NOTICE OF PLAN COMMISSION MEETING

DATE: Thursday, June 21, 2018
TIME: 5:30 P.M
PLACE: Washburn City Hall

AGENDA:

- Call to Order
- Roll Call
- Approval of Minutes – May 17, 2018
- Discussion & Recommendation on Request to Vacate the Entire Alley in Block 23 of the Hillside Addition to the City of Washburn along with the area adjacent to the Vacated North Fourth Avenue East – Jim Bodin Petitioner
- Discussion and Action on Architectural Review of Façade Renovations to 122 W. Bayfield Street – Spears, Carlson, & Coleman S.C., Petitioner
- Discussion and Action on Architectural Review and Façade Loan Application for 114 W. Bayfield Street (Brownstone Pharmacy) – Nate Swiston, Petitioner
- Discussion and Action on Revised Site and Architectural Review Plans for Washburn Family Dollar, 406 W. Bayfield Street – Sorensen Development, Inc., Petitioner
- Review of Formula Business Ordinance/Architectural Standards as Directed by Common Council
- Presentation of 2019 Budget Timeline
- Adjourn
COMMISSION MEMBERS: Dave Anderson, Richard Avol, John Baregi, Leo Ketchum-Fish, Adeline Swistson, Jon Wheeler

ABSENT: Jeremy Oswald

MUNICIPAL PERSONNEL: Scott Kluver-City Administrator, Tammy DeMars-City Treasurer/Deputy Clerk, City Attorney David Siegler, City Attorney Max Lindsey

Meeting called to order at 5:30PM by Avol attendance as recorded above.

Approval of Minutes – April 12, 2018 – Moved by Swiston to approve minutes as presented, second by Anderson. Motion carried unanimously.

Election of Vice Chairperson – Swiston moved and Ketchum-Fish seconded to nominate Anderson. No other nominations made. Vote on Anderson as Vice-Chair carried 6-0.

Public Hearing(s) – Avol moves to open the floor for the public hearing, second by Swiston. Motion carried unanimously.

Discussion and Recommendation on Request to Amend the City’s Zoning Code and to Create a Definition for a “Community Childcare Center” and to Determine Which Districts, Including Commercial and Residential Districts, Where Such a Use May be Permitted or Allowed as a Conditional Use – Erin Tenny, Petitioner – Ms. Tenny was present and gave a brief description of what she is looking for. Ketchum-Fish moves to add “Community Childcare Center” to land-use matrix under Section 4 Special use facilities; use the definition outlined in S. Kluvers memo “A place, not located in a health care center (i.e., a hospital), where births are planned to occur away from the mother’s usual residence”, use the same Secondary Review and Zoning Districts as the current 4.05 Group day care center, Proposed Development Standard should include licensing by state if required, minimum off street parking should be 1 space for each employee and 1 space for each birthing room, second by Anderson. Motion carried 6-0.

Discussion and Recommendation on Conditional Use Request for Tourist Rooming House to Operate a Tourist Rooming House out of the Property Located at 9 West 4th Street. Kim Rawson, Petitioner, property is zoned B-6, Mixed Residential – Rawson present; explains she would like to use for short term rental when she is working out of town, she has Mark and Teresa Nutt taking care of the property in her absence. Discussion. Moved by Ketchum-Fish to recommend approval of Conditional Use Permit for Kim Rawson to operate a Tourist Rooming House at 9 West 4th Street, with Mark and Teresa Nutt listed as agents, require two off street parking, valid health permit and all other conditions listed in the draft permit, second by Wheeler. Motion carried 6-0.

Moved by Baregi to close the floor, second by Swiston. Motion carried 6-0.

Discussion and Recommendation on Request for Vacation of a Portion of 9th Street East Adjacent to Lots 9 through 16 of Block 23 and Lots 2 through 9 of Block 21 in the Hillside Addition to the City of Washburn along with the area adjacent to the Vacated North 4th Avenue East – Heather Atherton, Petitioner – Petitioner present, she would like the property vacated to make it more appealing to sell as it would make a complete lot. Discussion. Moved by Swiston to recommend approval to Vacate the entire length of 9th Street East in the Hillside Addition to the City of Washburn, second by Wheeler. Motion carried 6-0.

Discussion and Action on Site Plan for Washburn Family Dollar, 406 W. Bayfield Street – Mountain Engineering representative Myron Berry present to answer any questions. Ketchum-Fish moves to decline site plan for the Washburn Family Dollar, second by Anderson. Ketchum-Fish than handed out two-page summary referencing 8-183-1, 8-183-3, 8-183-7, 8-183-4, 8-183-9 and lighting. Kluver reports, 8-183-1 has been noted and they are willing to comply with that. Ketchum-Fish unwilling to discuss further. Avol clarifies with City Attorney that a yes vote means no further discussion, but they could re-submit another plan and a no vote means we could continue on with discussion. Motion carried 4 yes and 2 no. Leo-Ketchum, Anderson, Swistson and Wheeler yes and Avol, Baregi No.

Discussion and Action on Architectural Review/Exterior Siding for Conditional Use Request to Construct and Operate a Contractor Yard and to Operate at Fitness Center. The property is located in block bounded by Omaha Street and East Memorial Park Drive and Central Avenue and 1st Avenue East. Lot 1 of CSM 2029. Fishnote Properties, Petitioner – Ketchum-Fish removes himself from the table for the next two items. No site plan received but agrees to follow the basic plan submitted by Pipgras. It was questioned if he is required to do this to all sides of the property visible from public streets, but it was determined by the Attorneys present that since it’s in an industrial zone it would only be required for the front and wrapped around 25% of the side of the building. Moved by Wheeler to approve the front & side exterior siding and door, 2nd by Anderson. Motion carried unanimously.

Discussion and Action on Architectural Review/Exterior Siding for Conditional Use Request to Construct and Operate a Contractor Yard and to Operate a Personal Storage Facility for Personal Units and for Vehicles and Watercraft. The property is located on 1st Avenue East, South of Memorial Park Drive. Lot 2 of CSM 2030. Jeff Pipgras, Petitioner – Ketchum-Fish present to represent Pipgras. Baregi moves to approve the front and side Exterior Siding and door, second by Swiston. Motion carried unanimously.

Adjourn – Moved by Swiston to adjourn at 6:30pm, second by Anderson. Motion carried unanimously.

Respectfully Submitted,
Tammy L. DeMars
Treasurer/Deputy Clerk
To: Honorable Mayor and City Council Members

From: Scott J. Kluver, Administrator

Re: Bodin Vacating Request Alley in Block 23 of Hillside Addition

Date: May 30, 2018

Enclosed you will find a request to vacate the entire alley in Block 23 of the Hillside Addition to the City of Washburn. The petitioner is interested in completing this vacation and is willing to cooperate on the Atherton vacation request as well. At the time of this memo, I am uncertain if Ms. Atherton is willing to obtain her portion of the alley in this new request. The unopened alley is indicated by the yellow arrows on the enclosed map.

At this time, a copy of the recorded petition of the intent to vacate is outstanding; however, I am aware that it is in process. I am not aware of any utility rights-of-way in this area.

Mr. Bodin owns the property on the north side of the alley, as well as two lots on the south side. Ms. Atherton owns the remaining property on the south side. Like the 9th Street East request, I have no objection to the consideration of this street being vacated. It is basically an unopened dead-end right of way that can not connect to another street or alley. In fact, I would like to be done with the issues and maze of un-opened rights of way in this neighborhood once and for all.

If the Council is receptive to this vacating request, the matter should be referred to the Plan Commission and authorization to publish the public hearing notice should be given. Further consideration should be given to whether or not there is any logical reason to maintain any potential utility rights of way for the alley. At this point, I see none.

Please let me know if you have any questions on this request.
PETITION FOR VACATION OF ALLEY(S) OR STREET(S)
CITY OF WASHBURN, WISCONSIN

To: Mayor, Common Council and City Plan Commission of the City of Washburn, WI 54891

I (We), the undersigned, do hereby petition the City of Washburn to vacate (give street name or general location of street alley):

James C. Bodin

IN SUPPORT THEREOF, the following facts are hereby presented:

1. THERE IS ATTACHED a sketch or copy of the plat of the area which depicts the requested vacation. (Map showing the vacation must agree with legal description of property listed in #2 below).

2. The property abutting the proposed vacation is legally described as:

The alley in Block 23 of Original Hillside Addition to Washburn

3. Abutting property owner(s) and mailing addresses (see #2 Procedures for Vacation):

1. Heather Atherton, P.O. Box 924, Bayfield, WI 54814

2. 

3. 

4. 

5. 

(1)
4. For all vacations other than unpaved alleys: Property owner(s) and mailing addresses for at least 1/3 of the 2650 feet from each end of the section of road to be vacated (see #2 Procedures for Vacation):

1. 

2. 

3. 

4. 

5. The undersigned petitioner(s) hereby agree to accept said property described above and shown on the attached sketch or plat, subject to conditions set forth by the City Council and City zoning regulations and including, but not limited to, the right of the City of Washburn and/or utility companies to retain any easement, drainageway, or floodplain land for the purpose of maintaining, conducting or constructing any required existing or future services or facilities on said easement which would serve or protect the public.

6. That the facts presented herein and attached hereto are true and correct to the best of my (our) knowledge.

Submitted this 22 day of May, 2018.

CIRCULATOR OF THIS PETITION:

(Signature)

James C. Roden

Please Print Below:

Name of Petitioner: James C. Roden
Address: 320 Castle Dr
Telephone: 715-292-0020

STATUS (Check Below):

X Property Owner Option Holder Owner's Authorized Agent

Contract Purchaser
CO-PETITIONER (If Any):

Signature

Please Print Below:

Name

Address

Telephone

FEES:
$250 minimum for an alley; $400 minimum for a street - due on filing; non-refundable.

SUBMIT MINIMUM FEE WITH PETITION. (Details regarding fees and the balance due, if any, are found in “Procedures for Vacation” which is given to the applicant with the petition).

