

AGENDA  
CITY PLAN COMMISSION

January 5, 2015 – 6:00 PM  
Lincoln Center – 1519 Water Street, Stevens Point, WI 54481

(A Quorum of the City Council May Attend This Meeting)

Discussion and possible action on the following:

1. Report of the December 1, 2014 Plan Commission meeting.
2. Request from Kwik Trip, for a conditional use permit for the purposes of constructing and operating a carwash on a portion of **3256 Church Street (Parcel ID 2308-04-2008-34)**.
3. Request from Carl Debolt, for a sign variance to construct a freestanding cabinet and message center sign within the five foot setback and exceeding the size requirements at **1232 Park Street (Parcel ID 2408-32-4026-14)**.
4. Presentation and discussion on a conceptual project review for a new science facility on the University of Wisconsin Stevens Point campus in **Parking Lot X, bounded by Fourth Avenue, Fremont Street, and Stanley Street (Parcel ID 2408-28-3007-19)**. *This item is for discussion purposes only; no formal action will be taken.*
5. Amending **Section 23.01(16)(b)(3)** of the Revised Municipal Code of the City of Stevens Point to hold required public hearings at the Plan Commission level.
6. Director's Update (*This item is for informational purposes only; no formal action will be taken.*)
7. Adjourn.

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Maps further defining the above area(s) may be obtained from the City of Stevens Point Department of Community Development, 1515 Strongs Avenue, Stevens Point, WI 54481, or by calling 715-346-1567, during normal business hours.

Any person who has special needs while attending these meetings or needs agenda materials for these meetings should contact the City Clerk as soon as possible to ensure that a reasonable accommodation can be made. The City Clerk can be reached by telephone at (715)346-1569 or by mail at 1515 Strongs Avenue, Stevens Point, WI 54481.

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PUBLISH: January 2, 2015 and January 9, 2015

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Common Council of the City of Stevens Point, Portage County, Wisconsin, will hold a Public Hearing on Monday, January 19, 2015 at 7:00 PM in the Council Chambers of the County-City Building, 1516 Church Street, Stevens Point, Wisconsin, to hear the following:

1. Request from Kwik Trip, for a conditional use permit for the purposes of constructing and operating a carwash on a portion of 3256 Church Street (Parcel ID 2308-04-2008-34). This property being zoned "B-4" Commercial District and described as LOT 1 CSM # 3889-13-247 BNG PRT OF SW NW & NW SW S4 & PRT OF SE NE S5 T23 R8 EXC 2400 SQ FT AS DES IN 593 0492-96 FOR ST PURPOSES 498/282-87, City of Stevens Point, Portage County, Wisconsin.
2. Amending Section 23.01(16)(b)(3) of the Revised Municipal Code of the City of Stevens Point to hold required public hearings at the Plan Commission level.

Maps further defining the above area(s) may be obtained from the City of Stevens Point Department of Community Development, 1515 Strongs Avenue, Stevens Point, WI 54481, or by calling 715-346-1567, during normal business hours.

All interested parties are invited to attend.

BY ORDER OF THE COMMON COUNCIL  
OF THE CITY OF STEVENS POINT, WISCONSIN

John Moe, City Clerk

REPORT OF CITY PLAN COMMISSION  
December 1, 2014 – 6:00 PM  
Lincoln Center – 1519 Water Street

PRESENT: Mayor Gary Wescott, Alderperson Jerry Moore, Commissioner Tony Patton, Commissioner Anna Haines, Commissioner Daniel Hoppe, and Commissioner Dave Cooper.

Excused: Commissioner Garry Curless

ALSO PRESENT: Community Development Director Michael Ostrowski, Economic Development Specialist Kyle Kearns, City Attorney Beveridge, Alderperson Doxtator, Alderperson M. Stroik, Alderperson Trzebiatowski, Alderperson R. Stroik, Carl Debolt, Shirley Debolt, Brandi Makuski, Dan Drexler, Cathy Dugan, Gene Kemmeter, Richard Bierman, Barb Jacob, Spencer Houk, Leonard Szymkowiak, Frize Marquard, Pat Loebach, Ron Beyer, and Larry Lee.

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1. Report of the November 3, 2014 Plan Commission meeting.
2. Request from Richard Bierman, representing the property owner, for an amendment to the site plan at **5441 Highway 10 East (Parcel ID 2408-35-1300-05)**.
3. Request from Carl Debolt, for a sign variance to construct a freestanding cabinet and message center sign within the five foot setback and exceeding the size requirements at **1232 Park Street (Parcel ID 2408-32-4026-14)**.
4. Request from Heartland Custom Homes Inc., representing the property owner, for a conditional use permit to construct two 6-unit apartment buildings at **3301-09 Bush Street (Parcel ID 2308-04-1001-15)**.
5. Request from the City of Stevens Point to rezone four unaddressed commercial properties within the vicinity of Church Street, Strongs Avenue, Park Street and Depot Street from B-4 Commercial District to B-3 Central Business District (**Parcel ID's: 2408-32-4020-03, 2408-32-4034-03, 2408-32-4040-12, and 2408-32-4900-01**).
6. Director's update.
7. Adjourn.

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Mayor Wescott explained that a chairperson of the Plan Commission needs to be elected, or Alderperson Moore by default will need to chair the meeting.

**Motion by Alderperson Moore to nominate Mayor Wescott as Chairperson of the Plan Commission for the duration of the mayoral term, seconded by Commissioner Patton. Motion carried 4-0.**

1. Report of the November 3, 2014 Plan Commission meeting.

**Motion by Alderperson Moore to approve the report of the November 3, 2014 meeting; seconded by Commissioner Haines. Motion carried 5-0.**

2. Request from Richard Bierman, representing the property owner, for an amendment to the site plan at **5441 Highway 10 East (Parcel ID 2408-35-1300-05)**.

Director Ostrowski described the request to change the dumpster corral on site from a brick enclosure to a chain link enclosure with privacy slats. Staff recommends denying the modification to the refuse enclosure, as aesthetics are lost, along with strength and durability.

Alderson Moore asked if the chain link and slats would meet our code, to which Director Ostrowski answered there is no specific code requiring the brick dumpster enclosures. The B-5 zoning district requires a site plan review for any development, of which a brick enclosure was previously approved. Commissioner Haines clarified the commission approved the brick originally, to which Director Ostrowski confirmed.

Commissioner Patton stated he does not have any issue with the privacy slats and chain link fencing, but would like to hear from the applicant regarding the reason for the change.

Richard Bierman, 2108 Johnsonville Road, explained the reasoning was first to conserve costs, and also the owner may eventually change refuse practice to a more recycling approach for the disposal of parts. If a change occurs, the enclosure would be made smaller and the fencing is much easier to modify than brick.

Alderson Trzebiatowski stated his only objection would be that disposal of scrap metal and auto parts can cause damage to the fence and vinyl slats, making the appearance less than desirable.

