



CITY OF MARSHFIELD

MEETING NOTICE

Plan Commission
City of Marshfield, Wisconsin
Tuesday, May 18, 2021
Council Chambers, City Hall, 207 West 6th Street
7:00 p.m.

If you have questions or wish to provide input on this matter, please call Bryce Hembrook at 715-486-2074 or e-mail planning@ci.marshfield.wi.us, send a letter to the Development Services Department located at 207 W 6th Street, or appear in person at this meeting. If you plan to attend the meeting, please contact Bryce Hembrook at least 24 hours prior to the meeting, so that we can plan accordingly for proper social distancing.

1. Call to Order. – Nick Poeschel – Council President.
2. Roll Call. – Secretary Miller.
3. Approval of Minutes – April 20, 2021 Meeting.
4. Introduction of New Members.
5. Election of Vice Chairperson.
6. Citizen Comments.
7. Conditional Use Permit Request by Scott Stiffler to allow for a personal storage facility land use in the “CMU” Community Mixed Use zoning district, located at 503 East Ives Street (parcel 33-03216).
Presenter: Emmett Simkowski, Associate Planner
Public Hearing Required
8. Conditional Use Permit Request by Crystal Jackson to allow for an exception to the fence height and opacity requirements for the property located at 512 Hardacre Avenue (parcel 33-02169).
Presenter: Bryce Hembrook, City Planner
Public Hearing Required
9. Conditional Use Permit Request by Epic Home Care LLC, to allow for a Community Living Arrangement facility (4 beds), located at 1607 Immanuel Court (parcel 33-06650). This request includes exceptions for the total number of Community Living Arrangement beds to exceed 1% of the City population, 1% of the Aldermanic district population, and to be located within 2,000 feet of another similar facility.
Presenter: Emmett Simkowski, Associate Planner
Public Hearing Required
10. Municipal Code Amendment Request by the Marshfield Clinic Health System to amend Chapter 18, Sections 18-72 Yard Setback Adjustments & 18-73 Intrusions into Required Yards, to allow permitted intrusions into required yards for roads that are identified as major streets and to add language to allow skywalks as a permitted intrusion into a required yard.
Presenter: Bryce Hembrook, City Planner
Public Hearing Required
11. Certificate of Appropriateness Request by Crystal Jackson, to add fencing on the property located at 512 Hardacre Avenue, also known as the George and Jennie Booth House.
Presenter: Bryce Hembrook, City Planner

PLAN COMMISSION AGENDA

12. Update on concerns regarding the City's impact on development projects in Marshfield.
Presenter: Josh Miller, Development Services Department & Scott Larson, MACCI.
13. Discussion on parklets.
Presenter: Bryce Hembrook, City Planner
14. Appointment of Plan Commission Member to the Historic Preservation Committee.
15. Appointment of new Town of McMillan Joint Plan Commission Member.
16. Items for Future Agendas.
17. Staff Updates.
18. Adjourn.

Posted this 13th day of May, 2021 by 4:30 PM by Bryce Hembrook, City Planner.

For additional information regarding items on the agenda, please contact Bryce Hembrook, City Planner at 715.486.2074. This meeting can be viewed "LIVE" on the City of Marshfield website at www.ci.marshfield.wi.us, City of Marshfield Facebook page at www.facebook.com/CityofMarshfieldWI/ and on Charter Cable Channel 991. The meeting is also archived on the City of Marshfield's YouTube Channel and Facebook Page located on the City website at www.ci.marshfield.wi.us and replayed the following day and throughout the week on Charter Cable Channel 991. Please see your cable listing for the City Government Channel at <http://ci.marshfield.wi.us/departments/communications/index.php>

NOTE

It is possible that members of and possibly a quorum of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.

*Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact the Public Works Department at 207 W. 6th Street or by calling (715) 387-8424.

CITY PLAN COMMISSION
APRIL 20, 2021

PRESENT: Alderperson Quentin Rosandich, John Kaprelian, Bill Penker, Steve Okonek, and Chris Golden
ABSENT: Ken Wood
OTHERS: Emmett Simkowski, Associate Planner; Bryce Hembrook, City Planner; Josh Miller, Development Services Director; and others

Vice Chairman Kaprelian called the meeting to order at 7:00 p.m. in the City Hall Council Chambers.

PC21-16 Penker moved and Okonek seconded the motion to approve the minutes of March 16, 2021 Plan Commission meeting.

Motion carried.

Citizen Comments

None.

PUBLIC HEARING – Conditional Use Permit Request by TKO Consolidated LLC to allow for an outdoor commercial entertainment land use in the “UMU” Urban Mixed Use zoning district, located at 400 North Central Avenue (parcel 33-00310), to allow for an enclosed outdoor seating area and an exception for parking requirements.

Emmett Simkowski presented this item.

Public Comments: Ray Niehaus, 313 North Chestnut Avenue, stated his bedroom window is only about 40 yards from the parking lot. He has concerned about loud trucks parking outside his window. He has a hard time getting sleep now.

Discussion: Rosandich asked if there is parking already correct? Staff said there is about six parking stalls now. Is there more planned for the rest of the parking lot to be paved? Staff is not aware of any future plans and the applicant stated they have not discussed it at this point. Rosandich has concerns about how soon he would work with the City to eliminate the driveway in. It seems like a safety hazard. Staff said that would be between the applicant and Tom Turchi. He worries about patrons walking out the backdoor. The applicant stated he plans on finishing the driveway prior to the fenced in area.

PC21-17 Okonek moved and Penker seconded the motion to approve the Conditional Use Request by TKO Consolidated LLC to allow for an outdoor commercial entertainment land use in the “UMU” Urban Mixed-Use zoning district, located at 400 North Central Avenue (parcel 33-00310), to allow for a fenced-in outdoor seating area and an exception for parking requirements, with the following conditions:

1. At least four parking stalls shall be provided onsite.
2. No amplified music shall be played in the outdoor eating and drinking area after 10PM.
3. If alcohol is consumed within the fenced in area, the applicant shall update the premises description for the liquor license.

4. Minor site plan changes for the outdoor eating and drinking area may be approved administratively, provided they do not need additional exceptions from the Zoning Code, or from any conditions approved with this Conditional Use permit.

PC21-18 Okonek moved and Golden seconded to amend the motion and add a condition that the Conditional Use Permit shall be reviewed by the Plan Commission 12 months after the date of approval. Roll call vote: all ayes.

Motion carried.

Vote on motion **PC21-17 as amended**. Roll call vote: all ayes.

Motion carried.

PUBLIC HEARING – Conditional Use Permit Request by the Nicolet Lumber Company to allow for a residential group development, to construct 6 multiplexes (72 total units), located on parcels 250-2602-264-1018, 250-2602-264-1019 & 250-2602- 264-1027. The properties are zoned “MR-12” Multi-Family residential and are located to the west of Frey Avenue & Frey Court and to the north of West Veterans Parkway. This request also includes exceptions to the parking area landscaping requirements.

Bryce Hembrook presented this item.

Public Comments: None.

Discussion: Penker is going to assume that currently along Frey Court and Frey Avenue we have limited water access. The water main is extended along Veterans Parkway. It does not completely reach the cul-de-sac. There is a hydrant at Mann Street. They hydrant is a dead end situation. According to the fire department, you’re reaching hose lengths of approximately 1,000 feet. He has concerns about that. Worst case scenario, with some sort of water interruption, it becomes very difficult to fight a fire. Based on those conditions, he would not vote to approve.

John Maas, from Nicolet Lumber Company. He said there is a water tower within a 1,000 feet of the site. Both of their other apartment complexes in the City are served with dead end water mains. There is adequate water pressure and water service. If interrupted, there would have to be another way to serve it. The buildings are sprinklered.

Pete Fletty, Deputy Fire Chief, said that it is a dead end and that if there is a water interruption, we’re looking at approximately 1,500 feet to the next nearest hydrant. We would be running into manpower issues to battle a fire. They would be cutting across the mobile home park. The current plan provides two private fire hydrants. Without any backup system to provide service to the project. Calling in Spencer and McMillan would be at least 30 minutes. They City only carries approximately 2,000 gallons of water which isn’t much to fight a fire. Utilities could eventually loop the system. If we could get that done, he would feel a lot more comfortable with the project.

Rosandich asked if he could amend the motion to include something to address Fletty’s concerns.

Penker asked if Plan Commission would review the utility extensions anyway. Staff stated they would and that was why it was part of the recommended condition.

PC21-19 Rosandich moved and Okonek seconded the motion to approve the Conditional Use Permit Request by Nicolet Lumber Company to allow for a residential group development to construct 6 multiplexes (72 total units), located on parcels 250-2602-264-1018, 250-2602-264-1019 & 250-2602-264-1027, zoned “MR-12” Multi-Family Residential with the following conditions:

1. The exterior of the principal buildings should include architectural features such as the brick façade around the bottom edge of the buildings and vinyl shake siding on the roof portion of the gable walls.
2. The parking lot is permitted an exception from the parking lot landscape island/peninsula break requirement and may have up to 13 consecutive stalls without a parking island.
3. The amenities such as the office, mailbox, and dumpster enclosures are approved as part of this request, provided all necessary building permits are obtained.
4. The parkland dedication fee of \$10,800 shall be paid upon final approval of the project and prior to the first building permits being issued.
5. Minor site adjustments may be administratively approved provided the minimum setback requirements are met.
6. The construction for the proposed buildings shall be completed by the end of August, 2023, unless granted an extension by the Common Council.
7. Final certified survey map combining the subject properties must be submitted prior to building permit approval.
8. The developer shall work with Marshfield Utilities and City of Marshfield staff to determine on the extent and location of sewer and water mains along Frey Court and Frey Avenue in order to plan for future growth.
9. Sewer and water main locations shall be reviewed by the Plan Commission prior to installation and issuance of the first building permit.

PC21-20 Okonek moved and Rosandich seconded to amend condition 9 to state the sewer and water main locations would have to be reviewed and approved by the Plan Commission prior to installation and issuance of the first building permit.. Roll call vote: Ayes – 4; Nays – 1 (Penker).
Motion carried.

Vote on motion **PC21-19 as amended**. Roll call vote: Ayes – 4; Nays – 1 (Penker).
Motion carried.

PUBLIC HEARING – Conditional Use Permit Request by Mid-State Technical College to construct an on-site parking lot for additional parking and to use for motorcycle training on their campus located at 2600 West 5th Street (parcel 33-04340A), zoned “CD” Campus Development. The request also includes exceptions to pavement setback requirements and parking lot design requirements.

Emmett Simkowski presented this item.

Public Comments: None.

Discussion: Kaprelian asked what is the need for additional parking given the parking analysis.

Matt Schneider, with Mid-State Technical College, stated that the Marshfield campus is designed to have two wings. All of the parking is on the west side of the campus. The intent is to provide

more parking for visitors and for students that attend the east side of the facility. The parking lot also allows them to do the motorcycle class.

PC21-21 Rosandich moved and Penker seconded the motion to approve the Conditional Use Permit Request by Mid-State Technical College to construct an on-site parking lot for additional parking and occasionally be used for motorcycle training on their campus located at 2600 West 5th Street (parcel 33-04340A), zoned “CD” Campus Development, with the following conditions/exceptions:

1. The parking lot is permitted an exception from the parking lot landscaped island/peninsula break every 12 stalls requirement as stated in Section 18-133(3)(d) and is permitted to have 21 stalls in a row without a landscaping island.
2. The parking lot is permitted to be 5.8 feet from the right of way of West 5th Street.
3. Minor adjustments to the site plan may be approved administratively provided no other exceptions are required.

Roll call vote: all ayes.

Motion carried.

PUBLIC HEARING – Rezoning Request by Pat Zimmermann to rezone the property located at 307 East 21st Street (parcel 33-06265) from “SR-3” Single-Family Residential to “TR-6” Two-Family Residential.

Bryce Hembrook presented this item.

Public Comments: Hembrook read the follow letter submitted by a neighbor. “My name is Joe Tippett. I own and live at 301 East 21st Street. My home is to the west of the property requesting re-zoning from a SR-3 to TR-6. I purchased my house in the fall of 2013. Before the two multi-family properties were built in the 400 block. They are ugliest recently built multi-family properties in the neighborhood. I object to re-zoning 307 East 21st Street for the following reasons:

- Another multi-family property could add more traffic to an already busy street making it less safe for residents.
- Another multi-family property could further reduce the quality of life for current residents. The rental properties on 21st Street attract short term renters who tend not to care about the neighborhood.
- Another multi-family property could reduce the value of existing properties. The adjoining properties are owned by people who live in their homes and take pride in them.

The person who purchased the property made the choice buy a lot zoned SR-3. They have the option to build a high-quality single-family house and charge more for rent. The current residents in the 300 block of East 20th and 21st streets would greatly appreciate NOT re-zoning the property at 307 East 21st Street.

Thanks”

Discussion: None.

PC21-22 Golden moved and Okonek seconded the motion to table the request. Roll call vote: Ayes – 2; Nays – 3 (Kaprelian, Penker, Rosandich)

Motion failed.

Okonek said he would like to see some of the concerns about the traffic. He said it's probably not up to the standard it needs to be improved or if there are plans for upgrades. Golden said he would like to see a plan for the duplex.

Rosandich said we see a couple of photos here and are these the same builders that are asking to rezone the property. Are they going to be able to show us what they are planning on doing? Staff said we don't require a site plan to be submitted because it is a rezoning request. It's not the same builder as the other properties. He has one on Adams Avenue and one on North Street. If rezoned, there would be nothing tying him to building a duplex.

Hembrook stated that 21st Street is fully built out so we are not looking at a lot more traffic in the future.

Rosandich said it's not a through street.

Golden agreed with the traffic issue but he would agree with seeing a new design of any duplex that would be going into that area.

Rosandich said if he doesn't like the way the other ones look, we could direct him to other City ordinances to maintain the property.

Okonek said he would like to see some of the concerns about the traffic by the City Engineer. He said it's probably not up to the standard it needs to be improved or if there are plans for upgrades. Golden said he would like to see a plan for the duplex.

Penker stated that Zimmermann has a duplex on Adams Avenue which could be an example of what might go here.

PC21-23 Rosandich motioned to approve the Rezoning Request by Pat Zimmermann to rezone the property located at 307 East 21st Street (parcel 33-06265) from "SR-3" Single-Family Residential to "TR-6" Two-Family Residential and direct staff to prepare an ordinance for Common Council.

Motion died for lack of a second.

Review of Items Under Wisconsin Statute 62.23(5)

Request to review and report on right-of-way dedication of a portion of land along the southern side of West McMillan Street, to the north of the property located at 1607 Immanuel Court, for a certified survey map submitted by Vreeland Associate, Inc.

Josh Miller presented this item.

Discussion: Okonek asked if this would cause any problems down the road if we were to acquire the right-of-way from everyone else? Staff said there aren't any concerns.

Rosandich asked what's the benefit of this item for the applicant. Staff said that it's to create another residential lot.

Items for Future Agendas:

Penker has a number of items:

- Eau Claire approved an ordinance to allow parklets. Our downtown plan has referenced similar efforts. Would like staff to contact the City of Eau Claire and get some definite information on the parklet.
- The downtown plan dates from 2015. Up to this date we have not had any written reports on actions items that have been met. Bryce has a template to deal with this sort of thing.
- Due to conflict in the City he's aware about the City's ability to attract commercial, industrial, and institutional. He would like some information presented to us regarding how many developments have we lost? How many have been put on hold, and how have we counteracted the narrative. He his aware that the situation is know in many states across the country.

Rosandich appreciates the Penker's request but he thinks that's for another committee rather than the City Plan Commission. Looking at this from the perspective of development. The questions could get referred to the Economic Development Board. Penker feels that as it relates to development, the Plan Commission should be informed. Penker suggested reaching out the MACCI to see if that information is out there.