SUBMIT ALL ATTACHMENTS. FAILURE TO DO SO MAY RESULT IN THE PETITION BEING DELAYED OR RETURNED. COMPLETED PETITIONS SHOULD BE RETURNED TO THE CITY CLERK, CITY HALL, 119 WASHINGTON AVENUE, WASHBURN, WI 54891. TELEPHONE #715-373-6160 Ext. 4 WITH QUESTIONS.
To: Plan Commission Members
From: Scott J. Kluver, Administrator
Re: Architectural Review Façade Improvements to Spears Carlson & Coleman Building
Date: June 11, 2018

Please find the enclosed architectural review application by Attorney John Carlson to remove the shake shingle façade on their law office building and new windows on the lower level. In my opinion, these façade cover-ups were the least-groovy thing to come out of the 60s-70s era. Many downtown revitalization efforts have been geared at removing these abominations of style.

The property is located in the Downtown Design District, and it is not considered to be a minor project. Please refer to the regular architectural standards and the Downtown standards which have been included. For an existing structure, I did not see any issue that would hinder compliance with the standards. The building would be restored more to its 50’s era appearance in the attached photograph on the upper level (Lake Superior District Power Company). The lower level would be more of a glass front. I would recommend approval. Please review the criteria for approval or denial, which was also included, as that should be made with any motion for approval or denial.

Please let me know if you have any questions on the architectural review standards.
June 8, 2018

City of Washburn
P.O. Box 638
Washburn, WI 54891

Re: Facade Reconstruction on 122 W. Bayfield

Greetings:

We are looking to reconstruct the facade on our building located at 122 W. Bayfield Street.

In general, we wish to remove the wooden portion with the shake shingles. Based upon the blueprints and what we have found, the original brick face is underneath the wooden portion and does not need additional repairs. Also, under the wooden cover, there appears to be two openings which we would like to eventually install windows to provide additional lighting. It appears these openings were covered years ago, and we may leave them covered until we do remodeling on the interior of the building.

On the lower half, we would cover the white covered brick with Khaki colored LP SmartSide. The Smart side would go from the ground up to where the brick begins. The Khaki color will be the most neutral and match the existing brick. Also, on the lower half, we would like to add some windows. The windows would not be able to be opened because of the location of the sidewalk.

If you should have any questions, please advise.

Cordially,

John R Carlson
### Title 13
#### Chapter 1 - Zoning Code

#### Article 14
**Downtown Design Overlay District**

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#### 14-1 Legislative findings
The Common Council makes the following legislative findings:

1. Washburn's downtown area contains a variety of building types, many of which represent an architectural style characterized by attached storefronts.

2. Given the close proximity of buildings in the downtown, special rules and regulations are needed to protect and perpetuate the existing character of the area.

3. The standards in this article are not intended to discourage development but to encourage development that is functional, attractive, and context sensitive.

#### 14-2 Purpose
This article is established to promote the public health, safety, and welfare and is intended to protect and perpetuate the general architectural style within the overlay district.

#### 14-3 District boundaries
The location of the downtown design overlay district is depicted on the zoning map described in § 8-25.

#### 14-4 General compliance
Given the pattern of existing development in this overlay district and the size and configuration of the existing parcels, it may not be feasible for all new development or redevelopment in the district to be consistent with all of the design standards specified in this article. Therefore, prior to any major work (herein described) the appropriate reviewing authority shall ensure that the proposed work is consistent with the intent of the design standards when considered as a whole.

#### 14-5 Project review procedures
(a) **Minor work without prior approval.** The following work may proceed without prior approval, provided a building permit is issued if required:

1. residing with appropriate materials;

2. repair or replacement of windows, trim, and doors if new materials match existing;

3. installation or removal of door and window openings not visible from Bayfield Street;

4. chimney reconstruction if completed with similar materials;

5. exterior cleaning, refinishing, and tuck-pointing; and

6. any other similar work as determined by the zoning administrator.

Prior to the commencement of any work, a property owner may ask the zoning administrator to review the proposed work to determine if it is classified as minor work and/or otherwise complies with the standards in this article.
(b) **Major work.** Any work not classified as minor work in this section shall be reviewed using the procedures specified below.

1. **buildings - architectural review**
2. **site work - site plan**
3. **signs - sign permit**

Examples of major work includes relocation of an existing building, construction of a new building, addition to an existing building, alteration of a building elevation, alterations to windows, siding, entries, and trim, erection of new signs or modification of existing signs, changes to the site including parking, pedestrian circulation, and the like.

### 14-6 Building setbacks

The setback of buildings from street-yard and side-yard lot lines shall be compatible with existing buildings in the immediate area.

### 14-7 Building design

In addition to meeting the standards in Division 9 of Article 8, buildings shall comply with each of the following:

1. **Building height.** The height of a building shall not be more than one story taller or shorter than the height of the adjoining building. In no event, shall the height of a building exceed the maximum building height established for the base zoning district.

2. **Building mass.** The mass of a building (i.e., relationship between façade height and width) shall be compatible with existing buildings in the immediate area.

3. **Special requirements for large buildings.** A building façade fronting on a public street with a frontage of 150 feet or more shall be designed to look like two or more individual building fronts. This may be achieved by using different building materials, façade articulations, or other design approach that gives the appearance of separate, but attached buildings.

4. **Horizontal rhythms.** The horizontal pattern of exterior building elements formed by patterns of building openings for windows and doors, and related elements such as piers and columns shall be spaced at regular intervals across all visible façades of the building.

5. **Vertical rhythms.** The floor heights on main façades shall complement those of adjoining buildings. The rhythm of the ground floor shall harmonize with the rhythm of upper floors. The vertical pattern of exterior building elements formed by patterns of building openings for windows and doors, and related elements such as sills, headers, transoms, cornices, and sign bands shall be compatible in design and elevation with adjoining buildings in immediate area.

6. **Roof forms.** Flat or gently sloping roofs which are not visible from the street grade shall generally be used. Mansards or other exotic roof shapes are not characteristic of the district's character and are prohibited.

7. **Awnings.** The size, color, placement, and design of an awning should be complement the architectural character of the building on which it is located. Soft, weather-treated canvas or vinyl materials which allow for flexible or fixed installation shall be used. Awnings covered with shingles, metal roofing, or the like are prohibited. Backlit awnings are prohibited.

8. **Building materials.** Selected building materials shall be compatible with those of existing buildings in the immediate area which generally consist of natural materials such as stone, brick, and wood. Concrete masonry units, corrugated metal, half-log siding, and vinyl siding are prohibited.

### 14-8 Off-street parking and access

(a) **Placement.** Off-street parking should be located to the rear of the principal building, or on the side as a less preferable alternative.

(b) **Paving.** New parking lots that are located to the side of a building shall be hard surfaced (e.g., interlocking pavers, asphalt, or concrete).

(c) **New curb-cuts.** New curb-cuts shall occur on the side streets rather than on Bayfield Street.
(d) **Screening.** Parking lots that are located on the side of a building should incorporate a screen to block the view of parked cars as generally depicted in Exhibit 14-1.

### 14-9 Landscaping

Landscaping as described in Article 16 is not required. If provided, landscaping should complement street trees and other streetscape elements in the public right-of-way.

### 14-10 Service areas and similar

Service areas, refuse collection areas, storage areas, and loading areas shall be located away from or screened from public view, especially from Bayfield Street.

### 14-11 Signs

(a) **Generally.** Signs should enhance the visual appeal of the district and its ability to attract the traveling public.

(b) **Wall signs.** Wall signs should be designed to fit within the architectural space intended for signage.

(c) **Compatibility.** Signs should be compatible with signs on adjoining buildings with respect to location, shape, style, graphics, size, material, illumination, and color, while allowing individual expression and identification.

### 14-12 Utilities

Utility lines, such as telephone, electric, and cable, shall be installed underground, where feasible. Ground-mounted utility components, such as switch boxes and transformers, shall be screened by landscaping or a decorative wall and/or be located away from public view, especially from Bayfield Street.
8-164 Specific design requirements
In addition to the principles enumerated in this division, projects shall be designed to comply with all other development standards in this chapter that may apply.

8-165 to 8-180 Reserved

DIVISION 9
GENERAL ARCHITECTURAL STANDARDS

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8-181 Legislative findings
The Common Council makes the following legislative findings regarding the architectural requirements in this article:

(1) The outward design appearance of a building can have a substantial and long-lasting effect on surrounding properties and the overall character of a community.

(2) Buildings and especially those within a largely developed area should fit into the context in which they occur.

(3) Architectural design standards should allow for a variety architectural styles and be flexible to the greatest extent possible.

(4) The standards in this section are intended to provide meaningful guidance to applicants, design professionals, and public officials.

(5) This section is not intended to limit or infringe upon reasonable accommodations to afford a person with disabilities equal opportunity to use and enjoy a building.

(6) The standards in this section are intended to promote the public health, safety, and welfare and are reasonably related to the public purpose of achieving an attractive, functional, and prosperous community.

8-182 Applicability
Those land uses designated as requiring architectural review in the land-use matrix (Exhibit 8-1) must comply with the requirements in this division.

8-183 Architectural standards
Buildings subject to review under this division shall comply with the following architectural standards:

(1) The scale of the building shall be compatible with the overall massing and the individual parts of adjacent buildings, especially existing and anticipated residential buildings in a residential zoning district or a planned development district that allows residential uses.

(2) Windows, doors, and other openings must form a unified composition in proportion to the building elevation.

(3) On any new building constructed for business or manufacturing use, all building exteriors facing a street or approved way shall have 50 percent of the street face constructed with brick, decorative masonry, glass panel, or other appropriate similar finished façade as may be approved by the Plan Commission. Such brick, masonry, glass, or other decorative facing shall extend for a distance of at least 25 feet along the sides of the structure or at least 25 percent of the that side wall distance, whichever is greater.

