

PLAN COMMISSION AGENDA

February 13, 2017

5:30 PM

Meeting Room D
City-County Government Center

160 S Macy Street
Fond du Lac, Wisconsin

I. OPENING CEREMONIES

- A. Attendance
- B. Declaration Quorum Present

II. CONSENT AGENDA

- A. December 12, 2016 Minutes

III. INPUT

- A. Audience Comments

IV. ACTION

- A. Painted Wall Mural
Location: 290 N Main Street
Initiator: Dyann Benson, Community Development Director
- B. Special Use Permit
Proposal: Replace underground fuel storage tanks and aboveground fuel dispensers.
Location: 471 N Park Avenue
Applicant: Kwik Trip
- C. Special Use Permit
Proposal: Use indoor amplified music as part of the business operations of a bar and grill.
Location: 65 N Main Street
Initiator: Bryan Perl d/b/a Two Bucks Grill & Ale House
- D. Construction Of Private Lead Service Lateral
Effect: To initiate administrative action for the construction of and levying special assessments.
Locations: **5th Street** from S. Marr Street to S. Park Avenue
7th Street from S. Main Street to S. Park Avenue
Ellis Street from 4th Street to 8th Street (North leg)
N. Military Road from W. Follett Street to W. Scott Street
Tompkins Street from Superior Street west to Termini
Emergency repairs unknown at this time

V. ADJOURN

**COMMISSION AGENDA
CITY OF FOND DU LAC, WISCONSIN
December 12, 2016 Minutes**

Subject:

Effect:

Initiator:

Location:

Recommendation:

ATTACHMENTS:

File Name

Minutes_2016_12_12_Meeting(303).pdf

PLAN COMMISSION MINUTES

December 12, 2016

5:30 PM

Meeting Room D
City-County Government Center

160 S Macy Street
Fond du Lac, Wisconsin

OPENING CEREMONIES

Attendance

Present

Hertha Longo
Derek Terbeest
Sarah Van Buren
David Washkoviak
Nicole Weise

Absent

Dan Nielsen
Anne Pierce
Stan Ramaker
Jordan Skiff

Administrative Staff

Joellyn Dahlin
Paul DeVries

Declaration Quorum Present

Chairperson Washkoviak declared a quorum present.

CONSENT AGENDA

October 17, 2016 Minutes

A Motion was made by Nicole Wiese to approve minutes of October 17, 2016 and seconded by Sarah Van Buren, and the motion was **Passed.**

Ayes: Longo, TerBeest, Van Buren, Washkoviak, Wiese

Absent: Nielsen, Jr., Pierce, Ramaker, Skiff

ACTION

Construction Of Curb And Gutter

Effect: To initiate administrative action for the construction of and levying special assessments.

Locations: 5th Street from S. Marr Street to S. Park Avenue

7th Street from S. Main Street to S. Park Avenue

Ellis Street from 4th Street to 8th Street (North Leg)

N. Military Road from the W. Follett Street to W. Scott Street

Tompkins Street from Superior Street west to Termini

A Motion was made by David Washkoviak to approve Action Item A, Construction of Curb and Gutter, initiating administrative action for the construction of and levying special assessments and seconded by Hertha Longo, and the motion was **Passed**.

Ayes: Longo, TerBeest, Van Buren, Washkoviak, Wiese

Absent: Nielsen, Jr., Pierce, Ramaker, Skiff

ADJOURN

A Motion was made by Sarah Van Buren to adjourn at 5:37 PM and seconded by Derek TerBeest, and the motion was **Passed**.

Ayes: Longo, TerBeest, Van Buren, Washkoviak, Wiese

Absent: Nielsen, Jr., Pierce, Ramaker, Skiff

**COMMISSION AGENDA
CITY OF FOND DU LAC, WISCONSIN
Painted Wall Mural**

Subject: Location: 290 N Main Street
 Initiator: Dyann Benson, Community Development
 Director

Effect:

Initiator:

Location:

Recommendation:

ATTACHMENTS:

File Name

MURAL_PIC.pdf

PC_Memo_-_MuralVeterans.pdf

PROPOSED MURAL – 290 N MAIN STREET



Hand Painted Mural
Size 8'x 35'

CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: February 9, 2017

To: Plan Commission

From: Dyann Benson, Community Development Director

Re: Art Board Recommendation – Mural – Dreher Collision Concepts – Leadership FDL

A Leadership FDL team has proposed installation of a mural on the north side of Dreher Collision Concepts at 290 N. Main Street. The mural would be painted directly onto the north building façade and represents each branch of the Armed Services- Army, Navy, Air Force, Marines and Coast Guard. The proposed mural is 8 feet in height by 35 feet in length. The Leadership FDL team has an agreement in place with the property owner for ongoing maintenance of the mural.

The proposed mural was reviewed by the Art Board at their January 17, 2017 meeting.

The Art Board is a working committee created by the City Council in September 2015 to serve in an advisory capacity with their focus on enhancing public art in the downtown and public spaces. With their focus on art in all of its forms, it is appropriate for the Art Board to serve the Plan Commission in an advisory capacity in the review of murals.

The following criteria are outlined in the Section 720-84 (P) of the Zoning Code for murals. The Art Board utilized these criteria as part of their review.

-) The mural has attributes that enhance visual enjoyment.
-) The mural exemplifies high artistic quality.
-) The mural does not create a public safety issue, such as a distraction to drivers.
-) The mural content will not adversely affect the public welfare or morals, or include hostile or negative connotations or representations.
-) The content of a mural may not include graphics or text to advertise a business, product, brand, or service, except for the bona fide historic recreation of vintage advertising.
-) The location of the mural shall consider the nature of adjacent land uses.

The Art Board recommends approval of the proposed mural. The Art Board recommended that the approval allow flexibility in the image for the Coast Guard

representative as the team works to find a local representative of this branch of Armed Services. In addition, Art Board supported some flexibility in the size of the mural if funding for the project exceeded initial projects. It was acknowledged that certain characteristics of the building would naturally limit the murals height and length.

Recommendation

Community Development staff suggests a motion to approve the mural as proposed, subject to the following condition:

1. The Leadership Fond du Lac Team shall provide a copy of a signed maintenance agreement to the City of Fond du Lac.

**COMMISSION AGENDA
CITY OF FOND DU LAC, WISCONSIN
Special Use Permit**

Subject: Proposal: Replace underground fuel storage tanks and
 aboveground fuel dispensers.
 Location: 471 N Park Avenue
 Applicant: Kwik Trip

Effect:

Initiator:

Location:

Recommendation:

ATTACHMENTS:

File Name

SUP_-_Kwik_Trip_Application.pdf

KT_-_Site_Vicinity.pdf

WHPO_MAP_KWIK_TRIP.pdf

Site_Photos.pdf

KT_Site_Plan_-_existing_tanks.pdf

KT_Site_Plan_-_new_tanks.pdf

PC_Memo_-_SUP_Kwik_Trip_Park_Ave.pdf

KT_SUP_MAILING_LIST.pdf

City of Fond du Lac

SPECIAL USE PERMIT

Application

PROPERTY LOCATION: Kwik Trip #606 471 N. Park Ave Fond Du Lac, WI

Tax Key Number (Vacant Land): FDL-____-____-____-____

Project Applicant			
Name Matt Franzini			
Mailing Address 1626 Oak St. PO Box 2107	City La Crosse	State WI	ZIP Code 54601
Email Address [REDACTED]		Phone Number [REDACTED]	
Landowner (Complete this information if the project applicant is not the property owner.)			
Name			
Mailing Address	City	State	ZIP Code
Email Address		Phone Number	
Landowner Certification			
If the person requesting the special use permit is not the owner of the property affected by the proposal, the consent of the landowner is necessary. Refer to the LANDOWNER AUTHORIZATION form included with the special use permit application packet.			

Description of present use of property:


Convenience store with 3 underground fuel storage tanks and fuel pumps

Description of proposed use of property and/or proposed site development:

Convenience Store with underground fuel storage tanks and 6 fuel pumps. Replace existing 28 year old single wall tanks and underground piping with new double wall tanks and piping.

