

**Town of Bayfield
Planning Commission Meeting
April 24, 2007**

Planning Commissioners Present: Robert Piccoli (Chairman), James Harrmann (Mayor), Bob McGraw, Joan Hanna, Pamela Smith, Bill Miller, & Rick Smith (Town Board Member)

Staff Present: Justin Clifton, Joe Crain, & Marianne Hicks

Media Present: Carol McWilliams - Pine River Times

The meeting was called to order @ 7:05 p.m.

Minutes: Rick made a motion to approve the minutes of the March 13th, 2007 meeting. The Mayor seconded the motion. All were in favor except Pam who abstained because she was not in attendance at the meeting.

Public Comment: There was no public comment offered, this portion was immediately closed.

Action Agenda Item # 1:
Public Hearing: Root Routledge Boundary Adjustment
474 North Mountain View Drive - Parcel # 567712201002

Joe gave his staff report. He stated that Root is requesting to change the boundary line on his property from a north/south orientation to an east/west orientation. There are two lots totaling 2.2 acres on the north east corner of Mountain View & Spruce Drive. Both of these parcel are zoned R-40. The boundary line between these two lots runs in a north/south direction. Roots barn sits on the northern lot and his house is located on the other lot. Root would like to change the direction of the boundary so that all of the improvements are located on one lot. The lots will still meet the 40,000 square feet required by the R-40 Land Use District.

Joe then read his staff recommendations. He stated that the staff would recommend that this boundary adjustment be recommended for approval by the Town Board with the following conditions:

1. That the recommendations of the Town Engineer be addressed.

The Town Engineer recommended that the found monuments be described on the plat so that it is clear what they represent.

The Mayor asked if there are any utilities running through the lot.

Joe answered that there are not any utilities running through the lot.

Bill stated that he thinks it's a very logical change.

The floor was then given to Root to give his presentation. He reiterated that both of the lots will remain at the R-40 zoning. He said that historically the property has been owned as one lot but he would like to clean up the configuration so that all the structures are located on one lot.

Joan asked if the assessor's office is assessing both of these lots as residential.

Root responded that he thinks that they assess it as one lot.

Joan recommended getting that corrected through the assessor's office.

Pam asked where the access will be for Lot 13A.

Root responded that he doesn't have a driveway plan at this time.

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Joe said that when the Town receives a building permit application they will make a determination where the driveway will need to be located. Most likely it will be located off of Spruce Drive.

Joe also stated that this boundary adjustment will not affect the sewer system since the number of lots is not changing.

The item was then opened for public comment. No public comment was offered, it was immediately closed.

Rick made a motion to approve the Root Routledge boundary adjustment on parcel # 567712201002 as noted on the map dated on 3/28/07 & including the recommendations noted by the Town Engineer. Bill Miller seconded the motion.

All were in favor, motion passed unanimously.

Joe stated that this item will go in front of the Town Board next on Tuesday May 1st, 2007.

Action Agenda Item # 2:
Public Hearing: Annexation & Minor Subdivision - Dave & Linda Hardy
823 CR 501 - NW ¼ of the SW ¼ of Sec. 2, T 34 N, R 7 W, NMPM
Parcel #: 567702400070

Joe stated that Mr. & Mrs. Hardy have requested that this item be removed from the agenda. Dave was going to have to bring the water and sewer services across County Road 501 and it is estimated that this process will cost \$150,000 – \$166,000. Dave said that he may come back and request to just be annexed but at this point, he has decided not to proceed with the annexation request. If he does decide to proceed, the Town will put it back on the agenda.

Action Agenda Item #3
Variance Request – Bill Morlong
440 South Church Street
Parcel # 567711400124

Pam recused herself from this portion of the meeting.

Joe gave his staff report. He stated that on January 9th, 2007, the Planning Commission heard a request from Bill Morlong requesting a Use by Review permit for an accountant's office to be located @ 440 South Church Street. The Planning Commission approved this request. The business is located in a newly remodeled one story house and received a Certificate of Occupancy (CO) for residential use. Mr. Morlong made adjustments to the house to accommodate American Disability Act (ADA) requirements. Mr. Morlong made these changes but in the construction of the wheel chair ramp one of the parking spaces that was going to be designated for the required handicapped space was shifted to the west competing with space for the other four spaces. When this occurred it made all the parking spaces 1/2 foot short of the 9 foot required width and 1 1/2 feet short of the 20 foot required length.