(4) Principal buildings with a front elevation of more than 750 square feet in area shall be divided into distinct planes of 500 square feet or less. The following design features can be used to meet this provision (1) canopies or awnings; (2) arcades; (3) porches; (4) vertical wall offsets having a minimum
depth of 8 inches and a minimum width of 10 feet; (5) horizontal offsets having a minimum depth of 2 feet; (6) pilasters having a minimum depth of 8 inches, a minimum width of 12 inches, and a minimum height of 80 percent of the wall height; (7) recessed areas for entryways and the like having a minimum depth of 8 inches; and (8) other suitable multidimensional design features.

(5) Oversized fenestration elements which tend to create a monumental scale shall not be used unless specifically required by the type of building or relationship to its surroundings.

(6) Building entrances must be clearly recognizable from parking lots and pedestrian circulation routes.

(7) The appearance of a side or rear of a commercial or institutional building shall be the same as or similar to the front of such building when it is readily visible from a public street or an abutting property in a commercial or residential zoning district or a planned development district that allows commercial and/or residential uses.

(8) Rooftop mechanical equipment shall be positioned so it is not readily visible from a public street or an abutting property in a residential zoning district or in a planned development district that allows residential uses. Rooftop mechanical equipment may be placed in an enclosure or screened from view provided such enclosure or screening is used as an element of the building’s architecture.

(9) Fencing shall complement the appearance of buildings onsite.

(10) The exterior building materials of an accessory building shall be the same as or similar to those used on the principal building.

(11) Overhead doors shall not face a public street. The Plan Commission may permit overhead doors to face a public street, but only when it has made a finding that there is no feasible alternative location for such doors. Consistent with the requirements in Article 7, the Plan Commission may approve a special exception to allow an overhead door to face a public street when there is no feasible alternative.

(12) HVAC (heating, ventilating, air conditioning) equipment shall be screened from view. No HVAC shall create a noise level of more than 50 decibels as measured on a dBA scale at the nearest existing adjacent residence.

(13) When trash, garbage and recyclable materials are stored out-of-doors, such materials shall be concealed or suitably screened from public view. A brick or stone wall, wood fence, chain-link fence with slats, and/or landscaping shall be used to totally obstruct vision into the storage areas. Any wall, fence and gate, and/or vegetative screening shall be installed or erected to a height at least 1'-6" above the highest point of the dumpster as generally depicted below.

8-184 Additional standards in the downtown design overlay district
Buildings located in the downtown design overlay district must comply with the requirements in Article 14.

8-185 to 8-200 Reserved

DIVISION 10
RESERVED

8-201 to 8-230 Reserved
(5) a statement that the decision may be appealed as provided for in this division,
(6) other information the Plan Commission or zoning administrator deems appropriate,
(7) the signature of the zoning administrator on behalf of the Plan Commission, and
(8) the date of the decision.

7-120 Effect of approval
An approved plan of operation is personal to the applicant. Any change in ownership shall require a new approval.

7-121 Expiration of an approval
An approval of a plan of operation shall automatically expire 12 months after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion. Upon petition and with cause, the zoning administrator may grant a one-time extension not to exceed 12 months provided (i) the permit holder requests the extension prior to the expiration of the permit, (ii) the permit holder clearly demonstrates that circumstances beyond his or her control prevented the start of construction and the continuation of the same, and (iii) the project complies with this chapter in effect at the time the extension is granted.

7-122 Amendment of an approval
Following approval of a plan of operation, the Plan Commission shall review all proposed changes to the approval. If in the opinion of the Plan Commission, the proposed change constitutes a minor alteration, the Plan Commission may approve the requested change in writing at a regular or special meeting of the Plan Commission without following the review procedure in this division. If the proposed change constitutes a major alteration, the review procedure in effect at the time of submittal shall be followed.

7-123 to 7-130 Reserved

DIVISION 7
ARCHITECTURAL REVIEW

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7-131 Generally
Architectural review is intended to ensure that buildings fit in to the context in which they occur.

7-132 Applicability
Those land uses designated as requiring architectural review in the land-use matrix (Exhibit 8-1) must comply with the requirements in this division. The exterior of an existing building designated as requiring architectural review may be resided or re-roofed with the same or similar type of materials.

7-133 Initiation
The owner of the subject property may submit an application for architectural review.
7-134 Review procedure

(a) Initial review. The general steps outlined below shall be used in the review of an architectural plan application.

(1) Submittal of application materials. The applicant shall submit a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.

(2) Staff review. Within 30 calendar days of submittal, the zoning administrator shall either place the matter on the agenda for the meeting at which the matter will be considered allowing for proper public notice or make a determination that the application is incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has 3 months to resubmit the application or forfeit the application fee. The zoning administrator shall take no further steps to process the application until the deficiencies are remedied. The incomplete application shall be retained as a public record.

(3) General notice. Consistent with Division 2 of Article 6, the zoning administrator shall place the matter on the meeting agenda of the Plan Commission.

(4) Meeting. Allowing for proper notice, the Plan Commission shall consider the application at a regular or special meeting.

(5) Decision. The Plan Commission shall (i) approve the architectural plan, (ii) approve the architectural plan with conditions, or (iii) deny the architectural plan. The Plan Commission may render its decision at the same meeting the matter was initially considered or at a subsequent meeting, but no later than 40 calendar days after the public meeting unless the applicant agrees to an extension of a specified duration.

(6) Preparation of decision document. Based on the action of the Plan Commission, the zoning administrator shall prepare a decision document consistent with this division.

(7) Applicant notification. Within a reasonable time following the Plan Commission’s decision, the zoning administrator shall mail the decision document to the applicant by regular mail.

(b) Common Council review on appeal. If a final decision of the Plan Commission is appealed as provided for in this division, the general steps outlined below shall be used in the review of an architectural plan application.

(1) Submittal of application materials. The zoning administrator shall forward the application and other required materials the applicant initially submitted along with the decision document approved by the Plan Commission to the Common Council.

(2) General notice. Consistent with Division 2 of Article 6, the zoning administrator shall place the matter on the meeting agenda of the Common Council.

(3) Meeting. Allowing for proper notice, the Common Council shall consider the application at a regular or special meeting.

(4) Decision. The Common Council shall (i) approve the architectural plan, (ii) approve the architectural plan with conditions, or (iii) deny the architectural plan. The Common Council may render its decision at the same meeting the matter was initially considered or at a subsequent meeting, but no later than 40 calendar days after the date of the initial meeting unless the applicant agrees to an extension of a specified duration.

(5) Preparation of decision document. Based on the action of the Common Council, the zoning administrator shall within 15 calendar days of such decision prepare a decision document consistent with this division.

(6) Applicant notification. Within a reasonable time following the Common Council’s decision, the administrator shall mail the decision document to the applicant by regular mail.

(7) Public record copy. A duplicate copy of the decision document shall be retained as a public record.

7-135 Basis of decision

The Plan Commission in making its decision shall determine whether the project complies with all applicable design principles and standards.
7-136 Imposition of conditions

(a) Generally. In approving an architectural plan, the Plan Commission and Common Council on appeal may impose one or more conditions deemed necessary to further the intent and purposes of this chapter.

(b) Effect on contracts with another party. The Plan Commission or the Common Council on appeal shall not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract, with a third party under which the third party is engaging in a lawful use of the property.¹⁰

7-137 Application form and content
The application submittal shall include an application form as may be used by the City and a set of architectural plans prepared at an appropriate scale.

7-138 Content of decision document

(a) Approval. If the architectural plan is approved, the decision document shall include the following:

(1) a statement that the application is approved,
(2) a description of the project,
(3) reasons for the decision based on the criteria listed in this division,
(4) conditions of approval, if any,
(5) if one or more conditions of approval are imposed, a statement indicating that the property owner must sign the decision document and return it to the zoning administrator to acknowledge acceptance of the same,
(6) a statement that the applicant may appeal the decision to a court of competent jurisdiction,
(7) a statement that an aggrieved person, other than the applicant, may appeal the decision and that any work done by the applicant as authorized by the approval is done at the applicant’s risk,
(8) other information the Plan Commission or administrator deems appropriate,
(9) the signature of the zoning administrator on behalf of the Plan Commission or Common Council on appeal, and
(10) the date of the decision.

(b) Denial. If the architectural plan is denied, the decision document shall include the following:

(1) a statement that the application is denied,
(2) a description of the project,
(3) reasons for the decision based on the criteria listed in this division,
(4) a statement indicating that the denial does not limit the applicant’s ability to resubmit a revised application for consideration,
(5) a statement that the decision may be appealed as provided for in this division,
(6) other information the Plan Commission or zoning administrator deems appropriate,
(7) the signature of the zoning administrator on behalf of the Plan Commission or the Common Council on appeal, and
(8) the date of the decision.

7-139 Effect of approval
An approval of an architectural plan shall run with the land and is binding on all subsequent property owners.

¹⁰ Commentary: See s. 62.23(7)(g)(m), Wis. Stats. The City, for example, could not require an applicant to terminate an existing contract with another party that is engaged in a lawful use of the property.
To: Plan Commission Members
From: Scott J. Kluver, Administrator
Re: Façade Loan/Architectural Review Brownstone Pharmacy
Date: June 11, 2018

Please find the enclosed application by Mr. Nate Swiston for façade improvements to the Brownstone Pharmacy portion of the building at 114 W. Bayfield Street. The project would replace all of the front glass windows as well as change the front brick work and the awning/transom area. I have reviewed the application, and it meets the technical requirements of the program. Those requirements are also included. The request is for $5,151.00.

As of May 31, 2018, the fund had $78,768.85 in it for loans. Utility payments are up to date on the property, and the required payment on taxes has been made. If the Plan Commission provides approval of the project, a motion can be made to authorize the Administrator and the Attorney to prepare and execute the necessary loan documents for the approved amount for this project.

An architectural review is also needed for this project. As the property is located in the Downtown Design District, and it is not considered to be a minor project. Please refer to the regular architectural standards and the Downtown standards that were included in the previous item. For an existing structure, I did not see any issue that would hinder compliance with the standards. I believe it should be verified that the new doorway would still open into the building. Besides that, I would recommend approval. Please review the criteria for approval or denial, which was also included with the previous item, as that should be made with any motion for approval or denial.

