

**CITY OF MERRILL
CITY PLAN COMMISSION
Tuesday, January 6, 2015 at 5:30P.M.
Public Hearings at 6:00P.M.
City Hall Common Council
1004 East First Street**

Voting members: Mayor William Bialecki, Chairperson, Alderperson Lokemoen, Steve Hass, Ken Maule, Melissa Schroeder, Ralph Sturm and Michael Willman.

AGENDA

1. Call to order
2. Public Comment
3. December 2, 2014 meeting minutes
4. Request by Our Way Inc. for a proximity exception.
5. Public Hearing: Housing Authority of City of Merrill requesting re-zoning of four (4) parcels located at 307 W. Main Street from Business district to Public district. The properties legally described as Plan of Prospect Park lots 5, 6, 7 & 8, City of Merrill, Lincoln County, Wisconsin.
6. Schedule date and time of next meeting
7. Adjourn

NOTE: It is possible that a quorum of the Common Council will be present at this meeting. However, no Common Council action will be taken.

Agenda prepared by Shari Wicke at the request of Mayor William Bialecki

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**City of Merrill
City Plan Commission
Tuesday, December 2, 2014 at 5:45 P.M.
City Hall Common Council Chambers, 1004 East First Street**

Voting members present: Mayor Bill Bialecki (Chairperson), Melissa Schroeder, Ken Maule, Alderman Peter Lokemoen (arr. 5:53), Mike Willman and Steve Hass.

Other attendees included: City Administrator Dave Johnson, City Attorney Tom Hayden, Building Inspector/Zoning Administrator Darin Pagel, Alderman Ryan Schwartzman, Alderman John Burgener, Alderman Dave Sukow, Alderwoman Kandy Peterson, Alderman Chris Malm, Allan Diels, Karen Diels, Sharon Burgener, Dorothy Bahlow, Barb Borchardt, Phil Borchardt, Mary Ann Zastrow, Helen Frederick, Tammy Gruling, Jim Hostvedt, Pete Fry, Jill Fry, Julie Weber, Cecil Ballou, David Mootz, Shirley Jean Mootz, Kathy Martens, Richard Martens, Karen Schram, Jeffrey Schram, Cindy Hanig, Kraig Hanig, Mary Baumann, Ken Sturm, Betty Hulke, Joanna O'Malley, Bill O'Malley, Kazuko Buckett, Patrick Buckett, Jeremy Ratliff (arr. 5:48) and City Clerk Bill Heideman.

Call to order

Mayor Bialecki called the meeting to order at 5:47 P.M.

Public Comment

None.

Minutes of November 3rd, 2014 meeting

The minutes were in the meeting packet.

Motion (Hass/Schroeder) to approve, as presented, the minutes of the November 3rd, 2014 City Plan Commission meeting. Carried.

Discuss proposal for Comprehensive Plan update from NCWRPC

The City Comprehensive Plan currently in effect is from 2007. Every seven years, a Comprehensive Plan is to be reviewed and updated.

With that in mind, North Central Wisconsin Regional Planning Commission (NCWRPC) has submitted a proposal to update the 2007 Comprehensive Plan, at a cost of \$20,000. A copy of the proposal was in the meeting packet.

Steve Hass raised the question of whether some of the work could be done by the City Administrator. He also suggested that perhaps some of the work could be done by the person currently responsible for the City Geographic Information System (GIS).

Motion (Hass/Schroeder) to approve, as presented by North Central Wisconsin Regional Planning Commission, the 2007 Comprehensive Plan update proposal, at a cost of \$20,000. Carried.

City Attorney Hayden stated that, because the funds to pay for this are already budgeted, no Common Council action is necessary. However, it was agreed that the proposal should appear on the December 9th, 2014 Common Council meeting agenda and be included in the meeting packet, in order to keep both the Common Council and the public informed on this issue.

Recess

At 5:53 P.M., Mayor Bialecki announced that a recess would be held until 6:00 P.M., the time of the scheduled public hearings.

Mayor Bialecki called the meeting back to order at 6:00 P.M.

Hearing #1 – Our Way: C.U.P. application: Adult Family Home @ 1104 Cottage St.

Our Way, Inc. (Julie Weber) has submitted an application and paid the fee to request a Conditional Use Permit to open and operate an adult family home for the developmentally disabled at 1104 Cottage Street.

City Attorney Hayden read the public hearing notice for both scheduled hearings.

Motion (Hass/Lokemoen) to open the first public hearing. Carried.