Time schedule for use and/or development of the property: March 2017

PROJECT APPLICANT SIGNATURE

 (Agent)



BUREAU OF WEIGHTS AND MEASURES
Storage Tank Regulation
P. O. Box 7837
Madison, Wisconsin 53707-7837
Phone: (608) 224-4949
<http://www.datcp.wi.us>
<http://www.wisconsin.gov>
Scott Walker, Governor
Ben Brancel, Secretary

January 20, 2017

Kwik Trip, Inc.
1626 Oak Street
La Crosse, WI 53929

Metco Midwest Electro Tech Corp
102 Enterprise Drive
Hillsboro, WI 54634-0448

RE: CONDITIONAL APPROVAL

PLAN APPROVAL EXPIRES: 1/20/2019

SITE:

Kwik Trip #606
471 N Park Ave
Fond du Lac, WI 54935
Fond du Lac County; 2009

Identification Numbers
Transaction ID : 18691
Site: 471 N Park Ave Fond du Lac, WI 54935
Please refer to both identification numbers, above, in all correspondence with the agency.

FOR:

Facility: Kwik Trip #606
471 N Park Ave
Fond du Lac, WI 54935

Regulated Object #'s 388532, 388533, and 388534

The submittal described above has been reviewed for conformance with applicable Wisconsin Administrative Codes and Wisconsin Statutes. The submittal has been **CONDITIONALLY APPROVED**. The owner, as defined in Wisconsin Administrative Code, ATCP 93.050(80), is responsible for compliance with all code requirements.

The CONDITIONAL APPROVAL for the above referenced site allows the closure and removal of Regulated Object #'s 388532, 388533 and 388534, and the installation of:

- One (1) 12,000 gallon UL 1316 double-wall fiberglass reinforced plastic (FRP) underground storage tank (UST) for retail sale of unleaded gasoline products.
- One (1) 12,000 gallon UL 1316 double-wall fiberglass reinforced plastic (FRP) underground storage tank (UST) for retail sale of unleaded plus gasoline products. This tank system has been reviewed and approved for the storage and dispensing of ethanol blended alternative motor fuel products.
- One (1) 12,000 gallon UL 1316 double-wall fiberglass reinforced plastic (FRP) underground storage tank (UST) for retail sale of unleaded premium gasoline products.
- New primary product piping will be Franklin Fueling Systems (FFS) APT, XP Series, 1.5" double-wall flexible underground product piping. Existing single-wall steel supply piping shall be removed.
- New vent piping will be 3" single-wall FRP underground and transitioned to three (3) new 3" steel aboveground risers.
- Tanks will have product compatible FE Petro submersible turbine pumps (STPs) for product delivery to dispensers.

- Existing Gilbarco Encore 300 NA2 MPD dispensers will be reused. Six (6) new Encore 300 Retrofit kits and new emergency shear valves will be installed on the existing dispensers.
- New tank and dispenser sumps with non-discriminating electronic interstitial leak detection sensors will be installed.
- New FFS Defender Series drop tubes with overfill prevention valve and FFS 5 gallon spill containment manholes will be installed. Gasoline systems will have Stage I vapor recovery installed.
- **Tank Leak Detection:** New Incon TS-5000 EVO with FMP-EIS non-discriminating interstitial sensors will monitor the annular space of the USTs and TSP-LL2 magnetostrictive tank inventory probes will be installed.
- **Pipeline Leak Detection:** FE Petro STPs compatible with each product will have new FFS ELLD TS-LS500 line leak detectors to provide 3.0 gph catastrophic monitoring and shut-down. TSP-ULS non-discriminating electronic interstitial tank and dispenser sump sensors will be installed to provide the 0.1/0.2 gph annual/monthly continuous electronic line leak detection monitoring.
- This submittal is reviewed for immediate and short term non-compatibility elements. The review and approval is reliant on the professional judgment of the contractor performing the system assessment and conversion to ethanol blended motor fuel or biodiesel. This review does not establish or assure that system integrity and motor fuel quality problems will not occur from product and system materials non compatibility or degradation.

The following conditions shall be met during construction or installation and prior to occupancy or use:

- **ATCP 93.560 Tank system closure.**

(1) **NOTIFICATION.** At least 5 business days before beginning permanent closure of a tank system, the owner or operator shall notify the authorized agent or the department of the intended closure, on form ERS-9198, except a shorter notification period is permitted where unexpected closure is commenced upon finding adverse conditions during a corrective action conducted under s. **ATCP 93.585.**

Note: Form ERS-9198 – ATCP 93 Notification Record is available from the Bureau of Weights and Measures, PO Box 8911, Madison, WI 53708-8911, or at telephone (608) 224-4942, or from the Bureau's Web site at http://datcp.wi.gov/Consumer/Weights_and_Measures/index.aspx.

(2) **Closure Procedures.**

- (a) To permanently close an underground tank system, the owner or operator shall have the tank and piping emptied and cleaned, by removing all liquids and accumulated sludge, and shall remove the tank and piping from the site unless allowed otherwise under par. (e). Tanks that are removed shall be scrapped unless reused in accordance with s. **ATCP 93.350 (3) (i)** or **93.500 (3) (c).**
- (b) Tank cleaning processes shall comply with the appropriate national standard referenced in s. **ATCP 93.200.**
- (c) Individuals cleaning tanks or removing tanks or portions of tank systems shall be certified in accordance with ss. **SPS 305.82 to 305.89.**
- (d) When an underground tank is closed, or when a previously closed tank is removed under sub. (4), the owner shall have a revised tank registration, form ERS-7437, and part A of the department's tank-system service and closure assessment report, form ERS-8951, completed and submitted to the department within 21 business days of closure or removal.
- All tank systems and tank system components shall be installed per the current ATCP 93, NFPA, and PEI requirements as adopted.
- All work and construction will be in accordance and meet the conditions and materials as shown in the attached approved Plan(s), Scope of Work, Materials Listed, and other correspondence or documents.
- A copy of the approved plans, specifications and this letter shall be on-site during construction and open to inspection by authorized representatives of the Department, which may include local inspectors. All permits required by the state or the local municipality shall be obtained prior to commencement of construction, installation, or operation.

Inquiries concerning this correspondence may be made to me at the telephone number, or at the address listed below.

Any change in the initial installation, which deviates, from the original conditionally approved plans shall be submitted for review as a revision. *The Inspector shall be notified prior to, and shall review any proposed changes, prior to such changes, to ensure compliance with applicable standards.*

Conditionally approved plans may be subject to revocation if it is determined that the information originally submitted for approval does not accurately reflect the proposed site.

This correspondence serves as your receipt for fees received as of the date of this letter. Please reference the Transaction ID No. when contacting this office or the local program operator (LPO).