Please let me know if you have any questions on the façade loan program or the architectural review standards.

The City of Washburn is an equal opportunity provider, employer, and lender.
CITY OF WASHBURN
FAÇADE RENOVATION PROGRAM
LOAN APPLICATION ($30 FEE FOR RECORDING IF APPROVED)

<table>
<thead>
<tr>
<th>Applicant Information</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Contact Name:</strong></td>
<td><strong>Contact Address:</strong></td>
</tr>
<tr>
<td>Nate Swistin</td>
<td>110 W. Bayfield St.</td>
</tr>
<tr>
<td><strong>Business Name:</strong></td>
<td><strong>Project Address:</strong></td>
</tr>
<tr>
<td>Braemore Pharmacy</td>
<td>114 W. Bayfield St.</td>
</tr>
<tr>
<td><strong>Day Phone:</strong></td>
<td><strong>Alt. Phone:</strong></td>
</tr>
<tr>
<td>715-373-5401</td>
<td>715-209-41787</td>
</tr>
<tr>
<td><strong>FAX:</strong></td>
<td><strong>E-Mail:</strong></td>
</tr>
<tr>
<td>715-373-0992</td>
<td><a href="mailto:WashburnHardware2@gmail.com">WashburnHardware2@gmail.com</a></td>
</tr>
<tr>
<td><strong>Type of Organization:</strong></td>
<td><strong>Federal ID #:</strong></td>
</tr>
<tr>
<td>Corporation</td>
<td>26-1369170 (Hardware)</td>
</tr>
<tr>
<td></td>
<td>86-1542083</td>
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<table>
<thead>
<tr>
<th>Building Owner Information (if different than applicant)</th>
<th></th>
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</thead>
<tbody>
<tr>
<td><strong>Owner Name:</strong></td>
<td><strong>Owner Address:</strong></td>
</tr>
<tr>
<td></td>
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<tr>
<td><strong>Day Phone:</strong></td>
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<td></td>
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<td><strong>FAX:</strong></td>
<td><strong>E-Mail:</strong></td>
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<td></td>
<td></td>
</tr>
<tr>
<td><strong>NOTE:</strong> If loan applicant is not the owner of the building, please attach a letter, signed and dated, from the property owner expressing approval of the project application.</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>General Project Information</th>
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<tbody>
<tr>
<td><strong>Proposed Start Date:</strong></td>
<td><strong>Proposed Completion Date:</strong></td>
</tr>
<tr>
<td>7/16/18</td>
<td>7/31/18</td>
</tr>
<tr>
<td><strong>Contractor Name, Address &amp; Contact Info:</strong></td>
<td><strong>Budget Estimates:</strong></td>
</tr>
<tr>
<td>Schrauf Nagel Glass</td>
<td>$13,151.00</td>
</tr>
<tr>
<td>Calvin Construction</td>
<td>Total Project Estimate: $13,151.00</td>
</tr>
<tr>
<td>(please see attached)</td>
<td>Façade Loan Request: $5757.00</td>
</tr>
<tr>
<td></td>
<td>Private Funds: $</td>
</tr>
<tr>
<td></td>
<td>Private Loans: $</td>
</tr>
<tr>
<td></td>
<td>Other Funding: $8000.00 WHA Grant</td>
</tr>
</tbody>
</table>
**Project Description**

Describe the overall project and scope of work (attach additional pages if necessary):

Replace glass, aluminum frames & woodwork for front of Brownstone Pharmacy.

Please see attached.

---

How does this project meet the goals and objectives as detailed in the Façade Renovation Program Guidelines (attach additional pages if necessary):

This project will rehabilitate a downtown commercial property to prevent and eliminate deteriorating conditions. Will greatly improve the appearance of a Main Street building.

Property Tax ID: 3339

Property Legal Description: Original Townsite of Washburn

Lots 10-12 Block 49

(114 W. Bayfield Street)

Brownstone Pharmacy

Previous Ginsford Pharmacy

---

Please provide the required attachments listed below:

- Eight (8) copies of drawings / design plans (per Sec. IV.A.1.).
- Contractor proposal(s) (per Sec. IV.A.2.).
- Certificate of Insurance (per Sec. IV.A.9.).
- Photos of property

**Certification:** The information provided above is true and accurate to the best of my knowledge and I have read and understand the guidelines of the City of Washburn Development Authority Façade Renovation Loan Program and agree to abide by its conditions. I understand that I, or the building owner must if I do not own the building, sign a mortgage to secure repayment of the loan, and that the mortgage will be recorded as a lien against the property. I acknowledge that the WDA has the right to terminate this agreement under the Façade Renovation Loan Program if I as the applicant am found to be in violation of any conditions set forth in the guidelines of the program.

Applicant Signature: [Signature]

Date: 5/24/18
## Project Close-Out (REQUIRED SIGNATURES)

By signing below, you verify that all work on this project had been completed to the best of your knowledge and, in your opinion, is acceptable to you and completed in accordance with the requirements of the Façade Improvement Program guidelines and consistent with the nature of this application.

<table>
<thead>
<tr>
<th>Contractor:</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant:</td>
<td>Date:</td>
</tr>
<tr>
<td>Building Owner (if applicable):</td>
<td>Date:</td>
</tr>
<tr>
<td>Building Inspector:</td>
<td>Date:</td>
</tr>
<tr>
<td>CDA Chairperson:</td>
<td>Date:</td>
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</tbody>
</table>

## Office Use Only

<table>
<thead>
<tr>
<th>Date Application Received:</th>
<th>Does applicant have outstanding delinquent taxes or municipal code violations?</th>
</tr>
</thead>
</table>
| Washburn Plan Commission Review Date: | □ Approved w/o conditions  
                □ Approved w/conditions (see attached)  
                □ Denied (reasons below) |
| Authorized Grant Amount: | Reason for Denial if Applicable: |
| Plan Commission Reimbursement Claim Approval Date: | Date Check Issued: |
CERTIFICATE OF LIABILITY INSURANCE

PRODUCER
American Insurance Services
Ina LBS Insurance Group
393 W Main St
Ashland, WI 54806
Terrence E Burns

INSURED
Washburn Hardware LLC
Nate Swistson
110-114 W Bayfield St
Washburn, WI 54891

CONTACT
NAME: Terrence E Burns
PHONE: INSURER(S) AFFORDING COVERAGE - NAIC #
FAX: 
EMAIL: 

COVERAGE
INSR LTR | TYPE OF INSURANCE | ADDL SUB GENER. | POLICY NUMBER | POLICY EFF | POLICY EXP | LIMITS |
| | | INSURER | | IMMO/LITRI | IMMO/LITRI |
A | COMMERCIAL GENERAL LIABILITY | CLAIMS-MADE | X OCCUR | BSY956668 | 10/17/2017 | 10/17/2018 | $1,000,000 |

EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

A | PROPERTY SECTION | BSY956668 | 10/17/2017 | 10/17/2018 | $530,600 |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER
CITY OF WASHBURN
PO BOX 638
WASHBURN, WI 54891

CANCELLATION
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
Terrence E Burns

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City of Washburn

Downtown Building Facade Renovation Loan Program
Policy Guidelines

I. PURPOSE: The City’s intent in establishing this loan fund is to encourage downtown business owners to undertake business facade improvements. Physical improvements to structures downtown will assist in spurring economic vitality downtown. By improving the exteriors of commercial buildings downtown, the City will enhance the appearance of the downtown and the community as a whole overall. The resulting effect will be the attraction of new businesses to downtown and to the community as well as the retention and expansion of existing businesses.

II. OBJECTIVES: The Building Facade Renovation Loan Program has the following objectives.
A. To renovate or rehabilitate commercial properties so as to prevent or eliminate deteriorating conditions.
B. To attract and retain businesses downtown.
C. To retain jobs and bring additional employment opportunities to the City.
D. To make use of funds the City has set aside for the enhancement of the City’s downtown, which is deemed an asset of the City.
E. To spur activity which will provide return to the City by way of physical improvements accomplished which may not otherwise have occurred.

III. PROJECT & APPLICANT ELIGIBILITY:

A. General and Designated Area:
The Façade Renovation Loan Program only applies to the exterior facades, signs and architectural features for properties on Bayfield Street between Fur Farm Road and 1st Avenue East that are 50 percent or more commercial and only to those exterior facades, signs and architectural features of such buildings that are visible from Bayfield Street.

B. Minimum Requirements:
1. Projects shall occur within the established designated area.
2. Projects must commence within six (6) months of approval and shall be completed within one (1) year of the grant approval date. In rare cases, likely due to extenuating circumstances, the Plan Commission may allow completion extensions upon request of the applicant. The Plan Commission/City of Washburn reserves the right to eliminate project funding if not completed within the specified time period and is not obligated to granting time extensions.
3. Projects shall comply with all applicable City building and zoning standards and requirements.
4. Concurrent applications from the same applicant, unless for separate properties, shall not be allowed. An applicant may apply for another
project after any existing project by the same applicant is completed to the satisfaction of the Plan Commission.

C. Eligible Activities Included but not limited to:

1. Repair/replacement of the original building’s materials and decorative details.
2. Cleaning of exterior building surfaces.
3. Tuck pointing and masonry repair.
4. Painting of exterior building surfaces.
5. Repair/replacement or addition of entrances, doors, display windows, transoms, or windows.
6. Removal, repair/replacement of existing signs and awnings.
7. New signage and awnings.
8. Landscaping improvements.
10. Qualified professional design services.
11. Other activities as designated by the Plan Commission/City of Washburn.

D. Non-Eligible Activities Included but not limited to:

1. Interior improvements.
2. Purchase of property.
4. Fixtures and equipment.
5. Removal without replacement of architecturally significant features and design elements.
6. Sidewalk repairs.
7. Correction of code violations.
8. Any roof repair or replacements, except in cases where a new roof “style” is a critical component of the façade restoration or replacement project.
9. Compensation for time and labor spent by applicant or members of applicant’s immediate family. (Note that one needn’t be the building owner to apply.)
10. Other activities as designated by the Plan Commission/City of Washburn.

