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PUBLIC HEARING FOR ZONING VARIANCE— MINUTES

Wednesday –July 12, 2023 @ 5:45 p.m.
7421 Main Street West, Webster, WI

VILLAGE OF WEBSTER

- I. **CALL TO ORDER** – Village President, Bill Summer called the meeting to order at 5:45 p.m.
- II. **PRESENT** – Village President, Bill Summer; and Trustees, Ed Dedman; Aaron Sears; Matt Stuart (arrived at 6:00 p.m.); Tim Maloney and Charlie Weis. Others: Public Works Director, Jay Heyer; Clerk/Treasurer, Deb Doriott-Kuhnly; Police Chief, Stephenie Wedin; Police Officer, Gavyn Anton; Village Surveyor, Mark Krause; Greg Marsten - Burnett County Sentinel; Russ Burford; Jim Lundberg- Point of Beginning; Kurt & Kay Templin - Northwoods Lumber; Vicki Tollander; Kim Flodin-Wambolt - Wayne’s Foods Plus; Kevin & Sueann Coan; David Danielson; Nancy Meindel; Mary Smoliak; and Chris Kuehn. Absent: Trustee, Kelsey Gustafson.
- III. **PUBLIC NOTICE OF AGENDA** – Motion made by Trustee, Maloney to approve the agenda as presented; seconded by Trustee, Dedman. **Motion carried 6-o.**
- IV. **ZONING VARIANCE: PROPOSED DOLLAR GENERAL STORE PARKING STALLS**– President, Summer stated that he has talked to the owner of Emily’s Luncheon and there is a signed agreement between her and Dollar General for the property located at 26632 Lakeland Av N. He opened comments up to the public with a 3-minute limit on speaking. Kurt Templin, owner of Northwoods Lumber spoke 1st. His concerns are the lack of adequate parking and worried that people will either park in their parking lot or on Juniper Street. Juniper Street is where their employees park and semis pull through to unload. Semis deliver daily and sometimes 3-4 times a day and if shoppers for Dollar General park on Juniper; this could potentially create a hardship for his business with not getting his needed delivery. He thought the Village could put up no parking signs, yet would this deter people? He said the other thing that follows, if there is not adequate parking, is safety; especially if people are parking on Juniper and walking across Highway 35. Summer said the Village has not heard from the DOT.

Bill then gave the floor to Jim Lundberg. Jim is the Director of Engineering for the proposed Dollar General store. Jim said they are proposing a store just shy of a 12,500 square foot building with 40 parking stalls. The Village code requires 83 parking stalls. The number of 40 is based off studies Dollar General has done throughout the nation with the style of the proposed building. Dollar General has a number of different prototypes, this is one of their largest ones and will be the 1st one done in Wisconsin. This prototype is in other areas of the country and 40 parking stalls have been identified and used. This is based on their clientele’s time in and out of the store and the number of vehicles. Dollar General would not want to short themselves on parking stalls and potentially lose customers. They don’t want their customers parking across a highway to use their business. Sueann Coan asked if this store would be smaller or larger than the one in Siren. She also asked the number of parking stalls that the Siren store has. Jim didn’t know the number of stalls but the size of Siren’s is 9,100. Russ Burford asked when the zoning code was put in place that requires 83 parking stalls and what was the reason for that number. Public Works Director, Jay Heyer said it goes off the square footage of the building. Jim agreed and said it is based on 150 square feet per parking stall and said it (variance) is not an uncommon request that they make across the state. Parking codes are not really a ‘one size fits all’ and this type of retail store, and how it operationally works, is that the clientele is pretty quick in and out shopping. Studies have shown, for a store Siren’s size, is 10-12 transactions an hour and that relates to traffic as well. They anticipate the Webster store to be 12-15 transactions an hour with the increase in goods/merchandise. Russ again asked why Webster chose 83, Sueann asked why the size

