

**CITY OF MERRILL
CITY PLAN COMMISSION
Tuesday, May 6, 2014 at 5:45P.M.
Public Hearing at 6:00P.M.
City Hall Council Chambers
1004 East First Street**

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

AGENDA

1. Call to order
2. April 1, 2014 meeting minutes
3. Review existing Conditional Use permit for Haunted House at 700 Hendricks Street.
4. **Public Hearings:**
 - Fox Point Partners LLC requesting re-zoning of a property located at 1905 E. 14th Street from Industrial district to Thoroughfare Commercial district. The property legally described part of A.P. 193 located in the North East ¼ of the North East ¼, Section 12, Town 31 North, Range 6 East, City of Merrill, Lincoln County, Wisconsin. A/K/A Certified Survey Map #426.
 - Fox Point Partners LLC requesting a Conditional Use Permit located at 1905 E. 14th Street. Merrill Municipal Code Section 113-111, for a portion of the existing building to be used for a church. The property legally described part of A.P. 193 located in the North East ¼ of the North East ¼, Section 12, Town 31 North, Range 6 East, City of Merrill, Lincoln County, Wisconsin. A/K/A Certified Survey Map #426.
5. Schedule date and time of next meeting
6. Public comment
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

The Merrill City Hall is accessible to the physically disadvantaged. If special accommodations are needed, please contact Merrill City Hall at 715-536-4880.

1404160

**City of Merrill
City Plan Commission
Tuesday, April 1, 2014 at 5:15 P.M.
City Hall Basement Conference Room, 1004 East First Street**

Voting members present: Mayor Bill Bialecki (Chairperson), Alderman Steve Hass, James Koppelman, Melissa Schroeder, Dan Novitch and Pete Lokemoen. Ken Maule had an excused absence.

Other attendees: Building Inspector/Zoning Administrator Darin Pagel, Alderwoman Kandy Peterson, Marianne Bunge and City Clerk Bill Heideman. A student was in attendance to videotape the meeting for the Cable Access Channel.

Call to order

Mayor Bialecki called the meeting to order at 5:15 P.M.

Minutes of March 4th, 2014 meeting

The minutes were in the meeting packet.

Motion (Hass/Schroeder) to approve, as presented, the minutes of the March 4th, 2014 City Plan Commission meeting. Carried.

Petition & resolutions to vacate portions of Arthur and Thomas Streets

A petition has been submitted requesting the vacation of a portion of Arthur Street and a portion of Thomas Street. A copy of the petition, maps of the area and two proposed resolutions related to the petition were in the meeting packet.

The petition was initially considered at the March 19th, 2014 Board of Public Works meeting. At that meeting, the Board of Public Works forwarded it to the City Plan Commission for consideration.

Discussion was held on the proposed vacations as related to any building that may occur at the site. At this time, there are no pending plans for building.

Motion (Lokemoen/Schroeder) to approve the two resolutions. Carried.

The two resolutions on the street vacations will be on the June 10th, 2014 Common Council meeting agenda, after all publishing requirements have been met.

Next meeting

Tuesday, May 6th, 2014 at 5:15 P.M.

Public Comment

None.

Adjournment

Motion (Hass/Novitch) to adjourn. Carried. Adjourned at 5:22 P.M.

Minutes prepared and submitted by:

William N. Heideman, CMC, WCMC
City Clerk

CITY OF MERRILL

1004 EAST FIRST STREET
MERRILL, WI 54452

NOTICE OF PUBLIC HEARINGS

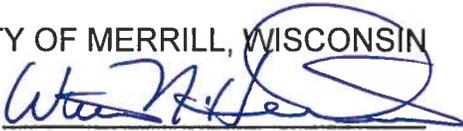
All persons interested will be given an opportunity to be heard at a public hearing to be held by and before the City Plan Commission of the City of Merrill, Wisconsin, commencing at **6:00 p.m., on Tuesday, May 6, 2014**, in the City Hall Council Chambers, 1004 East First Street, Merrill, Wisconsin, on the following proposed matters, to wit;

1. Fox Point Partners LLC requesting re-zoning of a property located at 1905 E. 14th Street from Industrial district to Thoroughfare Commercial district. The property legally described part of A.P. 193 located in the North East ¼ of the North East ¼, Section 12, Town 31 North, Range 6 East, City of Merrill, Lincoln County, Wisconsin. A/K/A Certified Survey Map #426.
2. Fox Point Partners LLC requesting a Conditional Use Permit located at 1905 E. 14th Street. Merrill Municipal Code Section 113-111, for a portion of the existing building to be used for a church. The property legally described part of A.P. 193 located in the North East ¼ of the North East ¼, Section 12, Town 31 North, Range 6 East, City of Merrill, Lincoln County, Wisconsin. A/K/A Certified Survey Map #426.