Okonek he has seen the duplexes come around quite a bit lately. He would like to see what other communities do to review and approve duplexes.

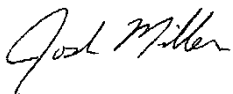
Penker asked staff to get information about what is going on around the country in terms of exclusionary zoning and what the potential effects could be for us.

Staff Updates:

Miller stated that Marshfield Clinic does have some projects coming forward to discuss regarding the Campus Master Plan in the near future.

With no other business before the Commission, Rosandich moved and Okonek seconded to adjourn the meeting at 8:18 p.m.

Respectfully submitted,



Josh Miller, Secretary
CITY PLAN COMMISSION

TO: Plan Commission
FROM: Emmett Simkowski, Associate Planner
DATE: May 18, 2021

RE: Conditional Use Permit Request by Scott Stiffler to allow for a personal storage facility land use in the “CMU” Community Mixed Use zoning district, located at 503 East Ives Street (parcel 33-03216).

Background

Recently the City has approved a Municipal Code Amendment to allow interior oriented personal storage facilities within the “CMU” Community Mixed Use zoning district. This conditional use will be the first application for a personal storage facility within this zoning district. The location for this request is located within the Marshfield Mall at 503 East Ives Street and will be within the previous JC Penny’s area.

Analysis

Location

The property is located between North Central Avenue and North Peach Avenue, and is directly North of East Ives Avenue. The surrounding areas are primarily zoned “CMU” Community Mixed Use and there is “TR-6” Two Family residential on the east side of North Peach Avenue and Braem Park to the South is zoned “SR-3” Single Family Residential. The location of the personal storage facility within the Marshfield Mall is proposed to be within the previous JC Penny’s outlet on the north end of the building.

Land Use Requirements

According to Section 18-60(3) a personal storage facility land use is oriented to the indoor storage of items entirely within partitioned buildings having an individual access to each partitioned storage area. Such storage areas may be available on either a condominium or a rental basis. The land use may include multiple buildings, shall be regulated as a conditional use, and shall not be considered a group development. The following regulations apply specifically for this land use within the “CMU” Community Mixed Use district.

- All entrances to individual storage units shall be accessed from the interior of a building.
- Shall be located in an existing commercial building as an adaptive re-use project.
- No bufferyard is required.
- Facilities may run electrical power within hallways, common area, or office areas but not in individual storage units, except for lighting.

Seeing no exterior alterations are being proposed, besides signage, no other regulations are applicable to this land use at this location.

Parking

Parking for the proposed use will utilize the existing parking provided at the Marshfield Mall’s location. According to the site plan provided, there will be a total of 141 storage units within the

building at full build out. Chapter 18-60(3)(e) requires one space for each employee on the largest work shift. The applicant states that their storage sites are completely automated once they hit their target 70 percent fill rate. However, they may have one employee onsite until that time. The requirement for the prior JC Penny's would have been 113 parking stalls, which greatly exceeds the requirements for a personal storage facility. Due to the low parking requirements and the amount of parking available, staff does not anticipate the addition of this use will overwhelm the parking situation for the Marshfield Mall.

Additional Considerations

Personal storage facilities are generally associated with large metal buildings in which the units are accessed through garage like doors. Our recent code update excluded facilities in which units are accessed from the exterior within the "CMU" Community Mixed Use district and shall utilize existing commercial buildings.

Ideally the applicant would like the units available to customers 24 hours a day, 7 days a week. However, the applicant would consider limiting the hours of operation to 6:00 AM through 9:00 PM. Entry to the storage unit area will only be available through the parking lot and the entryway is planned to be protected with a key pad. The facility will also contain video surveillance at all times. These hours may be adjusted by either the Mall or the Plan Commission if there are any specific concerns with the hours of operation.

2017 Wis. Act 67 notes that decisions to approve or deny a conditional use permit, and to attach conditions to said permit, must be supported by substantial evidence. Substantial evidence includes facts and information, and does not include personal preferences or speculation.

Conditional Use Review Criteria of 18-161(6)(c)

(c) The Zoning Administrator shall review the complete application and evaluate whether the proposed amendment:

- 1. Is in harmony with the recommendations of the Comprehensive Plan.*

Goal 7-5 under the City of Marshfield's Comprehensive Plan states "Promote the redevelopment of vacant, blighted, and underdeveloped commercial and industrial properties" and objective two under this section states "increase tax base without adding significant infrastructure costs." The current building has been vacant for approximately four years and the infrastructure is already set for a new owner.

- 2. Will result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future.*

Allowing this request should not result in substantial or undue adverse impacts on nearby property, or the character of the neighborhood. The exterior of the existing building will not be altered except for the addition of signage, which will be permitted in accordance with Chapter 24 the City of Marshfield Sign Code. The interior oriented personal storage facility would impose a lesser burden on parking facilities and the amount of traffic visiting the site.

- 3. Maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.*

The interior oriented personal storage facility would be in conjunction with the existing Marshfield Mall, which contains many different commercial land uses. The surrounding area is on the North Central Avenue corridor and contains a wide variety of commercial land uses similar to the mall location.

4. *The conditional use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property.*

The conditional use itself would not impose a burden on utilities. All utilities on the site are existing and no additional demand will be created with the addition of this use.

5. *The potential public benefits outweigh any and all potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts.*

Staff does not anticipate any adverse impacts arising if the Plan Commission recommends approving this Conditional Use request.

Plan Commission Options

The Plan Commission can make the following recommendations:

1. Approval of the request with any exceptions, conditions, or modifications the Commission feels are justifiable and applicable to the request.
2. Denial of the request with justification stated by the Plan Commission.
3. Table the request for further study.

Recommendation

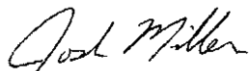
APPROVE the Conditional Use Permit Request by Scott Stiffler to allow for a personal storage facility land use in the "CMU" Community Mixed Use zoning district, located at 503 East Ives Street (parcel 33-03216), with the following conditions:

1. The storage of items outdoors is prohibited.
2. No personal business may be run out of the personal storage facility units.
3. Minor site plan changes may be approved administratively, provided they do not need additional exceptions from the Zoning Code, or from any conditions approved with this Conditional Use permit.

Attachments

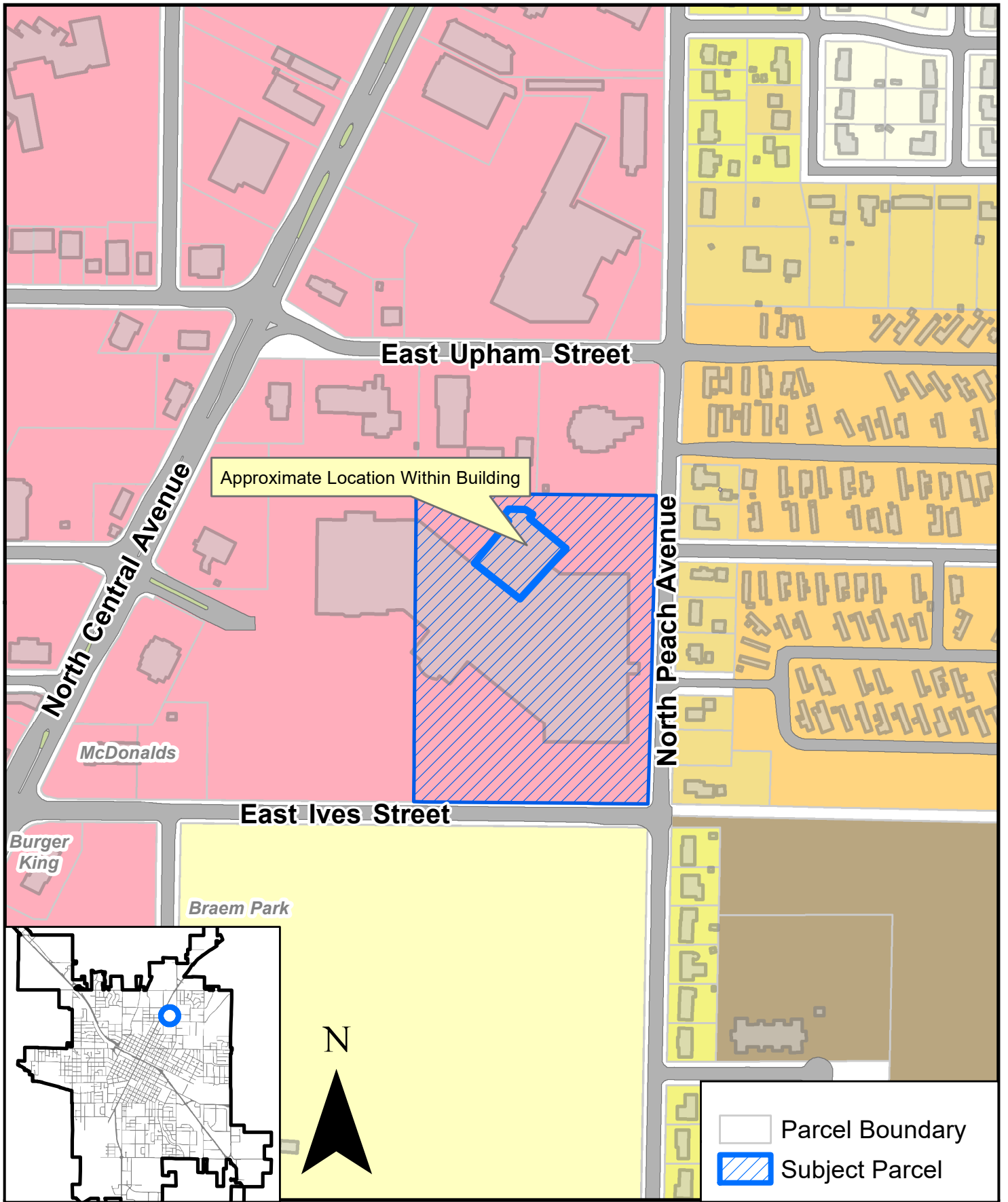
1. Location Map
2. Site Plan

Concurrence:



Josh Miller

Development Services Director



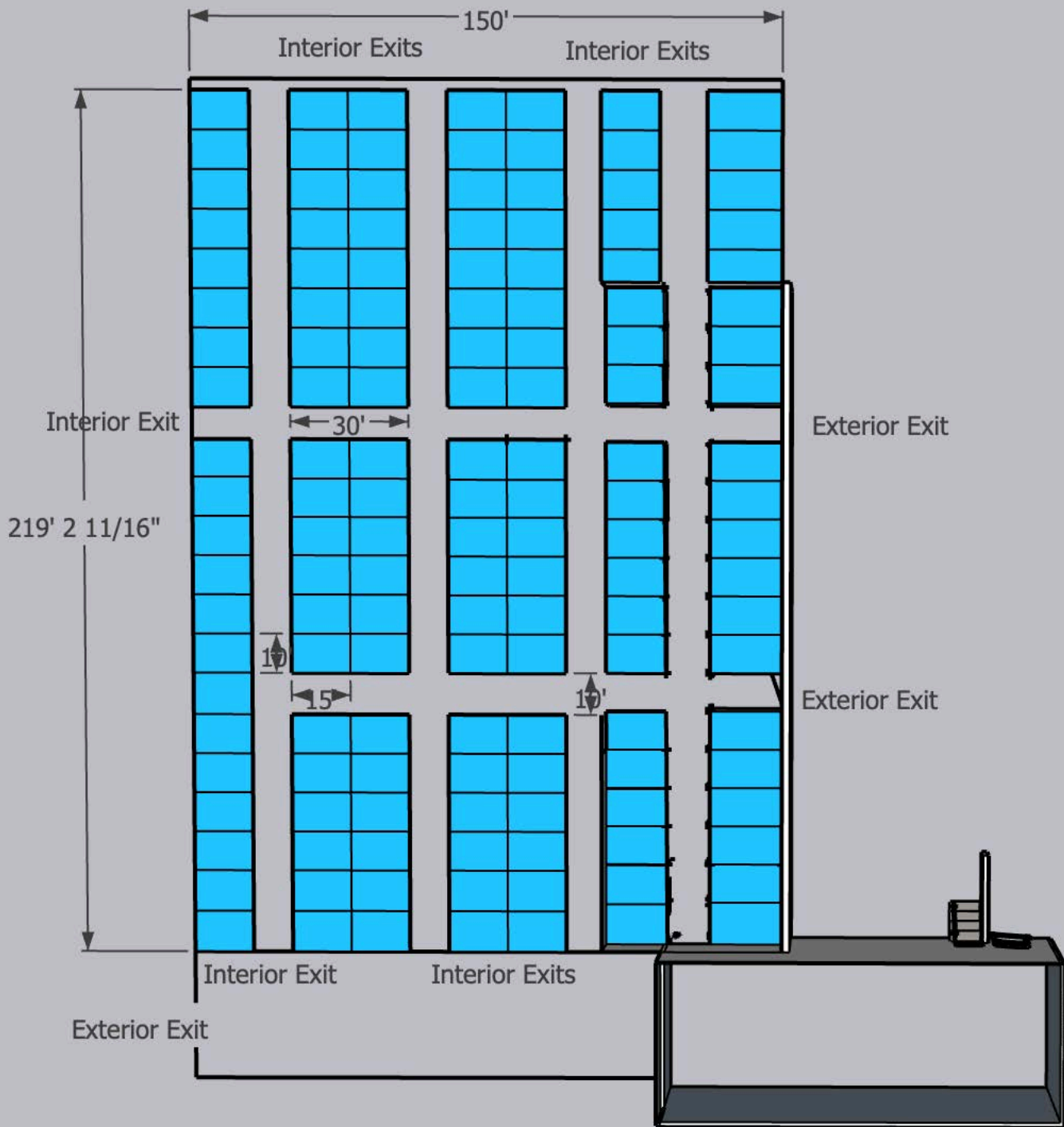
CUP: Scott Stiffler - Interior Oriented Personal Storage Facility - 503 East Ives St.

City of Marshfield - City Plan Commission

Meeting Date: May 18, 2021

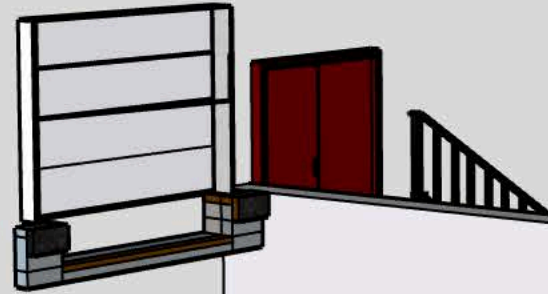
Map Not To Scale
For Reference Only

ATTENTION: The representation of data presented herein is intended for reference purposes only; the City of Marshfield assumes no responsibility for the accuracy of the information provided. Any duplication without consent is prohibited.



Kingdom Storage

Loading dock



Kingdom Storage

15' 10' 219' 2 11/16"

TO: Plan Commission
FROM: Bryce Hembrook, City Planner
DATE: May 18, 2021

RE: Conditional Use Permit Request by Crystal Jackson to allow for an exception to the front yard fence height and opacity requirements for the property located at 512 Hardacre Avenue (parcel 33-02169), zoned “SR-2” Single-Family Residential.

Background

The subject property is located on the west side of Hardacre Avenue and to the north of 6th Street. The surrounding neighborhood is entirely residential and the property is considered to be a historic property. Since the property is a historic property, the Plan Commission will also review a Certificate of Appropriateness, as a separate agenda item, prior to the issuance of the fence permit.

Analysis

Applicable Sections of the Municipal Code

- Section 18-106(4)(c)(1)(c) requires that in all residential zoning districts fences may be no taller than 4 feet when a fence is located within the front yard.
- Section 18-106(4)(a)(1)(c) requires that any fence within the required or provided front yard, whichever is less shall be a maximum of 50 percent opaque (such as wrought iron or picket or wood rail fence).
- Section 18-106(3)(c) allows for exceptions to the requirements of the section to be granted through a conditional use permit.

