ZONING BOARD OF APPEALS MINUTES OF DECEMBER 13, 2005

Meeting called to order by Vice Chairman Reek at 4:46 p.m. in the Executive Conference Room, City Hall Plaza.
PRESENT: Marvin Duerr, Dean Markwardt, Wallace Reek, Don Wink and 1st Alternate Jim Asplin
EXCUSED: Karl Zimmermann
ALSO PRESENT: Planner/Zoning Administrator Curtiss, Director of Public Works Knoeck, Director of Planning and Economic Development Miller, Deputy Clerk Panzer, Alice Roberts Davis, Scott DeBell, Mayor Meyers (arrived at 4:49 p.m.), Tom Buttke (arrived at 5:04 p.m.) and Tom Turchi (arrived at 5:17 p.m.)

ZB05-00 Motion by Wink, second by Duerr to approve the minutes of November 8, 2005 and November 29, 2005 as submitted.

Planner/Zoning Administrator Curtiss recommended that the board look at the minutes of November 29th and consider clarifying the justifications behind motion ZB05-35 specific to the criteria of the code.

Director of Planning and Economic Development Miller said that she received calls on this issue. A financial reason is not necessarily a hardship. People are asking for more of a clarification.

Duerr explained that the property was purchased in good faith as a townhouse, because that is how it was presented by the realtor and the buyer's intent at the time of purchasing the property was to market it as a townhouse, and later the buyer found out that it wasn't.

Director of Planning and Economic Development Miller explained that the buyer's recourse for that situation is to legally go back to that property owner that sold him the property. It was his due diligence and responsibility to do that. This board shouldn't have to try to dispute property issues between a seller and a buyer. That does not qualify under any of the criteria specified in the code.

Planner/Zoning Administrator Curtiss said that the board can not go back and reverse their decision. The board made a decision and if there were specific reasons for that decision as they would relate to the criteria she suggested clarifying that within the minutes.

ZB05-37 Motion by Wink to approve the minutes of November 8, 2005 as submitted and withdraw the motion to approve the minutes of November 29, 2005. Duerr seconded the motion. All Ayes.
Motion carried.

Mayor Meyers arrived at 4:49 p.m.

Deputy Clerk read the variance request from Target Corporation, Inc. to construct a 50' addition on the north end of the building at 1708 N. Central Avenue, zoned 'B-4' General Commercial District. Section 18-04(6) of the Municipal Code requires a special 50' setback from major streets. Section 18-89 of the Municipal Code requires one (1) parking stall for every 200-square feet of net floor area for retail developments. The applicant requests a 16.6' setback variance from W. McMillan Street and a variance to reduce the number of required off-street parking spaces by 38-stalls.

Planner/Zoning Administrator Curtiss presented a statement of facts regarding the variance request.

Scott DeBell, Civil Engineer for Woolpert, Inc., explained that he looked at numerous different options with Target for their expansion and through that process; Target determined that this is what they really need for this market knowing that it doesn't meet the City's requirements. With this expansion there would be a loss of parking spaces on the north side of the building as well as a few in the front of the building. Parking is very important to the stores. If the parking lot becomes full, business is lost because people will go elsewhere to shop. We are very concerned about making sure that there is adequate parking on the site and we feel comfortable that the proposed number of spaces are more than we need.

Alice Roberts-Davis with Target in Minneapolis explained why Target chose this particular option. Marshfield is what we consider our smaller markets and for that reason we put one of our older prototypes here at the time. We don't do that any more.

She pointed out the following:

- The Marshfield store is slightly undersized.
- Target is not able to deliver a true Target brand experience to their guests in Marshfield, because they don't have the breath of assortment that they would like to have at a typical Target store.
- In this market, with two other major discount retailers on Central Avenue, they are not competitive.
- A lot of jurisdictions are moving more towards one (1) parking stall for every 250-square feet of net floor area.
- If guests see that the parking lot is 80% full or more, they continue on, so Target wants to make sure that they have adequate parking.
- This reinvestment is between $7,000,000 and $8,000,000.
- Target selects very few stores to undergo this type of major expansion.
- If they remain noncompetitive, they will have to begin really evaluating their presence in this market. If they can't compete then business is not warranted.

Alderman Buttke arrived at 5:04 p.m.

Director of Public Works Knoeck said that McMillan Street is currently a minor arterial; however, the DOT is recommending that it be upgraded to a major arterial or principal arterial that increases the required right-of-way from a 60' wide corridor to an 80' wide corridor. A 50' setback has been preserved for this entire corridor from Central Avenue up to St. Joseph Avenue. Others have wanted to venture into that setback, but have been denied. The YMCA was the latest with their addition. They had come in seeking a variance; they were told that it would not be recommended by staff, so they did not pursue it. Great efforts have been made to maintain that 50' setback on this segment of roadway and it would be short sited now to compromise that setback especially since it is so close to a major intersection on Central Avenue and McMillan Street.

