

CITY OF WASHBURN
119 Washington Avenue
P.O. Box 638
Washburn, WI 54891



Administrator

15-11161 50
715-373-6161
FAX 715-373-6148

NOTICE OF PLAN COMMISSION MEETING

DATE: Thursday, November 15, 2018

TIME: 5:30 P.M

PLACE: Washburn City Hall

AGENDA:

- Call to Order
- Roll Call
- Approval of Minutes – October 18, 2018
- Discussion & Recommendation on Request to Vacate the Alley in Block 6 of Vaughn and Austrian Addition to the Townsite of Washburn adjacent to Lots 19 and 20, Stephanie Arntsen – Petitioner
- Discussion & Action on Plan Commission Resolution 18-001 to Amend the Comprehensive Plan Land Use Map to Change Land Use Districts for Boat Storage Buildings Near the Washburn Marina – Washburn Harbor Commission, Petitioner
- Plan Commission Will Visit the Site of South Shore Brewery at 532 W. Bayfield Street. This Site Visit Will Allow for the Members to Engage in Discussion and Pose Questions Related to a Potential Future Zoning Code Amendment to Allow for an Enlarged Structure on the Site and also Potential Site Development Standards. No Final Decisions Shall be Rendered During this Meeting.
- Adjourn

October 18, 2018
5:30pm Washburn City Hall

CITY OF WASHBURN PLAN COMMISSION MEETING

COMMISSION MEMBERS: Dave Anderson, Richard Avol, John Baregi, John Gray, Leo Ketchum-Fish, Jeremy Oswald, Adefine Swiston.

ABSENT

MUNICIPAL PERSONNEL: Scott Kløver-City Administrator, Tammy DeMars-City Treasurer/Deputy Clerk

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

Approval of Minutes – September 20, 2018 – Moved by Gray to approve minutes of September 20, 2018 as presented, second by Swiston. Motion carried unanimously.

Moved by Swiston to open floor to public hearing, second by Baregi. Motion carried unanimously.

Public Hearing(s)

- 1) Discussion and Recommendation on Conditional Use Request for Community Childbearing Center and Tourist Rooming House – Operate a Child Bearing Center in Accordance with the Regulations of 8-279 and a Tourist Rooming House in Accordance with the Regulations of 8-294 out of the Property Located at 418 W. Pine Street – Dr. Erin Tenney, Petitioner – Tony Jennings present to represent Dr. Tenney. Roger Roswig, 423 W. Pine St., voiced support for the idea, but concerns for parking. Ketchum-Fish points out they have four (4) off street parking spaces and that is what is required by ordinance. This property only has enough room for two (2) parking spaces, but Ms. Tenney also owns the property next door and that could also accommodate two spaces, combined it would meet the four (4) spaces required. Baregi also voices concern that parking may be an issue as the application states she will also have meetings and workshops, with only four (4) parking spaces it could be a problem. According to one of Dr. Tenney's employees there could be 5 to 10 people at a work shop and they could last from an afternoon to a weekend. Ketchum-Fish argues they are following the ordinance so there is nothing we can do about it. Oswald suggest that they may be able to use the Northern Great lakes parking lot for overflow. Jennings assured the Commission they would be mindful of their neighbors and talk with their guest about the parking so they are not blocking others. Karen Gurski also contacted Avol to voice her and Charles support for Dr. Tenney. Division 3 section 7-55 Bases of decision (1) size of the parcel is acceptable, 2) use is compatible, 3) location of the property is compatible 4) traffic issues have been addressed, 5) it is a suitable use, 6) there is no environmental effects, 7) there are no known potential nuisances, 8) there are no known negative effects to the surrounding properties. Ketchum-Fish moves to recommend approval of the Conditional Use permit for a Community Childbearing Center and Tourist Rooming House – out of the Property Located at 418 W. Pine Street – Dr. Erin Tenney, second by Gray. Oswald questions the condition of the permit requiring the trash cans be hidden from view of the street. Since the trash is picked up in the alley at this house you will not be able to see it from the street and that would meet the screening requirement. Motion carried unanimously.
- 2) Discussion and Recommendation on Conditional Use Request for Tourist Rooming House – Operate Tourist Rooming House in Accordance with Regulations of 8-294 out of the Property Located at 614 N. 3rd Avenue East – Sheryl and Radoslaw Oksimowicz, Petitioners – Sheryl Oksimowicz present. Kløver report there are three (3) bedrooms in this home and adequate off-street parking. We had one written concern from Mary and Jason Bodine, 305 East 7th Street, they are not completely opposed, but would like to be sure that the conditional use permit contain language to terminate the permit if the landowners do not adequately address poor behavior exhibited by guest, and that they have contact information for the manager of the property in case they need to voice a complaint or concern. Kløver did respond to their e-mail and explained that there are provisions in the code to address those types of issues. Ms. Oksimowicz states has three (3) individuals that will be taking care of the property all living within close proximity to be sure there are no problems. Division 3 section 7-55 Bases of decision (1) size of the parcel is acceptable, 2) use is compatible, 3) location of the property is compatible 4) traffic issues have been addressed, 5) it is a suitable use, 6) there is no environmental effects, 7) there are no known potential nuisances, 8) there are no known negative effects to the surrounding properties. Ketchum-Fish moves to recommend approval of the Conditional Use permit for a Tourist Rooming House – out of the Property Located at 614 N. 3rd Ave. East, Cheryl and Radoslaw Oksimowicz, second by Anderson. Oswald questions the need for screening of the trash cans, Ms. Oksimowicz states the cans are kept behind the garage until collection day. Kløver, this is a standard clause in our conditional use permits, and it's really is meant to insure properties that have dumpsters that are not easily movable are screened from public view, most people do not leave trash cans on the street. Motion carried unanimously.

Discussion and Action on Architectural Review and Façade Loan Application for 118 W. Bayfield St. (ABC Thrift Store) – Carol Lindsey, Petitioner – Carol Lindsey in attendance. Ms. Lindsey is requesting a façade loan in the amount of \$10,000.00 for improvements to the ABC Thrift Store building located at 118 W. Bayfield St. The project will consist of replacing the wood awnings with canvas awnings, tuck point the brick, paint and carpet the entrance and install exterior lighting. Kløver reports the application meets all the requirements of the program. Discussion. Moved by Ketchum-Fish to approve the façade loan application of Carol Lindsey in the amount of \$10,000.00 and authorize the City Administrator and City attorney to prepare and execute the necessary loan documents and approve the project, second by Baregi. Motion carried unanimously.

Discussion and Action on Architectural Review for South Shore Brewery, 532 W. Bayfield Street – Eugene Belanger, Petitioner – Mr. Belanger present. Mr. Belanger would like the re-side a portion of the front of his building and replace the door, he would like to extend the brick along the bottom and replace the rotten wood siding with metal to match the rest of the building. Discussion on the type of material that could be used as metal siding is not allowed. Moved by Avol to approve the re-siding with the use of acceptable material like the LP SmartSiding or similar material as allowed by the zoning code, second by Baregi. Motion carried unanimously.

Moved by Oswald to close floor, second by Swiston. Motion carried.

Adjourn – Moved by Oswald to adjourn at 6:13pm, second by Swiston. Motion carried unanimously.

Respectfully Submitted,
Tammy L. DeMars
Treasurer/Deputy Clerk

CITY OF WASHBURN
119 Washington Avenue
P.O. Box 638
Washburn, WI 54891



715-373-6160
715-373-6161
FAX 715-373-6148

To: Honorable Mayor and City Council Members
From: Scott J. Kluver, Administrator *SK*
Re: Alley Vacating Request Block 6 of Vaughn and Austrian Addition to the Townsite of Washburn, adjacent to Lots 19 and 20
Date: November 2, 2018

Enclosed you will find a request to vacate the remainder of the alley in Block 6 of the Vaughn and Austrian Addition to the Townsite of Washburn. The petitioner was in the process of selling her house (Lot 19) when she ran into issues with the title company. As you can see on the map, the garage is encroaching on neighboring properties and is on the City alley.

