



CITY OF MERRILL
CITY PLAN COMMISSION
AGENDA • WEDNESDAY APRIL 4, 2018

Regular Meeting

City Hall Council Chambers

5:45 PM

- I. Call to Order
- II. Minutes of previous meeting(s):
 1. Minutes of January 2, 2018 meeting
- III. Agenda items for consideration:
 1. Petition from Breaman Investments Inc. (and related resolution) to vacate a portion of Cedar Street.
- IV. Public Hearings (will begin at 6:00 P.M.):
 1. Public Hearing on request from Todd and Renea Fredrick, Fredrick Joint Trust, that the Historic Structure Designation for their property at 1600 Logan Avenue be rescinded.
 2. Public Hearing on request from Anthony and Roxanne Baumann for a Conditional Use Home Occupation at 1010 East Third Street.
- V. Public Comment Period
- VI. Establish date, time and location of next meeting
- VII. Adjournment



CITY OF MERRILL
CITY PLAN COMMISSION
MINUTES • TUESDAY JANUARY 2, 2018

Regular Meeting City Hall Council Chambers 5:45 PM

I. Call to Order

Mayor Bialecki called the meeting to order at 5:45 P.M.

Attendee Name	Title	Status	Arrived
Tim Meehean	Aldersperson - Eighth District	Present	
Bill Bialecki	Mayor	Present	
Mike Willman	Chairman - Park & Rec	Present	
Ralph Sturm		Present	
Melissa Schroeder		Present	
Ken Maule		Present	
Robert Reimann		Present	

Also in attendance: City Attorney Tom Hayden, Public Works Director/City Engineer Rod Akey, Building Inspector/Zoning Administrator Darin Pagel, Alderman Ryan Schwartzman, Stacy Pettit and City Clerk Bill Heideman. Attending the public hearing portion of the meeting: Alderwoman Kandy Peterson and Dan Kolhouse.

II. Minutes of previous meeting(s):

1. Minutes of October 3, 2017 meeting

Motion (Willman/Meehean) to approve.

RESULT: APPROVED

III. Agenda items for consideration:

1. Consider extraterritorial Certified Survey Map (CSM) in the Town of Merrill for Stacy Pettit.

Information was in the meeting packet.

Building Inspector/Zoning Administrator Pagel reported that the area defined in the map is within the extraterritorial boundary of the City, so City review and approval is required. He has no issues with the map as submitted.

Motion (Meehean/Maule) to approve the map. If approved, the map will be considered via resolution by the Common Council.

RESULT: APPROVED & SENT TO COUNCIL Next: 1/9/2018 7:00 PM

2. Consider extraterritorial Certified Survey Map (CSM) in the Town of Scott for Ron and Lloyd Schneider.

Information was in the meeting packet.

Attachment: 2018-01-02 City Plan Commission Minutes (3184 : Minutes of January 2, 2018 meeting)

Building Inspector/Zoning Administrator Pagel reported that the area defined in the map is within the extraterritorial boundary of the City, so City review and approval is required. He has no issues with the map as submitted.

Motion (Schroeder/Meehean) to approve the map. If approved, the map will be considered via resolution by the Common Council.

RESULT:	APPROVED & SENT TO COUNCIL	Next: 1/9/2018 7:00 PM
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IV. Public Hearing (will begin at 6:00 P.M.):

At 5:48 P.M., Mayor Bialecki announced a recess until 6:00 P.M., the scheduled start time for the public hearing.

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

1. Public Hearing on request from C and D Excavating, LLC to rezone, from R-3 to Industrial, three parcels in the 600 block of S. Alexander Street.

Information was in the meeting packet.

City Attorney Hayden read the public hearing notice.

Motion (Meehean/Willman) to open the public hearing. Carried.

Representing C & D Excavating, Dan Kolhouse explained that he is requesting the rezoning in order to erect a small shop as part of his business.

Motion (Maule/Schroeder) to close the public hearing. Carried.

Motion (Maule/Reimann) to approve the rezoning. If approved, the rezoning will be considered via ordinance by the Common Council.

RESULT:	APPROVED & SENT TO COUNCIL	Next: 1/9/2018 7:00 PM
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V. Public Comment Period

None.

VI. Establish date, time and location of next meeting

Tuesday, February 6th, 2018 at 5:00 P.M. in the City Hall Common Council Chambers. The time of the meeting is subject to change, depending on whether the meeting agenda includes public hearing(s).

