



## PLAN COMMISSION MEETING AGENDA

MONDAY, OCTOBER 24, 2022 AT 4:30 PM

COUNCIL CHAMBERS, SECOND FLOOR, MUNICIPAL BUILDING, 106 JONES STREET,  
WATERTOWN, WI

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**By Phone or GoToMeeting:** Members of the media and the public may attend by calling:  
1 866 899 4679 **Access Code:** 322-995-397 or <https://meet.goto.com/322995397>

All public participants' phones will be muted during the meeting except during the public comment period.

### 1. CALL TO ORDER

### 2. APPROVAL OF MINUTES

A. Review and take action: Site Plan Review minutes dated October 10, 2022

B. Review and take action: Plan Commission minutes dated October 10, 2022

### 3. BUSINESS

A. Conduct public hearing: 771 N. Church Street – Conditional Use Permit (CUP) request for exterior storage under Section 550-109D

B. Review and take action: 771 N. Church Street – Conditional Use Permit (CUP) request for exterior storage under Section 550-109D

C. Conduct public hearing: 771 N. Church Street – Conditional Use Permit (CUP) request for Indoor commercial entertainment under Sections 550-32B(2)(g) and 550-52H

D. Review and take action: 771 N. Church Street – Conditional Use Permit (CUP) request for Indoor commercial entertainment under Sections 550-32B(2)(g) and 550-52H

### 4. ADJOURNMENT

*Persons requiring other reasonable accommodations for any of the above meetings, may contact the office of the City Clerk at [mdunneisen@CityofWatertown.org](mailto:mdunneisen@CityofWatertown.org), phone 920-262-4006*

*A quorum of any City of Watertown Council, Committee, Board, Commission, or other body, may be present at this meeting for observing and gathering of information only*

**SITE PLAN REVIEW COMMITTEE**  
**October 10, 2022**

*Section 2, Item A.*

The Site Plan Review Committee met on the above date at 1:30 P.M. in the Council Chambers of City Hall as well as via GotoMeeting. The following members were present: Doug Zwieg, Maureen McBroom, Anthony Rauterberg, and Timothy Hayden. Also in attendance were Nikki Zimmerman and Sonja Kruesel of Vandewalle & Associates.

**1. Call to Order**

The meeting was called to order by Acting Chairperson Sonja Kruesel.

**2. Review and approve Site Plan Review Committee Minutes Dated September 26, 2022**

Motion was made by Doug Zwieg and seconded by Anthony Rauterberg to approve the September 26, 2022 Site Plan Review minutes as submitted. Unanimously approved.

**3. & 4. Review and take action: Exterior storage screened refuse container and Indoor Commercial Entertainment – Restaurant**

Since both items 3 and 4 were for the same property, both were combined to discuss at one time.

The applicant was not present so Acting Chairperson Sonja Kruesel gave a brief explanation of the proposed project. The applicant is looking to reopen the building at this property as a restaurant. The desire is to put a screened refuse container on the property as well.

The following was presented by city staff:

Zoning:	This will require a conditional use permit and will be going to the Plan Commission on October 24, 2022 for the public hearing. Parking requirements is one parking stall for every 3 seats in the restaurant. Further information on the dumpster will be required for the Plan Commission including setbacks.
Building:	A building permit will be required for the dumpster enclosure.
Stormwater:	If at any time 3,000 square feet or more of land is disturbed an erosion control/stormwater runoff permit will be required and if anything is done to the parking lot.

Motion was made by Doug Zwieg and seconded by Timothy Hayden to approve this item as submitted.

Unanimously approved.

**5. Adjournment**

Motion was made by Doug Zwieg and seconded by Maureen McBroom to adjourn. Unanimously approved.

Respectfully submitted,  
Nikki Zimmerman, Recording Secretary

**NOTE: These minutes are uncorrected, and any corrections made thereto will be noted in the proceedings at which these minutes are approved.**

**PLAN COMMISSION**  
**October 10, 2022 Minutes**

Section 2, Item B.

The Plan Commission met on the above date and time in the Council Chambers.

**The following members were present:** Mayor Emily McFarland (Chair), Jaynellen Holloway (Director of Public Works/City Engineer), Nick Krueger, Brian Konz, Alyse Talaga, James Romlein (Recording Secretary), and Ms. Sonja Kruesel of Vandewalle and Associates.