Know that the existing garage was placed at that location many decades ago. In 1980, the church requested that the alley be vacated. That was done except for the portions adjacent to two lots subject to this petition. The then property owner of the house objected to completely vacating the alley because it would have cut off legal access to the garage. Unfortunately, they did not address the encroachment issue at the time and under today's standards, this is a red flag for the title company. Documentation from the 1980 vacating has been included for reference.

I have no objection to vacating the rest of the alley at this location as long as the access issue is addressed. My understanding is that the petitioner and the church are in negotiation for the sale of Lot 20 which would satisfy the access issue. This would need to be done before final approval of the vacating would be given. The encroachment issue will not be the City's concern.

At this time, a copy of the recorded petition of the intent to vacate is outstanding; however, I will be working with the petitioner to get this done. In addition, there are power lines in the area, so utility easements will need to be maintained for this vacating in the final resolution.

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. 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):

remaining 80 ft. that was not vacated in 1980 when
partial vacation done from Washington Ave. West 7th St. to 3rd Ave.
West.

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:

St. Louis Cath. Church lots # 1, 2, & 20 Vaughn and Austrian addition
to town site of Washburn block 6 and Vol. 773 pg. 238 1503.

Stephanie Arntsen lot # 19 Vaughn and Austrian addition to town site
of Washburn block 6 and Vol. 773 pg. 238 1503

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

1. St. Louis Catholic Church 713 Washington Ave.
Washburn, WI 54891

2. _____

3. _____

4. _____

5. _____

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. _____
- 6. _____

- 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 _____ day of _____, 20_____.

CIRCULATOR OF THIS PETITION:

Stephanie Arntsen
(Signature)

Please Print Below:

Stephanie Arntsen
Name of Petitioner

227 W. 7th St. Washburn, WI 54891
Address

715-209-3010
Telephone

STATUS (Check Below):

Property Owner _____ Option Holder _____ Owner's Authorized Agent
 Contract Purchaser

CO-PETITIONER (If Any):

Rev. Kevin M Gordon
Signature

Please Print Below:

Rev. Kevin Gordon
Name

St. Louis Church, PO BX 70, Washburn, WI 54891
Address

715-373-2676
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.

ERROR - " 20075

Should be (3rd
THIRD)
Avenue West,
Not (5th)
Fifth as
Tipped

336893

REGISTERS OFFICE } SS
Eau Claire County Wis.

RECORDED AT 3:20 P.M.

ON NOV 14 1980

Vol. 346 of Rec. Page 12

CERTIFICATE

Otto Korpela

REGISTER OF DEEDS

This is to certify that the Common Council of the City of Washburn, meeting in regular session on the 13th day of October, 1980, vacated all of the alley in Block Six (6), Vaughn & Austrian's Addition to the City of Washburn, between Fifth Avenue West and Washington Avenue, except the West 80 feet.

Dated this 10th day of November, 1980.

Wayne O. Lowe, Sr.
Wayne O. Lowe, Sr., City Clerk

CITY OF WASHBURN

NOV 14 1980

CITY OF WASHBURN

PO BOX 638
WASHBURN, WI 54891

Receipt Nbr: 27227
Date: 11/01/2018
Check

RECEIVED FROM STEPHANIE ARNTSEN

\$250.00

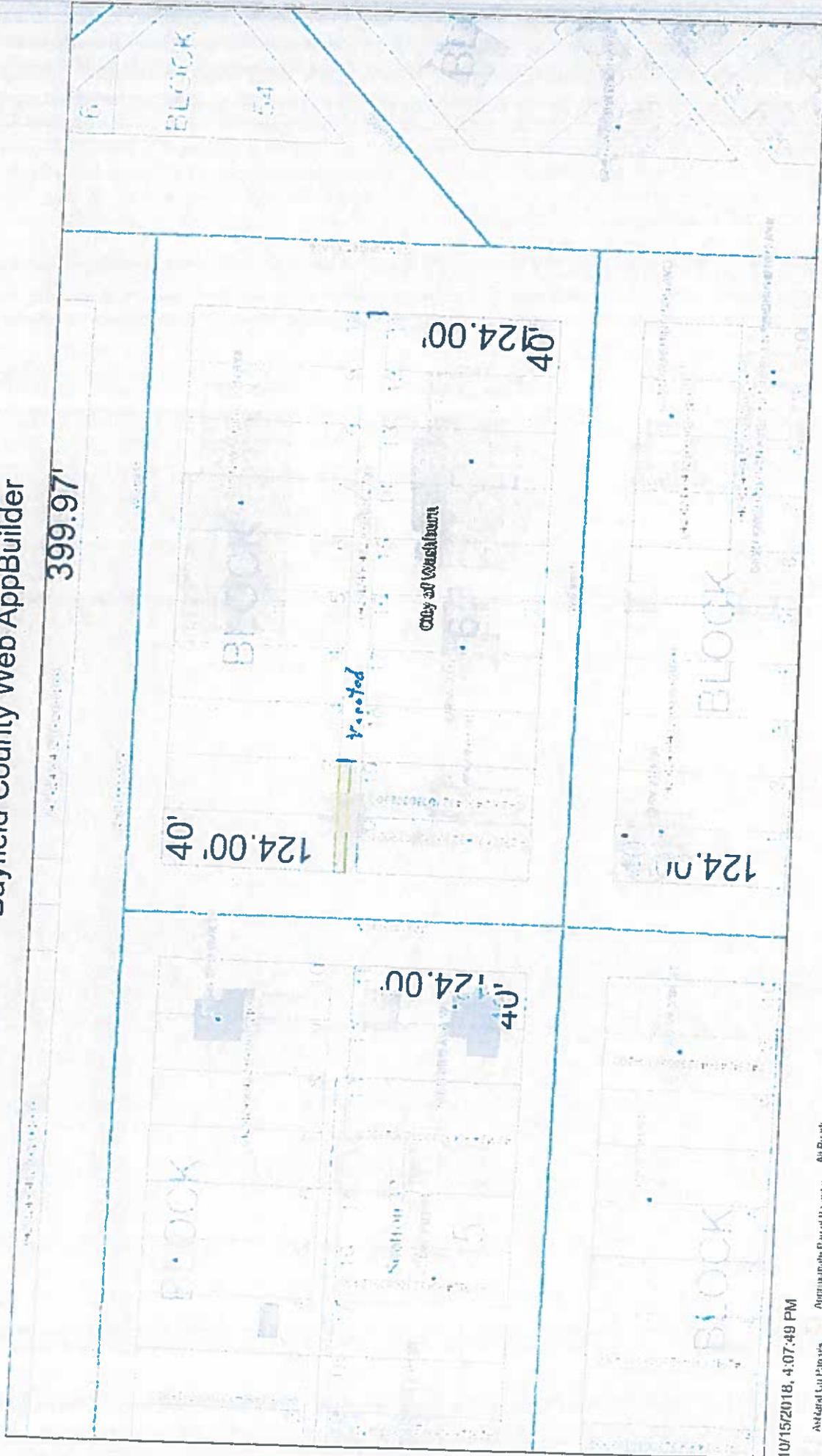
<u>Type of Payment</u>	<u>Description</u>	<u>Amount</u>
Accounting	VACATING FEES	250.00
	VACATING APPLICATION-ARNTSEN	
TOTAL RECEIVED		250.00

Stephanie Arntsen
227 W. 7th St.

