tracy Behrendt, Ald. Alan Kjelland, Pat Phair, John Kneer and Justin Berrens, Public Works Director

Absent: none

Others Present: Andrew Dane, Interim Development Director, Henry Veleker, City Administrator/Clerk, Tony Hoes, ADI Development Co. and Rod Cox, Cox and Associates Architects

2. APPROVAL OF AGENDA

MOVED by Comm. Phair **SECONDED** by Comm. Behrendt to **APPROVE** the Agenda with one handout. 7 ayes, 0 nays, 0 absent. **MOTION CARRIED** on a voice vote.

3. ANNUAL REVIEW OF THE CODE OF ETHICS

Reviewed and placed on file.

MOVED by Ald. Kjelland, **SECONDED** by Ald. Olson to **APPROVE** the Annual Review of the Code of Ethics. 7 ayes, 0 nays, 0 absent. **MOTION CARRIED** on a voice vote.

4. SPECIAL USE PERMIT / ADI DEVELOPMENT CO., 1020 W. FULTON ST

Tony Hoes, ADI Development Co. described ADI Development Co.'s request for a Special Use Permit to operate Domino's Pizza Restaurant at 1020 W. Fulton Street (formerly Arby's Restaurant) and agreed with the six conditions as listed in the Community and Economic Development Director's report. Mr. Hoes added the entire remodeling project should be completed within 60 days.

MOVED by Comm. Behrendt, **SECONDED** by Ald. Kjelland to **APPROVE AND RECOMMEND TO COUNCIL** the Special Use Permit for ADI Development Co., 1020 W. Fulton Street, Domino's Pizza Restaurant. 7 ayes, 0 nays, 0 absent. **MOTION CARRIED** on a voice vote.

**5. REZONING / CHURCH OF CHRIST OF WAUPACA, 215 W. BADGER STREET
(ORDINANCE NO. 04-19)**

Andrew Dane, Interim Development Director said that the current zoning for the Church of Christ of Waupaca, 215 W. Badger Street is B-2 Central Business District and Resource Conservation and the proposed zoning is B-2 Central Business District, adding that this is a partial rezoning of the second lot owned by the church.

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MOVED by Ald. Kjelland, **SECONDED** by Comm. Phair to **APPROVE AND RECOMMEND TO COUNCIL** the Rezoning Request from Church of Christ of Waupaca, 215 W. Badger Street (Ordinance No. 04-19). 6 ayes, 0 nays, 0 absent and 1 abstain (Ald. Olson). **MOTION CARRIED** on a voice vote.

6. SPECIAL USE PERMIT / CHURCH OF CHRIST OF WAUPACA, 215 W. BADGER STREET

The Church of Christ located at 215 W. Badger Street purchased the property to the west and demolished the existing house. Their intent is to build a new auditorium as well as accessible restrooms to accommodate for future growth. Additional parking is also included in their plans.

MOVED by Ald. Kjelland, **SECONDED** by Comm. Behrendt to **APPROVE AND RECOMMEND TO COUNCIL** the Special Use Permit Request from Church of Christ of Waupaca, 215 W. Badger Street. 6 ayes, 0 nays, 0 absent and 1 abstain (Ald. Olson). **MOTION CARRIED** on a voice vote.

7. SITE PLAN REVIEW / CHURCH OF CHRIST OF WAUPACA, 215 W. BADGER STREET

Andrew Dane, Interim Development Director said staff has concerns regarding the orientation of the proposed parking lot. The proposed ingress/egress may cause confusion for patrons entering and exiting the site. Rod Cox, Cox and Associates Architects stated the proposed 24-foot driveway is a one-way in and one-way out on S. Franklin Street and was open to include pavement marking arrows and signage to denote the one-way flow of traffic through the parking lot. There was general discussion on the best way to accomplish a natural flow of ingress and egress through the parking lot. There was general discussion on the wetland impact as well as drainage issues that could arise.

MOVED by Ald. Kjelland, **SECONDED** by Comm. Phair to **APPROVE** the Site Plan Review from Church of Christ of Waupaca, 215 W. Badger Street, adjusting Site Plan #4 to adjust flow of traffic through lot, add pavement marking arrows and possible signage. 6 ayes, 0 nays, 0 absent and 1 abstain (Ald. Olson). **MOTION CARRIED** on a voice vote.

8. ZONING CODE REWRITE UPDATE

Andrew Dane, Interim Development Director reported he is familiarizing himself with the previously planned process that had been set in place for the zoning code rewrite and attended the second Community Chat saying there were approximately 9 persons in attendance including staff. Mr. Dane felt that the December 2019 deadline that was set is unrealistic and recommended it be extended. There was general discussion on ways to get the community involved in the entire process and Comm. Phair recommended having a booth at Strawberry Fest.

9. REPORTS:

- a. **April 2019 Building Permits** - informational

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- b. **April 2019 Code Enforcement Status Report** - informational
- c. **Development Update** – Ruby’s Pantry is interested in moving their distribution center into the old Churney Cheese Building on W. Fulton Street and the current zoning code is not conducive to that type of business, staff is looking into this matter further.

10. ADJOURNMENT

MOVED by Ald. Kjelland, **SECONDED** by Comm. Behrendt, to **ADJOURN** the May 1, 2019 Regular City Plan Commission Meeting. 7 ayes, 0 nays, 0 absent. **MOTION CARRIED** on a voice vote.

The meeting adjourned at 6:11 p.m.

Mayor Brian Smith, Chairperson

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