Sincerely,

Erik Otterson

Environmental Engineering Specialist

Wisconsin Department of Agriculture, Trade, and Consumer Protection

Division of Trade and Consumer Protection

Phone: 608-224-5158

erik.otterson@wisconsin.gov

Fee Required \$ 475.00 Fee Received \$ 475.00 Balance Due \$ 0.00

cc: Fire Prevention Division, Fond du Lac Fire Department, (920) 322-3807

Robert Stobb, Petroleum Inspector, (920) 420-1149

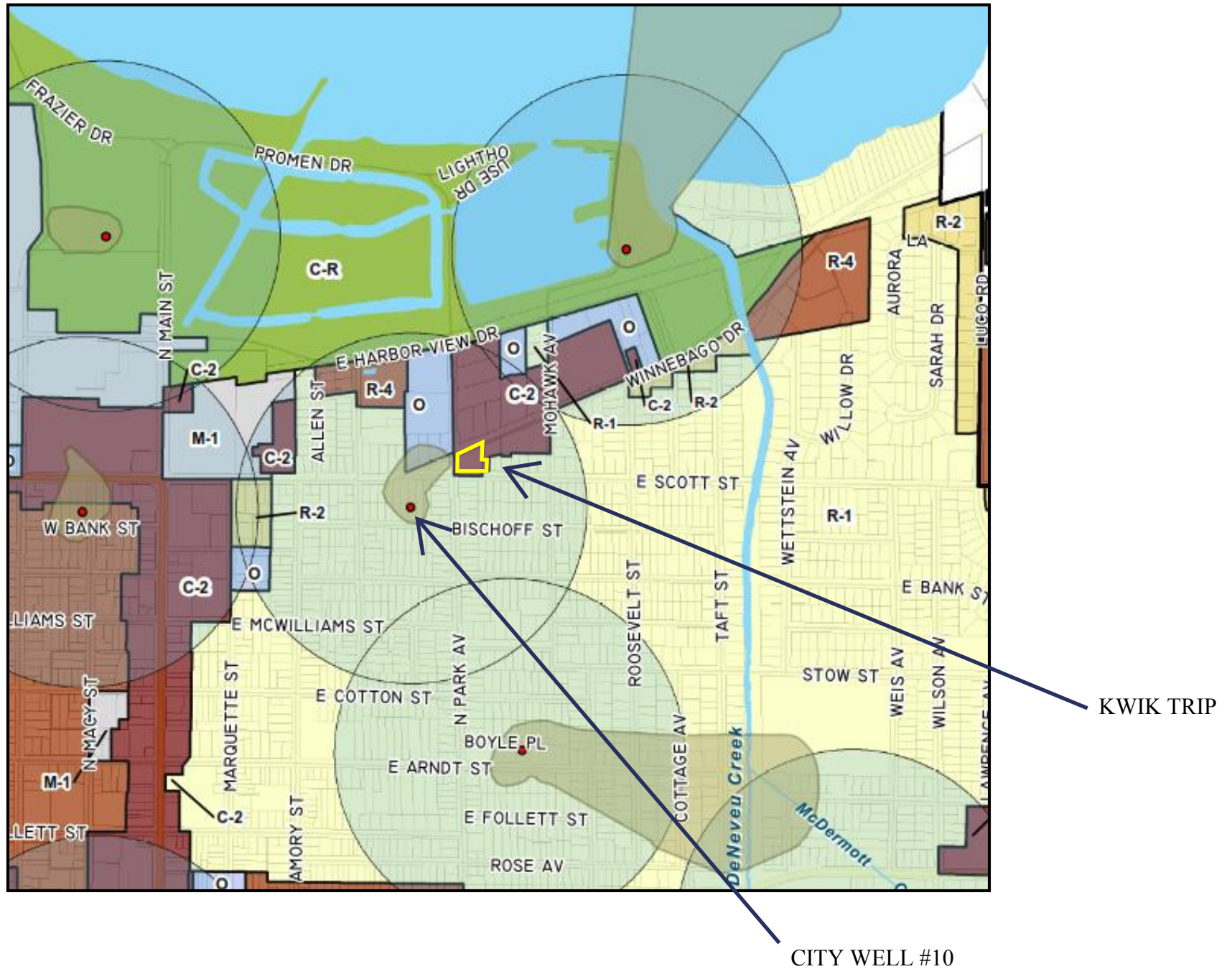
Bureau of Weights and Measures-Storage Tank Regulation, (608) 224-4942



CITY WELL #10

KWIK TRIP

ZONING MAP – WELLHEAD PROTECTION OVERLAY DISTRICT



Panoramic from corner of lot with view of fuel island and fills



View of fuel island with store in background



Panoramic from corner of lot with view of fuel island and fills



Kwik Trip

← →
PREPAY OR CREDIT ONLY
← →

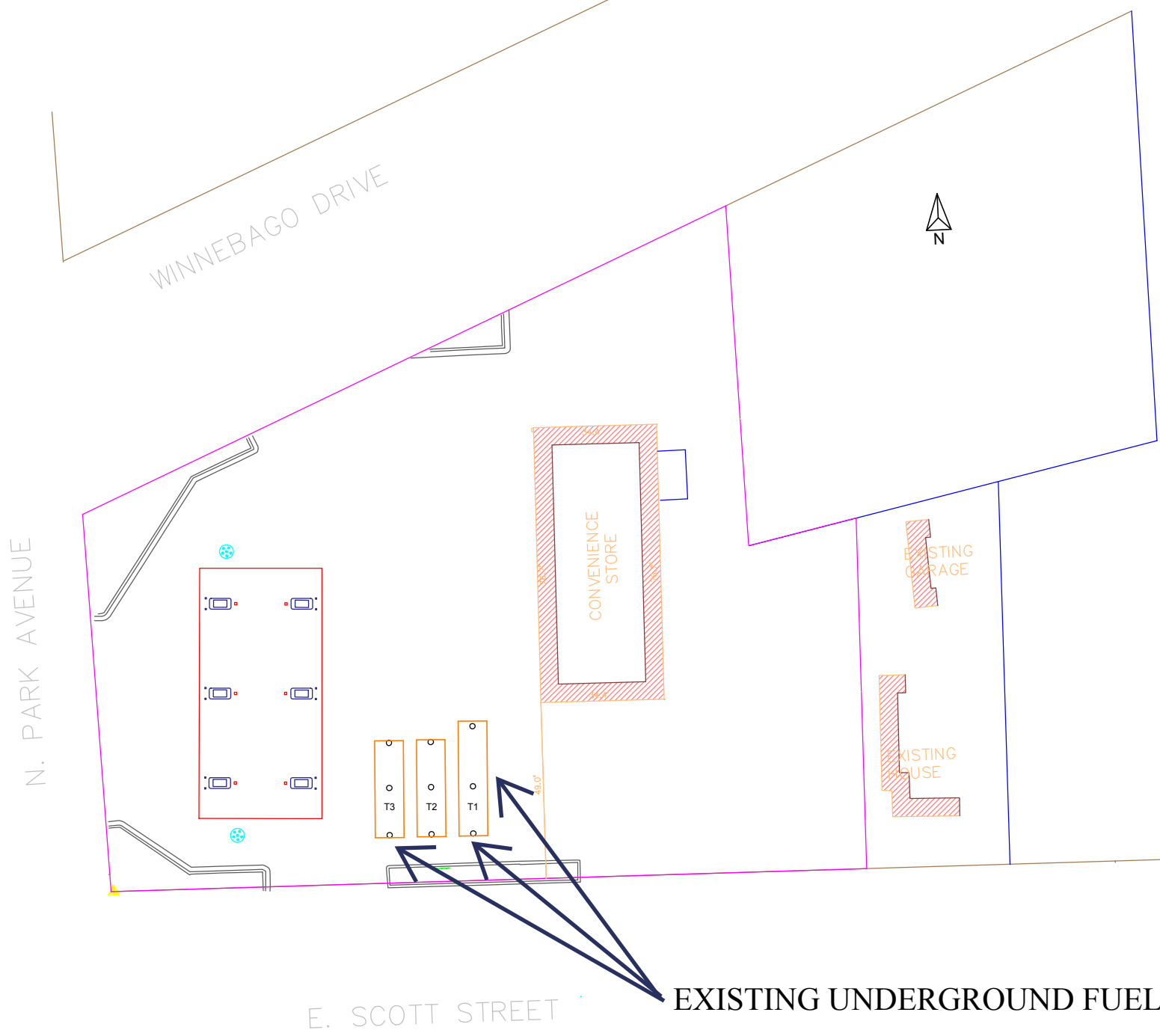
Kwik Trip



38¢ /lb
Fresh Produce
Includes Apples, Bananas, Grapes, Peaches, Pears, Pineapples, and more.

Red Bull

- Notes:
- Sewer lines per owner provided information.
 - No private well within 100'.
 - A municipal well is located approximatly 500' from the fuel system.
 - > Requirements for system closer than 600' met per local wellhead-protection program.
 - No water main within 25' unless noted on plan.
 - No body of water within 200' unless noted on plan.