**Motion by Commissioner Haines to deny the amendment to the site plan at 5441 Highway 10 East (Parcel ID 2408-35-1300-05) for a chain link fence with privacy slats dumpster enclosure. Motion failed, no second.**

**Motion by Commissioner Patton to approve the amendment to the site plan at 5441 Highway 10 East (Parcel ID 2408-35-1300-05) for a chain link fence with privacy slats dumpster enclosure, seconded by Commissioner Cooper. Motion carried 3-2 with Mayor Wescott and Commissioner Haines voting in the negative.**

3. Request from Carl Debolt, for a sign variance to construct a freestanding cabinet and message center sign within the five foot setback and exceeding the size requirements at **1232 Park Street (Parcel ID 2408-32-4026-14)**.

Director Ostrowski explained this request occurs in the south side business district and includes two parts. The first request is to modify the street setback from five feet to overhang a portion of the sidewalk. The Director of Public Works does not have any concern with the overhang. The second request is to allow an exception for a larger sign in the recently rezoned area. The recent south side rezoning from B-4 to B-3 affected the size of signs. The previous B-4 district would allow for a 100 square foot freestanding sign, whereas, the B-3 district only allows a 32 square foot freestanding sign. Given the complexity of the site and the makeup of the district, staff recommends that 32 square feet be the maximum size for the top portion of the sign. The applicant is also looking to add two lines, totaling 16 square feet for a changeable copy letter board, which staff would recommend approving as well.

**Commissioner Hoppe arrived at 6:11PM.**

Commissioner Patton asked if the height would be a safe clearance for bikers, to which Director Ostrowski stated yes there is a minimum ten foot clearance required. Commissioner Moore questioned if this is a true variance, to which Director Ostrowski answered no, a variance would go before the Board of Zoning Appeals. The request before you is a sign variance exception that can be approved by the Plan Commission, outlined in our Sign Code.

Carl Debolt, 2312 Linden Street, explained his business would sell soft serve ice cream and assorted popcorns. His original request was submitted prior to the south side rezoning and at that time the sign would be allowed, but due to delays in the project, he is before the commission because regulations have changed. Mr. Debolt stated ideally a three-sided pie shaped sign that would face both optimal directions would be preferred, which also are larger than the requirement for the current zoning. He proceeded to show examples of other signs in the immediate area which he felt supported his request and lastly indicated a sign meeting the requirement would not maximize marketability and exposure.

Commissioner Patton asked what his construction timeline was, to which Mr. Debolt answered as soon as frost is out of the ground the foundation will be installed.

Dan Drexler, Stratford Signs, explained the design of the sign was planned prior to the rezoning, so they re-designed the sign to meet the current zoning. It has been referred to as a pie shaped sign, and from experience that would be the most effective sign for that business based on the awkward intersection at that location. With the way the sign is designed and the two components of the sign, he does not feel it is something that would look out of place. He added that the size of the sign is important for the applicant whom is opening a new business and has a multitude of things to advertise.

Aldersperson Randy Stroik pointed out this is a unique property and feels the exception should be allowed. The customer base is the impulse buyer and a larger sign will help. Aldersperson Stroik then pointed out neighboring signs such as Belts and the Credit Union are much larger. Director Ostrowski stated Belts is a little larger than 32 square feet and the Credit Union sign is approximately 100 square feet but was constructed as a multi-tenant sign.

Aldersperson Trzebiatowski agreed with Aldersperson Stroik and feels it is a uniquely angled street and would benefit the business.

Director Ostrowski clarified that staff's recommendation is to approve a larger sign including the 32 square foot top and 16 square foot reader board, totaling 48 square feet. Staff is concerned that with the visibility at the intersection, a larger sign could cause a distraction and visibility issues. If the area is treated like the downtown regarding the zoning change, it should be equivalent to the downtown district signage. The applicant has requested an 84 square foot sign.

Commissioner Haines asked for an explanation of the pie shaped sign, to which Director Ostrowski stated this is the first he has heard of the pie shaped sign. Mr. Debolt said he has pursued a different type of sign from what was originally submitted.

**Motion by Mayor Wescott to postpone the request for a sign variance to construct a freestanding cabinet and message center sign within the five foot setback and exceeding the size requirements at 1232 Park Street (Parcel ID 2408-32-4026-14) to allow submittal and staff review of the latest sign rendering proposal and information; seconded by Aldersperson Moore. Motion carried 6-0.**

4. Request from Heartland Custom Homes Inc., representing the property owner, for a conditional use permit to construct two 6-unit apartment buildings at **3301-09 Bush Street (Parcel ID 2308-04-1001-15)**.

Director Ostrowski stated the original construction of this complex was in the early 1990's prior to the conditional use permit requirement for multi-family dwellings. Furthermore, at that time a variance was granted for reduced lot size and setbacks. Currently there are two apartment buildings and two garage

buildings on the property, along with two poured slabs. The applicant is requesting to construct two buildings on the existing slabs, having six units each and a total of 20 bedrooms. The applicant has provided a preliminary landscape plan and a limited elevation plan. Given the area and surrounding uses of multi-family, staff would recommend approval of this project with the conditions provided. Mayor Wescott asked if the applicant was aware of the conditions placed on the property, to which Director Ostrowski stated yes. He continued stating the existing slabs would need to be tested to be sure they are still structurally sound, and receive state approvals, prior to the issuance of a building permit.

Alderson Moore asked for clarification regarding the number of bedrooms, to which Director Ostrowski stated 20. Commissioner Patton asked about the park fee, to which it was explained as a standard fee for multiple family units.

Alderson Trzebiatowski stated constituents had concerns about the exterior appearance of the buildings, maintenance of mature trees, integrity of the existing slabs, viability current water and sewer plumbing, and if new design would meet the ADA handicap rules. He is supportive of the project but does have concerns for building on the existing concrete slabs.

Mayor Wescott is in support of the project and pointed out to Alderson Trzebiatowski those concerns were addressed in the staff report and conditions which he can point out to the constituents. Director Ostrowski added that all the piping will be cut out and replaced as per the plan if the slabs are found to be buildable and the structures will have to follow current codes and regulations.

**Motion by Commissioner Cooper to approve the conditional use permit to construct two 6-unit apartment buildings at 3301-09 Bush Street (Parcel ID 2308-04-1001-15) with the following conditions:**

1. **Additional design elements shall be incorporated into the plan, such as shutters, window lintels, and masonry. A rendering shall be submitted to be reviewed by community development staff.**
2. **A minimum of 25% of the façade shall be covered with masonry or decorative brick. EIFS may be considered to satisfy this requirement.**
3. **Siding and any other exterior design elements or materials shall match the existing apartments.**
4. **The applicant shall submit a landscaping plan meeting all pertinent requirements for review and approval by community development department staff.**
5. **All mature trees shall remain on-site unless they impede the construction of the apartments.**
6. **An updated site plan shall be submitted identifying the refuse enclosure and construction materials, to be reviewed and approved by community development department staff. The refuse enclosure shall be screened per the ordinance requirements.**
7. **The maximum number of units for the proposed apartment complexes shall be 12, 6 in each building with a maximum number of 20 bedrooms.**
8. **Snow shall be removed from the site, or stored in a location that will not negatively impact adjacent properties.**
9. **A stormwater plan shall be submitted for review by the Department of Public Works.**
10. **Staff shall have the authority to approve minor changes such as landscaping or drainage.**
11. **The applicant shall pay the required park fee per unit to the City.**
12. **Applicable building permits, occupancy licenses and any other pertinent permits or licenses shall be obtained.**

seconded by Commissioner Patton. Motion carried 6-0.