The applicant is proposing to add a 6-foot white privacy fence (100% opacity) along 6th Street and the western property line. According to the Code’s definition of a front yard, the front yard is located along 6th Street because a front yard on a corner lot is generally the narrower of the two lot lines abutting a public street. The Code requires that a fence in the front yard cannot be taller than 4 feet and must be 50% opaque, unless an exception is granted. The applicant is also proposing to add a 4-foot white picket fence along Hardacre Avenue and along the driveway leading to the garage. The 4-foot picket fence does not require exceptions. According to the site plan there is also an existing 4-foot chain link fence along the northern property line and the northwest corner of the property which will not be changed.

The intent of the Code is to have a shorter fence where the front façade of the house is located, but in this case, the front façade is located along the street side yard. The applicant is proposing to have a 4 foot fence, with an opacity of 50%, in front of the front façade and this would match the intention of the ordinance. Both fences will be meeting the required setback of 3 feet from the right-of-way and will be located outside the vision triangle for the intersection of 6th Street

and Hardacre Avenue. The proposed site plan shows that the fence would be located slightly inside the vision triangle along the driveway. The final site plan should show the fence meeting the 10' vision triangle requirement prior to the approval of the fence permit.

Conditional Use Decision Criteria of 18-161(6)(c):

(c) *The Zoning Administrator shall review the complete application and evaluate whether the proposed amendment:*

1. *Is in harmony with the recommendations of the Comprehensive Plan.*

Staff does not find any conflict with the proposed use and the Comprehensive Plan.

2. *Will result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future.*

Allowing this exception shall not have an adverse impact on the surrounding neighborhood.

3. *Maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.*

The consistency of the land use will not change.

4. *The conditional use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property.*

The installation of a fence will not have an impact on utilities.

5. *The potential public benefits outweigh any and all potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts.*

The purpose of the regulation is to have a smaller and open fence in front of the front façade of the home. In this case, the front façade of the house just happens to be along the street side yard. The applicant is proposing to add a smaller, open fence in front of the front façade of the house, which meets the intent of the regulation, but would also like to add a privacy fence in an area that they consider their backyard. In the future zoning code rewrite, staff is planning on proposing changes to the zoning code to allow the Zoning Administrator to determine a front yard depending on the location of the front façade. This is a textbook example of

a situation in which the Zoning Administrator should be able to choose the front yard and thus, staff is supportive of this request.

Plan Commission Options

The Plan Commission can make the following recommendations:

1. Approval of the request with any exceptions, conditions, or modifications the Commission feels are justifiable and applicable to the request.
2. Denial of the request with justification stated by the Plan Commission.
3. Table the request for further study.

Recommendation

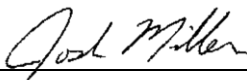
APPROVE the Conditional Use Permit Request by Crystal Jackson to allow for an exception to the front yard fence height and opacity requirements for the property located at 512 Hardacre Avenue (parcel 33-02169), zoned “SR-2” Single-Family Residential, with the following conditions/exceptions:

1. The applicant is permitted to have a 6-foot privacy fence located in the front yard along West 6th Street.
2. The final site plan must show the fence meeting the driveway vision triangle and this may be approved administratively.
3. Minor adjustments to the site plan may be approved administratively provided no other exceptions are required.

Attachments

1. Application
2. Location Map
3. Site Plan
4. Fencing Materials

Concurrence:



Josh Miller
Development Services Director



CITY OF MARSHFIELD
CONDITIONAL USE APPLICATION
 207 W. 6TH ST, MARSHFIELD, WI 54449
 p: (715) 486-2016 | planning@ci.marshfield.wi.us

Conditional Use Permit Application

Office Use Only		
Date Received:	Fee Receipt #:	Parcel #:

Applicant Information		
Name:	Phone:	Email:
Address, City, State, Zip :		
Applicant is	Owner	Authorized Representative/Other (Describe):
Owner Information (If different from Applicant)		
Name:	Phone:	Email:
Address, City, State, Zip:		

Site Information	
Street Address (if no address, describe location):	
Present Use:	Proposed Use:
Size (sq ft or acres):	

Details of Request (attach additional pages, if needed)		
Type of Conditional Use Request (check all that apply)		
<input type="checkbox"/> Conditional Home Occupation	<input type="checkbox"/> Group or Large Development	<input type="checkbox"/> Exception(s) to be issued by Plan Commission
<input type="checkbox"/> Amending a previous CUP	<input type="checkbox"/> Land Use(s) allowed as Conditional Use	<input type="checkbox"/> Other (Limited, non-conformity, etc.)
Narrative of proposed Conditional Use: _____		

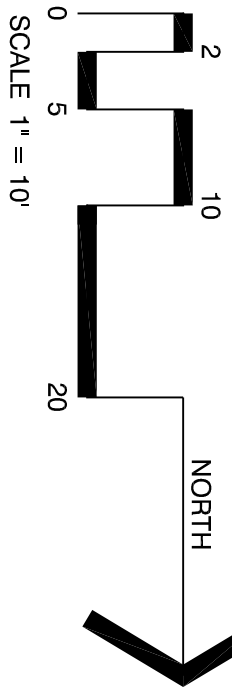
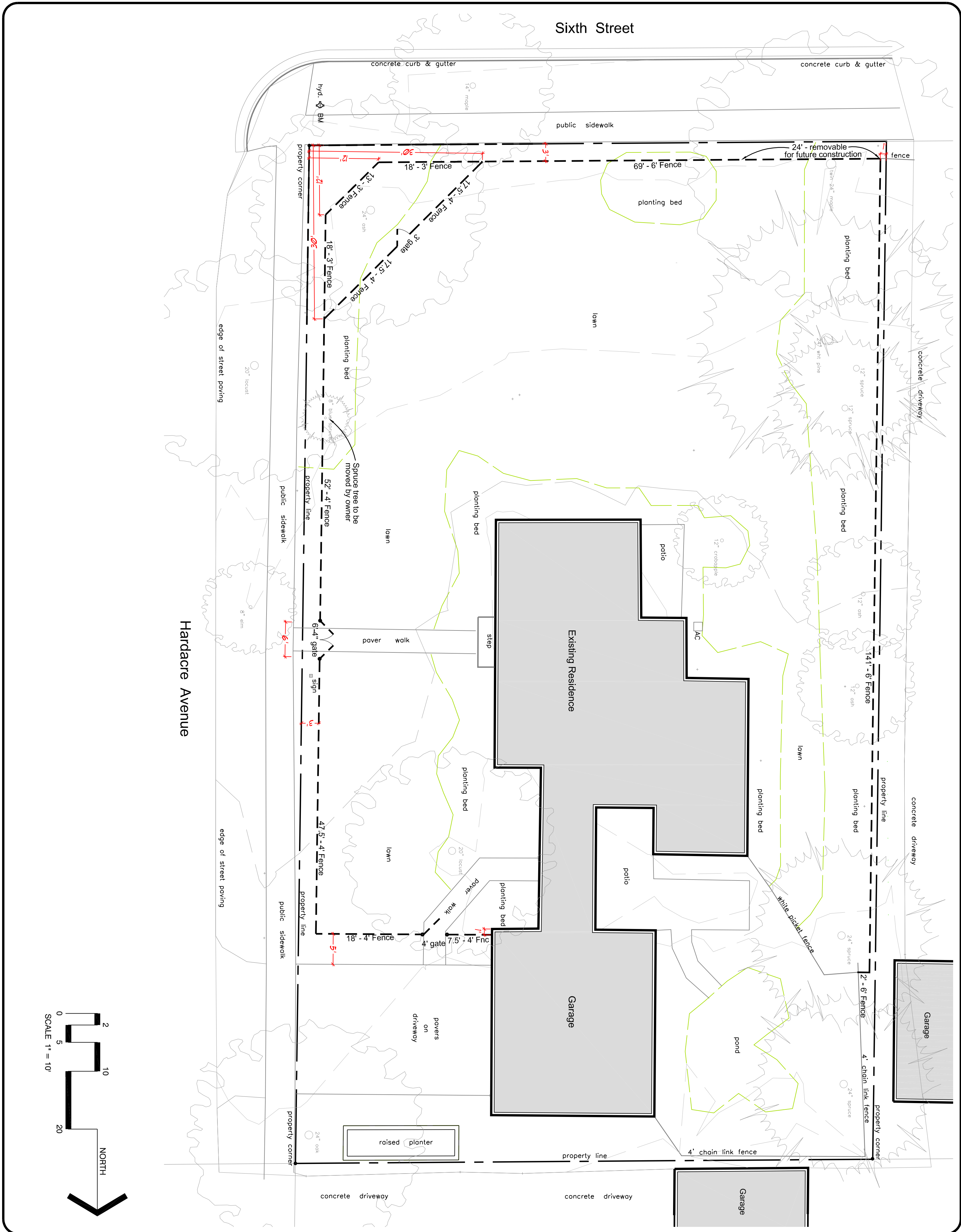
Fees	
Fee is non-refundable and will not be refunded if the request is denied by the Plan Commission or Common Council.	\$250.00

Submission of Materials: Required & requested documentation must be submitted to the Development Services Department by the submission deadline in order for the application to be placed on the agenda for review by the Plan Commission.

Attendance: Attendance at Plan Commission and Common Council meetings is not required, but it is strongly advised that applicants or their representatives attend. Failure to attend can result in the denial or delay of review due to lack of information.

Indemnification: By submitting the materials applicant is representing that he or she is authorized to use any materials submitted and further that such records may be copied and disseminated by the City regardless of any specific provisions contained within the documentation, including restrictions on reproduction and dissemination of the documents. The applicant further acknowledges that the City may be required to release the materials submitted under applicable public records law and that the City relies on the submission of materials by the applicant as a representation that applicant has the authority to use and exchange such records and that they may be reproduced and released by the City as public records regardless of any restrictions contained in the documents. Applicant hereby indemnifies and holds the City harmless from any liabilities, losses, costs and expenses, including reasonable attorney fees, arising out of or resulting from claims that the applicant did not have the authority to possess or transmit such materials including claims alleging infringement of copyright and any claims related to the copying or release of such materials. The undersigned acknowledges future work will be in conformance with ordinances & codes of the City of Marshfield and Wisconsin Statutes and Building Codes; that this form is not a permit but only an application for a Conditional Use permit, and that any work is not to start without the proper permit(s) and approval(s); and that any work will be in accordance with the materials reviewed with this application and applicable permit application(s). The final review of the request is by the Common Council. The undersigned authorizes City Staff, representatives of the City, Plan Commission members, and Common Council members to visit and inspect the site location listed on this application.

Applicant Signature: _____ Date: _____



Project	22150000
File	Fence Plan.dwg
Design	R. Lueth
Date	April 16, 2021
Revisions	
Sheet	1
of 1 Sheets	

SITE PLAN for Perimeter Fence
512 Hardacre Ave. Marshfield, WI
 Owners: Crystal & Jeron Jackson

RANDY LUETH - LAND DESIGN
 1826 Pheasant Run Drive, Marshfield, WI 54449
 Email: RLueth@RL-LA.com Ph: 715-207-2601

Public Art
 Site Design
 Master Planning
 Recreation Design

Proposed Fencing Material

Front of house (on Hardacre) 4 foot picket



Proposed side panels at 6ft

Semi private in White

proposed privacy



TO: Plan Commission
FROM: Emmett Simkowski, Associate Planner
DATE: May 18, 2021

RE: Conditional Use Permit Request by Epic Home Care LLC, to allow for a Community Living Arrangement facility (4 beds), located at 1607 Immanuel Court (parcel 33-06650).

Background

The applicant for this request has approached the Development Services Department in regards to utilizing an existing single-family dwelling as a three-bedroom adult family home. The existing home is a large 3,291 square foot home, with a total living area of 1,867 square feet. The dwelling currently contains three bedrooms, three full baths and one-half bath, according to assessor data. The applicant has been working on remodeling the interior of the home and bringing it up State and local building code requirements for this type of facility and is also converting the home to five bedrooms. The plans are to make the home available to four residents and there will be three rooms available for resident occupancy, two rooms for single occupancy and one room for double occupancy. The applicant will be the primary staff person for the facility and will be residing at the residence. The applicant will also have two employees that will work on an as needed basis. The target clientele for this establishment will be focused on aging individuals.

Analysis

Location

The property is located just south of West McMillan Street in an existing neighborhood which is primarily within the “SR-2” Single Family Residential zoning district, and is located at 1607 Immanuel Court. Currently, the property is approximately 1.5 acres but the applicant is proposing to split approximately a half acre off the southern portion of the parcel to create another lot.

Land Use Requirements

According to Section 18-57(11) a Community Living Arrangement has the following requirements for a facility that houses 1-8 residents:

- No Community Living Arrangement shall be established within 2,000 feet of any other such facility regardless of its capacity.
- The applicant shall demonstrate that the total capacity of all Community Living Arrangements (of all capacities) in the City shall not exceed one percent of the City’s population or one percent of the Aldermanic District’s population (as shown in the most recent U.S. Census).
- Each facility shall have a rear and side yard which is visually screened from abutting residential properties unless such facility is contained in a single-family dwelling.

- Minimum required parking: One space for each employee of the largest shift plus one space for every 3 beds.
- The Plan Commission may grant exceptions to any of these regulations by issuance of a conditional use permit.

Because the proposed site is located within 2,000 linear feet of another facility and the capacity of the Community Living Arrangements exceeds one percent of the Aldermanic District’s population and City population, the applicant is requesting an exception from Plan Commission to the above requirements. The subject property is within Aldermanic District Two and as of the 2010 census, District Two had a population of 1,841 individuals. One percent of the population for this district limits the capacity of these facilities to 19 and District Two is exceeding this requirement without this exception. Within District Two, there are 116 licensed beds which currently exceeds the requirements in Chapter 18-57(11).

The purpose of the separation and density requirement is intended to ensure that facilities are distributed throughout a community and not relegated to being in one single neighborhood that would feel “institutionalized”. The closest regulated care facility to the subject property is Stoney River on West McMillan Street, which is approximately 1,000 feet to the west. The next closest regulated care facility is the Stoney River Memory Care facility which is over 1,100 feet to the east. Given the spacing between the facilities, this proposed facility would not be considered an institutional neighborhood.

Parking

The total required parking for this land use with three employees on the largest shift and three beds is four parking spaces. The existing attached garage on the parcel is 950 square feet, which could adequately accommodate three vehicles. It should also be noted that the parking area outside the garage is approximately 2,500 square feet and staff feels the provided parking would adequately serve this use as required in Chapter 18.

Community-Based Residential Facility (CBRF) Task Force

Based on the 2008 Adult Family Home and Community-Based Residential Facility (CBRF) Task Force Report and Recommendation, the demand for all types of assisted-living arrangements is expected to increase dramatically in Marshfield within future years. Greater growth is anticipated in Marshfield because of the existence of high-quality medical care for the entire range of assisted living clients through the Marshfield Clinic Health System. The Clinic provides much-sought-after services for developmentally disabled, physically handicapped, geriatric and cognitively disabled citizens. Hence, Marshfield can easily become a location of choice for assisted living facilities. Since the report was published in August of 2008, the following regulated care facilities have been approved by the City Plan Commission and Common Council:

- 60-bed CBRF (Stoney River)
- 32-bed CBRF (Stoney River II)
- 20-bed CBRF (Wells Nature View)
- 8 bed CBRF (Norwood Health Center)
- 4-bed AFH (on Monique Lane)
- two 4-bed AFH to increase to two 8-bed CBRF’s
- 8-bed CBRF (E Doege St)
- 8-bed CBRF (E 19th Street)
- 4-bed AFH (S Drake Ave)

- two 8-bed CBRF (W Mann Street)

According to State data, within the City of Marshfield there are a total of 307 regulated care facility beds licensed by the State of Wisconsin.

