

**CITY OF TWO RIVERS
PLAN COMMISSION
January 9, 2017**

MINUTES

The meeting was called to order by Chairman Buckley at 5:35 PM.

Present: Chairman Gregory Buckley, David England, Kay Koach, City Engineer Jim McDonald, and Adam Wachowski.

Absent and excused: Jayne Rulseh (one vacant position on Commission)

Also present: Jeremy and Shannon Berglund, Anne England and Vicky Berg, Recording Secretary.

Consider request for a Conditional Use Permit for an agriculture land use to include the keeping of animals in the R-1 Single Family Residence District at 4115 Lincoln Avenue, submitted by Jeremy and Shannon Berglund (owners)

Correspondence from Mark and Denise Heller, and the Two Rivers Public School District was distributed to the Commissioners.

Discussion included the breed of chickens and ducks, fencing the removal of manure and bedding. Also, noted was the size of the property, location on the edge of the City limits and the proximity to other similar land uses.

Ms. Berglund explained the chickens are all hens, the ducks are drakes and females. The manure and bedding shall be hauled to the dump because it cannot go to a yard waste site. Ms. Berglund noted some of the manure will be used as garden compost. The rear yard is enclosed with a four-foot high fence which they intend to raise to six feet because their dog continues to jump the fence. The sheep would be purchased in the next few years when their son reaches an age where he may be involved in 4-H. The goat would be a smaller size breed. A corral may also be built for the pony.

Ms. Berglund was informed she should contact the Fire Department for information regarding the regulations for burning in the City.

Further discussion included permitting some or all of the animals, conducting an annual review of the land use and limiting the location of animals to only the rear yard.

It was noted should such a review be conducted, and a determination made to remove any animal(s) from the premises, the Commission would allow a reasonable time for the property owner to find new homes for said animal(s).

Commissioner England spoke in favor of the request based on property size and location.

Commissioner Wachowski spoke against the request because the keeping of animals does not belong in an urban setting, citing noise and odor as examples.

Motion by Commissioner England and seconded by Commissioner Koach to recommend approval of the Permit and forward to Council for public hearing with the following conditions:

1. This Permit shall become effective upon the execution and recording by the Owner of the Premises as acceptance thereof.
2. This Permit is subject to amendment and termination in accordance with the provision of the Zoning Code of this Municipality.
3. Operation of the use permitted shall be in strict conformity to the letter of request filed in connection with the Petition for this Permit and such letter of request is incorporated herein by reference as if set forth in detail herein.
4. Any substantial change or expansion of the facilities permitted by the initial issuance of this Permit would require approval by the Plan Commission and City Council as an amendment to this Permit.
5. This Permit is specifically issued to Jeremy and Shannon Berglund and shall lapse upon a change in ownership of the subject premises.
6. Conditions on the Operation:
 - a. Number of animals shall be limited to one (1) Shetland pony, one (1) goat, one (1) sheep, seven (7) ducks and eighteen (18) chickens (hens only).
 - b. The two existing 100 square foot shelters for the pony and chickens/ducks may remain, but may not be enlarged or expanded. Location of the animal shelters shall be located in the rear yard and at least ten (10) feet from all property lines.
 - c. The animals may roam freely only in the fenced rear yard. However, should the City receive complaints regarding the proximity of the animals to adjacent property, the City reserves the right to impose at least a ten (10) foot setback from all property lines for any areas the animals may occupy.
 - d. There shall be no accumulation of animal feces or manure on the premises.
 - e. At no time should the keeping of the above described animals cause a public nuisance due to noise, odor, unsanitary conditions or operation features. The City reserves the right to amend this Permit should any nuisance fail to be abated.
 - f. The Permittees may not receive any compensation for the sale of animals, eggs, wool, or other animal based items.

- g. A license from the City shall be obtained and maintained for the chickens. A copy of said license shall be provided to the Inspections Department.
- h. This Permit is subject to review on an annual basis.

Upon a roll call vote, Ayes (4): Buckley, England, Koach and McDonald; Noes (1). Wachowski. Motion carried.

Commissioner England recused himself and left the meeting at 6:07PM.

Consider request for a Conditional Use Permit for an art studio in the R-3 Single and Double Family Residence District at 2000 - 12th Street, submitted by Annette England d/b/a ANNIE'S heART, LLC (owner)

Discussion included adding signage and serving of food and beverages to the conditions.

Motion by Commissioner Wachowski and seconded by Commissioner McDonald to recommend approval and forward to Council with the following conditions:

1. This Permit shall become effective upon the execution and recording by the Owner of the Premises as acceptance thereof.
2. This Permit shall be void unless proper application, pursuant to the Building and Zoning Codes of this Municipality, for appropriate Building and Zoning Use Permits in conformity to this Permit, is made within twelve (12) months of the date hereof.
3. This Permit is subject to amendment and termination in accordance with the provision of the Zoning Code of this Municipality.
4. Operation of the use permitted shall be in strict conformity to the letter of request filed in connection with the Petition for this Permit and such letter of request is incorporated herein by reference as if set forth in detail herein.
5. Any substantial change or expansion of the facilities permitted by the initial issuance of this Permit would require approval by the Plan Commission and City Council as an amendment to this Permit.
6. This Permit is specifically issued to Annette England d/b/a ANNIE'S heART, LLC and shall lapse upon a change in ownership of the subject premises; or if the land uses described herein cease operation for more than 12 months.
7. Conditions of Operations:
 - a. Hours of Operation for Private Use: Private Studio 24 hours per day, 365 days per year.
 - b. Hours of Operation for Group Sessions: 10AM - 10PM, 365 days per year, by invitation only.
 - c. Group sessions shall be limited to no more than ten (10) persons.

- d. Sessions may be held indoors or outdoors in the rear yard and driveway only.
- e. Retail and gallery space is prohibited.
- f. Food and beverages may be provided in accord with all local, county and state regulations, rules and laws.
- g. Signage shall be limited to one (1) wall sign not to exceed four (4) square feet in area.

Upon a roll call vote, Ayes (4): Buckley, Koach, McDonald and Wachowski; Noes (0). Motion carried.

Commissioner England returned to the meeting at 6:30PM.

Review proposed dedication of "Lakefront Way" as a public street right-of-way; and recommendation regarding amendment to the Official Map to include Lakefront Way as a public street

Discussion included the City should continue to seek a cut in the Memorial Drive median to improve vehicle access at the Lakefront Way and Memorial Drive intersection.

Motion by Commissioner McDonald and seconded by Commissioner England to recommend approval of the street dedication; and to recommend approval to amend the Official Map to include Lakefront Way and forward to Council for public hearing.

Upon a roll call vote, Ayes (5): Buckley, England, Koach, McDonald and Wachowski; Noes (0). Motion carried.

Status Report – St. Mark's Square and TID No. 12

Chairman Buckley noted nothing further to report since the December meeting.

At 6:51 PM motion by Commissioner Wachowski and seconded by Commissioner England to adjourn. Upon a voice vote, motion carried.

Vicky Berg, Recording Secretary