

**Town of May
Washington County
Planning Commission
December 28, 2009**

The Planning Commission of the Town of May met for their regular meeting on Monday, December 28, 2009, at 7:00 p.m. at the May Town Hall. Members in attendance included: John Arnason, Chairman; Steve Magner, Mark Dupre, Don Rolf, Chad Nelson and alternate Mike Dupont. Also present: Bill Voedisch, Town Board Chairman. Absent: Jyneen Thatcher, Lester Rydeen, Carie Fuhrman, NAC Planning Consultant. Chairman Arnason called the meeting to order at 7:00 p.m.

Approval of Minutes

Arnason moved, seconded by Rolf, to approve minutes of the November 23, 2009, regular meeting as presented. All approved.

Public Hearing

Arcola Mills Historic Foundation

Ordinance to Add Conditional Use in Conservancy District

A Place of Grace has withdrawn their request to locate on the Arcola Mills site; however, Arcola Mills is still requesting amendments to the existing conditional use permit, in regards to hours of operation, signage, usage numbers, and parking. The following material covers their requested CUP amendments, along with an update on additional items requested by the Planning Commission and Board.

Amendments to the CUP

1. Hours of Operation (Section M and M1 of Existing CUP)

The Town's CUP currently allows operation from September 22 through March 21 from 7:30 am to 6:30 pm; from March 22 through September 21 from 6:30 am to 9:00 pm; and overnight retreat buildings and gates close at 10:00 pm. Arcola requests to amend the existing approved hours of operation to be from 7:30 am to 10:00 pm daily year-round. (Note: This change allows consistency with the existing Washington County CUP #9009-07013).

2. Signage (Section G of Existing CUP)

The existing CUP allows one sign at the entrance to the property. Arcola requests permission to add a second sign on the site located at Arcola Trail and Hwy 95. According to the applicant, the sign would comply with current May Township regulations and would be on Arcola property outside of State Highway right-of-way. A final design will be submitted when the design process is complete. The planner proposed the following conditions:

- a. Sign shall meet the 20 square foot limit of an institutional sign.
- b. Sign shall meet all setbacks.
- c. Sign shall be located outside the highway 95 right-of-way.
- d. An updated site plan indicating, among other things, the location of the second sign shall be submitted and approved by the Town Board.
- e. Sign shall not be lit. (The existing sign is allowed to be lighted).
- f. Sign shall be made of wood and in a fashion that integrates it into the natural surroundings. (This condition is from the existing CUP).

- g. A final sign design shall be submitted and approved by the Town Board.
- h. Section G of existing CUP shall be amended to reflect these changes.

3. “Tier”/ Daily Usage System (Section M3 of Existing CUP)

Arcola requests to amend the existing Daily Usage Numbers the four (4) types of activities or events (“tiers”) as described below:

| Tiers | Existing Town CUP | | | Proposed Amendment (includes staff/volunteers) | | |
|--------------|---|------------------|-------------------|---|------------------|--------------------|
| | Ave Daily Usage | Number Days/Year | Max Annual Usage | Ave Daily Usage | Number Days/Year | Max Annual Usage |
| 1 | Less than or equal to 15 | 365 days | 5,475 person days | Less than or equal to 27 | 365 days | 9,855 person days |
| 2 | Greater than 15, but less than 65 | 24 or less days | 1,560 person days | More than 27, but less than 65 | 24 or fewer days | 1,560 person days |
| 3 | Greater than 65, but less than 100 | 12 or less days | 1,198 person days | More than 65, but less than 100 | 12 or fewer days | 1,200 person days |
| 4 | Greater than 100, but not to exceed 300 | 2 days | 600 person days | More than 100, but not to exceed 300 | 2 days | 600 person days |
| Total | | | 8,833 person days | | | 13,215 person days |

4. Parking (Section C of Existing CUP)

Arcola requests the following changes to the parking. (Note: These changes are proposed to reflect the existing conditions of Washington County permit # 0009-07013, and to add the overflow parking area in the interior of the property.

Parking is proposed to accommodate 46 spaces near the mansion and overflow spaces all on-site, as follows:

- 2 handicap spaces and 2 regular spaces adjacent to the mansion
- 12 spaces along the interior road.
- Up to 30 spaces in lot located inside and north of Arcola entry gate. Natural wooded buffer will be maintained between Arcola Trail and the parking lot.
- Overflow parking in an open field at the end of northern internal road, as marked on site map Exhibit A.
- No parking on Arcola Trail except to accommodate Tier 4 events, and then on one side only.