2017 Wis. Act 67 notes that decisions to approve or deny a conditional use permit, and to attach conditions to said permit, must be supported by substantial evidence. Substantial evidence includes facts and information, and does not include personal preferences or speculation.

Conditional Use Review Criteria of 18-161(6)(c)

(c) The Zoning Administrator shall review the complete application and evaluate whether the proposed amendment:

1. *Is in harmony with the recommendations of the Comprehensive Plan.*

Goal 4-3 of the City of Marshfield’s Comprehensive Plan states “Provide Desirable and attainable housing options for those that live and desire to live in Marshfield and ensure there is an adequate housing supply that meets the existing and forecasted demand”. Programs, Policies, and Recommendations, bullet number 2 states that the City should consider special needs housing, such as Adult Family Homes, based on the community need, impact on neighborhoods, physical design, and the availability of existing facilities. Provided the proposed use does not negatively impact the surrounding single-family properties, staff does not see any conflict with the Comprehensive Plan.

2. *Will result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future.*

Allowing this request should not result in substantial or undue adverse impacts on nearby property, or the character of the neighborhood. The current building on the property that will be utilized by this use is currently a single-family dwelling and no exterior renovations are planned for the structure.

3. *Maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.*

The current use of the property is residential and the proposed use will also be residential. The overall intensity of the use may be argued that it is increasing. However, a family of four or five could have purchased the home and lived in the area without any additional approvals.

4. *The conditional use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property.*

The conditional use itself would not impose a burden on utilities. All utilities on the site are existing and no additional demand will be created with the addition of this use.

5. The potential public benefits outweigh any and all potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts.

The Comprehensive Plan suggests that life cycle housing such as Adult Family Homes and Community Based Residential Facilities are an opportunity for an aging population in the home shortage the community is experiencing. Staff does not anticipate any adverse impacts arising if the Plan Commission recommends approving this Conditional Use request.

Plan Commission Options

The Plan Commission can make the following recommendations:

1. Approval of the request with any exceptions, conditions, or modifications the Commission feels are justifiable and applicable to the request.
2. Denial of the request with justification stated by the Plan Commission.
3. Table the request for further study.

Recommendation

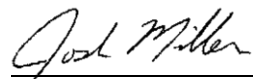
APPROVE the Conditional Use Permit Request by Epic Home Care LLC, to allow for a Community Living Arrangement facility (4 beds), located at 1607 Immanuel Court (parcel 33-06650), with the following conditions/exceptions:

1. The Adult Family Home may operate within 2,000 feet of another Regulated Care Facility
2. The Adult Family Home may be allowed to exceed one percent of the City's population or one percent of the Aldermanic District's population in which the facility resides.
3. Minor site plan changes may be approved administratively, provided they do not need additional exceptions from the Zoning Code, or from any conditions approved with this Conditional Use permit.

Attachments

1. Location Map
2. Map of Regulated Care Facilities within Marshfield
3. Proposed Certified Survey Map

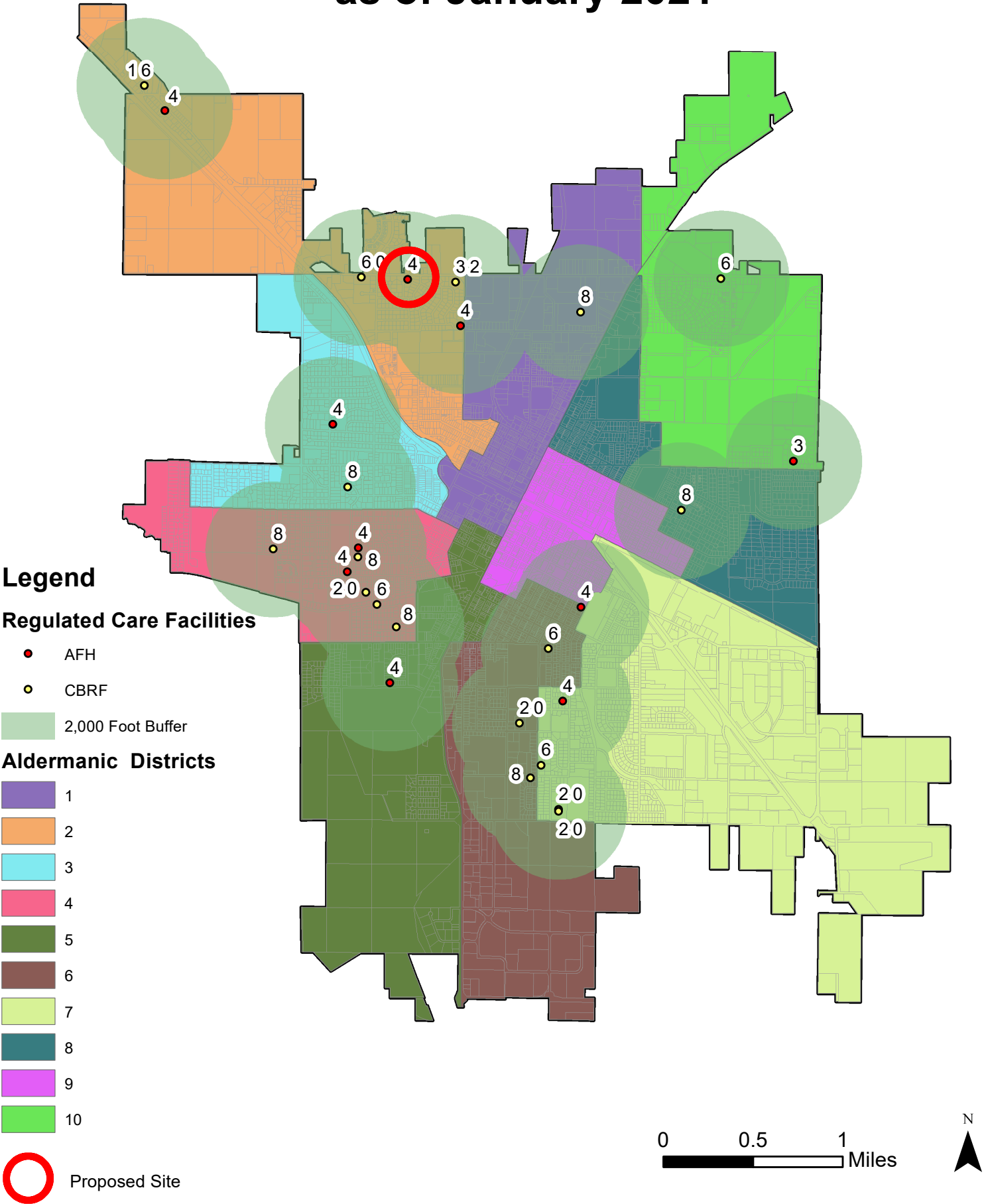
Concurrence:



Josh Miller

Development Services Director

Regulated Care Facilities & Capacities as of January 2021



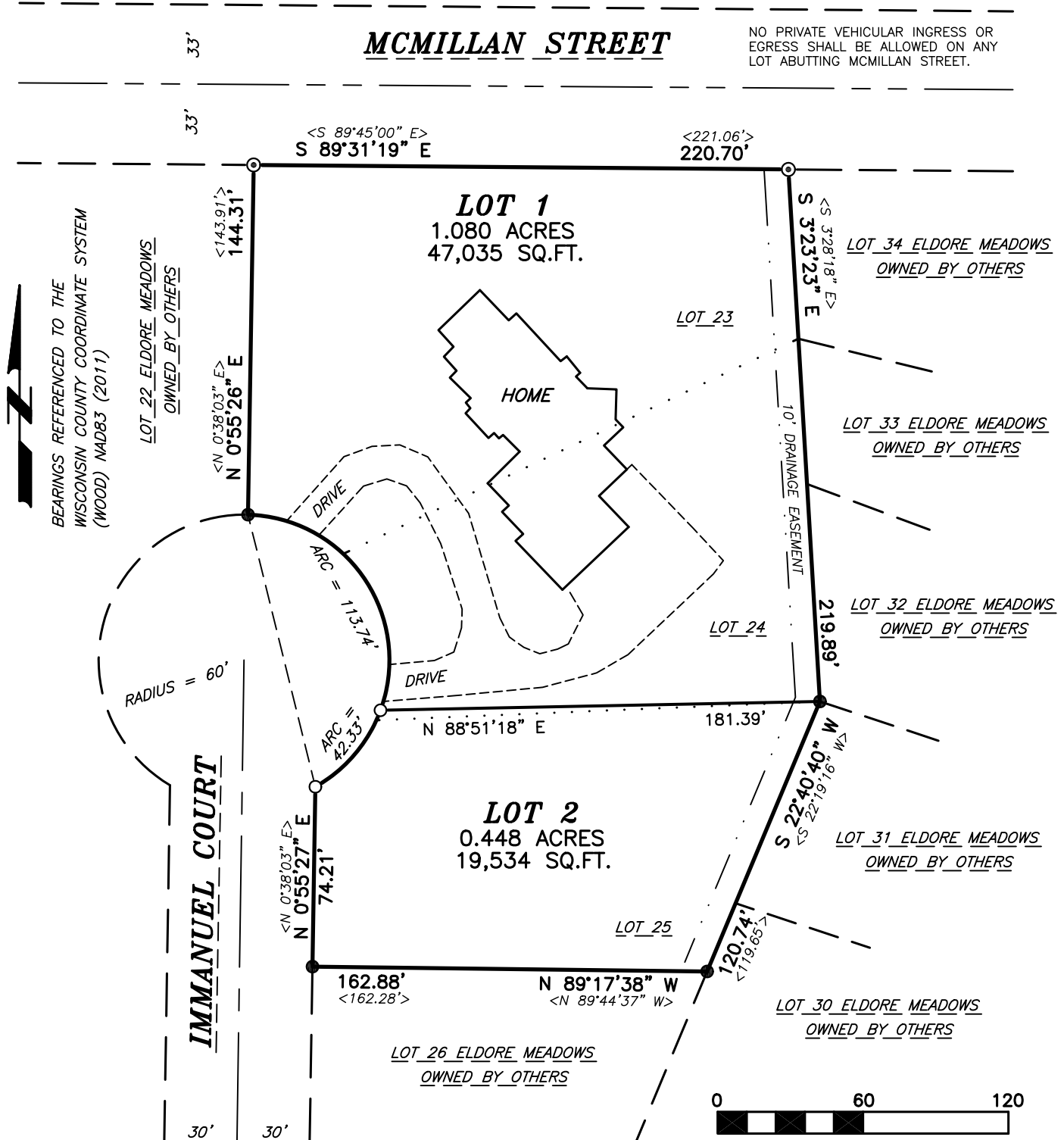
CERTIFIED SURVEY MAP

WOOD COUNTY NO. _____ VOL. _____ PAGE _____

LOTS 23, 24 AND 25 OF ELDORE MEADOWS, LOCATED IN THE NORTHWEST
1/4 OF THE NORTHEAST 1/4 OF SECTION 6, TOWNSHIP 25 NORTH,
RANGE 3 EAST, CITY OF MARSHFIELD, WOOD COUNTY, WISCONSIN.

VREELAND ASSOCIATES, INC. 6103 DAWN STREET WESTON, WI. 54476 PH (715) 241-0947 tim@vreelandassociates.us	PREPARED FOR OWNER: <p style="text-align: center; font-weight: bold; font-size: 1.2em;">WILLIAM SCHWANTES</p>
FILE #: 21-0094 HELWIG	DRAFTED BY: TIMOTHY G. VREELAND
DRAWN BY: TIMOTHY G. VREELAND	

SHEET 1 OF 2 SHEETS



NO PRIVATE VEHICULAR INGRESS OR
EGRESS SHALL BE ALLOWED ON ANY
LOT ABUTTING MCMILLAN STREET.

BEARINGS REFERENCED TO THE
WISCONSIN COUNTY COORDINATE SYSTEM
(WOOD) MAD83 (2011)

<S 89°45'00" E>
S 89°31'19" E <221.06'>
220.70'

LOT 34 ELDORE MEADOWS
OWNED BY OTHERS

LOT 33 ELDORE MEADOWS
OWNED BY OTHERS

LOT 32 ELDORE MEADOWS
OWNED BY OTHERS

LOT 31 ELDORE MEADOWS
OWNED BY OTHERS

LOT 30 ELDORE MEADOWS
OWNED BY OTHERS

LOT 26 ELDORE MEADOWS
OWNED BY OTHERS

- ⊙ = GOVERNMENT CORNER LOCATION PER COUNTY SURVEY RECORDS
- = 3/4" x 24" REBAR 1.502 POUNDS PER FOOT SET
- = 1.315" OUTSIDE DIAMETER IRON PIPE FOUND IN PLACE
- ⊙ = 3/4" REBAR FOUND IN PLACE
- < > = PREVIOUSLY RECORDED AS

CURVE DATA
 RADIUS = 60.00'
 CHORD = S 13°54'28" E 115.65'
 CENTRAL ANGLE = 149°02'18"
 LOT 1
 CHORD = N 34°07'12" W 97.46'
 CENTRAL ANGLE = 108°36'52"
 LOT 2
 CHORD = N 40°23'57" E 41.46'
 CENTRAL ANGLE = 40°25'26"

TO: Plan Commission
FROM: Bryce Hembrook, City Planner
DATE: May 18, 2021

RE: Municipal Code Amendment Request by the Marshfield Clinic Health System to amend Chapter 18, Sections 18-72 Yard Setback Adjustments & 18-73 Intrusions into Required Yards, to allow permitted intrusions into required yards for structures located along roads that are identified as major streets and to add language to allow skywalks as a permitted intrusion into a required yard.

Background

The Marshfield Clinic Health System is planning on adding another skywalk over Oak Avenue to connect the Hospital to the East Wing and this project was reviewed as part of the Campus Master Plan. The other two skywalks were approved prior to the adoption of our current zoning code and skywalks are not specifically addressed. The applicant is proposing language to allow the skywalk to intrude into the required yard and to add language that said intrusions are permitted along major streets.

Analysis

The following is a brief summary of the recommended changes:

- Add “Intrusions into the required major street setback may be allowed in accordance with Section 18-73” to Section 18-72(4)(d).
- Add “Skywalks and similar enclosed structures (including any necessary support structures) that provide pedestrian travel between buildings separated by property lines, yards, alleys, or streets are not subject to setback requirements. Such structures encroaching on and over the right-of-way shall be reviewed and approved by the Board of Public Works prior to installation” to Section 18-73(2)(M).

There are currently only 2 existing skywalks in the city and both are located on the Marshfield Medical Center Campus. The chances are likely that the only skywalks will be located as part of the medical center. Any proposed skywalks would need approval from the Board of Public Works when proposed to cross a right-of-way and an airspace lease is required.

Section 18-72(4) discusses major street setback adjustments as a way to reduce the major street setback requirement in certain instances. A 50-foot major street setback is required for properties located along a highway, road, or street that is designated as an arterial on the National Functional Classification map of the July 10, 2007 Comprehensive Plan. The zoning code is not exactly clear about whether or not intrusions into the required yard are allowed along streets with

major street setbacks and the zoning administrator has had to make their interpretation of the code based on the specific request. Staff recommended to the applicant to add language to clarify that intrusions would be allowed along roads that are identified as major streets.

Section 18-73 discusses permitted intrusions into required yards. This section establishes that “the minimum setback requirements of each zoning district shall establish the minimum required yards for all uses, except those exempted by the provisions of this Section.” The proposed addition would allow for skywalks and necessary infrastructure to intrude into the permitted setback without receiving a variance. A skywalk that crosses a right-of-way will almost never meet the setback requirements of the district and thus, it would make sense to permit the intrusion as long as the Board of Public Works approves the request.

