

2019-05-15 Joint Meeting Minutes:

Present: Irv Snyder, Fred Iausly, Jason Falteisek

Joel Marcus, Ed Lilla, Gene Hausner, David Saperstein, Greg Prem, Michael Broh

Absent: Brad Hutnik

Others Present: Don Greenwood, Erin Rasmussen, Amy Rasmussen, Bonnie Bindl, Joe Bindl, Aaron Holverson, Kevin Bauer, Mary Bailey, Curtis Bailey

Item 1: The joint meeting was called to order at 7:26 PM by Marcus.

Item 2: Prem was appointed minute taker without objection.

Item 3: Motion by Fred Iausly, seconded by Michael Broh, to approve the agenda. Motion passed with all in favor.

Item 4: Motion by Gene Hausner, seconded by David Saperstein, to approve the plan commission hearing minutes from 3/20/2019. Motion passed with all in favor.

Item 5: Motion by Fred Iausly, seconded by Irv Schneider, to approve the minutes of the joint meeting of the JEZC, plan commission and DDC from 3/20/2019. Motion passed with all in favor.

Item 6: Motion by Gene Hausner, seconded by Ed Lilla, to convene as the plan commission at 7:30 PM. Motion passed with all in favor.

Item 7: A letter received from Rick Meixelsperger, a business owner in the downtown area, was read to the committee. Meixelsperger feels that the proposed location is not appropriate for a winery. Joel Marcus contacted the village of Mount Horeb regarding Fisher King Winery. He spoke with the village clerk; she stated that she was not aware of any complaints regarding the operation of the winery. Marcus also Google searched for complaints regarding micro winery operations but only found information regarding communities looking to attract such uses. He found recommendations for storage of waste products. He also stated the village is responsible for enforcing nuisance ordinance for any orders. David Saperstein inquired further regarding the question of water usage and potential sanitary sewer impact. Erin Rasmussen advised that steps are used to reduce water usage, therefore limiting the impact. Erin stated that the water is used for cleaning purposes only. Joel Marcus stated that there should be no concerns regarding the sewer and water capacity. Ed Lilla suggested that the Public Works can ask for samples and request additional information regarding the discharge when the hook up process occurs. Lilla further stated that he feels an eating and drinking establishment, which is already permitted, would have more impact on the area than a winery.

Lilla offered the following points for consideration for the conditional use permit: provide direction regarding waste pick up, hours of operation, and outdoor seating.

Marcus indicated that his research from other communities had the following advice: that the facility be licensed by the state, no outdoor storage, all vineous production occur indoors, and that odors and noise shall be regulated by the village nuisance ordinance. Broh offered these points for consideration: hours of operation should be within state guidelines, waste should be stored in sealed containers and the applicant must comply with a nuisance ordinance. Marcus agreed all waste must be removed in a timely manner.

Broh motioned, with a second by Hausner, to approve the conditional use application with the following stipulations:

1. The micro-winery shall manufacture and sell within accordance of Wisconsin state statutes and administrative code and shall maintain all required licenses.
2. All solid waste shall be stored in enclosed containers and disposed of on a regular basis to avoid creating a nuisance for the neighbors.
3. Operations shall be in compliance with the village nuisance ordinances.
4. The conditional use permit shall be effective for Erin Rasmussen upon ownership of stated property. The conditional use will require renewal upon sale of the property.

Motion passed with all in favor.

Item 8: Don Greenwood explained to the committee that it is his responsibility as the zoning administrator to investigate complaints regarding zoning matters. He had received information regarding two observations for the property located at 302 S. Lexington St.

One was the stairway protruding into the alley between South Lexington and Baltimore. The second was in regard to a residential use happening within an accessory building on the property. Greenwood advised that he had looked into these complaints and after finding them to have reasonable validity was now looking for direction from the plan commission as prescribed by the zoning ordinance.

Lilla asked the homeowner how long the steps have been in place, the homeowner responded that the steps have been there for approximately two years. The homeowner also stated that he wishes citizens would've come forward to him rather than going to the zoning administrator anonymously. Marcus stated that everyone needs to be treated with a consistent approach, and obviously committee members do not drive around policing for zoning violations. The property owner stated that the requirement as he understood it was that the steps be no closer than 3 feet to the lot line, and he believed that the stairs were in compliance. Greenwood pointed out that the alley is actually 21 feet wide in this area, despite the narrower width of the gravel drive in the alley. He stated further that adherence to the zoning permit process would have addressed these issues. The property owner indicated he had come to the village and spoke with the acting zoning administrator and was directed to get a building permit therefore felt the process was correctly followed. The owner did acknowledge however that the scope of the project did expand as the project progressed.

