



CITY OF MARSHFIELD

MEETING NOTICE

**PLAN COMMISSION
CITY OF MARSHFIELD, WISCONSIN
TUESDAY, February 18, 2014
Council Chambers Lower Level, City Hall Plaza
7:00 p.m.**

1. Call to Order. – Chairman Meyer.
2. Roll Call. – Secretary Knoeck.
3. Approval of Minutes. – January 21, 2014 Meeting.
4. Conditional Use Request by Todd Nelson, representing Dairy Queen to permit an “Outdoor Commercial Entertainment Use” in the “CMU” Community Mixed Use District, for the purpose of providing an outdoor seating area, located at 1600 South Roddis Avenue.
Presenter: Josh Miller – Planner/Zoning Administrator
Public Hearing Required
5. Conditional Use Request by Jake Bernarde to permit a “Vehicle Repair and Service” Commercial Land Use facility in the “GI” General Industrial District, located at 1700 South Popple Avenue.
Presenter: Josh Miller – Planner/Zoning Administrator
Public Hearing Required
6. Rezoning Request by the City of Marshfield to change the zoning from “GI” General Industrial District to “SR-4” Single-Family Residential District, located in the Green Acres Estate 1st Addition preliminary plat, located south of Green Acres Estates Subdivision, between Washington and Hume Avenue.
Presenter: Josh Miller – Planner/Zoning Administrator
Public Hearing Required
7. Preliminary Plat of Green Acres Estate 1st Addition, a 48-lot subdivision addition to Green Acres Estate, located south of Green Acres Estates Subdivision, between Washington and Hume Avenue.
Presenter: Josh Miller – Planner/Zoning Administrator
Public Hearing Required
8. Municipal Code Amendment Request by Marshfield Utilities to Chapter 19, Subdivision and Platting, Section 19-63 of the City of Marshfield Municipal Code, pertaining to requirements for installation of underground utilities.
Presenter: Josh Miller – Planner/Zoning Administrator
Public Hearing Required
9. Municipal Code Amendment to Chapter 18, General Zoning Ordinance, Section 18-103(10) of the City of Marshfield Municipal Code, pertaining to Throat Length. The amendment is being proposed in an effort to reduce the minimum throat length and allow the City Engineer the ability to increase or decrease the minimum requirements based on traffic circulation and safety concerns.
Presenter: Josh Miller – Planner/Zoning Administrator
Public Hearing Required

PLAN COMMISSION

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10. Municipal Code Amendment to Chapter 18, General Zoning Ordinance, Section 18-104 of the City of Marshfield Municipal Code, pertaining to Exterior Lighting Standards. The amendment is being proposed in an effort to address architectural and landscape lighting, illumination at the right-of-way line, clarify the requirements and make it easier to implement.

Presenter: Josh Miller – Planner/Zoning Administrator

Public Hearing Required

11. Adjourn.

Posted this 13TH day of February, 2014 at 4:00 PM by Daniel G. Knoeck, Secretary, City Plan Commission

For additional information regarding items on the agenda, please contact Jason Angell, Director of Planning & Economic Development at 715.486.9139 or Josh Miller, Planner/Zoning Administrator at 715.486.2075.

NOTE

It is possible that members of and possibly a quorum of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.

Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact Mary Anderson, Public Works Department at 630 South Central Avenue or by calling (715) 387-8424.

**CITY PLAN COMMISSION
MARSHFIELD, WISCONSIN
MINUTES OF JANUARY 21, 2014**

Meeting called to order by Vice-Chairman Beck at 7:00 PM in the Council Chambers of City Hall Plaza.

PRESENT: Dan Knoeck, Ken Wood, Ed Wagner, John Beck, and Chris Jockheck

EXCUSED: Mayor Meyer and Karen Woodford

ABSENT: None

ALSO PRESENT: City Administrator Barg; Planning & Economic Development Director Angell; Planner/Zoning Administrator Miller; Planning Intern Schroeder; Pat Stuhr, Michelle Boernke and Roxy Wetterau – UW Marshfield; and others.

PC14-01 Motion by Wood, second by Wagner to recommend approval of the minutes of the December 10, 2013 City Plan Commission meeting.

All ‘Ayes’ Motion Carried

PUBLIC HEARING – Municipal Code Amendment to repeal and re-enact Chapter 18, Article VIII, Landscaping Requirements, of the City of Marshfield Municipal Code.

COMMENTS:

- Randy Lueth, 1826 Pheasant Run Drive, stated that he assisted Josh Miller with these revisions and he feels that this is much more usable and administrable than when it was in the code previously. There are two more things he would like to see added: 1) Some threshold that triggers the use of a registered landscape architect – such as 500 to 600 points would trigger that requirement, and 2) Section 18.132 – Plans should be drawn at a reasonable scale and should be more specific – not less than 1” = 20’. He appreciates the opportunity to work with staff on this issue.

PC14-02 Motion by Jockheck, second by Wood to recommend approval of a Municipal Code Amendment to repeal and re-enact Chapter 18, Article VIII, Landscaping Requirements, of the City of Marshfield Municipal Code, as presented, and direct staff to prepare an ordinance for Common Council consideration.

All ‘Ayes’ Motion Carried

PUBLIC HEARING - Conditional Use Request by the Villas at Marshfield on behalf of University of Wisconsin – Marshfield/Wood County to amend the landscape plan and the site plan to move the 24 unit student housing complex (Institutional Residential Apartment) and parking area approximately 70 feet to the east, located at 2313 West 5th Street, zoned “CD” Campus Development District.

COMMENTS:

- Steve Dieringer, 2306 West 4th Street, stated his house is directly behind the site to the north. He went on record previously that he thinks this is good for the UW and good for the City. His only concern has been water runoff, as water drains to the north and west. He had good contact from the developer previously but not since the conditional use was approved. He asked for a meeting with the developer prior to tonight’s meeting but got no response. He would like to see the original approval stand and the building remain where it was originally proposed.

- Randy Leuth, Landscape Architect, stated he developed the original landscape plan, but has not been asked to update it yet. He did suggest to the developer that saving the trees would be a good idea. He feels that this is a better plan than with the building being moved. The drainage and grading plan address the water runoff with the swale system directing storm water to the pond.

PC14-03 Motion Wagner, second by Wood to recommend approval of the Conditional Use Request by the Villas at Marshfield on behalf of University of Wisconsin – Marshfield/Wood County to amend the landscape plan and the site plan to move the 24 unit student housing complex (Institutional Residential Apartment) and parking area approximately 70 feet to the east, located at 2313 West 5th Street, zoned “CD” Campus Development District, and to replace the existing conditions with the following:

1. The 24 unit student housing complex, parking area and access drive may be constructed as presented.
2. The following proposed changes to the landscape plan are allowed as presented:
 - a. The street frontage landscaping along West 5th Street may be planted throughout the provided front yard.
 - b. The street frontage landscape requirements are not limited to 50% medium or decorative trees. Shrubs may be allowed to meet the required points.
 - c. The east and west landscape islands in the middle row of the parking area may be removed and the dedicated landscape points shall be distributed along the perimeter of the parking area.
 - d. Landscape points shall be based on the current landscape code.
 - e. A solid six-foot tall privacy fence shall be placed within the required bufferyard, along the north property line and along Larch Avenue at a minimum three-foot setback to screen the storm water pond.
3. The landscaping must be installed prior to the certificate of occupancy being issued.

All ‘Ayes’ Motion Carried

Miller presented the Alternative Sign Application Update by Jim Pathos to exceed the total sign area and height allowance of an existing nonconforming sign and consideration of allowing a second freestanding sign, located at 1613-1635 North Central Avenue (Festival Foods property), zoned “CMU” Community Mixed Use District.

COMMENTS:

- Dan Drexler, Stratford, Sign, stated that the applicant prefers to go with Option 3 for now and then work toward the second sign for tenant signs.
- Jim Pathos, owner of the property, stated the sign is the original sign dating back to 1986. Since 2006 when the last approval was granted, not much has really changed. Now with the market picking up, there is an increase in demand for signage out front. Alternate No. 3 would meet their immediate needs. He agrees that within a year they could work out a plan to install the multi-tenant free standing sign on the Central Avenue frontage.
- Jockheck asked if we can put a one year time frame on the requirement the second sign.
- Jim Pathos stated he could work with a June, 2015 requirement.
- Jockheck asked if it would be a pylon or monument sign and Pathos stated he prefers to go with a taller sign to keep the tenant signs higher so they are not impacted by snow piles/drifts.
- Wood asked if the pylon signs would block the view of each other and Drexler said he doesn’t think that would be a problem.

PC14-04 Motion Wood, second by Jockheck to recommend denying the Alternative Sign Application Update by Jim Pathos to add 16 square feet of signage, increasing the extent of the existing non-conforming freestanding pylon sign at 1613-1635 North Central Avenue (Festival Foods property), zoned "CMU" Community Mixed Use District, and approving an alternative sign permit to allow a second freestanding sign with the following conditions/exceptions:

- Remove all the signage except the Festival Foods sign and OfficeMax sign from the existing pylon sign.
- Permit a second freestanding sign located at least 100 feet from the existing sign and setback a minimum of five feet from the right-of-way and adjacent property.
- The second freestanding sign shall be a multi-tenant sign for the tenants in Century Plaza and be allowed up to 105 square feet in area.
- The subject property is allowed up to 355 square feet of permanent freestanding sign area.
- A three-foot landscaped area shall be planted around the base of the new sign.