**The following members were absent:** Becky Huff

**Others joining online:** Tony Meyers, Jason Puestow, and Jacob Rosbeck.

**Citizens Present:** Eric Grunewald, McKenna Grunewald, Tina Crave, and Tony Thurow.

**1. CALL TO ORDER**

**Mayor McFarland opened the Commission at 4:32 p.m.**

**2. APPROVAL OF MINUTES**

**A. Review and take action: Site Plan Review minutes dated September 26, 2022**

**Motion to approve as published Tolaga, Second by Holloway.**

**Unanimous by voice vote**

**Mayor McFarland introduced Ms. Sonja Kruesel.**

Sonja Kruesel, Associate Planner with Vandewalle and Associates, is assisting the city with interim staff services due to vacancies left by the Zoning Administrator and the Strategic Initiatives Coordinator.

Ms. Kruesel provides current planning and development review services to numerous communities in southeastern Wisconsin.

Prior to joining Vandewalle & Associates in 2021, she served as the Planning Director/Zoning Administrator for the City of Fitchburg, and City Planner/Economic Development Director for the City of Monona.

She is also a Watertown native.



**Sonja Kruesel, AICP**  
**Associate Planner**  
**Vandewalle &**

**B. Review and take action: Plan Commission minutes dated September 26, 2022**

**Mayor McFarland called for a motion**

**Motion to approve as published Krueger, Second by Holloway**

**Unanimous by voice vote**

**3. BUSINESS**

Mayor McFarland requested that item B be advanced to facilitate discussion on issues. All Commissioners supported the change in the order of business.

**B. Review public hearing comments from October 4, 2022 Common Council and take action: 820 E. Main Street Planned Unit Development-General Development Plan**

Mayor McFarland provided the introduction and setup to the matter. Sonja Kruesel provided the background and confirmation of the specifics.

**Background:**

820 East Main Street is zoned Central Business (CB) and is identified in the 2019 Comprehensive Plan as having a future land use of Central Mixed Use. The property owner is looking to operate a Vehicle Repair & Maintenance land use. Vehicle Repair & Maintenance land use is not an allowable principle land use within the Central Business District.

**Relevant Information:**

The following information has been identified by the City of Watertown Zoning & Floodplain Administrator as pertinent to this action:

i. See attached letter & WD Times article

ii. Per Section § 550-34B:

*B. List of allowable principal land uses.*

*(1) Principal land uses permitted by right:*

- (a) Cultivation.*
- (b) Selective cutting.*
- (c) Passive outdoor public recreation.*
- (d) Active outdoor public recreation.*
- (e) Public services and utilities.*
- (f) Office.*
- (g) Personal or professional services.*
- (h) Indoor sales or service.*
- (i) Indoor maintenance service.*
- (j) Off-site parking lot.*

*(2) Principal land uses permitted as conditional use*

- (a) Clear-cutting.*
- (b) Indoor institutional.*
- (c) Outdoor institutional.*
- (d) Institutional residential.*
- (e) In-vehicle sales or service.*
- (f) Indoor commercial entertainment.*
- (g) Outdoor commercial entertainment.*
- (h) Commercial indoor lodging.*
- (i) Bed-and-breakfast establishments.*
- (j) Group day-care center (nine or more children).*
- (k) Central business apartments (greater than 12 dwelling units).*

iii. Flexibilities allowed by a Planned Unit Development under Section § 550-152B:

*B. Provision of flexible development standards for planned unit developments.*

*(1) Permitted location. Planned unit developments shall be permitted with the approval of a Planned Unit Development Overlay Zoning District specific to the approved planned unit development.*

*(2) Flexible development standards. The following exemptions to the development standards of the underlying zoning district may be provided with the approval of a planned unit development:*

- (a) Land use requirements. All land uses listed as "residential," "institutional" or "commercial" may be permitted within a planned unit development.*
- (b) Density and intensity requirements. All requirements listed for residential density and nonresidential intensity may be waived within a planned unit development.*
- (c) Bulk requirements. All residential and nonresidential bulk requirements may be waived within a planned unit development.*
- (d) Landscaping requirements. All landscaping requirements may be waived within a planned unit development.*
- (e) Parking and loading requirements. All requirements for off-street parking, traffic circulation, and off-street loading may be waived within a planned unit development.*

(f)

*Drainageway Overlay District requirements. All Drainageway Overlay requirements may be waived within a planned unit development.*

Section 2, Item B.