for Webster can't be a 9,100 square foot store so parking spots fit better. Jim said this is the prototype Dollar General has directed the engineering to, based on what they feel the needs are, with more products offered to the community. Jim said his company had a smaller footprint designed and Dollar General wanted larger. Maloney addressed Russ' question and said he had no idea why the number of 83 was written in the code and no one is on the board from when it was enacted (20-30 years ago). It is what the zoning says right now so the village is bound to it. Village surveyor, Mark Krause, said it depends on what type of business and how many customers per day. He gave examples of the bank building, post office and his business. Dollar General would have a lot of storage in their square footage. And agreed that 'one size doesn't fit all' types of businesses and their request is probably reasonable based on their studies. Jim also wanted it noted that there are complexities and challenges to the parcel as to where to position the building and parking. Some of these include that public water and sewer runs through the site, wetlands, green space and storm water drainage management; resulting in space limits. Russ asked about where the snow would be put- Jim answered enough room on the property. Summer confirmed the adjoining neighbors were contacted. Jim informed the board that they have received the permit, for the driveway on the highway, from the DOT. Weis asked if the semi-drivers would need to back in or back out onto the highway. Jim said no, they had to prove that a semi can enter into the site and maneuver on-site back to their delivery zone; which is on the Southeast corner of the building, and then they would pull out. There is to be no backing in or out onto the highway. Weis said Russ brought up a good point about the snowplowing and space for it. Jim said there is adequate space south of the building and in parking lot to hold a significant amount of snow. Summer asked about the possibility of 2 driveways - Jim said DOT would not allow 2. Maloney confirmed that the DOT approved a 35-foot wide driveway. Heyer asked about erosion control and drainage - Jim said that is currently under review by the DNR. Maloney asked if the deal is contingent upon that approval and Jim said yes. Maloney, also, confirmed that of the 2.6 acres they are using 1.2 acres. Jim said yes. Initially, they were using more of the property but after locating the water, sewer, wetlands, etc. they went down to 1.2. Maloney asked how many prototypes there are- Jim said 4 and this is the largest of the 4 types. Summer reiterated that Dollar General plans on having more merchandise at this store. He asked if they plan on selling beer. Jim said he wasn't sure but they would follow all procedures. Sueann asked if they had other potential sites if the variance doesn't go through or a smaller store at this location- Jim said no but for any site or size they would be asking for a variance based on their studies. He also stated that it would be a hardship for the village to have a sea of unused parking, which would take away from the greenspace and stormwater runoff. She then spoke of the Dollar General store in Siren and the difficulty with traffic and parking. Mark Krause asked about the potential of a frontage road and perhaps share driveways with other businesses. He also asked the board if they have heard anything from the traffic study that was requested a few months back - the Village has not heard back from the DOT. David Danielson, whose family owned the house and property for years, stated although they are sad to see it go, they understand things change. He also spoke of his experience as a mayor that alot of zoning codes are not 'cookie cutter'; especially in small villages. He suggested looking at all the other businesses and how many parking spots they have to be consistent based on the type of business. Small towns, for many years, didn't have zoning so will see alot of different variances. His advice is that engineering studies are the best way to go. He stated he still has property in the Village and hopes the village does what is necessary to make private use for its highest and best use. Mark said although there is adequate land for more parking spaces the engineering studies show how many are required and putting in more pavement is not a good solution; it's overkill and not needed. He also suggested that the approval process could be contingent on if a lack of parking became a problem down the road, the parking area could be reengineered and redesigned to add more parking stalls. This would protect the village's rights and give Dollar General some latitude. Dedman asked Jim if the request for the variance is coming from him, representing Bea Erickson, the owner of Emily's or him representing Dollar General. Jim said he is representing Dollar General. The developer will own the property and the building; Dollar General will lease. Ed said his concern is the variance can only be requested by the property owner. Jim recommends that a condition of the variance approval would be the sale of the property. Maloney confirmed that Todd Platt is the developer/owner and leases to Dollar General. Sears asked about boats and trailers turning around. Jim said they have proven that a semi truck can pull

in and turn around so doesn't see this as a problem. Summer asked Mark about his experience with non-property owners asking for a variance if there is a signed sales agreement. Mark said typically the developer is making the request before the property is purchased. If there is a signed purchase offer or order (or legal document) that ties them to that property, they can request a zoning variance or change. Maloney asked Jim about the bio-retention basin and the document says annual inspection and maintenance. Jim said the document is part of the requirement of the maintenance agreement. Dedman asked if a simulation was used to prove that a semi could pull in, unload, etc. Jim said yes, they have simulation software that demonstrates a full-size semi-truck, and Dollar General does the simulation also to double-check. This is a very important requirement. Summer said he would like to see the signed agreement and is requesting a copy. Motion made by President, Summer to adjourn the public comment portion of the meeting; seconded by Trustee, Sears. **Motion carried 6-0.**

Motion made by President, Summer to vote on the variance request of 40 parking stalls at the proposed Dollar General store, contingent on the final sale of the property and the building constructed as proposed on the current site plan; seconded by Trustee, Dedman. **Motion carried 6-0.** Heyer brought up Mark's point of putting in a contingency if lack of parking becomes a problem, more parking stalls could be added. Weis asked if a culvert will be put in at the south end of the property for the village drainage ditch. Heyer said that is not necessary there but they will probably have to put a new one in at the highway. Maloney stated he has traffic congestion concerns, in this area, Summer said he does as well. Weis said his concern is there should be a pull-off lane there. Maloney asked about the possibility of a frontage road to get off the highway onto the driveway. Jim said a requirement of the DOT for the driveway approval was to pave the gravel shoulder so there will be additional width of pavement for people to pull off to the right (into the driveway). The DOT is not requiring a turn lane. Discussion ensued on traffic concerns on that portion of the highway and Hickory St/County Rd FF. Motion made by Trustee, Dedman to amend the original motion to add the following verbiage "the village reserves its right to review the parking lot usage after the store is functional and potentially require additional parking stalls if needed"; seconded by Trustee, Weis. **Motion carried 6-0.** Voice vote was taken and recorded as follows on the approval of the zoning variance request by Todd Platt/Dollar General of 40 parking stalls with the contingencies listed above: Trustee, Sears "yay"; Trustee, Dedman "yay"; Trustee, Stuart "yay"; Trustee, Weis "nay"; Trustee, Maloney "nay". Trustee, Summer - no vote. **Motion carried 3-2.**

- V. **ADJOURNMENT.** Motion was made by Trustee, Maloney to adjourn the Public Hearing Meeting at 6:45 p.m.; seconded by Trustee, Weis. **Motion carried 6-0.**

Respectfully submitted,

Debra Doriott-Kuhnly

Debra Doriott-Kuhnly, Clerk-Treasurer

July 12, 2023

***These minutes are subject to approval at next month's Regular Meeting.