Neither Mr. Morlong nor Jim Flint (engineer for the project) realized that they had to come back to the Planning Commission because their originally approved site plan was altered.

The staff inspected the premises and verified that the spaces lack the minimum width by 1/2 foot. The staff instructed Mr. Morlong that he would need to come back to the Planning Commission to request a variance.

The staff believes that the parking arrangement is still functional but that it will require additional maneuvering & that it probably won't be able to accommodate larger vehicles.

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The staff would recommend that if the Planning Commission is inclined to approve the variance after examining all the information and public testimony that the granting of the variance be subject to the following conditions:

1. That the applicant be required to honor all commitments made to the neighbors.
2. That the applicant make all necessary improvements that were required of James McNichols, the former owner of the structure: this will include lowering the sewer cleanout, reclaiming & reseeding the area from the sidewalk to the street where the new sewer line was constructed in the ROW off-site to the south. All of these items will need to be inspected & approved by the Director of Public Works.

Joe said that he has informed Mr. Morlong that these things would need to be addressed because Mr. McNichol did not follow through with all of the required work that he was supposed to complete.

The floor was then given to Mr. Morlong & Mr. Flint.

Jim stated that they did the improvements to the parking lot of this location during the wintertime. They were trying to preserve the big oak tree in the front yard so they pushed back the asphalt to save the tree. It looked like it was going to work but the handicap ramp had to be much longer than they were anticipating. They also had to put in steps with railings that protruded another foot farther out that they did not realize that they were going to have to install. These steps are protruding into the concrete area. There are three 8' striped spaces on the north side of the parking lot, one 13' space (this space does meet the requirements for ADA), and another 8' space on the south side next to the handicap space.

Jim said that they could fix the problem by removing the oak tree or by removing the steps, but they would really like to keep the tree if possible. The steps make it impossible to use all of the concreted area on the north side of the parking pad. There is 4 ½ feet in between Space 3 & the house for the steps.

Jim also mentioned that average compact parking spaces is 8' x 15'.

Bill Morlong stated that they were under the impression that the ADA requirements for the ramp was that it had to be 3 foot wide & 14 foot long. Mike Shave stated that the ramp had to be 4 feet wide & 28 feet long. Therefore, when constructed the handicap ramp extends into the area where the original site plan shows the handicap space. They also had to make another change because the width of the ramp was a foot wider than they were anticipating. The handicapped ramp area & the steps made it impossible to do the original plan. He apologized for not coming back sooner because he didn't realize that it was a requirement. He figured that as long as he had 5 parking spaces, it would be fine. Bill also stated that he has spoken to Mr. McNichols and he said that he would take care of the problems on the street. However, if he doesn't get it done, Bill will take care of it.

Bob Piccoli asked if it is because of the steps in the front that they were unable to 9' on the 3 spaces on the north.

Jim answered that is correct.

It was also noted that an extension was added onto the main part of the house which also cuts into the original plan.

The item was then opened up for public comment.

Val Uschuk (447 Pearl Street) stated that she thinks it looks fantastic and that the variance should be approved. She said that Bill has gone to considerable expense and she's very impressed with all that he has done with the property.

Levi Siffert (450 South Church Street) stated that Bill has done an extremely good job on the property. He doesn't feel that there is any reason that the variance shouldn't be approved.

Ray Stong (486 South Church Street) said that he watched all the activity as the work was being done on the property and that Bill has done a very nice job. He said that big trucks don't even try to pull into the parking area. He does not feel that there is any problem with this and that he would like to see it approved.