Wood voted 'Aye', Wagner, Jockheck, Beck & Knoeck voted 'No' Motion Failed

PC14-05 Motion by Wagner, second by Wood to recommend approval of Option 3 of the Alternative Sign Application Update by Jim Pathos at 1613-1635 North Central Avenue (Festival Foods property), zoned "CMU" Community Mixed Use District. Option 3 includes the existing pylon sign with the existing primary signs for Festival and Office Max with an additional 76 square feet of signage for 4 tenant signs located below the Office Max sign. This will put the total pylon signage at 326 square, and is contingent on the following:

- The second free standing sign for tenants shall be installed by July 1, 2015 not less than 100 feet south of the current sign. At that time, all tenant signs shall be removed from below the Office Max sign and the overall signage shall be brought into conformance based on the frontage.

All 'Ayes' Motion Carried

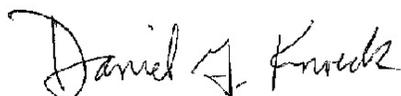
PC14-06 Motion by Jockheck, second by Wagner to receive and place on file the Summary of 2013 Development-Related Activity and Plan Commission Actions.

All 'Ayes' Motion Carried

Commissioner Jockheck nominates Commissioner Wood as the Non-Elected Plan Commissioner to the CIP Administrative Committee. There being no other nominations, Commissioner Wood is appointed as the Non-Elected Plan Commissioner to the CIP Administrative Committee.

Motion by Wagner, second by Wood that the meeting be adjourned at 8:37 PM.

All 'Ayes' Motion Carried



**Daniel G. Knoeck, Secretary
CITY PLAN COMMISSION**



City of Marshfield Memorandum

TO: Plan Commission
FROM: Josh Miller, Planner/Zoning Administrator
DATE: February 18, 2014

RE: Conditional Use Request by Todd Nelson, representing Dairy Queen to permit an “Outdoor Commercial Entertainment Use” in the “CMU” Community Mixed Use District, for the purpose of providing an outdoor seating area, located at 1600 South Roddis Avenue.

Background

The Applicant is proposing to construct a deck for the purpose of providing an outdoor seating area located at 1600 South Roddis Avenue. Because of the small lot, topography, and the location of the existing structure and parking area, the only feasible location to have an outdoor seating area that is ADA accessible, is between the north side of the building and the right-of-way along West 16th Street.

There are two separate requests the Applicant needs to provide the proposed outdoor seating area. The first initial concern with this location was that the proposed deck would intrude into the required street side yard setback. Last Tuesday, February 11, 2014, the Zoning Board approved the variance request to allow the applicant construct a deck between the north side of the building and the right-of-way along West 16th Street with a setback of 1 foot along the north property line. The second request is to permit an Outdoor Commercial Entertainment Use in the Community Mixed Use district.

Analysis

An Outdoor Commercial Entertainment Use is defined as “land uses which provide entertainment services partially or wholly outside of an enclosed building. Such activities often have the potential to be associated with nuisances related to noise, lighting, dust, trash, and late operating hours,” such as outdoor eating and drinking areas. This use is only permitted in the Community Mixed Use district through a Conditional Use Permit.

Looking at the context of the neighborhood, the proposed use will have a minimum impact on the neighborhood. The surrounding area is predominantly commercial and general industrial, except one vacant residential zoned parcel across West 16th Street. Because of the nature of the business being seasonal

and only operational until 10:00 PM, the deck will have a seasonal timeframe where the space is utilized. The proposed deck will also have a limited capacity because of the minimal size. Additionally, there has been a previously established outdoor area west of the parking area. The Applicant would like to continue to use this space, but would like to provide a safer alternative space that isn't separated by a drive-thru and parking area.

Conditional Use Decision Criteria of 18-161(6)(c):

(a) The Zoning Administrator shall review the complete application and evaluate whether the proposed amendment:

1. Is in harmony with the recommendations of the Comprehensive Plan.

The proposed expansion does not conflict with the comprehensive plan; it depicts business growth and redevelopment.

2. Will result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future.

The proposed use will be used only during warmer seasons, will have a limited capacity, and will not be used after 10:00 PM.

3. Maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.

The use of the land will not change as there has already been an outdoor use for this property west of the drive-thru.

4. The conditional use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property.

The existing property will not require any additional services.

5. The potential public benefits outweigh any and all potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts.

There will be no adverse impact to the City.

Plan Commission Options

The Plan Commission can make the following recommendations:

1. Approval of the request with any exceptions, conditions, or modifications the Commission feels are justifiable and applicable to the request.
2. Denial of the request with justification stated by the Plan Commission.
3. Table the request for further study.

Recommendation

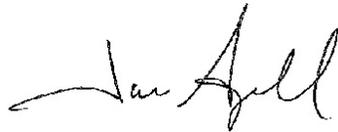
APPROVE a Conditional Use Permit request by Todd Nelson, representing Dairy Queen to permit an "Outdoor Commercial Entertainment Use" in the "CMU" Community Mixed Use District, for the purpose of providing an outdoor seating area, located at 1600 South Roddis Avenue with the following conditions:

1. Only the new deck area may have music, provided the speakers are directed away from residentially zoned properties and must be turned off by 10:00 pm.
2. Any new exterior lighting for the outdoor commercial entertainment area must meet the requirements of Section 18-104, exterior lighting requirements.

Attachments

1. Application
2. Site Plan

Concurrence:



Planning and Economic Development Director



MARSHFIELD
The City in the Center

Revised: 02/13/13

**Department of
Planning & Economic Development**

City of Marshfield
P.O. Box 727
630 South Central Avenue
Marshfield, WI 54449-0727
Telephone: 715-486-2075
Fax: 715-384-7631
Email: josh.miller@ci.marshfield.wi.us

**Conditional Use
Permit Application**

Fee: \$250.00

Office use only	
Date rec'd/ by	<input type="text"/>
Fee Receipt No.	<input type="text"/>

Site Location:

STREET ADDRESS

Applicant: Ph: Fax:

Legal Description:

The Applicant is Owner Authorized Representative/Other (Describe)

Property Owner (if different from Applicant)	Name: <input type="text" value="NISSEN INC."/>	Ph: <input type="text" value="507-421-2863"/>
	Address: <input type="text" value="PO BOX 218"/>	Fax: <input type="text"/>
	City: <input type="text" value="BYRON"/>	State: <input type="text" value="MN"/> Zip: <input type="text" value="55920"/>

Detail of Property & Request	Present Use(s) of Property: <input type="text" value="RESTAURANT WITH DRIVE THRU"/>
	Proposed Use: <input type="text" value="OUTDOOR SEATING ON NORTH SIDE OF BUILDING WHERE THERE IS A LARGE CEMENT AREA. I AM ALSO APPLYING FOR A VARIANCE TO PUT A DECK ON THAT AREA."/>
	Present Zoning: <input type="text" value="B-4"/> Proposed Hours & Days of Operation <input type="text" value="11-10, 7 DAYS"/>

Conditional Use Narrative (please provide additional pages if necessary)

We would like to use the area on the north side of the building for outside customer seating. The area is currently all cement and is unattractive for both the business and the area surrounding the business. We are also applying separately for a zoning variance to build a deck on that side of the building in order to make it more attractive. The area is far enough away from residential to cause any noise issues, and it will provide for a safer environment for our guests and their children then the designated table area connected to the house as they will no longer have to cross parking lot and drive through traffic to sit outside and enjoy their DQ treats. Due to the location of the building and the drive through, it would not be possible to have this seating in any other area of the lot.

Documentation Submitted: Site Plan Survey Photographs Other

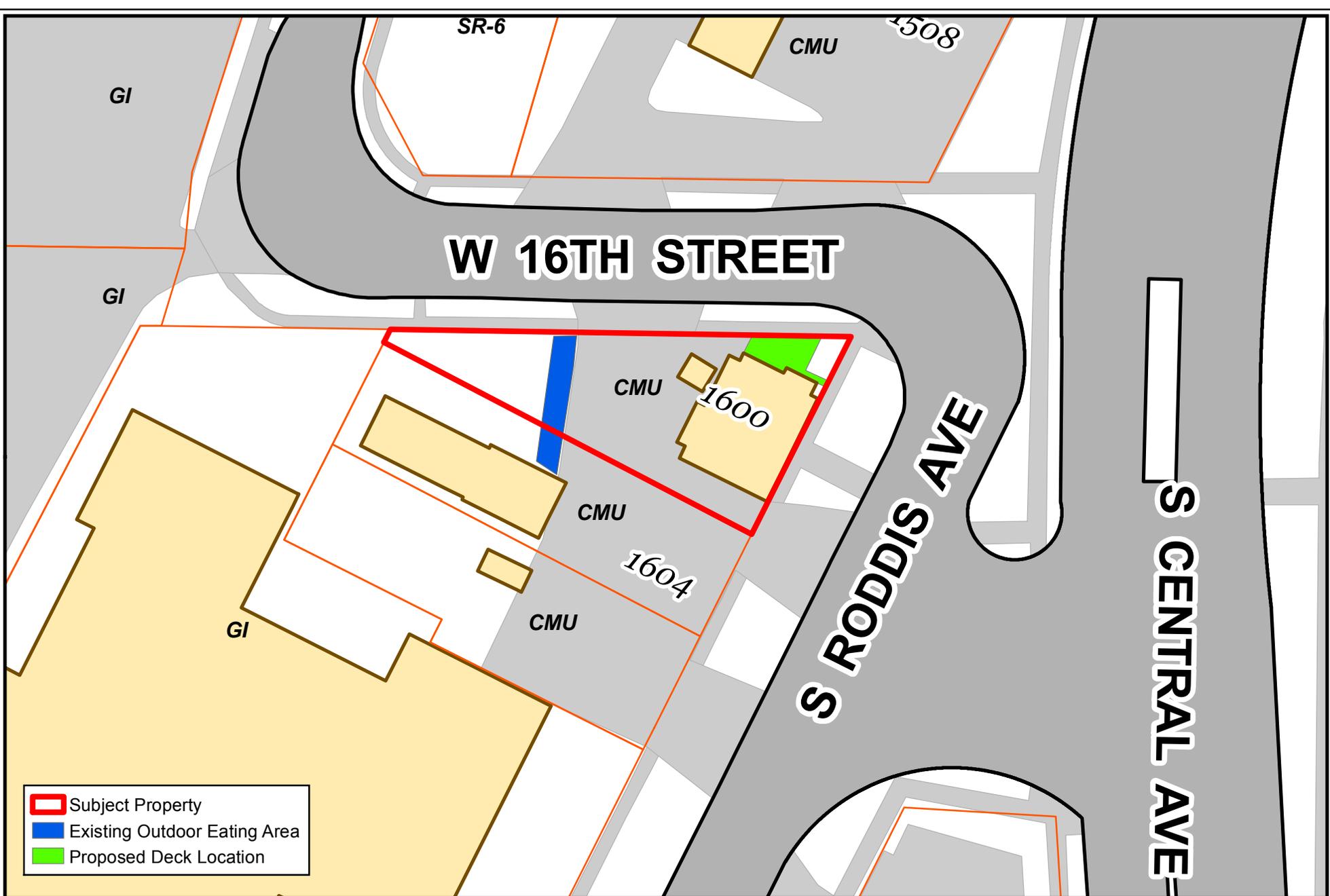
Required documentation must be submitted to the Planning & Economic Development Department in order for the application to be placed on the Plan Commission meeting agenda. Although attendance by applicants at the Plan Commission meeting is optional, it is STRONGLY ADVISED that applicants make every effort to attend. Failure to attend can result in the denial or delay of an application due to incomplete information. Fees: the required fee of \$250 shall be submitted with this application, and shall not be refunded should this application be denied.