VII. Adjournment

Motion (Willman/Meehean) to adjourn. Carried. Adjourned at 6:04 P.M.

RECEIVED
FEB 21 2018
BY:

PETITION TO VACATE

\$175.00

~~(STREET)~~ (PORTION OF STREET) ~~(ALLEY)~~ (PORTION OF ALLEY)
(Cross out inapplicable portion of title above)

(Note: See attached instructions for form and map)

TO: The Common Council
City of Merrill, Wisconsin

1. We, the undersigned owners of lots and lands in the City of Merrill, Wisconsin, as hereafter set forth following our signatures and on the attached map, petition the Common Council of the city of Merrill, Wisconsin, to vacate and discontinue the following described Street(s) and/or alley(s) in said City, in accordance with Section 66.296, Wisconsin Statutes, to-wit:

Joseph M. Breaman (Breaman Investments LLC) owner of 1301 N. Center Ave and 1000 Cedar Street am seeking to vacate portion of Cedar Street. As owner of Breaman Merrill Ford for the last 28 years we are expanding our facility, and want to be assured our customers and employees are "SAFE" when walking from our current location (1301 N. Center Ave.) to our newly acquired property of 1000 Cedar Street.

(here fully describe as accurately as possible the street(s) and alley(s) you seek to vacate indicating exact beginning & ending points)

2. Our reasons for seeking vacation are as follows:

- Facility expansion of seven service bays, increased storage areas, and larger customer waiting area.*
- Increased customer parking area needed.*
- Increased Employee parking areas needed - I anticipate adding 5-7 employees with this expansion project.*
- We will continue to increase our New and Used inventory levels which will require more parking areas.*
- The most important concern of this project will be the "safety" of customers and employees moving from 1301 N. Center Avenue to our addition of 1000 Cedar Street. The Cedar street road has been a "safety" issue entering our property for many years.*

Joseph M. Breaman
Joseph M. BREAMAN
President
Breaman Merrill Ford

Attachment: Petition for Cedar Street Vacation (3189 : BPW recommendations regarding petition to vacate portion of Cedar St.)

Signatures of all owners of all land abutting the street or alley to be vacated. (use additional paper if necessary)

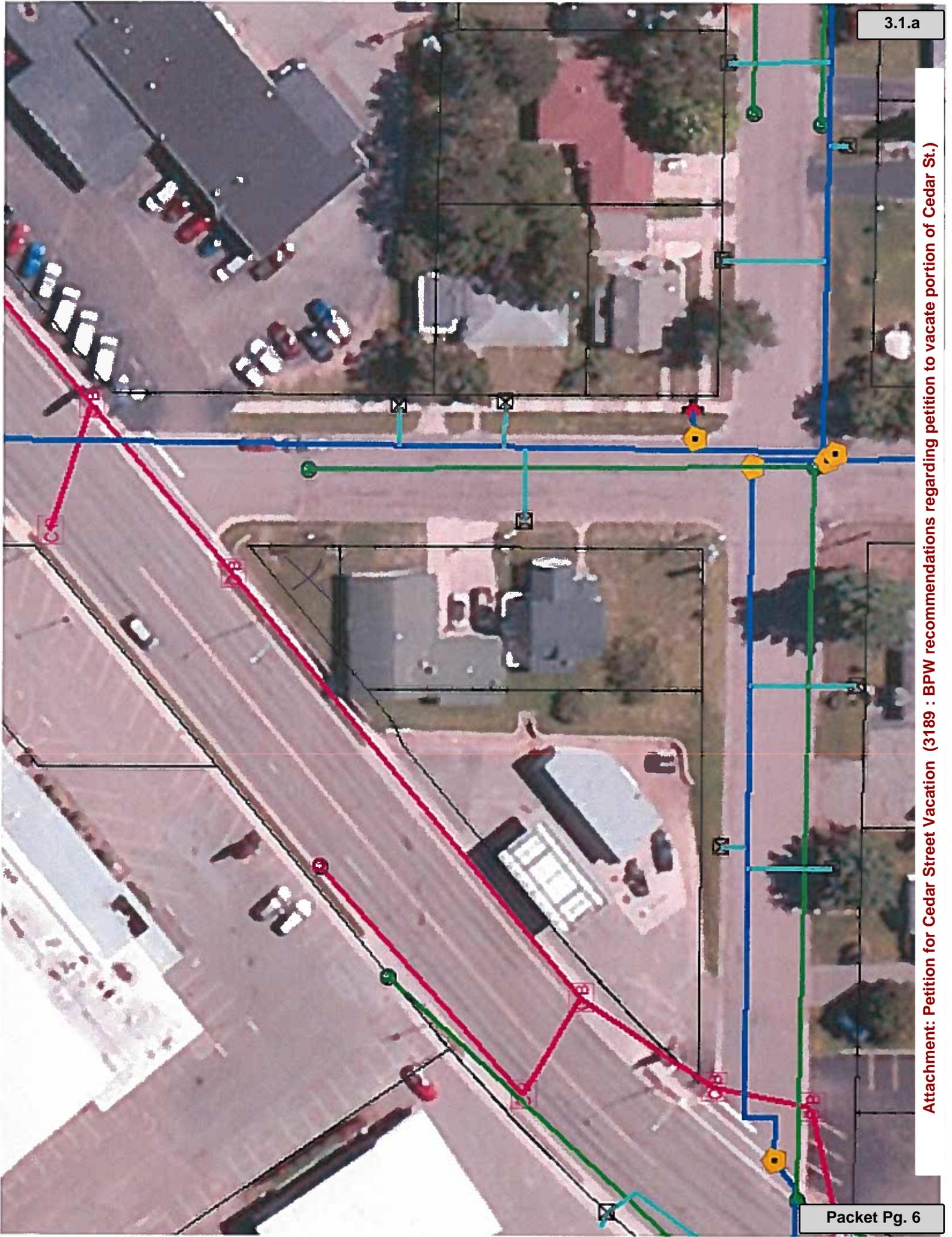
NAME BREAMAN Investments Inc ADDRESS 1301 N. Center Ave.
Description 35-251-4-3106-121-0300
Footage _____ Joseph M. Bream