STORAGE TANKS
STORAGE TANKS ARE TO BE MADE INERT PRIOR TO BEING REMOVED FROM THE GROUND. STORAGE TANKS SHALL BE CUT AND CLEANED AFTER BEING REMOVED FROM THE GROUND. ALL LIQUIDS AND SLUDGE SHALL BE REMOVED FROM THE STORAGE TANKS AND PROPERLY DRUMMED FOR REMOVAL AND OR RECYCLING. STORAGE TANKS SHALL BE SCRAPPED AND ARE NOT TO BE REUSED AT ANOTHER LOCATION, REGARDLESS OF USE. DOCUMENTATION SHALL BE PROVIDED PROVING THE STORAGE TANKS WERE PROPERLY DISPOSED OF. STORAGE TANKS ARE SINGLE WALL STEEL TANKS.

- EXISTING STORAGE TANK INFORMATION**
- T1 UNLEADED WITH ETHANOL GASOLINE TANK – TANK ID No. 388532
12,000–GALLON – 8’ X 32’
 - T2 UNLEADED PLUS TANK – TANK ID No. 388533
10,000–GALLON – 8’ X 27.33’
 - T3 UNLEADED PREMIUM TANK – TANK ID No. 388534
10,000–GALLON – 8’ X 27.33’

GENERAL NOTES
TANK SYSTEM EQUIPMENT CLEANING AND REMOVAL PROCESS SHALL COMPLY WITH THE APPROPRIATE NATIONAL, LOCAL AND INDUSTRY STANDARDS. INDIVIDUALS CLEANING TANKS AND ASSOCIATED EQUIPMENT SHALL BE CERTIFIED WITH THE APPROPRIATE AUTHORITY HAVING JURISDICTION.

PERSONS PERFORMING TANK SYSTEM SITE ASSESSMENTS WILL BE HIRED BY THE OWNER.

PERSONAL HEALTH AND SITE SAFETY PLANS SHALL BE IN PLACE BY THE CONTRACTOR PRIOR TO REMOVAL. ANY AN ALL APPLICABLE CODES AND STANDARD SHALL BE MET DURING REMOVAL. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO NOTIFY AND ASSESS ANY UNFORESEEN CIRCUMSTANCES WITH THE OWNER PRIOR TO ACTION.

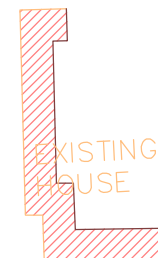
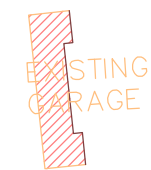
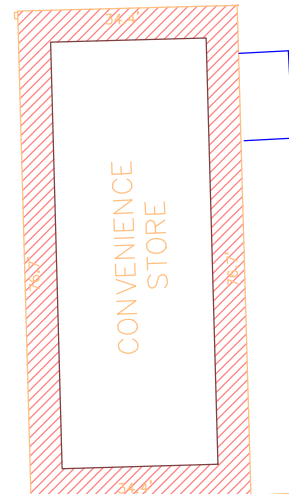
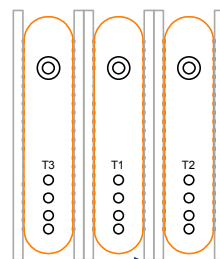
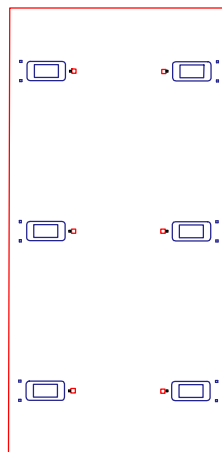
 <i>Excellence through experience™</i> Hillsboro, WI 1-800-236-0448	Project Kwik Trip #606 471 North Park Ave Fond du Lac, WI 54935	
	Sheet Name Existing Site Overview	
	Job #	Scale 1":40' (11"x17")
	Date 01/25/17	Sheet 2 of 6

T1 REGULAR UNLEADED
12,000 GALLON, 8' x 37'
T2 PLUS UNLEADED
12,000 GALLON, 8' x 37'
T3 PREMIUM UNLEADED
12,000 GALLON, 8' x 37'

WINNEBAGO DRIVE




N. PARK AVENUE



E. SCOTT STREET

NEW (REPLACEMENT)
UNDERGROUND FUEL TANKS



 Excellence through experience™ Hillsboro, WI 1-800-236-0448	Project	Kwik Trip #606	
		471 North Park Ave Fond du Lac, WI 54935	
	Sheet Name	New Site Overview	
	Job #	Scale	1"=30' (11"x17")
Date		01/25/17	Sheet 3 of 6

CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: February 8, 2017
To: Plan Commission
From: Joellyn Dahlin, Principal Planner
Re: Special Use Permit – **471 N Park Avenue**

Applicant: Kwik Trip

Request: Replace underground fuel tanks and aboveground fuel dispensers.

Zoning: Site: C-2 (General Business)
North: C-2
South: R-1 (Single Family Residential)
East: R-1
West: R-1

Land Use: Site: Kwik Trip
North: Salty's Restaurant
South: Residential
East: Residential
West: City of FDL Landscaped Area

Analysis

The Kwik Trip gas station and convenience store located on North Park Avenue at Scott Street was constructed in 1988; the development replaced an older service station previously located on the property. Several changes to the site are currently planned, including a small addition on the east side of the convenience store, reconfiguration of existing parking on the south/southeast side of the store, and the replacement of underground fuel storage tanks and aboveground fuel dispensers. The building addition and parking lot reconfiguration will be addressed through the administrative review of a site plan. The replacement of the underground fuel tanks requires approval of a special use permit due to the property's location within the Wellhead Protection Overlay District.

Three underground fuel tanks are currently located in the general site area between the fuel islands and the convenience store. The tanks feed six aboveground fuel pumps. Two of the tanks have a capacity of 10,000 gallons; one tank has a capacity of 12,000 gallons. The single-wall tanks are 28 years old. The new tanks are each 12,000 gallons and are double wall construction. After the tanks are removed from the ground, the tanks will be cleaned of

any liquid and sludge, which will be properly drummed for removal and/or recycling. The storage tanks will be scrapped and will not be used at another location.

The Wellhead Protection Overlay district (WHP-O) is intended to protect the municipal water supply and well fields. The boundaries of the WHP-O encompass a circular area having the municipal well as its center and extending outward in a 1200' radius. Each wellhead protection zone has two zones of protection: Zone A includes the wellhead, Zone B is the area within a 1200' radius of the well. The regulations of the district are based on the City of Fond du Lac Wellhead Protection Plan and apply in addition to other development regulations.

The Kwik Trip property is located approximately 500 feet northeast of a City well site. Well No. 10 is located on a City-owned property on Bischoff Street four lots west of Park Avenue. The Kwik Trip property is situated entirely within Zone B; no part of the property is within the area of Zone A. This situation is similar to Kwik Trip's site on North Main Street and Johnson Street, where that property is within 1200 feet of a City well and is situated in Zone B. In approving a special use permit for the North Main Street site special conditions were included to assure a safe use; the same conditions approved for the North Main site are recommended for the proposed project.

Recommendation

Community Development staff suggests the Plan Commission recommend to the City Council approval of the Special Use Permit, subject to the following conditions:

1. The installation, use, and maintenance of underground fuel tanks shall comply with requirements of the Wellhead Protection Overlay District and appropriate requirements of the City of Fond du Lac Water Utility.
2. Underground fuel tanks shall provide proper containment (double-wall tank or spill containment area). Proof of compliance with this requirement shall be provided to the Building Inspector in conjunction with required plans for review and approval of a building permit.