*(3) Requirements to depict all aspects of development. Only development which is explicitly depicted on the required site plan approved by the Common Council as part of the approved planned unit development shall be permitted, even if such development (including all aspects of land use, density and intensity, bulk, landscaping, and parking and loading) is otherwise listed as permitted. Requested exemptions from these standards shall be made explicit by the applicant in the application and shall be recommended by the Plan Commission and approved explicitly by the Common Council. If not so requested and approved, such exemptions shall not be permitted. Flexible development standards shall be limited to density and intensity bonuses of no greater than 25% higher than otherwise permitted by the MR-10 District, unless specifically granted by the Common Council, and shall be limited to reductions in bulk, landscaping, parking and loading requirements of no greater than 25% lower than otherwise permitted for the proposed land uses, unless specifically granted by the Common Council.*

**Recommendation: Positive recommendation of the proposed ordinance to the Common Council.**

Romlein commented on his visit to the facility which was in pristine condition, the positive support from neighbors, and the positive contribution to the community.

**Romlein moved a positive recommendation as recommended, Second by Krueger.  
Unanimous by voice vote.**

**Mayor McFarland observed to the Grunewald's that this item will be on the Council agenda next Tuesday 10/25/22 at 7 p.m.**

**Action Item: Include Public Hearing comments from in the Commissions packet.**

**A. Pre-application and concept plan review. 672 Johnson Street - Planned Development: Concept Plan**

Mayor McFarland provided a review of Plan Commission protocol where discussions of matters are simply feedback which are not binding and are only for consideration, or background setup.

Mayor McFarland then introduced Ms. Tina Crave to provide the Project Vision.

Ms. Tina Crave

I'm with the Greater Watertown Community Health Foundation.

This project is located at the recently purchased 672 Johnson Street the former AbleLight Corporate Center which is planned to be a multi-faceted community entity.

The lower level will include a YMCA express fitness center.

The Middle level will include a childcare center and a Head Start that will serve about 200 children.

The second floor will be office space providing shared space for a number of non-profits.

Because of the various uses it was suggested that we should adjust the zoning on that (6) acre property to Planned Unit Development.

We have, virtually, our Architects, our Construction Managers and some other expertise available to answer any questions you might have.

With Mayor McFarland's call for comments and questions, many of the Commissioners expressed their strong and sincere appreciation for this initiative which will serve our Watertown community.

Mayor McFarland shared that she had been associated with this project from early-on, worked on the project team, is also excited that we are at this development stage of the project.

Krueger asked for an explanation of the piece of the plan that required the need for a Planned Unit Development.

Ms. Sonja Kruesel

The property now is zoned planned office and institutional.

You could technically pursue conditional use permits for some of the initial uses that you are pursuing which include the childcare, that would be a continued use in that zoning district, as well as the express YMCA, and for the Fitness Center.

However, the Planned Unit Development (PUD), under my understanding, is being pursued for the overall mix of uses within the building, as well as future planned uses on the site.

In the future full YMCA expansion, part of the concept, includes outdoor athletic field or outdoor entertainment uses and that currently is not allowed anywhere in planned offices and institutional.

The PUD provides flexibility for the land use.

Mayor McFarland called for questions or comments, hearing none expressed closure to this phase of the project wherein Ms. Crave asked "What's Next"?

Kruesel provided a summary of the steps following and was asked by Mayor McFarland to email them to Ms. Crave.

Holloway advised that it is possible to conduct some of the steps in parallel to expedite the project.

Ms. Crave advised that they have purchased an adjacent eighty (80) acre parcel and will be working with Vandewalle and the City on a subarea plan for that property and looking to you for guidance in the development process.

Mayor McFarland summarized and closed the item.

**Background:**

672 Johnson Street is zoned Planned Office & Institutional and is identified in the 2019 Comprehensive Plan as having a future land use of Institutional.

**Relevant Information:**

The following information has been identified by the City of Watertown Zoning & Floodplain Administrator as pertinent to this action:

- i. The Planned Unit Development: Pre-Application process is outlined in Section § 550-152E:

*E. PUD Process Step 1: Preapplication conference.*

*(1) The applicant shall contact the Zoning Administrator to place an informal discussion item for the PUD on the Plan Commission agenda.*

*(2) No details beyond the name of the applicant and the identification of the discussion item as a PUD are required to be given in the agenda.*

*(3) At the Plan Commission meeting, the applicant shall engage in an informal discussion with the Plan Commission regarding the potential PUD. Appropriate topics for discussion may include the location of the PUD, general project themes and images, the general mix of dwelling unit types and/or land uses being considered, approximate residential densities and nonresidential intensities, the general treatment of natural features, the general relationship to nearby properties and public streets, and relationship to the Comprehensive Plan.*