Staff is supportive of this request and have discussed adding similar regulations in the past to clarify that skywalks are permitted, as long as they receive the proper approval from the Board of Public Works. If this amendment is not approved, the applicant can still submit a variance request that will review the specific project. Additionally, the campus master plan could be amended to allow for 0-foot setbacks if specifically stated.

Plan Commission Options

The Plan Commission can make the following recommendations:

1. Approval of the request with any exceptions, conditions, or modifications the Commission feels are justifiable and applicable to the request.
2. Denial of the request with justification stated by the Plan Commission.
3. Table the request for further study.

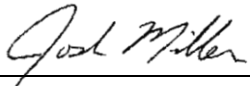
Recommendation

APPROVE the Municipal Code Amendment Request by the Marshfield Clinic Health System to amend Chapter 18, Sections 18-72 Yard Setback Adjustments & 18-73 Intrusions into Required Yards, to allow permitted intrusions into required yards for structures located along roads that are identified as major streets and to add language to allow skywalks as a permitted intrusion into a required yard and direct staff to prepare an ordinance for Common Council consideration.

Attachments

1. Draft Redline Ordinance Language
2. Draft Ordinance Language

Concurrence:



Josh Miller
Development Services Director

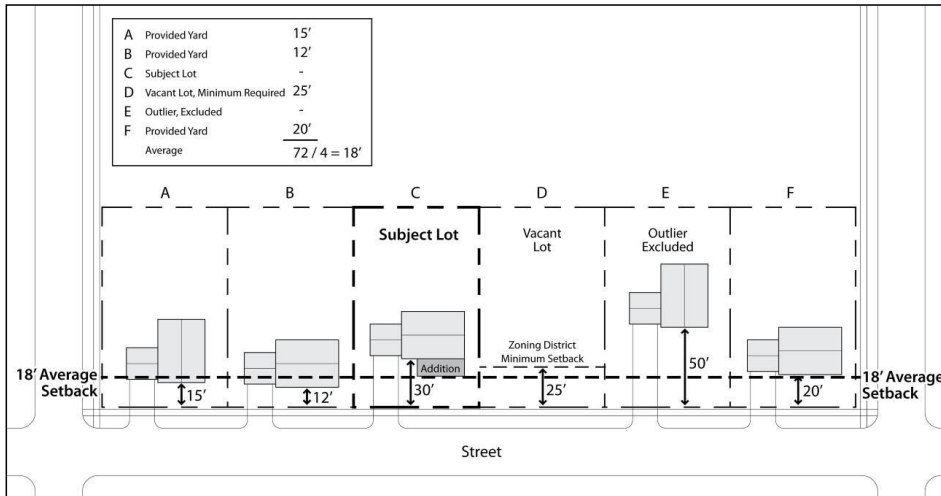
Section 18-72: Yard Setback Adjustments

- (1) Lot size and minimum yard dimensions. No lot, yard, court, parking area, or other space shall be reduced in area or dimension so as to make the area or dimension less than the minimum required by this chapter. If an existing yard is less than the minimum required, it shall not be reduced further, except where exempted by the provisions of this Section.
- (2) Front Yard or Street Side Setback Adjustments.
 - (a) A front yard and street side yard setback may be reduced to the mean of the setbacks of the immediately adjoining lots that are on either or both sides of the subject lot. The following rules apply in calculating the mean setback (see Figure 18-72):
 1. Only the setbacks on 5 or fewer adjoining lots, are contiguous to each other in either direction of the subject lot, and are on the same side of the street as each other may be used. Properties separated by a cross street may be used in the average calculation.
 2. Where a lot is vacant, the minimum setback of the zoning district will be applied to the vacant lot and factored into the averaging calculation.
 3. Outliers shall be excluded in calculating the mean setback as determined by the Zoning Administrator.
 4. In residential districts, the depth of the minimum front yard and side street side yard on any lot shall be at least 15 feet and the minimum setback for an attached or detached garage facing the front yard, or the street side yard, shall be at least 20 feet except where the provisions of Section 18-65(8)(g) are met.
- (3) Side and Rear Yard Adjustments for Bufferyards. In instances where the required bufferyard width (per Article VIII) exceeds the minimum required setback width, the minimum required bufferyard width shall prevail.
- (4) Major Street Setback Adjustments. A special major street setback of 50 feet shall be required along existing and proposed primary and minor arterial streets shown in the National Functional Classification map of the Comprehensive Plan.
 - (a) For existing streets, the setback shall be measured from the right of way line. For proposed streets, the setback shall be added to one-half the proposed right of way width and measured from the anticipated street centerline.
 - (b) The special setback shall not apply in the DMU district.
 - (c) A front yard and street side yard setback may be reduced to the mean of the setbacks of the immediately adjoining lots that are on either or both sides of the subject lot. The following rules apply in calculating the mean setback (see Figure 18-72):
 1. Only the setbacks on 5 or fewer adjoining lots, are contiguous to each other in either direction of the subject lot, and are on the same side of the street as each other may be used. Properties separated by a cross street may be used in the average calculation.
 2. Where a lot is vacant, the minimum setback of the zoning district will be applied to the vacant lot and factored into the averaging calculation.
 3. Outliers shall be excluded in calculating the mean setback as determined by the Zoning Administrator.
 4. In residential districts, the depth of the minimum front yard and side street side yard on any lot shall be at least 15 feet and the minimum setback for an attached or detached garage facing the front yard, or the street side yard, shall be at least 20 feet except where the provisions of Section 18-65(8)(g) are met.

4.(d) Intrusions into the required major street setback may be allowed in accordance to Section 18-73.

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Figure 18-72



Section 18-73: Intrusions into Required Yards

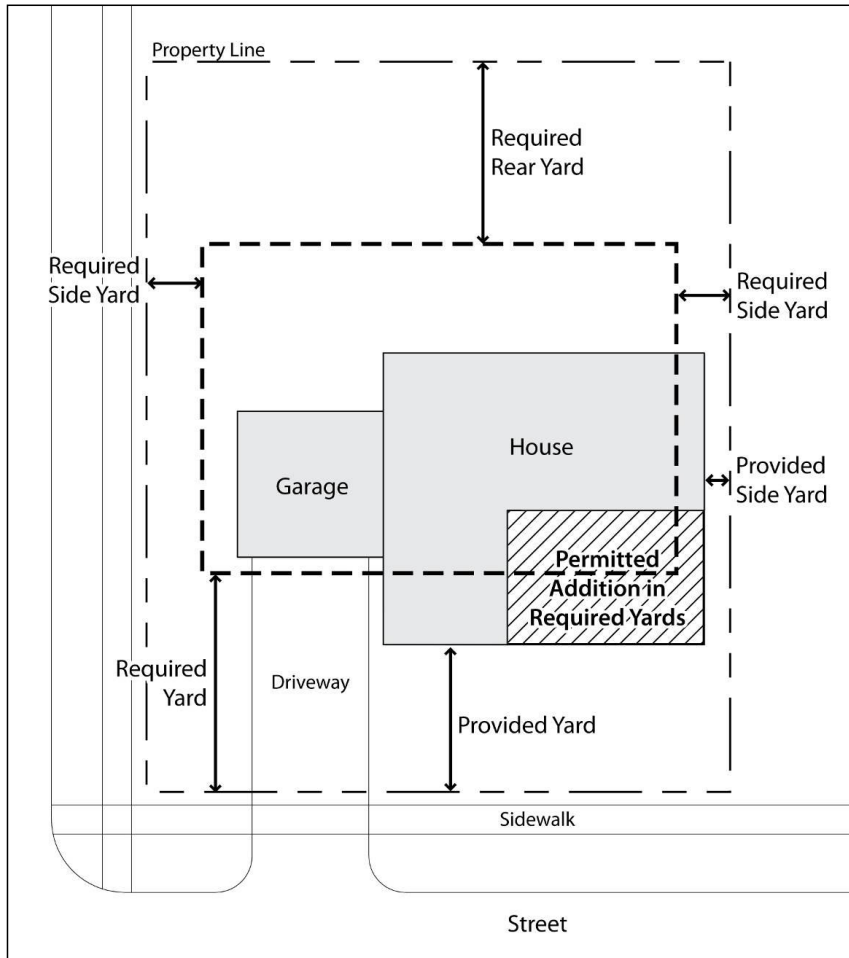
The minimum setback requirements of each zoning district shall establish the minimum required yards for all uses, except those exempted by the provisions of this Section.

- (1) All Street Side or Front Yard Setback Areas. With the exception of fences and Subsection (2) below, no residential and nonresidential accessory buildings shall be permitted within any portion of a street side yard or front yard, except where there is a shore yard. In instances where there is a shore yard, shore yards shall be treated as front yards and street yards as rear yards, whereby accessory buildings may be located between a principal building and a street frontage on the same lot.
- (2) Permitted Intrusions Into Required Front, Street Side, Side, Rear, and Corner Yards.
 - (a) Chimneys, flues, sills, pilasters, lintels, ornamental features, cornices, eaves, bay windows, overhangs, and gutters, provided they do not extend more than 2 1/2 feet into the required yard.
 - (b) Entry platforms, provided they do not extend more than 5 feet by 5 feet, provided that such landings shall not extend above the entrance floor of the building and canopies provided they don't extend beyond 5 feet. Existing porches, decks, entry platforms, and landings used for required building exit may be replaced at the existing footprint when the size is not enlarged.
 - (c) Steps and stairs provided that such stairs and landings shall not extend above the entrance floor of the building and there is adequate onsite landing space for the base of the stairs.
 - (d) Handicapped accessible ramps. Handicap ramps or other devices required to make reasonable accommodation under the Fair Housing Act or the Americans with Disabilities Act are to be permitted in the required front, side, or rear yard setbacks provided that the maximum encroachment into a required setback is the minimum dimension required by the Wisconsin Commercial Building Code for accessible ramps and that no other location is feasible outside the required setbacks.

- (e) Yard lights, ornamental lights, and nameplate signs for residential lots, provided that they comply with the illumination requirements of Section 18-104 and provided they do not encroach on the right of way.
- (f) Uncovered porches, decks, or similar appurtenances to residential buildings which do not extend above the floor level of the building entrance, provided they do not extend 8 feet beyond the existing façade of the home, but shall not be nearer than 5 feet from any lot line. Such structures may not encroach into the vision triangle unless approved by the City Engineer.
- (g) Attached terraces, uncovered porches, decks, or similar appurtenances to residential buildings that do not extend more than 18 inches above grade, provided they do not locate closer than 8 feet to the rear lot line, 3 feet from the side lot line, or 5 feet from the front or street side lot line. Detached decks that do not exceed 18 inches above grade shall meet the required setbacks for a detached accessory structure.
- (h) Additions (including vertical additions, additional floors, and architectural features), balconies, terraces, covered porches, decks, or similar appurtenances not extending beyond the setback of the existing façade, may be located in the provided or required yard setback, whichever more permissive. If the addition is a garage or garage addition, the minimum setback when facing the front yard, or the street side yard, shall be at least 20 feet except where the provisions of Section 18-65 (8)(g) are met. In no instance shall any new encroachment be within 5 feet of an adjacent structure or 3 feet of a property line unless approved by the Building Inspector to have adequate fire protection. See Figure 18-73.
- (i) Fences meeting the requirements of Section 18-106.
- (j) Fire escapes required by the Building Inspector which do not extend more than 4 feet into the required yard.
- (k) Accessory buildings and structures meeting the requirements of Section 18-65(8)(g) or 18-65(9)(e).
- (l) Any other provisions identified elsewhere in this Chapter (landscape features, tents, and other features where specific setbacks are established),
- (m) Skywalks and similar enclosed structures (including any necessary support structures) that provide pedestrian travel between buildings separated by property lines, yards, alleys, or streets are not subject to setback requirements. Such structures encroaching on and over the right-of-way shall be reviewed and approved by the Board of Public Works prior to installation.

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Figure 18-73

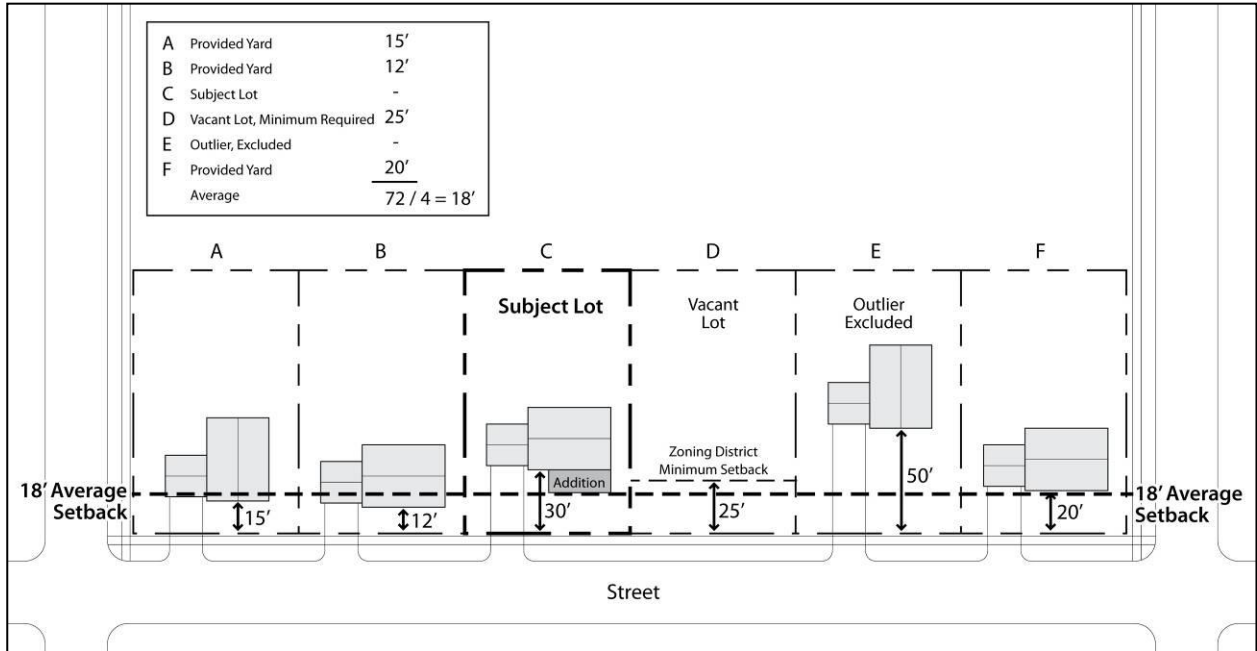


Section 18-72: Yard Setback Adjustments

- (1) Lot size and minimum yard dimensions. No lot, yard, court, parking area, or other space shall be reduced in area or dimension so as to make the area or dimension less than the minimum required by this chapter. If an existing yard is less than the minimum required, it shall not be reduced further, except where exempted by the provisions of this Section.
- (2) Front Yard or Street Side Setback Adjustments.
 - (a) A front yard and street side yard setback may be reduced to the mean of the setbacks of the immediately adjoining lots that are on either or both sides of the subject lot. The following rules apply in calculating the mean setback (see Figure 18-72):
 1. Only the setbacks on 5 or fewer adjoining lots, are contiguous to each other in either direction of the subject lot, and are on the same side of the street as each other may be used. Properties separated by a cross street may be used in the average calculation.
 2. Where a lot is vacant, the minimum setback of the zoning district will be applied to the vacant lot and factored into the averaging calculation.
 3. Outliers shall be excluded in calculating the mean setback as determined by the Zoning Administrator.
 4. In residential districts, the depth of the minimum front yard and side street side yard on any lot shall be at least 15 feet and the minimum setback for an attached or detached garage facing the front yard, or the street side yard, shall be at least 20 feet except where the provisions of Section 18-65(8)(g) are met.
- (3) Side and Rear Yard Adjustments for Bufferyards. In instances where the required bufferyard width (per Article VIII) exceeds the minimum required setback width, the minimum required bufferyard width shall prevail.
- (4) Major Street Setback Adjustments. A special major street setback of 50 feet shall be required along existing and proposed primary and minor arterial streets shown in the National Functional Classification map of the Comprehensive Plan.
 - (a) For existing streets, the setback shall be measured from the right of way line. For proposed streets, the setback shall be added to one-half the proposed right of way width and measured from the anticipated street centerline.
 - (b) The special setback shall not apply in the DMU district.
 - (c) A front yard and street side yard setback may be reduced to the mean of the setbacks of the immediately adjoining lots that are on either or both sides of the subject lot. The following rules apply in calculating the mean setback (see Figure 18-72):
 1. Only the setbacks on 5 or fewer adjoining lots, are contiguous to each other in either direction of the subject lot, and are on the same side of the street as each other may be used. Properties separated by a cross street may be used in the average calculation.
 2. Where a lot is vacant, the minimum setback of the zoning district will be applied to the vacant lot and factored into the averaging calculation.
 3. Outliers shall be excluded in calculating the mean setback as determined by the Zoning Administrator.
 4. In residential districts, the depth of the minimum front yard and side street side yard on any lot shall be at least 15 feet and the minimum setback for an attached or detached garage facing the front yard, or the street side yard, shall be at least 20 feet except where the provisions of Section 18-65(8)(g) are met.

