

PLAN COMMISSION MINUTES

April 17, 2017

5:30 PM

Meeting Room D
City-County Government Center

160 S Macy Street
Fond du Lac, Wisconsin

OPENING CEREMONIES

Attendance

Present

Hertha Longo
Stan Ramaker
Jordan Skiff
Derek Terbeest
Sarah Van Buren
David Washkoviak
Nicole Wiese

Absent

Dan Nielsen
Anne Pierce

Administrative Staff

Joellyn Dahlin

Declaration Quorum Present

Chairperson, David Washkoviak, declared a quorum present.

CONSENT AGENDA

February 13, 2017 Minutes

A Motion was made by Jordan Skiff to approve the minutes of February 13, 2017 and seconded by Nicole Wiese, and the motion was **Passed.**

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

Absent: Nielsen, Jr., Pierce

PUBLIC HEARING

Rezone

Effect: Rezone property from C-2 (General Business) to R-4 (Multifamily Residential).
Initiator: Davey Bartlett
Location: 14 6th Street

Spoke in support of rezoning the property at 14 6th Street

Davey Bartlett, 3563 Summer Dr, Cedarburg, WI

A Motion was made by Derek TerBeest to approve the request to rezone the property at 14 6th Street from C-2 (General Business) to R-4 (Multifamily Residential) and seconded by Stan Ramaker, and the motion was **Passed**.

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

Absent: Nielsen, Jr., Pierce

ACTION

Special Use Permit

Proposal: Use indoor amplified music as part of the business operations of a bar and grill.

Location: 119 S Main Street

Initiator: Patricia Andrews d/b/a Las Islas

Spoke in opposition of granting a Special Use Permit for Las Islas at 119 S Main St

Brad Manthey, 123 S Main St, Fond du Lac, WI

Rita Manthey, 3 E 2nd St, Fond du Lac, WI

Joe Beck, 15 E 2nd St, Fond du Lac, WI

A Motion was made by David Washkoviak to postpone approval of Special Use Permit at 119 S Main St and seconded by Nicole Wiese, and the motion was **Passed**.

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

Nays: Skiff, TerBeest

Absent: Nielsen, Jr., Pierce

ADJOURN

A Motion was made by Nicole Wiese to adjourn at 6:00 PM and seconded by Hertha Longo, and the motion was **Passed**.

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

Absent: Nielsen, Jr., Pierce

COMMISSION AGENDA
CITY OF FOND DU LAC, WISCONSIN
February 13, 2017 Minutes

Subject:

Effect:

Initiator:

Location:

Recommendation:

ATTACHMENTS:

File Name

[Minutes 2017 2 13 Meeting\(321\) \(1\).pdf](#)

PLAN COMMISSION MINUTES

February 13, 2017

5:30 PM

Meeting Room D
City-County Government Center

160 S Macy Street
Fond du Lac, Wisconsin

OPENING CEREMONIES

Attendance

Present

Dan Nielsen
Anne Pierce
Stan Ramaker
Derek Terbeest
Nicole Wiese

Absent

Hertha Longo
Jordan Skiff
Sarah Van Buren
David Washkoviak

Administrative Staff

Joellyn Dahlin, Principal Planner
Paul DeVries, City Engineer
Jordan Skiff, Director of Public Works

Declaration Quorum Present

Acting Chairperson, Nicole Wiese, declared a quorum present.

CONSENT AGENDA

December 12, 2016 Minutes

A Motion was made by Derek TerBeest to approve the minutes of December 12, 2016 and seconded by Stan Ramaker, and the motion was **Passed.**

Ayes: Nielsen, Jr., Pierce, Ramaker, TerBeest, Wiese

Absent: Longo, Skiff, Van Buren, Washkoviak

INPUT

Audience Comments

Spoke in regards to Action Item A, Painted Mural at 290 N Main Street

Mary Fortnay, N7365 Easterlies Dr, Fond du Lac, WI

Spoke in support of Action Item B, Special Use Permit for Kwik

Trip at 471 N Park Avenue

Dave Powell, 1626 Oak St, Lacrosse, WI

Spoke in support of Action Item C, Special Use Permit for Two Bucks Grill & Ale House at 65 N Main Street

Bill Everson, 97 S Pioneer Rd, Ste 300, Fond du Lac, WI

ACTION

Painted Wall Mural

Location: 290 N Main Street

Initiator: Dyann Benson, Community Development Director

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.

