

**Minutes  
Plan Commission Meeting  
June 13, 2016  
7:00pm**

Chair Busse called the meeting of the City of Monona Plan Commission to order at 7:00pm.

Present: Chair Alder Jim Busse, Mr. Grif Dorschel, Mr. Robert Stein, Mr. Chris Homburg, Ms. Kathy Thomas, Alder Brian Holmquist

Excused: Mr. Dale Ganser and Ms. Susan Fox

Also present: City Planner & Economic Development Director Sonja Reichertz

**Approval of Minutes**

A motion by Mr. Dorschel, seconded by Mr. Stein, to approve the minutes of May 23, 2016 carried with corrections.

**Appearances**

There were no appearances.

**Unfinished Business**

**A. Public Hearing on Façade Improvement Grant Project and Zoning Permit Request for Exterior Building Alterations for Rosy Cheeks and Co. at 6045 Monona Drive.**

Owner Mary Lou Reinwand stated that her application has not changed since the 5/23/16 prehearing conference and she was available for questions. There were no other appearances and the public hearing was declared closed.

**B. Consideration of Action on Façade Improvement Grant Project and Zoning Permit Request for Exterior Building Alterations for Rosy Cheeks and Co. at 6045 Monona Drive.**

Planner Reichertz explained that this item was reviewed on 5/23/16 where the Plan Commission determined improvements to be eligible under the program guide and the grant request was approved by Finance and Personnel on 6/6/16. Approval is recommended as written in the staff report.

A motion was made by Ms. Thomas, and seconded by Alder Holmquist, to approve a zoning permit and façade improvement grant program project for the property at 6045 Monona Drive, as proposed, according to Section 13-1-180 of the Monona Municipal Zoning Code, with the following Findings of Fact and Conditions of Approval:

Findings of Fact:

1. The property at 6045 Monona Drive is an eligible property to receive funding under the Façade Improvement Program.
2. The Plan Commission determined that the proposed plans and designs conform to the Urban Design Guidelines for Monona Drive and that the proposed

improvements are eligible projects as listed in the Façade Improvement Program guide.

3. The Finance and Personnel Committee reviewed the grant request on 6/6/16 and approved funding from Tax Increment Financing District #4 in the amount of \$8,593.00.

Conditions of Approval:

1. The project should be completed within 12 months of the Plan Commission approval.
2. Upon project completion, the applicant shall notify the City Planner to inspect the project for full compliance with the documents and approvals granted, and the City Planner and applicant will sign a Close-Out Form acknowledging successful completion and that the applicant has complied with all terms of the agreement with the City.
3. Upon receipt of the Close-Out Form, the applicant may submit the Reimbursement Request Form to the City Planner along with necessary documentation such as paid invoices and if found to be in compliance, the City will issue a reimbursement check to the applicant for the grant amount approved.

The motion carried.

**C. Public Hearing on a Zoning Permit Request for a New Restaurant, Breakwater, at the Former Location of Bourbon Street Grille, at 6308 Metropolitan Lane.**

Mr. Homburg abstained from this item.

Pamela Meicher, 6311 Winnequah Road, requested that Breakwater abide by the same considerations as Bourbon Street Grille in terms of speakers and lighting.

Chris Homburg, 5512 Woodridge Road, spoke for informational purposes. Mr. Homburg abstained from this item because he is a member of the Yacht Club and did not want his input at the last meeting to be construed as a special favor. He stated that Breakwater's application should be treated equitably and said he does not think the Plan Commission should retroactively reduce the restaurant capacity below what Bourbon Street Grille had because a restaurant was there before the code changed.

Bill Noltner, 4812 Winnequah Road, stated that he agrees with Mr. Homburg's statement and that if Breakwater is running a good business, he has no issues with their parking situation.

Brandon Reid was present representing Breakwater.

There were no other appearances and the public hearing was declared closed.

**D. Consideration of Action on a Zoning Permit Request for a New Restaurant, Breakwater, at the Former Location of Bourbon Street Grille, at 6308 Metropolitan Lane.**

Mr. Homburg abstained from this item.

Planner Reichertz explained that this item was previously reviewed on 05/23/16 and the parking situation was discussed. The Plan Commission gave consideration for a capacity credit during summer months due to the additional parking that would be available for those arriving by boat at the 13 available boat slips. Based on the amount of off-street parking available, her recommendation is to limit the capacity at 162 patrons during winter months and 214 during summer months for consistency with the zoning code. The summer months are defined as dates between April 15<sup>th</sup> and October 15<sup>th</sup>. This is reflected in the recommended findings of fact and conditions of approval written in the staff report. She added that she discussed this with the tenant and owner who felt this capacity was reasonable and appropriate for the amount of off-street parking available.

A motion was made by Ms. Thomas and seconded by Aldm. Holmquist to approve the zoning permit request.