I hereby apply for a conditional use permit, and I acknowledge that the information above is complete and accurate; that the work will be in conformance with the ordinances and codes of the City of Marshfield and with Wisconsin Statutes and Building Codes; that the Plan Commission may recommend conditions not expressly stated, prior to the meeting, in documentation or by staff, or deny in part or in whole this request; that I understand this form is not in itself a conditional use permit but only an application for one and is valid only with procurement of applicable approvals. The Common Council shall be the final approval authority for the conditional use.

Applicant Signature: Date:

Site Plan Must include the following information:

- Vicinity Map
- North arrow
- Scale
- Legal Description of the subject property
- Proposed conditional use(s) of subject property
- Lot layout, including all required setbacks
- Building types, with square footage
- Locations of existing and proposed streets, drives, alleys, easements
- rights-of-way, parking areas, vehicular and pedestrian access points, and sidewalks
- Landscaping buffers and other existing and proposed trees and landforms
- Location and details of existing and proposed signs
- Location and details of existing and proposed exterior lighting
- Other unique property features
- Boundaries included on this map should extend 100' beyond the subject property's boundaries and should include:
 - Existing zoning
 - Adjacent streets
 - Adjacent existing buildings



-  Subject Property
-  Existing Outdoor Eating Area
-  Proposed Deck Location



CUP - DQ 1600 S Roddis Ave
City of Marshfield - Plan Commission
Meeting Date: February 18, 2014

Map Not to Scale
 Reference Only



ATTENTION: The representation of data presented herein is intended for reference purposes only; the City of Marshfield assumes no responsibility for the accuracy of the information provided. Any duplication without consent is prohibited.





City of Marshfield Memorandum

TO: Plan Commission
FROM: Josh Miller, Planner/Zoning Administrator
DATE: February 18, 2014

RE: Conditional Use Request by Jake Bernarde to allow a "Vehicle Service and Repair Commercial Land Use" facility in the "GI" General Industrial District, located at 1700 South Popple Avenue.

Background

Jake Bernarde is requesting a conditional use to permit a Vehicle Service and Repair commercial land use in the "GI" General Industrial District, located at 1700 South Popple Avenue. Located on the property, there is one structure that consists of approximately 8,000 square feet containing five separate loading bays and 3 separate tenant spaces. The applicant rents one of the tenant spaces with two of the five bays. The other businesses in this facility, Schueller Transfer and Midwest Auto Movers, are transport companies and use the facility for their truck repair and service.

Dating back to the 1970's, this facility was originally a warehouse distribution center, but soon after converted to primarily heavy truck repair use. Just over ten years ago, in 2002, Foreign Automotive was interested in the entire site for an automotive repair business (outdoor storage, signage, front door entrance, etc.). They initially requested to rezone the property from light industrial to general commercial, which was denied. Then in 2003 they tried an alternative route to permit an automobile repair use as a conditional use in the light industrial district, which was also denied.

Analysis

Unaware that a vehicle repair/service shop was only permitted as a conditional use in the General Industrial District, the Applicant has been operating as a vehicle service and repair shop, predominantly heavy trucks, since July. When the Applicant recently discovered that vehicle repair and service is not a permitted use at that location, he immediately contacted staff to find the necessary steps to make his shop a permitted use.

The Applicant works as an "as available business", because he does not have any employee, no outdoor storage, and can only operate on two vehicle/trucks at a time. Being an "as available business", the impact on nearby properties and the

neighborhood is minimal, because he only offers a service and does not offer the sale of goods. Approximately 30% of the Applicant's work is automobile or light duty trucks. The remainder is heavy truck repair. Given the layout of the building, the facility was really designed to repair heavy trucks.

Conditional Use Decision Criteria of 18-161(6)(c):

(a) The Zoning Administrator shall review the complete application and evaluate whether the proposed amendment:

1. Is in harmony with the recommendations of the Comprehensive Plan.

The proposed expansion does not conflict with the comprehensive plan. Heavy truck repair is difficult to classify. It could be considered vehicle repair, vehicle service or arguably light industrial.

2. Will result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future.

With no outdoor storage, only 2 bays, and only being able to operate on two vehicles at a time, the Applicant provides a minimal service. This minimal service will not have an undue adverse impact on the nearby properties or the character of the neighborhood.

3. Maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.

The property will still be primarily used for heavy truck repair. The Applicant has been in the vehicle repair business since July with no complaints.

4. The conditional use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property.

The existing property will not require any additional services.

5. The potential public benefits outweigh any and all potential adverse impacts of the proposed conditional use, after taking into

consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts.

There will be no adverse impact to the City.

Plan Commission Options

The Plan Commission can make the following recommendations:

1. Approval of the request with any exceptions, conditions, or modifications the Commission feels are justifiable and applicable to the request.
2. Denial of the request with justification stated by the Plan Commission.
3. Table the request for further study.

Recommendation

APPROVE a conditional use request by Jake Bernarde to allow a "Vehicle Service and Repair Commercial Land Use" facility in the "GI" General Industrial District, located at 1700 South Popple Avenue with the following conditions:

1. Except for semi-trailers, the property may not have any exterior storage pertaining to vehicle repair and service.
2. All light vehicle repair and service work shall be by appointment only.

Attachments

1. Application
2. Site Plan
3. Photo

Concurrence:



Jason Angell
Planning and Economic Development Director



MARSHFIELD

The City in the Center

Revised: 02/13/13

**Department of
Planning & Economic Development**

City of Marshfield
P.O. Box 727
630 South Central Avenue
Marshfield, WI 54449-0727
Telephone: 715-486-2075
Fax: 715-384-7631

Email: josh.miller@ci.marshfield.wi.us

**Conditional Use
Permit Application**

Fee: \$250.00

Office use only

Date rec'd/ by

Fee Receipt No.

Site Location:

STREET ADDRESS

Applicant: Ph: Fax:

Legal Description:

The Applicant is Owner Authorized Representative/Other (Describe)

Property Owner (if different from Applicant)	Name: <input type="text" value="Central Wisconsin Foliage"/>	Ph: <input type="text" value="352-357-2810"/>
	Address: <input type="text" value="PO Box 839"/>	Fax: <input type="text"/>
	City: <input type="text" value="Marshfield"/>	State: <input type="text" value="WI"/> Zip: <input type="text" value="54449"/>

Detail of Property & Request	Present Use(s) of Property: <input type="text" value="Truck Repair"/>
	Proposed Use: <input type="text" value="Vehicle Repair and Service - Mainly Heavy Truck Repair"/>
	<input type="text"/>
Present Zoning: <input type="text" value="G1"/>	Proposed Hours & Days of Operation <input type="text" value="6 am - 4 pm M-F"/>

Conditional Use Narrative (please provide additional pages if necessary)