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Pam stated that when this item was brought in, the ADA parking requirements were not even considered. It was she that called Joe and had him include them in the recommendations. She also stated that Jim Flint served on the Planning Commission and she thinks that it's ridiculous that he didn't know he had to come back. She said that this is a request is for a variance and one of the items to consider is whether or not it is a self-imposed hardship. She feels that it is a self-imposed hardship. The addition that was added onto the building is what caused the hardship on the parking. She said that she still feels that this is not an adequate use for the property and that it is too intense for that location. She also said that she does not think it meets the criteria for the Planning Commission to grant a variance. She also noted that the tree in the front yard is a Box Elder tree, not an oak tree.

Bill Mazur (450 South Church Street) said that he watched Bill Morlong work on the property. Bill has visited with the neighbors numerous times and he has really tried to maintain the residential look of the street. They neighbors would like for the tree to remain in place because it really adds to the neighborhood & minimizes the business look of the street. Bill Mazur also said that he has a direct view of the parking lot and that during the last 3 months (during tax season) there have been 5 cars parked in the spaces without any problem. The impact on the Town is very minimal because Church Street is a very wide street and it handles the traffic very well. There are only 3 months of the year that Mr. Morlong is really busy and the parking lot has handled the business very well.

Bill Morlong reiterated that it was because of the handicap ramp that the original site plan was changed.

Tonia Ludwig (93 East North Street) said that the agreement was that there was going to be a drain in the parking lot and that the snow buildup was going to be moved into the area where the storage unit is now located. She asked where the snow is going to be put now that the addition is in place.

Bill stated that there is a drain located in the driveway. They are planning on putting the snow in the shrubbery area.

Levi Siffert stated that Mr. Morlong is more than welcome to push the snow onto his lot because it is vacant and has enough room to accommodate the snow load.

Andre Sarnow (182 West North Street) stated that he fully supports this variance. The parking lot meets the parking requirement and if there is a lot of snow fall everyone in the area is going to have to figure out a way of dealing with the snow.

David Black (606 South Buck Highway) stated that there are certain criteria that need to be met in order to grant a variance. He feels that this is a self-imposed hardship and that if it is approved it goes against what the Land Use Code says. He said that there are going to be parking issues anytime a residence is converted to a commercial structure. He said that he does not think that the variance should be granted.

Joan asked how it was possible that there was enough room in the initial proposal but that there is not enough room now.

Jim Flint answered that the ramp & the steps were not accounted for in the original proposal.

Joan thinks that the tree should be taken out but she is not sure that even that will fix the problem.

Ray Stong commented that if this was on any other street than Church Street, this would be a different issue. He does not want to see the tree taken out.

Bill Mazur said that he watched the parking lot and there were never any problems with being able to park 5 cars in the lot. He said that any business that brings cars into downtown Bayfield without a major impact should be encouraged.

Kelly Miller (420 Church Street) commented that she is disappointed that the Town has not learned from its mistakes. She feels that the Town is repeating the same mistakes over and over and that this issue should have been resolved months ago.

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There was a question about why the landscaping that is cutting into the parking area was required.

Pam answered that the landscaping is a requirement of the Land Use Code. There has to be fencing or vegetative screening as a barrier between residential and commercial.

Joe commented that this is one of the first commercial uses allowed in this district. He said that it's guaranteed that there are going to be parking issues with any businesses that move into this area. If business uses are going to be allowed in this zone, there are going to be parking issues. He said that Bill has done all that can be done with the requirements that were set forth. It's very difficult to put modern standards on old lots.

Public comment was then closed.

Rick commented that there are a couple of things at stake in this instance: 1) The Planning Commission has to look the rights of the property owner. 2) The Planning Commission also has to look at the rights of the adjacent property owners. Rick said that this particular land owner has gone out of his way to meet the code and has also taken it even farther by going out of his way to talk with the other land owners and try to meet their needs. It would have been a lot easier for Mr. Morlong to put up a fence instead of trying to make it look nicer by putting in shrubbery and bushes. He has really attempted to meet the needs of the neighbors and that speaks volume. The downtown area was never built for businesses but Bayfield has grown up and the Town has learned from their mistakes. The Town is trying to accommodate more businesses and put more money into people's pockets. Rick said that he is very impressed with the applicants for trying to meet everyone's needs and still try and abide by the code.