NAME BREAMAN Investments Inc ADDRESS 1000 Cedar St.
Description 35-251-4-3106-132-0204
Footage _____ Joseph M. Bream

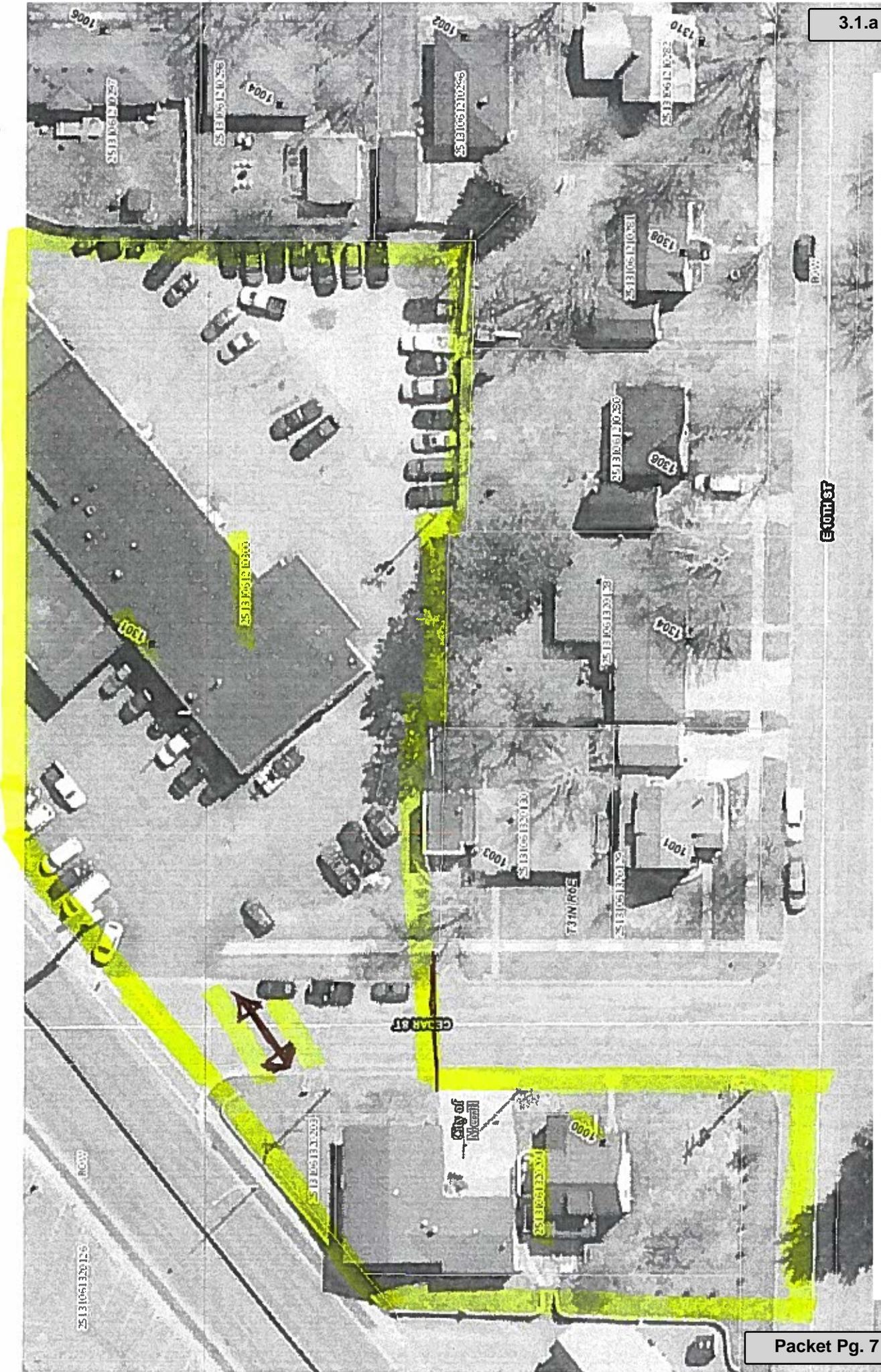
NAME Rebekah L. Murphy ADDRESS 1101 N Center Ave, Merrill
Description Murphy Meat LLC
Footage 1

