

**CITY OF HUDSON ZONING & BUILDING BOARD OF APPEALS  
PUBLIC HEARING & MEETING  
AUGUST 21, 2014**

MEMBERS PRESENT: Conard, Pratt, Neset and Post

MEMBERS ABSENT: Senkus and Potter (both excused)

OTHERS PRESENT: Matt Kreilich, Andrew Dull, Tom Broker, Bryan Watson, David Gray and Elizabeth Moline

Chairman Neset called the meeting to order at 6:31 p.m. She noted that there were no minutes; they will be presented at next meeting. She noted that there was only one hearing as the other applicant asked to be rescheduled.

Chairman Neset stated that the Board is a five member board; however, only four members were available for tonight's hearing and meeting. To grant a variance, there has to be a unanimous vote. For the record, does the applicant wish to proceed? Tom Broker, representing Phillips Medisize, stated yes.

Chairman Neset opened the public hearing and stated it was for a variance application from Phillips Plastics Corporation d.b.a. Phillips-Medisize Corporation, 1201 Hanley Road, requesting a variance to the required front yard setback pursuant to Municipal Code Chapter § 255-25, Dimensional Requirements for I-1, Light Industrial District for an addition to an existing building. The property is legally described as Lots 1 and 13 and the west 50 feet of Lot 2, Hudson Industrial Park, City of Hudson, St. Croix County, WI. She stated that if you wish to speak, please go to the podium and give your name and address.

APPEAL NO. 232. Chairman Neset asked for the staff report. Gray stated the site is an existing design / development center / manufacturing / corporate office facility located in the Hudson Industrial Park. The building was constructed in 1985. To the east of the site is a city water tower and ancillary facilities. The city of Hudson adopted a comprehensive change of zoning code in 1993. Prior to the change in the zoning code, buildings in the Hudson Industrial Park were permitted to be constructed with a minimum front yard setback of 25 feet, except for frontage on CTH F (now O'Keefe Road) which required a 50' minimum setback. The Marine Associates' facility (1651 Hanley Road) also fronting on Hanley Road was constructed at the minimum 25 foot setback (confirmed by review of building records). The site is unique in that it has frontage on three streets within an industrial area – Hanley Road to the south, Heggen Street to the west and Livingstone Road to the north. The development of the parcel over the past 30 years has created areas on the north for employee parking and deliveries and is not a desirable area to consider a building expansion because some of the existing off-street parking would need to be relocated. With any building expansion, additional off-street parking will be necessary to accommodate employees and business guests, which will be located on the east or west sides of the building. Any expansion of the facilities on the east side of the building should be avoided due to the potential of ice breaking away from the water tower and falling. The logical expansion of the building is to the south to coordinate the functional sections of the existing business. The building is proposed to be setback from the front property line by 13'8" to 26' or a variance of 26'4" to 14'. There is no off-street parking proposed on the south side of the

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proposed expansion which will allow for an open space between the front (south side) of the building and Hanley Road.

If a variance may be considered for approval, a condition of approval may be that the structure may not be more than a one-story structure (maximum height of \_\_ feet ) and that off-street parking cannot be constructed immediately south of the proposed expansion. Also, if a variance should be considered that it should be determined if the proposed setback requested can be reduced by decreasing the area proposed between the existing building and the proposed addition and / or whether the angle of the “elbow” can be reduced or the addition can be constructed with the south façade to continue on a straight line (remove the elbow) with setback at 28’4” (variance of 11’8”).

Gray asked that the applicant explain the elbow and the dimensions between the two sections.

Tom Broker, representing Phillips Medisize, stated he works with many customers in the pharmaceutical, medical, and specialty items with contracts including development agreements and other side projects such as this addition. He thanked the Board of Appeals (BOA) for being there and for taking a detailed look at their project. He introduced Matt Kreilich and Andrew Dull from Snow Kreilich Architects, a respected firm out of the Twin Cities, who provided creative assistance to have on board and will explain the specific aspects of the project. Broker asked what the BOA would like to start with, and members responded with the addition. He then started with page 8 of the power point presentation showing the overall view of the site. He showed three schematics (pages 11, 12 and 13) of the 1985 development center and the new wing on the southern most point of the property. He deferred to Kreilich to explain the dogbone/elbow.