Special Use Permit
471 N Park Avenue

Parcel Number	Site Address	Mailing Address 1	Mailing City	Mailing State	Mailing Zip
FDL-15-17-02-33-537-00	231 E SCOTT ST	231 E SCOTT ST	FOND DU LAC	WI	54935
FDL-15-17-11-22-259-00	453 N PARK AVE	453 N PARK AVE	FOND DU LAC	WI	54935
FDL-15-17-02-33-512-00	0 N PARK AVE	PO BOX 150	FOND DU LAC	WI	54936
FDL-15-17-11-22-264-00	454 N PARK AVE	454 N PARK AVE	FOND DU LAC	WI	54935
FDL-15-17-02-33-523-00	235 WINNEBAGO DR	235 WINNEBAGO DR	FOND DU LAC	WI	54935
FDL-15-17-02-33-524-00	237 WINNEBAGO DR	235 WINNEBAGO DR	FOND DU LAC	WI	54935
FDL-15-17-11-22-258-00	230 E SCOTT ST	230 E SCOTT ST	FOND DU LAC	WI	54935
FDL-15-17-02-33-516-00	0 WINNEBAGO DR	5321 CORPORATE BLVD	BATON ROUGE	LA	70808
FDL-15-17-02-33-534-00	0 WINNEBAGO DR	5321 CORPORATE BLVD	BATON ROUGE	LA	70808
FDL-15-17-02-33-538-00	235 E SCOTT ST	235 E SCOTT ST	FOND DU LAC	WI	54935
FDL-15-17-02-33-522-00	503 N PARK AVE	503 N PARK AVE	FOND DU LAC	WI	54935
FDL-15-17-11-22-257-00	234 E SCOTT ST	234 E SCOTT ST	FOND DU LAC	WI	54935
FDL-15-17-02-33-536-00	227 E SCOTT ST	1626 OAK ST	LA CROSSE	WI	54603
FDL-15-17-02-33-535-00	471 N PARK AVE	1626 OAK ST	LA CROSSE	WI	54601

**COMMISSION AGENDA
CITY OF FOND DU LAC, WISCONSIN
Special Use Permit**

Subject: Proposal: Use indoor amplified music as part of the
 business operations of a bar and grill.
 Location: 65 N Main Street
 Initiator: Bryan Perl d/b/a Two Bucks Grill & Ale
 House

Effect:

Initiator:

Location:

Recommendation:

ATTACHMENTS:

File Name

SUP_Application_-_Perl.pdf

SUP_Perl_-_Business_Plan.pdf

SUP_Perl_-_Location_and_Vicinity.pdf

Correspondence_-_63_N_Main.pdf

Correspondence_-_61_N_Main.pdf

PC_Memo_-_SUP_Perl.pdf

PERL_MAILING_LIST.PDF

City of Fond du Lac

SPECIAL USE PERMIT

Application

PROPERTY LOCATION: 65 N. Main Street, Fond du Lac, WI 54935

Tax Key Number (Vacant Land): FDL-15-17-10-44820-00

Project Applicant			
Name <u>65 N. Main Pub, LLC DBA: Two Bucks Grill & Ale House</u>			
Mailing Address <u>65 N. Main Street</u>	City <u>Fond du Lac</u>	State <u>WI</u>	ZIP Code <u>54935</u>
Email Address		Phone Number	
Landowner (Complete this information if the project applicant is not the property owner.)			
Name <u>MEBT, LLC</u>			
Mailing Address <u>463 Cedar Street</u>	City <u>Fond du Lac</u>	State <u>WI</u>	ZIP Code <u>54935</u>
Email Address [REDACTED]		Phone Number [REDACTED]	
Landowner Certification			
If the person requesting the special use permit is not the owner of the property affected by the proposal, the consent of the landowner is necessary. Refer to the LANDOWNER AUTHORIZATION form included with the special use permit application packet.			

Description of present use of property:

Vacant building/Restaurant/Bar

Description of proposed use of property and/or proposed site development:

Requesting an amplified music permit to allow amplified music on the premises.

Time schedule for use and/or development of the property: During business hours

PROJECT APPLICANT SIGNATURE [Signature] Bryan Perl

65 N Main Pub, LLC
DBA: Two Bucks Grill & Ale House
65 North Main Street
Fond du Lac, WI

Executive Summary

1. 65 N Main Pub, LLC dba Two Bucks Grill & Ale House

Two Bucks Grill & Ale House considers itself first a restaurant and then an ale house. We estimate that seventy percent (70%) of our business will be made from food sales and thirty percent (30%) will be made up of drink sales.

The property is located at 65 North Main Street, Fond du Lac, Wisconsin, formerly JR's. Two Bucks Grill & Ale House will have the exact same footprint and layout of the former JR's. All the tables, chairs, televisions, kitchen, and equipment were purchased along with the building and will be used by Two Bucks Grill & Ale House.

Bryan Perl purchased this property after it had sat vacant for many years, it is his plan and passion to bring this property back to life and become a productive building in downtown Fond du Lac.

The property was purchased by Bryan Perl and titled under the name of MFBT, LLC, in which he is a single member. MFBT, LLC will lease the premises under a triple net lease to 65 N Main Pub, LLC dba Two Bucks Grill & Ale House which Bryan Perl also is a single member.

1.1 Objectives

Two Bucks Grill & Ale House's goal is to provide downtown Fond du Lac with unique dining experience with numerous beverage options.

1.2 Menu / Ale House

* Food: Two Bucks Grill & Ale House will open with a simplified menu, which has been attached to this Executive Summary.

* Drinks: Two Bucks Grill & Ale House will have twelve (12) ale's on tap each being from local or regional micro-brews. The ale selection will be based on the season and customer demands. There will also be dozens of unique bottled beers and wines to be selected from.

1.3 Keys to Success

The keys to success are to start simple and grow:

- In the beginning, start with a simple menu and deliver on the quality of the product.
- Use smart growth business planning.
- Expand the menu options as customer demand requires.
- Expand days per week open as customer demand requires.
- Expand hours open per day as customer demand requires.

1.4 Pricing

The prices will be comparable with similar eating establishments in the community (Backyard, Fat Joe's, etc.). We will offer nightly specials and Happy Hours similar to other establishments in the community.

1.5 Hours of Operation

Hours will be Wednesday through Saturday 2:00 p.m. to 2 a.m. The hours of operation may expand depending on success of the restaurant. If the restaurant is successful, then lunch service may be added and additional days may be added per week.

1.6 Public Safety/Conduct Code

Public Safety is of the utmost importance in providing our patrons a great experience. We will have a host/security on the floor at all times. We have installed a new 12 camera system for video surveillance. Inappropriate behavior will not be tolerated at any time, with a strict dress code after 9 p.m. We will also work with law enforcement to maintain the peace and if there are any issues or concerns on behalf of law enforcement, we shall take appropriate actions immediately. Every bartender is required to take a responsible beverage serving course.

1.7 Music and Bands:

We plan on applying for a amplified music permit with the City of Fond du Lac. The intent is to have a jukebox and the ability to have live band performances.

1.8 Dress Code:

For dinner services, normal everyday attire will be allowed.

After 9:00 p.m. no hats, hoodies, jerseys (except on game days) the attire is expected to be similar to the attire a person would wear to a wedding or other semi-formal gathering. The dress code shall be strictly enforced by the host/security.

1.9 Prior Code Violations:

When the property was purchased there were code violations that will need to be or have already been addressed prior to opening. We are committed to working with the City of Fond du Lac to remedy these code violations prior to opening our doors.

1.10 Parking:

There is one City of Fond du Lac parking lot adjacent to the premises that will be utilized by the patrons. The property was previously used in a similar capacity and parking was satisfactory to the patrons and City leaders then and will be again in the future.

1.11 Permits:

Two Bucks Grill & Ale House have received the following permits:

- Certified Food Manager License
- Health Inspection
- Fire Protection/Certified by JF. Ahern Fire Protection

2. Company Ownership and Structure

2.1 Owner: 65 N Main Pub, LLC dba Two Bucks Grill & Ale House is a single member limited liability company organized under the laws of the State of Wisconsin. Bryan Perl is the single member of the limited liability company. A copy of the Articles of Incorporation and Operating Agreement are attached to this Executive Summary.

2.2 General Manager: This person will oversee the day to day operations and have meetings weekly with Bryan Perl. Bryan Perl shall act as general manager until such a time when one can be hired that is acceptable by him. At the time a new general manager is hired a transfer of agent will be filed with the City of Fond du Lac to make the general manager the agent. The General Manager will directly oversee the food preparation and bar staff. This person shall also be responsible for enforcement of the rules and policies of the organization.

2.3 Chef: The Chef shall oversee the food preparation and wait staff. The duties of the Chef shall include ordering and maintaining of the fully functional kitchen and wait staff. The Chef shall report directly to the General Manager.