A Motion was made by Daniel Nielsen, Jr. to approve Action Item A, Painted Wall Mural at 290 N Main Street and seconded by Derek TerBeest, and the motion was **Passed**.

Ayes: Nielsen, Jr., Pierce, Ramaker, TerBeest, Wiese

Absent: Longo, Skiff, Van Buren, Washkoviak

Special Use Permit

Proposal: Replace underground fuel storage tanks and aboveground fuel dispensers.

Location: 471 N Park Avenue

Applicant: Kwik Trip

Approval of the Special Use Permit is subject to the following conditions:

1. The installation, use, and maintenance of underground fuel tank and fuel dispensers shall comply with requirements of the Wellhead Protection Overlay District and appropriate requirement 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.

A Motion was made by Nicole Wiese to approve Action Item B, Special Use Permit for Kwik Trip at 471 N Park Avenue with conditions and seconded by Stan Ramaker, and the motion was **Passed**.

Ayes: Nielsen, Jr., Pierce, Ramaker, TerBeest, Wiese

Absent: Longo, Skiff, Van Buren, Washkoviak

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

Approval of the Special Use Permit is 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.

A Motion was made by Nicole Wiese to approve Action Item C, Special Use Permit for Two Bucks Grill & Ale House located at 65 N Main Street with conditions and seconded by Derek TerBeest, and the motion was **Passed**.

Ayes: Nielsen, Jr., Pierce, Ramaker, TerBeest, Wiese

Absent: Longo, Skiff, Van Buren, Washkoviak

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

A Motion was made by Derek TerBeest to approve Action Item D, Construction of Private Lead Service Lateral and seconded by Daniel Nielsen, Jr., and the motion was **Passed.**

Ayes: Nielsen, Jr., Pierce, Ramaker, TerBeest, Wiese

Absent: Longo, Skiff, Van Buren, Washkoviak

ADJOURN

A Motion was made by Anne Pierce to adjourn at 5:52 pm and seconded by Stan Ramaker, and the motion was **Passed.**

Ayes: Nielsen, Jr., Pierce, Ramaker, TerBeest, Wiese

Absent: Longo, Skiff, Van Buren, Washkoviak

**COMMISSION AGENDA
CITY OF FOND DU LAC, WISCONSIN
Rezone**

Subject: Effect: Rezone property from C-2 (General Business) to R-4 (Multifamily Residential).
Initiator: Davey Bartlett
Location: 14 6th Street

Effect:

Initiator:

Location:

Recommendation:

ATTACHMENTS:

File Name

[NoticePublicHearing_Bartlett.doc](#)

[Rezone_Application.pdf](#)

[14_6th_Street_Vicinity_Map.pdf](#)

[14_6TH_ST_BLDG_PHOTOS.pdf](#)

[zoning_map.pdf](#)

[PC_Memo_Rezone_-_14_6th_St.pdf](#)

[Mailing_List_14_6th_St.pdf](#)

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Plan Commission of the City of Fond du Lac, Wisconsin, will conduct a Public Hearing at 5:30 PM, April 17, 2017 in meeting room D of the City-County Government Center, 160 South Macy Street, at the request of Davey Bartlett to rezone property from C-2 (General Business) to R-4 (Multifamily Residential) located at:

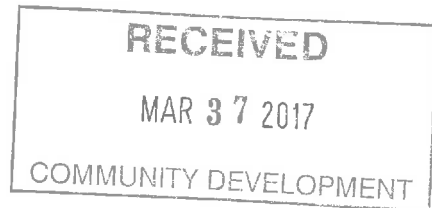
14 6th Street (FDL15-17-15-14-829-00)

All persons having an interest in the area are invited to participate in the hearing and express their opinions. Written communications will also be considered. For further information you are invited to contact the Community Development Department at 920-322-3440. Published in accordance with Section 62.23, Wisconsin Statutes.