NAME _____ ADDRESS _____
Description _____
Footage _____

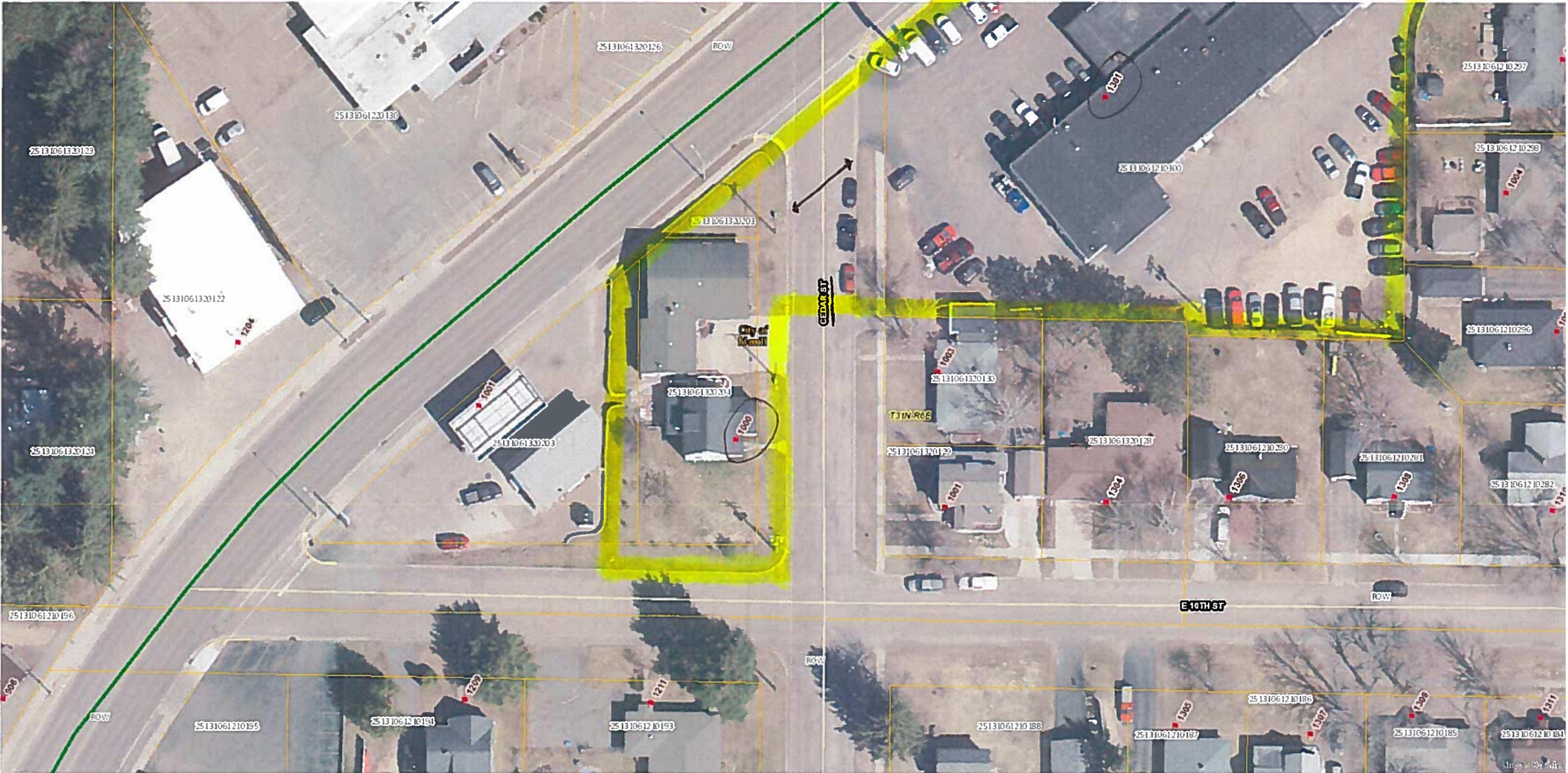
Attachment: Petition for Cedar Street Vacation (3189 : BPW recommendations regarding petition to vacate portion of Cedar St.)



