

**PLAN COMMISSION**  
**December 12, 2011**

PRESENT: Chairperson Dautermann, Members Regan, Kuepper, Carroll, Rusniak, Henke,  
Erickson

ALSO PRESENT: City Planner Drew

Call to Order – Chairperson Dautermann called the meeting to order at 7:00 p.m. in the Common Council Chambers of Hartford City Hall, 109 North Main Street.

Minutes – MOTION by Carroll, and seconded by Regan approving the minutes of November 14, 2011. MOTION CARRIED.

Appearances – There were no appearances.

Conditional Use Permit Public Hearing for Tattoo Establishment at 19 East Sumner Street – Chairperson Dautermann declared the conditional use permit public hearing open. The notice of public hearing as published in the November 25, 2011 and December 2, 2011 Daily News, and as mailed to 28 affected property owners, was read by City Planner Justin Drew.

The applicant, Mitchell Sauer, is requesting a Conditional Use Permit to allow a tattoo establishment known as Artworks at 19 East Sumner Street. The applicant also intends to use this location for airbrushing and as an art studio, which is a permitted use. Tattoo establishments are not listed as a permitted use in the B-3 District, but the Plan Commission may grant a Conditional Use Permit to uses similar in character to permitted uses, provided it is determined that the use would not be of substantial dominance to surrounding properties or public safety. The Plan Commission granted a Conditional Use Permit for a tattoo establishment at this property in September 2007. That establishment closed in 2009. Therefore a new permit must be granted before the conditional use is again permitted in the same location.

The State of Wisconsin regulates tattooing and body piercing through licensure of both practitioners and establishments. The applicant has a State of Wisconsin Department of Health and Family Services Tattooist License. The establishment would also need to be licensed. The State does not grant establishment licenses until all local permits are secured. However, a State of Wisconsin tattoo establishment license needs to be approved prior to commencement of the conditional use.

The establishment would be surrounded on all sides by commercial uses. There are no schools or other uses intended primarily for minors within 300 feet of the proposed establishment. The proposed hours of operation indicate that the establishment would be open no later than 10:00 p.m. on any given night, and a mandatory closing time can be made a condition of approval if the Plan Commission has concerns over the proximity of the establishment to several downtown bars. The planning staff does not foresee a need to require a closing time earlier than 10:00 p.m.

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Other traditional concerns over tattoo establishments revolve around questions of image. The planning staff believes that tattoos have become much more main stream and that safety measures for tattooing have become more standardized. The applicant has also indicated that they intend to incorporate a new design and atmosphere at the location that will involve fewer hanging skeletons. The planning staff has no objections to the proposal, provided these standards are followed.

The tattoo establishment would occupy the northeast portion of the existing building. The applicant has been instructed to check with the City Building Inspector to ensure necessary permits for improvements are obtained prior to commencement of work. Employee and customer parking demand would be minimal, and can be served by adjacent municipal parking. Given the state licensing requirements for both the establishment and the individuals, the City's experience with previous tattoo establishments, and the conditions outlined below, staff believes that the intent of the zoning code will be met and that the proposed use will not cause substantial detriment to surrounding properties or public safety.

The planning staff recommends approval of a Conditional Use Permit for Artworks Tattoo establishment at 19 East Sumner Street, subject to the following conditions:

- 1) Anyone functioning as a tattooist on the premises shall hold a current and valid State of Wisconsin Department of Health and Family Services Tattooist License. Revocation of a practitioner license owing to actions occurring on the premises shall be grounds for revocation of the Conditional Use Permit.
- 2) A valid State of Wisconsin Department of Health and Family Services Tattoo Establishment License must be issued for the above location prior to commencement of the use. Failure to maintain or revocation of a valid Tattoo Establishment License shall be grounds for revocation of the Conditional Use Permit.
- 3) Per State licensing requirements, all licenses and a sign stating that no person under the age of 18 may be tattooed shall be displayed in a conspicuous location on the premises at all times.
- 4) The tattoo establishment shall not be open for business to the general public later than 10:00 p.m.

Under "appearances in favor," Mitchell Sauer noted that he will be the operator of the tattoo/art studio. He stated that the image of his business will be clean, as he has extensive experience with artwork and airbrushing. He provided some examples of his art work, which he intends to display in the business. His intent is to have three tattoo stations and a display area. He reviewed the inspection process which is done by the Health Department. Brian Esselman also appeared supporting Mr. Sauer and his proposed business operation. He noted that Mr. Sauer does nice work which is tasteful, and he sees no issues with the establishment.

There being no "appearances in opposition," Chairperson Dautermann declared the conditional use permit public hearing closed.