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

Dated: April 8, 2014

CITY OF MERRILL, WISCONSIN

By: 

William N. Heideman
City Clerk

APPLICATION FOR ZONING AMENDMENT
CITY OF MERRILL

NAME: FOX POINT PARTNERS LLP STREET ADDRESS: 1307 BRISTERS HILL RD
CEO JOHN BOCKE WAUSAU WI 54401

PROPERTY ADDRESS: 1905 EAST 14th TAX ROLL#: 251-3106-182-0090

LEGAL DESCRIPTION: SEC 12-31-06 PART OF AP 193 IN THE NE 1/4 NE 1/4 KNOWN
AS LOTS 1 AND 2 CSM 426 IN 1/2 P210 CS* 79A 5.43 ACRES V649 P547 D0380611

EXISTING USE: INDUSTRIAL (113-42) PROPOSED USE: COMMERCIAL (113-40)

REASONS FOR REQUESTING A ZONE CHANGE: The property is BETWEEN TWO CHURCHES AND A
SCHOOL IN THE MIDDLE OF TOWN, IT MAY BE OUT OF PLACE FOR INDUSTRIAL. IT MAY BE BEST SUITED
FOR RETAILING, MULTI-USE WAREHOUSING FACILITY THAT COULD BE BROKEN DOWN FOR SMALLER
BUSINESSES TO MAKE USE OF THE FACILITY VS A ^{ONE} LARGE COMPANY. THE CURRENT ZONING RESTRICTS POSSIBLE
REVENUES

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ADDITIONAL REQUIREMENTS

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- 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.

John Bocke 4/7 / 2014
Signature of Applicant Date



- North - PRAIRIE RIVER
- * WEST - BIBLE PRESBYTERIAN Church
1605 COUNTY ROAD G
- * SOUTH - CHRIST EVANGELICAL LUTHERAN
1204 N SALES ST.
- * EAST - MERRILL High School
1201 N SALES ST.

*Eagles (per D.P.)

FOX POINT PARTNERS LLP
PROPERTY
1905 EAST 14th

ZONED INDUSTRIAL

Sec. 113-40. Thoroughfare commercial district.

- (a) *Purpose.* The purpose of this district is to provide for retail commercial, amusement, transient residential and light industry uses which are appropriate to thoroughfare location and dependent upon thoroughfare travel. Thoroughfare commercial districts shall be established in zones of two acres or larger, and shall be located only in the vicinity of thoroughfares, or the service drives thereof.
- (b) *Permitted uses.* Principal permitted uses are:
- (1) Hotels, motor hotels, inns.
 - (2) Restaurants, refreshment stands, fast food.
 - (3) Commercial recreation facilities, such as swimming pools, bowling alleys, skating rinks and dance halls.
 - (4) Planned unit developments, subject to the provisions of article III of this chapter, large scale developments.
 - (5) Any use permitted in the residential districts of R-II, R-III and R-IV are deemed conforming provided the existing residential use meets the regulations of that district prior to September 13, 2011. New residences (1 and 2 family dwellings) are not permitted after September 13, 2011.
 - (6) Animal hospitals and veterinary clinics.
 - (7) Bakery, laundry, cleaning and dyeing establishments.
 - (8) Carpenter shop, electrical, plumbing, and heating shop, printing and publishing or lithographic shop, mortuary, furniture upholstery shop.
 - (9) Professional offices or clinics.
 - (10) Warehousing and wholesale establishments.
 - (11) Theatre.
 - (12) Building material sales and storage.
 - (13) Cartage and express facilities.
 - (14) New and used car lots, automobile service stations.
 - (15) Farm equipment and service establishments.
 - (16) Greenhouses; retail and wholesale.
 - (17) Tavern and nightclub.
 - (18) Financial institutions, banks.
- (c) *Accessory uses.* Accessory uses and buildings customarily appurtenant to a permitted use.
- (d) *Conditional uses.* 113-111 (Church)
- (1) The common council may authorize the location of any of the following buildings or uses, including any improvement determined necessarily incidental thereto, in any thoroughfare commercial district; provided, that each such building or use shall comply with other applicable provisions of this chapter and the sections referred to therein, and the common council first submits the proposed conditional use to the plan commission for recommendation and report after publishing a Class 2 notice under Wis. Stats. ch. 985, of the proposed conditional use and public hearings thereon to be held before the plan commission. In authorizing the location of such buildings or uses, the common council may impose any reasonable limitation in connection therewith as will further protect the general purposes and intent of these zoning regulations. Anyone wishing to apply for a conditional use shall file a written petition for such conditional use along with the required fee plus the costs of publication to the city with the city clerk's office. If a request for a conditional use is combined

with a request for a change only one deposit for a change shall be required. The city clerk upon determining that such petition is sufficient shall forward it to the common council.

- (2) Acceptable conditional uses are:
- a. Public or quasi-public uses appropriate to the thoroughfare commercial district as determined by the plan commission.
 - b. Creameries and soft drink bottling plants.
 - c. Drive-in theater.
 - d. Billboards and outdoor advertising structures.
 - e. Public institutions such as treatment of drugs and alcohol.
 - f. Wearing apparel manufacturer.
 - g. Radio and television stations and towers.
 - h. House trailer or camping trailer sales and rental.
- (3) Shopping centers which meet the conditions outlined in subsection (e) of this section.
- (e) *Shopping centers—Size.* Shopping centers for retail establishments shall be permitted only as a conditional use in the thoroughfare commercial district. A development shall be considered a shopping center if the proposed use of the land is primarily retail and meets one or more of the following conditions:
- (1) The shopping center will be constructed on two or more acres;
 - (2) The shopping center contains at least one store of 20,000 square feet or more; or
 - (3) The shopping center contains two or more retail stores with 10,000 square feet total.
- (f) *Shopping centers—Approval.* After a shopping center layout is approved, any retail establishment permitted in the business district may be allowed in the shopping center. Notwithstanding the foregoing, the common council, in addition to the authority granted by article IV of this chapter, may impose additional use restrictions on the proposed shopping center development as may be consistent with the standards outlined in article IV of this chapter. Any amendment to the original site plan, building complex or approved uses, if any, shall require an application for an amendment to the conditional use permit in accordance with the procedures outlined by article IV of this chapter.
- (g) *Off-street parking.*
- (1) Off-street parking and loading facilities requirements for all uses are as provided in article VI of this chapter.
 - (2) In any thoroughfare commercial district directly across a street or thoroughfare from any residential district designated for future residential use in the general plan, the parking and loading facilities shall be at a distance at least 25 feet from the street, and the buildings and structures at least 50 feet from the street; provided, however, that this requirement does not apply when the street or thoroughfare is provided on one or both sides with a service road developed in accordance with this Code.
- (h) *Lot area.* 10,000 square feet.
- (i) *Lot coverage.* 25 percent maximum.
- (j) *Yards in feet.*
- (1) *Front:* 25 feet.
 - (2) *Side:* Ten feet, except when abutting a residential district, then not less than 25 feet.
 - (3) *Rear:* Ten feet, except when abutting a residential district, then not less than 25 feet.

(Ord. No. 2011-12, 12-13-2011)

APPLICATION FOR CONDITIONAL USE PERMIT CITY OF MERRILL

DATE 4-1-2014

APPLICANT'S NAME: JOHN BOCKE

BUSINESS NAME: FOX POINT PARTNERS LLP

PHONE #: 715-845-3330 EMAIL: jbocke@CHARTER.NET

PROPERTY ADDRESS: 1905 EAST 14TH

PROPERTY OWNER'S NAME: FOX POINT PARTNERS LLP

TAX ROLL#: 34- 1,000.079.01.00 PIN#: 251- 3166 -182-0090

EXISTING USE: INDUSTRIAL (113-42)

PROPOSED USE: RENT 1500 SQ FT OF F55,000^{5/8} BT TO Church Organization 3% of property.