2.4 Bar Manager: The Bar Manager shall oversee the bartenders. The Bar Manager's duties shall include ordering and maintaining the fully functional bar and staffing of it. The Bar Manager shall report directly to the General Manager.

2.5 Employees: We will have a staff of approximately nine (9) employees (not including the managers) in the beginning. If additional staff is required, we will always maintain the proper staffing levels at all times.

3. Marketing Strategy

The marketing strategy will be a combination of local media (radio and print) along with social media (Facebook, Twitter, etc.).

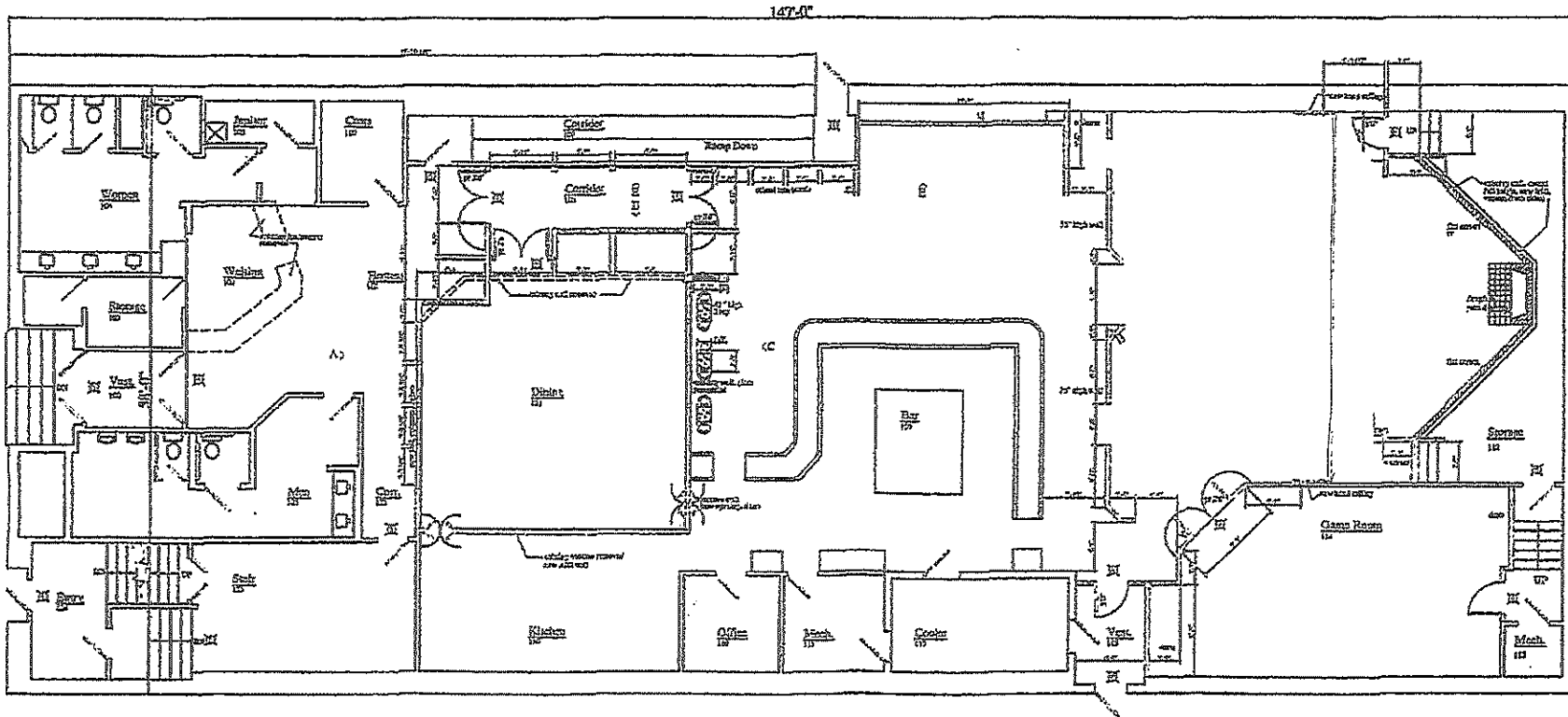
4. Financial Plan

Two Bucks Grill & Ale House is not dependent on conventional funding to start up or operate. This means that growth can be achieved quicker and easier than other organizations that are more dependent on debt service rather than customer service.

5. Prior History

Bryan Perl has been in food and drink industry for almost twenty-years having previously owned the Black Perl Restaurant & Hall of St. Peter and Fisherman's Cove and several other bars throughout the area. He is excited at the opportunity to bring his passion to downtown Fond du Lac.

Mistakes have been made in the past which can be discussed at length, but in each instance Bryan Perl has not run away from the issues, he will openly and honestly discuss them. Any demerit points issued were remedied and no restaurant or bar that he has owned has ever had their liquor licenses revoked. Attached to this Executive Summary is an explanation to the concerns raised by the Fond du Lac City Police.



Field Verify Layout &
Coordinate All Dimensions
w/Owner Prior to Any &
All Construction.

Proposed
Floor Plan
Scale: 1/4"=1'-0"

0 4 8 16 32 Feet



PRELIMINARY

PRELIMINARY

2008.05

Arch
S.

Remodeling for
JR's Sports Bar & Grille
60 N. Main St.
Poulsbo, WA 98268

TOM W. MBIRLEIGH, III, AIA
A R C H I T E C T
113 Fourth Main Street
Poulsbo, WA 98268
Phone: 360-665-3311

010206

SPECIAL USE PERMIT – 65 N MAIN STREET (PERL)



Dahlin, Joellyn

From: Benson, Dyann
Sent: Tuesday, January 31, 2017 3:51 PM
To: Dahlin, Joellyn
Subject: Fwd: Special use Permit for 65 N Main

For the Plan Commission

----- Original message -----

From: John Papenheim
Date: 1/31/17 3:49 PM (GMT-06:00)
To: Benson, Dyann
Subject: Special use Permit for 65 N Main

****SENT BY EXTERNAL SENDER****

Hi Dyann,

I am writing regarding the special use permit at 65 N Main. I own the building just south of that property (63 N Main). There is a residential apartment above the commercial 1st floor there. This is a large apartment that was re-done in the 1990's and has been maintained and updated since that time. There was no bar or sound systems at 65 N Main when I bought the building in 1992. I've generally had a very good rental history with this property, however, around 2000, a bar called Bases Loaded moved into the property at 65 N Main. They mounted speakers on the common wall with no sound-proofing and also had live music. The day after they opened, my apartment tenant contacted me- his exact words were: "the place shakes". He was correct. That tenant moved out soon after. For the next 10+ years, I had to keep the rent low and only rent with the caveat that you will hear the music at night. Since the building has been vacant, I have not had sound issues. There were also multiple safety related issues with Bases Loaded- over crowding, weapons, drunkenness, fights etc, some in my parking area. Also, there is a access door for 65 N Main that uses the same stairs that my tenant uses and into my parking area. At that time, Bases Loaded would leave that door open making the sound and safety issues worse. Subsequent establishments- including JR's were better, but there was still noise.

I am concerned that with the return of DJ music and live entertainment that it may affect my ability to rent the apartment at market rates and keep tenants. While I understand that downtown apartments inherently have higher noise levels, this property was designed with sleeping areas away from the noise of Main Street. The sleeping areas, however, are adjacent to the shared wall with 65 N Main. I believe provisions should be made so none of the sound from the entertainment or loudspeakers can be detected in the residential portion of my building. Also, the access door should be shut whenever there is entertainment or noise. I would also like the door not be used by patrons as an entrance/ exit.

I have only well wishes for our new neighbor Two Bucks Grill & Ale House. The success of this business is key to downtown redevelopment. I am willing to work with the owner and cooperate in any way I can. Because of the close quarters, shared walls, mixed uses and wide variety of business types, consideration and cooperation is required. A likewise key to downtown redevelopment has been the residential renaissance that has been occurring the last decade or so. Residential requires a safe and reasonably peaceful, quiet atmosphere.