Under "Discussion by Plan Commission," Alderperson Rusniak inquired as to whether the front of the building will be cleaned up as the last individual who operated a tattoo business at this

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location left it very unattractive. Mr. Sauer noted that they intend to paint the wood and display paintings and art sculptures in the two large windows.

MOTION by Carroll, and seconded by Kuepper approving a Conditional Use Permit for Artworks Tattoo establishment at 19 East Sumner Street, subject to the following conditions:

- 1) Anyone functioning as a tattooist on the premises shall hold a current and valid State of Wisconsin Department of Health and Family Services Tattooist License. Revocation of a practitioner license owing to actions occurring on the premises shall be grounds for revocation of the Conditional Use Permit.
- 2) A valid State of Wisconsin Department of Health and Family Services Tattoo Establishment License must be issued for the above location prior to commencement of the use. Failure to maintain or revocation of a valid Tattoo Establishment License shall be grounds for revocation of the Conditional Use Permit.
- 3) Per State licensing requirements, all licenses and a sign stating that no person under the age of 18 may be tattooed shall be displayed in a conspicuous location on the premises at all times.
- 4) The tattoo establishment shall not be open for business to the general public later than 10:00 p.m. MOTION CARRIED.

Dodge Concrete Addition and Silos, 1128 Western Drive – In 2010 the owner of Dodge Concrete proposed an addition at their facility that would involve erecting two silos near the southeastern corner of the building. Staff raised concerns that the parking area had not been paved and a visual buffer had not been installed along Western Drive as required by the original site plan approval. The Plan Commission denied the site plan until a timetable for completing the paving of the driveway parking lot and creating an appropriate visual screen along Western Drive was provided. The owner notified staff earlier this year that the parking/loading area between the building and Western Drive was paved, and that a berm with evergreens had been installed along Western Drive. Staff inspected the property and believes that substantial progress has been made. The area between the parking area and Western Drive is attractively landscaped with evergreens spaced approximately 10 feet apart and 10 feet tall. However, staff believes the owner should continue paving the parking/loading area north and east of the building in the spring to create a more dust-free environment.

The property is in the Western Industrial Park and is surrounded by other industrial properties, as well as a single-family property to the north. The silos would hold powdered cement, which would be delivered in trucks in the covered delivery area, and would be located just east of the delivery bay. Silos are common within the City's industrial parks. The proposed silos would be approximately 57 feet tall and would be painted to match the exterior color of the building. This is more than the 35 foot maximum height allowed in the M-3 General Industrial District. Section 13.0901 of the Municipal Code grants the Plan Commission authority to grant height exceptions to manufacturing equipment. The proposed silos clearly fall into this category. During site plan review in 2002, the Plan Commission waived the height restriction for the building which covers the delivery silo and allowed a height of 47 feet. The Plan Commission raised some concerns about the proposed height of the silo and asked for some comparisons

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from other industrial buildings in the area. Comparisons heights are the Larpen silo at 55 and the United Coop silo at 80.

The proposed Dodge Concrete silo location is one of the lowest in the area, making it more appropriate for a tall silo. Most of the properties along State Street to the north are at elevations over 1,000 feet. As a result, the proposed silo would not be visible from many locations along State Street. In addition, the silo would be two feet shorter than existing ones at Larpen, which is located just to the south. The top of the Dodge Concrete silo would be substantially lower than the grain silo at United Coop. Staff believes the proposed silo height is appropriate, given the elevation of the property and the nearby silos that are higher. The owner also proposes a small addition to square out the northwest corner of the building. The addition would be 1,120 square feet and would match the existing metal siding.

The proposed additions will result in a slight increase of impervious surface (approximately 1,500 square feet), which should not impact storm water drainage. No change in utility service is requested. Staff recommends approval of the site plan for the Dodge Concrete addition and silos, 1128 Western Drive, subject to the owner continuing to pave the parking/loading area north and east of the building in the spring of 2012 to create a more dust-free environment.

In response to an inquiry, it was noted that the municipal code does allow gravel for off-street parking areas and/or driveways however the Plan Commission can decide what to require. Joe Marx, one of the owners of Dodge Concrete, noted that they were not aware of the original site plan when they purchased the property. They have no problem with the paving requirement as the image of the site is important to them. Mr. Marx explained the reasoning for the 57 foot silo height, and made some comments about their business.

MOTION by Carroll, and seconded by Henke approving the site plan for the Dodge Concrete addition and silos, 1128 Western Drive, subject to the owner continuing to pave the parking/loading area north and east of the building in the spring of 2012 to create a more dust-free environment. MOTION CARRIED.

Planner's Report – The Plan Commission received the meeting schedule and submittal deadlines for 2012.

Adjournment – MOTION by Kuepper, and seconded by Carroll for adjournment at 7:31 p.m. MOTION CARRIED.

Respectfully submitted,  
Justin Drew, City Planner