

**VILLAGE OF DRESSER
PLAN COMMISSION MEETING
MONDAY, FEBRUARY 16, 2015**

The meeting was called to order by Bryan Beseler at 7:03 PM. Roll Call was taken: Bryan Beseler, Elina Kuusisto, Ann Mikl, Sandy Bassett, Jim Thanig, and Karl Beaupre. Paul Koski was absent. Also present Attorney Tim Laux, Jodi A. Gilbert-Clerk, Theresa Peterson, Bryan Raddatz(Fatboy), Scott Peckman, Lee & Barb Williamson, Gary Swager, Roger Humphrey and Greg Marsten–Intercounty Leader. No other public or press was in attendance.

Public Comments: Beseler called for public comments. Nothing was stated.

**PUBLIC HEARING ON CONDITIONAL USE PERMIT FOR THERESA
PETERSON**

Beseler called to order the public hearing at 7:05 pm. The public hearing will be tape recorded per Beseler. Public notice was published on 2/5/15 and 2/12/15, given to residents and posted at the Village Office, US Post Office, First National Community Bank, and Dresser Food & Liquor. Roll Call: Bryan Beseler, Elina Kuusisto, Ann Mikl, Sandy Bassett, Jim Thanig, and Karl Beaupre were all present. Paul Koski was absent. Announcement was made that there was a Quorum. Review of the Conditional Use Permit Application from Theresa Peterson took place. Beseler stated I open up the floor to any public comments. Nothing was stated for the record. Beseler turned the floor over to Peterson. Peterson stated I have been doing this for a couple of months a year ever since 1993. I work at the Osceola Medical Center and I do massage in the Rehab Department. When people can't get appointments or the times don't work for them I do some at my home. I do a few people at home in the extra bedroom. Beseler stated so you do this just part time. Peterson said yes – I love where I am at the Osceola Medical Center. This is just part time. Are there any other questions from the board? Bassett commented in talking to the neighbors there are some questions about where people are going to be parking. Peterson stated they are parking off the alley in front of the garage door. The car lines up with the garage. They are not parking in the alley. Bassett said OK that was the only issue I have heard in regards to this. Beseler stated I didn't talk to the neighbors, but if I lived next door I may want to see a sign so that people are not knocking on my door instead of where they should be going. Would you want to have a sign? Peterson stated I don't want a sign. Bassett agreed she doesn't need a sign. Any other questions? Beseler stated Laux keeps me out of trouble. When you read the definition of Home Occupation I just want to verify a few things. This business is being conducted by only members of the family – Peterson stated yes just me. We know that yes this is your residence. Are there any articles for sale? Peterson stated no. No stock in trade is sold or kept. No mechanical equipment. Peterson stated just my hands and the dog is the greeter. Beseler laughed he qualifies as a member of the family. Motion Beseler/Kuusisto to approve a Conditional Use Permit for Theresa Peterson to operate a massage business from her home at 210 N West Avenue with the condition that all parking is in the driveway and it not blocking the alley. Also hours of operation are as

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follows: Saturday 5-7 PM, Sunday 7am–noon, Wednesday 7am–7pm, and Fridays 7am–noon. Any other discussion to the motion. All in Favor. Motion Carried. Beseler adjourned the public hearing at 7:12 pm.