Director of Planning and Economic Development Miller said that that doesn't mean that we are going to widen this street tomorrow and add four lanes or two lanes, but it is a major portion of our infrastructure in this area and to allow a variance of this magnitude into that 50' setback really would be short sited for the long term development of this area of the city.

Asplin questioned if Target looked into going to the west with their addition, where they would have all kinds of room and they wouldn't have to have a variance.

Alice Roberts-Davis responded that they did. What happens when we start to compromise the footprint of the building is that we end up with unique looking stores that we are not able to merchandise, so really the only way that we are able to make this expansion work is to move to the north of the building.

Reek said that that intersection may become our number one intersection in the City in not too long of time, because of the fact that Galvin Avenue is almost finished and McMillan is being worked on. He questioned is there was an alternative if this variance is turned down.

Alice Roberts-Davis stated no. She said they looked at a 30' plan, but for the size of the investment and for the amount of additional shelf space that we would end up with it doesn't warrant the investment. It still would be severely compromised from a regular Target store.

Planner/Zoning Administrator Curtiss commented that as far as the parking spaces, that is something that the City would have to reevaluate through a vote and make a recommendation. We acknowledge that our parking requirements may need some looking at and the parking variance is not as big of a concern as the major street setback variance. She wondered if expanding to the south would be an option.

Planning and Economic Development Director Miller said that that would be much easier to support especially since the property to the south is a commercial property.

Alice Roberts-Davis said that that type of expansion would ultimately be the most expensive type of expansion that we can possibly do, because moving that front entrance alone is $1,000,000. Once you start tearing off the front of the building, the cost sky rockets. In order to make the shopping aisle line up on the inside of the store you would have to move the front entrance of the store, otherwise again you would end up with a unique store and you would not able to merchandise it and that is what it is all about the merchants are always fighting for their merchandise space and in creating a unique store we end up with a lot of problems and we are not able to operate the store efficiently, which creates additional cost.

Reek stated that McMillan Street and Central Avenue is a key intersection. We have to look at it in years to come.

ZB05-38 Motion by Duerr, second by Asplin to deny the variance request.

Markwardt felt that there could be some creative thinking applied to this building that might find an economical way to expand without encroaching on McMillan anymore. He said that he is reluctant to approve the variance request, because of the possibility of McMillan being widened.

City Engineer Turchi arrived at 5:17 p.m.

Duerr said economically it is one of the best things that the city could do. That kind of an addition is a basis for revenue, but unfortunately it is not the time for that with the new developments that are coming up on that street.

Vote on motion **ZB05-38**; All Ayes.
Motion carried

The Zoning Board of Appeals based their denial on the following:
1. Facts and criteria the application had not shown.
2. McMillan Street is going to be a major right-of-way street.
3. Wisconsin DOT is recommending that McMillan Street be a major arterial.
4. For future development of that street.

Scott DeBell, Alice Roberts-Davis, Director of Public Works Knoeck, Director of Planning and Economic Development Miller, City Engineer Turchi and Alderman Buttke left the meeting at 5:19 p.m.

The Zoning Board of Appeals members reviewed the current Zoning Board of Appeals application along with a draft of a new application that Scott Allen prepared during his employment with the City.

Planner/Zoning Administrator Curtiss plans to combine the six (6) current criteria into three (3) basic criteria to help the applicant better understand the criteria. She would like to provide the applicant with information to help them present a better application and in turn help the board make a better decision. She will propose her changes to the board at a later date.

The Operating rules of the Zoning Board from the Zoning Board Handbook were reviewed. Curtiss feels that the board should adopt some rules of procedure.

Section 18-35(2) was reviewed. Curtiss explained that if she proposes to reorganize the criteria according to the three test rule, then it would be an amendment to the zoning code and it would have to go to the Plan Commission and Council. Amending the code would involve a lot more public and other input.

Asplin excused himself from the meeting at 5:36 p.m.

Discussion was held on the November 29, 2005 minutes.

After much discussion on the reasons why the board granted the variance the Zoning Board decided not to clarify their reasons in the minutes for granting the variance.

ZB05-39 Motion by Duerr, second by Wink to approve the November 29, 2005 minutes as submitted. All Ayes.
Motion carried.

Motion by Wink, second by Markwardt to adjourn at 5:54 p.m.
Motion carried

Lori A. Panzer
Deputy City Clerk