715 209-3010

Bayfield County Web AppBuilder

399.97'



10/15/2018, 4:07:49 PM

Hybrid Parcel Outline 2015

<input type="checkbox"/> All Rights	<input type="checkbox"/> Unincorporated	<input type="checkbox"/> Unincorporated Map
<input type="checkbox"/> Municipal Boundary	<input type="checkbox"/> County	<input type="checkbox"/> Rerouted Map
<input type="checkbox"/> Section Lines	<input type="checkbox"/> Town	<input type="checkbox"/> Corner Tie Sheeh
<input type="checkbox"/> Unincorporated Lot	<input type="checkbox"/> Section Corner Monument in File	<input type="checkbox"/> Section Corner Monument Referenced in Survey
<input type="checkbox"/> Municipal Boundary	<input type="checkbox"/> Section Corner Monument in File	<input type="checkbox"/> Section Corner Monument Referenced in Survey
<input type="checkbox"/> Half City Intersection Boundary	<input type="checkbox"/> Section Corner Monument in File	<input type="checkbox"/> Section Corner Monument Referenced in Survey

0 0.01 0.03 0.06 km

Hybrid Parcel Outline 2015

SEPTEMBER 8, 1980 COMMON COUNCIL PROCEEDINGS

Monday Evening, 7:00 P.M., City Hall Building

Present:

Full Councilor Board

Harry B. Johnson
Richard W. Gorman
Josephine A. McGowan
Ellsworth O. Embertson
Mark A. Landergeran
Laverne R. Anderson

Municipal Personnel

James P. Mattson	Mayor
Robert M. Sporns	City Attorney
Donald H. Bratley	Street Commissioner
Mary K. Fitzgerald	Park & Recreation Director
Gail L. Syvord	Senior Citizen Director
Gary W. Bratley	Chief of Police
Wayne O. Lowe, Sr.	City Clerk

The regular monthly session called to order by Mayor Mattson, attendance roll call action recorded the above City officials on hand.

Moved by Anderson, seconded by Gorman, accepting the minutes of the 8/11/80 meeting as published. Motion carried by a unanimous vote.

ALLEY VACATING HEARING: Requested 7/14/80 before the Council, reviewed & recommended 7/28/80 by Planning Commission

An application to vacate the alley in Block Six (6) of Vaughn & Austrian's Addition to the City of Washburn, located between Washington and 3rd Avenue West, between 7th and 8th Streets West, advertised 9/8/80 public input.

COMMUNICATION:

9/8/80
City Council

I object to the alley vacation in Block 6, Vaughn and Austrian's Addition to Washburn between 3rd Avenue West and Washington Avenue.

ALICE G. RODKEWICH
JOHN J. RODKEWICH

Mr. Rodkewich was on hand, explaining his garage was located on the alley right-of-way, said roadway not having been opened and used for travel, vacating divides the vacated portion equally between neighboring property owners, as he did not own the land on both sides of the alley meant the garage in part would be located on premises not belonging to him, thus his opposition, notation made that his garage had been so located for many years and was not the issue, respective to the location.

The alley vacating request originated from the St. Louis Church, and as the Catholic Pastor was not on hand for comment, motion made by McGowan, seconded by Embertson, tabling the matter until said clergyman could be present, the issue thus rescheduled until next month's regular monthly session, 10/13/80. Motion carried unanimously. It was possible to vacate only a portion of the alleyway, excluding the garage location on the west side. All interested parties will be notified of the deferment, the Rodkewichs, besides the church, are the only property owners in said block.

ZONING ORDINANCE AMENDMENT: 2ND READING NO. 304 Initial reading 8/11/80 Adding provision for twin ho

No persons appeared to file objection to the final adoption. Moved by Anderson, seconded by Embertson, the adoption, and on roll call being taken, the action carried by a unanimous vote. The amendment will be incorporated in the official Zoning Ordinance.

PARK TRAFFIC CONTROL ORDINANCE: 2ND READING NO. 105 Initial reading 8/11/80 Regulating Orderly Ingre and Exgrea Hours

An open discussion held concerning the subject to review comments expressed by various persons since the first reading advertisement. Police Chief Bratley recommended the matter be temporarily tabled for the time being so further study could be given the issue. Motion subsequently made by Gorman, seconded by Embertson, tabling the Ordinance final passing for more study, the action given roll call and carried unanimously.

The Senior Citizen Director allowed the floor; Mrs. Syvord appeared in reference to a use survey made in conjunction with the proposed transit bus route being initiated via the Wisconsin Department of Transportation between Red Cliff and Odanah. The Director was advocating the municipality to financially support the bus program and explained; details of the survey along with other pertinent information as relating to the bus issue, discussed at length. Audience input acknowledged by the Board. Motion made Gorman, seconded by Embertson, to again take no action; notation made to the effect that the bus will transport passengers from the City of Washburn whether the City participates in the program or not. Not carried by a unanimous vote.

Carol DeMars approached the table voicing a request from the Chamber of Commerce for a permit to disman

JULY 28, 1980 PROCEEDINGS/CORRESPONDENCE Continued

3. The land for the housing units does not have to be purchased thru the City or the County. We can purchase from private individuals, however, it is sometimes difficult to get a large enough piece of land to accommodate the size building necessary unless you can get the cooperation of more than one property owner. In the case of the Flowing Well Apts., we were able to find three adjoining property owners who were willing to sell and, therefore, were able to get enough land on which to build our units.

I hope this information will be of help to you. If there are any further questions, please let me know.

Sincerely,

Karen L. Dickerhoff
Executive Director

ST. LOUIS CHURCH
703 WASHINGTON AVENUE
WASHBURN, WISCONSIN 54891

June 25, 1980

City Council
City of Washburn
Washburn, Wisconsin 54891

Dear Council Members:

On behalf of the Catholic Community of St. Louis Congregation, I am requesting that the alley within Blk No. 6 between West Seventh and West Eighth Streets be vacated. It is my understanding that this has never officially been done, however, it would appear that there are buildings existing for many years on the through-way for the alley.

The vacating of the alley within this block would facilitate any future planning our congregation would have for our facilities.

Your consideration and approval of this request will be greatly appreciated by the Parish Family of Saint Louis.

With kindest regards and best wishes, I remain

Sincerely,

Reverend Brendan J. Kunda,
Pastor

Vaughn & Austrian Addition
Between 3rd Avenue West & Washington Avenue

CITY OF WASHBURN
MUNICIPAL AND UTILITY
WASHBURN, WISCONSIN 54891

July 16, 1980

Mr. & Mrs. John Redkewich
227 West 7th Street
Washburn, Wisconsin 54891

Re: Alley Vacating Request
Block 6, Vaughn & Austrian Addition to Townsite of Washburn
Between 3rd Avenue West & Washington Avenue & Between 7th & 8th Streets West

St. Louis Congregation Lots 1 - 18, Inclusive & Lot 20
John J. & Alice G. Redkewich Lot 19

Dear Mr. & Mrs. Redkewich:

The City of Washburn has received a request, copy attached, for vacating action as stipulated above. Inasmuch as you are property owners within said Block you are being contacted to ascertain your feelings respective to issue. The matter will be referred to the 7/28/80 Planning Commission meeting and if okay by said Board will then be subject to a 9/8/80 public hearing, the vacating proposal will also be advert

It would be appreciated if you would acknowledge at your early convenience.

Please contact City Attorney Robert M. Spears if legal technicalities are desired.