5. Request from the City of Stevens Point to rezone four unaddressed commercial properties within the vicinity of Church Street, Strongs Avenue, Park Street and Depot Street from B-4 Commercial District to B-3 Central Business District (**Parcel ID's: 2408-32-4020-03, 2408-32-4034-03, 2408-32-4040-12, and 2408-32-4900-01**).

Director Ostrowski stated when rezoning the south side, these four properties were thought to be right-of-way areas, but they do have parcel numbers associated with them and would have to be included in the rezoning. Alderperson Moore asked if the railroad was notified and if they have had any response, to which Director Ostrowski answered yes they have been notified, however the Community Development office has not received any response.

**Motion by Alderperson Moore to approve the rezoning of four unaddressed commercial properties within the vicinity of Church Street, Strongs Avenue, Park Street, and Depot Street from B-4 Commercial District to B-3 Central Business District (Parcel ID's: 2408-32-4020-03, 2408-32-4034-03, 2408-32-4040-12, and 2408-32-4900-01), seconded by Commissioner Patton. Motion carried 6-0.**

6. Director's Update

Director Ostrowski reminded the commission there will be a District 7 Comprehensive Plan meeting at Bannach School on Thursday December 4<sup>th</sup> at 6:30 PM. He also indicated that he was planning to ask the Common Council to allow the public hearings to be held at the Plan Commission meetings, so that the Commission is fully informed prior to making decisions. This will also allow adjacent property owners more advanced notice of the requests. Mayor Wescott was supportive. Director Ostrowski will be bringing a draft before the commission in the future for action.

7. Adjourn.

**Meeting Adjourned at 6:42 PM.**

# Administrative Staff Report

**Kwik Trip Carwash  
Conditional Use  
3256 Church Street  
January 5, 2015**



Department of Community Development

<p><b>Applicant(s):</b></p> <ul style="list-style-type: none"> <li>• Kwik Trip</li> </ul> <p><b>Staff:</b></p> <ul style="list-style-type: none"> <li>• Michael Ostrowski, Director <a href="mailto:mostrowski@stevenspoint.com">mostrowski@stevenspoint.com</a></li> <li>• Kyle Kearns, Associate Planner <a href="mailto:kkearns@stevenspoint.com">kkearns@stevenspoint.com</a></li> </ul> <p><b>Parcel Number(s):</b></p> <ul style="list-style-type: none"> <li>• 2308-04-2008-34</li> </ul> <p><b>Lot Information:</b></p> <ul style="list-style-type: none"> <li>• Effective Frontage: 830 feet</li> <li>• Effective Depth: 297 feet</li> <li>• Square Footage: 246,510</li> <li>• Acreage: 5.659</li> </ul> <p><b>Zone(s):</b></p> <ul style="list-style-type: none"> <li>• "B-4" Commercial District</li> </ul> <p><b>Master Plan:</b></p> <ul style="list-style-type: none"> <li>• Commercial</li> </ul> <p><b>Council District:</b></p> <ul style="list-style-type: none"> <li>• District 10: Phillips</li> </ul> <p><b>Current Use:</b></p> <ul style="list-style-type: none"> <li>• Vacant Commercial</li> </ul> <p><b>Applicable Regulations:</b></p> <ul style="list-style-type: none"> <li>• 23.01(16) and 23.02(2)(d)</li> </ul>	<p><b>Request</b></p> <p>Request from Kwik Trip, for a conditional use permit for the purposes of constructing and operating a carwash on a portion of <b>3256 Church Street (Parcel ID 2308-04-2008-34)</b>.</p> <p><b>Attachment(s)</b></p> <ul style="list-style-type: none"> <li>• Parcel ID Sheet</li> <li>• Exhibit Map</li> <li>• Application</li> <li>• Site Plan</li> <li>• Elevations</li> </ul> <p><b>Findings of Fact</b></p> <ul style="list-style-type: none"> <li>• The property is zoned "B-4" Commercial District</li> <li>• Carwashes are a conditional use in the "B-4" Commercial District</li> <li>• The City's Comprehensive Plan calls for a commercial use on this property.</li> <li>• The request involves splitting an existing lot.</li> </ul> <p><b>Staff Recommendation</b></p> <p>Approve the conditional use permit, subject to the following condition(s):</p> <ol style="list-style-type: none"> <li>1. An additional landscape island shall be placed along the western edge of the carwash, as well as along the southern property line. The landscape islands shall meet the planting requirements outlined in the zoning code. <i>Please note the submitted plans show the additional landscape islands.</i></li> <li>2. Should traffic flow become a concern at the main entrance (intersection of Church Street and Heffron Street), in the sole opinion of the City Engineer, the City reserves the right to require Kwik Trip, at their expense, extend the existing median past their first ingress/egress point, making it right out only.</li> <li>3. The materials used to screen the dumpsters and mechanical equipment shall be of similar materials as the main building.</li> <li>4. The carwash shall not be operational during the hours of 9:00 PM to 6:00 AM daily.</li> <li>5. A landscaping plan shall be submitted to be reviewed by the Community Development Department.</li> <li>6. A lighting/illumination plan shall be submitted to be reviewed by the Community Development Department</li> <li>7. A stormwater management plan shall be submitted to be reviewed by the water department.</li> </ol>
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## Vicinity Map



## Background

Kwik Trip is proposing to construct a new gas station and convenience store with a carwash at the above described location. Gas stations are a permitted use within the "B-4" Commercial District; however carwashes are a conditional use. It is important to note that the existing property will be split to accommodate the proposed gas station, convenience store, and carwash. Below are details regarding the properties:

<u>Existing Property</u>	<u>Proposed Kwik Trip Site</u>	<u>Remaining Parcel</u>
Square Feet: 246,510	Square Feet: 65,474	Square Feet: 181,036
Acres: 5.659	Acres: 1.503	Acres: 4.156
Parking: Approx. 350	Parking: 30 + 16 under canopy	Parking: 180

It is important to note that the remaining former Copps grocery store parcel will still meet the parking requirement for a commercial, or retail use. A total of 167 stalls are required without taking into consideration the 15% reduction for location near a bus stop, and approximately 180 stalls will exist for the remaining parcel after the proposed property split.