Please feel free to contact me with questions or concerns.

Thanks.

-John Papenheim
Papenheim's Signcrafters
15 5th Street Fond du Lac, WI 54935

Dahlin, Joellyn

From: Hefter, Margaret
Sent: Thursday, February 02, 2017 11:30 AM
To: Dahlin, Joellyn; Benson, Dyann
Subject: FW: special use permit 65 N Main St

FYI

From: United Service Appraisals
Sent: Thursday, February 02, 2017 10:57 AM
To: Hefter, Margaret
Subject: special use permit 65 N Main St

****SENT BY EXTERNAL SENDER****

Hi Maggie, I wanted to drop you a note with my thoughts on this since I will be unable to make the meeting. I am fine with the request. The building has been a bar of some sort for decades and I believe that this request is well within reason. The neighbors know that they live next to a bar and property owners know they own a building next to a bar.

I have had conversations with Mr. Perl regarding efforts to keep the properties around his clean from debris etc from his customers and I believe he will be good to his word when it comes to doing just that.

Regards,

Brian Carter
United Service Appraisals

PROPERTY OWNER: 61 N MAIN

CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: February 8, 2017

To: Plan Commission

From: Joellyn Dahlin, Principal Planner

Re: Special Use Permit – **65 N Main Street**

Applicant: Bryan Perl dba *Two Bucks Grill & Ale House*

Request: Use indoor amplified music/sound as part of the business operations of a restaurant/bar located next to residential living units.

Zoning:

Site:	C-1 (Central Business District)
North:	C-1
South:	C-1
East:	C-1 and R-3 (Residential)
West:	C-1

Land Use:

Site:	Vacant Restaurant/Bar (Former JR's)
North:	Hoppers Silk Screening
South:	<i>What Not Shoppe</i> /Second Floor Apartment
East:	City Parking Lot #11/Portland Square Apartments
West:	Downtown Businesses/Riverside Senior Apartments

Analysis

The subject property is a commercial building situated in the downtown business district with a history of use for various bars. The most recent business (JR's) was discontinued more than five years ago and the building has stood vacant. The new property owner plans to repair the building and continue its tradition of use as a bar and grill. An operational summary of the proposed establishment – *Two Bucks Grill & Ale House* – is included with the special use permit request.

Taverns, bars and restaurants are permitted by the property's commercial zoning designation. A special use permit is required when amplified music or sound is used as a regular part of the business operations if the property is located adjacent to residential living units.

The petitioner describes the new establishment as primarily a restaurant and estimates that food will comprise 70% of the business sales activity, with beverage sales representing 30%. The planned hours of operation are Wednesday through Saturday, 2:00 p.m. to 2 a.m. Lunch service and additional days of operation may be added in the future. Amplified music

and sound would include the regular use of a jukebox, with the potential for live band performances.

The subject property is situated adjacent to a building with commercial space on the first floor and an apartment on the second floor. This property would be potentially affected by the use of amplified music and in fact has experienced the effects of extreme noise and sound vibration. The neighboring property owner's past experience and concerns are documented in correspondence submitted to the Plan Commission. Other residential uses are located in close proximity to the property, including the nearby Portland Square Apartments to the east across Portland Street. A residential neighborhood is northeast of the site; the Riverside senior apartments are located 200' west of the site.

The purpose of a special use permit for amplified music or sound is to assure compatibility between a commercial use and a residential use, and specifically protect the livability of residential housing in the downtown. The requirement for a special use permit and the zoning code regulations for the use of amplified music or sound were implemented as the direct result of the effects of sound and vibration generated by a former downtown business.

To address code violations and occupancy requirements, repair of the subject building is necessary. An occupancy permit is required before the business can open; the occupancy permit is issued by Building Inspection and the Fire Department. Although not an immediate code requirement for occupancy, the property owner may want to consider a proactive approach to offset potential noise issues and include sound mitigating features as part of the changes to the building for the new use.

As noted, the zoning code provides operational criteria for a sound-generating establishment to protect nearby residential uses. To ensure a clear understanding of code requirements and expectations for the use of amplified music and sound, it would be appropriate to include the zoning code regulations as conditions of the special use permit approval.

Recommendation

Community Development staff suggests a motion to recommend to the City Council approval of the Special Use Permit, subject to the following conditions:

1. An occupancy permit is required. A Certificate of Occupancy shall be issued by the Chief Building Inspector prior to the start of business operations.
2. Exterior doors, and interior doors that open into a common hallway, shall not be propped open and shall remain closed except for the normal exit/entry of persons.
3. Sound shall be muffled or controlled so as not to become objectionable due to volume, intermittence, duration, beat frequency, impulse character, periodic character or shrillness. No activity shall emit vibration that is discernible without instruments at or beyond the property line of the premises. The use of soundproofing and/or other measures to prevent sound and vibration intrusions to adjacent properties may be required.

4. The verification and documentation of a substantial number of complaints for amplified sound or other activity that intrudes upon the neighborhood shall constitute grounds for violation of the special use permit. Complaints shall be verified and documented with the Police Department and brought to the attention of the offending business owner/operator in writing. If the terms of the special use permit have been violated, or if the use is substantially detrimental to persons or property in the neighborhood, the Plan Commission shall recommend to the City Council revocation of the special use permit.

Special Use Permit
65 N Main Street

Parcel Number	Site Address	Mailing Address 1	Mailing City	Mailing State	Mailing Zip
FDL-15-17-10-44-827-00	39 N MAIN ST	PO BOX 114	SLINGER	WI	53086
FDL-15-17-10-44-822-00	61 N MAIN ST	106 E 12TH STREET	FOND DU LAC	WI	54935
FDL-15-17-10-44-819-00	71 N MAIN ST	160 S MACY ST	FOND DU LAC	WI	54936
FDL-15-17-10-44-817-00	0 N PORTLAND ST	160 S MACY ST	FOND DU LAC	WI	54936
FDL-15-17-10-44-813-00	33 N PORTLAND ST	160 S MACY ST	FOND DU LAC	WI	54936
FDL-15-17-10-42-290-00	93 N MACY ST	160 S MACY ST	FOND DU LAC	WI	54936
FDL-15-17-10-43-510-00	32A N MAIN ST	9551 NW 39TH CT	CORAL SPRINGS	FL	33065
FDL-15-17-10-43-511-00	32 N MAIN ST	9551 NW 39TH CT	CORAL SPRINGS	FL	33065
FDL-15-17-10-43-509-00	36 N MAIN ST	W3844 HILLCREST LN	FOND DU LAC	WI	54937
FDL-15-17-10-42-294-00	78 N MAIN ST	N3323 HICKORY DR	WAUPUN	WI	53963
FDL-15-17-10-44-818-00	48 N PORTLAND ST	160 S MACY ST	FOND DU LAC	WI	54935
FDL-15-17-10-43-503-00	54 N MAIN ST	421 N MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-10-43-504-00	50 N MAIN ST	421 N MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-10-43-505-00	48 N MAIN ST	421 N MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-10-41-163-00	77 N MAIN ST	77 N MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-10-41-164-00	25 E MERRILL AVE	25 E MERRILL AVE	FOND DU LAC	WI	54935
FDL-15-17-10-41-165-00	31 E MERRILL AVE	25 EAST MERRILL AVE	FOND DU LAC	WI	54935
FDL-15-17-10-43-502-00	56 N MAIN ST	926 MEQUON AVE	FOND DU LAC	WI	54935
FDL-15-17-10-41-168-00	92 MARQUETTE ST	92 MARQUETTE ST	FOND DU LAC	WI	54935
FDL-15-17-10-41-166-00	33 E MERRILL AVE	33 E MERRILL AVE	FOND DU LAC	WI	54935
FDL-15-17-10-41-169-00	39 E MERRILL AVE	W7921 HABERKORN DR	FOND DU LAC	WI	54937
FDL-15-17-10-43-508-00	42 N MAIN ST	42 N MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-10-44-820-00	65 N MAIN ST	463 CEDAR ST	FOND DU LAC	WI	54935
FDL-15-17-10-43-512-00	30 N MAIN ST	30 N MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-10-42-293-00	82 N MAIN ST	25 ALGOMA ST	FOND DU LAC	WI	54935
FDL-15-17-10-44-821-00	63 N MAIN ST	15 5TH ST	FOND DU LAC	WI	54935
FDL-15-17-10-43-506-00	46 N MAIN ST	521 VAN DYNE RD	FOND DU LAC	WI	54937
FDL-15-17-10-43-507-00	44 N MAIN ST	521 VAN DYNE RD	FOND DU LAC	WI	54937
FDL-15-17-10-43-529-01	57 N MACY ST	9 SHEBOYGAN ST	FOND DU LAC	WI	54935
FDL-15-17-10-43-500-00	70 N MAIN ST	295 COTTAGE AVE	FOND DU LAC	WI	54935
FDL-15-17-10-44-826-00	41 N MAIN ST	41 N MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-10-44-825-00	45 N MAIN ST	641 E 2ND ST	FOND DU LAC	WI	54935
FDL-15-17-10-41-161-00	99 N MAIN ST	310 HWY 67	KIEL	WI	53042
FDL-15-17-10-44-824-00	47 N MAIN ST	47 N MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-10-44-823-00	49 N MAIN ST	N5610 VALLEY CREEK RD	FOND DU LAC	WI	54937
FDL-15-17-10-42-292-00	84 N MAIN ST	PO BOX 60	ABERDEEN	SD	57402
FDL-15-17-10-44-811-00	55 N PORTLAND ST	2 E MIFFLIN ST SUITE 801	MADISON	WI	53703