Marcus indicated that the village was not informed of the full scope of the project. He went on to state that acceptable uses for this type of structure would be personal family use, servants quarters, but not short term rentals. Accessory structures are not permitted to be used for commercial rentals. Broh stated that looking at the picture of the stairs he could understand how they appear to be in compliance with the 3 foot requirement. Questions arose regarding access issues or neighbor complaints. Greenwood stated the stairs are not in compliance with the state building code and then directed a question towards Joe Bindl of the public works department regarding plowing. Bindl stated that it is tight in the alley when plowing. Lilla asked if the stairway could be modified to be out of the alley. He also asked if we knew where the alley line was with certainty or if a survey was required. Saperstein expressed the importance of knowing where the property line is. Greenwood reminded the group that the stairs need to be at least three wave feet away from the public right away, Lilla suggested that the line be established. Saperstein suggested the stairs is the smaller issue and the rental of the accessory building is the real issue. The property owner did note that accessory building usage started coming up as early as September 2017 as part of the plan commission discussions. Lilla reminded the property owner that the topic was a discussion item only and had yet to be fully addressed yet. Marcus confirmed that no action has been taken therefore current zoning laws are still relevant and it is clear that the ordinance prohibits this type of use for an accessory building. The property owner inquired as to whether the stairway and the utilization of the accessory structure were the only two issues. Greenwood indicated that work being done without the appropriate permit is also an issue but a lesser concern at this time. Greenwood asked the property owner how the water and sewer services were put in place in the accessory building. The property owner stated that the services were already there previously, he simply repaired them. Marcus indicated that he was not in favor of a fine as a manner of a punitive approach in this case and that the cost associated with remedying the situation should be an adequate deterrence. Lilla made a motion, with the second by Broh, to have the zoning administrator draft a letter to the property owner pointing out the zoning issues and requesting the owner's plan to remedy of these circumstances be presented to the plan commission. The motion passed with all in favor.

Item 9: Michael Broh removed himself from the table and addressed the committee from the audience. He explained to the committee that he had purchased the Jefferson located at 137 West Jefferson last year. He would like to continue with the previous use which included live events. He would like to install old marquee style signage on the front of the building. The sign letters would be manually inserted into the internally lit body of the sign. Broh provided the committee with a sketch and asked for input from the plan commission if this type of signage would be allowable within the downtown design district. The overall sign would be approximately 24 feet long and total approximately 100 ft.². Marcus believes the signage being proposed would actually be more of an architectural enhancement. Greenwood advised of the committee that changeable signs currently have a 10 ft.² limit. Lilla suggested that the marquee classification could be added to the ordinance. The application would need to be reviewed by the downtown design committee for approval and therefore the conditional use process would not need to apply here. Saperstein indicated he likes the idea, and wishes that the Gard Theater had one as well. He agrees that it is an architectural enhancement and is in favor of finding a way to permit this type of sign. The committee discussed the process needed to update the ordinance as well as the duration. Marcus indicated he could provide draft language for the committee to review at the June meeting. It could then potentially be published and have plan commission approval on the agenda for the July meeting. The downtown design committee could approve in June contingent upon final approval of the sign ordinance change by the plan commission. Broh indicated he would like to install the sign as soon as possible to benefit from the summer season. Broh left the meeting at 8:55 PM due to prior commitments.

Item 10: Prem motioned, with a second from Lilla to adjourn plan commission and reconvene as a joint meeting of the JEZC and plan commission at 8:57pm. Motion passed with all in favor.

Item 11: Fred Iausly took over as the meeting chair. Discussion regarding accessory building placement in the B4 centered around a less restrictive approach in this district compared to what is required in the village. No formal action taken.

Item 12 public comment.

Aaron Holverson requested that the committee come up with official language regarding accessory structures to help address the housing needs created by APT seasonal usage as well as the tourist season.

Bonnie Bindl requested at the village address what can and can't be placed in the right away. Marcus indicated that this will need to be a village board matter to review.

Item 13: Motion by Marcus, seconded by Hausner to adjourn the meeting at 9:07 PM. Motion passed with all in favor.