Very respectfully yours,

Wayne O. Lowe, Sr., City Clerk
City of Washburn

cc: Office Dept.
J.P.M. Mayor
R.M.S. City Attorney
B.J.K. Pastor

CITY OF WASHBURN
119 Washington Avenue
P.O. Box 638
Washburn, WI 54891



715-373-6160
715-373-6161
FAX 715-373-6148

To: Plan Commission Members
From: Scott J. Kluver, Administrator ^{SK}
Re: Zoning of Boat Storage Buildings
Date: November 7, 2018

Enclosed you will find a request from the Harbor Commission for the rezoning of the boat storage buildings adjacent to the Washburn Marina from the Mixed Use Waterfront District to the Marina District.

The Marina and the owners of the boat storage buildings have a symbiotic relationship in that they depend upon each other for customers and service.

If this request is to go forward, the first step would be to amend the Comprehensive Plan. A zoning map change process could start if the Comprehensive Plan is amended as the zoning map must be consistent with the land use map.

Please let me know if you have any questions on this matter.

PLAN COMMISSION FOR THE CITY OF WASHBURN, WISCONSIN

Resolution No. 18-001

Request to Amend Washburn's Comprehensive Plan

WHEREAS, the Common Council for the City of Washburn adopted a comprehensive plan on April 9, 2007, pursuant to the requirements set forth in Sections 66.1001(1)(a) and 66.1001(2) of the Wisconsin Statutes; and

WHEREAS, the Common Council has the authority to amend the adopted comprehensive plan and has done so on various occasions; and

WHEREAS, the City of Washburn Plan Commission agrees with the requested changes by the Harbor Commission to the land use map; and

WHEREAS, the City of Washburn Plan Commission considered this resolution at their meeting on November 15, 2018; and

NOW THEREFORE, by a majority vote of the entire commission recorded in its official minutes, the Plan Commission recommends to the Common Council the following:

Section 1: Amend the Chapter 3 Land Use Plan as shown in Exhibit A.

BE IT FURTHER RESOLVED, the City Clerk is directed to send a copy of this resolution to each of the following:

- a. the clerk for Bayfield County;
- b. the clerk of every local government unit that is adjacent to the City;
- c. Wisconsin Land Council;
- d. State of Wisconsin Department of Administration;
- e. Northwest Regional Planning Commission; and
- f. those public libraries that serve the City.

Passed and adopted this 15th day of November, 2018

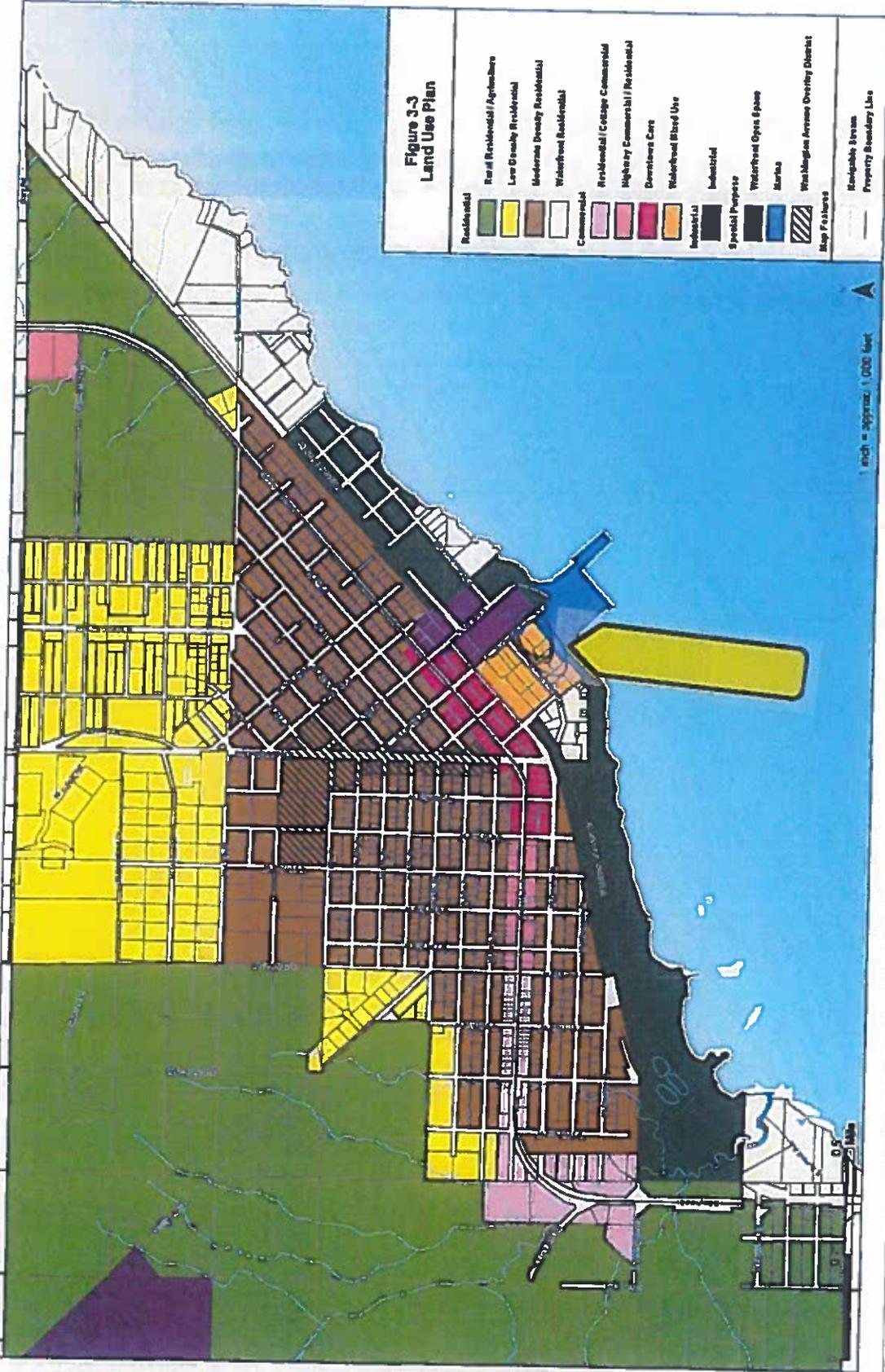
Richard Avol, Plan Commission Chair

STATE OF WISCONSIN)
)
COUNTY OF BAYFIELD)

I hereby certify that the foregoing resolution is a true, correct and complete copy of Plan Commission Resolution #18-001 duly and regularly adopted by the Plan Commission for the City of Washburn on the 15th day of November, 2018.

Scott J. Kluver, City Clerk

Figure 3-2: Land Use Plan



OCTOBER 17, 2018 HARBOR COMMISSION MEETING

5:30 P.M. WASHBURN CITY HALL – 119 N WASHINGTON AVENUE

Commission Members Present: President Carl Broberg, V.P. John Baregi, Bradley Lemire, Mary McGrath, Rodger Reiswig, Nicholas Suminski, and Don Swedberg.

Municipal Personnel Present: Scott Kluver, City Administrator/Clerk, Kay Bratley, Deputy Clerk/Treasurer and Michelle Shrider, Marina Manager.

Call to Order – President Carl Broberg called the meeting to order at 5:30 p.m.

Approval of Minutes of the September 19, 2018 and October 3, 2018 Meetings – Lemire moved to approve and place on file the September 19, 2018 Meeting Minutes and Baregi seconded. Motion carried 7-0. Reiswig moved to approve and place on file the October 3, 2018 Meeting Minutes and Baregi seconded. Motion carried 7 -0.

Public Comment – None.