The Mayor said that he feels that the addition on the house is what is affecting this issue. He said that he appreciates that the Morlong's have tried to work with neighbors and the Town but thinks that the Board needs to be consistent and stick to the rules. He said that he is struggling with which way to vote on this item.

Bob said that he is also divided in his feelings because he does feel that it is a self-imposed hardship. However, he has inspected the property and it looks very nice.

Levi Siffert offered to allow an easement through his property for the Morlong's to plant the shrubbery if that would help with the variance.

Joe responded that the Planning Commission would still need to grant a variance for the space width.

Rick made a motion that the variance request be approved for the Morlong Property located @ 440 South Church Street, Parcel # 567711400124, with staff recommendations 1 & 2. Also, the shrubbery on the south side will need to be relocated to the adjacent property allowing for the 2 extra feet needed in the aisle way and the variance will cover the width of the parking spaces being dropped from 9' down to 8'.

Bill seconded the motion. 5 were in favor. The Mayor was opposed. Motion carried.

A short break was then called.

The meeting was called back to order @ 9:00 p.m.

Pam rejoined the meeting.

Action Agenda Item #4:
Request for Modification & Reduction of Commercial Use
Town Center Land Use District
Tonia Ludwig

Joe stated that the Town Center Zone was created a few years ago and it was decided what types of business use would be allowed and the type of impact that commercial would have on the area. There were numerous different feelings about what should be allowed in this zone. Joe stated that the Town Board created a process that he feels is

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a good process. Any business that is interested in doing business in the Town Center zone has to go in front of the Planning Commission and get an approval. There are no businesses that are guaranteed an approval. Until recently, there haven't been very many requests for uses in this zone but as Bayfield continues to grow there will be more requests for such uses in the Town Center.

Joe stated that there are only 2 streets in Town Center that can handle strong business use. They are Church Street & Pearl Street. Church Street has curb & gutter and allows for angle parking. Pearl Street has curb & gutter and parallel parking spaces. Joe said that this is the first time that a variance has had to be granted for parking in Town Center but he thinks that it is definitely something that is going to happen again in the future. It is being asked whether or not the zoning in Town Center needs to be changed or reviewed.

Tonia Ludwig was then given the floor.

Tonia stated that she was involved in the meetings where it was decided that Town Center would allow low impact businesses. She said that she feels that there needs to be a more defined definition of what constitutes a low impact business.

Val Uschuk said that in 1995 when she purchased her property she had "Use by Right" for multiple uses which were changed to "Use by Review". She stated that she would like to have the code changed back to use by right because the Town needs businesses in the downtown area. She stated that Pearl Street has always been historically commercial and feels that it's ridiculous that she has to beg for permission to use her property. She stated that she is totally opposed to the idea of limiting commercial use and would like to be able to utilize her property in the way that she feels is appropriate.

Ray Ludwig (93 East North Street) stated that zones are created to protect all the residents that live in particular neighborhoods. Zones are not to deprive people of their rights; they're just in place to make sure that everyone abides by the same rules.

Bill Morlong (440 South Church Street) asked what the definition is of low impact and if this is something that is approved by the Town Board or if it is decided by the property owners.

Robert stated that these sorts of changes to the Land Use Code are done through public hearing.

Joe said that he is asking for direction from the Planning Commission about whether or not the staff should work on changing the code to be presented to the Planning Commission & the Town Board. Also, the residents of the area could submit a change to the Planning Commission & the Board to be heard in public hearing and the Town Board would be the final decision maker on their modification.

Bill Morlong said that he feels that there should be some streets in Town Center that allows commercial. He feels that there are some streets that can handle it and that these strict restrictions are eventually going to really hurt the Town.

Ray Stong said that he was one of the people that attempted to keep Mill Street zoning on his property. However, Mill Street zoning only allows residential on the 2nd floor. Ray asked for clarification about what low impact is and what the rules are for commercial. He said that he would like to see it stay on a review basis but would like better definitions.

David Black said that he thinks that it needs to remain on a review basis. He doesn't think that the Town residents want to see every yard in Town Center paved over like the Morlong yard. He doesn't think that a lot of commercial is appropriate for Town Center and would like to keep the historical look for future generations.