Gary Swager, Nine Pines LLC appeals the stop work order issued by Wert Inspection Agency by Keith Anderson on Monday, February 2, 2015 with respect to the property located at 321 State Street W in the Village of Dresser. The land owner requests, by way of appeal, a variance to certain provisions of the R2 Zone that presently govern the property. Swager handed out a bigger map that shows the plans for the area. I almost had heart failure when I seen the stop work order. I certainly didn't want to do anything that would cause concern. We have not done anything structurally to the building. I have some before and after pictures to show you. Our goal was to get rid of the eye sore—roofing and siding is what we have been doing. We have done nothing structurally inside the building. I don't want an enemy out of Wert's office. I apologize that my letter of petition is so vague. I was hoping to get a consensus between the neighbors, the Village Board and myself on what should happen with this property. I have reviewed the Single Family Ordinance, the Two Family Unit requirements and there is nothing about Condo Units in your Ordinances. Trying to find out if there is a variance required. For example if we had applied for a 4 unit apartment building these specific specs would have to be followed. If we plan for twin home condo's memory serves me right we are about 1,600 square feet short. By doing a 4 unit Condo Plat we would primarily avoid easements from the lot. We could use the existing garage. There would be one garage for each unit. I apologize on the variance wording. We had to make an application to get in front of the Plan Commission in order to bounce ideas back and forth. The Floor Plan is preliminary until we know what we are going to do. The other document in the packet is Roger and myself make our application based on your Comprehensive Plan. I have attached some of those things including a one sheet on affordability. You might see what our goal is. We are looking to make housing ownership available per capita. Are there any questions I can answer otherwise I will introduce Roger. Nothing was stated. Roger Humphrey from Nine Pines is here, and he is an engineer and land surveyor. He will talk about the Condo Plat itself. At this point are there any specific questions. Swager stated we are here to develop a piece of property that has sitting over the past years. I kept getting calls from the lender over the past couple of years. They would tell us what it foreclosed for. The price kept changing and it started over \$200,000.00. From the outside it may look like it is going to collapse, and I never actually went on the roof but from the inside things are great. There are no water stains. They had put ice and water down. The front porch was the only area they did not. Structurally it is sound. The material is not rotting down. They would come to us with a different price and we would go back and forth. Finally they let it go back for taxes and that is when we got involved. We were both convinced that we didn't have a monster on our hands. Next we talked with Jodi and we hoped to get enough done so people knew that we weren't going to walk away from the project. We have put in the windows but there has been no changes structurally. That is where we are at. Roger Humphrey was introduced. Humphrey stated Gary and I have done business for several years. We came up and took a look at this quite a while ago.

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Due to new subdivisions and the past economy dip this is what you are finding out there. We have looked at the other homes that are built in the area and Gary has looked at the zoning. We had this concept from the get go. When you look at your Comprehensive Plan and it is a good one this fits some of the objectives. Mixed uses, economical housing etc... This fits all of those. We were out at the property before the snow and did some field work. We talked to some of the neighbors. Everyone feels it is an eye sore. Gary has always said that it is a risk to do construction before approval. Our goal is to close it out and make it more appealing to the community. We are trying to get affordable housing and make things better. We understand how it reads on the agenda the Village needed to do legally. We are proposing a 4 unit Condominium. The house is plenty large—4,400 square feet. Things don't really make sense when you try to figure out what the previous owner was trying to do. We have looked at it several ways inside. We are looking for a variance since we are short on footage for 2 twin homes. With a 4 unit Condo you will have 4 single family homes and I don't know if we need a variance for that. Your Ordinance doesn't deal with that. We could look at a zoning change for a 4 unit Multi-Family Rental and still need 3,500 feet per unit. We have 28,400 square feet there. Beseler stated I am not opposed to a two family condo. Humphrey stated cross easements would be a nightmare due to location of garage. The petition is not real clear. If it is two twin homes does it need a variance? If a 4 unit Condo there are no requirements for lot square footage for a Condominium. Humphrey continued you may ask what a Condo is. A Condo is where 4 units are each individually owned. The yard would be common ground. You would have some common elements and some limited just to one particular unit. There would be an association where from money would be set aside for yard /snow plowing maintenance etc... Wisconsin Statutes allow Condos as a means of ownership. They are not a classification in a subdivision. What does this really mean? How do you want to look at it? This is including the entire property. No expansion of the existing building. Currently there are 2 driveways. Putting a line down the middle on a twin home would require two accesses. Once a Condo you can have one access – we are looking to keep it in tune with the surroundings. This big tree in front – our goal is to clean up the property. We need to address the garage and fix things up. It will look new when we are done. Does anybody have any questions? Beseler stated there are some legal concerns on where this is at. Laux stated this is in a R2 Zone. Single and Two Family. You want 4 families in there. If you were doing what the zoning allowed you wouldn't be here. The petition talks about what the issue is. This email from Cindy Swager saying 4 Unit Condo. You can have a Condo anywhere and it is not the Villages issue. You can't zone for a Condo. There are no special requirements. Not our issue. The issue is 4 families in a zone where you can have up to 2 families. Your request for a variance is a use variance. Are you asking for a use variance from a R2 to a R4 or R5 zone? We already have that type of zoning in other parts of the Village. Fundamentally you may be asking for a zoning change. Which would be a whole different approach. Can you force 4 families into a lot for 2 families? Swager stated we have a single family under State Statutes for Condo Platting - this is single family use. 4 Families. We have come to Plan Commission to work with you. Laux stated this is zoned single or two family. Swager stated use the term variance if we have two duplex twin homes then I would need 1,600 square feet on lot size. 800 per lot. You talk about

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Condo single family residential use in your Ordinance – if a Condo is platted what square footage is required. Laux stated that is illegal. How many families on the property?