Treasurer's Report – Suminski made a motion to approve and place on file the Marina Operating Account and the Harbor Passbook reports and Swedberg seconded. Motion carried 7-0

1. **Payment of Invoices** – Baregi moved to approve Cady Plumbing and HVAC LLC invoice #1884 for \$1,523.06 and Reiswig seconded. Motion carried 7-0. Reiswig moved to approve SmithGroup, Inc., invoice #133840 for \$42,350.00 and Swedberg seconded. Motion carried 7-0. Baregi moved to approve Graybar invoice #9306270951 for \$2,117.00 and Reiswig seconded. Motion carried 7-0.

Slip Transfers – Reiswig moved to approve the transfer of slip #41 from Schumacher to Oashiem and Suminski seconded. Motion carried 7-0.

Marina Manager's Report – Shrider stated it has been a miserable haul out season so far and the AquaClean system is not working, apparently the outflow line cracked under the 8" thick concrete area and are working on it to fix it before freeze up in order to winterize the system.

1. **September Financial Reports** – Shrider stated everything is going O.K., we had a budget surplus of 8.87% and are 6.97% ahead of last year at this time; all departments are on track except the service department this month, it was slower than normal but were able to get all the equipment reconditioned/repared; we are now waiting for winter work orders to come in. Baregi moved to accept and place on file the September Financial Reports and Baregi seconded. Motion carried 6-0.

Discussion and Action on Request for Coal Dock Usage Agreement with Nichevo Ferry Lines, Inc. – Broberg stated this is a usage agreement for the remaining section on the coal dock; suggests to allow Nichevo Ferry Lines, Inc. to use section D for trans loading only since 3 sections now have trans loading and material storage agreements and to make definite time limits and time windows for use. Broberg stated if we utilize the east side after it is repaired for future use agreements, we will have to work out the public access area. Baregi moved to proceed with a trans loading agreement with Nichevo Ferry Lines, Inc. and have Kluver and Broberg negotiate the time frame and window of use and Suminski seconded. Motion carried 7-0.

Discussion of Drainage Issue from Storage Buildings – Broberg state the drain tile is not functioning between the buildings to the storm sewers which has resulted in water back up behind the buildings in turn damaging the buildings; a temporary solution was done trenching which created a flow of water across the asphalt surface of the boat ramp and into the lake; in talking with Gynnild, he is unable to find anybody who will talk to him about this problem and is looking for suggestions to solve the problem. Shrider stated there is a lot of water running down from the buildings creating algae and making it slippery, so another trench was dug to the retention pond which is collecting approximately three quarters of the water. Broberg stated the Dahlquist building has a storm drain behind it and water is standing on top of the grate which needs to be resolved but nobody knows where the storm drain goes. Baregi stated when the Pearl Beach building

goes up we will have to be cautious of where the water runoff goes and not to add to the marina issue. Discussion occurred concerning where the water is coming from. Kluver asked what steps the Dahlquist building people are doing about this and Shrider stated he will go with whatever needs to be done, she will call him to discuss the issue with him again.

Discussion and Action on Recommendation Related to Zoning of Current Storage Buildings – Broberg stated this came up in the discussion with the lot behind the storage building; the new zoning code put the storage buildings in the Mixed-use Waterfront (MUW) zoning which states you are not allowed to store boats in the boat storage buildings. Kluver stated should one of the buildings be damaged over 50% or destroyed, it cannot be reconstructed. Broberg stated that would impact the revenue to the marina and marina operations. Kluver stated the Comprehensive Plan will need to be changed along with the zoning map as it is a dual map system; to resolve this issue you can add the storage building properties to the marina district, which would be the appropriate way or change the MUW zoning ordinance to allow the construction of boat storage buildings, which would be a much harder sell to the Plan Commission. Suminski moved to draft a request to the Plan Commission to add the three storage building properties to the marina district and McGrath seconded. Motion carried.

Update on Electrical Upgrade Project – Broberg stated the lumber, all the electrical equipment, pedestals and circuit breakers have arrived; they are waiting for the boats to get off dock 3 then cut the power to the dock, tear off the electrical and begin to tear it down then they would prefer to work on it when ice forms to complete the project.

Update on Electrical Upgrade Project for All Docks – Broberg stated Foss Electric has completed 12 pedestals with 9 left to do on Pier 1; the weather has not been helpful and because the wiring on the new circuit breakers are short, it has turned out to be more labor intensive because he has to splice in wire to make the connection.

Update on Coal Dock Rehabilitation Project - Kluver stated he has prepared a running budget for the coal dock project and will have an update for each meeting going forward; there is a tentative schedule and they want to get as much done this fall as possible, with weather permitting and the grading of the dock will be done next spring. Kluver stated there will be a pre-construction meeting next Tuesday when we will find out the start time and how they are planning to do things and when we will be closing off the coal dock; contracts have been signed and will give them notice to proceed.

Adjourn – Reiswig moved and Suminski seconded motion to adjourn. Motion carried 7-0 at 6:30 p.m.

Respectfully Submitted,
Kay Bratley, Deputy Clerk/Treasurer

CITY OF WASHBURN
119 Washington Avenue
P.O. Box 638
Washburn, WI 54891



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To: Harbor Commission Members
From: Scott J. Kluver, Administrator
Re: Zoning of the Boat Storage Buildings
Date: October 10, 2018

The question has come up regarding the zoning of the boat storage buildings and what does the current zoning mean. Before I go any further, I will state that I do zoning administration for my sins.

On April 1, 2017 a new zoning code and map for the City of Washburn went into effect. This was after four long years of discussion and debate by the Plan Commission and Council. Is the new code perfect? No. Did everyone get what they wanted? No. Did everyone involved do the best they could? Yes. Do state laws and court cases affecting zoning constantly change the dynamic of how zoning is applied? Yes.

The three existing boat storage buildings are now in the Mixed Use Waterfront (MUW) District. Indoor boat storage is not a permitted use within this district. Does this mean that the existing boat storage facilities must be discontinued? No. They can continue to be indoor boat storage facilities for as long as they remain indoor boat storage facilities. If that use would ever change however, they would not be able to go back to being boat storage facilities (within the limitations of the code). However, the owners of those structure may only improve the structures by investing only up to 50 percent of the current equalized value of the structures. In addition, if the structures are damaged beyond more than 50 percent of their equalized value, they may not be rebuilt.

If there is a desire to change this, there are two options that I see. The first, and likely the most appropriate, is to change the zoning from MUW to Marina. This would remove the non-conforming issue for those properties. Unfortunately, this process is rather cumbersome as it requires a comprehensive plan change as well. The alternative option is to make indoor boat storage facilities a conditional or permitted use in the MUW district. The process to make this change is much simpler; however, the drawback is that this use could occur anywhere in the MUW district. That may or may not be desirable.

It should be noted that outdoor boat storage yards are permitted as a conditional use in the MUW and Marina Districts as a conditional use. Conditional uses don't have as much weight as they used to prior to last year with changes made by the legislature. The standard to deny or impose severe restrictions on a conditional use is quite high.

If you have questions on this matter, it is best to ask me in advance as I may not be able to provide a quick response to a technical question.