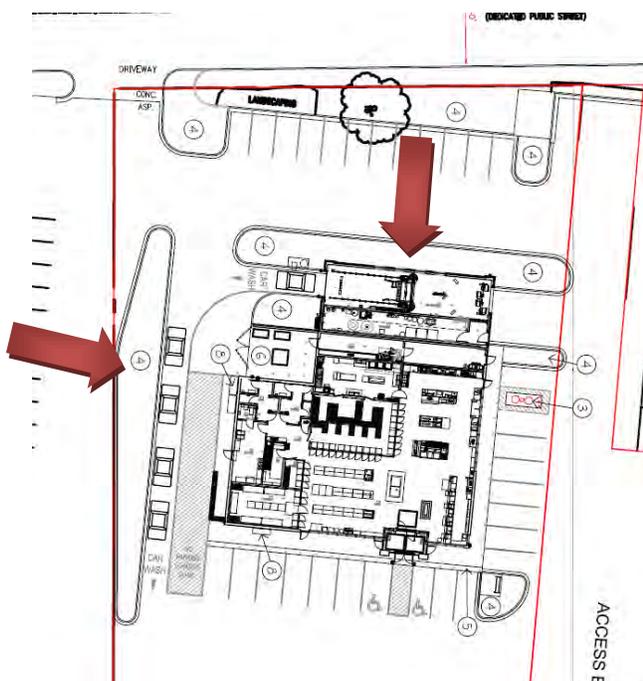
**Note that this is not a site plan review or conditional use permit review to operate a gas station, but rather a conditional use permit review to operate a carwash accessory to the permitted gas station use. Therefore, the standards of review will only pertain to the carwash and not the operation of a gas station.**

## Standards of Review

- 1) **The establishment, maintenance, or operation of the use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare.**

**Analysis:** The carwash will be an accessory use to the already permitted use of a gas station. The carwash is located just off of a high traveled commercial corridor and will be placed behind the building.

**Findings:** Staff would recommend that an additional landscape island shall be placed along the western edge of the carwash, as well as along the southern property line. The landscape islands shall meet the planting requirements outlined in the zoning code. Please note the submitted plans show the additional landscape islands.



- 2) **The use will not be injurious to the use and for the purpose already permitted;**

**Analysis:** The carwash will be an accessory use to the already permitted use of a gas station. The carwash is located just off of a high traveled commercial corridor. The carwash should not be injurious to the uses permitted or surround the site as they are commercial in nature.

**Findings:** This standard is met.

- 3) **The establishment of the use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;**

**Analysis:** The property where the carwash is planned for construction is a vacant commercial parking lot. The proposed development may spark a development for the existing vacant building and site nearby which still meets pertinent zoning requirements. Our Comprehensive Plan calls for this area to be commercial in nature. The establishment of this use should further the development of this district and within the Church Street corridor.

**Findings:** This standard is met.

- 4) **The exterior architectural appeal and functional plan of any proposed structure will not be at variance with either the exterior architectural appeal and functional plan, and scale of the structures already constructed or in the course of construction in the immediate neighborhood or in the character of the applicable district so as to result in a substantial or undue adverse effect on the neighborhood;**

**Analysis:** The architectural appeal of the building will be similar to the proposed gas station. In this district, there are a variety of commercial uses with varying architectural styles.

**Findings:** The proposed architectural appeal is appropriate for the area. This standard is met.

- 5) **Adequate utilities, access roads, drainage and/or necessary facilities have been, or are being, provided;**

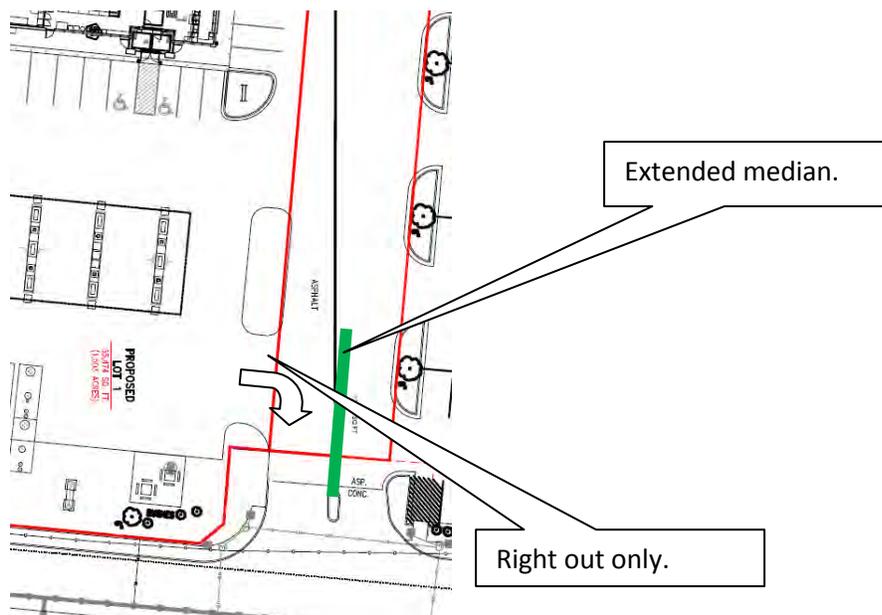
**Analysis:** The respective area is an established area of the City.

**Findings:** Utilities currently exist in this area.

- 6) **Adequate measures have been, or will be, taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;**

**Analysis:** There will be three ingress/egress points on the property or on neighboring the properties. The northern ingress/egress is through a shared and existing driveway at a lighted intersection. The southeastern intersection is via an existing driveway to the neighboring establishment, also shared. Lastly, the southwestern ingress/egress is via an existing driveway from Water Street which is shared as well. In regards to the carwash, the drive aisle is separate from the rest of the site by landscape islands.

- 7) **Findings:** Should traffic flow become a concern at the main entrance (intersection of Church Street and Heffron Street), in the sole opinion of the City Engineer, the City reserves the right to require Kwik Trip, at their expense, extend the existing median past their first ingress/egress point, making it right out only (see below).



- 8) **The proposed use is not contrary to the objectives of any duly adopted land use plan for the City of Stevens Point, any of its components, and/or its environs.**

**Analysis:** The proposed use would be within the "B-4" Commercial District. This district is established to provide for retail, commercial, office, service and apartment uses in areas of good accessibility along arterial streets consistent with the City's Comprehensive Plan. This district is primarily intended to accommodate general commercial uses requiring on-site parking and arterial access.

**Findings:** The proposed use is appropriate for the intent of this district.

- 9) **The use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission.**

**Analysis:** The carwash will meet all other zoning pertinent requirements.

**Findings:** This standard is met.

- 10) **The proposal will not result in an over-concentration of high density living facilities in one area so as to result in a substantial or undue adverse effect on the neighborhood, on the school system, and the social and protective services systems of the community.**

N/A

- 11) **Principal - Applications for exclusive multifamily residential uses: The view from the street should maintain a residential character. The view should be dominated by the building and not by garages, parking, mechanical equipment, garbage containers, or other storage.**

N/A

- 12) **Access to the site shall be safe.**

- a. **All developments shall front on a public right-of-way unless recommended by the Public Works Director.**

**Analysis:** The use fronts on Church Street and Water Street.

**Findings:** This standard is met.

- b. **The driveway to the site shall be located so as not to be a danger to the street flow of traffic.**

**Analysis:** Three ingress/egress points exist on this site, two on Church Street and one on Water Street.

**Findings:** This standard is met.

- c. **The driveway shall not be too close to neighboring intersections.**

**Analysis:** The shared ingress/egress to the north is a leg off of the intersection of Church and Heffron streets.

**Findings:** This standard is met.

- d. **Alignment of the driveway shall be coordinated with adjacent access points to avoid conflict or confusion.**

**Analysis:** All ingress/egress point already exists for the site.

**Findings:** This standard is met.

- e. **Only one driveway shall be allowed per site unless recommended by the Public Works Director. Two family units may be allowed more than one driveway if those driveways are separated by not less than 10 feet. Maximum driveway openings shall be 20 feet (each).**

**Analysis:** Three ingress/egress points exist to this site, two on Church Street, and one on Water Street. While additional ingress/egress points exist, they serve multiple sites.