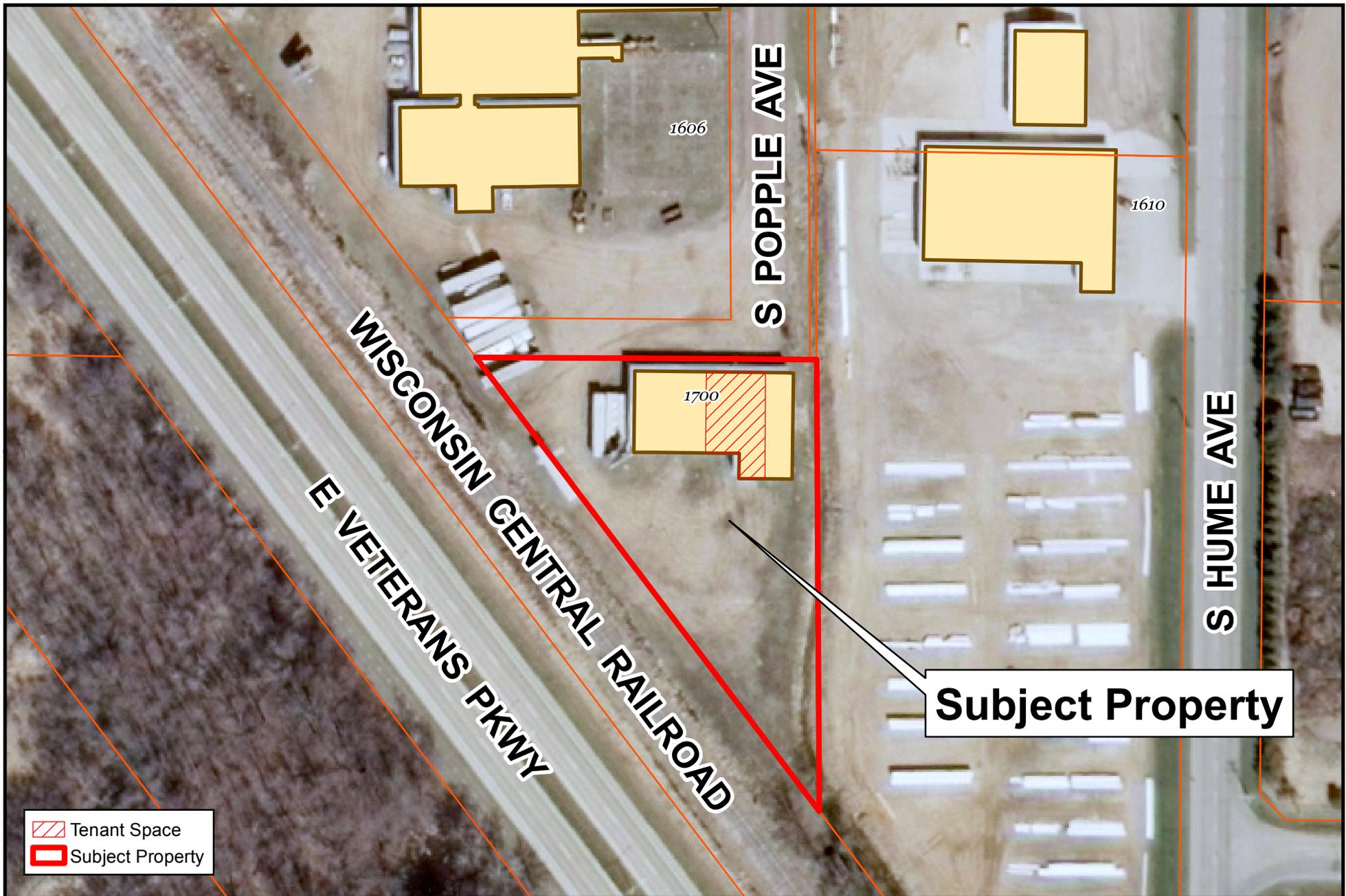
I have operated a vehicle repair shop at this location since July. Requesting to continue to operate vehicle repair shop. No exterior changes are proposed and there is no exterior storage for this use. This location had been a heavy truck repair shop for quite some time when Windy Hill was in operation at this location (since the 1970's). There have been gaps in this use, but it's been primarily used as a truck repair facility. The other businesses in this facility are transport companies and use the facility for their truck repair (Schueller Transfer and Midwest Auto Movers). I am renting two bays in the building and provide both heavy truck repair and vehicle repair services.

Documentation Submitted: Site Plan Survey Photographs Other

Required documentation must be submitted to the Planning & Economic Development Department in order for the application to be placed on the Plan Commission meeting agenda. Although attendance by applicants at the Plan Commission meeting is optional, it is STRONGLY ADVISED that applicants make every effort to attend. Failure to attend can result in the denial or delay of an application due to incomplete information. Fees: the required fee of \$250 shall be submitted with this application, and shall not be refunded should this application be denied.

I hereby apply for a conditional use permit, and I acknowledge that the information above is complete and accurate; that the work will be in conformance with the ordinances and codes of the City of Marshfield and with Wisconsin Statutes and Building Codes; that the Plan Commission may recommend conditions not expressly stated, prior to the meeting, in documentation or by staff, or deny in part or in whole this request; that I understand this form is not in itself a conditional use permit but only an application for one and is valid only with procurement of applicable approvals. The Common Council shall be the final approval authority for the conditional use.

Applicant Signature: Date:



-  Tenant Space
-  Subject Property



CUP - Vehicle Service and Repair 1700 S Popple Ave
 City of Marshfield - Plan Commission
 Meeting Date: February 18, 2014

Map Not to Scale
 Reference Only



ATTENTION: The representation of data presented herein is intended for reference purposes only; the City of Marshfield assumes no responsibility for the accuracy of the information provided. Any duplication without consent is prohibited.



N HARMS
Anonymous
Hope & Help:
www.reclaim4me.com





City of Marshfield Memorandum

TO: Plan Commission
FROM: Josh Miller, Planning/Zoning Administrator
DATE: February 18, 2014

RE: Rezoning request by the City of Marshfield to change the zoning from “GI” General Industrial District to “SR-4” Single-Family Residential District, located south of the Green Acres Estate Subdivision, between South Washington Avenue and South Hume Avenue.

Background

The City of Marshfield is requesting to rezone a parcel, consisting of 4.45 acres, from “GI” General Industrial to “SR-4” Single-Family Residential District, located east of South Washington Avenue, south of E 21st St, west of South Hume Avenue and north of East 25th Street. Don Nikolai is interested in acquiring this property from the City, in hopes of including it in the Green Acres Estates 1st addition.

Analysis

The main concerns when considering rezoning a property is making sure abutting properties are of compatible uses. Rezoning a property from the General Industrial district to a Single-Family Residential district would not typically be the most compatible use, but when one takes into account the geography of the land and surrounding uses, a rezoning of this nature does make a lot of sense. Due to a large swath a wetlands to the west and south and the accessibility of the property, the remaining parcel, which is also owned by the City, would not be suitable for industrial uses.

The subject property proposed to be rezoned is included in the preliminary plat of the Green Acres Estates 1st Addition Subdivision. This addition is an extension of the existing 41 lot Green Acres Estates Subdivision. The new subdivision addition includes 47 new lots. Prior to any of these new lots being developed, the developer will need to extend East 21st Street from South Washington Avenue to Green Acres Drive. If the developer were to extend this right-of-way and subject property was not rezoned to a residential district (continued to be zoned General Industrial), this property could be developed by an industrial business.

The reason the City can insure that rezoning this property to a residential district

abutting an industrial park is because of the environmental corridor that loops through this area. The proposed development on the subject property will not encroach into the environmental corridor. The corridor will be left undeveloped and act as a buffer between the proposed single-family dwellings and the industrial development to the east.

The Future Land Use Map in the Comprehensive Plan calls for this area to be Existing City Residential at 6-10 units per acre. The proposed zoning district, SR-4, would allow for a maximum density of 5 units per acre based on minimum lot size. However, since this area has single family to the north, a greenway/nature area to the east, and the property is bordering the Existing Suburban Residential category (<5 units per acre) on the Future Land Use Map, it seem logical for this part of the development to be single-family rather than require duplexes or multi-family development. The most densely developed portion of this mapped area is the mobile home park and mobile home subdivision and that has a present density of 2.8 units per acre. Even the existing development is well below the proposed density and a significant portion of this mapped area is undeveloped.

Although the proposed density is not consistent with the Future Land Use map in the Comprehensive Plan, the area is still shown as residential which is in line with the proposed zoning district of SR-4 (Single-family residential). The present zoning district is GI (General Industrial) which does not fit in a residential area. So the proposed zoning is much more in line with the Comprehensive Plan than the existing zoning. Furthermore, staff does not feel the density shown in the Comprehensive Plan is a reasonable residential development density for this area. The map shows this area as existing residential when in fact nearly half of the area is undeveloped. Generally, the density (6-10 units per acre) shown in the Comprehensive Plan is suitable for areas around the downtown and general commercial areas but does not fit with the existing surrounding development.

One option that was considered was to rezone the property to TR-6 which would allow for duplexes, but the small increase in density still does not put the overall development density for this area anywhere close to the density proposed in the Comprehensive Plan. In addition, the perspective developer would then be required to pay additional parkland dedication fees for dwelling units he is not going to develop.

Plan Commission Options

The Plan Commission can make the following recommendations:

1. Approval of the request with any exceptions or conditions the Commission feels are justifiable and applicable to the request.
2. Denial of the request with justification stated by the Plan Commission.
3. Table the request for further study.

Recommendation

APPROVE the rezoning request by the City of Marshfield to change the zoning from "GI" General Industrial District to "SR-4" Single-Family Residential District, located south of the Green Acres Estate Subdivision, between South Washington Avenue and South Hume Avenue, and direct staff to prepare an ordinance for Common Council consideration with the following condition:

1. Upon a successful rezoning, the Applicant must split the subject property (parcel #33-05225) with a Certified Survey Map.