City of Washburn Zoning Map

Base Zoning Districts

- Residential
- R-1 Rural Residential
- R-2 Single-Family Residential
- R-6 Mixed Residential
- R-7 Waterfront Residential
- Commercial
- C-1 Cottage Commercial
- C-2 General Commercial
- C-3 Downtown Commercial
- MUW Mixed-use Waterfront
- Industrial
- I-1 Light Industrial
- Special Purpose
- L-1 Lakefront Corridor
- M Marina
- Planned Development Districts
- PDD-01 Brevak

Overlay Zoning Districts

- Floodplain
- Shoreland-Wetland
- Shoreland
- Wellhead Protection

Map Features

- Navigable Stream
- Minor Arterial
- Major Collector
- Property Boundary Line

Other Zoning Districts

- Outdoor Lighting Zone 1
- East Third Street Residential Historic District
- Downtown Parking District
- Downtown Design District

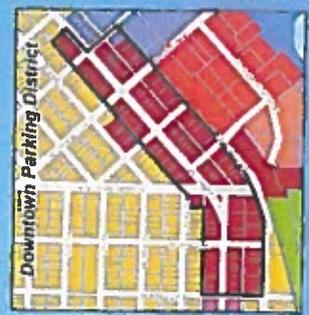
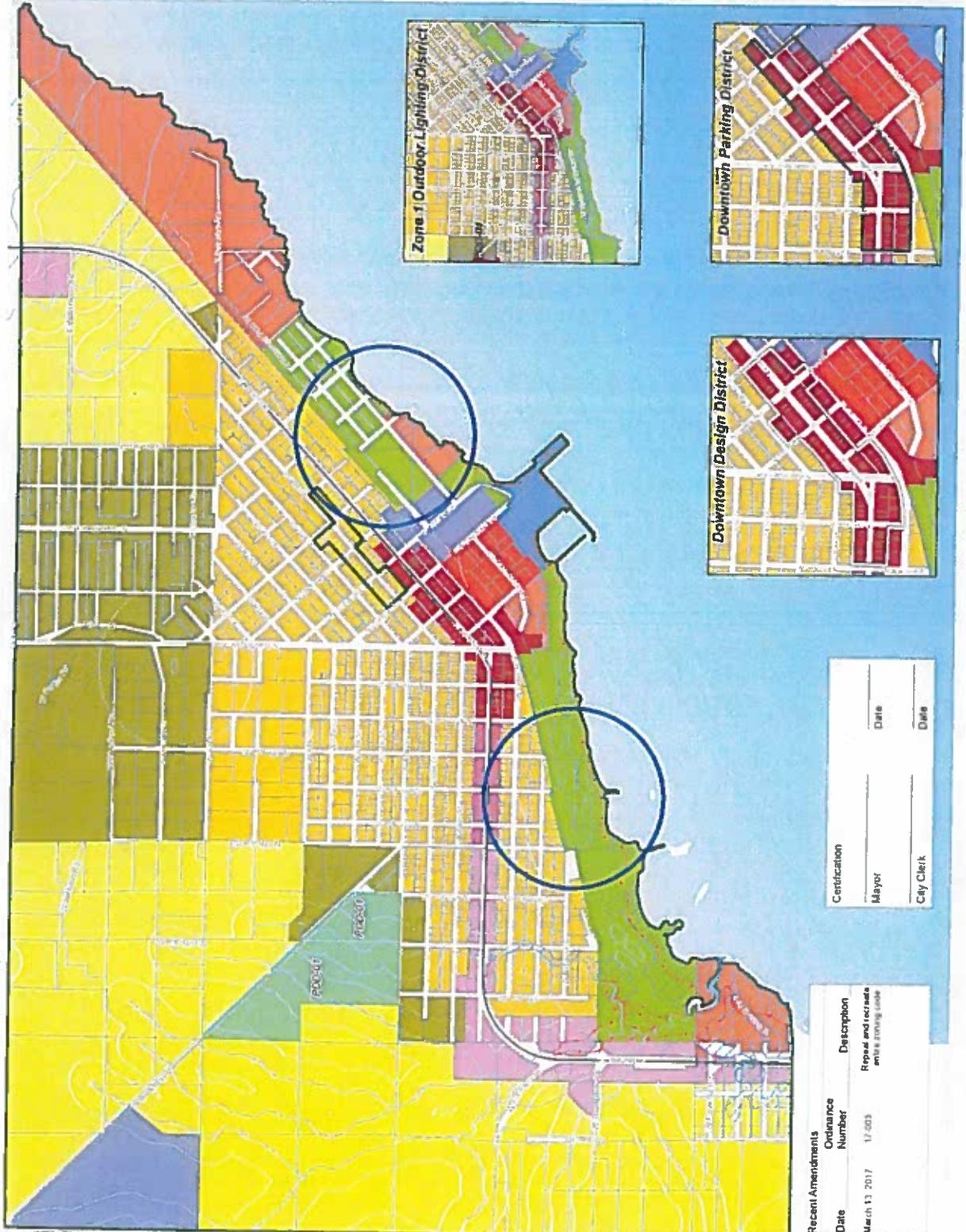
1 inch = approx. 1,300 feet

0 0.25 0.5 1 Mile

N

Date	Ordinance Number	Description
March 13, 2017	17-003	Repair and recreate entire zoning code

Certification	_____	Date	_____
Mayor	_____		
City Clerk	_____	Date	_____



21-4 Nonconforming structures

(a) **Generally.** A valid, prior nonconforming structure (herein after nonconforming structure) may be used for any conforming use.

(b) **Enlargement.** A nonconforming structure that is used for a conforming use may be enlarged provided the Plan Commission authorizes such enlargement pursuant to the requirements in Article 7.

(c) **New foundation/basement.** The placement of a new foundation or basement under an existing nonconforming structure that is not located in the 100-year floodplain is permitted provided the foundation or basement does not extend beyond the vertical extent of the existing exterior wall.

(d) **Unsafe conditions.** Nothing in this article shall preclude the building inspector or any other city official from initiating remedial or enforcement actions when a nonconforming structure is declared unsafe or presents a danger to the public health, safety, or welfare; constitutes a public nuisance; or is in violation of any licensing regulation.

(e) **Ordinary repair and maintenance, and remodeling.** Nothing in this article shall be deemed to prohibit or limit based on cost, the repair, maintenance, renovation, or remodeling of a nonconforming structure.

(f) **Reconstruction following damage.** A nonconforming structure that is damaged by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation on or after March 2, 2006, may be restored to its condition (e.g., size, location, and use) prior to the damage. Except the structure may be larger when necessary to comply with state or federal requirements.¹

(g) **Relocation.** A nonconforming structure shall not be moved or relocated to any other location on the lot unless such structure is made to conform to all regulations of the zoning district in which it is located.

21-5 Nonconforming uses

(a) **Generally.** A valid, prior nonconforming use (herein after nonconforming use) may continue to exist so long as it remains otherwise lawful, subject to the provisions in this section.

(b) **Cessation of use.** If a nonconforming use ceases for any reason, whether intentional or otherwise, for more than 12 continuous months, such use shall not thereafter be reestablished.² A business of a seasonal nature shall not be deemed to be discontinued during periods in which it is normally inactive (e.g., marinas, summer camps). If the zoning administrator determines that a nonconforming use has ceased to operate for more than the aforementioned time period, he or she shall initiate the process established under Article 7 to terminate the nonconforming use. However, if a temporary structure houses a nonconforming use, such use shall terminate when the temporary structure is removed.

(c) **Change in extent.** Except as may be provided in this article or in state law, a nonconforming use shall not be enlarged, increased, or expanded and shall not occupy a greater area than what existed on the effective date of this chapter or any amendment thereto that created the nonconforming use.

(d) **Limitation on structural alterations to structure housing nonconforming use.** Structural alterations to a structure housing a nonconforming use shall not exceed, on an accumulative percentage basis, 50 percent of the equalized assessed value of such structure.³ For example, if a property owner makes structural alterations, the cost of which equals 40 percent of the current equalized assessed value of the structure, any additional structural alterations are limited to 10 percent of the equalized assessed value at the time of the work.

(e) **Damage to structure housing nonconforming use.** If a structure housing a nonconforming use is damaged beyond 50 percent of its present equalized assessed value, such nonconforming use shall not be reestablished.