Four. Are you asking to subdivide? Humphrey stated we came for rezoning we would have everyone excited. We have done quite a bit of this could we then do 8 – that doesn't fit with the neighborhood. Read your own Comprehensive Plan. Goal #1 from the Comprehensive Plan was read out loud. If we came in with a rezoning we could possibly do 8 or 9 units. That would get everyone involved and excited. There is Commercial next to it. We can see the gas station etc... We are thinking we are doing the right thing for the neighborhood. What is the best approach? The current Zoning is 1 or 2 Family and you want to do more. Beseler stated I appreciate it that you referenced our Comp Plan. I am well aware of the housing market in Dresser. We have a pretty good variety right now. This development would satisfy future needs. Dresser's needs are currently satisfied. I don't want to discourage future development to clean up the property.

Swager stated from day one we have wanted to get in front of the Plan Commission to exchange ideas. We needed to start somewhere. Beseler stated this discussion leads us back to the purpose of government. It is your responsibility to come to us with a plan for us to approve or make modification to. Not to pitch bad ideas. This is not our Plan. This property is zoned Single Family that allows R2. Swager stated in your experience if we recorded a 4 unit Plat with the State. Laux stated you have come here on a question I am having a hard time grasping what you are asking. Swager stated your Ordinance for Single Family is 8,500 square feet per unit/per lot. A twin home requires 1,500 square feet. Multi family 3,500 per unit. My questions to this board – what would we like to do – we would like to work with the Village. I believe I have the ability under single family zoning to do a Condo Plat and record it with the State. I can't find an Ordinance about having 4 units needing 3,500 square feet. Laux stated Condo is a form of ownership. You can have a Condo in a R1–R5 zone – it is not a Village issue. You will not find an Ordinance regarding this. The law doesn't allow the Village to do it. You are proposing 4 families in a zone that only allows 2. If you do that you deal with the building inspector. Do a 2 family project, put it on the market, and sell it. When you go to 4 units you need to totally split up the property. Apply for a zoning change. A variance like that- a use variance. You are not likely to get that. An area Variance has been encouraged by the Supreme Court to work with developers and to lean more in their favor. A use variance is a very high hurdle to clear and unlikely to get. If you want to apply for a zoning change then apply for a zoning change. You can just make this a one or two family structure – that is allowed. You want to go from 2 families to 4 families. Read what your agent put in the email regarding a variance - a 4 unit condo. You are looking at 4 families in a 2 family zone. Humphrey stated I think Gary's approach is that you can't subdivide with out a variance. You can't come in with a subdivision with a variance. We are trying to get to step 1. We can't spot zone. The property is adjacent to a commercial zone. My question is do you want us to do something with the property or is it OK like it is. We are investing in your community and trying to do the right thing. If we try to do a rezoning we would probably scare people with the density numbers. With a zoning ordinance the reality is that they don't work real well. Your comp plan tells you what you want to do. Laux stated the comprehensive plan doesn't override the municipal code. It is a guide line. We have 5 residential zones in Dresser already. I

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really think you are talking about a change of use. You would have to get a zoning change. You could come in with rezoning but you may be wasting our time. We are not upset to hear that. Swager continued all of my conversations with Jodi is what do we need to do you talk to someone. This Plan Commission is not hear to tell you how to manage your property. Our job is you come and tell us what you want to do and if the answer is no that doesn't slam the door – you would come back with something else. I am looking at the map and you are talking about a significant density ratio in a single or two family residential zone. You are next to highway commercial. Laux stated it is not our job to guess on your behalf on a new plan. Right now you can go forward with what is allowed single/two family. We don't care about the ownership. We needed a starting point. It is hard to ask for rezoning when a condo is single family. A 4 unit Condo doesn't work in a zone that can have only 2 families. Swager stated we are not looking to have anything approved tonight. Jodi needed an application to get in front of the Plan Commission. Laux state we are dealing with the chicken before the egg scenario. From the Villages point of view all of the things you may need are in the code. Laux continued Jodi has heard me say this – when a developer/land owner comes in give them the code. You do all of that – you will have to some additional work. That is where we start from. The answer to the process is in the code per Laux. Swager asked if any residents had any comments. Beseler stated the residents had a chance during public comments and nothing was stated. Thank you. Laux stated that the records should reflect that the variance request was withdrawn by petitioner. Swager agreed.