Matt Kreilich, stated there appears to be two issues being the courtyard and kink; and they will address both. In reference to the courtyard, things they looked at were snow, ice, water issues with the existing building and to minimize damage and snow drifts. The existing south wall is waterproofed and behind a berm. It is a secure building and needs a certain amount of consideration for that, use of solar power, access to a series of offices along the south with a space proposed between the two sections of approximately 26 feet. As to how far they could push it, they looked at usable space and still be a viable project for Phillips. As to why it is not attached is because the existing offices would not be functional and the need to maintain offices 24-7 with minimal time to add on. The kink/dogleg is because this will be the new corporate headquarters that will match the existing but still be more representative of the stature of the current presence, and the main entry is between the two structures. The area will be heavily landscaped. Existing buildings (in the park) are encroaching on the (current) setback area (40 feet front yard).

Post questioned whether the east side of the addition was within the setback area. Dull responded that it was 28’4” from the property line, and it was 13’8” on the west. Neset questioned what would the public see from Hanley Road; and Kreilich responded that the east and west areas would be open, more transparent with the south not as open with solar shading. Dull tried to show a likeness on his laptop, but it was very shaded.

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Conard asked about the lobby area, and Kreilich explained it was the connecting link with the corporate headquarters to the right (addition) and the research & development facilities to the left (existing). He noted that there is amazing tooling and design work going on in such a small area that people are not aware of. Post asked about the half wall and that the berm surrounds the courtyard, and Kreilich responded that they will terrace the berm as the wall is waterproofed membranes that will remain. Post asked what the dimension of the addition is, and Dull responded that it is 37 feet wide with a 3-4 foot overhang. Post noted that Marine Associates has a 25 foot setback and asked if they could meet that, and Kreilich responded there will be no daylight to grow anything and snow and ice buildup would be worse; the design is to provide daylight into the (existing) building as well as the courtyard.

Neset questioned if the elbow was taken out whether they would be able to be within the 25 feet, and Dull responded it would be 25 feet from the property line. Conard commented that they would gain on the east and lose on the west.

Issues reviewed included:

- appearance factor and to have a more welcoming entry
- perception of a very long façade – visually it would be better to have some break
- presence of a corporate office to visitors
- hardship of the functionality of the facility and separation of the corporate offices
- small project, small addition with a tremendous impact and perception to customers
- business is built on innovation and reflects high tech with competitors being low cost in China and other areas
- have a turnkey type of delivery that applies to trouble shooting
- shorter courtyard area and still have kink
- variance required no matter what was proposed
- 25 foot setback at Marine Associates on Hanley Road
- closer to building creates possibly more buildup of snow and ice and solar issues
- addition is slightly lower than existing building but higher than entry connection between the two buildings with air units higher on new addition
- narrower courtyard would create a hardship due to the snow and ice
- berm to be modified but part of original design for the south foundation wall
- snow melt system vs. natural melt and removal which need sun and room
- southeast corner of existing building has the biggest and most used conference room
- flat roof built to help control snow vs. a sloped roof
- circulation flow between the corporate offices and research and development facilities
- postpone vs. applicant requesting some mandate/directive because of time constraints
- dramatically increased landscaping to be lush and better than existing

Broker explained the proximity to the Twin Cities airport was one reason for staying in Hudson. The decision to have the corporate office in Hudson provided easy access for visitors (75% pharmaceutical), space for employees and little things that added to the overall message to customers and that they want to show they care. They have defense contracts and want secure areas for visitors/customers as expected.