Bill Mazur stated that Bayfield is in a state of great change. There are numerous new developments happening in Bayfield. He thinks that anyone who applies for a building permit should receive a list of general Town requirements. He thinks that there should be one for residential & one for commercial. He thinks that if Bill would have known all the regulations, these issues could have easily been resolved.

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Carol McWilliams stated that she was involved in the 1996 Town Center discussions. She remembers that it was pretty much an even split between those who were for commercial use and those who were against. She agrees with the Use by Review process but thinks that there should be an option to approve just because the request makes sense.

Levi Siffert stated that he feels that there needs to be a balance between historical Bayfield and the future of Bayfield. He thinks the Town needs to establish guidelines for Town Center that are categorized by the street the proposed use is located on. He thinks that if there is going to be a restructuring of Town Center, it needs to consider the infrastructure, the accessibility, the history, & the neighborhood. It should also be reviewed on a parcel by parcel basis. He doesn't think that all of Town Center should be based on one set of guidelines.

Carol Elston (121 West North Street) said that since the lots in Town Center are so small, it is necessary to have the use by review process in place. She also requested a better definition of low impact.

Mary Graziano (380 South Pearl Street) asked what low impact means. She would also like to see a better definition of low impact and she thinks that the Use by Review process should remain in place.

Val Uschuk stated that her lot was historically a commercial lot and she thinks that it is unfair that she is being lumped into the same category as the smaller lots in the area. She thinks that there needs to be different types of categorization in Town Center.

Kevin Ludwig (93 North Street) said that he is worried about the standard of living with residential working with commercial.

Kelly (420 South Church Street) stated that the Planning Commission's job is to plan for the future. She would really like to see a definition of low impact.

Brad Elder (100 Jenkins Ranch Road) said that the Bayfield Land Use Code was just rewritten for the Town. There is a list of uses in the new code which specifically addresses low impact. He thinks that the Town needs to consider not paving every piece of property that wants to develop and possibly look for an area to put in a parking lot in the downtown area. He thinks that it would be much more desirable to have a central parking location instead of making all new developments have a certain amount of parking spaces per square footage.

Joe Crain suggested that the Planning Commission take all the comments received under advisement. The Town will schedule this item for consideration on the June 5th, 2007 Planning Commission meeting.

Rick asked if this should be brought up to the Town Board.

Joe answered that he would like a recommendation from the Planning Commission on whether or not they think the zone is fine as it is or if they think it needs to be reviewed & possibly changed. He pointed out that the Planning Commission will always be involved in any commercial decisions in Town Center because of the Use by Review process. With this process in place, no property owner can say that they have the right for commercial use because all commercial has to be considered through the proper process.

Robert Piccoli said that he doesn't think that it makes sense to change something that has already been addressed. The Land Use Code doesn't state that every application has to be approved.

Pam said that Town Center has existed for a very long time and the compromise in 1996 was to put in the stipulation that states that commercial uses need to be reviewed. This gives everyone the ability to express their opinions on the uses that are permitted.

Rick made a motion that the Planning Commission review the comments from the community at the June 12th, 2007 meeting and render a decision on what needs to be done with the Town Center Land Use District.

Bill Miller seconded the motion. All were in favor, motion passed unanimously.

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Action Agenda Item #5: Review & Comment of the Dove Ranch Park Plan

Joe gave his staff report. He stated that he wanted the Planning Commission to have a presentation of the plan for the Dove Ranch Park in order to give their comments on the park plans. He will then give these comments to the Town Board.

Joe explained that the Dove Ranch annexation agreement included the dedication of a neighborhood park. Brad Elder dedicated 2.58 acres in park land which was valued at \$90,300.00 and it was also stated in the agreement that Brad would put \$200,000.00 into the design and improvement.

Joe then turned the floor over to Brad for his presentation.