Mr. Dorschel asked that the Commission discuss the parking situation and asked the applicant whether or not this adjustment was reasonable.

Brandon Reid, the applicant, said that the only negative would be if there was a private event at the restaurant like a wedding reception where they might need more parking.

Mr. Dorschel asked Staff what the previous capacity limitations were on the former Bourbon Street Grille. Planner Reichertz responded that the capacity was unclear in the records and that is why it was brought to the Plan Commission to review the full application to see if it was compliant with the parking regulations in the zoning code.

Ms. Thomas wanted to know who uses the street parking and thinks there should be flexibility in street parking if there is overflow from Breakwater. Planner Reichertz also mentioned that the zoning code requirements are meant to accommodate all users during the "normal course of events" and if the restaurant exceeds capacity occasionally, the patrons would use public street parking as overflow as other restaurants in the city do.

Mr. Dorschel asked about the previous provisions for music and noise for that location.

Staff read aloud the conditions of a 2008 permit for the former tenant Bourbon Street Grille regarding noise limitations which included:

1. The outdoor live music is limited to a five person group or quintet.
2. The outdoor live music shall be limited to any two (2) days of the week or two (2) occurrences.
3. The outdoor live music shall be limited to a maximum of 4 hours per occurrence including breaks.
4. The outdoor live music is allowed from 4 p.m. to 8 p.m. on weeknights and from 12 p.m. to 9 p.m. on weekends.
5. The outdoor live music shall be limited to live un-amplified music, except for light amplification of vocals and acoustic instruments and drums with brushes only (no drumsticks).
6. The type of music shall be limited to easy listening as proposed by the applicant.
9. If no complaints about the outdoor live music are received by the City of Monona, the Zoning Permit may be renewed by city staff.
12. Outdoor speakers shall point away from residential properties.

Mr. Stein asked Staff about the reasoning for not recommending these same limits in the staff recommendation for the new restaurant.

Planner Reichertz stated that she recommended conditions stating that the use must always comply with the standards of the noise ordinance regardless, and that outdoor live music be limited to 4 p.m. to 8 p.m. on weeknights and from 12 p.m. to 9 p.m. on weekends, as proposed by the applicant which is consistent with the permit for the previous tenant.

Chair Busse asked how the number of patrons was determined for those arriving by boat. Planner Reichertz responded that it was based off the application submitted which identified 13 slips with a capacity of 4 people per boat (52 people), which increased the summer capacity credit to 214.

The Fire Capacity was discussed. Alder Holmquist stated that it seems logical to increase the capacity based on the ample street parking available on Bridge Road. The difference between the staff recommendation of 162 people and the fire capacity of 261 requires about 33 parking spaces and there are about 32 on Bridge Road.

Alder Holmquist offered a friendly amendment to condition the approval on a total capacity of 261. The maker of the original motion accepted this amendment.

Mr. Dorschel said that because noise has been an issue with the previous restaurant, he wondered if the conditions should be more specific beyond simply listing the noise ordinance.

Brandon Reid then explained that Breakwater is not trying to go as far as the limitations for noise as listed in the ordinance. All sound will be cut off outside at 9 p.m. and live music is not something they are considering. He added that the Fire Department will be inspecting the space and may adjust the fire capacity. Chair Busse said the condition should then be whichever capacity is less.

Alder Holmquist expressed the need to consider the proximity of Breakwater to a residential area. He said neighbors and the business owner should be encouraged to resolve noise issues together.

Alder Holmquist offered a friendly amendment to add a condition of approval that states that the permit be automatically renewed by city staff if no complaints regarding outdoor noise are received within a year of zoning approval. The maker of the motion accepted.

Staff read aloud the motion on the table to approve a zoning permit for a new restaurant, Breakwater, at 6308 Metropolitan Lane, as proposed, and according to section 13-1-180 of the Monona Municipal Zoning Code with the following conditions of approval:

1. Approval of all required building permits shall be obtained.
2. The restaurant occupancy shall be limited to 261 patrons or the Fire Department capacity whichever is less.
3. Any amplified noise emitted from the patio shall comply with the decibel levels of Section 13-1-42(a) of the Zoning Code – Operational Use Performance Standards: Noise.
4. Outdoor live music is permitted from 4:00pm to 8:00pm on weeknights and from 12:00pm to 9:00pm on weekends.
5. If no complaints about outdoor live music are received from year to date of approval, city staff shall automatically renew the permit. If complaints are received then the permit shall return to Plan Commission for discussion and consideration.
6. Future signage shall be submitted for review and approval by the Plan Commission.

The motion carried.

**E. Plan Commission Review and Recommendation to City Council on Recodification Summary by General Code Regarding Land Use Legislation Sections of the Monona Municipal Code of Ordinances.**

This item was tabled for discussion to a future Plan Commission meeting.