**COMMISSION AGENDA
CITY OF FOND DU LAC, WISCONSIN
Construction Of Private Lead Service Lateral**

Subject: Effect: To initiate administrative action for the construction of and levying special assessments.
Locations: **5th Street** from S. Marr Street to S. Park Avenue
7th Street from S. Main Street to S. Park Avenue
Ellis Street from 4th Street to 8th Street (North leg)
N. Military Road from W. Follett Street to W. Scott Street
Tompkins Street from Superior Street west to Termini
Emergency repairs unknown at this time

Effect:

Initiator:

Location:

Recommendation:

ATTACHMENTS:

File Name

PC_Memo_-_LSL_Public_Improvements_2017_(2).pdf

2017_Construction_Map.pdf

CITY OF FOND DU LAC - Memorandum

Department of Public Works – Water Utility

Date: February 9, 2017

To: Plan Commission

From: Peter Hartz, Water Superintendent

Re: 2017 Construction of Public Improvements

The proposed public improvements include construction of new private water services replacing existing lead service lines. This work will be done on the properties located on the same streets as the annual Clearwater Elimination Program. Additional work may include emergency repairs that have lead services, or previously partially replaced lead service lines. The location for special assessment of private lead service line replacements are:

- 5th Street from S. Marr Street to S. Park Avenue
- 7th Street from S. Main Street to S. Park Avenue
- Ellis Street from 4th Street to 8th Street (North Leg)
- N. Military Road from the W. Follett Street to W. Scott Street
- Tompkins Street from Superior Street west to the R.R. tracks
- Emergency repairs unknown at this time

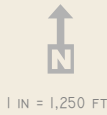
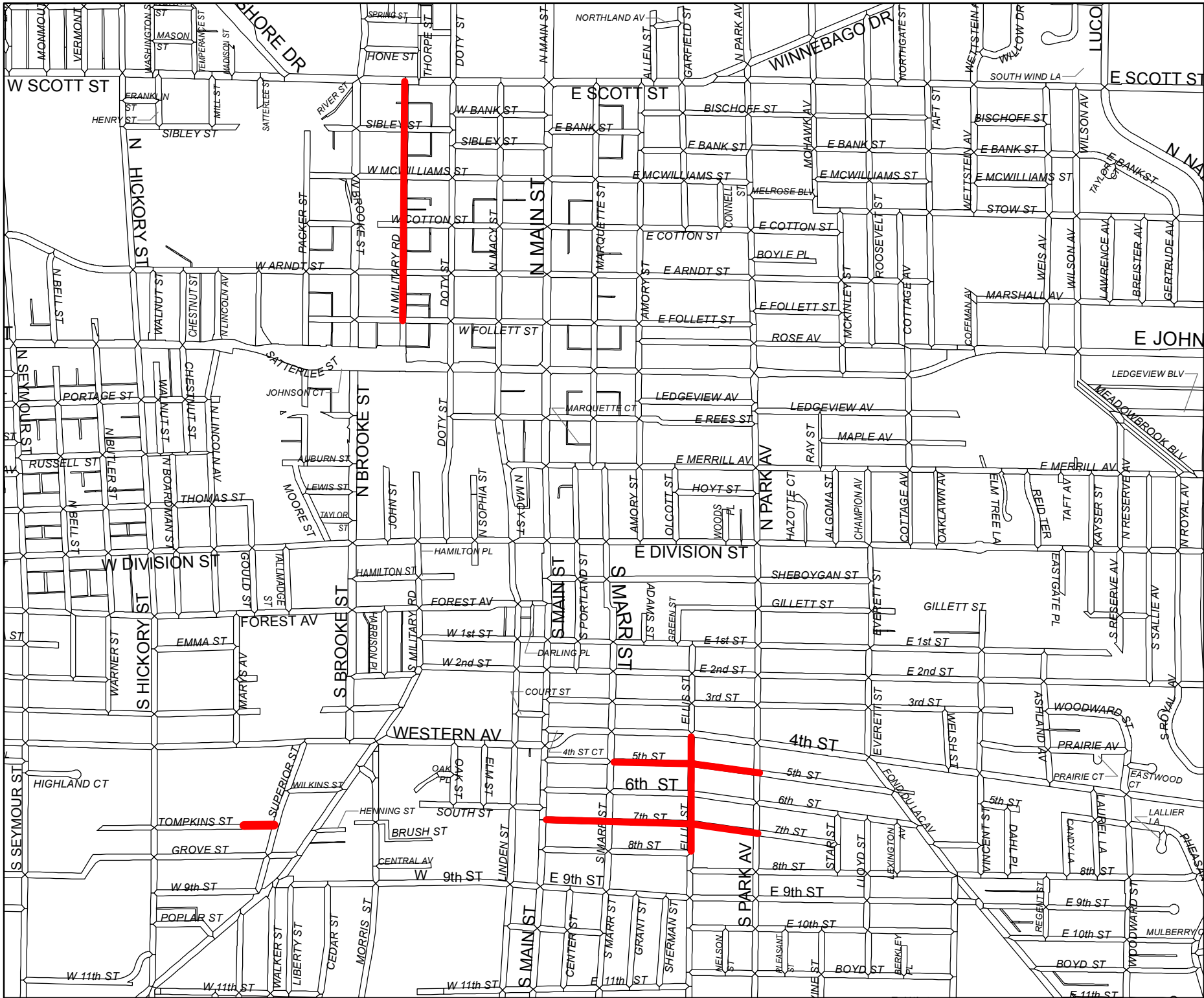
The public portion of the street and utilities will be reconstructed, including the public portion of the water service lateral. In accordance with the recently adopted Ordinance #3629 by City Council, the private portion of a lead service lateral is required to be replaced when the public portion is replaced or in emergency repair situations. The cost for the private portion of the lead service lateral is partially borne by the property owner and is subject to a special assessment as identified in Chapter 65: Finance and Taxation § 65-4 Collection of taxes and special assessments.

The Water Utility received a \$300,000 Safe Drinking Water Loan to offset some of the cost for the property owners. It is not know at this time how much cost share the Water Utility can provide as the private lead service line will be bid out as a separate contract with the City's Construction project.

Approval of a preliminary resolution is requested for work anticipated during the 2017 construction season.

Recommendation

Staff suggests a motion to recommend to the City Council approval of a preliminary resolution.



Overall 2017 Construction Map



ENGINEERING & TRAFFIC DIVISION

2017 STREET & UTILITY CONSTRUCTION

DRAWN BY: PDEVRIS DATE: 12/2/2016