Dated this 27th day of March 2017

MARGARET HEFTER
City Clerk

Published: April 9th, 2017 and April 12th, 2017



REZONING
Application

PROPERTY LOCATION: 14 6th STREET FOND DU LAC, WI.
Tax Key Number: FDL-15-17-15-14-829-00

Project Applicant			
Name <u>DAVEY C. BARTLETT</u>			
<u>[REDACTED]</u>	City <u>[REDACTED]</u>	State <u>WI</u>	ZIP Code <u>[REDACTED]</u>
Email Address <u>[REDACTED]</u>		Phone Number <u>[REDACTED]</u>	
Landowner (Complete this information if the project applicant is not the property owner.)			
Name <u>National Exchange Bank & Trust TRUSTEE OF TIMMER Family Trust By: CLAIRE M. KRUG, Tr. Officer</u>			
Mailing Address <u>P.O. Box 827</u>	City <u>Fond du Lac</u>	State <u>WI</u>	ZIP Code <u>54936-0827</u>
Email Address <u>[REDACTED]</u>		Phone Number <u>[REDACTED]</u>	
Landowner Certification			
If the person requesting the rezoning 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 rezoning application packet.			

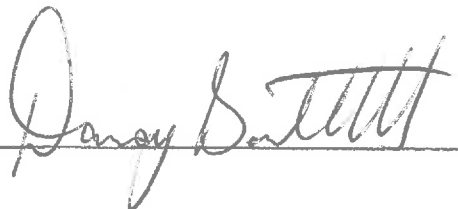
Existing Property Zoning Classification: GENERAL BUSINESS DISTRICT

Proposed Zoning Classification: RESIDENTIAL

Description of present use of property: PRIOR OFFICE - VACANT FOR 2 YEARS

Purpose of rezoning. Description of proposed use of property and/or proposed site development:
CREATE A RESIDENTIAL RENTAL PROPERTY WITH
REMODELING THE PRESENT BUILDING

Time schedule for use and/or development of the property: 90 DAYS TO REMODEL AFTER PURCHASE.