Brad said that there is going to be a tour of the park area on Friday, April 27 @ 2:00 p.m. He said that the view is spectacular and he encouraged the Planning Commission to look at the area. The park is going to be located in the center of the Dove Ranch Subdivision. There is a large activity area and a native space area that will showcase the native plant material that are low water users. He wants to use this area to encourage xeriscaping. There are drop inlets located at the top of the activity area which will help slow water run-off and improve water quality. There are two separate turfed areas & two separate play areas. There will be a play set for young children and another one for older kids. There are lots of parking spaces around the park so it will be possible to have a lot of different activities. There is a total of about 20,000 square feet of play area.

The floor was then given to Andy Bass, Director of Parks & Recreation.

Andy stated that the site for this park is amazing and he feels that it will be packed with residents every weekend. He explained that he would like to see the grass area as big as possible to help relieve Joe Stephenson Park. He noted that he would like to see an underground irrigation system so that the Parks & Recreation Department are not spending all of their time moving sprinklers. He would like to see that it is as maintenance free as possible. He would like to steer clear of any wood structures, i.e. playground equipment or pavilions. He would like these things to be made out of metal so that there is less maintenance. He also said that he is really excited about having a space big enough for Frisbee golf and he thinks that a sand volleyball court would be nice draw for the area.

Pam asked about climbing features.

Brad explained that the climbing features are not in the initial improvement. He also explained that he understands the Town's limited staff and he is going to approach the Home Owner's Association about possibly hiring some professional maintenance crews to help with the upkeep.

Pam asked what types of grass are going to be used.

Brad answered that it's going to be a southwest seed blend including blue & rye grasses. These types of grasses don't need as much water and handle foot traffic well.

It was explained that there will not be any restroom facilities.

Rick asked for clarification about what the \$200,000 dollars will cover in the improvements and when it will be completed.

Brad explained that the park will be part of the Subdivision Improvement Agreement (SIA) for Dove Ranch Unit 1 Phase III. He is really trying to focus on the items that people will be able to use immediately. These are the things that will be included in the SIA and that will make up the \$200,000.00 commitment.

Rick said that he feels very comfortable with Andy handling the day to day operations of the park management.

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It was the consensus of the Board that they liked the plan and would like to see as much native vegetation as possible.

Joe said that he will convey to the Board that the Planning Commission is satisfied with the park plan.

Action Agenda Item # 6: Sanitation District Update

Justin gave his staff report. He said that the Planning Commission received a copy of the written documentation of what was sent to the State. It identifies the sources of high loading and commits to make certain capital improvements to the lagoon system with a request to lift the restrictions on the purchase of sewer taps. This agreement would limit commercial organic loading. There was also an addendum created through negotiations with the State because they wanted to know that commercial loading would be limited and that the Town will meet certain timeframes for improvements. Justin explained that he is still going back and forth with the negotiations trying to come to a solution that all parties can accept. He said that they hope to have it finalized in the next couple of days. It is possible that the restrictions won't be lifted immediately but the Town is trying to get something in place as soon as possible. He explained that the Town is at a critical crossroad right now because they are trying to finalize the loan for the new mechanical plant. In order to qualify, the Town and the Sewer District needs to have revenue coming in to proof capability of paying back the loan. The Town continues to negotiate and hopes that things will be resolved in the very near future.

The Mayor asked about interest on the loan.

Justin explained that there will be minimal interest in the first couple of years. He informed the Board that there will be a presentation and report regarding all of these details at the Sanitation Meeting on April 25th, 2007. He encouraged anyone wanting full details on the project to attend the meeting.

Pam thanked Justin for everything he has done.

Bob McGraw asked if the high commercial users are working with the Town or branching out on their own.

Justin said that he has received a lot of support and he is working towards getting all the high loading issues resolved. He is in very close contact with each entity to discuss solutions. He is focusing on the process and the fact that the work has to get done as quickly as possible. He also stated that the de-sludging of the lagoons will happen during the middle of May. This de-sludging process will help the detention time and will reduce the soluble BOD.

Action Agenda Item # 7: New/Unfinished Business

Joe stated that there will be no Planning Commission meeting held during the month of May.

The meeting was adjourned @ 10:50 p.m.

APPROVED:

Robert Piccoli
Planning Commission Chair

Marianne Hicks
Planning Commission Secretary