**New Business**

**A. Consideration of Action on Wall Sign and Landscape Ground Sign Permit Requests for Rosy Cheeks and Co. and Sassy Chic Salons at 6045 Monona Drive.**

Property/Business Owner Mary Lou Reinwand described her signage request and presented drawings prepared by LaCrosse Sign Co. The ground sign is two-sided and lists each of the two businesses in the building. She also showed the wall sign identifying only Rosy Cheeks.

Planner Reichertz reported that these signs require Plan Commission approval because they are sign requests accompanying a zoning permit for a change in use. She noted concerns regarding the sign's legibility and visual clarity due to the script style font, letter size, and gradation of color making it difficult to read for drivers passing by on Monona Drive.

Mr. Homburg asked if the Commission is allowed to regulate these types of issues due to the Supreme Court rule regarding regulation of sign content. Reichertz replied that it could be a danger and distraction to drivers trying to read the sign from Monona Drive and that the City can uphold regulations that further a legitimate government purpose such as protecting the community's safety.

There was discussion regarding why only Rosy Cheeks was identified on the building sign and not the other business. Ms. Reinwand said she is moving the Rosy Cheeks wall sign from her current business location to this location, and that the second business will be identified with signage placed on the door window.

A motion was made by Mr. Stein, and seconded by Mr. Homburg, to approve the sign permit requests for a wall sign and landscape ground sign at 6045 Monona Drive, as proposed, according to Section 13-1-220 of the Monona Municipal Zoning Code.

Alder Holmquist commented and stated that if the sign for the other business is a second wall sign it will require Commission approval. Ms. Reinwand clarified that it is not another wall sign and it is applied directly to the glass like a window sign.

The motion carried.

**B. Public Hearing on a Zoning Permit Request for a 15,000 SF Building Addition for Wiedenbeck Inc., at 2451 Kilgust Road.**

Jane Young, Wiedenbeck Inc, provided background on the company and details of their request for two new building additions include an 11,300 SF warehouse addition and a 4,900 SF garage for truck storage. Dave Hamby of Tri-North Builders provided additional detail. He said the wooded area would be removed, and addition will be extended near the west property line. A stormwater drain system will pipe water around the building to an existing swale on South Towne Drive. The building addition color will match the existing building, and garage bay doors will not face South Towne Drive. They are seeking approval of both additions, but may only build the larger one first.

Darrin Pope, the City's consultant engineer from Vierbicher Associates Inc., presented his report on site layout and grading, utilities, erosion control and stormwater management, and vehicle circulation. He said the drainage pipe should not encroach into City ROW, areas need to be graded differently, and all parts of the building must be within 300' of a fire hydrant. The addition is not within the 300' radius and therefore a private hydrant must be installed at the owner's expense. The regional basin handles sediment removal and runoff control, and oil and grease control is not required. He has no vehicle circulation concerns. More detail on his review was provided in a letter.

There were no further comments and the public hearing was declared closed.

**C. Prehearing Conference on a Zoning Permit Request for a 15,000 SF Building Addition for Wiedenbeck Inc., at 2451 Kilgust Road.**

Planner Reichertz stated that a zoning permit is required for the proposed addition.

Alder Holmquist asked if all the landscaping would be removed even if the garage addition is not built. He added that there will be a larger visual impact because views of the truck loading area will no longer be screened from South Towne Drive.

Mr. Stein recommended erosion control measures on the southeast corner of the site.

Mr. Homburg recommended pulling the pipe further into the right of way to get closer to the storm system and add riprap. He asked for confirmation of whether the drainage swale empties into the wetlands; if so, it may need to be treated/cleaned first. He agreed with Alder Holmquist's comments about loss of landscape screening on the west side of the building. He said Wiedenbeck may need to adjust the building materials or add more landscaping. He noted that the plans show encroachment of pavement onto the property to the north; the Plan Commission cannot approve this without easement documentation. He cautioned Wiedenbeck about proximity of the MMSD sanitary sewer and that the applicant should notify MMSD of the proposed construction. He said the land disturbance exceeds an acre which requires a Notice of Intent (NOI) from the DNR; the DNR may require wetland delineation before NOI approval and the applicants should know this could take some time. Mr. Homburg reminded Wiedenbeck that if they choose not to construct the garage right away the zoning permit will expire after 6 months and they may have to come back for review. He also requested the percentage of green space on the site before and after the proposed addition.

Chair Busse suggested adding landscaping to the west elevation. He asked the applicants to make sure the LED lights are directed down so as not to cause glare issues.

There was no further discussion.