Attachments

1. Rezoning Report
2. Location Map

Concurrence:

Not Available

Jason Angell
Planning and Economic Development Director



Steve Barg
City Administrator



City of Marshfield Planning Commission
Rezoning Report

Agenda Date: 02/18/14
Applicant: Ekx\ "qh"O ctuj hgrf
Owner(s): City of Marshfield

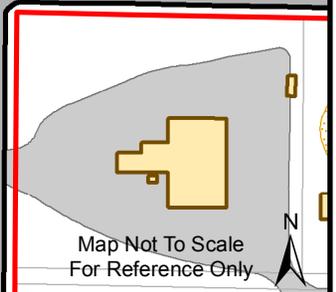
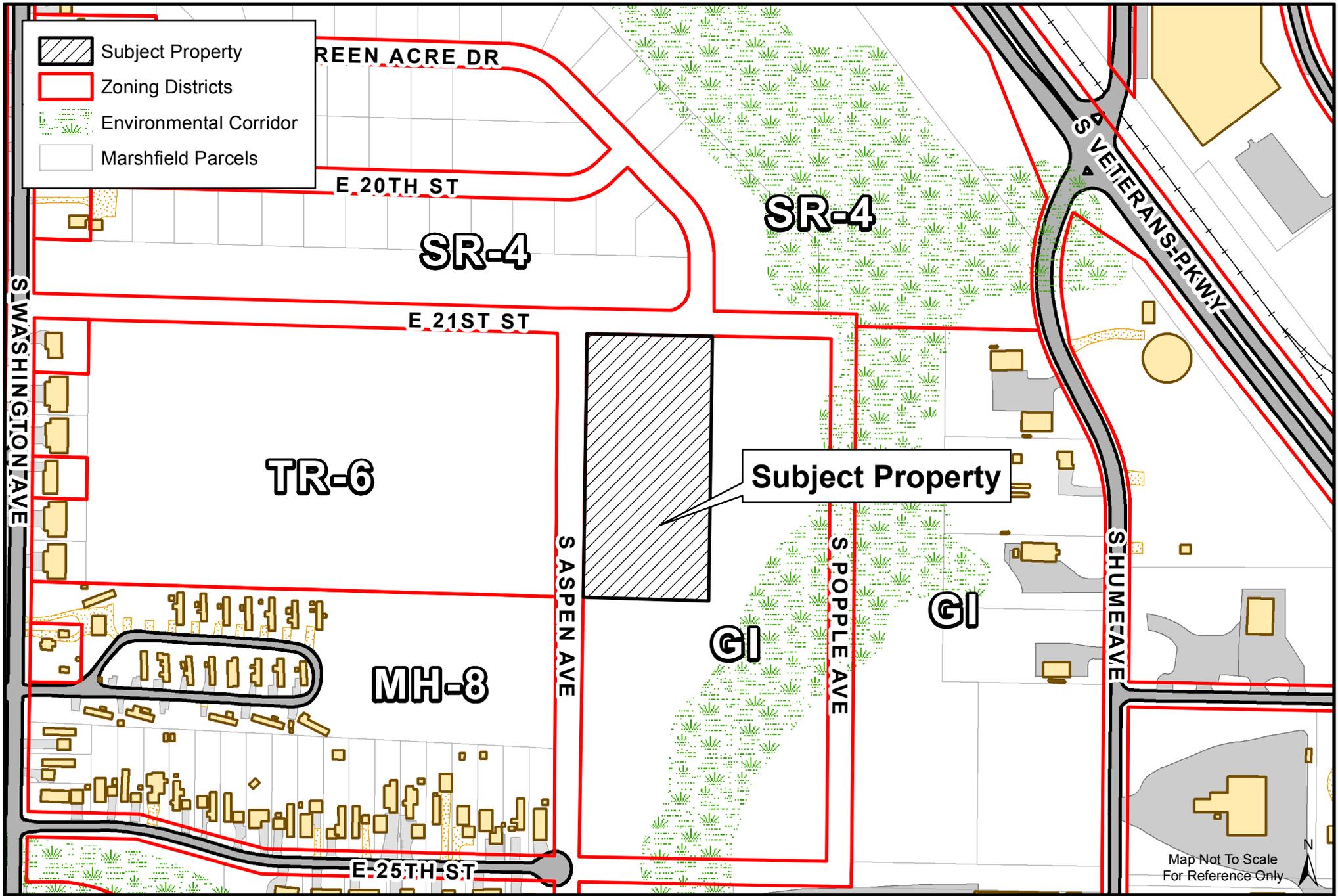
Parcel Number: 330-5225
Jurisdiction: Aldermanic District 7
Location: East of S Washington Ave, south of E 21st St, west of S Hume Ave, and north of E 25th St
Approx. Size of Tract: 189,406 Square Feet – 4.348 Acres
Land Use Plan: Vacant City Industrial Park
Accessibility: East 21st Street
Utilities: No

Present Zoning: 'GI' General Industrial
Zoning Requested: 'SR-4' Single-Family Residential
Existing Land Use: Vacant Industrial
Proposed use: Single-Family Residential
Extension of Zone: Yes, extension of the surrounding SR-4 District
History of Zoning: The property was originally zoned 'M-3' General Industrial until the City-wide rezoning took place on January 1, 2013 the parcel was rezoned to "GI" General Industrial.

Surrounding Land Use and Zoning: North: 'SR-4' Single-Family Residential
East: 'GI' General Industrial
South: 'GI' General Industrial
West: 'TR-6' Two-Family Residential

Neighborhood Context: The area is primary a mixture of residential uses (including manufactured homes, two-family and single family), which is buffered from the industrial park and South Veterans Parkways by an environmental corridor.

-  Subject Property
-  Zoning Districts
-  Environmental Corridor
-  Marshfield Parcels



Rezoning Request: "GI" to "SR-4" Green Acres Estate 1st Addition
Part of Block 8 of Industrial Park Subdivision
City of Marshfield - Plan Commission
Meeting Date: February 18, 2014

ATTENTION: The representation of data presented herein is intended for reference purposes only; the City of Marshfield assumes no responsibility for the accuracy of the information provided. Any duplication without consent is prohibited.





City of Marshfield Memorandum

TO: Plan Commission
FROM: Josh Miller, Planner/Zoning Administrator
DATE: February 18, 2014

RE: Preliminary Plat of Green Acres Estates 1st Addition

Background

The developer is proposing phase II of the Green Acres Estate Subdivision. Phase I consisted of 41 single-family lots and one large outlot of wetlands that was dedicated to the City to become part of the greenway system.

The new proposed Phase II, Green Acres Estates 1st Addition, is to create 27 new single family lots and reconfigure the once platted Grassland Subdivision for an additional 20 two-family lots, and one large undeveloped lot to be subdivided at a later date. Attached is a copy of the Preliminary Plat for Green Acres Estates 1st Addition.

Analysis

When proposing a Preliminary Plat the developer has to be conscious of many items prior to developing lots. These items include infrastructure, zoning, Comprehensive Plan, density, and parkland dedication. The following paragraphs go into more details of the listed items.

Infrastructure. Prior to any lots being developed, the developer will have to construct East 21st Street off South Washington Avenue. This street will have to be extended to Green Acre Drive, which comes out of Green Acres Estate Subdivision. This connectivity will increase the developments circulation. The Preliminary Plat also proposes two other side streets. These streets are not a necessary to start development, but will eventually have to be constructed to give access to 18 of the proposed new lots.

Beside streets, this area currently does not have any accessible utilities running through the area.

Zoning. A portion of the preliminary plat is currently zoned "GI" General Industrial and is located within the Industrial Park Subdivision. The applicant is

proposing to rezone part of this property and include it in the Green Acres Estate 1st Addition subdivision. This portion of the property is located on the west side of an environmental corridor, where all of the developed industrial uses are located on the east side.

Comprehensive Plan/Density. This area, south of the East 21st Street right-of-way, east of South Washington Avenue and bordered on the south and east by the environmental corridor is identified in the 2007 City of Marshfield Comprehensive Plan as Existing City Residential, 6 to 10 units per acre. At the time the Comprehensive Plan was adopted, this area was approximately 1.0 units per acre. With the proposed new single-family/two-family development this area will roughly have a density of 1.8 units per acre. Both of these approximated densities are well under the depiction of the Comprehensive plan. This area would have to consist entirely of duplexes and multifamily for this development to meet the density standards of the Comprehensive Plan and given the surrounding development, it is unlikely to be developed at that density.

Part of the reason for the low density is the deep lots on the east side of the development. The lots include as much developable area as feasible given the greenway and wetlands to the east. The reason for the significant lot depth is the wetlands limits potential access to the back portion of the lots and the remaining land to the east is undevelopable.

Originally, this development included two cul-de-sacs which are discouraged in the Comprehensive Plan. The new layout provides a better circulation pattern in the neighborhood.

Parkland Dedication. According to Chapter 19, Subdivision and Platting, the minimum dedication of land area for the purpose of providing parks, playgrounds, trails, recreation and open space shall be one acre for each forty-five potential dwelling units or fractions thereof. Where there is no land suitable for parks within the proposed division or the dedication of land would not be compatible with the City's Comprehensive Plan or Outdoor Recreation Plan, the subdivider shall contribute a park and recreation development fee in lieu of land. This fee for residential developments is \$200.00 for each possible residential unit.

Reviewing the Comprehensive and the Outdoor Recreation Plan, there is no suitable land area depicted on these plans for parks or similar uses. With that being said the developer has agreed to pay the fee in lieu of, but is requesting the fee be calculated based upon only the new platted lots, which would not include the reconfiguration of the mentioned Grassland Subdivision. The Grassland Subdivision was created in 1994 and consisted of 39 single-family lots. This plot was vacated in January of 2013, but once again being proposed for residential properties. The Green Acres Estates 1st Addition reconfigured this area to occupy 20 two-family lots and one 8 acre outlot.

Subdivision Ordinance. The Subdivision Ordinance specifically lists a provision where the Plan Commission can grant exceptions to the maximum block length (1,500 feet) and the minimum block length (600 feet). The proposed subdivision is requesting exceptions to both. Given the layout of the subdivision to the north, the block along 21st Street (Block 4) will be approximately 1,550 feet exceeding that requirement. Additionally, the block bordered by Megan's Way and Aspen Avenue (Block 9) is only 425 feet in length. Requiring the block to meet the 600 foot length would either increase the amount of infrastructure (if the entire plat was developed) or encourage the use of cul-de-sacs. Given the layout, staff is recommending that the Plan Commission allow for both exceptions. The remaining lot and block layouts meet the requirements of the Subdivision Ordinance.