PROJECT APPLICANT SIGNATURE 

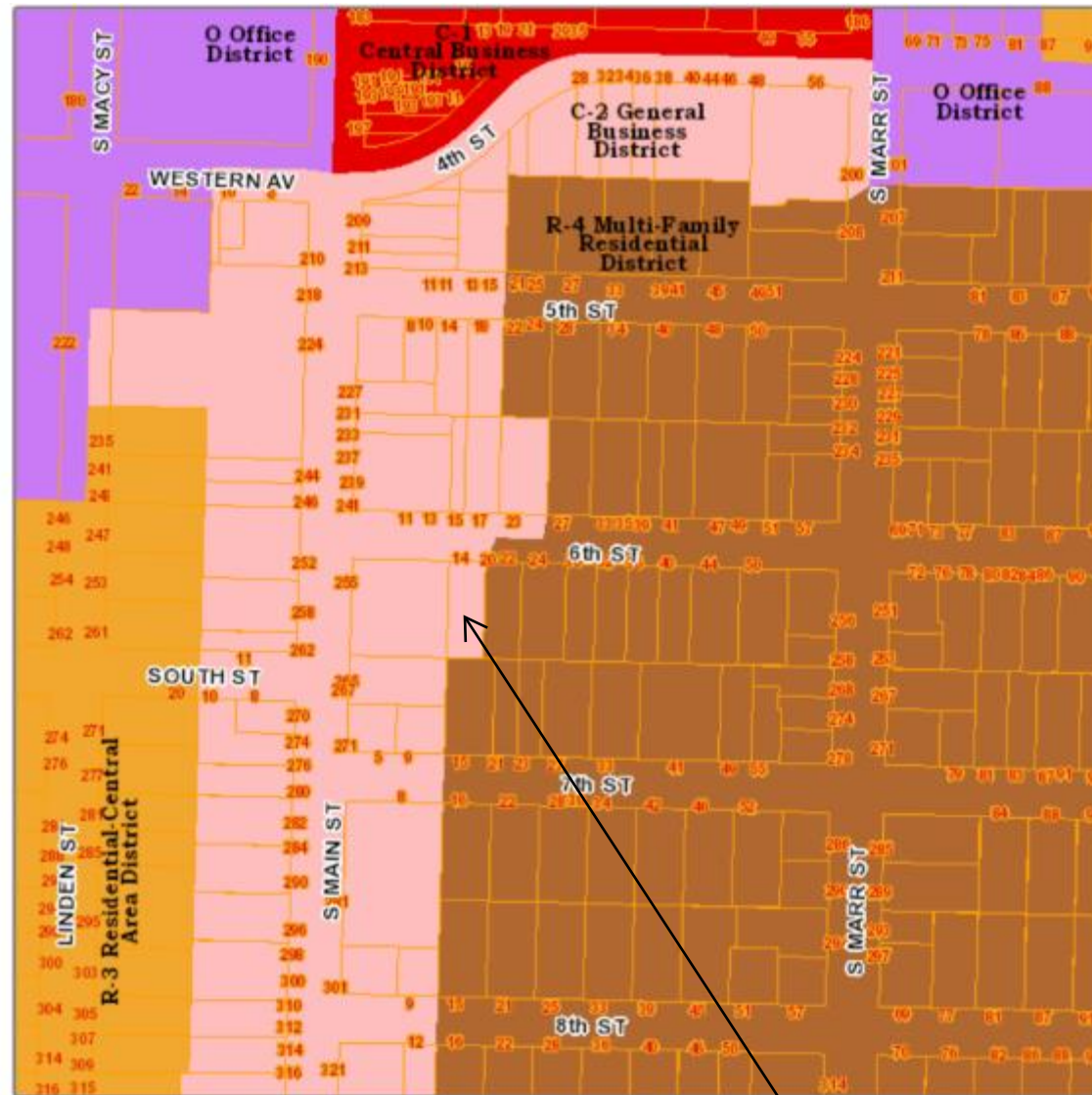
PROPOSED REZONING – 14 6TH STREET



14 6TH STREET



REZONING – 14 6TH STREET
Rezone Property from C-2 (General Business) to R-4 (Multifamily Residential)



SITE

CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: April 11, 2017

To: Plan Commission

From: Joellyn Dahlin, Principal Planner

Re: Request for Rezoning – 14 6th Street

Applicant: Davey C. Bartlett

Request: Rezone existing lot from C-2 (General Business) to R-4 (Multifamily Residential)

Location: 14 6th Street

Zoning: Site: C-2 (General Business)
North: C-2
South: R-4 (Multifamily Residential)
East: R-4
West: C-2

Land Use: Site: Vacant Building (Former Accounting Office)
North: Two-Family Dwelling
South: Single Family Dwelling
East: 4-Family Dwelling
West: Commercial Office Building

Analysis

The subject property is located on 6th Street one lot east of South Main Street. The property is zoned for business use and has a history of use for business purposes. The existing building on the property was originally constructed for residential use and later converted to a business office. The petitioner would like to remodel the building for single family use and proposes a change of zoning to allow a conforming land use. A change of zoning designation from C-2 (General Business) to R-4 (Multifamily Residential) is proposed.

The property is situated on the fringe of the South Main Street commercial corridor and borders a residential neighborhood. Properties to the north, south and east are zoned for residential use. The proposed change of zoning will extend the existing residential zoning of the neighborhood.

The adjacent R-4 zoning designation allows various types of residential dwellings, depending on property size. Specific to the subject property, the small lot size would limit its residential use to a single family dwelling.

Recommendation

Community Development staff suggests the Plan Commission recommend to the City Council rezoning of the property from C-2 (General Business) to R-4 (Multifamily Residential).