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Gray stated the city received an e-mail from Richard Fey (dated 8-18-14), and he read it for the record. Gray noted that each and every variance request is a stand-alone request. It appears Mr. Fey assumed that if this request was approved it would open the door for the neighborhood. The Board reviews each request on its own merits.

Motion by Post, second by Conard to close the public hearing. **MOTION CARRIED**, 4-0. 7:41 p.m.

Conard suggested 30 foot setback on the east end and 20 foot setback on the west end to average out at 25 feet. Naset stated the courtyard is critical as the Board has to agree on hardship. Conard noted it is a growing business, and Naset noted that if they can't expand as proposed they will have to look at other options. Gray noted that there are properties in that neighborhood that are setback 25 feet, and there is no sense in being more restrictive than neighborhood.

Naset stated Denny Darnold, Community Development Director, provided some suggestions and obviously was not aware of discussion tonight but might be helpful to make a motion. Copies were distributed of the following:

**The Board of Appeals finds that a front yard setback variance of \_\_\_ feet is approved (suggested for discussion purposes):**

- Denial of the variance would result in a hardship to the property owner due to physical characteristics of the site. Due to the existing space needs and functions of the building that has served for a facility for 30 years, the available space on the lot is limited to the south and west side of the lot where offices can be located and work within the general function of the company. As explained in the application submitted by Phillips-Medisize the preferred location is on the south. A variance will allow an expansion with minimum disturbance to the existing building.
- The conditions upon which a petition for a variance is based unique to the property for which the variance is being sought. The site is located in the Hudson Industrial Park which was created in the early 1980's, since the city has changed the setback standards for buildings from 25 feet to 40 feet; and on the east side of the site, a water tower exists which limits construction because of a concern of falling ice.
- The petition for a variance is not based exclusively upon a desire to increase the value or income potential of the property. The petition for a variance is to accommodate business growth, facility demands and to include combining services at one location including making the location the corporate headquarters for Phillips-Medisize.
- The granting of the variance will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood in which the property is located. A variance granted with conditions and limiting the variance to the minimum necessary will not be detrimental to the public welfare or injurious to other properties or improvements. A proposed addition will not have off-street parking on the south side of the building and the height will be limited to one-story. The front yard area will

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be similar to nearby buildings (Marine Associates) which has multiple-family residential development located across the street similar to the developments across the street from Phillips-Medisize.

- The proposed variance will not jeopardize the spirit and general and specific purposes of this chapter. The spirit and general intent is not jeopardized as the variance granted will allow a reasonable expansion of an existing business that has limited space available and that conditions have been placed on the granting of the variance to protect the nature of the surrounding neighborhood.

Conditions of approval include:

- a) No off-street parking be constructed on the south side of the proposed expansion
- b) The addition be limited to one-story in height with a maximum height of \_\_\_\_\_ feet.

It was suggested that consideration be given to 20 feet on the west end and 25 feet on the east end as setback from Hanley Road; and Broker, Kreilich and Dull thought that could work. Gray stated the Board also needs to decide on a height limit, and he noted they could go 60 feet in an industrial zone but that is not what they want to do. Kreilich noted the parapet is at 20 feet.

Motion by Conard, second by Post to grant a front yard setback variance (from 40 feet) for the south end of the building addition with setback to be not less than 25 feet on the east end and not less than 20 feet on the west end with the following conditions:

- No off-street parking on south side of office expansion.
- Addition to be a one-story structure with maximum height of 20 feet.
- Substantial landscape plans be approved by city staff.

with justification based on the documentation provided by Darnold addressing the five (Municipal Code) items (see above). **MOTION CARRIED, 4-0.**

OTHER BUSINESS FOR INFORMATION PURPOSES ONLY OR FOR UPCOMING AGENDAS. Reschedule hearing/meeting for detached garage issue (Appeal No. 233).

Motion by Post, second by Conard to adjourn. **MOTION CARRIED.** 8:07 p.m.

Respectfully submitted,  
Elizabeth Moline, Secretary