Lots 3 through 7 on Block 10 also exceed the recommended 1:2.5 width to length ratio (if a lot was 100 feet wide, generally, the deepest it should be is 250 feet). However this is a recommended standard and not a hard requirement and the proposed lots have about 1:3 width to length ratio. Since the area to the east is undevelopable, having deeper lots in this block makes sense.

Plan Commission Options

The Plan Commission can make the following recommendations:

1. Approval of the request with any exceptions, conditions, or modifications the Commission feels are justifiable and applicable to the request.
2. Denial of the request with justification stated by the Commission.
3. Table the request for further study.

Recommendation

APPROVE the preliminary plat of Green Acres Estates 1st Addition with the following conditions:

1. A Certified Survey Map must be completed for the industrial park subdivision parcel split.
2. The approval of this plat shall void if the rezoning of the industrial park subdivision parcel split from "GI" to "SR-4" is not approved.
3. An exception shall be granted to allow Block 4 to exceed 1,500 square feet and Block 9 to be less than 600 feet as presented.

Attachments

1. Location Map
2. Preliminary Plat

Concurrence:

A handwritten signature in black ink, appearing to read "Jason Angell". The signature is written in a cursive style with a prominent loop at the end.

Jason Angell
Planning and Economic Development Director

PRELIMINARY PLAT GREEN ACRES ESTATES 1ST ADDITION

ALL OF VACATED GRASSLANDS SUBDIVISION, BLOCK 4 AND BLOCK 5 OF GREEN ACRES ESTATES, ALL OF OUTLOT 1 OF WOOD COUNTY CERTIFIED SURVEY MAP #5203, PART OF OUTLOT 1 OF WOOD COUNTY CERTIFIED SURVEY #5202, AND PART OF BLOCK 8 OF INDUSTRIAL PARK SUBDIVISION, BEING LOCATED IN THE SW1/4 NW1/4, SE1/4 NW1/4, NW1/4 SW1/4, AND NE1/4 SW1/4 OF SECTION 16, TOWNSHIP 25 NORTH, RANGE 3 EAST, CITY OF MARSHFIELD, WOOD COUNTY, WISCONSIN.

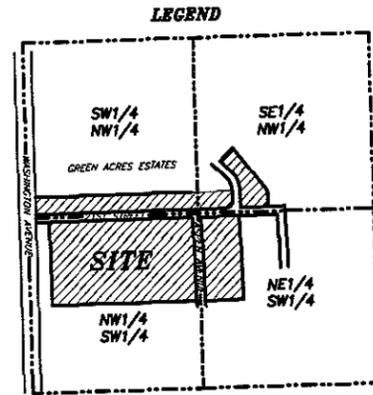
VRELAND ASSOCIATES, INC.
6103 DAWN STREET WESTON, WI 54476
PH (715) 241-0947 OR TOLL FREE (866) 693-3679
FAX (715) 241-8826 www.vrelandassociates.net
FILE # N-29 NIKOLAI FINAL PLAT DRAFTED BY: TIMOTHY G. VRELAND DRAWN BY: JASON J. PFLIEGER

PREPARED FOR OWNER:
DON NIKOLAI

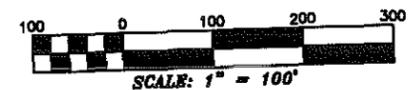
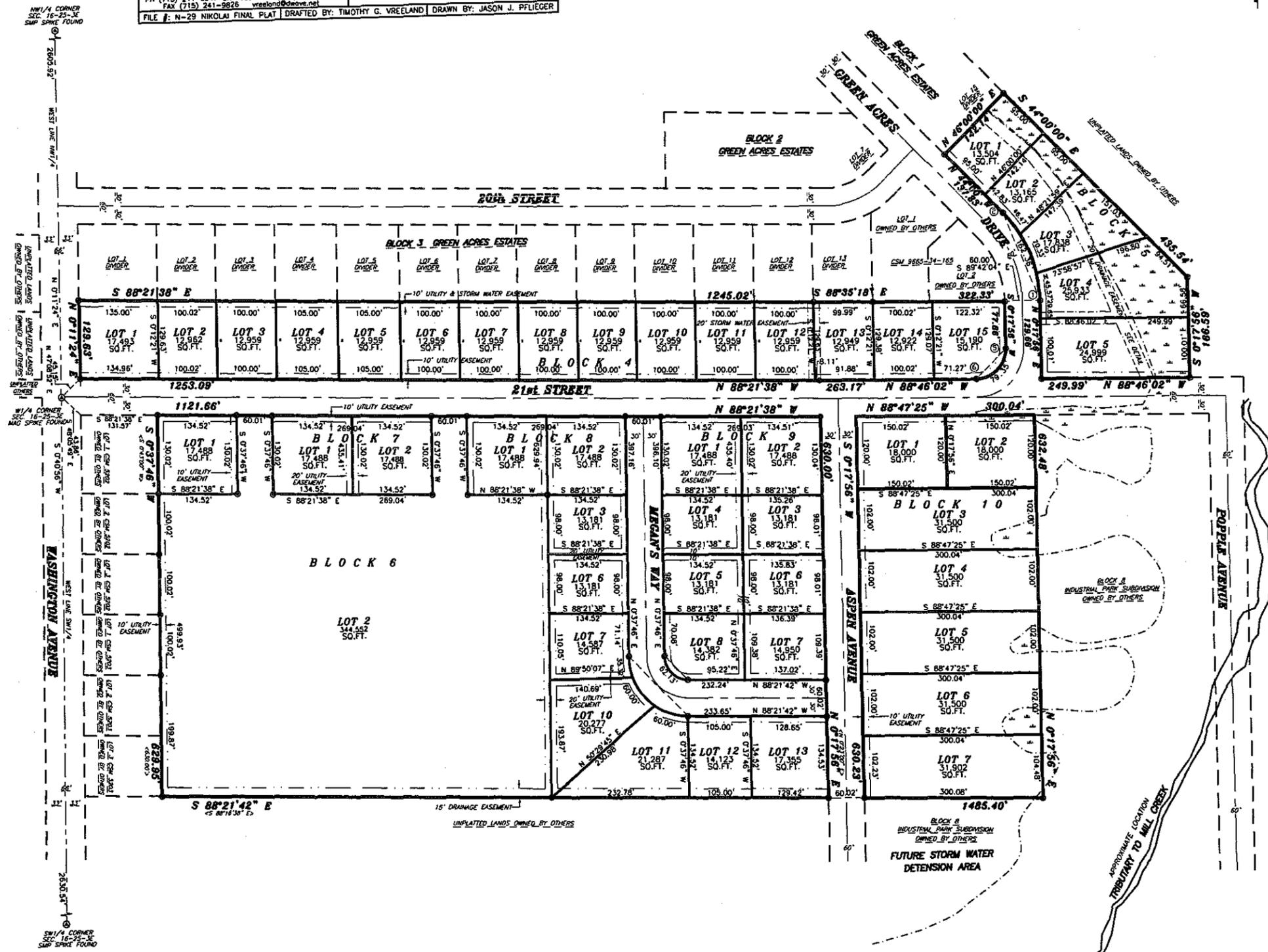
There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis Stats. as provided by s. 236.12, Wis. Stats.

Certified _____, 20__

Department of Administration



THE NW1/4 SW1/4, NE1/4 SW1/4, SW1/4 NW1/4, & SE1/4 NW1/4, SECTION 16, TOWNSHIP 25 NORTH, RANGE 3 EAST, CITY OF MARSHFIELD, WOOD COUNTY, WISCONSIN.



- LEGEND**
- ⊙ = GOVERNMENT CORNER LOCATION PER COUNTY SURVEY RECORDS
 - = 1" OD IRON PIPE FOUND IN PLACE
 - = 1.25" OD IRON PIPE FOUND IN PLACE
 - = 2.375" OD IRON PIPE FOUND IN PLACE
 - = 1 1/4" x 18" ROUND IRON ROD 4.173lbs/ft SET
 - = 1 1/4" IRON ROD FOUND IN PLACE
 - = 3/4" REBAR FOUND IN PLACE
 - = WETLANDS SHOWN HEREON HAVE BEEN DELINEATED BY GARY STARZINSKI OF STAR ENVIRONMENT.
 - - - = 10' UTILITY EASEMENT
 - - - = 20' STORM SEWER EASEMENT
 - < > = PREVIOUSLY RECORDED AS
- ALL OTHER LOT CORNERS ARE MONUMENTED WITH 1.315" OD x 24" IRON PIPE 1.68 LBS/FT.
- DISTANCES ON CURVES ARE ARC DISTANCES.



City of Marshfield Memorandum

TO: Plan Commission
FROM: Josh Miller, Planner/Zoning Administrator
DATE: February 18, 2013

RE: Municipal Code Amendment request by Marshfield Utilities to Chapter 19, Subdivision and Platting, Section 19-63 of the City of Marshfield Municipal Code, pertaining to requirements for installation of underground utilities.

Background

Over the past few months, staff has worked with Marshfield Utilities - to revise and rewrite parts of the City of Marshfield Municipal Code pertaining requirements for installation of underground utilities. The proposed change is to clarify the installation of such underground utilities.

Analysis

Attached is a summary document from the Utility. Below are the proposed changes for your review. Nick Kumm from the utility will be present at the meeting to address the proposed changes to the ordinance.

The proposed change is to amend Section 19-63(1)(h) to read as follows:

- (h) Utilities (i.e. electric, phone, CATV, etc.). All utilities shall be installed underground within the boundaries of the subdivision in such a manner as to make service available to each lot. The subdivider shall also cause streetlights to be installed. This Section shall not apply to electric transmission lines and electric distribution main feeder lines when underground installation is inconsistent with the utilities practice for design and/or construction of these types of utility facilities.

Plan Commission Options

The Plan Commission can make the following recommendations:

1. Approval of the request with any exceptions or conditions the Commission feels are justifiable and applicable to the request.
2. Denial of the request with justification stated by the Plan Commission.