City Attorney Hayden reported that he has been asked to comment on both Conditional Use Permit applications. He stated that, according to Wisconsin State Statutes, a Conditional Use Permit is not required for this type of facility. However, he has advised City officials to consider the use of a Conditional Use Permit for these two applications.

Julie Weber spoke in favor of the application.

Alderman Burgener, 1103 Cottage Street, spoke in opposition to the application.

Richard Martens, 1102 Cottage Street, spoke in opposition to the application. He submitted a petition signed by several residents in the neighborhood. The signees are opposed to the application. He also questioned whether approval of the application would exceed the statutory limit in that area for this type of facility.

To demonstrate the number of people in attendance opposed to the application, Dave Mootz, 800 West Saint Paul Street, asked those opposed to raise their hands.

Alderman Sukow, 1901 Webster Street, stated that there is an "Our Way" facility in his neighborhood. He reported that the facility is quiet and that he has no opposition to this type of facility.

Dave Mootz spoke in opposition to the application, stating that the neighborhood should remain comprised of single-family dwellings.

Kraig Hanig, 1301 North Cottage Street, stated that he lives in the neighborhood and has two small children. He spoke in opposition to the application.

Motion (Hass/Lokemoen) to close the public hearing. Carried.

Alderman Lokemoen raised the question on statutory limits on the number of these facilities in a certain area. He was told that a Conditional Use Permit would supersede those limits.

Motion (Lokemoen/Willman) to recommend approving the Conditional Use Permit. Carried.

A resolution on the Conditional Use Permit will be on the December 9th, 2014 Common Council meeting agenda.

Hearing #2 – Our Way: C.U.P. application for Adult Family Home @ 1305 Cedar St.

Our Way, Inc. (Julie Weber) has submitted an application and paid the fee to request a Conditional Use Permit to open and operate an adult family home for the developmentally disabled at 1305 Cedar Street.

Motion (Hass/Lokemoen) to open the public hearing. Carried.

Cecil Ballou, 1300 Cedar Street, spoke in opposition to the application. He reported that, at one time, he operated a halfway house. He noted that the type of facility being considered is not a halfway house, but it is a business. He fears that neighborhood property values will decrease if the application is approved. He added that, if the application is approved, neighbors should be granted "tax breaks".

Patrick Buckett, 1302A North Center Avenue, spoke in opposition to the application. He began by explaining that his background is in real estate. He stated that, when people purchase property, they also receive a group of rights, including the right to peaceable enjoyment of their property.

Mr. Buckett then stated that he has some suggestions for alternative sites for the facility. City Attorney Hayden and Mayor Bialecki responded that the hearing concerned only the proposed site on Cedar Street, so it would not be appropriate for Mr. Buckett to introduce alternative sites.

Mr. Buckett requested a copy of the Wisconsin State Statutes that City Attorney Hayden referenced earlier in the meeting. City Attorney Hayden responded that he would provide Mr. Buckett with a copy.

Mr. Buckett read and submitted a petition signed by several residents in the neighborhood. The residents are opposed to the application.

Mr. Buckett then reported that he has discussed this with a real estate expert from another community. They told Mr. Buckett that property values decrease in a neighborhood where a group home is opened. Mr. Buckett then suggested that to approve the application would result in "spot-zoning".

Julie Weber stated that the residents of the proposed facility have the same rights mentioned earlier by Mr. Buckett.

Ken Sturm, 1400 Cedar Street, spoke in opposition to the application. In his opinion, the neighbors are being "railroaded" and approving the application would result in decreased property values.

Dave Mootz suggested that whenever a group home is opened, neighborhood property values decrease.

Mary Ann Zastrow, 1303 Cedar Street, noted that it was reported earlier in the meeting that buses would be accessing the facility frequently. She has safety concerns that the driveway to the proposed facility is in close proximity to her property. She spoke in opposition to the application and suggested that there are alternative sites.

Barb Borchardt, 300 West Eighth Street, raised questions and concerns regarding staffing and parking at this type of facility.

Cecil Ballou suggested that property values will decrease if the application is granted, and he asked who would be required to make up the loss in tax revenue.

Patrick Buckett questioned the Our Way Inc. staffing/resident ratio.

Mary Baumann questioned whether this type of facility is allowed in an area zoned as Residential-1 (R-1). City Administrator Johnson responded that these types of group homes are allowed in areas zoned R-1.

Motion (Lokemoen/Schroeder) to add a requirement that fencing be installed between the proposed facility site and the Zastrow property (1303 Cedar Street), as a condition of the Conditional Use Permit. Carried.