**Findings:** This standard is met.

- f. **The organization of traffic flow on-site and between the site and the street shall be organized in a clear hierarchy of flow patterns. Internal and external areas where traffic flow changes directions or creates intersections shall be organized at clear intersections and those intersections are spaced far enough apart so as to not cause confusion or problems and to provide for adequate spacing for waiting vehicles.**

**Analysis:** The main ingress/egress to the site is off of a signalized intersection. The traffic flow to the carwash is through drive aisles.

**Findings:** This standard is met.

- g. **Intersections are visible and not visually screened.**

**Analysis:** The intersections are not screened from view.

**Findings:** Vision obstructions should not be a concern.

- h. **Adequate drainage and snow storage is provided.**

**Analysis:** No drainage plan has been submitted.

**Findings:** Staff would recommend a drainage plan to be submitted and reviewed by the Utility Department.

- i. **Minimum size requirements are maintained for safe vehicle circulation.**

**Analysis:** The lot provides for adequate traffic aisles.

**Findings:** This standard is met.

- j. **Parking areas shall be safe. They shall be adequately lit, sized to meet minimum standards, graded so as to not be too steep, and paved with concrete, brick, or bituminous surfacing. The light source shall not be visible from adjacent properties. Lighting shall be developed in such a way to minimize light straying onto adjacent properties.**

**Analysis:** A lighting plan has not been submitted.

**Findings:** Staff would recommend a lighting plan be submitted to be reviewed by the Community Development Department to ensure appropriate lighting is provided that does not spill over to adjacent properties.

**k. Driveways shall be located to minimize the impact to adjacent properties.**

**Analysis:** The driveways should not cause a negative impact to the adjacent properties as they are currently shared.

**Findings:** This standard is met.

**13) There shall be adequate utilities to serve the site.**

- a. The Public Works Director, Police Chief, and Fire Chief shall determine whether there is adequate sanitary sewer, potable water, storm drainage, street capacity, emergency access, public protection services, and other utilities to serve the proposed development. They shall review the plan to ensure safety and access for safety vehicles.**

**Analysis:** The property has the needed utilities and access.

**Findings:** This standard is met.

**14) The privacy of the neighboring development and the proposed development shall be maintained as much as practical. Guidelines:**

- a. Mechanical equipment including refuse storage shall be screened from neighboring properties.**

**Analysis:** Refuse containers will be located behind the gas station, before the carwash, and screened from view.

**Findings:** Staff would recommend that the materials used to screen the dumpsters and mechanical equipment shall be of similar materials as the main building.

- b. Lighting shall be located to minimize intrusion onto the neighboring properties.**

**Analysis:** A lighting plan has not been submitted.

**Findings:** Staff would recommend a lighting plan be submitted to be reviewed by the Community Development Department to ensure appropriate lighting is provided that does not spill over to adjacent properties.

- c. Sources of noise shall be located in a manner that minimizes impact to neighboring properties.**

**Analysis:** A residential mobile home park exists west of the site.

**Findings:** The screening requirements in Standard 1 above shall be implemented to reduce noise from the carwash. Furthermore, the carwash shall not be operational during the hours of 9:00 PM to 6:00 AM daily.

15) Principal - Applications for exclusive multifamily residential uses. Landscaping shall be provided or existing landscape elements shall be preserved to maintain a sense of residential character, define boundaries, and to enhance the sense of enclosure and privacy.

N/A

## Photos

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Looking Southwest (residential mobile home park)



Looking East (existing shared driveway)



Looking South



Looking Southeast



Looking East

Name and Address		Parcel #	Alt Parcel #	Land Use
Church Street Partners 3315 N Ballard Rd Ste A Appleton, WI 54911		230804200834	230804200834	Store, Supermarket
		Property Address		Neighborhood
		3256 Church St		Division St/Church St (Comm)
		Subdivision		Zoning
Display Note		Certified Survey Map		B4-COMMERCIAL

**OWNERSHIP HISTORY**

Owner	Sale Date	Amount	Conveyance	Volume	Page	Sale Type

**SITE DATA**

**PERMITS**

Actual Frontage	830.0	Date	Number	Amount	Purpose	Note
Effective Frontage	830.0	6/9/2006	34013	\$550	020 Electrical	gas station
Effective Depth	297.0	5/26/2006	33995	\$0	070 Raze/Demolition	
Square Footage	246,510.0	5/30/2003	31603	\$44,428	004 Addition and Rem	
Acreage	5.659	2/7/2002	30516	\$3,200	099 Sign	
		10/20/1998	28032	\$1,500	066 Plumbing	
		11/24/1997	27330	\$240,000	003 Addition	

**2014 ASSESSED VALUE**

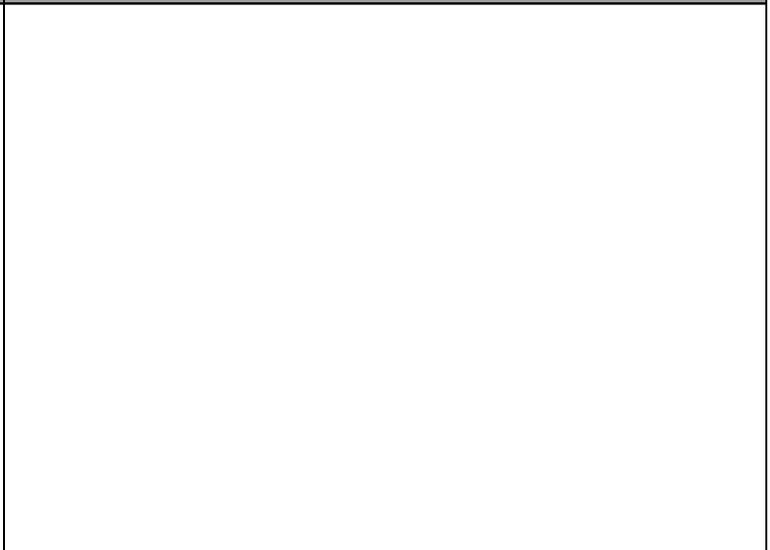
Class	Land	Improvements	Total
(2) - B-Commercial	\$571,500	\$1,772,500	\$2,344,000
<b>Total</b>	<b>\$571,500</b>	<b>\$1,772,500</b>	<b>\$2,344,000</b>

**LEGAL DESCRIPTION**

LOT 1 CSM # 3889-13-247 BNG PRT OF SW NW & NW SW S4 & PRT OF SE NE S5 T23 R8 EXC 2400 SQ FT AS DES IN 593 0492-96 FOR ST PURPOSES 498/282-87