IV. PROGRAM TERMS & CONDITIONS:

A. General Requirements

1. Applicants must include detailed drawings and specifications with application. Eight (8) copies of drawings/design plans must be submitted. The Plan Commission may require drawings to be submitted by an architect. The plans must include:
   a. Detailed site plan using adequate scale to be easily and clearly understood. Ideally, said plan shall be drawn to a minimum scale of 1”= 100’.
b. Elevations of any façade proposed to be altered, ideally drawn to scale at least 1/8"=1'; each elevation drawing should include notations of proposed materials, color, finishes and details. The drawing should clearly show proposed signage (if any). Perspective renderings of the proposed project and/or photos of similar structures may be submitted, but not in lieu of adequate drawings showing the actual intended appearance of the buildings.

c. Current condition photos to provide adequate “before and after” shots.

d. Construction / reconstruction time schedule, noting start and completion date.

2. Applicants must submit at least one contractor proposal or estimate from supplier; however, it is suggested that the applicant pursue multiple proposals for their own protection and peace of mind. The Plan Commission retains the right to request additional proposals. The property owner is not required to utilize a contractor to have the work completed. The Plan Commission/City of Washburn does not assume any liability to the work of any contractor that is chosen by the property owner.

3. Applicants, if tenants, must have the written permission and approval from the respective property owner.

4. Applicants must take out the appropriate building or sign permits. Fee waivers shall not be allowed, unless approved by the Common Council. Loan funds cannot be used to pay for permit fees.

5. Applicants who are delinquent with their property or personal tax, utility payments, or have outstanding municipal code violations are not eligible until said issues are resolved.

6. Payment shall be made on a reimbursement basis upon completion of construction/installation.

7. Minor changes to the project will require submittal and approval by the City Administrator. Significant project changes, as determined by City Administrator, will require approval of the Plan Commission.

8. The Plan Commission/City of Washburn reserves the right to cancel any loan agreement if any of the conditions of the program guidelines and agreement are not met.

9. Applicants shall provide a Certificate of Insurance with their application showing proof of property insurance for fire and all hazards. The City shall be designated a loss payee up to the amount of the loan.

B. Approval Authority

1. The Plan Commission will have the ultimate authority to approve or deny applications on a case-by-case basis and may impose certain design conditions on approved projects.
C. Expiration

The façade loan improvement program will expire if one of the following occurs:

1. When the funds have been spent, unless additional funding has been authorized by the City Council.
2. When the Plan Commission and/or City Council chooses to eliminate or amend the program.

V. **LOAN TERMS:** All loans granted under this program shall be subject to the following terms and conditions:

A. The minimum loan granted under this program shall be $2,000 and the maximum loan shall be $10,000 per building.
   1. The Plan Commission reserves the right under this program to exceed the maximum loan amount of $10,000 per building on a case by case basis when: the size of the building coupled with the proposed project would result in a significant impact on the downtown that would exceed the typical project under the program, and the project proposed goes beyond maintenance to improving the architectural value of the building to the downtown as determined by the Plan Commission.

C. The loan shall be at 0% interest.

D. The full balance of the loan shall be due immediately upon sale of the property or within seven (7) years of the approval date, whichever event happens first. The loan may not be assigned without the express written consent of both parties. The loan may be prepaid in whole or in part at any time.

E. Loan approval shall expire six months following the date the Plan Commission approves the loan unless the project has commenced.

F. Projects must be completed within one year of Plan Commission approval.

G. Project participation may be limited based on the availability of program funds.

H. Applicants will be required to sign a note and a mortgage as a condition for receiving loan funds. The mortgage will be recorded against the property at the Office of the Register of Deeds.

VI. **FAÇADE RENOVATION LOAN PROGRAM PROCEDURES:**

A. Applicant meets with City staff for initial project discussion.

B. Applicant submits grant application to Plan Commission, and required contractor proposal/quote to staff (according to Sec. IV.A.2. in these guidelines), containing all of the requirements specified in these guidelines. Applications must include detailed drawings and specifications. Eight (8) copies of drawings and specifications must be submitted. The Plan Commission may require drawings to be prepared by an architect.
C. Plan Commission reviews plans and approves or denies loan request. If approved, the Plan Commission may place conditions on the proposed project.

D. If denied, applicant may submit a revised application and repeat process.

E. Applicant submits building and/or sign permit with final design plans as required by City code.

F. Building Inspector reviews and approves any required permits.

G. A “loan document” is drafted by City staff that identifies the terms of the agreement. All parties execute said letter. A note and mortgage are drafted which the applicant signs.

H. Construction/Installation begins. Applicant has six (6) months from the execution date of the loan to begin implementation of approved improvements. Any plan changes would require approval according to Sec. IV.A.8 in these guidelines.

I. Construction/Installation is completed within one (1) year of loan agreement signed.

J. Applicant contacts Building Inspector to request project review to see if all code requirements have been met.

K. Applicant provides itemized paid invoices for the project, and any outstanding bills which are also eligible for payment under the loan agreement, to City staff, along with the completed "Project Close-Out" section on the application form. While a construction lien waiver is not required, it is recommended that the applicant consider obtaining appropriate construction lien waiver(s) from the contractor(s) for the project.

L. After Plan Commission approves reimbursement claim, the City Clerk forwards payment directly to the applicant.

Approved 102109
Revised 03/12/2014 (Extended western eligibility boundary).
Revised 08/17/2016 (Change Terms of Loan)
Revised 09/13/2017 (Delete WDA and Change to Plan Commission)
WHA 2018 Grant Application

Applications must be received by April 30, 2018
Mail applications to: Washburn Heritage Association
P.O. Box 814
Washburn, WI 54891

Description: WHA is offering grant money for the repair, refurbishing, or enhancement of the exterior of commercial buildings on Bayfield Street in Washburn. Applications will be evaluated for the impact of the project on the aesthetics of Washburn's main street.

Grant amount: WHA has designated a total of $10,000 for this grant offering. WHA may choose to fund one project or distribute the money among several recipients.

Notification: May 10 by e-mail.

Distribution of funds: Funds will be made available in phases after work begins or after completion of the project.

Building owner: Nate + Susan Swistin

Applicant's name and relationship to building owner: Self

Applicant's e-mail address: Washburnhardware@gmail.com

Applicant's phone number: 715-373-5401

Applicant's mailing address: P.O. Box 368, Washburn

Address of project: 114 West Bayfield Street.

Amount requested: $10,000.00

Please provide ALL of the following information.

1. Describe your project.

2. Describe the impact your project will have on the aesthetics of Bayfield Street.

3. Provide a detailed budget for your project.

4. Provide a timeline for your project.

5. Who will perform the work on your building?

6. Do you have a scaled-back version of this project that we could fund instead of the full-scale project? What would be the plan and funds requested for the smaller project?

Include photos, drawings, or other information to help us understand your project.

If you have questions, contact
Jill Lorenz at 715-373-5908 or
Sharon Stewart at 716-373-2566 or
Carla Bremer at 715-373-5212.
April 19, 2018

RE: WHA 2018 Grant Application

Dear Members of the Washburn Heritage Association,

First of all, thank you for providing the businesses of Washburn an opportunity to apply for this grant offering. I am a firm believer that anything we can do to enhance and preserve the beauty of our downtown businesses is important to the entire community.

My wife Susan and I purchased Ungrodt Hardware along with the building that now houses Washburn Hardware and the Brownstone Pharmacy back in 2008. It’s hard to believe we are starting our 11th year! Since 2008, we have done our best to begin preserving and improving the entire building. We have installed a new roof, restored the sides of the building, upgraded our electrical service and improved drainage to preserve our brownstone basement. We also started with updates to the front of the hardware side of the building including a new sign, a new lighted awning and 2 new windows. Up until recently, we have held off with improvements to the front of the pharmacy as we were unsure the direction it was headed with the Langford family. In addition, making major improvements to a store front can put a financial strain on a small business.

Now that we have secured a new owner of Brownstone Pharmacy and a long-term renter, Delora Pufall, we have agreed mutually it is time to preserve and enhance the front of the pharmacy. In a short time, Delora and her staff have proven a pharmacy will remain a stable part of our community and they have already made great improvements to the interior of the business. The front of the pharmacy is in desperate need of improvement and preservation. The single pane window glass is over 20 years old and freezes up due to moisture during the cold months. In addition, the wood structures supporting the display window are beginning to deteriorate the front of the building.

**PROJECT DESCRIPTION:** Our project request is to obtain enough funding to replace all the store-front window glass of the pharmacy as well as rebuild the wood structures supporting the glass frames and window display. This will also include re-finishing the structure bottoms with brick to better blend in with the rest of the building.
PROJECT IMPACT OF BAYFIELD STREET: This improvement will not only immediately enhance the attractiveness of the historic building but will help to preserve the building with better protection from the elements. Building improvements, especially to store fronts, I believe give both the community and our visitors a sense of our commitment to the city and shows the strength of our business sector. Positive improvements to existing businesses can hopefully stimulate new business development within the area to further improve our business offerings to the public.

DETAILED BUDGET: Please see attached estimates

A. Schraufnagel Glass from Ashland will provide the materials and labor to remove and replace the existing glass from both sides of entrance door with new double pane insulated glass and brown aluminum trim to match the rest of building. $8651.00 (attached)

B. Calvins Construction from Washburn will provide the labor and materials to rebuild the framework supporting the store-front glass and window displays for both sides of the entrance door. $4500.00 (attached)

C. TOTAL ESTIMATES: $13,151.00

D. If we were able to secure the entire $10,000 grant, the remaining $3,151 would be contributed by Washburn Hardware & Brownstone Pharmacy.

E. Washburn Hardware will provide additional labor, needed hardware and tools as required to help the project remain efficient and within budget. DONATED

PROJECT TIMELINE: Our project will begin potentially in June as soon as we can coordinate weather and contractor schedules. We estimate the entire project will take approximately 2 weeks once started.