3. Table the request for further study.

Recommendation

APPROVE the proposed amendment by Marshfield Utilities to Chapter 19, Subdivision and Platting, Section 19-63 of the City of Marshfield Municipal Code, pertaining to requirements for installation of underground utilities.

Attachments

1. Application
2. Background summary

Concurrence:



Jason Angell
Planning and Economic Development Director



Steve Barg
City Administrator



MARSHFIELD
The City in the Center

Revised: 02/18/13

**Department of
Planning & Economic Development**

City of Marshfield
P.O. Box 727
630 South Central Avenue
Marshfield, WI 54449-0727
Telephone: 715-486-2075
Fax: 715-384-7631
Email: josh.miller@ci.marshfield.wi.us

**Code Amendment
Application**

Fee: \$200.00

Office use only

Date rec'd/by:

Fee/Receipt No.

Type of Action: Zoning Code Amendment Sign Code Amendment

Applicant: Ph: Fax:

Address: City: State: Zip Code:

Property Owner (or area associated with the Code Amendment):

Name: Ph:

Address: Fax:

City: State: Zip Code:

Requested Change (what is being requested):

This application is requesting an amendment to the language of Section 19-63 (1) (h).

Proposed of Amendment (why is the request needed):

The propose of the requested amendment would ensure the city ordinance language was consist and followed the Public Service Commission of Wisconsin Administrative Code.

Consistent with the City of Marshfield Comprehensive Plan: Yes (explain) No

The proposed changes don't deviate from the policies set forth in the Comprehensive Plan.

Resulting Benefit/Outcome (who or what will benefit from the code amendment and how):

The amendment to the ordinance would provide city and utility staff ordinance language that is consistent with Public Service Commission of Wisconsin Administrative Code. Additional, Marshfield Utilities would have flexibility to install the most cost effective and reasonable solution in the future for main feeders. This would ensure the electrical system in the City of Marshfield remains reliable and redundant.

Proposed Amendment Language (if known):

* If amending current code striking out proposed deletions and underline any new additions. (additional pages may be added)

(h) Utilities (i.e. electric, phone, CATV, etc.). All utilities shall be installed underground within the boundaries of the subdivision in such a manner as to make service available to each lot, unless such underground installation is inconsistent with the utility's practice for design or construction of utility facilities. In any case, all service lines shall be installed underground. The subdivider shall also cause streetlights to be installed.

Please attach any information that may be beneficial in the review process or additional and related material to the questions above, such as maps graphs tables and charts.

APPLICANT (OR SOMEONE REPRESENTING APPLICANT) MUST BE PRESENT AT THE PUBLIC HEARING

NOTE: The Plan Commissions' review of this application is a quasi-judicial proceeding. You will have an opportunity to present information to the Commission in favor of your application at the public hearing. It is not appropriate to contact Commission members in advance regarding a pending decision. Please file any written communication about your application with the Planning / Zoning Administrator and direct additional copies to Commission members and other persons who has registered an interest in your application.

AUTHORIZATION

The undersigned hereby certifies that this application has been made with the consent of the property owner(s) and that all information submitted with this application is complete and accurate to the best of knowledge. This application also authorizes City representatives to visit and photograph the property in order to process the application.

Applicant Signature:

Nikolas E. Thuma

Date:

1/22/14

Summary Document: Ordinance amending Section 19-63

Section 19-63(1)(h)

Background: The proposed ordinance modification would clarify the language to follow the existing Public Service Commission of Wisconsin (PSCW) Chapter 130 requirements. The current ordinance language requires all utilities to be installed underground within a new subdivision. The PSCW Chapter 130 only allows an ordinance to require utilities to be underground if the design and construction is consistent with the utilities' standards or if a third party reimburses the cost difference between the standard and the special design. In the future, MU may need to install main feeders through subdivisions due to load growth and with the goal to maintain reliable and redundant electricity to our customers at a reasonable cost. Typically, MU will be responsible for the cost of the main feeders. The standard design for a main feeder is overhead. Installing the main feeder underground would require special equipment, additional training, additional tools, and be costly. The modification to the language would allow some flexibility so MU can install the most cost effective and reasonable solution in the future.



City of Marshfield Memorandum

TO: Plan Commission
FROM: Josh Miller, Planner/Zoning Administrator
DATE: February 18, 2014

RE: Amendment to Chapter 18, General Zoning Ordinance, Section 18-103(10) of the City of Marshfield Municipal Code pertaining to Throat Length. The amendment is being proposed in an effort to reduce the minimum throat length and allow the City Engineer the ability to increase or decrease the minimum requirements based on traffic circulation and safety concerns.

Background

The term “throat length” was a new requirement as part of the new zoning code effective January 1, 2013. What seemed like a straightforward requirement when initially adopted has provided staff with challenges as a variety of access options have been proposed for new development. The overall intent of requiring a throat length distance at the access point of a development is to provide a safe ingress for vehicular traffic.

Analysis

Staff is proposing to amend the language pertaining to minimum permitted throat length to reduce the minimum required throat length from 25 to 20 feet and give the City Engineer the ability to increase or decrease the required throat length based upon traffic patterns and safety concerns. The reason for the proposed change is that 20 feet is generally more than one car length and that seems appropriate to allow for a vehicle to safely wait for cross traffic in a parking area while staying clear of the right-of-way. Additionally, there are some parking lot designs where the throat length is not met, but due to the circulation patterns (such as one way entrances), it is reasonable to reduce the throat length. Staff wanted to allow for the City Engineer to make that call as to whether a reduction is safe or if an increase in throat length is needed. Previously, a change to the throat length was allowed through the Conditional Use Permit process and can add time for approvals for development when staff would be relying on the opinion of the City Engineer as to whether a reduction was suitable.

Staff is proposing Section 18-103(10) be amended to read as follows:

(10) Minimum Permitted Throat Length. All new nonresidential and new multiple family residential development shall have a minimum of a ~~25~~ 20 foot throat length for access drives serving parking lots as measured from the right-of-way line. This requirement shall not apply to the DMU and UMU districts. ~~The Plan Commission may reduce the 25-foot throat length requirement as granted through a conditional use permit.~~ The City Engineer may increase or decrease the required ~~require~~ additional throat lengths if deemed necessary based upon traffic patterns and safety concerns.

Plan Commission Options

The Plan Commission can make the following recommendations:

1. Approval of the request with any exceptions or conditions the Commission feels are justifiable and applicable to the request.
2. Denial of the request with justification stated by the Plan Commission.
3. Table the request for further study.

Recommendation

APPROVE the proposed amendment pertaining to minimum permitted throat length and direct staff to prepare the ordinance for Common Council consideration.

Attachments

1. Redline Draft Ordinance

Concurrence:

Not Available

Jason Angell
Planning and Economic Development Director



Steve Barg
City Administrator

REDLINE ORDINANCE NO. XXXX

An Ordinance amending Section 18-103(10) of the City of Marshfield Municipal Code pertaining to Throat Length Requirements.

The Common Council of the City of Marshfield do hereby ordain as follows:

SECTION 1. Section 18-103(10) of the Marshfield Municipal Code is hereby amended to read as follows:

Minimum Permitted Throat Length. All new nonresidential and new multiple family residential development shall have a minimum of a ~~25~~ 20 foot throat length for access drives serving parking lots as measured from the right-of-way line. This requirement shall not apply to the DMU and UMU districts. ~~The Plan Commission may reduce the 25 foot throat length requirement as granted through a conditional use permit.~~ The City Engineer may increase or decrease the required ~~require additional~~ throat lengths if deemed necessary based upon traffic patterns and safety concerns.

SECTION 2. Savings Clause. If any provision of this Ordinance shall be less restrictive than applicable state statute or in conflict with such statutes, as they exist at passage hereof or as they may hereafter be amended, then, in such case, the state statute shall supersede the provision hereof to the extent applicable.

SECTION 3. Severability. If any provision of this Ordinance is found to be unconstitutional or otherwise contrary to law, then such provision shall be deemed void and severed from the Ordinance and the remainder of this Ordinance shall continue in full force and effect.

SECTION 4. This ordinance shall take effect and be in force from and after the day after its passage and publication as provided by law.

ADOPTED: _____

Chris L. Meyer, Mayor

APPROVED: _____

ATTEST: _____

PUBLISHED: _____

Deb M. Hall, City Clerk



City of Marshfield Memorandum

TO: Plan Commission
FROM: Josh Miller, Planner/Zoning Administrator
DATE: February 18, 2014

RE: Amendment to Chapter 18, General Zoning Ordinance, Section 18-104 of the City of Marshfield Municipal Code pertaining to Exterior Lighting Requirements. The amendment is being proposed in an effort to address architectural and landscape lighting, list exceptions to the lighting standards, allow for an increase in illumination at the right-of-way line, and clarify the illumination standards.

Background

As staff continues to review development projects, notes are made where requirements of the new code can have a negative impact new development. One area where this was noticed was in the exterior lighting requirements. The current code has a rather restrictive illumination standard (0.5 foot candles) when measured at the property line. The code does not allow for a great illumination at the right-of-way, or where commercial property is adjacent to other commercial property. In addition, the code did not allow for architectural lighting and did not address needed exceptions such as emergency lighting and air navigation lighting.

Analysis

Initially, the goal was to address a few areas where the code needed to be fixed, but as staff went through the code, it became clear the entire section needed to be reorganized and revised.

Staff is proposing to amend the language throughout Section 18-104, pertaining to Exterior Lighting Requirements. These changes include:

1. List exceptions to the lighting standards such as aviation lighting, temporary lighting, lighting for public monuments, seasonal lighting, and lighting for emergency situations.
2. Adding a definition section.
3. Increasing the standard for the number of footcandles allowed at adjacent nonresidential properties and at the right-of-way to 2.0 footcandles.