- (d) Intrusions into the required major street setback may be allowed in accordance to Section 18-73.

Figure 18-72



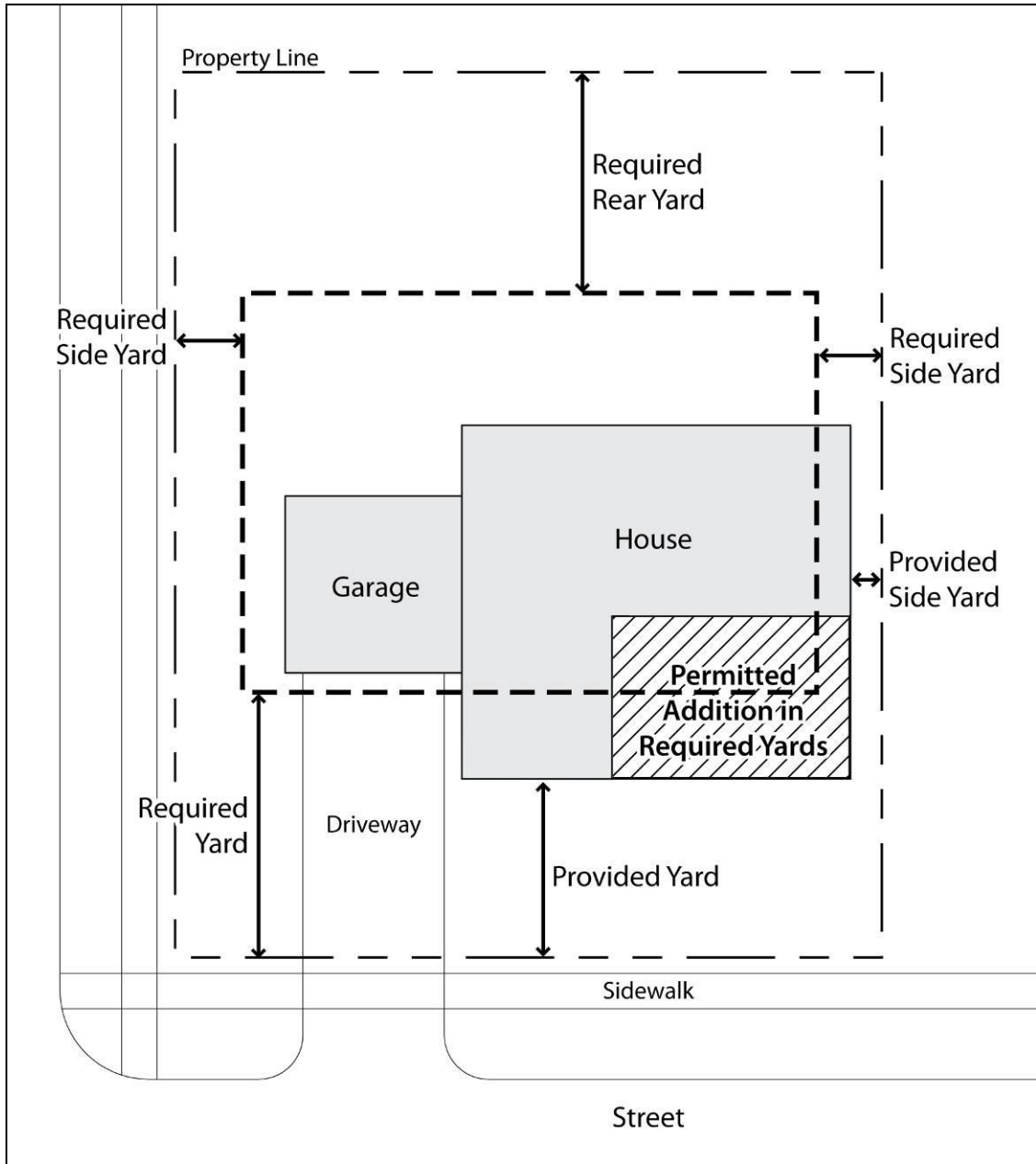
Section 18-73: Intrusions into Required Yards

The minimum setback requirements of each zoning district shall establish the minimum required yards for all uses, except those exempted by the provisions of this Section.

- (1) All Street Side or Front Yard Setback Areas. With the exception of fences and Subsection (2) below, no residential and nonresidential accessory buildings shall be permitted within any portion of a street side yard or front yard, except where there is a shore yard. In instances where there is a shore yard, shore yards shall be treated as front yards and street yards as rear yards, whereby accessory buildings may be located between a principal building and a street frontage on the same lot.
- (2) Permitted Intrusions Into Required Front, Street Side, Side, Rear, and Corner Yards.
 - (a) Chimneys, flues, sills, pilasters, lintels, ornamental features, cornices, eaves, bay windows, overhangs, and gutters, provided they do not extend more than 2 ½ feet into the required yard.
 - (b) Entry platforms, provided they do not extend more than 5 feet by 5 feet, provided that such landings shall not extend above the entrance floor of the building and canopies provided they don't extend beyond 5 feet. Existing porches, decks, entry platforms, and landings used for required building exit may be replaced at the existing footprint when the size is not enlarged.
 - (c) Steps and stairs provided that such stairs and landings shall not extend above the entrance floor of the building and there is adequate onsite landing space for the base of the stairs.
 - (d) Handicapped accessible ramps. Handicap ramps or other devices required to make reasonable accommodation under the Fair Housing Act or the Americans with Disabilities Act are to be permitted in the required front, side, or rear yard setbacks provided that the maximum encroachment into a required setback is the minimum dimension required by the Wisconsin Commercial Building Code for accessible ramps and that no other location is feasible outside the required setbacks.

- (e) Yard lights, ornamental lights, and nameplate signs for residential lots, provided that they comply with the illumination requirements of Section 18-104 and provided they do not encroach on the right of way.
- (f) Uncovered porches, decks, or similar appurtenances to residential buildings which do not extend above the floor level of the building entrance, provided they do not extend 8 feet beyond the existing façade of the home, but shall not be nearer than 5 feet from any lot line. Such structures may not encroach into the vision triangle unless approved by the City Engineer.
- (g) Attached terraces, uncovered porches, decks, or similar appurtenances to residential buildings that do not extend more than 18 inches above grade, provided they do not locate closer than 8 feet to the rear lot line, 3 feet from the side lot line, or 5 feet from the front or street side lot line. Detached decks that do not exceed 18 inches above grade shall meet the required setbacks for a detached accessory structure.
- (h) Additions (including vertical additions, additional floors, and architectural features), balconies, terraces, covered porches, decks, or similar appurtenances not extending beyond the setback of the existing façade, may be located in the provided or required yard setback, whichever more permissive. If the addition is a garage or garage addition, the minimum setback when facing the front yard, or the street side yard, shall be at least 20 feet except where the provisions of Section 18-65 (8)(g) are met. In no instance shall any new encroachment be within 5 feet of an adjacent structure or 3 feet of a property line unless approved by the Building Inspector to have adequate fire protection. See Figure 18-73.
- (i) Fences meeting the requirements of Section 18-106.
- (j) Fire escapes required by the Building Inspector which do not extend more than 4 feet into the required yard.
- (k) Accessory buildings and structures meeting the requirements of Section 18-65(8)(g) or 18-65(9)(e).
- (l) Any other provisions identified elsewhere in this Chapter (landscape features, tents, and other features where specific setbacks are established).
- (m) Skywalks and similar enclosed structures (including any necessary support structures) that provide pedestrian travel between buildings separated by property lines, yards, alleys, or streets are not subject to setback requirements. Such structures encroaching on and over the right-of-way shall be reviewed and approved by the Board of Public Works prior to installation.

Figure 18-73



TO: Plan Commission
FROM: Bryce Hembrook, City Planner
DATE: May 18, 2021

RE: Certificate of Appropriateness Request by Crystal Jackson, to add fencing on the property located at 512 Hardacre Avenue, also known as the George and Jennie Booth House.

Background

After designation of a local historic structure, site or district, no person shall alter, reconstruct, move or permit any alteration of all or any exterior portion of a historic structure or site or a property within a historic district unless the Historic Preservation Committee has recommended and the City Plan Commission has approved such work, and the Commercial Building Inspector has issued a Certificate of Appropriateness. The applicant intends to add a 6-foot white vinyl fence along 6th Street and a 4-foot white picket fence along Hardacre Avenue. The applicant is also requesting exceptions for fence height and opacity requirements for front yard fence earlier in the Plan Commission meeting.

Analysis

Certificate of Appropriateness requirements only relate to locally designated structures, sites, and districts. In this case, the George and Jenny Booth House falls under the definition of a locally designated historic structure where a Certificate of Appropriateness is required for any exterior alteration or reconstruction. A fence is considered to be an exterior alteration because a permit is required. A review and recommendation is required by the Historic Preservation Committee with approval from the Plan Commission.

For each Certificate of Appropriateness application that requires a building permit, the Historic Preservation Committee shall determine if the proposed work would not detrimentally change, destroy, or adversely affect any feature of the improvement, would harmonize with the external appearance of the neighboring sites, and if in a historic district, would conform to the established preservation plan objectives and design criteria. The Historic Preservation Committee determined that this proposed work will not adversely impact the property or the surrounding area and recommended to approve the fence.

Historic Preservation Committee Recommendation

The Historic Preservation Committee met on Monday, May 3, 2021 and reviewed this application. Their recommendation was to approve the proposed fence.

Plan Commission Options

The Plan Commission can make the following recommendations:

1. Approval of the request with any exceptions, conditions, or modifications the Commission feels are justifiable and applicable to the request.
2. Denial of the request with justification stated by the Plan Commission.
3. Table the request for further study.

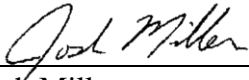
Recommendation

APPROVE the Certificate of Appropriateness application by Crystal Jackson for a new fence, located at 512 Hardacre Avenue.

Attachments

1. Application
2. Site plan
3. Examples of fence material

Concurrence:



Josh Miller
Development Services Director



CITY OF MARSHFIELD

COA APPLICATION

207 W. 6TH ST., MARSHFIELD, WI 54449

p: 715-486-2016 | planning@ci.marshfield.wi.us

Certificate of Appropriateness Application

Office Use Only

Date Received:	Fee Receipt #:	Zoning District:	Parcel #:
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Site Information

Property Address:	Present Land Use:
Historic District/Landmark:	

Applicant Information

Name:	Phone:	Email:
Address:		
Applicant is:	Owner	Authorized representative/other (describe):
Owner information (if different than Applicant)		
Name:	Phone:	Email:
Address:		

Details of Request (attach additional pages, if needed)

Narrative of proposed work:	
-----------------------------	--

Work Information

Contractor Name:	Phone:	Email:
Address:		
Architect/Engineer:		

Include with this application:

- Photos of structure & existing conditions
- Building, Landscaping, & Lighting Plans (if applicable)
- Samples of colors, landscaping, and/or materials to use
- Site Plans showing dimensions, parking areas, fencing, and any structures on-site or proposed
- Historic plans, photos, etc. if returning structure to earlier appearance
- Elevations of proposed alterations/additions/relocations

Submission of Materials: Required & requested documentation must be submitted to the Development Services Department in order for the application to be placed on the agenda for review by the Historic Preservation Committee.

Attendance: Attendance at meetings is not required, but it is strongly advised that applicants or their representatives attend. Failure to attend can result in the denial or delay of review due to lack of information.

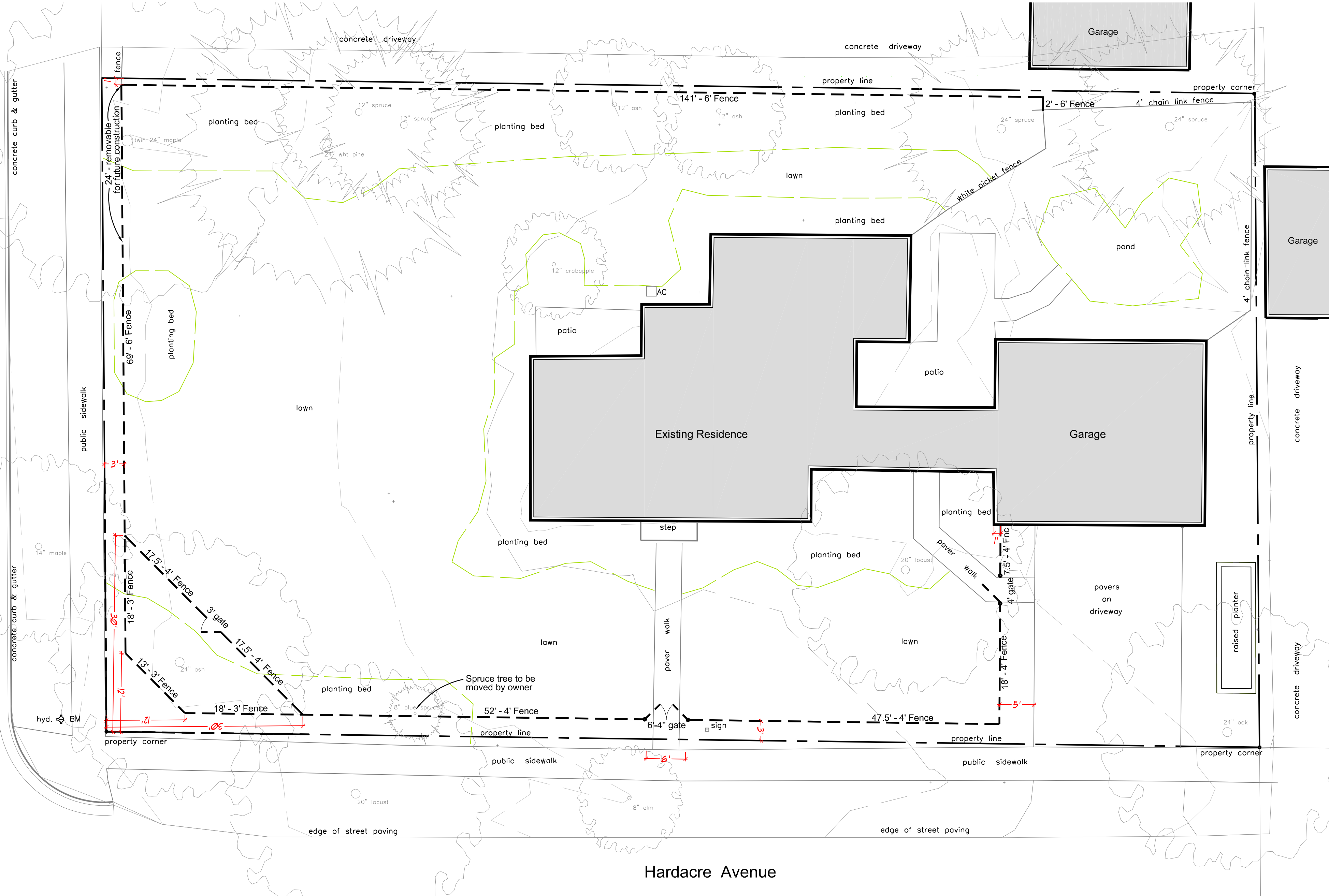
Fees: There is no fee for a Certificate of Appropriateness. The Certificate only applies to locally designated buildings or properties, and has no implications on Historic Preservation Tax Credits.