Public Notification

Rezone 14 6th Street

Parcel Number	Site Address	Mailing Address 1	Mailing City	Mailing State	Mailing Zip
FDL-15-17-15-13-536-00	11 SOUTH ST	548 LEDGEWOOD DR	FOND DU LAC	WI	54937
FDL-15-17-15-13-537-00	258 S MAIN ST	548 LEDGEWOOD DR	FOND DU LAC	WI	54937
FDL-15-17-15-13-508-00	231 S MAIN ST	480 N PIONEER RD	FOND DU LAC	WI	54937
FDL-15-17-15-14-885-00	34 7TH ST	34 7TH ST	FOND DU LAC	WI	54935
FDL-15-17-15-14-836-00	44 6TH ST	44 6TH ST	FOND DU LAC	WI	54935
FDL-15-17-15-14-824-00	35 6TH ST	440 SATTERLEE ST	FOND DU LAC	WI	54935
FDL-15-17-15-14-825-00	27 6TH ST	27 6TH ST	FOND DU LAC	WI	54935
FDL-15-17-15-13-534-00	270 S MAIN ST	380 FOREST AVE	FOND DU LAC	WI	54935
FDL-15-17-15-14-880-00	21 7TH ST	21 7TH STREET	FOND DU LAC	WI	54935
FDL-15-17-15-13-506-00	8 5TH ST	421 LEDGEWOOD DR	FOND DU LAC	WI	54937
FDL-15-17-15-13-507-00	227 S MAIN ST	421 LEDGEWOOD DR	FOND DU LAC	WI	54937
FDL-15-17-15-13-505-00	221 S MAIN ST	160 S MACY ST	FOND DU LAC	WI	54936
FDL-15-17-15-14-780-00	34 5TH ST	W2933 ELMORE DRIVE	CAMPBELLSPORT	WI	53010
FDL-15-17-15-14-827-00	17 6TH ST	W2933 ELMORE DRIVE	CAMPBELLSPORT	WI	53010
FDL-15-17-15-14-828-00	15 6TH ST	W2933 ELMORE DR	CAMPBELLSPORT	WI	53010
FDL-15-17-15-13-538-00	252 S MAIN ST	318 FOND DU LAC AVE	EDEN	WI	53019
FDL-15-17-15-13-539-00	246 S MAIN ST	318 FOND DU LAC AVE	EDEN	WI	53019
FDL-15-17-15-13-531-00	284 S MAIN ST	114 S MAIN ST #128	FOND DU LAC	WI	54935
FDL-15-17-15-14-776-00	14 5TH ST	480 N PIONEER RD	FOND DU LAC	WI	54937
FDL-15-17-15-14-777-00	18 5TH ST	480 N PIONEER RD	FOND DU LAC	WI	54937
FDL-15-17-15-14-875-00	49 7TH ST	49 7TH ST	FOND DU LAC	WI	54935
FDL-15-17-15-14-831-00	24 6TH ST	PO BOX 650043	DALLAS	TX	75265
FDL-15-17-15-14-876-00	41 7TH ST	41 7TH ST	FOND DU LAC	WI	54935
FDL-15-17-15-14-835-00	40 6TH ST	40 6TH ST	FOND DU LAC	WI	54935
FDL-15-17-15-13-509-00	241 S MAIN ST	13 6TH ST	FOND DU LAC	WI	54935
FDL-15-17-15-14-830-00	22 6TH ST	PO BOX 231	STOCKBRIDGE	WI	53088
FDL-15-17-15-13-515-00	281 S MAIN ST	281 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-15-13-543-01	229 LINDEN ST	910 COUNTRY CLUB LN	FOND DU LAC	WI	54935
FDL-15-17-15-14-882-00	16 7TH ST	16 7TH ST	FOND DU LAC	WI	54935