4. Having separate standards for pole lighting, wall lighting, and decorative lighting.
5. Increasing the pole height for nonresidential districts to 40 feet, unless the pole is within 100 feet of residentially zoned property and then it is limited to 25 feet.
6. Basing the illumination standard for non-cutoff lighting on lumens (2,500).
7. Allow uplighting for landscape, architectural/decorative, and flag lighting. The lights shall be designed to minimize light that does not illuminate the target area.
8. Allow partially shielded luminaires to be used to illuminate loading areas for nonresidential uses where the fixture is not facing or screened from any adjoining residentially zoned property. Luminaires should be directed away from public rights-of-way when feasible.
9. Allows non cutoff fixtures to be used to illuminate properties zoned industrial for parking, loading, and outdoor yard areas where the fixture is screened from any adjoining residentially zoned property. Luminaires should be screened from public rights-of-way when feasible.
10. Added a section to address lighting that are considered a public hazard or nuisance.

Staff has consulted professionals that deal with the design and installation of lighting when making the proposed changes. Given the significant changes, staff is proposing an ordinance to repeal and replace this section.

Marshfield Utilities did have some concerns with the lighting ordinance and we can discuss those at the meeting as Nick Kumm will be present to discuss this item.

Plan Commission Options

The Plan Commission can make the following recommendations:

1. Approval of the request with any exceptions or conditions the Commission feels are justifiable and applicable to the request.
2. Denial of the request with justification stated by the Plan Commission.
3. Table the request for further study.

Recommendation

APPROVE the proposed amendment including any comments from the Plan Commission and direct staff to prepare the ordinance for Common Council consideration.

Attachments

1. Draft Ordinance

Concurrence:

Not Available

Jason Angell
Planning and Economic Development Director



Steve Barg
City Administrator

Section 18-104: Exterior Lighting Standards

- (1) Purpose. The purpose of this Section is to regulate the spill-over of light and glare on operators of motor vehicles, pedestrians, and land uses in the vicinity of a light source in order to promote traffic safety and to prevent the creation of nuisances.
- (2) Applicability. The requirements of this Section apply to all new private exterior lighting within the jurisdiction of this Chapter, except for the following, provided the lighting is not causing nuisance to adjoining property owners or to the public:
 - (a) Lighting within public rights-of-way and/or lighting located on public property including parks, athletic fields, and fairground uses.
 - (b) Lighting for public monuments, statuary, and flags.
 - (c) Lighting solely for signs (regulated by the Sign Ordinance).
 - (d) Temporary lighting for theatrical, television, performance areas, community events, construction sites, seasonal/holiday lighting, or similar temporary uses.
 - (e) Underwater lighting in swimming pools and other water features.
 - (f) Lighting that is only used under emergency conditions.
 - (g) Lighting exempted as part of a Conditional Use Permit.
 - (h) Lighting required by the FCC, FAA, Airport, and State or Federal law.
 - (i) Lighting required for air navigation.
 - (j) All lighting luminaires and light poles existing prior to the effective date of this Section shall be considered grandfathered and may be replaced at their present location and height provided any nonconformity is not increased.
- (3) Review and Approval. The City shall review and approve all development for conformance with this Section through the site plan review process (see Section 18-164).
- (4) Depiction on Required Site Plan. Exterior lighting for multifamily and nonresidential development shall be depicted as to its location, orientation, and configuration on the site plan required for the development of the subject property. Submitted materials should include specification sheets for all proposed luminaires.
- (5) Definitions.
 - (a) Architectural/Decorative Lighting: Lighting that is decorative, and/or used to illuminate architectural and/or landscaped features and pedestrian areas, and primarily installed for aesthetic effect. May be wall or ground mounted.
 - (b) Fixture: A complete lighting assembly (including the lamp, housing, reflectors, lenses, and shields), less the support assembly (pole or mounting bracket); a light fixture. Includes luminous tubes, lamps or similar devices, permanently installed or portable, used for illumination, decoration, or advertisement.
 - (c) Footcandle: A quantitative unit measuring the amount of light cast onto a given point, measured as one lumen per square foot.
 - (d) Full Cutoff/Full Shield Fixture: A light fixture shielded or constructed in such a manner that it emits no light above the horizontal plane through the luminaire's lowest light-emitting part.

- (e) Glare: Intense or blinding light that is sufficiently brighter than the level to which the eyes are adapted, to cause visual discomfort, or loss of visual performance and ability.
 - (f) Light Source: The element of a lighting fixture that is the point of origin of the lumens emitted by the fixture.
 - (g) Light trespass: Light falling where it is not wanted or needed including spill light and obtrusive light.
 - (h) Lumen: A quantitative unit measuring the amount of light emitted by a light source.
 - (i) Luminaire: The complete lighting unit, including the lamp, the fixture, and other parts.
 - (j) Non Cutoff Fixture: A light fixture that has no limitations on light distribution at any angle.
 - (k) Partially Shielded: A luminaire shielded in such a manner that more than zero but less than ten percent of the light emitted directly from the lamp or indirectly from the fixture is projected at angles above the horizontal and includes semi-cutoff fixtures.
 - (l) Uplighting: a lamp or wall light designed or positioned to cast its light upwards. The lights shall be designed to minimize light that does not illuminate the target area. The light source shall be screened or shielded from adjoining properties.
- (6) General Exterior Lighting Requirements.
- (a) Flashing, flickering and/or other lighting which may distract motorists are prohibited.
 - (b) Intensity of Illumination.
 1. The maximum number of footcandles at a property line that is abutting a residentially zoned property shall be 0.5 footcandles. Properties owned by the same owner or where a shared parking agreement has been established for the parking area, may be excluded from this requirement. The maximum number of footcandles at a street right-of-way or property line abutting a nonresidential zoning district is 2.0 footcandles.
 2. Reflected glare onto nearby buildings, streets or pedestrian areas is prohibited.
 3. Onsite Lighting.
 - a. The maximum average on-site lighting in nonresidential zoning districts shall be 2.4 foot-candles.
 - b. The maximum average on-site lighting in residential zoning districts shall be 0.90 foot-candles.
 - c. The following exceptions may be permitted:
 - i. The maximum average allowable on-site lighting of outdoor recreation facilities and assembly areas is 3.60 foot-candles.
 - ii. The maximum average on-site lighting of auto display lots and gas station pump islands is 25.0 foot-candles.
 4. Reflected glare onto nearby buildings, streets, or pedestrian areas is prohibited.
 5. All under-the-canopy fixtures shall be full cutoff and recessed into the structure ceiling.
 - (c) Fixtures and Luminaires.
 1. Light Poles.
 - a. The maximum fixture height in the SR-2, SR-3, SR-4, SR-6, TR-6, MR-12, NMU, and MH-8 districts shall be 20 feet. The maximum fixture height in all other districts shall be

40 feet, except for any fixture located within 100 feet of a residentially zoned property, then the maximum height shall be 25 feet. The distance shall be measured from the ground to the top of the fixture.

- b. All pole lights shall be directed down and have full cutoff or fully shielded luminaries except for the following:
 - i. Lighting sources that emit less than 2,500 lumens (roughly equivalent to 150 watt incandescent light bulb).
 - ii. Non cutoff or flood lighting may be used to illuminate properties zoned industrial for parking, loading, and outdoor yard areas where the fixture lens is screened from any adjoining residentially zoned property. Fixture lenses should be screened from public rights-of-way when feasible.

2. Wall Lights.

- a. All wall lights shall be directed down and have full cutoff or fully shielded luminaries except for the following:
 - i. Lighting sources that emit less than 2,500 lumens (roughly equivalent to 150 watt incandescent light bulb).
 - ii. Partially shielded fixtures may be used for loading and parking areas for nonresidential uses where the fixture lens is not facing or is screened from any adjoining residentially zoned property. Fixture lenses should be directed away from public rights-of-way when feasible.
 - iii. Non cutoff or flood lighting may be used to illuminate properties zoned industrial for parking and outdoor yard areas where the fixture lens is screened from any adjoining residentially zoned property. Luminaires should be screened from public rights-of-way when feasible.
 - iv. Uplighting shall only be permitted for the architectural/decorative lighting of a building or landscaping.

3. Uplighting shall only be permitted for the architectural/decorative lighting of a building or landscaping.

4. Free standing decorative and bollard lighting is permitted provided the lighting source emits less than 2,500 lumens if visible from adjoining properties or public right-of-way.

5. Blinders, shields, or some other type of protectors may be required to be placed on any lights so as to minimize glare or to direct the beam away from adjoining properties, rights-of-way, or driveways if deemed a nuisance.

6. The color and design of fixtures shall be compatible with the building(s) and public lighting in the area, and shall be uniform throughout the entire development site.

(7) Public Safety and Nuisance

(a) Generally. The City may require the modification or removal or limited operation of any new lighting fixtures found to be a public hazard or public nuisance according to the criteria of this Section.

(b) Hazard. Criteria for finding illumination to be a public hazard are as follows:

1. Light trespass or glare that is sufficiently intense or contrasts excessively with surrounding illumination, regardless of the intensity of the surrounding illumination, in a manner to cause

impairment of visual performance or to distract from or impair the safe operation of a vehicle.

2. Light trespass or glare that impairs a person's visual performance or ability to avoid obstacles in his path.
- (c) Nuisance. Criteria for finding illumination to be a public nuisance are as follows:
1. Light trespass or glare that deprives an owner or occupant of usual and reasonable use and enjoyment of his property.
 2. Light trespass or glare that causes visual discomfort or impairment of visual performance in a manner that deprives any person from the usual and reasonable enjoyment of the public streets and properties of the City.

(Ord 1240, 11/13/12)