The undersigned's signature below indicates the information contained in this application and accompanying site plan or materials is true and correct. The undersigned acknowledges the work will be in conformance with ordinances & codes of the City of Marshfield and Wisconsin Statutes and Building Codes; that this form is not a Certificate but only an application for a Certificate of Appropriateness, and that work is not to start without the proper permit(s) and approval(s); and that work will be in accordance with the approved plans reviewed with this application. The final review of the request is by the Common Council. The undersigned authorizes City Staff, representatives of the City, Historic Preservation Committee members, Plan Commission members, and Common Council members to visit and inspect the site location listed on this application.

Applicant Signature:

Date:

Sixth Street



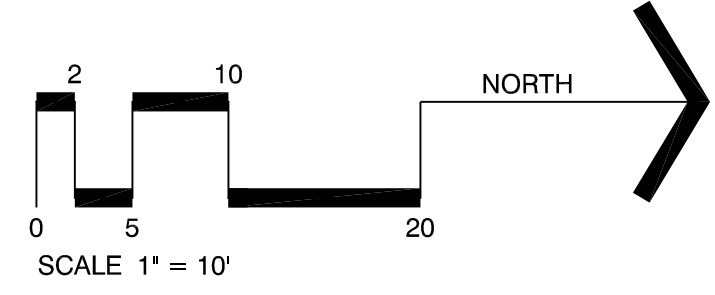
Public Art
Site Design
Master Planning
Recreation Design

RL

RANDY LUETH - LAND DESIGN
Marshfield, WI 54449
1826 Pheasant Run Drive,
Email: RLueth@RL-LA.com
Ph: 715-207-2601

SITE PLAN for Perimeter Fence
512 Hardacre Ave. Marshfield, WI
Owners: Crystal & Jeron Jackson

Project	2215000
File	Fence Plan.dwg
Design	R. Lueth
Date	April 16, 2021
Revisions	
Sheet	1
of 1 Sheets	



Proposed Fencing Material

Front of house (on Hardacre) 4 foot picket



Proposed side panels at 6ft

Semi private in White

proposed privacy



TO: Plan Commission
FROM: Bryce Hembrook, City Planner
DATE: May 18, 2021

RE: Discussion on Parklets

Background

During the April Plan Commission meeting, commission member Bill Penker asked the staff to contact the City of Eau Claire staff to find out more information on their ordinance for parklets. Staff received some information from their staff and also looked into allowing parklets in the past. This staff report is for information only.

Analysis

Marshfield's Downtown Master Plan recommends that the City should "use innovative approaches such as recessed facades, balconies, rooftop terraces, and temporary platforms to convert on-street parking (parklets) to create space for outdoor dining." This concept has been considered in the past, but there has not been an interest to move forward with an ordinance. Although there is no specific ordinance on parklets, these may be able to be allowed through the PROW (Public Right-of-Way) program if the policy is amended.

There are several definitions for a parklet, but the National Association of City Transportation Officials (NACTO) defines parklets as "public seating platforms that convert curbside parking spaces into vibrant community spaces." Parklets can consist of additional landscaping, bike racks, and/or seating for public use or for private businesses. Parklets have increased in popularity for providing additional seating for restaurants, especially as a way to provide adequate space and seating during the Covid-19 pandemic.

Eau Claire recently amended their Streets and Sidewalks ordinance by creating a section that focuses on parklets and parklet café, defined as:

- Parklet – An expansion of a business creating an outdoor seating area on part of the public street right-of-way that immediately adjoins the business for the purpose of providing expanded seating and service area for customers of the business adjacent thereto.
- Parklet café – An expansion of a restaurant creating an outdoor dining facility on part of the public street right-of-way that immediately adjoins the licensed premises for the purpose of consuming food or beverages prepared at the restaurant adjacent thereto.

A business may apply to the director of engineering or designee for a parklet or parklet café permit to allow a restaurant to operate a parklet or parklet café. The director (or designee) is able

to approve with conditions or restrictions, or deny the permit. Eau Claire’s ordinance is provided in the Plan Commission packet.

Marshfield does not have any specific regulations or means of approving a parklet. Parklets may be able to be addressed through the City’s PROW (Public Right-of-Way) Enhancement program with some amendments to the policy. According to the City Policy #5.080, “the purpose of the PROW Enhancement Program is to optimize the growth and income of retail businesses and restaurants by allowing and encouraging the use of portions of the public right-of-way between the curb and the adjacent property line for properties in a mixed-use zoning district, between Veterans Parkway and 11th Street, fronting Chestnut Avenue, Central Avenue, Maple Avenue (rights-of-way extended), including side streets between Chestnut Avenue and Maple Avenue. The program seeks to promote an environment that encourages pedestrian traffic, and drive-by traffic attracted by the enhanced streetscape environment.” Currently, the program only extends to the curb and not into the street, but the Board of Public Works could consider changing the policy language and creating a subsection that specifically addresses parklets.

Attachments

1. Resources from Eau Claire

ORDINANCE

ORDINANCE AMENDING CHAPTER 13.12 ENTITLED "STREET USE" BY CREATING A SECTION ENTITLED "PARKLET AND PARKLET CAFÉ" OF THE CODE OF ORDINANCES OF THE CITY OF EAU CLAIRE

THE CITY COUNCIL OF THE CITY OF EAU CLAIRE DO ORDAIN AS FOLLOWS:

SECTION 1. *That section 13.12.063, entitled "Parklet and Parklet Café", is hereby created as follows:*

13.12.063 Parklet and Parklet Café A. Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. "Restaurant" shall mean an establishment holding an Eau Claire City-County Health Department Retail Food License and city of Eau Claire restaurant license.

2. "Parklet café" shall mean an expansion of a restaurant creating an outdoor dining facility on part of the public street right-of-way that immediately adjoins the licensed premises for the purpose of consuming food or beverages prepared at the restaurant adjacent thereto.

3. "Parklet" shall mean an expansion of a business creating an outdoor seating area on part of the public street right-of-way that immediately adjoins the business for the purpose of providing expanded seating and service area for customers of the business adjacent thereto.

B. Permit required. 1. A business may apply to the director of engineering or designee for a parklet or parklet café permit to allow a restaurant to operate a parklet or parklet café. The director of engineering or designee may approve, approve with conditions or restrictions, or deny a permit where necessary to protect the public health, safety or welfare, to prevent a nuisance from developing or continuing, or due to violation of this section, the city code of ordinances, or applicable state or federal law.

2. Before a permit may be issued, the application and site plan shall be submitted by applicant and reviewed for approval by the city.

3. Each permit shall be effective for seven (7) months, from April 1 until October 31.

4. The permit shall not be transferable to a new owner.

C. Permit Application. Application for a permit to operate a parklet café shall be submitted to the director of engineering or designee and shall include at least the following information:

1. Completed city application form.

2. Copy of a city restaurant license as required by the city code of ordinances, if applying for a parklet café.

3. Copy of a current certificate of commercial liability insurance in the amount of at least \$1,000,000.00 per occurrence.

4. A layout, drawn to scale, that accurately depicts the dimensions of the existing area and adjacent private property, the proposed location of the parklet or parklet café, size and number of tables, chairs, steps, planters, and umbrellas, location of doorways, trees, parking meters, sidewalk benches, trash receptacles, light poles, and any other sidewalk obstructions, either existing or proposed, within the pedestrian area.

5. Photographs, drawings, or manufacturer's brochures fully describing the appearance and dimensions of all proposed tables, chairs, umbrellas, barriers or other objects related to the parklet or parklet café.

6. Maintenance details, including access panels and how drainage will be provided along the existing gutter.

7. A non-refundable application fee, as stated in the City of Eau Claire Schedule of Fees and Licenses.

D. Permit Fees. The application fees for an initial parklet or parklet café permit and a renewal parklet or parklet café permit, with or without a temporary alcohol license expansion, shall be as stated in the City of Eau Claire Schedule of Fees and Licenses.

E. Standards. The following standards, criteria, conditions, and restrictions shall apply to all parklets and parklet cafés, provided, however, that the director of engineering or designee may impose additional conditions and restrictions to protect and promote the public health, safety, or welfare, to prevent a nuisance from developing or continuing, and to comply with this section, the city code of ordinances, and all applicable state and federal laws. All standards, criteria, conditions, and restrictions are the sole responsibility of the parklet or parklet café permit holder.

1. Parklets and parklet cafés are restricted to the parking lane in the public right-of-way immediately adjacent to the business to which the permit is issued.

2. The parklet or parklet café shall be located on one parking spot and appurtenances thereof shall be a minimum of two (2) feet from the nearest edge of traveled way.

3. The parklet or parklet café shall be located, designed, built, and otherwise conform to the standards as described in the Parklet and Parklet Café Standards adopted here by reference and available on file with the department of engineering.

4. Parklet or parklet cafés that have not been removed after October 31st may be removed by the City at the owner's expense.

5. Parklets and parklet cafés shall be located only in the downtown or Water Street districts, as defined in section 13.12.062, with one parklet or parklet café permitted on each side of a city block. A permittee shall have first opportunity to renew a permit for the same city block if a permit was held by the permittee in the previous permit year, if renewed by April 1.

6. Parklets and parklet cafés, along with the sidewalk and roadway immediately adjacent to it, shall be maintained in a neat and orderly manner at all times. Debris shall be removed as required during the day and again at the close of each business day.

7. No food preparation, food or beverage storage, refrigeration apparatus, or equipment shall be allowed in the parklet or parklet café.

8. No amplified entertainment shall be allowed in the parklet or parklet café unless authorized as part of a Special Event in accordance with chapter 9.59 of the city code of ordinances.

9. The city, its officers and employees shall not be responsible for parklet or parklet café fixtures that are relocated or damaged.

10. Patio heaters shall not be permitted on the parklet or parklet café.

11. If alcohol is to be served in accordance with subsection F. herein, the parklet café shall be fully enclosed by fencing, railing or other similar means.

12. Use of a parklet or parklet café shall only be permitted during the hours of operation for the operating business, but in no event shall use be permitted between 12:00am and

6:00am. Permittee shall secure the parklet or parklet café in such a manner that the parklet or parklet café cannot be used during hours of closure.

13. The permittee shall not be permitted to have both a sidewalk café permit and a parklet or parklet café permit for the same business.

14. Dogs shall be permitted in a parklet café only upon approval of the city-county health department.

F. Alcohol licensing and service of alcohol beverages.

1. Alcohol may be served only at a parklet café subject to the following conditions:

a. The permittee has a valid and appropriate retail alcohol beverage license for the principal premises.

b. The retail alcohol beverage license premises description includes the parklet café in the description of the licensed premises as an extended area through a temporary license expansion.

c. The retail alcohol beverage license permits the sale of the type of alcohol beverages to be served in the parklet café.

d. Alcohol beverages are sold and served by the licensee or licensee's employees and sold or served only to patrons seated at tables in the parklet café.

e. Alcohol beverages are served by the licensee or the licensee's employees in compliance with alcohol beverage laws, ordinances and regulations.

f. Alcohol beverages may only be served at the parklet café when food service is available through the licensed establishment.

g. The permittee shall be responsible for monitoring the parklet café area to prevent underage persons from entering or remaining in the parklet café, except when underage persons are allowed to be present on the licensed premises under applicable laws.

h. The permittee shall not allow patrons of the parklet café to bring alcohol beverages into the parklet café from another location, nor to carry open containers of alcohol beverages about in the parklet café area, nor to carry open containers of alcohol beverages served in the parklet café outside the parklet café area.

i. The area of the restaurant from which the alcohol beverages are dispensed shall be located indoors and shall not be located in the parklet café area.

j. At times of closing or during times when consumption of alcohol beverages is prohibited, permittee shall remove from the parklet café area all containers used for or containing alcohol beverages. No container of alcohol beverages shall be present in the parklet café between 11:00 p.m. and 7:00 a.m.

k. The permittee shall post one or more signs in a clearly visible location regarding the requirements for alcohol beverages in the parklet.

l. The permit and license holder shall be required to annually apply for a temporary expansion to serve alcohol in the parklet café if alcohol service is desired by the permit and license holder in subsequent years and is subject to annual review and approval by the city.

G. Liability and insurance. By obtaining the parklet or parklet café permit, the permittee agrees to indemnify, defend, save, and hold harmless the city, its officers and employees from any and all claims, liability, lawsuits, damages, and causes of action which may arise out of the permit or the permittee's activity in the parklet or parklet café. The permittee shall sign an indemnification agreement provided by the city prior to operation of the parklet or parklet café.

1. The permittee shall maintain in full force and effect commercial general liability insurance in the amount of at least \$1,000,000.00 per occurrence for bodily injury and property damage, with the City of Eau Claire named as an additional insured, and shall show that the coverage extends to the area used for the parklet or parklet café.

2. The permittee shall provide the city with an original certificate of insurance as evidence that the requirements set forth in this section have been met prior to commencing operations. Thereafter a certificate of insurance shall be provided to the city with a renewal application each year.

G. Revocation or suspension. The approval of a parklet or parklet café permit is conditional at all times. A parklet or parklet café permit may be revoked or suspended by the director of engineering or designee where necessary based on a violation of this ordinance, to protect the public health, safety, or welfare, to prevent a nuisance from developing or continuing, emergency situations, or to comply with the city code of ordinances, or to comply with applicable state or federal law. An alcohol license suspension for the temporary license expansion area shall occur in the event a parklet or parklet café permit is revoked or suspended.

H. Penalty. The penalty for violation of this section shall be a forfeiture of not less than \$100.00 or more than \$500.00 per day for each violation, together with the costs of prosecution.

SECTION 2. That the City of Eau Claire Schedule of Fees and Licenses is hereby revised to reflect an annual fee of:

\$150 for a parklet; and
\$250 for a parklet café.

(SEAL) _____
President Terry L. Weld

(SEAL) _____
Interim City Manager David A. Solberg

(ATTESTED) _____
City Clerk Carrie L. Riepl

First Reading
Final Reading
Adopted
Published

Parklet and Parklet Café Standards

The goal of standards developed for Parklet and Parklet Cafés is to protect the public health, safety and welfare and to prevent or mitigate against any adverse impacts' implementation may have to public or private property.