Rezone
14 6th Street

FDL-15-17-15-14-821-00	47 6TH ST	47 6TH ST	FOND DU LAC	WI	54935
FDL-15-17-15-14-881-00	15 7TH ST	15 7TH ST	FOND DU LAC	WI	54935
FDL-15-17-15-13-512-00	267 S MAIN ST	PO BOX 310	FOND DU LAC	WI	54936
FDL-15-17-15-13-513-00	5 7TH ST	PO BOX 310	FOND DU LAC	WI	54936
FDL-15-17-15-13-514-00	9 7TH ST	PO BOX 310	FOND DU LAC	WI	54936
FDL-15-17-15-13-540-00	244 S MAIN ST	229 E 2ND ST	FOND DU LAC	WI	54935
FDL-15-17-15-14-833-00	32 6TH ST	32 6TH ST	FOND DU LAC	WI	54935
FDL-15-17-15-14-822-00	41 6TH ST	1215 SPRING LAKE DR	FOND DU LAC	WI	54935
FDL-15-17-15-14-877-00	33 7TH ST	N7238 WINNEBAGO DR	FOND DU LAC	WI	54935
FDL-15-17-15-14-834-00	36 6TH ST	PO BOX 1392	FOND DU LAC	WI	54936
FDL-15-17-15-14-826-00	23 6TH ST	148 E MAIN ST	CAMPBELLSPORT	WI	53010
FDL-15-17-15-14-883-00	22 7TH ST	148 E MAIN ST	CAMPBELLSPORT	WI	53010
FDL-15-17-15-14-879-00	23 7TH ST	N6461 DANNY LN	FOND DU LAC	WI	54935
FDL-15-17-15-14-778-00	24 5TH ST	24 5TH ST	FOND DU LAC	WI	54935
FDL-15-17-15-14-878-00	27 7TH ST	27 7TH ST	FOND DU LAC	WI	54935
FDL-15-17-15-14-886-00	42 7TH ST	W6476 SUBWAY RD	FOND DU LAC	WI	54937
FDL-15-17-15-14-832-00	30 6TH ST	30 6TH STREET	FOND DU LAC	WI	54935
FDL-15-17-15-13-532-00	280 S MAIN ST	280 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-15-14-779-00	28 5TH ST	712 STERLING DR	FOND DU LAC	WI	54935
FDL-15-17-15-14-823-00	39 6TH ST	39 6TH ST	FOND DU LAC	WI	54935
FDL-15-17-15-14-829-00	14 6TH ST	N6263 CREEK RD	FOND DU LAC	WI	54937
FDL-15-17-15-13-510-00	255 S MAIN ST	255 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-15-14-781-00	40 5TH ST	N5981 NELSON RD	FOND DU LAC	WI	54937
FDL-15-17-15-14-884-00	28 7TH ST	N5981 NELSON RD	FOND DU LAC	WI	54937
FDL-15-17-15-13-533-00	276 S MAIN ST	276 S MAIN ST	FOND DU LAC	WI	54935

**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: 119 S Main Street
Initiator: Patricia Andrews d/b/a Las Islas

Effect:

Initiator:

Location:

Recommendation:

ATTACHMENTS:

File Name

[SUP_Application.pdf](#)

[119_S_Main_-_Bldg_Photos.pdf](#)

[PC_Memo_-_SUP_Las_Islas.pdf](#)

[119_S_Main_-_Public_Notification.pdf](#)

City of Fond du Lac

SPECIAL USE PERMIT

Application

PROPERTY LOCATION: 119 S Main Street

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

Project Applicant			
Name Patricia Andrews Patricia Andrews (d/b/a Las Islas)			
Mailing Address	City	State	ZIP Code
Email Address		Phone Number	
Landowner (Complete this information if the project applicant is not the property owner.)			
Name Ronald E. Boda			
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:

Former "Pockets" bar.

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

"Las Islas" is an authentic Puerto Rican style restaurant; hours of operation Monday-Sunday 11:00 a.m. – 2:00 a.m.
The restaurant will provide food service until 10:00 p.m. The restaurant and bar will utilize amplified music: jukebox, DJ, live bands. Dance lessons will be part of the bar activities.

Time schedule for use and/or development of the property: May 1, 2017

PROJECT APPLICANT SIGNATURE 

Executive Summary

Venture Description

Las Islas is an authentic Puerto Rican style restaurant providing both food and the environment. We are presenting an atmosphere of dining in Puerto Rico with the convenience of a locally located restaurant. The food will be prepared from recipes true to the Puerto Rican culture that have been handed down through the generations. Also, the bar will offer beverages customary to the Puerto Rican dining experience such as Liquors, Fruit Drinks, Sodas, etc.

In today's highly competitive environment, it is becoming increasingly difficult to differentiate one restaurant concept from another. Thus, La Islas offers an entire menu of authentic Puerto Rican style dishes without the confusion of choosing amongst other food cultures. We are also offering an entire drink menu of exclusive Puerto Rican Rums that are customary to the country. Both the restaurant and the bar will be designed to contemporary styles seen in modern Puerto Rico and the staff will also be dress in attire suitable for the atmosphere.