Consider proposal from Scott & Natalie Peckman/Bryan Raddatz – FB Contractors, Inc. for a new building to be constructed at 520 State Road 35 North. Raddatz stated they want to move forward with putting up a building. We don't want to deal with last minute deadlines. We want to address any concerns now. Does anyone have any questions? Bassett asked how is it going to affect the walking trail. Are we going to see dumpsters in the back of the building? The existing container on the property will be located on the East Side of Building so that it can not be seen from the Highway. This building is designed plenty big for future uses to make sure things aren't all over the place. With our site plan we are not planning on taking out too many trees. Most of that is brush and shrubbery. We are looking to keep the building as close to the highway as we can with parking. In the future any expansion would be to the east and north. We want our parking all out front. There is an existing driveway from the state. Beseler stated we want to be procedure wise, chat some, and set a date on the conditional use. Do you want modifications during the conditional use procedure? We want to know what your concerns are. Don't know if everything will fit in to the plan. Beseler stated I have made some notes. When I think of a steel access door with my non construction like brain I picture a solid door that I can't see through. Raddatz stated yes that is true. That is the only doors we have in the plans at this time. Beseler stated the main entrance for a customer is through a steel service door. My thought is making that some type of window door/glass. Raddatz stated these plans are very preliminary. The problem lies in security with what they are selling in there. There are security issues. Now coming from the State when plans are submitted we may have to have some type of glass so people don't bang into each other coming in and out. There are no doors on the East or South

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side of the building for security reasons also. Beseler asked what would the cost be to change the 3 foot wall panel on the West side to Stone/Brick. Raddatz stated it could be a \$10/\$15 per foot increase. Stone could run you \$20-\$50 per square foot increase. Beseler stated this was just one of my thoughts. I am going to assume you have a landscape plan and will be addressing lighting concerns. Beseler continued what about some kind of half wall to block the storage container from the walking trail. Raddatz stated for the container that is already there. Beseler stated yes. We had another business where we made them enclose the dumpster. Raddatz asked what is wrong with the container. Beseler stated it is – ugly. Peckman stated we have to have it. Beseler stated many municipalities require that containers are out of the line of site. Raddatz stated we don't have it here. Beseler stated but we do have a conditional use permit that does hold jurisdiction. I am only one of seven voting members though. Raddatz stated you want us to put up a 40 foot wall – what is any different then looking at the side of a building. I know of fences that look way worse then what they are trying to hide. Bassett asked is the container on the site plan. It would be located on the East side of the building. Kuusisto asked what about a natural barrier - trees or shrubby or something. Bassett stated people put up fences and after a while they don't look nice. Nobody is back there on a daily basis. Beseler asked does any body else have some thoughts. If you agree with my comments you could make a note for the record – Raddatz stated I don't agree. Beaupre stated I would rather see you spend money on the front of building versus the wall. Raddatz stated we have thought about that - spending a little more money on what is seen on the front. You have way more exposure on the front of the building. We may be required to do a door with half light. Beaupre stated I understand the security issues. This is not necessarily a discussion of what is required, but some of these things could be sticking points when we get to final conditional use approval. Beseler continued and read Ordinance 17.24 (3)(G). These are all of the things necessary for a conditional use permit to be issued. Raddatz asked are you looking for anything else from us tonight. We are in a catch 22 – we don't know if we should spend the money on drawings and start the State Plan process if we are going to be denied. Beseler stated we can't make a motion on it tonight, but the building concept was asked by this board of Mr. Peckman the last time we all talked. In my opinion the board would be looking to approve a building but may put some conditions on it through the permitting process. This should keep moving forward. Gilbert asked the Plan Commission when they would like to have a Public Hearing for a Conditional Use Permit for the Peckman Building. The Plan Commission agreed to meeting, Monday - March 16th at 7:00 PM.

No other business was discussed.

Motion Beseler/Bassett to adjourn at 8:30 PM. All in Favor. Motion Carried.

Jodi A. Gilbert, Clerk/Treasurer

These minutes have not been approved.