Motion (Hass/Maule) to recommend approving the Conditional Use Permit, with the incorporation of the fencing requirement adopted in the previous motion.

Alderman Lokemoen stated that, in light of the opposition expressed by his continuants, he would be voting "No" on approving the Conditional Use Permit.

The motion to recommend approving the Conditional Use Permit carried.

A resolution on the Conditional Use Permit will be on the December 9th, 2014 Common Council meeting agenda.

Next meeting

Tuesday, January 6th, 2015 at 5:30 P.M.

Adjournment

Motion (Hass/Lokemoen) to adjourn. Carried. Adjourned at 6:58 P.M.

Minutes submitted by:

William N. Heideman, CMC, WCMC
City Clerk



825 Charles Avenue
P.O. Box 76
Tomahawk, WI 54487

December 16, 2014

City of Merrill
1104 E. 1st Street
Merrill WI 54452

Our Way Inc. hereby applies to the city of Merrill for an exception as referenced in the Wisconsin Statutes, to establish an adult family home for persons with developmental disabilities at 1104 Cottage Street. It is our understanding that there is another adult family home located within 2500 feet of this location.

Thank you for your consideration,



Julie Weber
Administrator

CITY OF MERRILL

1004 EAST FIRST STREET
MERRILL, WI 54452

NOTICE OF PUBLIC HEARING

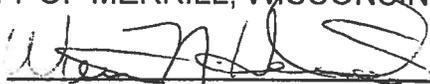
All persons interested will be given an opportunity to be heard at a public hearing to be held by and before the City Plan Commission of the City of Merrill, Wisconsin, commencing at **6:00 p.m., on Tuesday, January 6, 2015**, in the City Hall Council Chambers, 1004 East First Street, Merrill, Wisconsin, on the following proposed matter, to wit;

1. Housing Authority of City of Merrill requesting re-zoning of four (4) parcels located at 307 W. Main Street from Business district to Public district. The properties legally described as Plan of Prospect Park lots 5, 6, 7 & 8, City of Merrill, Lincoln County, Wisconsin.

Anyone having any questions regarding the hearing should contact Zoning Administrator, Darin Pagel at 536-4880.

Dated: December 15, 2014

CITY OF MERRILL, WISCONSIN

By: 

William N. Heideman
City Clerk

**APPLICATION FOR ZONING AMENDMENT
CITY OF MERRILL**

NAME: Merrill Housing Authority STREET ADDRESS: 215 Grand Avenue

PROPERTY ADDRESS: See attached TAX ROLL#: See attached

LEGAL DESCRIPTION: See attached

EXISTING USE: Commercial/Vacant Land PROPOSED USE: Multi-Family Housing

REASONS FOR REQUESTING A ZONE CHANGE: Requested zoning change to public would allow the Housing Authority to rehabilitate Park Place and plan approximately 38 units of new construction housing at this location. Applicant is only requesting zoning change at this time, site plan approval to follow.

ADDITIONAL REQUIREMENTS

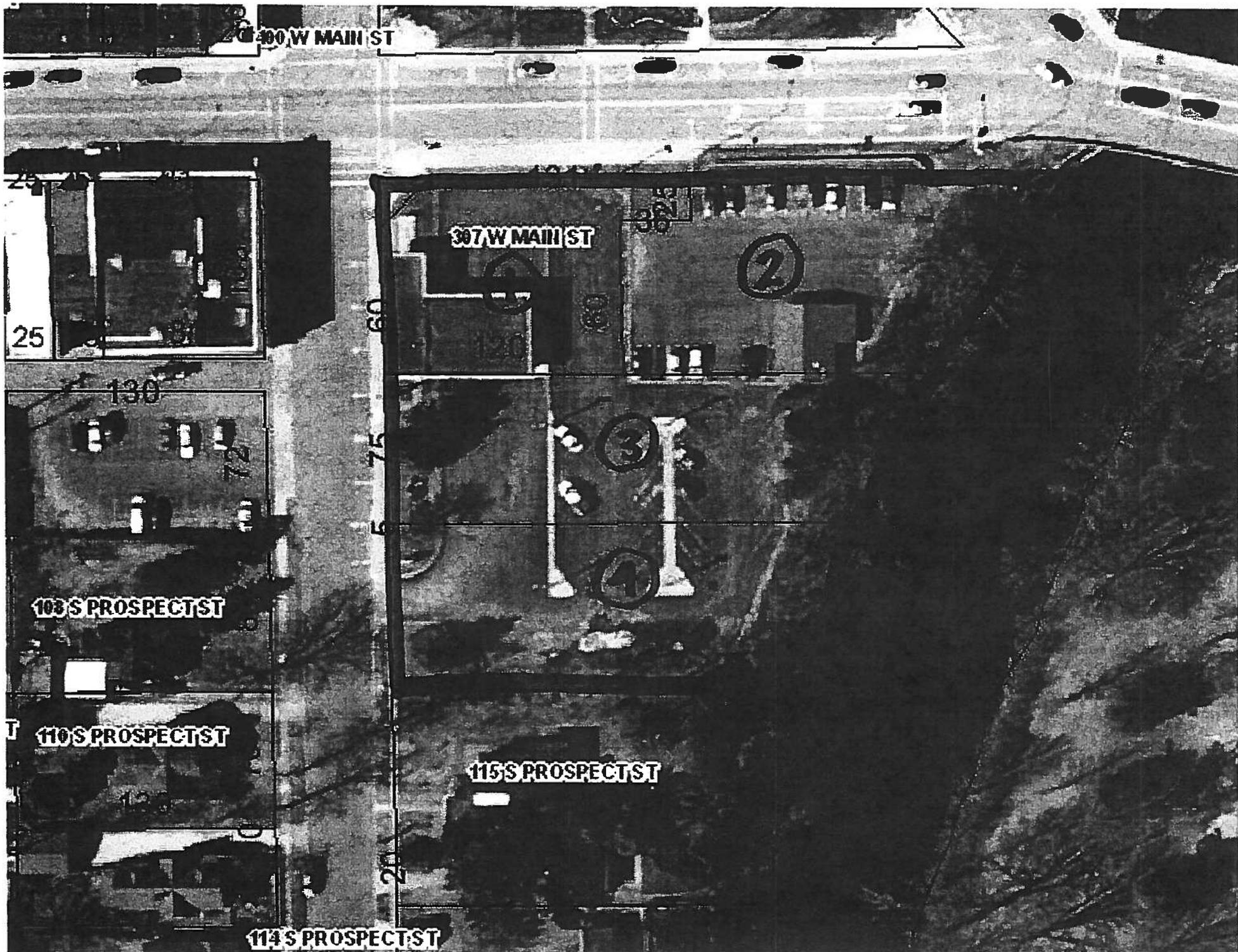
- 1.) Names and addresses of all abutting and opposite property owners within 300 feet of the property to be altered.
- 2.) Principal use of all properties within 300 feet of the property to be altered.
- 3.) A plot plan or survey plat, drawn to scale, showing the property to be rezoned, location of structures, and property lines within 300 feet of the parcel.
- 4.) Any further information that may be pertinent in considering the application.
- 5.) FAILURE TO SUPPLY SUCH INFORMATION SHALL BE GROUNDS FOR DISMISSAL OF PETITION.
- 6.) A fee of \$175.00 shall be paid to the Clerk-Treasurer at time of application.

All information submitted is accurate to the best of my knowledge.

Ladonna Termanick 12 / 15 / 2014
Signature of Applicant Date
Ex. Director MHA

Parcel PIN Numbers and Legal Descriptions Provided by Lincoln County

<u>Map ID</u>	<u>PIN and Legal Description</u>
1	25131061130479 PLAN OF PROSPECT PARK W 120' OF LTS 7 & 8 & E 36' OF W 156' OF N 22' OF LT 8 EX D0451397 *2455A
2	25131061130237 PLAN OF PROSPECT PARK LTS 7 & 8 EX W 120' THRF & EX E 36' OF W 156' OF N 22' OF SAID LT 8 (PARK PLACE PARKING LOT)
3	25131061130236 PLAN OF PROSPECT PARK LT 6 BLK 1 EX S 5' THRF *2453
4	25131061130235 PLAN OF PROSPECT PARK LT 5 BLK 1 & S 5' LT 6 *2452



300 W MAIN ST

307 W MAIN ST

25

130

103 S PROSPECT ST

110 S PROSPECT ST

115 S PROSPECT ST

114 S PROSPECT ST

60

75

20

2

3

4

S. PROSPECT STREET

W. MAIN STREET



PROPOSED 38 UNIT BUILDING
(3 STORY)
34 UNDERGROUND PARKING STALLS

37 PARKING STALLS

UNIT MIX:
ONE BEDROOM - 38



SCALE: 1" = 30'



A BRIDGE TOWARD HOME



Park Place - Merrill Housing Authority
First Floor/Site Plan
December 15, 2014

FIRST FLOOR/ SITE PLAN