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Attachment: Petition for Cedar Street Vacation (3189) : BPW recommendations regarding petition to vacate portion of Cedar St.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE VACATION OF A PORTION OF CEDAR STREET FOR COMMERCIAL DEVELOPMENT

WHEREAS, Joseph Breaman, Owner of Breaman Investments, LLC. has requested, by petition, the vacating of a portion of Cedar Street for expansion of the business located at 1301 Center Avenue, Merrill, and;

WHEREAS, the Board of Public Works on March 28, 2018 and the City Plan Commission on April 4, 2018 have recommended such vacation;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this ____ day of ____ 2018, that the following described street be vacated:

Located in the NW ¼ of the NE ¼ of Section 12, Township 31N, Range 6E, City of Merrill, Lincoln County, Wisconsin: Beginning at a point 20 feet north of the NW corner of AP 239, thence north along the east ROW line of Cedar Street 114' to the southern ROW line of N Center Avenue, thence southwest 87' along the southern ROW line of N Center Avenue to the western ROW line of Cedar Street, thence south 58' along the west ROW line of Cedar Street, thence east 66' to the point of beginning.

The City of Merrill reserves an easement for construction and maintenance purposes related to utilities serving the public currently located in, on or around the vacated area.

BE IT FURTHER RESOLVED, that the City hereby declares that the portion of the street to be vacated is not needed for public purposes and hereby declares that the portion vacated shall revert, to the extent permitted by law, to the adjoining property owners.

Recommended by: Board of Public Works and City Plan Commission

CITY OF MERRILL, WISCONSIN

Moved: _____

William R. Bialecki
Mayor

Passed: _____

William N. Heideman
City Clerk

Attachment: Resolution Vacating a portion of Cedar Street (3189 : BPW recommendations regarding petition to vacate portion of Cedar St.)

CITY OF MERRILL
 1004 EAST FIRST STREET
 MERRILL, WI 54452

NOTICE OF PUBLIC HEARING

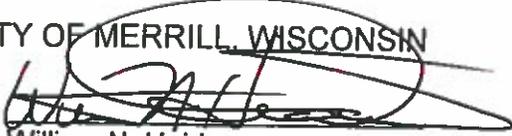
All persons interested will be given an opportunity to be heard at a public hearing to be held by and before the City Plan Commission and Historic Preservation Committee of the City of Merrill, Wisconsin, commencing at 6:00 p.m., on **Wednesday, April 4, 2018**, in the City Hall Council Chambers, 1004 East First Street, Merrill, Wisconsin, on the following proposed matter, to wit;

1. Todd and Renea Frederick, Frederick Joint Trust, requesting the Historic Structure Designation be rescinded for their property at 1600 Logan Ave. Legally described as: Lot 1, Block 1, G R Sturdevant Addition to the City of Merrill, Lincoln County, Wisconsin.