*(4) Points of discussion and conclusions reached in this stage of the process shall in no way be binding upon the applicant or the City but should be considered as the informal nonbinding basis for proceeding to the next step.*

- ii. The Planned Unit Development: Concept Plan process is outlined in Section § 550-152F:

## F. PUD Process Step 2: Concept plan.

- (1) *The applicant shall provide the Zoning Administrator with a draft PUD concept plan submittal packet for a determination of completeness prior to placing the proposed PUD on the Plan Commission agenda for concept plan review. This submittal packet shall contain all of the following items, prior to its acceptance by the Zoning Administrator and placement of the item on a Plan Commission agenda for concept plan review:*
  - (a) *A location map of the subject property and its vicinity at 11 inches by 17 inches, as depicted on a copy of the City of Watertown Land Use Plan Map.*
  - (b) *A general written description of the proposed PUD, including:*
    - [1] General project themes and images;*
    - [2] The general mix of dwelling unit types and/or land uses;*
    - [3] Approximate residential densities and nonresidential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;*
    - [4] The general treatment of natural features;*
    - [5] The general relationship to nearby properties and public streets;*
    - [6] The general relationship of the project to the Comprehensive Plan; and*
    - [7] An initial draft list of zoning standards which will not be met by the proposed PUD and the location(s) in which they apply and a complete list of zoning standards which will be more than met by the proposed PUD and the location(s) in which they apply shall be identified. Essentially, the purpose of this listing shall be to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit and in regard to the mitigation of potential adverse impacts created by design flexibility.*
  - (c) *A written description of potentially requested exemptions from the requirements of the underlying zoning district, in the following order:*
    - [1] Land use exemptions.*
    - [2] Density and intensity exemptions.*
    - [3] Bulk exemptions.*
    - [4] Landscaping exceptions.*
    - [5] Parking and loading requirements exceptions.*
  - (d) *A conceptual plan drawing (at 11 inches by 17 inches) of the general land use layout and the general location of major public streets and/or private drives. The applicant may submit copies of a larger version of the "bubble plan" in addition to the 11 inches by 17 inches reduction.*
- (2) *Within 10 working days of receiving the draft PUD concept plan submittal packet, the Zoning Administrator shall determine whether the submittal is complete. Once the Zoning Administrator has received a complete packet, the proposed PUD concept plan shall be placed on the Plan Commission agenda.*
- (3) *At the Plan Commission meeting, the applicant shall engage in an informal discussion with the Plan Commission regarding the conceptual PUD. Appropriate topics for discussion may include the any of the information provided in the PUD*

concept plan submittal packet or other items as determined by the Plan Commission.

(4) Points of discussion and conclusions reached in this stage of the process shall in no way be binding upon the applicant or the City but should be considered as the informal nonbinding basis for proceeding to the next step. The preferred procedure is for one or more iterations of Plan Commission review of the concept plan to occur prior to introduction of the formal petition for rezoning which accompanies the general development plan (GDP) application.

iii. Outdoor Commercial Entertainment is not an allowed principal land use for Planned Office & Institutional.

C. Review public hearing comments from October 4, 2022 Common Council and take action: 2002 Airport Road request to rezone the western portion from “Multi” to “General”

Mayor McFarland opened the item.

Sonja Kruesel provided the background setup:

Jacob Rosbeck (purchaser) and Thomas Funk (property owner) are looking to rezone the western 15.10-acres of 2002 Airport Road. 2002 Airport Road is a 28.50-acre parcel that is currently zoned “Multi-Use”. Jacob Rosbeck is proposing to rezone the western 15.10-acres of 2002 Airport Road to General Business (GB). Once rezoned, the rezoned portion of 2002 Airport Road will be split via a Certified Survey Map. Jacob Rosbeck is looking to develop a Personal Storage Facility on the 15.10-acre portion of 2002 Airport Road.

Relevant Information:

The following information has been identified by the City of Watertown Zoning & Floodplain Administrator as pertinent to this action:

- i. See attached Future Land Use Map and proposed CSM
- ii. 2002 Airport Road is identified in the 2019 City of Watertown Comprehensive Plan as having a future land use of Planned Mixed Use. Planned Mixed Use is allowed to be rezoned to the following:

Figure 7.7 Future Land Use and Existing Zoning Districts Translation	
Future Land Use Category	Associated Zoning District
Agriculture	Outside of the City Limits
Single-Family-Exurban	Countryside Residential-10, Exurban Residential-1, Outside of the City Limits
Single-Family-Urban	Single-Family Residential-4
Two-Family	Two-Family Residential-6
Multi-Family	Multi-Family Residential-8, Multi-Family Residential-10, and Senior Residential
Planned Neighborhood	All Residential Districts, Neighborhood Office, and Neighborhood Businesses
Neighborhood Mixed-Use	Neighborhood Office, Neighborhood Business, and all Residential Districts
Planned Mixed-Use	All Office, Commercial, Institutional, and Multi-Family Residential Districts, plus the Planned Industrial and Planned Development Districts
Riverside Mixed-Use	All Office, Commercial, Institutional, and Residential Districts, plus the Planned Development District
Central Mixed-Use	Central Business
Mixed Industrial	Planned Industrial, General Industrial, and Heavy Industrial
Institutional	All Districts
Airport	Planned Industrial
Parks and Recreation	All Districts
Environmental Corridor	All Districts

iii. Planned mixed use is defined in the 2019 City of Watertown Comprehensive Plan as follows:

**Planned Mixed Use.** This future land use category is intended to facilitate a carefully controlled mix of commercial and residential uses on public sewer, public water, and other urban services and infrastructure. Planned Mixed Use areas are intended as vibrant urban places that should function as community gathering spots. This category advises a carefully designed blend of Multi-Family Residential, Office, Business, Industrial, and Institutional land uses. This may include high-quality indoor professional



office uses, health care facilities, indoor retail, commercial services, community facilities, outdoor display, and light industrial uses. Planned Mixed Use areas have been designated in several different areas throughout the City's Future Land Use maps, most along major commercial corridors and near highway interchanges.

In particular, the STH 26 Bypass interchange at STH 19 on the far west side of the City is an example of an area where a desired mix of future uses centers around additional commercial activity, similar to development trends along South Church Street. This area has been prioritized for future commercial development because of its visibility from the STH 26 Bypass, the number of visitors using the interchange to attend the various tournaments and events at Brandt-Quirk Park, and the fact that it is a community entryway with direct access to downtown and the core of the City.

The best option for future zoning of the lands mapped under the Planned Mixed-Use future land use category is often a Planned Development (PD) zoning district. This district allows the desired mix in uses and provides flexibility in layout, in exchange for superior design. The zoning is tied to City approval of a specific plan for the project. Alternatively, a mix of the City's MR-8, MR-10, PB, PI, and PO zoning districts may also be appropriate for areas within this future land use category.

#### **Policies and Programs:**

- i. Grant development approvals only after submittal; public review; and approval of site, landscaping, building, signage, lighting, stormwater, erosion control, and utility plans.
- ii. Place parking lots behind buildings and screen from public view all service areas, loading areas, mechanical equipment, and trash receptacle storage areas from less intensive land uses to the greatest degree possible.
- iii. Develop conceptual plans for Planned Mixed Use areas as a starting point for individual redevelopment plans.
- iv. Promote shared driveway access and shared parking spaces whenever possible.
- v. Design street and driveway access to minimize traffic congestion by limiting the number of and ensuring adequate spacing between access points.
- vi. Provide clear and safe pedestrian walkways and bicycle routes that are separated from vehicular traffic areas.
- vii. Require Stormwater Best Management Practices and low impact development strategies to minimize any adverse impacts to the watershed.
- viii. Generally, adhere to the design guidelines listed below when reviewing proposals for Planned Mixed Use:
  - Promote multi-story buildings, generally with more active uses on first floor and multi-family residential uses above the ground floor.
  - Design buildings and sites oriented toward pedestrians not automobiles.
  - Locate parking on streets, to the rear of buildings, and/or in parking structures.
  - Orient building entrances to street with minimal front setbacks.
  - Incorporate amenities such as benches, fountains, and canopy shade trees into commercial projects whenever possible.
  - Encourage the use of canopies, awnings, trellises, roof overhangs, recessed entryways, and arcades to add visual interest to building facades.
  - Support the use of multi-planed, pitched roofs to avoid the monotony of larger-scale buildings.
  - Promote the use of high-quality landscaping treatment of bufferyards, street frontages, paved areas, and building foundations, and require parking lots to be heavily landscaped.
  - Require high quality signage that is not excessive in height or total square footage.

#### **Recommendation: Positive recommendation of the proposed ordinance to the Common Council.**

Mayor McFarland observed that Jacob Rosbeck was online and available for questions.

Holloway observed that there may be a future requirement of a future road and expressed concern.

Kruesel observed that during the future action on this property the as the specifics are established, the issues of a road access would be an appropriate action.