(f) **Change of location.** A nonconforming use shall not be moved in whole or in part to any other portion of the lot or to another structure than what was occupied on the effective date of this chapter or any amendment thereto that created the nonconforming use.

(g) **Casual, occasional, accessory, or incidental use.** Casual, occasional, accessory, or incidental use after the primary nonconforming use has terminated, shall not be deemed to perpetuate a nonconforming use.⁴

¹ Commentary: See s. 62.23(7)(h), Wis. Stats.

² Commentary: See s. 62.23(7)(h), Wis. Stats.

³ Commentary: See s. 62.23(7)(h), Wis. Stats.

⁴ Commentary: See *Village of Menominee Falls v. Veirstahler*, 183 Wis. 2d 96, 515 N.W.2d 293 (Ct. App. 1994).

(h) **Change of production.** A change in the method or quantity of production and the incorporation of new technology into a nonconforming use is permitted provided the original character of the use remains the same.⁵

(i) **Termination due to effects on public health, safety, and welfare.** In the event the zoning administrator determines that a nonconforming use, regardless of its duration, is harmful to the public health, safety, or welfare, he or she shall follow the procedure outlined in Article 7 of this chapter relating to termination of a use.⁶

(j) **Unsafe conditions.** Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof, provided that such work conforms to the provisions in this chapter.

(k) **Licensing.** The operator of a nonconforming use shall obtain such licenses as may be required by the state of Wisconsin, or its designated agent; Bayfield County; or the City of Washburn, and maintain such licenses for the life of the use or until the entity no longer requires such license.

(l) **Conversion to another nonconforming use.** Subject to the requirements in Article 7, a nonconforming use may be converted to a different nonconforming use. Any nonconforming use that has been converted shall continue to be subject to all applicable provisions related to nonconforming uses and to the conversion order as approved by the Common Council.

(m) **Permissible accessory residential uses.** If an existing single-family dwelling unit is classified as a nonconforming use, the establishment of accessory residential uses normally incidental to a single-family dwelling is not considered to be an expansion of a nonconforming use and is permitted provided the accessory use is otherwise allowed by the zoning code and all accessory buildings exceeding 600 square feet must be approved by the Plan Commission upon a determination that the accessory building is otherwise allowed in the zoning district in which it is located.

(n) **Special provisions for manufactured home communities.** Notwithstanding subsection (d) above, a manufactured home community licensed under s. 101.935, Wis. Stats., that is a legal nonconforming use continues to be a legal nonconforming use notwithstanding the occurrence of any of the following activities within the community:

- (1) Repair or replacement of any manufactured homes
- (2) Repair or replacement of infrastructure.⁷

21-6 Nonconforming conditional uses

(a) **Generally.** Subject to the requirements in Division 3 of Article 7, a nonconforming use may be allowed as a conditional use.

(b) **Expansion and change in a nonconforming conditional use.** If a nonconforming use is approved as a conditional use, it is not subject to the restrictions contained in this article. Any proposed expansion or change in a nonconforming conditional use shall be reviewed as an amendment to the initial approval.

21-7 Special provisions for nonconforming signs

- (a) **Change of copy.** The copy of a nonconforming sign may be changed.
- (b) **Change of sign face.** The face of a nonconforming sign may be changed provided the building inspector determines that the other features of the sign are structurally sound and properly maintained.
- (c) **Change in location.** A nonconforming sign shall not be relocated.
- (d) **Change in area.** The area of a nonconforming sign shall not be enlarged or reconfigured in any manner.
- (e) **Change in height.** A nonconforming sign shall not hereafter be placed higher even if the height may be permitted in the zoning district in which the sign is located.
- (f) **Change in lighting.** A nonconforming sign that is not illuminated may not hereafter be illuminated even though such lighting may be permitted in the zoning district in which the sign is located. A nonconforming sign that is illuminated may not hereafter be illuminated in any other manner even

⁵ Commentary See *Racine County v. Cape*, 2002 WI App 19, 250 Wis. 2d 44, 639 N.W.2d 782, 01-0740

⁶ Commentary See *Town of Delafield v. Sharpley*, 212 Wis. 2d 332, 568 N.W.2d 779 (Ct. App. 1997, 96-2458)

⁷ Commentary See s. 62.23(7)(h), Wis. Stats.

Exhibit 8-1. Land-use matrix - continued

11	Government & Community Services	Special Standards	Secondary Review	Zoning District											
				R-1	R-2	R-6	R-7	C-1	C-2	C-3	I-1	L-1	M	MUW	
11.01	Administrative government center	8-381	AR, SP, PO, ZP	-	-	C	-	C	P	P	C	-	-	C	
11.02	Animal shelter	8-382	AR, SP, PO, ZP	-	-	-	-	-	-	-	C	-	-	-	
11.03	Cemetery	8-383	AR, SP, PO, ZP	C	C	-	-	-	-	-	C	-	-	-	
11.04	Civic use facility	8-384	AR, SP, PO, ZP	C	-	C	-	C	P	P	C	C	-	C	
11.05	Community center	8-385	AR, SP, PO, ZP	C	C	C	C	P	P	P	C	C	-	P	
11.06	Community cultural facility	8-386	AR, SP, PO, ZP	C	C	C	-	C	C	C	C	C	-	C	
11.07	Community garden	8-387	SP, ZP	P	P	C	P	P	P	P	P	C	-	C	
11.08	Educational facility, post-secondary	8-388	AR, SP, PO, ZP	C	C	C	-	C	P	C	C	-	-	-	
11.09	Educational facility, pre-K through 12	8-389	AR, SP, PO, ZP	C	C	C	-	C	C	-	-	-	-	-	
11.10	Maintenance garage	8-390	AR, SP, PO, ZP	-	-	-	-	-	-	-	P	-	-	-	
11.11	Park	8-391	AP, SP, PO, ZP	P	P	P	P	P	P	P	P	P	P	P	
11.12	Public safety facility	8-392	AR, SP, PO, ZP	C	-	-	-	C	P	C	C	-	-	C	
11.13	Recreation trail	8-393	-	C	C	C	C	C	C	C	C	C	C	C	
11.14	Worship facility	8-394	AR, SP, PO, ZP	C	C	C	-	C	P	C	C	-	-	-	
12 Telecommunications and Utilities (6)															
12.01	Radio broadcast facility	8-411	SP, PO, ZP	C	C	-	-	-	-	-	C	-	-	-	
12.02	Solar power plant	8-412	SP, PO, ZP	C	C	-	C	-	-	-	C	C	-	-	
12.03	Stormwater management facility	8-413	-	P	P	P	P	P	P	P	P	P	P	P	
12.04	Telecommunication collocation (class 1)	8-414	ZP	WT	WT	WT	WT	WT	WT	WT	WT	WT	WT	WT	
12.05	Telecommunication collocation (class 2)	8-415	ZP	P	P	P	P	P	P	P	P	P	P	P	
12.06	Telecommunication tower	8-416	ZP	WT	WT	WT	WT	WT	WT	WT	WT	WT	WT	WT	
12.07	Utility installation, major	8-417	SP, PO, ZP	C	C	C	C	C	C	C	C	C	C	C	
12.08	Utility installation, minor	8-418	ZP	P	P	P	P	P	P	P	P	P	P	P	
12.09	Utility maintenance yard	8-419	AR, SP, PO, ZP	-	-	-	-	-	-	-	P	-	-	-	
13 Transportation															
13.01	Bus storage facility	8-431	AR, SP, PO, ZP	C	-	-	-	C	C	-	C	-	-	-	
13.02	Marina	8-432	AR, SP, PO, ZP	-	-	-	-	-	-	-	-	-	P	-	
13.03	Mass transit terminal	8-433	AR, SP, PO, ZP	-	-	-	-	C	P	C	C	-	-	C	
13.04	Off-site parking lot	8-434	SP, ZP	-	-	-	-	C	P	C	C	C	-	C	
13.05	Park-and-ride lot	8-435	SP, PO, ZP	C	C	-	-	P	C	-	C	C	-	-	
13.06	Street	8-436	-	P	P	P	P	P	P	P	P	P	P	P	
14 General Storage															
14.01	Boat yard	8-451	AR, SP, PO, ZP	C	-	-	-	-	-	-	C	-	C	C	
14.02	Indoor boat storage	8-452	SP, PO, ZP	-	-	-	-	-	-	-	C	-	C	-	
14.03	Personal storage facility	8-453	AR, SP, PO, ZP	-	-	-	-	-	-	-	C	-	-	-	
14.04	Truck terminal	8-454	AR, SP, PO, ZP	-	-	-	-	-	-	-	C	-	-	-	
14.05	Warehouse	8-455	AR, SP, PO, ZP	-	-	-	-	-	-	-	C	-	-	-	