The following structural design features shall be included in the design:

Wind/Visibility

- Must have vertical elements at 4 feet above pavement (42 inches above parklet deck/curb height) visible to vehicular traffic
- Must include physical barrier, which is continuous along three street edge sides
- Maintain clear, unobstructed sightlines to and from the street

Barriers

- Wheel stop 4 feet from parklet edge front and back
- Flexible bollards placed at 7 feet from curb front and back

Design plans should show:

- How drainage will be maintained
- How installation and repair plans for platforms will be fastened to pavement/concrete

The following are examples of materials and layouts that might be conducive to construct:

Source: [A Toolkit for Creating and Implementing Parklets](#)



Figure 37. Terrasse, Montréal, Quebec.
Credit: Alain Quevillon



Figure 35. Terrasse, Montréal, Quebec.
Credit: Neal LaMontagne



Figure 46. Wheel stop and flexible bollard, Philadelphia, PA.
Credit: Philly Bicycle Coalition



Figure 16. Bike corral, Portland, OR.
Credit: Chris Brunn



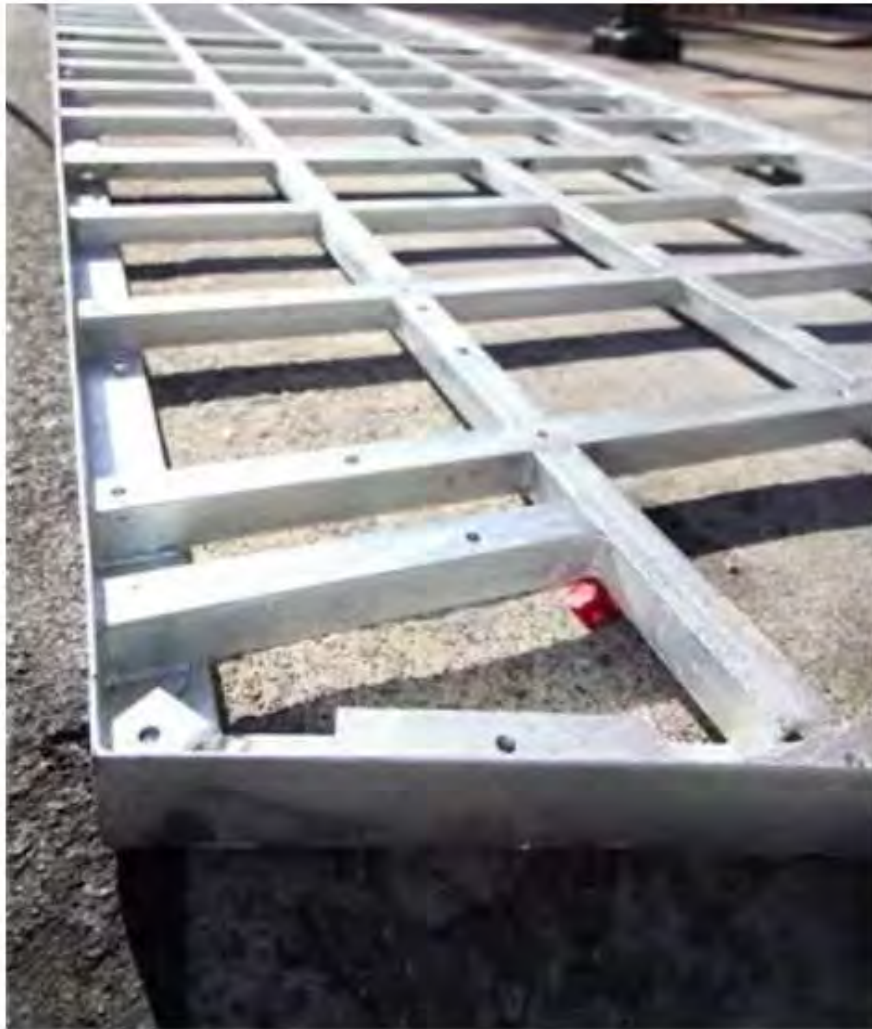


Figure 82. Steel sub-structure, San Francisco, CA.
Credit: Martha Traer

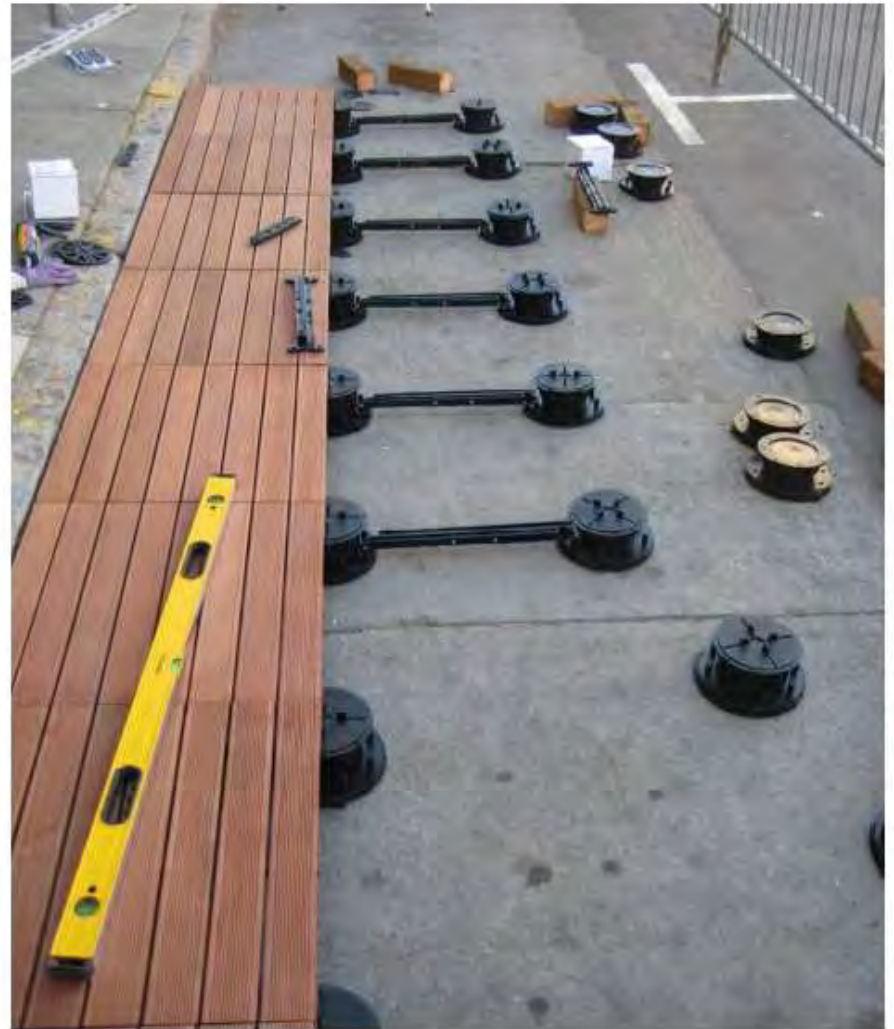


Figure 83. Divisadero parklet platform, San Francisco, CA.
Credit: SF Bicycle Coalition / sfbike.org



Figure 84. Wooden sub-structure, San Francisco, CA.
Credit: Excelsior Action Group / www.eagsf.org

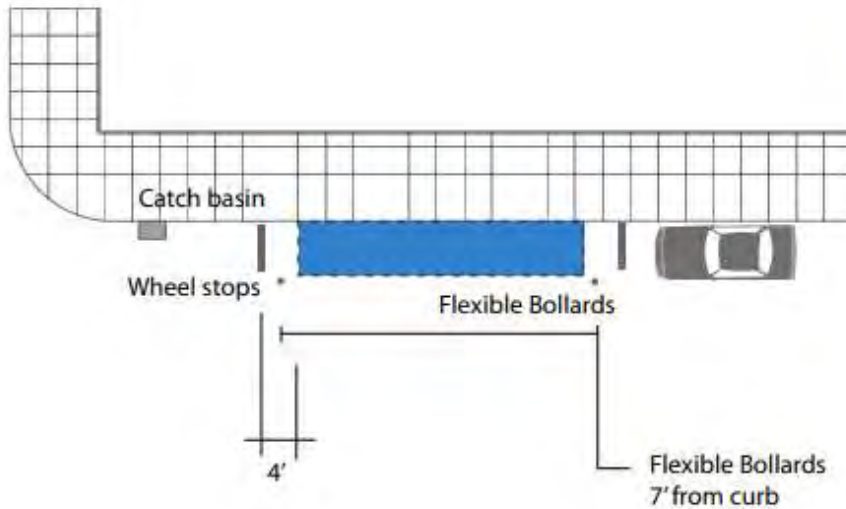


Figure 85. Prefabricated modules, San Francisco, CA.
Credit: Kate McCarthy

DESIGN | SAFETY & SIGNAGE

Traffic Control Devices

The City will provide traffic control devices for each approved parklet location. The City requires each parklet to have two wheel stops and two flexible bollards at minimum.



wheel stops
flexible bollards

Public Parklet Sign

Each parklet will also be required to have two public parklet signs affixed to the parklet. Public Works staff will evaluate if additional signage is required.



DESIGN SITING CONSIDERATIONS

Proximity to Bus Stops

Parklets must be located a minimum of 40' behind the bus stop zone, marked by the bus stop no parking sign. When proposing a parklet near a bus stop be sure to locate the two signs to help determine parklet placement locations

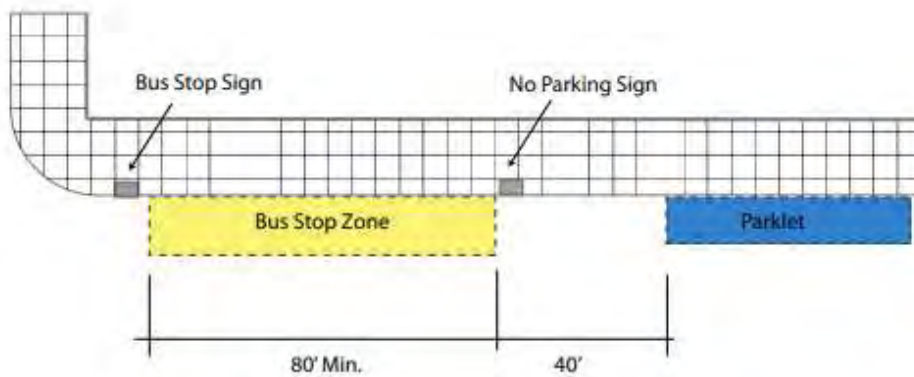
Typical signs to look for



bus stop sign



bus stop no parking sign

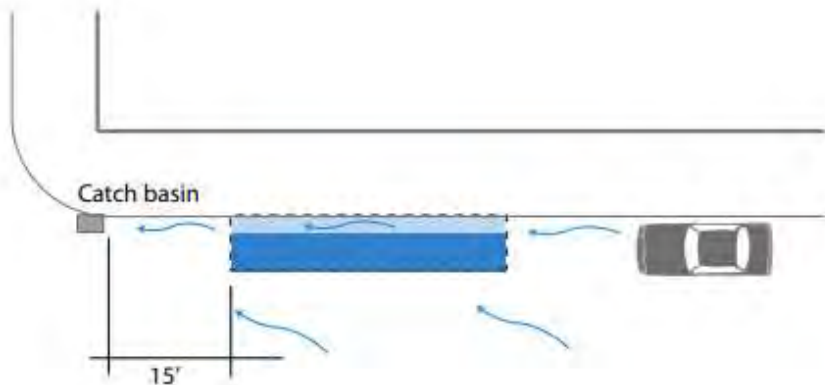


Proximity to Catchbasins

Parklets must be located a minimum of 15' from a catchbasin.



catchbasin



DESIGN | PLATFORM

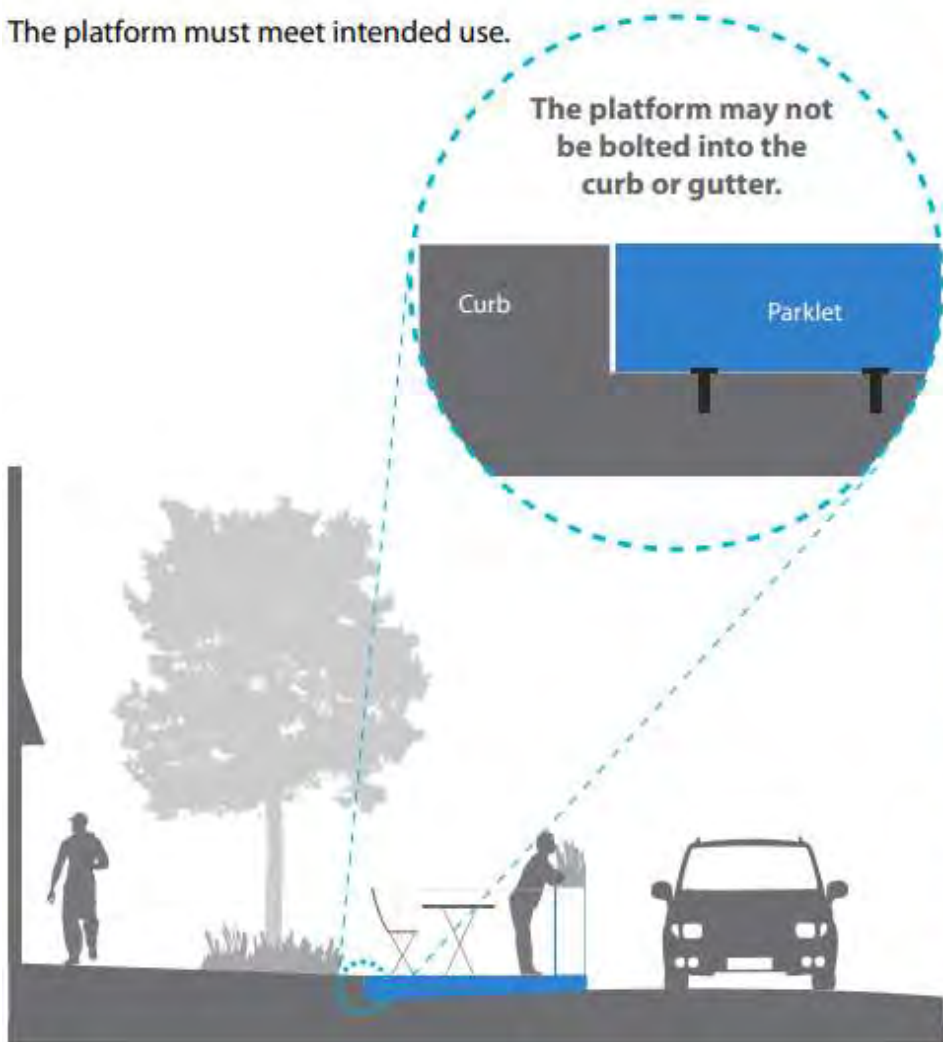
Platform

Parklets are an extension of the sidewalk. The Platform is the structural base for the parklet. It supports the weight of the amenities as well as providing the framework for the design. The City strongly encourages working with a design or construction professional to ensure the platform's durability.

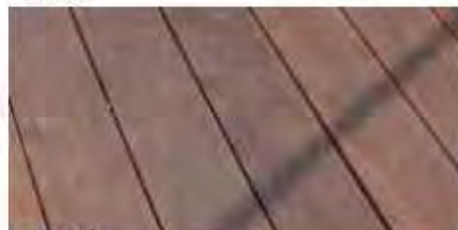
The platform may be bolted into the roadway, with the submittal and approval of a restoration plan and bond.

The surface of the platform must be flush with the sidewalk. To comply with accessibility minimums the maximum gap between the curb and parklet can be no larger than one-half inch.

The platform must meet intended use.



Platform Surface Materials



DESIGN | ENCLOSURE

Enclosure Materials



Wood



Concrete



Metal

Enclosure

There are a few main features to consider when designing the enclosure. See diagram below. The enclosure functions to differentiate the parklet edge. The purpose is to create a sense of space while functioning as a buffer between users of the parklet and traffic. The enclosure can be designed creatively with a range of materials while adhering to the basic guidelines below. Overhead elements will be considered on a case-by-case basis, with a minimum vertical clearance of 84”.

Materials

The City encourages applicants to consider local and sustainable materials. Additionally, using recycled and reclaimed materials can reduce costs to the applicant. Materials should be selected based on their ability to withstand the impacts of the urban environment and their ability to be maintained.

There are a few main features to consider when designing the enclosure. Clear, unobstructed sightlines to and from the street. The enclosure can also function as art panels, planters, or other inventive or creative uses.