**Mayor McFarland called for further discussion and a motion.  
Motion to approve by Krueger, Second by Romlein  
Unanimous approval by voice vote.**

**Mr. Rosbeck advised that there are plans for a future roadway and that will be addressed in the next action, that others will be buying the property and this is a maintenance activity until the sale.**

**Mayor McFarland confirmed that it would be next Tuesday at 7 p.m.**

**D. Review public hearing comments from October 4, 2022 Common Council and take action: Amend Section § 550-131.1A(8) - Electronic Message Center Setbacks**

Mayor McFarland opened the item noting that during the public hearing one supporting comment was received.

Sonja Kruesel provided the background setup.

**Background:**

Currently there are several pre-existing backlit and/or internally illuminated signs that are found throughout the City of Watertown. These signs often abut residentially zoned properties and are associated with Institutional Land Uses, especially changeable copy signs. These signs and the proposed allowance to Electronic Message Centers must meet the exterior lighting performance standard.

**Relevant Information:**

The following information has been identified by the City of Watertown Zoning & Floodplain Administrator as pertinent to this action:

- i. Current Section § 550-131.1A(8) language:

*(8) In addition to the setback requirements of this chapter, no electronic message sign shall be located within 100 feet of any parcel within a residential zoning district.*

- ii. See attached ordinance

This issue has received attention in May meeting as it progressed through the codification process and members of the Commission are very familiar with the issues.

- iii.

A general discussion followed where the Commissioners reviewed the facts and the future application of this action.

Mr. Thurow provided an additional commentary on the origin of the requested action and the envisioned application on the sign that will be replaced.

Members of the Commission expressed support and cited benefits for future applications of the action in this initiative on future signs that will be of benefit to citizens,

**Recommendation:**

**Positive recommendation of the proposed ordinance to the Common Council.**

**Mayor McFarland called for discussion and a motion.  
Motion by Holloway to approve as recommended, Second by Krueger  
Unanimous approval by voice vote**

**E. Review public hearing comments from October 4, 2022 Common Council and take action: Amend Section § 550-56C - Accessory Land Use, Detached Residential Garage, Carport, Utility Shed, Play Structure, or Lawn Ornament**

Sonja Kruesel provided the background setup:

Plan Commission has seen an increase in Conditional Use Permits for residential accessory structures. These Conditional Use Permits are granted as the developer meets the “substantial evidence” requirement of Wis. Stat. § 62.23(7)(de)1.b. In essence the City of Watertown is charging \$500 for a permit that acts solely as a financial encumbrance to the developer.

**Relevant Information:**

The following information has been identified by the City of Watertown Zoning & Floodplain Administrator as pertinent to this action:

i. Current language of Section § 550-56C:

C. *Detached residential garage, carport, utility shed, play structure, or lawn ornament. Description: A private residential garage, carport or utility shed is a structure which primarily accommodates the sheltered parking of a passenger vehicle and/or the storage of residential maintenance equipment of the subject property. Walks, drives, paved terraces and purely decorative garden accessories such as ponds, fountains, statuary, sundials, flagpoles, etc., shall be permitted in setback areas but not closer than three feet to an abutting property line other than a street line. For the purposes of this section, children's play structures, including playhouses or elevated play structures and climbing gyms, shall be considered accessory structures and shall comply with the requirements of this section whether such play structures are placed on a foundation or not. Swing sets, slides and sandboxes are not considered children's play structures for purposes of this section. A building permit is not required for construction of a play structure. Play structures shall not be used for storage or be constructed out of materials that would constitute a nuisance. It may be located on the same lot as a residential unit or units or on a separate lot in conjunction with a residential land use. See § 550-85 for requirements applicable to legal nonconforming garages. Garages, carports and utility sheds in excess of 1,000 square feet of gross floor area, or which exceed 30% coverage of the rear yard area, or which exceed the lot coverage of the principal structure, are not permitted in residential districts except as conditional uses in the RH and ER-1 Districts. (Also, see the first paragraph of this section.)*

(1) Regulations.

- (a) One attached or detached garage and two accessory structures shall be permitted by right.
- (b) A conditional use permit is required for:
  - [1] A combination of accessory structures exceeding a total of 1,000 square feet; or
  - [2] More than two accessory structures.

ii. See attached ordinance.

**Recommendation:**

**Positive recommendation of the proposed ordinance to the Common Council.**

**Motion to approve by Holloway, Second by Tolaga**

**Unanimous approval by voice vote**

**4. ADJOURNMENT**

Motion to Adjourn by Romlein, Second by McFarland

Unanimous approval by Voice Vote

Meeting closed at 4:52 p.m.