SCALED-BACK PROJECT: The only way to scale our project back would be opting to replace only the glass and aluminum frames while leaving the supporting structure as is. Unfortunately, this would not be desirable as the weakening existing structures may compromise the life of the newly installed glass. Replacing only the glass may also not provide the desired enhanced look to the building. Of course, we would be thankful to be awarded any portion of this project and would make the best possible use of the investment.

Please see attached photos and drawings showing examples of our desired project.

We look forward to your consideration of this great Washburn main-street project. We would be very excited to help further enhance the downtown Washburn business community.

Sincerely,

Nate Swiston
WORK ORDER

Date: ____________  
Job Name: WASHBURN'S PHARMACY  

Customer: ____________________________  

Phone: ____________________________  
Order taken by: ____________________________  

JOB DESCRIPTION

- DARK BRONZE/CLEAR ANODIZED  
- THERMAL ALUMINUM FRAMES  
- 1" INSULATED TEMPERED GLASS  
- BUILT-UP METAL FOR CORNERS  

LABOR/TRANSPORTATION/DISPOSAL  

EST. 2,400 sq. ft.  

Date Completed: ____________  
Date Invoiced: ____________  
Total Invoice: ____________
Schrufnagel Glass  
1318 West Lake Shore Drive  
Ashland, WI 54806  
(715) 682-9633 / Fax (715) 682-9463  
Fed. ID# 391529177

Washburn Hardware  
110 W Bayfield St  
Washburn, WI 54891

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<tr>
<td>1</td>
<td>KAWNEER</td>
<td></td>
<td>Storefront replacement/1&quot; insulated glass/Alum. fr</td>
<td>5800.00</td>
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<tr>
<td>1</td>
<td>LABOR</td>
<td></td>
<td>Labor Charge/travel/materials/disposal</td>
<td>2400.00</td>
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trim may end up costing slightly more depending on how we incorporate existing trim

SPECIAL INSTRUCTIONS

Pharmacy store front

All material sold on this invoice is guaranteed to be as specified, and is not safety glazed material unless so marked. It is sold with the understanding that this material will not be glazed in a "hazardous location" as defined by the Consumer Product Safety Commission. All merchandise returned for credit, refund or exchange must be in resalable condition, authorized for return, accompanied by this receipt, and may be subject to restocking fee. No returns will be authorized for special orders or cut flat glass.

Terms of payment are 30 days from invoice date. A service charge of 1.500% per month (18.000% annum) will be added to past due accounts.

Subtotal | 5800.00
Labor    | 2400.00
Tax      | 451.00
Total    | 8651.00

Balance  | 8651.00

RECEIVED BY:  
The glass listed has been replaced / repaired with like kind and quality to my entire satisfaction, and I authorize my Insurance Company to pay the "Above named Repair / Glass Company" directly for the glass and installation charges, or repairs.
ESTIMATE
REBUILD WINDOW SUPPORTS FOR
BROWNSTONE PHARMACY
PRIOR TO NEW WINDOW INSTALLATION

Nate,

Here is what I came up with for the front of the pharmacy;

- remove existing faux brick and other backing layers down to original exterior sheathing.
- replace any rotten sheathing.
- apply felt paper to exterior sheathing
- lay new brick veneer bellow windows with required brick ties and weep holes.
- top course of brick will be a canted row lock if the new brick veneer face is outside the face of the new windows.

Estimated cost: $4500.00

Respectfully,

Tim Schwenzfeier
Calvin’s Construction, Inc.
76805 Hove Lane
Washburn, Wi
calvinsconstuctioninc@gmail.com
715 685 4636
To: Plan Commission Members
From: Scott J. Kluver, Administrator
Re: Site Plan and Architectural Review for Revised Family Dollar Plans
Date: June 12, 2018

Enclosed you will find revised plans from Sorensen Development, Inc. for a proposed Family Dollar store to be located in the 400 Block of the south side of Bayfield Street. These plans address the reasons for which the site plan was denied last month. Those reasons are also attached for your reference. Please note that not all of the reasons that were stated at last month’s meeting were determined to be valid after review by the City Attorney and myself. With the revised plans, I believe that the proposed plans have complied with all of the provisions of the code and that there are no valid reasons for denial. In the interests of avoiding too much paper, I have not included the entire review that was provided last month as no issue was made with most of what was provided. If you need a copy of last month’s materials, please contact me so that can be prepared. This packet focuses on correcting the issues from last month’s plan.

The only area which is subjective in this review is related to the relative size of the building compared to other neighboring buildings. You will see statistical analysis which show that the proposed building is not significantly larger than other buildings in the same district. It is not the largest building in that district, and if a more restrictive standard is going to be applied, we will need to carry that forward to future development proposals. That would be a mistake in my opinion, as it will not help to increase development in Washburn. The C-2 district is defined in our own code as “This district is intended to accommodate a wide range of large and small scale commercial development including both pedestrian and auto-oriented land uses, including intermixed higher density residential uses.” I do not see anything with this proposed development that is contrary to the intended vision of this district in the zoning code or in the comprehensive plan.

I do want to address what I believe is a misconception with many related to the orientation of the building as it faces 4th Avenue. It is my understanding that the entrance is off of 4th Avenue because the Wisconsin Department of Transportation will not allow a new access onto STH 13 at this location. The developers would like to have their store face the vehicular entrance for the ease of their customers, and because the orientation of the building allows for the proper turn radius for the delivery trucks. It is the most efficient use of the property. There is nothing in the City’s code that prohibits, or requires, that the building face Bayfield Street as it is a corner lot. Our code defines the front of the building as the side where entrance to

The City of Washburn is an equal opportunity provider, employer, and lender.
the property is located, so that is how the design standards are applied when it comes to the front face of the building.

I understand that there are many who have objections to the Family Dollar business model and perhaps for other personal reasons. It is the role of the Plan Commission to fairly and objectively apply the code of the City to regulate land use to all without having political factors influence these decisions. Approving site plans is an authority that has been delegated by the City Council, and it is an authority that needs to continue to be used responsibly. Failure to appropriately use that authority could cause the Council to take that authority away, which is something that would go against the years of work that has gone into the zoning code. I encourage the members to remember the reputation of the City when it comes to development projects. It is a reputation that certainly is not viewed favorably by many. As anyone who has done building projects knows, it takes are great amount of time and investment to prepare plans and all of the details that go along with it. It is important that we are also respectful to those that desire to invest in Washburn. There are so many other projects that are at stake with our reputation which are vital to the well-being of the City and the desire of the citizens to provide good services. While the proposed development may not be favored by some, it is not our role to play favorites or decide who gets to build in Washburn because of what they sell or how their business is structured. It is our role to make sure that everyone follows the code that has been approved fairly and properly. I submit to you that Sorensen Development, who along with their consultant Mountain Engineering, have been most cooperative in meeting the standards the City currently has in place.
June 6, 2018

Scott Kluver
City of Washburn
P.O. Box 638
Washburn, WI 54891

RE: Family Dollar Store
Washburn, Wisconsin

Dear Mr. Kluver:

On behalf of Sorensen Development, Inc., Mountain Engineering, Inc. would like to provide the City of Washburn with revised project drawings for the proposed Family Dollar Store to be located on the corner of South 4th Avenue and Bayfield Street. The drawings were revised to address the items listed in the June 5, 2018 email to our office regarding the Architectural Review Decision.

In direct response to the June 5, 2018 email, Mountain Engineering, Inc. offers the following:

1. Attached to this letter is a summary of the statistical analysis conducted to evaluate the scale of the building. It should be noted that the statistical method is more of a procedure versus a math problem, so we have laid out the steps so that the data and methods could be checked.

2. It is our understanding that you believe that the architectural elements now comply with the ordinance.

3. The lighting plan has been revised to comply with the ordinance. Review of the lighting schedule will indicate that a total of 78,513 lumens is proposed, which is well below the ordinance limit.

Commercial, Municipal, and Residential Engineering Design, Inspection and Surveying
June 6, 2018
Scott Kluver
City of Washburn
RE: Family Dollar Store
Washburn, Wisconsin

Page 2 of 2

We appreciate your review and past approvals and we believe that attached plans meet all the conditions required of your ordinance. We would very much like to receive approval at the June 21, 2018 Plan Commission Meeting. If there is any additional information or discussion that is required to achieve approval at the next meeting, please contact us immediately. Otherwise we look forward to your approval.

Sincerely,
MOUNTAIN ENGINEERING, INC.

[Signature]

Charles J. Meyer, P.E.
President

Commercial, Municipal, and Residential Engineering Design, Inspection and Surveying
June 6, 2018

Family Dollar Store
Washburn, Wisconsin

BUILDING SCALE STATISTICAL ANALYSIS

1. Background

   Article 8-183(1) of the Washburn Zoning Code indicates that the scale of a building shall be compatible with the overall massing and the individual parts of adjacent buildings.

   This has been interpreted as footprint of the building shall not be significantly different in the footprint area than those other buildings in the area.

2. Analysis Method

   The proposed Family Dollar Store is located in a C-2 zoning district. A total of 21 buildings were identified in the same zoning district, ranging in size from 821 square feet to 9687 square feet. The proposed Family Dollar Store will not be the largest building in this C-2 zoning district.

   To evaluate whether the proposed Family Dollar Store is significantly different in size from the other buildings in the zoning district, the building data was analyzed using the t-distribution. This is a proven, proper, and unbiased statistical method used to evaluate data sets less than 30 points.

   Using the mean (average) and standard deviation of the buildings, a “t” value can be calculated and compared to the t-distribution to determine significant differences in an unbiased and reproducible method.

   The “t” value is calculated with the following formula:

   \[ t = \frac{\text{data point} - \text{mean}}{\text{standard dev.}/\sqrt{\text{square root of the number of data points}}} \]
3. Statistical Analysis

The name, size, “t” value, mean, and standard deviation of the 21 buildings identified in the C-2 Zoning district is listed below.