If approved, the Planner recommended the following conditions:

- a. An updated site plan shall be submitted that illustrates the overflow parking and proposed second sign location. This shall be reviewed and approved by the Town Board.
- b. Condition C4 of existing CUP shall apply to the amended parking: No parking on Arcola Trail shall be permitted, except as needed to accommodate “Tier 4” events and then only on one side of the street.
- c. If approved, the existing CUP – Section C shall be amended to reflect these changes.

Update on Additional Items:

1. A Place of Grace

Applicant's Update: The non-profit corporation, "A Place of Grace" has withdrawn its bid to locate at Arcola Mills facility as of November 7, 2009. Their operation will seek a more suitable location for the full extent of their planned operation. Once "A Place of Grace" finds a location and establishes their operation, they would be interested in using Arcola's facilities for certain activities and programs that are suitable and allowed by the Town at Arcola.

2. Septic System

Applicant's Update: Washington County allows septic tanks without drain fields in limited water use situations. Currently, Arcola would fit this category. There is no one living at Arcola and no overnight guests. There are currently no kitchen or laundry facilities, and no need for bathing usage. We are no longer proposing significant increases in daily usage, since A Place of Grace will not locate here. Arcola has septic tanks with a 3,000 gallon capacity. Arcola monitors these tanks and maintains a regular pumping schedule. Arcola is pursuing funding for a permanent, advanced technology septic system to be installed as soon as feasible. No overnight usage will be allowed until the new septic system is installed.

3. Programs/Events

Applicant's Update: The Planning Commission requested a list of Arcola's programs and events in the last 2-3 years. Exhibit C is the compilation of that list. In the next 2-3 years, Arcola will seek to expand its day retreat and conference programming and will create a selection of signature programs that reflect its mission. In addition, Arcola will partner with other organizations and host their events and programs that are suitable to our facility and mission.

4. Ancillary Buildings

Applicant's Update: Arcola submitted a plan to the Town Board to address the safety and poor condition of the ancillary buildings on the property. An inspection was completed in mid-November that included the Town's Building Inspector Pete Kluegel, Town Board member John Adams, and Arcola Board Member Neil Krueger. The Town Board's preliminary recommendation is that the ancillary buildings could stay for now so long as safety fencing and signing is installed on all buildings where the public needs protection.

Recommended Conditions:

- a. Applicant shall submit a site plan illustrating the 10 ancillary structures.
- b. Perimeter enclosure safety fencing and clearly visible signage shall be installed at a time determined by the Town Board for all structures where the Board feels the public is in danger.
- c. The existing CUP – Section S shall be amended to reference all of the existing ancillary buildings and the plan for these buildings.

Planning Commission Discussion

Arnason noted that the Public Hearing remains open, continued from the previous meeting. Rolf asked about the overflow parking, and if it would be impervious surface. Jeff Grundtner, executive director, advised that it is vacant land with no planned improvements.

Arnason wondered if the existing CUP clearly covers the question of long-term and/or commercial type leases, and the need to come back before the Town for such usage. Dupre

commented on the question of overnight usage, and he noted that perhaps a small amount of overnight usage might be allowed. Voedisch pointed out the differences between the Town and the County CUP.

Arnason, seconded by Dupre, moved to close the Public Hearing. All approved.

Magner moved, seconded by Arnason, to recommend to the Town Board that they approve the Conditional Use Permit (CUP) modifications for Arcola Mills Historic Foundation subject to the afore-mentioned conditions, along with the following conditions:

1. The CUP amendments shall not be implemented until the amended CUP is signed.
2. A finalized site plan showing all parking, signage locations and all ancillary structures, and a final second sign design, shall be submitted and approved by the Town Board prior to issuing the amended CUP.
3. The applicant shall seek approval and appropriate amendments to their Washington County CUP.
4. Modifications to CUP are consistent with Comprehensive Plan.
5. Friendly amendment from Arnason, accepted by Magner: The Town Attorney will determine if the CUP adequately covers long-term leases, commercial leases, etc. without coming back to the Town for modifications.
6. Any mention of 16 parking spaces in aforementioned conditions is removed and replaced with the exact dimensions of the proposed overflow parking site.

All approved.

Public Hearing

Arcola Mills Historic Foundation

Ordinance to Add Conditional Use in Conservancy District

Voedisch brought forward a proposed ordinance to include educational retreat center as a conditional use and to add a definition of educational retreat center to the definitions section of the Conservancy District in the Town Code.

Arnason moved, seconded by Rolf, to open the public hearing. All approved.