Respectfully Submitted,  
James W. Romlein Sr. PE  
Recording Secretary

***Note: These meeting notes are uncorrected, and any corrections made will thereto be noted in the proceedings at which these minutes are approved.***

**From:** Jonathan Lampe <[JLampe@CityofWatertown.org](mailto:JLampe@CityofWatertown.org)>  
**Sent:** Friday, October 7, 2022 1:57 PM  
**To:** Megan Dunneisen <[MDunneisen@CityofWatertown.org](mailto:MDunneisen@CityofWatertown.org)>  
**Subject:** Written submission for plan commission October 24 public hearing

Megan, could you please forward this to the plan commission for October 24's public hearing.

Commissioners,

As Alderperson for Watertown District 2 I would like to endorse the proposed uses before you for the Flores-Martinez project at 711 N. Church St. The Spaulding/Church St. area is home to a healthy and mixed cluster of businesses, including a bar, a real estate office, a tank depo, a veterinarian and several trades. The addition of a new restaurant would be welcomed by District 2 residents, business employees, and people headed to the high school or north out of town. Furthermore, this is an opportunity to reactivate an otherwise idle commercial space, and this business will likely increase employment and activity in the area.

Regards,

Jonathan Lampe

- City of Watertown District 2 Alderperson
- Serving on Finance, Tourism, Health and Library (Through Apr 2023)

- [jlampe@cityofwatertown.org](mailto:jlampe@cityofwatertown.org) - 920-248-0656 (cell/text)

## 771 N. Church Street – Exterior Storage CUP

### Background:

Vicente Flores-Martinez, applicant, and Flores Martinez Enterprises, LLC (Vicente Flores-Martinez, registered agent & property owner), are proposing screened refuse containers at 771 N. Church Street. 771 N. Church Street is zoned Planned Business (PB).

### Relevant Information:

The following information has been identified by the City of Watertown as pertinent to this action:

#### 1. Under Section § 550-109D

*Requirements for exterior storage in nonresidential districts. In all office, commercial and industrial zoning districts (see § 550-17 for a listing of these districts), all materials, equipment and trailers shall be stored within a completely enclosed building, except for the following, which shall not be located within any front yard or required street yard (except for vehicles and/or trailers in designated parking spaces) and shall be stored a minimum of five feet from any and all property lines: screened refuse containers; construction materials, landscape materials and related equipment associated with on-site construction; and off-street parking. Such exterior storage shall require a conditional use permit per § 550-142. [Amended 8-18-2015 by Ord. No. 15-31]*

### Decision:

Under 2017 Wisconsin Act 67:

62.23 (7) (de) Conditional use permits.

#### 1. In this paragraph:

- a. "Conditional use" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a city, but does not include a variance.
- b. "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

2.
  - a. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the city ordinance or those imposed by the city zoning board, the city shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.
  - b. The requirements and conditions described under subd. 2. a. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the city relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The city's decision to approve or deny the permit must be supported by substantial evidence.
3. Upon receipt of a conditional use permit application and following publication in the city of a class 2 notice under ch. 985, the city shall hold a public hearing on the application.

4. Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the city may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the city zoning board.
5. If a city denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures contained in par. (e) 10

Criteria	Applicant Provided Substantial Evidence		Opponent Provided Substantial Evidence		PC Finds Standards Met	
If located on the same side of the building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 150 feet, or as far as possible, of a residentially zoned property	Yes	No	Yes	No	Yes	No

If Plan Commission answers "no" to the last of the questions, above, the CU permit must be denied.

Criteria	Applicant Provided Substantial Evidence		Opponent Provided Substantial Evidence		PC Finds Standards Met	
Facility shall provide bufferyard with minimum opacity of 0.60 along all borders of the property abutting residentially zoned property (see § 550-99).	Yes	No	Yes	No	Yes	No

If Plan Commission answers "no" to the last of the questions, above, the CU permit must be denied.

Criteria	Applicant Provided Substantial Evidence		Opponent Provided Substantial Evidence		PC Finds Standards Met	
One space per every three patron seats or lockers (whichever is greater) or one space per three persons at the maximum capacity of the establishment (whichever is greater).	Yes	No	Yes	No	Yes	No

If Plan Commission answers "no" to the last of the questions, above, the CU permit must be denied. Otherwise, proceed to the condition of approval.