**Zoning District C-2 Summary All Buildings**

<table>
<thead>
<tr>
<th>Building</th>
<th>Areas</th>
<th>sqft</th>
<th>&quot;t&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>401 Bayfield</td>
<td>2002</td>
<td>sqft</td>
<td>-1.630</td>
</tr>
<tr>
<td>U.S. Post Office</td>
<td>4579</td>
<td>sqft</td>
<td>2.889</td>
</tr>
<tr>
<td>409 Bayfield</td>
<td>2115</td>
<td>sqft</td>
<td>-1.428</td>
</tr>
<tr>
<td>415 Bayfield</td>
<td>1233</td>
<td>sqft</td>
<td>-3.006</td>
</tr>
<tr>
<td>431 Bayfield</td>
<td>1772</td>
<td>sqft</td>
<td>-2.041</td>
</tr>
<tr>
<td>Washburn DPW</td>
<td>8282</td>
<td>sqft</td>
<td>0.609</td>
</tr>
<tr>
<td>North Coast Coffee</td>
<td>1548</td>
<td>sqft</td>
<td>2.442</td>
</tr>
<tr>
<td>511 Bayfield</td>
<td>857</td>
<td>sqft</td>
<td>3.670</td>
</tr>
<tr>
<td>527 Bayfield</td>
<td>1080</td>
<td>sqft</td>
<td>3.200</td>
</tr>
<tr>
<td>South Shore Brewery Tap House</td>
<td>9687</td>
<td>sqft</td>
<td>12.124</td>
</tr>
<tr>
<td>Marx Motors</td>
<td>1847</td>
<td>sqft</td>
<td>1.907</td>
</tr>
<tr>
<td>Bill's Collision Center</td>
<td>6888</td>
<td>sqft</td>
<td>2.114</td>
</tr>
<tr>
<td>617 Bayfield</td>
<td>1550</td>
<td>sqft</td>
<td>2.439</td>
</tr>
<tr>
<td>Holiday Gas Station</td>
<td>5116</td>
<td>sqft</td>
<td>3.943</td>
</tr>
<tr>
<td>623 Bayfield</td>
<td>1063</td>
<td>sqft</td>
<td>3.510</td>
</tr>
<tr>
<td>631 Bayfield</td>
<td>2171</td>
<td>sqft</td>
<td>-1.327</td>
</tr>
<tr>
<td>Auto Spa Carwash</td>
<td>3872</td>
<td>sqft</td>
<td>1.717</td>
</tr>
<tr>
<td>706 Bayfield</td>
<td>1194</td>
<td>sqft</td>
<td>3.070</td>
</tr>
<tr>
<td>703 Bayfield</td>
<td>821</td>
<td>sqft</td>
<td>3.743</td>
</tr>
<tr>
<td>707 Bayfield</td>
<td>1769</td>
<td>sqft</td>
<td>2.047</td>
</tr>
<tr>
<td>713 Bayfield</td>
<td>1721</td>
<td>sqft</td>
<td>2.133</td>
</tr>
</tbody>
</table>

Mean: 2913 sqft
Standard Deviation: 2561 sqft

Using a Level of Confidence of 99%, the t-distribution provides a number of plus or minus 2.845, for n-1 degrees of freedom. Calculated “t” values that are greater than 2.845 or less than -2.845 are considered significantly different. The values found to be significantly different are shaded in red. As can be seen, 11 of the 21 buildings are considered significantly different in scale from those in the same zoning district.
Using all structures in the C-2 Zoning District, for the statistical analysis, does not appear correct as over 50% of the structures are out of compliance with regards to scale.

The analysis was conducted again using only commercial buildings in the zoning district. The results are summarized below.

**Zoning District C-2 Summary Commercial Buildings**

<table>
<thead>
<tr>
<th>Buildings</th>
<th>Areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>U.S. Post Office</td>
<td>4579 sqft</td>
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<td>6888 sqft</td>
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<tr>
<td>Holiday Gas Station</td>
<td>5116 sqft</td>
</tr>
<tr>
<td>Auto Spa Carwash</td>
<td>3872 sqft</td>
</tr>
</tbody>
</table>

Average 5227 sqft  
Standard Deviation 2908 sqft

Using a Level of Confidence of 99%, the t-distribution provides a value of plus or minus 3.499, for n-1 degrees of freedom. Values that are greater than 3.499 are considered significantly larger. Values found to be significantly different are shaded in red above. As can be seen, one building has been identified as being significantly larger in scale from those in the same zoning district.

Using the analysis of all commercial structures appears to be a better comparison for buildings located in the C-2 Commercial Zoning District.

4. Evaluation of Family Dollar Store

The "t" value for the proposed Family Dollar Store was calculated using the mean and standard deviation of the commercial buildings in the C-2 Zoning District. Using an area of 8320 square feet, a "t" value was calculated at 3.008. This value is less than 3.499, so based on the t-distribution the Family Dollar Store is not significantly larger than all the other commercial building in the C-2 Commercial Zoning District.
City of Washburn Plan Commission

SITE PLAN APPLICATION DECISION

Family Dollar

Filing Date: May 4, 2017
Proper notice of hearing provided: Yes
Hearing Date: May 17, 2017
Applicant Name and Address: Sorenson Development, Inc
108 Stratfort Street
Gwinn, MI 49841

1. Decision: The application for site plan approval is denied.

2. Description of the Proposed Project: The proposed project is to construct an approximately 8,320 square foot Family Dollar store located on south 4th Street and Bayfield Street.

3. Reasons for the Decision:
   a. Effects of the project on traffic safety and pedestrian circulation:

      The zoning administrator’s report and application materials addressed traffic concerns thoroughly. The Plan Commission finds that the proposed traffic control measures are adequate.

   b. Effects of the project on the natural environment:

      The site plan application discusses the efforts made to protect the natural environment by providing screening trees and bushes and maintaining any water-flow off of the property. While there are concerns about the proposed construction’s unnatural siding and large size compared to other buildings, those concerns are addressed in section 3(f), below. The Plan Commission finds that the proposed project’s effect on the natural environment have been adequately addressed.

   c. Effects of the project on surrounding properties:

      The application materials and zoning administrator’s report addressed the proposed project’s impact on surrounding properties. The Plan Commission does not specifically object to the project’s impact on surrounding properties, apart from meeting the requirements discussed in section 3(f), below.

   d. Compliance with the general site design principles enumerated in § 8-163 of the City of Washburn Zoning Code:
City of Washburn Plan Commission

The zoning administrator’s report and the application material addressed the required general site design principles. Based upon no objection to these reports, the Plan Commission finds that the requirements of § 8-163 of the zoning code have been complied with.

e. Compliance with the design principles for parking lots enumerated in § 17-3 of the City of Washburn Zoning Code:

The zoning administrator’s report and the application material addressed the required design principles for parking lots. Based upon no objection to the parking lots as proposed in these materials, the Plan Commission finds that the requirements of § 17-3 of the zoning code have been complied with.

f. Compliance with other applicable requirements contained in of the City of Washburn Zoning Code:

Section 8-183(1) requires that “the scale of the building shall be compatible with the overall massing and the individual parts of adjacent buildings, especially existing and anticipated residential buildings in a residential zoning district or a planned development district that allows residential uses.”

The proposed project is in proximity to the US Post Office (4765 sq. ft.), Patsies (2290 sq. ft.), the Tattoo Shop and attached residence (1580 sq. ft.), Northlakes Clinic Building (1560 sq. ft.), the residence at 401 W. Bayfield St. (1443 sq. ft.), the garage/old Gritty Fish (1350 sq. ft.), and Heidi Kontny’s accounting business (1018.5 sq. ft.). The overall massing of the proposed project would be, on average, 81% larger than the other 6 adjacent buildings. The Plan Commission finds that this disproportionate overall massing weighs in favor of denying the proposed site plan application.

Section 8-183(3) requires that “on any new building constructed for business or manufacturing use, all building exteriors facing a street or approved way shall have 50 percent of the street face constructed with brick, decorative masonry, glass panel, or other appropriate similar finished façade as may be approved by the Plan Commission. Such brick, masonry, glass, or other decorative facing shall extend for a distance of at least 25 feet along the sides of the structure or at least 25 percent of the [sic] side wall distance, whichever is greater.”

The site plan application provides that nearly the entire side wall of the proposed project facing Bayfield Street will be constructed out of 1 1/8” Gauge MBCI AVP Metal Wall panel. Further, the entire rear of the proposed project is to be constructed out of the same metal material. Such material is not compliant § 8-183(3). Since this section is mandatory, that the new building “shall” meet the requirements herein, the application’s failure to meet this requirement is grounds for denying the site plan application.
City of Washburn Plan Commission

Section 8-183(7) requires that "the appearance of a side or rear of a commercial or institutional building shall be the same as or similar to the front of such building when it is readily visible from a public street or an abutting property in a commercial or residential zoning district or a planned development district that allows commercial and/or residential uses."

Similar to the requirements of § 8-183(3), the proposed metal siding on the portion of the building facing Bayfield Street is not the same or similar as the front of the building, which is to be constructed of materials with the appearance of masonry and/or stone. Since this section is mandatory, that the side of the building "shall" be the same or similar in appearance to the front, the application's failure to meet this requirement is grounds for denying the site plan application.

Article 19, Table 19-1, provides that the maximum lighting levels for commercial developments in the Zone 1 Lighting District shall not exceed 100,000 lumens per acre. The proposed lighting plan incorrectly states that the lot for this project is 1.92 acres. The proposed project is on a .8 acre lot. Therefore, the maximum allowable lumens for the project would be 80,000 lumens. The proposed lighting plan provides for a total of 112,153 projected lumens, which exceeds the maximum allowable by 32,153 lumens. Accordingly, the proposed lighting plan for this project does not conform to the requirements of Article 19.

g. Any other factor that relates to the purposes of the of the City of Washburn Zoning Code as set for in § 1-5 therein or as allowed by state law:

Section 1-5(a)(1) provides that the purpose of the zoning code is, inter alia, to "implement the goals, objectives, and policies of the city's comprehensive plan to the greatest extent practicable." The City's comprehensive plan emphasizes the city's goal to promote development that preserves and accommodates the natural environment (pp. 3-13; 7-34), preserves and fosters the historic character of the city (pp. 2-10; 7-30); and enhancing the appearance of uses along Bayfield Street (p. 3-11). The development guidelines established in the zoning code were created to implement the vision of the comprehensive plan. The Plan Commission finds that failing to follow these development guidelines and to allow the construction of the project as proposed, specifically with the large metal side of the building facing Bayfield Street, would be contrary to many of the goals as stated in the Comprehensive Plan and weighs in favor of denying the site plan application.