Facilities

Las Islas will be operating out of a restaurant facility with a room set up with tables and chairs for dining and a bar attachment set-up for waiting and entertainment. The restaurant bar will be designed around a Puerto Rican theme with plants and murals customary to the culture and music to compliment the atmosphere. The restaurant and the bar can accommodate what the capacity will exceed to.

Suppliers

We will set up a contract with the two main wholesalers who operate locally and also a few other wholesalers that are not local but are offering products that are difficult to find. Since we have a product that is unique, we have to form contracts that might be less stable than that of local and reputable suppliers.

Related Products/Services and Spin-offs

In the current restaurant industry, our Puerto Rican restaurant would be categorized as an ethnic style restaurant along with Chinese and Mexican style restaurants. Our main competitors would consist of the Mexican style restaurants, because their Spanish style would resemble the type of food that Las Islas will be offering. With family members native to Puerto Rico, that we will be consulting with on a regular bases, we can constantly update and circulate certain products that are offered to our customers.

LANDOWNER AUTHORIZATION

TO: City of Fond du Lac

Community Development Department

Re: SPECIAL USE PERMIT REQUEST

LOCATION: 119 S Main St. Fond du Lac

The undersigned BODA PARTNERSHIP LLC is the owner of property
NAME OF PROPERTY OWNER (PLEASE PRINT)

referenced above. The undersigned authorizes has ISLAS LLC

to sign and file a special use permit application that affects the referenced property.


SIGNATURE OF LAND OWNER OR AUTHORIZED AGENT

3/6/17
DATE



119 S. MAIN ST. FOND DU LAC WI

Former Pockets Bar - Downtown Fond du Lac



CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: April 7, 2017

To: Plan Commission

From: Joellyn Dahlin, Principal Planner

Re: Special Use Permit – **119 S Main Street**

Applicant: Patricia Andrews d/b/a *Las Islas*

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
West:	C-1

Land Use:

Site:	Vacant Bar & Grill (Former <i>Pockets</i>)
North:	Vacant Commercial Building (Former <i>As You Wish</i>)
South:	<i>Reminiscence Antiques</i> /Second Floor Apartment
East:	Alley/2 nd Street Businesses
West:	<i>National Exchange Bank</i> / <i>The Wood Sampler</i> /Businesses

Analysis

The subject property is located on the east side of South Main Street just north of 2nd Street. The two-story building provides commercial space on the first floor and two apartments within the second floor area. The first floor of the building has accommodated several different bars in past years, the most recent of which was *Pockets*. A new tenant would like to continue the building's tradition of use as a bar and grill. Approval of a special use permit is requested to allow the use of amplified music as part of the business operations. An operational summary of the proposed establishment – *Las Islas* – is included with the special use permit request.

The petitioner describes *Las Islas* as an authentic Puerto Rican style restaurant. The business will operate Monday-Sunday, 11:00 a.m. to 2 a.m., with food service until 10 p.m. The business will utilize amplified music (jukebox, DJ, live bands); dance lessons are planned as part of the bar activities.

Taverns, bars and restaurants are permitted in the Downtown Business District. 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 subject property is situated adjacent to a building with a residential use on the second floor. By virtue of proximity, the neighboring apartment – and the second floor apartments on the second floor above *Las Islas* – could potentially be affected by the business's use of amplified music.

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 clearly state the expectation of land use compatibility, 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.