REASON FOR REQUESTING A USE PERMIT CHANGE: TO RENT A portion of property.

NO CHANGES IN BUILDING STRUCTURE IS NEEDED. ADEQUATE FACILITIES ARE AVAILABLE AND CONSTRUCTION IS NEEDED.

PLEASE PROVIDE A SEPARATE ATTACHMENT WITH A RESPONSE TO EACH OF THE FOLLOWING ITEMS

(Required per Section 113-100 of the Zoning Code)

1. A statement, in writing by applicant, that describes how the proposed conditional use(s) shall conform to the standards set forth in Section 113-103 hereinafter.
 - a) The establishment, maintenance or operation of the conditional use will not be detrimental or endanger public health, safety, morals, comfort or general welfare. CORRECT
 - b) That the uses, values, and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with use of adjacent land (describe mitigating features to be part of the operations of the proposed use). SEE ATTACHED MAP. COMPATIBLE USE OF ADJACENT LAND IS SAME
 - c) Describe how the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the Zoning District. Church on both sides - school on other side.
 - d) Describe if adequate utilities, access roads, drainage, and other required site improvements have been or will be provided. NO CHANGES NEEDED TO BE MADE
 - e) Describe what adequate measures have been taken to provide ingress and egress and how designed as to minimize traffic congestion in public streets. NO CHANGES NEEDED - ADEQUATE PARKING.

- f) Explain how the conditional use shall conform to all applicable regulations of the district in which it is located. *USE EXISTING*
- g) Explain how the conditional use will not violate flood plain regulations governing the site. *N/A*
- h) That when applying the above standards to any new construction or placing an addition on an existing building, the Plan Commission and Common Council shall bear in mind the statement of purposes for the zoning district such that the proposed building or addition at the proposed location, does not defeat the purpose and objective of the Zoning District. *N/A*
- i) In addition to passing the Conditional use Permit, the Plan Commission and Common Council shall also evaluate the effect of the proposed use upon:
- I) The maintenance of safe and healthful conditions; *N/A*
 - II) The prevention of water pollution including sedimentation; *N/A*
 - III) Existing topography, drainage features and vegetative cover on the site; *N/A*
 - IV) The location of the site with respect to floodplains and floodways of rivers and streams; *N/A*
 - V) The erosion potential of the site based upon the degree and direction of slope, soil type, and vegetative cover; *N/A*
 - VI) The location of the site with respect to existing or future access roads; *N/A*
 - VII) The need of the proposed use for a shoreline location; *N/A*
 - VIII) The compatibility with uses on adjacent land; *CHURCH ON 2 SIDES - SCHOOL ON OTHER SIDE*
 - IX) The amount of liquid waste to be generated and the adequacy of the proposed disposal system. *- NO WASTE*
2. Include the Names and Addresses of the architect, professional engineer, and contractor (if appropriate), and all property owners of record within 100 feet of the applicant. Note: Zoning Administrator will provide list of property owners to be included in the submittal. *SEE ATTACHED*
3. Description of the subject site by lot, block, and recorded subdivision or by metes and bounds description address of the subject site; type of structure; proposed operation or use of the structure of site; number of employees and the Zoning District within which the subject site lies. *SEE ATTACHED*
4. Plat of Survey prepared by a registered land surveyor showing property lines, buildings, improvements, landscaping, and all of the information required for a building permit. *SEE ATTACHED*
5. Additional information as may be required by the Plan Commission of Common Council, or Officers of the City.
6. A fee of \$175.00 must accompany the application.

The information submitted with this application is true and accurate to the best of my knowledge and belief.



 Signature of Applicant

 Signature of Applicant

Conditional Use Permit -

1a. The establishment of the conditional use will not be DETRIMENTAL OR ENDANGER public health

b. Compatible use of property is basically the same as the surrounding neighborhood for purposes ALREADY PERMITTED.

c. There are 2 Churches & a school on the East of the Highway. (SEE ATTACHED MAP)

d. adjacent utilities are adequate no changes needed

e. Adequate parking available No changes needed

f. Conditional use will conform to all regulations

g. Conditional use will not violate local plan regulations

h. NO NEW CONSTRUCTION

i. SEE DETAIL

2 See Detail Sheets

3. See Attachment

4. See Attachment

John D. ...
4/1/2014