4. This denial does not in any limit the applicant's ability to resubmit a revised application for consideration before the Plan Commission.
City of Washburn Plan Commission

5. This decision may be appealed to a court of competent jurisdiction as provided in § 68.13, Wisconsin Statutes.

Dated: May 24, 2016

By: [Signature]
Scott J. Kluver, Zoning Administrator
On behalf of the City of Washburn Plan Commission
City of Washburn Plan Commission

ARCHITECTURAL REVIEW DECISION

Family Dollar

Filing Date: May 4, 2017
Proper notice of hearing provided: Yes
Hearing Date: May 17, 2017
Applicant Name and Address: Sorenson Development, Inc
108 Stratfort Street
Gwinn, MI 49841

1. Decision: The application for architectural review is denied.

2. Description of the Proposed Project: The proposed project is to construct an approximately 8,320 square foot Family Dollar store located on south 4th Street and Bayfield Street.

3. Reasons for the Decision:
   a. Section 8-183(1)

   Section 8-183(1) requires that "the scale of the building shall be compatible with the overall massing and the individual parts of adjacent buildings, especially existing and anticipated residential buildings in a residential zoning district or a planned development district that allows residential uses."

   The proposed project is in proximity to the US Post Office (4765 sq. ft.), Patsies (2290 sq. ft), the Tattoo Shop and attached residence (1580 sq. ft.), Northlakes Clinic Building (1560 sq. ft.), the residence at 401 W. Bayfield St. (1443 sq. ft.), the garage/old Gritty Fish (1350 sq. ft.), and Heidi Kontny’s accounting business (1018.5 sq. ft.). The overall massing of the proposed project would be, on average, 81% larger than the other 6 adjacent buildings. The Plan Commission finds that this disproportionate overall massing weighs in favor of denying the proposed application.

   b. Section 8-183(3)

   Section 8-183(3) requires that "on any new building constructed for business or manufacturing use, all building exteriors facing a street or approved way shall have 50 percent of the street face constructed with brick, decorative masonry, glass panel, or other appropriate similar finished façade as may be approved by the Plan Commission. Such brick, masonry, glass, or other decorative facing shall extend for a distance of at least 25 feet along the sides of the structure or at least 25 percent of the [sic] side wall distance, whichever is greater."
City of Washburn Plan Commission

The application provides that nearly the entire side wall of the proposed project facing Bayfield Street will be constructed out of 1 1/8" Gauge MBCI AVP Metal Wall panel. Further, the entire rear of the proposed project is to be constructed out of the same metal material. Such material is not compliant § 8-183(3). Since this section is mandatory, that the new building “shall” meet the requirements herein, the application’s failure to meet this requirement is grounds for denying the application.

c. Section 8-183(7)

Section 8-183(7) requires that “the appearance of a side or rear of a commercial or institutional building shall be the same as or similar to the front of such building when it is readily visible from a public street or an abutting property in a commercial or residential zoning district or a planned development district that allows commercial and/or residential uses.”

Similar to the requirements of § 8-183(3), the proposed metal siding on the portion of the building facing Bayfield Street is not the same or similar as the front of the building, which is to be constructed of materials with the appearance of masonry and/or stone. Since this section is mandatory, that the side of the building “shall” be the same or similar in appearance to the front, the application’s failure to meet this requirement is grounds for denying the application.

d. Article 19, Table 19-1

Article 19, Table 19-1, provides that the maximum lighting levels for commercial developments in the Zone 1 Lighting District shall not exceed 100,000 lumens per acre. The proposed lighting plan incorrectly states that the lot for this project is 1.92 acres. The proposed project is on a .8 acre lot. Therefore, the maximum allowable lumens for the project would be 80,000 lumens. The proposed lighting plan provides for a total of 112,153 proposed lumens, which exceeds the maximum allowable by 32,153 lumens. Accordingly, the proposed lighting plan for this project does not conform to the requirements of Article 19.

4. This denial does not in any limit the applicant’s ability to resubmit a revised application for consideration before the Plan Commission.

5. This decision may be appealed to the Common Council of the City of Washburn within 30 days of receipt of this decision by filing a written statement of appeal stating the grounds for such appeal.

Dated: May 24, 2014

By: Scott J. Klover, Zoning Administrator
On behalf of the City of Washburn Plan Commission
Dear Mr. Meyer:

Your re-submitted site plan has been reviewed for the changes that have been made. Please note the comments referencing your June 1, 2018 letter to me:

1. In item number one, you reference a statistical analysis using the t-distribution for small data sets. I request that you “show your math” so that we may better understand the argument that you are using here. I believe that it may also add strength to your argument if in fact the calculations are correct and the actual calculations are shown.

2. In reference to the architectural elements related to the exterior appearance of the building, I believe that the revisions now comply with the requirements.

3. In reference to the lighting plan, it is my judgement that it does not comply with the maximum lighting levels in figure 91-1 of the Outdoor Lighting section of the zoning code. In that provision, the maximum lighting level allowed is 100,000 lumens per acre. Based on Bayfield County Land Records information, the subject property is 35,000 square feet (200 feet by 140 feet), which translates to .80349 acres, which therefore means 80,349 lumens are allowed. You have asked for a “waiver” of this provision. Note 8, below Table 19.1, states that “Pursuant to the procedures and requirement in article 7, the Plan Commission may approve a special exception to allow an increase of no more than 5 percent when needed to ensure public safety.” If the Plan Commission was willing to grant this provision, the maximum lumens that could be allowed for this project is 84,366. This is still well below your desired 130,253 lumens. There is no other “waiver” provision that the Plan Commission can take regarding this issue and remain legal.

Given this, it is my strong recommendation that the site plan be modified to comply with the this provision. It is my belief that even at 80,349 lumens, this will be one of, if not the, most well-lit buildings in the City of Washburn. If safety is a concern, I can arrange for you to speak with our Chief of Police to help discuss any safety concerns/crime rates in the City of Washburn. If you have not already done so, please consider the ambient lighting the north side of the property gets from the City's street lights in the vicinity.

If this is not satisfactory, the only other options that I see are to: 1) obtain control of additional land in order to increase the acreage of the property and therefor the allowable lumens or 2) petition for an amendment to the zoning code on this provision. I can only speculate that option 1 may be difficult; however, there is some additional land that Mr. Maloof does own on the south side of the alley. As for option 2, the Plan Commission may not have a favorable recommendation on this provision; however, the ultimate decision on such an amendment would be made by the City Council. I do not care to speculate as to what type of reception such a request would receive from the Council at this time.

Scott Kluser
City of Washburn
when the developer presents an exceptional project that exceeds minimum requirements for protecting natural resources. New lots that are not served by public sanitary sewer will have a minimum lot size of 1.5 acres.

Commercial Districts

(5) Cottage Commercial (C-1) district. This district is primarily intended to accommodate small-scale commercial businesses (5,000 square feet or less) intermixed with residential uses, including single-family residential, two-family residential, and multi-family residential. Development standards are designed to ensure that commercial uses are compatible in appearance and character with the surrounding residential uses.

(6) General Commercial (C-2) district. This district is intended to accommodate a wide range of large- and small-scale commercial development including both pedestrian- and auto-oriented land uses, including intermixed higher density residential uses. Although there are requirements for providing green space within new development projects, the overall standards in this district are intended to provide significant incentives for infill development, redevelopment, and the continued economic viability of existing development.

(7) Downtown Commercial (C-3) district. This district is primarily intended to accommodate and create a high level of employment and business activity consisting of large- and small-scale use. This district hosts businesses that support the needs of tourists and also the needs of City residents. Retail operations and specialty stores are common along with indoor attractions. Although professional services are allowed, they are less common. Sidewalk cafes are common during the warmer months of the year. There is a balanced mix of one and two-story buildings. The wide range of permissible use and development standards are intended to provide significant incentives for infill development, redevelopment, and the continued economic viability of existing development. Where this district abuts a residential district, appropriate screening and landscaping will be provided to lessen associated impacts. Residential uses can occur in this district primarily on the upper levels of buildings. Parking is available on the street and in nearby public parking lots and garages. Given the intensity of development in this district, there are no on-site landscaping requirements, except in parking lots fronting on Bayfield Street. This district is strictly limited to the central city locations.

Mixed-Use Districts

(8) Mixed-use Waterfront (MUW) district. This district is intended to accommodate a mix of commercial, residential, and public recreational uses in a master planned setting. This district is intended to be an attractive, pedestrian-oriented area where people can live, work, and play. New buildings in this area will have a residential appearance consistent with the vernacular architecture of Washburn. Typical uses include retail shops, galleries, studios, professional offices, and residential uses generally on upper floors.

Special Purpose Districts

(9) Lakefront (L-1) district. This district is intended to include those properties in public ownership on or near Lake Superior.

(10) Marina (M) district. This district is intended to accommodate those uses normally found in a public marina including maintenance facilities, indoor and outdoor boat storage, and related support services. The establishment of new areas with this zoning classification is not anticipated, except for an area of the coal dock.

Industrial Districts

(11) Industrial (I-1) district. This district is intended to accommodate warehousing, a range of sales and service establishments, and manufacturing.

(b) Planned Development District (PDD). Planned development districts are a special type of zoning district and are initially proposed by a developer to account for a desired mix of uses that are permitted in one or more of the zoning districts. Each district is unique and therefore has its own set of development standards that are documented in the general development plan, and associated development agreement. If any, PDD districts are to be numbered sequentially (i.e., PDD-1, PDD-2, etc.)

(c) Overlay zoning district. In addition to the base zoning districts and planned development districts described in this section, the following overlay zoning districts are established to account for unique conditions or requirements: