

**CITY OF TWO RIVERS  
PLAN COMMISSION  
July 11, 2016**

**MINUTES**

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

Present: Adam Becker, Chairman Gregory Buckley, David England, Kay Koach, City Engineer Jim McDonald, Jayne Rulseh and Adam Wachowski. City Engineer Jim McDonald arrived at 4:37PM.

Absent and excused: None.

Also present: Councilmember Mark Bittner, Terry Casavant, Ken Swade, Jim VanLannen; Marty Marchek, City Planner; and Vicky Berg, Recording Secretary.

**Review the Proposed Project Plan and Boundaries of TID No. 11 to assist in the rehabilitation of the former St. Peter the Fisherman School and other properties in the Lincoln Avenue corridor**

Mr. Marchek and Chairman Buckley provided an overview of schedule, statutory requirements and projects in proposed TID No. 11.

Motion by Commissioner England and supported by Commissioner McDonald to recommend approval of the boundaries and schedule a public hearing for August 8, 2016. Upon a roll call vote, Ayes (6): Becker, Buckley, England, Koach, McDonald and Rulseh; Noes (1): Wachowski. Motion carried.

Discussion then included whether to add improvements to 35th Street from Lincoln Avenue to Jackson Street to the Project Plan should a developer submit a plan where improving 35th Street would be necessary for a proposed development project.

Motion by Commissioner McDonald and supported by Commissioner England to include improvements to 35th Street from Lincoln Avenue to Jackson Street, if financially feasible, in the Project Plan. Upon a voice vote, motion carried.

It was noted the public projects listed in the Project Plan are in no particular order or sequence of proposed development.

**Review Zoning Code Text Amendment to define "produce gardening" and incorporate regulations related to produce gardening**

Mr. Casavant addressed the Commission in favor of produce gardening without regulations in all yards in the City. Mr. Casavant noted he currently grows pumpkins in his front yard with approximately an 8-10 foot setback from the sidewalk.

Commissioner England voiced his opposition to prohibiting gardening in front yards and that the proposed street yard setback seems excessive.

Commissioner England also inquired if compost bins are allowed. Ms. Berg stated composting is regulated in another chapter of the Municipal Code. Ms. Berg will respond to Commissioner England's request.

Discussion included "grandfathering" existing front yard gardens which would be classified as a legal non-conforming land uses. Noting that should a non-conforming land use cease for a 12 month period it may not be continued.

Mr. Swade addressed the Commission cautioning the Commissioners to think about the proposed regulations for gardening as every action has a reaction.

Motion by Commissioner England and supported by Commissioner Rulseh to reduce the setback in the front and street side yard to 3 feet.

Chairman Buckley could not support a 3 foot setback in the front yard because it would be too close to the sidewalk.

Discussion included erosion control wherein a greater setback from the front property line may be appropriate to prevent soils from getting on sidewalks and washed into storm sewers.

Commissioner McDonald concurred with Chairman Buckley.

Upon a roll call vote, Ayes (2): England and Rulseh; Noes (5): Becker, Buckley, Koach, McDonald and Wachowski. Motion failed.

Motion by Commissioner Koach and supported by Commissioner England to "grandfather" existing front yard gardens provided a 10 foot setback is maintained and prohibit any new gardens in front yards.

Commissioner McDonald suggested a minimum setback larger than 10 feet with a sufficient grass strip to prevent run-off.

Commissioner England withdrew his support of the motion.

Commissioner Wachowski offered support of the motion to "grandfather" with a 10 foot setback and no new front gardens.

After discussion, it was noted if existing gardens are to be "grandfathered", the City may not impose a setback on them. Such gardens may be continued, but not expanded upon.

Commissioner Koach withdrew her motion. Commissioner Wachowski withdrew his support.

Motion by Commissioner England to table. Motion died for lack of a second.

Commissioner Becker made a motion, supported by Commissioner England, to "grandfather" existing front gardens and to allow new front gardens with a 10 feet setback. Upon a roll call vote, Ayes (3): Becker, England and Rulseh; Noes (4): Buckley, Koach, McDonald and Wachowski. Motion failed.

Motion by Commissioner Wachowski and supported by Commissioner McDonald to "grandfather" existing front yard gardens and prohibit any new front yard gardens' and further, to forward to Council for public hearing. Upon a roll call vote, Ayes (5): Buckley, England, Koach, McDonald and Wachowski; Noes (2): Becker and Rulseh. Motion carried.

**Review proposed ordinance to create "Licensing and Keeping of Chickens" in the City under certain conditions and discuss whether to expand the "keeping of animals" regulations in the City to include other species of animals, reptiles or arachnids.**

It was noted the City has received an increase number of complaints regarding the number of chickens, noisy roosters and chickens running at large.

Commissioner Rulseh in concurrence with the proposed ordinance except that the 20 foot setback for the coop and fenced area is excessive and suggested 10 feet.

Mr. Bittner noted in hot humid weather the odor from chickens is awful and suggested a greater setback.

Motion by Commissioner Rulseh, supported by Commissioner England to decrease the coop and fenced area setback from 20 feet to 10 feet; and to recommend approval of the ordinance and forward to Council for their action. Upon a roll call vote, Ayes (6): Becker, Buckley, England, Koach, McDonald and Rulseh; Noes (1): Wachowski. Motion carried

No discussion related to expanding the ordinance to include other species of animals.

**Review proposed ordinance to define "Agriculture" and amend what types of agriculture shall be permitted as a conditional use in the R-1 & R-2 Residence Districts.**

Discussion included revising the definition based on the phrases "production of" and "for commercial purposes".

Motion by Commissioner England and supported by Commissioner Rulseh, to table. Upon a voice vote, motion carried.

**Discuss parking ordinance as it relates to museums and hear comments from representatives from the Two Rivers Historical Society regarding said parking ordinance regulations**

Mr. VanLannen addressed the Commission. There is no formal proposal at this time, but the Historical Society is thinking about expanding to use the second level (former offices) for display of items formerly located at the Jefferson Street museum (former St Luke property).

Mr. Van Lannen noted two offices are currently being used for research purposes.

Mr. VanLannen stated on average the museum needs 4 spaces for staff, 4 spaces for customers, and 4 spaces when a seminar is being held for a total of 16 stalls.

Ms. Berg asked how many square feet of usable floor area is proposed. Mr. VanLannen was unsure at this time. Ms. Berg also noted should the museum expand its display area, that would likely increase the number of patrons to the museum.

Ms. Berg noted a City ordinance includes a provision wherein if within 5 years of approval the usable floor area is increased by 10% the owner shall submit Site and Architectural Plans to the Commission for review for the additional floor area and parking requirements.

At this time, the approved museum plan identifies 23,494 square feet of usable floor area. Therefore, should the expansion project be less than 2, 349 square feet, no Site and Architectural Plans approval would be required for the expansion project. However, parking regulations would still apply to the expanded usable floor area which may require additional parking spaces. Current ordinance for museum parking is 1 space for every 500 feet of usable floor area.

Mr. VanLannen explained the museum has entered into an agreement with a neighboring manufacturing firm to use a portion their parking area. Mr. VanLannen agreed to submit a copy of the parking agreement to the City in hope that this will comply with off-street parking provisions in the Municipal Code.

At 8:20 PM motion by Commissioner Wachowski and seconded by Commissioner Becker to adjourn. Upon a voice vote, motion carried.