**PROPERTY IMAGE**

**PROPERTY SKETCH**



Name and Address		Parcel #	Alt Parcel #	Land Use
Church Street Partners 3315 N Ballard Rd Ste A Appleton, WI 54911		230804200834	230804200834	Store, Supermarket
		Property Address		Neighborhood
		3256 Church St		Division St/Church St (Comm)
		Subdivision		Zoning
Display Note		Certified Survey Map		B4-COMMERCIAL

**BUILDING SUPERSTRUCTURE DATA**

Bldg	Sec	Occupancy	Year	Area	Framing	Hgt
1	1	Supermarket (C avg)	1986	49,860	Masonry - Avg	22
1	2	Supermarket (C avg)	1997	2,494	Masonry - Avg	22

<b>Total Area</b>		52,354
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**BASEMENT DATA**

**COMPONENTS**

Bldg	Sec	Adjustment Description	Area	Bldg	Sec	Component Description	Area
				1	1	Open Masonry Porch(es)	1,050
				1	1	Canopy - Supermarket	2,288
				1	1	Mezzanine - Finished	3,840
				1	1	Sprinkler System	56,194

**DETACHED IMPROVEMENTS**

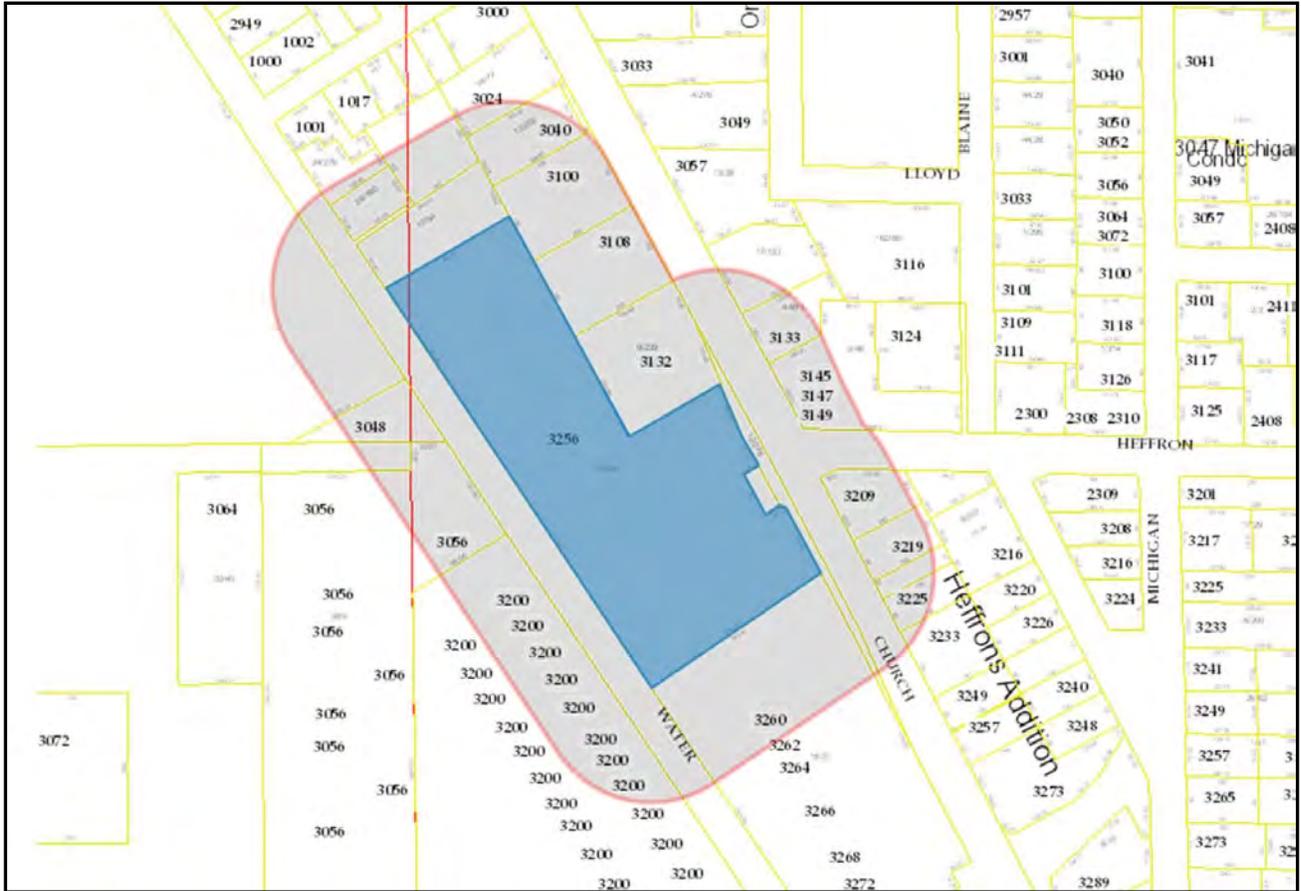
Structure	Year Built	Square Feet	Grade	Condition

**SITE IMPROVEMENTS**

**STRUCTURE DATA**

Site Improvement	Units	Age	27
		Year Built	1986
		Eff. Year	1987
		One Bedroom	
		Two Bedroom	
		Three Bedroom	
		Total Units	
		Stories	1.00
		Business Name	Copps Supermarket

Conditional Use Permit – Kwik Trip Carwash– 3256 Church Street (Parcel ID 2308-04-2008-34) – Exhibit Map (200 Feet Boundary)



Tax Key	Name	Mailing Address	City, State	Zip	Property Address
281230804200822	M & E RENTALS LLC	8716 Fountain Grove Rd	Amherst WI	54406	3024 Church St.
281230804200899	CITY OF STEVENS POINT	1515 Strongs Avenue	Stevens Point WI	54481	0 Michigan Ave.
281230804200836	QUIK INVESTMENTS C/O D OLSON& L STICHMAN	313 South Main St	Clintonville WI	54929	3040 Church St.
281230804200821	M & E RENTALS LLC	8716 Fountain Grove Rd	Amherst WI	54406	0 Church St.
281230804200839	DELORES M BURANT	3001 WATER ST	ALBUQUERQUE NM	87110	3001 Water St.
281230804200835	COPPS CORPORATION C/O ROUNDS MS 3300	875 E Wisconsin Ave	Milwaukee WI	53202	0 Water St.
281230804200837	JUAN JIMENEZ AND GUADALUPE GARCIA	3025 Water St	Stevens Point WI	54481	3025 Water St.
281230804200842	OREILLY AUTOMTVE C/O THOMSON REUTERS PT	PO Box 06116	Chicago IL	60606	3100 Church St.
281230804200832	JAMES T FORD III AND KIM M FORD	3108 Church St	Stevens Point WI	54481	3108 Church St.
281230804200834	CHURCH STREET PARTNERS	3315 N Ballard Rd Ste A	Appleton WI	54911	3256 Church St.
281230804200746	J & J OSTROWSKI ENTERPRISES LLC	3115 Church St	Stevens Point WI	54481	3115 Church St.
281230804200745	CRAIG R & SUSAN J TESCH	100 FRONTENAC AVE	Stevens Point WI	54481	3133 Church St.
281230804200825	JVL PROPERTIES LLC C/O JACK L LEICHTFUSS	928 Bayview Dr	Mosinee WI	54455	3140 Church St.
281230804200733	MOLITOR PROPERTIES LLC	517 Poplar Ln	Hatley WI	54440	3149 Church St.
281230804300814	CITY OF STEVENS POINT	1515 Strongs Ave	Stevens Point WI	54481	0 Church St.