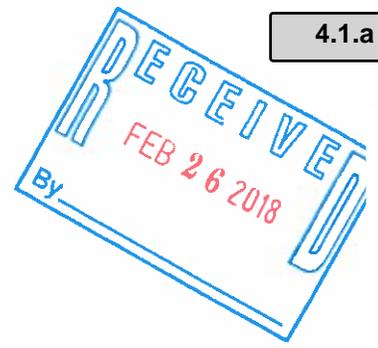
Anyone having any questions regarding the hearing should contact Zoning Administrator, Darin Pagel at 536-4880.

Dated: March 1, 2018

CITY OF MERRILL, WISCONSIN

By: 
 William N. Heideman
 City Clerk

Attachment: Info for Fredrick Public Hearing (3147 : Fredrick Public Hearing)



February 22, 2018
City of Merrill
1004 East First Street
Merrill WI 54452

Attn: City Plan Commission

Re: 1600 Logan Ave request removal from Historical Landmark Designation

Dear Commission,

We are requesting removal of our home from the Historical Landmark Designation. The home needs major renovation. We feel the designation inhibits us from transforming this house into home that the City of Merrill will be proud of. We want to save and restore what we can, but it has suffered many years of neglect.

We look forward in discussing this matter with the commission.

Respectfully,

Two handwritten signatures in black ink. The first signature is "Todd" and the second is "Renea Frederick".

Todd & Renea Frederick

Sec. 105-318. - Procedures.

(a) Designation of historic structures, sites and districts.

(1) Designation. The historic preservation committee may recommend and the city plan commission may, after notice and public hearing, designate historic structures and historic sites and recommend historic districts, or rescind such designation or recommendation, after application of the criteria in section 105-316. At least ten days prior to such hearing, the plan commission shall notify the owners of record, as listed in the office of the city assessor, who are owners of property in whole or in part situated within 200 feet of the boundaries of the property affected, or within the boundaries of the historic district. These owners shall have the right to confer with the plan commission prior to final action by the plan commission on the designation. Notice of such hearing shall also be published as a Class 1 notice, under the state statutes. The plan commission shall also notify the following departments or individuals:

- a. Mayor;
- b. Community development;
- c. Health and safety committee;
- d. Building inspector;
- e. Director of finance;
- f. City clerk;
- g. City assessor;
- h. City attorney; and
- i. Alderpersons.

Each recipient of notice may respond to the commission within 30 days of notification with its comments on the proposed designation or rescission.

(2) Hearing. The plan commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The plan commission may conduct an independent investigation into the proposed designation or rescission. Within 20 days after the close of the public hearing, the plan commission may designate the property as either a historic district, historic structure, or a historic site, or recommend its inclusion in a historic district, or rescind the designation. After the designation or rescission has been made, notification shall be sent to the property owner. Notification shall also be given to the city clerk, building inspector and the city assessor. The historic preservation committee shall cause the designation or rescission to be recorded, at city expense, in the county register of deeds office, or the recommendation to be submitted to the common council as provided by subsection (c) of this section.

(b) Creation of historic district.

(1) Defined areas. For preservation purposes, the historic preservation committee shall select geographically defined areas within the city to be designated as historic districts and shall, with the assistance of the plan commission, prepare a historic preservation plan for each area. An historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the city, after application of the criteria in section

Attachment: Info for Fredrick Public Hearing (3147 : Fredrick Public Hearing)

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 Wednesday, April 4, 2018**, in the City Hall Council Chambers, 1004 East First Street, Merrill, Wisconsin, on the following proposed matter, to wit;

1. Anthony and Roxanne Baumann, requesting a Conditional Use Home Occupation at 1010 E 3rd Street, Legally described as: Original Plat of Jenny, Lot 1 & east 1/2 Lot 2, Block 17, City of Merrill, Lincoln County, Wisconsin.