Arnason suggested adding language in the definition to reflect the principal use of the facility in addition to its use as an educational retreat center. His point was that the aesthetics of the property provide a unique natural environment for retreats.

Arnason moved, seconded by Dupre, to close the public hearing. All approved.

Arnason moved, seconded by Nelson, to recommend to the Town Board that they adopt Ordinance 2009-07 amending the Conditional Uses allowed in the Conservancy District defined in the Town Code, by the addition of a new use that more property fits the uses of "Arcola Mills", a non profit operating in the district, and which adds a definition of that use to Chapter 7. All approved.

Public Hearing

Paul Bergmann – Withrow Ballroom

Ordinance to Add Conditional Uses to the General Business/Commercial District

Voedisch brought forward Ordinance 2009-08 to amend the General Business and Commercial District conditional uses as noted in the ordinance. Arnason pointed out that all of these conditional uses must be defined as accessory uses to an operating ballroom, and such uses cannot exist without an operating ballroom.

Arnason moved, seconded by Rolf, to open the public hearing. All approved.

Arnason moved, seconded by Dupre, to close the public hearing. All approved.

Arnason moved, seconded by Nelson, to recommend to the Town Board that they approve Ordinance 2009-08 to amend Section 708.04, the General Business/Commercial District of the Town's Zoning Ordinances to allow the Withrow Ballroom site to expand commercial uses to include a garden center, greenhouse, agri-entertainment, and limited ancillary business activities, as accessory uses to the principal use of the site as an operating ballroom. All approved.

Public Hearing

Paul Bergmann – Withrow Ballroom

Ordinance to Add Agri-entertainment as Conditional Use for RR & Agricultural Districts

Voedisch brought forward Ordinance 2009-09 to add agri-entertainment as a Conditional Use in the Rural Residential and Agricultural Districts. The commission asked if such an ordinance might be opening a can of worms for other uses.

Arnason moved, seconded by Nelson, to open the public hearing. All approved.

Rolf stated that he is in favor of this ordinance and he believes being proactive makes sense.

Arnason moved, seconded by Nelson, to close the public hearing. All approved.

Arnason suggested changing it to an Interim Use Permit and that the owner of the property must be the person who applies for the permit and operates the agri entertainment.

Arnason moved, seconded by Dupre, to recommend to the Town Board that they approve Ordinance 2009-09 amending Section 708.01, Rural Residential District of the Town's Zoning Ordinances, to allow certain agri-entertainment uses as Interim Uses in those districts, given that the applicant is the property owner. All approved.

Paul Bergmann – Withrow Ballroom

Resolution to add Bergmann Greenhouse & Garden

Center uses to Comp Plan 2030 in 4 locations

Voedisch brought forward a resolution to amend the Comp Plan to include the uses listed for Bergmann's Greenhouse and Garden Center in four different locations.

Arnason moved, seconded by Dupont, to open the public hearing. All approved.

Arnason moved, seconded by Nelson, to close the public hearing. All approved.

Arnason moved, seconded by Dupre, to recommend to the Town Board the adoption of Resolution 2009-15 with supporting findings of fact approving amendments to the Town of May 2030 Comprehensive Plan allowing intensification of the commercial uses and expansion of the existing business on the commercially zoned Withrow Ballroom site at 122169 Keystone Avenue to include the Bergmann Greenhouse & Garden Center. The motion is approved on a 6 to 0 vote.

Public Hearing

Ordinance to Rezone Stifter land from RR to Agricultural & Resolution supporting enrollment in Agricultural Preserve program

Voedisch reported that Gene Stifter has come forward to rezone his property from Rural Residential to Agricultural and to receive support for enrolling in the Agricultural Preserve program.

Arnason moved, seconded by Nelson, to open the public hearing rezoning from RR to Agricultural. All approved.

A citizen who had received a notice about this action inquired as to why Mr. Stifter was not in attendance (he did come to the meeting later, after the citizen had left). Arnason assured him that most applicants do appear in front of the commission, but this action is not something the commission could reasonably vote against, since it is mandated by law.

Arnason moved, seconded by Dupre, to close the public hearing. All approved.

Arnason moved, seconded by Nelson, to recommend to the Town Board that they approve Ordinance 2009-06 to amend Section 707.01 of the May Town Code and the Town's zoning map as contained in the Town's Comprehensive Plan 2030 to include real property into the agricultural zoning district from the current zoning designation of rural residential. All approved.

Hearing no further business, Arnason moved, seconded by Nelson, to adjourn. All approved.

Respectfully submitted,

Linda L. Klein
Town Clerk