281230805101102	IAN J PROCTOR AND ANITE E WHITE	3048 Water Street	Stevens Point WI	54481	3048 Water St.
281230804300702	JAMES E & KATHERINE G COOPER	P O Box 165	Stevens Point WI	54481	3209 Church St.
281230804300703	SLM INVESTMENTS C/O MARK L SYRING	12536 Gunderson Road	Osseo WI	54758	3217 Church St.
281230805410007	HERITAGE INVESTMENT COMPANY	PO Box 5097	Wausau WI	54402	3200 Water St.
281230804300704	DOUGLAS A & SUSAN L BARSNESS	2121 Elm St	Plover WI	54467	0 Church St.
281230804300705	DOUGLAS A & SUSAN L BARSNESS	2121 Elm St	Plover WI	54467	3225 Church St.
281230804300806	3260 CHURCH ST LLC C/O C NORTHWOOD	925 E Wells St Apt 916	Milwaukee WI	53202	3260 Church St.
281230804300737	DOUGLAS A & SUSAN L BARSNESS	2121 Elm St	Plover WI	54467	3233 Church St.
281230805101103	PORTAGE COUNTY	1516 Church St	Stevens Point WI	54481	825 Whiting Ave.
281230805410001	HERITAGE INVESTMENT COMPANY	PO Box 5097	Wausau WI	54402	3056 Water St.

RECEIVED

DEC 26 2014

COM DEV/INSP



City of Stevens Point  
Community Development Department

1515 Strong's Avenue, Stevens Point, WI 54481  
(715) 346-1567  
(715) 346-1498  
[communitydevelopment@stevenspoint.com](mailto:communitydevelopment@stevenspoint.com)  
<http://stevenspoint.com>

**APPLICATION FOR A CONDITIONAL USE PERMIT**

(Pre-Application Conference Required)

R# 1-59788  
\$ 260  
12-26-14

**ADMINISTRATIVE SUMMARY (Staff Use Only)**

Application #		Date Submitted		Fee Required		Fee Paid	
Associated Applications if Any				Assigned Case Manager			
Pre-Application Conference Date				Conditional Use Permit Request	Use <input type="checkbox"/>	Amend <input type="checkbox"/>	

**APPLICANT/CONTACT INFORMATION**

APPLICANT INFORMATION		CONTACT INFORMATION (Same as Applicant? <input type="checkbox"/> )	
Applicant Name	Kwik Trip Inc	Contact Name	Brent Dusek
Address	1626 Oak Street	Address	1626 Oak Street
City, State, Zip	La Crosse, WI 54601	City, State, Zip	La Crosse, WI 54601
Telephone	608-793-5551	Telephone	608-793-5551
Fax	608-793-6237	Fax	608-793-6237
Email	bdusek@kwiktrip.com	Email	bdusek@kwiktrip.com

**OWNERSHIP INFORMATION**

PROPERTY OWNER 1 INFORMATION (Same as Applicant? <input type="checkbox"/> )		PROPERTY OWNER 2 INFORMATION (If Needed)	
Owner's Name	Church Street Partners	Owner's Name	
Address	3315 A N. Ballard Road	Address	
City, State, Zip	Appleton, WI 54911	City, State, Zip	
Telephone	920-739-1366	Telephone	
Fax		Fax	
Email	cwinter@rolliewinter.com	Email	

**PROJECT SUMMARY**

Subject Property Location [Please Include Address and Assessor's Identification Number(s)]		
Parcel 1	Parcel 2	Parcel 3
281-23-0804200834		
Legal Description of Subject Property		
SW 1/4 of the NW 1/4 and the NW1/4 of the SW 1/4 of Section 5 in Township 23 North, Range 8 East, in the City of Stevens Point, Portage County, Wisconsin.		
Designated Future Land Use Category		Current Use of Property
Convenience Store with fuel sales		Parking
Explain the land use and the development proposed for the subject property. Include the time schedule (if any) for development. (Use additional pages if necessary)		
<p>Kwik Trip prides itself on providing the convenience of everyday grocery needs at competitive prices. Fresh fruit, potatoes, onions, milk, bread, eggs, butter, and ice cream are stocked daily. A large selection of cold and hot beverages are available, along with hot food choices, such as pizza, cheeseburgers, and soup. Cold food selections such as salads and sandwiches are also available along with a large bakery selection.</p> <p>An attached single bay carwash is as part of the development. Customers will have the option of selecting a touch free or soft touch wash option in both bays.</p>		

**How will the proposed development reinforce the existing or planned character of the neighborhood? (Use additional pages if necessary)**

We will provide the convenience of groceries like milk, eggs, bread, butter, fresh fruit and vegetables as well as the hot sandwiches, soups, salads, and pizza to the neighborhood. This will be another location to purchase fuel and wash your vehicle.

**Outline steps that will be taken to reduce any negative impacts on adjacent property. (Use additional pages if necessary)**

Steps have been taken in the layout to reduce any negative impacts to the adjacent residential. The store and gas present to the east to reduce lighting and noise towards Water street. Also, the carwash is attached to the building (as opposed to detached) in order to keep it the furthest distance possible from Water Street. Additional landscaping and a picnic area have been added.

**Current Zoning Surrounding Subject Property**

North:	Commercial	South:	Commercial
East:	Commercial	West:	Residential

**Current Land Use Surrounding Subject Property**

North:	Hardee's Restaurant	South:	Southside Plaza
East:	BP Convenience Store	West:	Residential

**EXHIBITS**

Owner Information Sheet	<input type="checkbox"/>	Additional Exhibits If Any:
Letter to District Alderperson	<input type="checkbox"/>	
Maps (vicinity, zoning, floodplains, wetlands others as requested by staff)	<input type="checkbox"/>	
Site Plan (designating primary, side, and service street frontages)	<input type="checkbox"/>	
Building Elevations	<input type="checkbox"/>	
Parking Plan (Location, number of spaces, reductions, and design and landscaping)	<input type="checkbox"/>	
Street Plan with Cross-sections	<input type="checkbox"/>	
Utility Plan	<input type="checkbox"/>	
Landscape Plan (including any equivalent alternative landscaping requests)	<input type="checkbox"/>	
Stormwater Plan	<input type="checkbox"/>	
Outdoor Lighting Plan (location of fixtures, illumination levels)	<input type="checkbox"/>	