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

Dated: March 15, 2018

CITY OF MERRILL, WISCONSIN

By: 
William N. Heideman
City Clerk

APPLICATION FOR CONDITIONAL USE PERMIT CITY OF MERRILL

DATE 3-15-18APPLICANT'S NAME: Roxanne BaumannBUSINESS NAME: The Woodgathering, LLCPHONE #: 715-370-4600 EMAIL: thewodgatheringllc@gmail.comPROPERTY ADDRESS: 1010 E. 3rd St. Merrill, WIPROPERTY OWNER'S NAME: Roxanne Baumann, Tony BaumannTAX ROLL#: 34-36-000-906.00.00 PIN#: 251-3106-123-0105EXISTING USE: Duplex LivingPROPOSED USE: Small craft shop - ground level

REASON FOR REQUESTING A USE PERMIT CHANGE: Allow me to operate
a small shop where I can sell wool, pattern and
threads, etc.

**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.
 - 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).
 - 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.
 - d) Describe if adequate utilities, access roads, drainage, and other required site improvements have been or will be provided.
 - e) Describe what adequate measures have been taken to provide ingress and egress and how designed as to minimize traffic congestion in public streets.

Attachment: Info for Baumann Public Hearing (3148 : Baumann Public Hearing)

- f) Explain how the conditional use shall conform to all applicable regulations of the district in which it is located.
- g) Explain how the conditional use will not violate flood plain regulations governing the site.
- 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.
- 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;
 - II) The prevention of water pollution including sedimentation;
 - III) Existing topography, drainage features and vegetative cover on the site;
 - IV) The location of the site with respect to floodplains and floodways of rivers and streams;
 - V) The erosion potential of the site based upon the degree and direction of slope, soil type, and vegetative cover;
 - VI) The location of the site with respect to existing or future access roads;
 - VII) The need of the proposed use for a shoreline location;
 - VIII) The compatibility with uses on adjacent land;
 - IX) The amount of liquid waste to be generated and the adequacy of the proposed disposal system.
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.
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.
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.
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.

Roxanne Baumann
Signature of Applicant

Anthony L. Baumann
Signature of Applicant

1. My response to Section 113-103

- a) The operation of my small wool shop will be contained within the interior of the ground level and will not endanger public health, safety, morals, comfort or general welfare.
- b) Property will be well maintained in regards to landscaping, lawn care and snow removal, etc. that should be pleasing to the neighborhood properties.
- c) The business will be contained within and no exterior alterations to the building will be needed, therefore it will not affect development and improvement of the surrounding property.
- d) Due to the small nature of this business, existing utilities are more than adequate, with the occasional use of a rest room by customers. Access roads to building are public streets maintained by the city.
- e) Ingress and egress to property will be on a side street which will offer some off-street parking and side walk to entrance, with occasional parking on Court street.
- f) See attached comments
- g) This property is not in a flood plain
- h) There will not be any new construction or addition, business will be contained within existing structure.
- i) N/A

2. If there are any needed interior modifications to meet codes or business needs that cannot be performed by us (painting, flooring, etc.) a local contractor will be used.

J&J Lee Construction
W4858 Lincoln Drive.
Merrill, WI 54452

3. Lot 1 & E ½ Lot 2 Blk 17 Original Plat of Jenny
1010 E. 3rd Street, Merrill, WI 54452
2 story structure
Business in ground level
Employees will consist of myself with the possibility of a part-time employee.
Zoning District is R4

Additional Comments:

My intention is to operate a craft type shop where I can sell wool fabric, patterns, threads and notions. It will be a small business with retail space occupying less than 400 square feet, which will be contained within the interior of the building. This is a specialized craft and should not create any high traffic. My typical customer is an adult female age 30 thru retirement ages. I will be the only full time employee, with the possibility of a part-time helper. My hours will be somewhat limited, for exapmle 10-6 on varying days including Saturday, based on customer needs. This is not a source of primary income for me, more so a passion to do what I enjoy in my retirement and to share with others.