Parcel Number	Site Address	Mailing Address 1	Mailing City	Mailing State	Mailing Zip
FDL-15-17-15-12-268-00	113 S MAIN ST	115 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-15-11-023-00	13 E 1ST ST	PO BOX 1363	FOND DU LAC	WI	54936
FDL-15-17-15-12-310-00	88 S MAIN ST	W3895 SCHUSTER DR	WEST BEND	WI	53095
FDL-15-17-15-12-309-00	94 S MAIN ST	94 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-15-11-051-00	11 E 2ND ST	28 4TH ST	FOND DU LAC	WI	54935
FDL-15-17-15-11-052-00	15 E 2ND ST	28 4TH ST	FOND DU LAC	WI	54935
FDL-15-17-15-12-271-00	119 S MAIN ST	440 SATTERLEE ST	FOND DU LAC	WI	54935
FDL-15-17-15-12-303-00	116 S MAIN ST	116 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-15-12-302-00	118 S MAIN ST	118 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-15-12-301-00	120 S MAIN ST	116 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-15-12-307-00	106 S MAIN ST	W2697 GOLF COURSE DR	MT CALVARY	WI	53057
FDL-15-17-15-12-308-00	17 W 2ND ST	PO BOX 150	FOND DU LAC	WI	54936
FDL-15-17-15-11-079-00	40 E 2ND ST	160 S MACY ST	FOND DU LAC	WI	54936
FDL-15-17-15-11-080-00	30 E 2ND ST	160 S MACY ST	FOND DU LAC	WI	54936
FDL-15-17-15-11-081-00	26 E 2ND ST	160 S MACY ST	FOND DU LAC	WI	54936
FDL-15-17-15-11-082-00	18 E 2ND ST	160 S MACY ST	FOND DU LAC	WI	54936
FDL-15-17-15-11-055-00	33 E 2ND ST	160 S MACY ST	FOND DU LAC	WI	54936
FDL-15-17-15-11-050-00	16 E 1ST ST	160 S MACY ST	FOND DU LAC	WI	54936
FDL-15-17-15-12-305-00	110 S MAIN ST	W4330 ARTESIAN RD	FOND DU LAC	WI	54937
FDL-15-17-15-12-263-00	103 S MAIN ST	34 ROBERTS CT	FOND DU LAC	WI	54935
FDL-15-17-15-12-264-00	105 S MAIN ST	105 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-15-11-026-00	51 E 1ST ST	51 E 1ST ST	FOND DU LAC	WI	54935
FDL-15-17-15-12-274-00	9 E 2ND ST	PO BOX 310	FOND DU LAC	WI	54936
FDL-15-17-15-11-053-00	17 E 2ND ST	300 GERTRUDE AVE	FOND DU LAC	WI	54935
FDL-15-17-15-11-054-00	21 E 2ND ST	300 GERTRUDE AVE	FOND DU LAC	WI	54935
FDL-15-17-15-12-275-00	131 S MAIN ST	6044 STATE ROAD 144	WEST BEND	WI	53095
FDL-15-17-15-11-025-00	19 E 1ST ST	PO BOX 843	FOND DU LAC	WI	54936
FDL-15-17-15-11-088-00	25 3RD ST	PO BOX 843	FOND DU LAC	WI	54936
FDL-15-17-15-11-085-00	0 3RD ST	130 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-15-12-275-01	137 S MAIN ST	130 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-15-12-279-00	143 S MAIN ST	130 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-15-12-299-00	130 S MAIN ST	130 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-15-12-300-00	1 W 2ND ST	130 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-15-12-259-00	87 S MAIN ST	91 S. MAIN ST.	FOND DU LAC	WI	54935
FDL-15-17-15-12-261-00	91 S MAIN ST	91 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-15-12-267-00	111 S MAIN ST	12 STONE CASTLE DR	FOND DU LAC	WI	54935
FDL-15-17-15-11-087-01	19 3RD ST	19 3RD ST	FOND DU LAC	WI	54935
FDL-15-17-15-11-083-00	16 E 2ND ST	65 SUNSET CIR	FOND DU LAC	WI	54935
FDL-15-17-15-11-084-00	14 E 2ND ST	65 SUNSET CIR	FOND DU LAC	WI	54935
FDL-15-17-15-12-262-00	101 S MAIN ST	101 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-15-12-273-00	123 S MAIN ST	PO BOX 587	FOND DU LAC	WI	54936
FDL-15-17-15-11-056-00	54 E 1ST ST	50 E 1ST ST	FOND DU LAC	WI	54935
FDL-15-17-15-11-049-00	40 E 1ST ST	427 N MAIN ST	OSHKOSH	WI	54901
FDL-15-17-15-11-086-00	15 3RD ST	15 3RD ST	FOND DU LAC	WI	54935
FDL-15-17-15-12-266-00	109 S MAIN ST	PO BOX 1151	FOND DU LAC	WI	54936
FDL-15-17-15-12-265-00	107 S MAIN ST	516 MORSE ST	WAUPUN	WI	53963
FDL-15-17-15-12-304-00	114 S MAIN ST	15200 BRIARIDGE CT.	ELM GROVE	WI	53123