**D. Consideration of Wall Sign Permit Request for Wiedenbeck Inc. at 2451 Kilgust Road.**

Mary Beth Growney Selene of Ryan Signs presented plans for two proposed signs. One sign is located on the north building elevation and the second sign is location on the west elevation. Both signs are non-illuminated, individual acrylic cut letters. The sign on South Towne Drive will be 225 SF and they are requesting an exception to the sign code to exceed 150 SF of sign area on the building by 125 SF.

Planner Reichertz reported that approval is recommended with findings of fact and conditions listed in the staff report, because a larger sign is more in scale with the size of the building.

Mr. Homburg agreed that the smaller sign is too small given the dimensions of the building. Alder Holmquist and Mr. Stein agreed with the comments on the sign size, however, it was noted that if the

second addition (garage) is not built, the ratio of sign to wall area would change and the sign may no longer be an appropriate size.

The Commission requested Staff to provide information on the ratio of sign to wall face for the Gordon Flesch sign for comparison for the next meeting.

A motion to table was made by Ms. Thomas and seconded by Mr. Dorschel. The motion carried.

**E. Public Hearing on Zoning Permit Request for a New Garage to Replace an Existing Garage at 850 E Broadway, Hansen and Sons Chimney and Fireplace LLC.**

Property Owner Bill Noltner presented plans for a new garage for of Hansen and Sons Chimney and Fireplace LLC at 850 E Broadway which is a metal clearly building that includes two 12x12' overhead doors. He said he talked to Advantage and Best Defense regarding the required monitored alarm system. He said the new garage is not in the flood plain.

There were no other appearances and the public hearing was declared closed.

**F. Consideration of Action on Zoning Permit Request for a New Garage to Replace an Existing Garage at 850 E Broadway for Hansen and Sons Chimney and Fireplace LLC.**

Planner Reichertz commented that the garage requires a zoning permit as new construction/building addition and it is scheduled for action rather than a prehearing conference because of the relatively limited scope of work. If the Plan Commission determines more information is needed, the item may be tabled. Approval is recommended as listed in the staff report.

Mr. Homburg expressed his concern that that the proposed metal building does not meet standards for the East Broadway design district and that the garage and bay doors will be visible from the street . Ms. Thomas agreed and said it should be hidden more.

Alder Holmquist stated that the Plan Commission had similar concerns for a recent proposal for a Meineke Car Center at 1000 E Broadway and that they required the applicant to meet higher standards for building design. He said revisions to the plans could include building it in a different location, reorienting the building to hide the doors, or using different building materials.

Bill Noltner replied to comments stating that the metal garage is an improvement over the existing garage and that part of the garage is set behind the existing principal building, hiding it from view.

The Commission discussed moving the garage west so that the east edge of the garage aligned with the east edge of the principal building so that the garage and the bay doors would be hidden from view behind the principal building. The Commission discussed the amount of room needed for trucks to enter the garage, if the garage were to be moved west as noted above. The Commission discussed that if the setback was closer to the south lot line, that this would allow more room for trucks to maneuver into the garage.

Mr. Homburg said the setback for detached structures is 3 feet. Staff noted that this is true for the single-family and two-family districts but there is not a specific number listed in the Community Design District Zoning District. The Commission discussed further and noted that since the property south is a wetland and will not be developed, a one foot setback off the property line would be acceptable if the applicant can show it on a site plan based on the surveyor's stakes.

A motion was made by Ms. Thomas, seconded by Alder Holmquist, to approve a zoning permit for an 850 SF metal pole building/garage for the property at 850 E Broadway, as proposed, and according to Section 13-1-180 of the Monona Municipal Zoning Code with the following findings of fact and conditions of approval:

Findings of Fact:

1. The architectural materials are approved because it is an accessory building that has adequate screening from the public view on E Broadway.
2. The proposed structure is not located in the regulatory floodplain as shown on the submitted survey dated May 18, 2016.

Conditions of Approval:

1. The applicant shall obtain all other required state and local permits including building and electrical permits.
2. A monitored alarm system and Knox Box are required per the Fire Chief.
3. The existing garage shall be removed prior to granting of final occupancy permits.
4. The rear setback shall be no less than one foot from the south property line to the building.
5. The eastern most edge of the new garage shall be aligned with the eastern most edge of the existing principal building.

The motion carried.

**Reports of Staff and Commission Members**

**A. Staff Report Regarding Status of Development Project Proposals.**

The next meeting is June 27, 2016. Potential applications include a proposed 105' wireless communications tower in the South Towne Industrial Park at 2180 Industrial Drive and signage applications for the School District offices. Recodification sections of the Code will also be presented for Plan Commission approval.

**B. Plan Commission Requests for Information Concerning Development Projects.**

There were no questions.

**Adjournment**

A motion by Mr. Dorschel, seconded by Ms. Thomas, to adjourn was carried. (8:34 pm)

Respectfully submitted by:  
Sonja Reichertz, City Planner