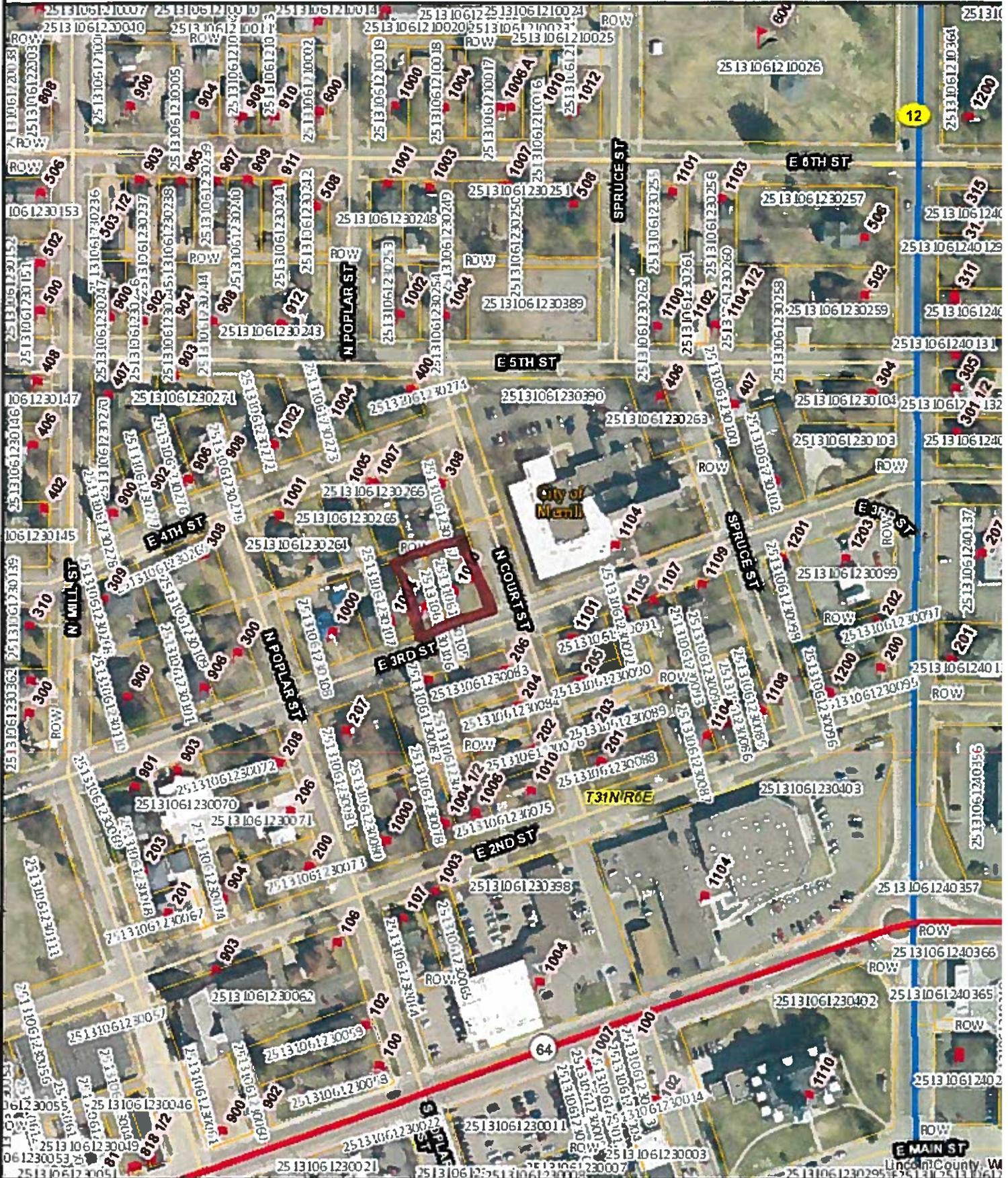
Building exterior, landscaping and yard will be maintained in a pleasing manner and will not affect neighbors. Parking will be available on the east side of building which is to the Court Street side, other than seeing people entering or leaving the building neighbors should be unaffected by traffic. Improvements will be made to existing entry sidewalk.

I have an established customer base, over the past 6 years I have been vending and selling at local and surrounding community craft shows. I will be providing a product and service currently not offered locally, and I hope to share my love of this craft, I feel hand stitching is a dying art. Even though it's a small business it will be an asset to Merrill, a place I have lived all my life.

Thank you for your consideration.

Roxanne Baumann

Lincoln County Public Access Land Records Viewer



Attachment: Info for Baumann Public Hearing (3148 : Baumann Public Hearing)

Author: Public
Date Printed: 3/15/2018



The information depicted on this map is a compilation of public record information including aerial photography and other base maps. No warranty is made, express or implied, as to the accuracy of the information used. The data layers are a representation of current data to the best of our knowledge and may contain errors. It is not a legally recorded map and cannot be substituted for field-verified information. Map may be reproduced with permission of the Lincoln County Land Services Department. Errors should be reported to Land Services Department, 801 North Sales St, Merrill, WI, 54452. Copyright © 2015 Phone: 715-520-1040