### Options:

These are the following options, but not limited to, for the Plan Commission based on the information received by the City of Watertown Zoning & Floodplain Administrator:

1. Deny the Conditional Use Permit, based on failure to provide substantial evidence to meet one or more of the regulatory standards.
2. Approve the Conditional Use Permit without conditions, based on successfully providing substantial evidence of regulatory compliance.
3. Approve the Conditional Use Permit with conditions as identified by the Plan Commission.

## 771 N. Church Street – Indoor Commercial Entertainment CUP

### Background:

Vicente Flores-Martinez, applicant, and Flores Martinez Enterprises, LLC (Vicente Flores-Martinez, registered agent & property owner), are proposing to operate a restaurant at 771 N. Church Street. 771 N. Church Street is zoned Planned Business (PB).

### Relevant Information:

The following information has been identified by the City of Watertown as pertinent to this action:

#### 1. Under Section § 550-32B(2)(g)

*(2) Principal land uses permitted as conditional use (per § 550-45B):*

- (a) Clear-cutting.*
- (b) Indoor institutional.*
- (c) Outdoor institutional.*
- (d) Institutional residential.*
- (e) Outdoor display.*
- (f) In-vehicle sales or service.*
- (g) Indoor commercial entertainment.***
- (h) Commercial animal boarding.*
- (i) Commercial indoor lodging.*
- (j) Bed-and-breakfast establishments.*
- (k) Group day-care center (nine or more children).*
- (l) Vehicle repair and maintenance.*

#### 2. Under Section § 550-52H:

*H. Indoor commercial entertainment. Description: Indoor commercial entertainment land uses include all land uses which provide entertainment services entirely within an enclosed building. Such activities often have operating hours which extend significantly later than most other commercial land uses. Examples of such land uses include restaurants, taverns, theaters, health or fitness centers, all forms of training studios (dance, art, martial arts, etc.), small-scale alcoholic beverage production, bowling alleys, arcades, roller rinks, and pool halls.*

##### *(1) Regulations:*

- (a) If located on the same side of the building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 150 feet, or as far as possible, of a residentially zoned property.*
- (b) Facility shall provide bufferyard with minimum opacity of 0.60 along all borders of the property abutting residentially zoned property (see § 550-99).*
- (2) Parking requirements. One space per every three patron seats or lockers (whichever is greater) or one space per three persons at the maximum capacity of the establishment (whichever is greater).*

**Decision:**

Under 2017 Wisconsin Act 67:

62.23 (7) (de) Conditional use permits.

## 1. In this paragraph:

- a. "Conditional use" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a city, but does not include a variance.
  - b. "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.
- a. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the city ordinance or those imposed by the city zoning board, the city shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.
  - b. The requirements and conditions described under subd. 2. a. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the city relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The city's decision to approve or deny the permit must be supported by substantial evidence.
3. Upon receipt of a conditional use permit application and following publication in the city of a class 2 notice under ch. 985, the city shall hold a public hearing on the application.
  4. Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the city may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the city zoning board.
  5. If a city denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures contained in par. (e) 10

Criteria	Applicant Provided Substantial Evidence		Opponent Provided Substantial Evidence		PC Finds Standards Met	
If located on the same side of the building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 150 feet, or as far as possible, of a residentially zoned property	Yes	No	Yes	No	Yes	No

If Plan Commission answers "no" to the last of the questions, above, the CU permit must be denied.

Criteria	Applicant Provided Substantial Evidence		Opponent Provided Substantial Evidence		PC Finds Standards Met	
Facility shall provide bufferyard with minimum opacity of 0.60 along all borders of the property abutting residentially zoned property (see § 550-99).	Yes	No	Yes	No	Yes	No



*If Plan Commission answers “no” to the last of the questions, above, the CU permit must be denied.*

Criteria	Applicant Provided Substantial Evidence		Opponent Provided Substantial Evidence		PC Finds Standards Met	
	Yes	No	Yes	No	Yes	No
One space per every three patron seats or lockers (whichever is greater) or one space per three persons at the maximum capacity of the establishment (whichever is greater).	Yes	No	Yes	No	Yes	No

*If Plan Commission answers “no” to the last of the questions, above, the CU permit must be denied. Otherwise, proceed to the condition of approval.*

### Options:

These are the following options, but not limited to, for the Plan Commission based on the information received by the City of Watertown Zoning & Floodplain Administrator:

1. Deny the Conditional Use Permit, based on failure to provide substantial evidence to meet one or more of the regulatory standards.
2. Approve the Conditional Use Permit without conditions, based on successfully providing substantial evidence of regulatory compliance.
3. Approve the Conditional Use Permit with conditions as identified by the Plan Commission.