continued on next page

12.0 TELECOMMUNICATIONS AND UTILITIES

- 12.01 **Radio broadcast facility** A free-standing tower with or without an equipment compound and other structures that is intended for the regular provision of a commercial or noncommercial service involving the transmission, emission, or reception of radio waves for the transmission of sound or images in which the transmissions are intended for direct reception by the general public.³³
- 12.02 **Solar power plant** A utility-scale commercial facility that converts sunlight into electricity with the primary purpose of wholesale or retail sales of generated electricity.³⁴
- 12.03 **Stormwater management facility** A natural or manmade feature that collects, conveys, channels, holds, inhibits, or diverts the movement of stormwater.
- 12.04 **Telecommunication collocation (class 1)** The placement of a new mobile service facility on an existing support structure which constitutes a substantial modification.³⁵
- 12.05 **Telecommunication collocation (class 2)** The placement of a new mobile service facility on an existing support structure which does not constitute a substantial modification.³⁶
- 12.06 **Telecommunication tower** A free-standing tower with or without an equipment compound that is intended for the placement of one or more mobile service facilities.³⁷
- 12.07 **Utility installation, major** A place, building and/or structure, or portion thereof, whether public or private, used or is intended for providing basic infrastructure or utility services and which could potentially have a moderate to high impact on neighboring property. The term includes pipeline pumping stations, sewage treatment plants, electric substations, water towers, electric transmission lines with a design capacity of 110kV or more, and underground pipelines.
- 12.08 **Utility installation, minor** A utility installation generally having low impact on neighboring property. The term includes public water system wells, without a tower; below ground sewer lift stations; and stormwater pumping stations. The term does not include utility cabinets, which are classified as an accessory use (Series 17).
- 12.09 **Utility maintenance yard** A place where a public or private entity maintains administrative offices, equipment, and supplies necessary for maintaining the infrastructure it provides.

**13.0 TRANSPORTATION**

- 13.01 **Bus storage facility** A place where buses are parked when not in use and may include administrative offices and a building for the storage, care, and maintenance of buses in the fleet.
- 13.02 **Marina** A place where pleasure watercraft may dock on a temporary or permanent basis, watercraft may be trailered or untrailered, or both, and related services may be provided, such as retail sale of fuel for watercraft and supplies and servicing and repair of watercraft. The term does not include boat yards.
- 13.03 **Mass transit terminal** A place where passengers can board mass transit. This use may include facilities for ticket sales and accessory food service areas primarily intended for passengers.

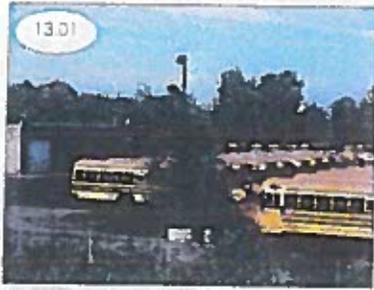
³³ Commentary: This definition is based on provisions in s. 66.0406, Wis. Stats.

³⁴ Commentary: See the 17 series for accessory uses.

³⁵ Commentary: This definition is based on the corresponding definition in s. 66.0404, Wis. Stats.

³⁶ Commentary: This definition is based on the corresponding definition in s. 66.0404, Wis. Stats.

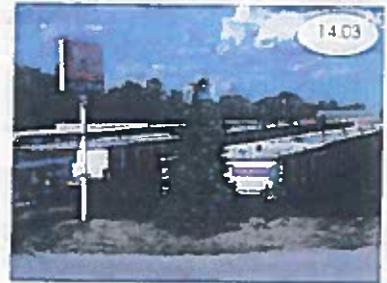
³⁷ Commentary: This definition is based on the corresponding definition in s. 66.0404, Wis. Stats.



- 13.04 **Off-site parking lot** A place where motor vehicles associated with an off-site use may be parked for a short duration. It may be available to the public or reserved to accommodate parking for a specific purpose.
- 13.05 **Park-and-ride lot** A designated place where people can park their motor vehicles for a short duration to board public transportation or to carpool or vanpool.
- 13.06 **Street** A surfaced travelway for motor vehicles that is located within an easement or right-of-way.

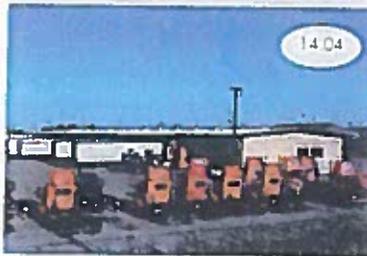
14.0 GENERAL STORAGE

- 14.01 **Boat yard** An outdoor area where watercraft may be kept in dry storage during the off season or while not in use. Owners/operators may conduct minor repairs and maintenance on their watercraft while kept in storage.



- 14.02 **Indoor boat storage** A place where watercraft may be kept indoors during the off season or while not in use. Owners/operators may conduct minor repairs and maintenance on their watercraft while kept in storage.

- 14.03 **Personal storage facility** A place where individual storage units are offered for rent, lease, sale, or other arrangement. The term includes a tract of land used to store motor vehicles and watercraft.



- 14.04 **Truck terminal** A place where goods carried by motor transport are received and temporarily stored until transferred to another truck for delivery.
- 14.05 **Warehouse** A place where goods, merchandise, and other materials are temporarily stored for eventual shipment. The term includes moving and storage facilities. The term does not include bulk fuel storage.

15.0 INDUSTRIAL AND MANUFACTURING

- 15.01 **Artisan shop, Type I** A place where handmade craft items or works of art are made on a small-scale and offered for retail sale and where all materials, stock, and related activities are entirely enclosed in a building. Examples of such items include paintings, textiles, weaving, photography, sculptures, pottery, leather products, handmade paper, jewelry, hand-blown glass, small wooden items, candles, soaps, and lotions.
- 15.02 **Artisan shop, Type II** A place where handmade craft items or works of art are made on a small-scale and offered for retail sale and where some or all of the materials, stock, and related activities are located out of doors. Examples of such items include paintings, textiles, weaving, photography, sculptures, pottery, leather products, handmade paper, jewelry, hand-blown glass, small wooden items, candles, soaps, and lotions.

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To: Plan Commission Members
From: Scott J. Kluver, ^{SSK} Administrator
Re: Field Trip to South Shore Brewery
Date: November 7, 2018

For the last agenda item, the Plan Commission can recess to travel and reconvene at South Shore Brewery located at 532 W. Bayfield Street. Owner Bo Belanger would like to show the Plan Commission his plans for his business, issues with this building, and express concerns related to current zoning regulations. His intention is to have a discussion to nail down a potential course of action that may require a requested zoning change(s) at a future meeting that would allow for the expansion of the building and his business.