**CERTIFICATION AND SIGNATURE**

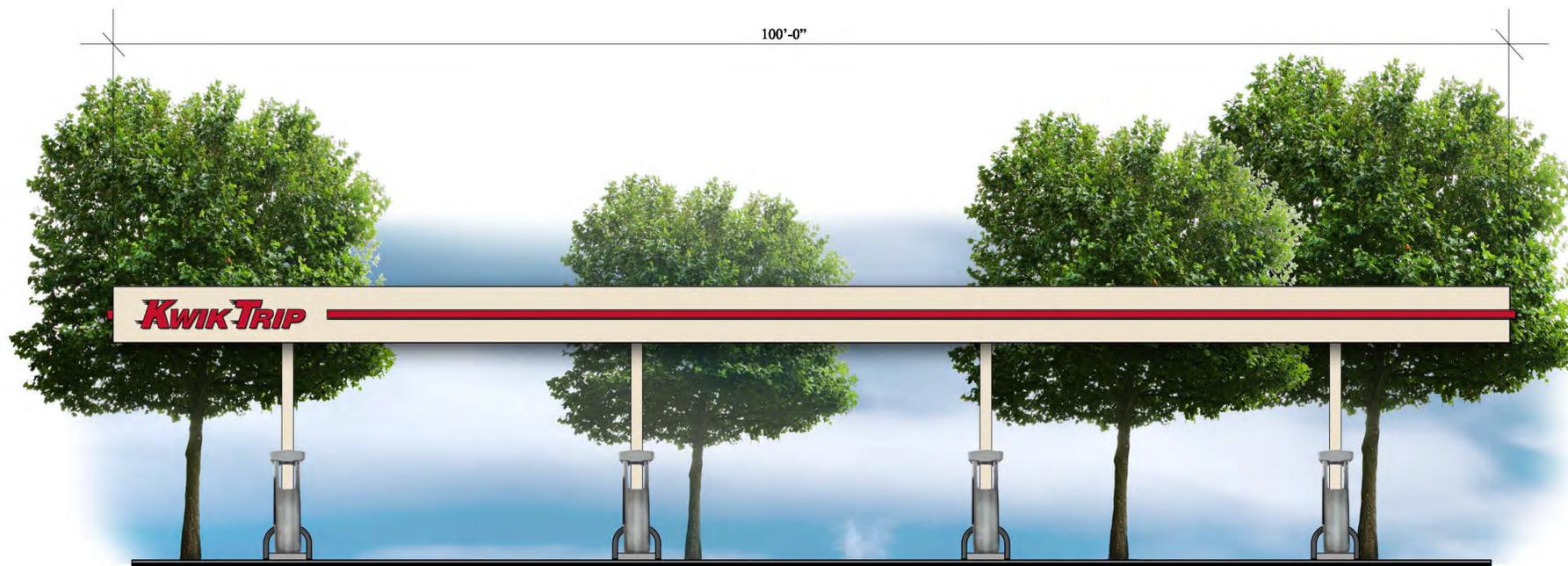
By my signature below, I certify that the information contained in this application is true and correct to the best of my knowledge at the time of the application. I acknowledge that I understand and have complied with all of the submittal requirements and procedures and that this application is a complete application submittal. I further understand that an incomplete application submittal may cause my application to be deferred to the next posted deadline date.

Signature of Applicant	Date	Signature of Property Owner(s)	Date
	12/23/14		









FRONT ELEVATION  
3/16" = 1'-0"



SIDE ELEVATION  
3/16" = 1'-0"



Flat Canopy

8 MPD

# Administrative Staff Report

**Carl Debolt**  
**Sign Variance Request**  
**1232 Park Street**  
**January 5, 2015**



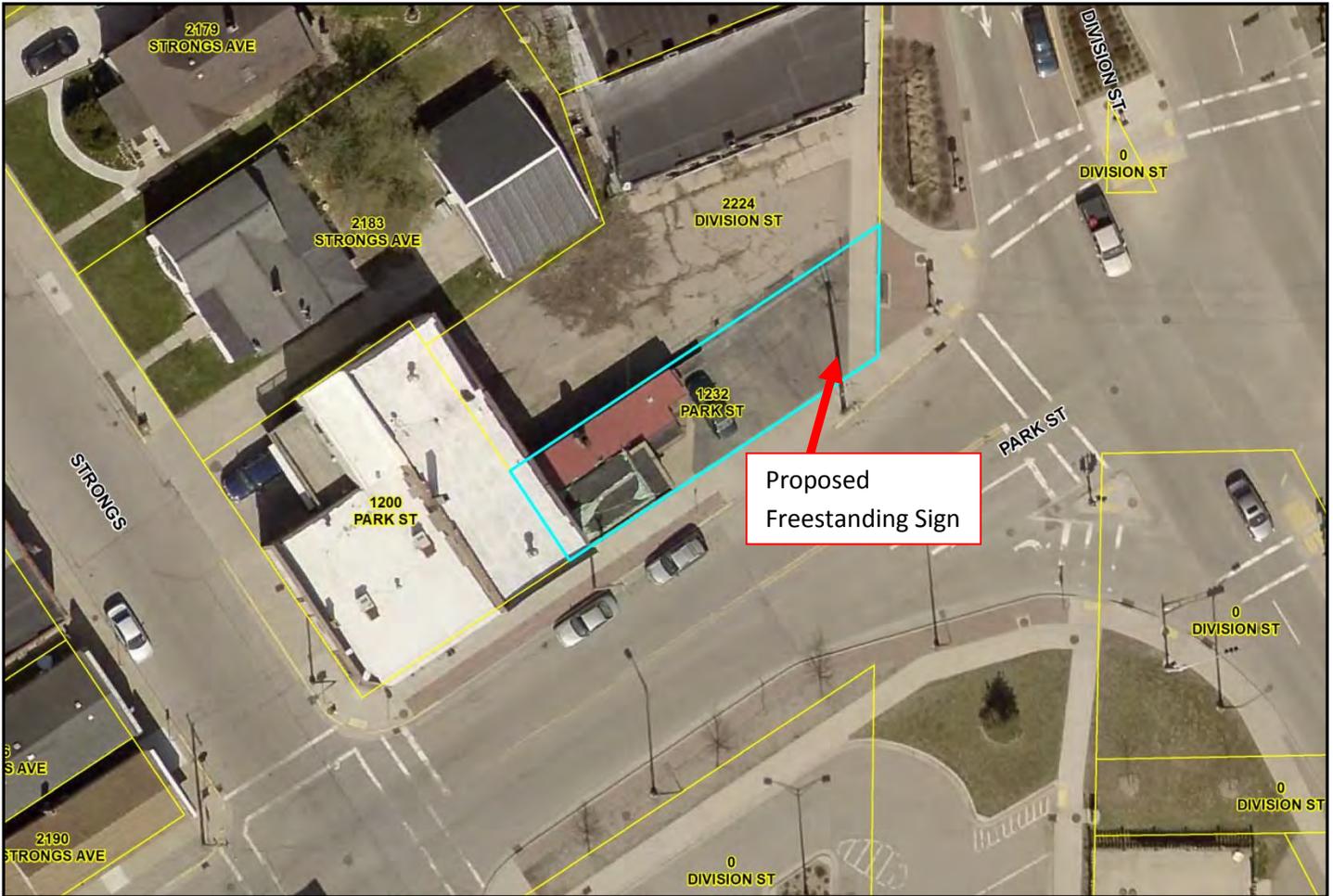
Department of Community Development

<p><b>Applicant(s):</b></p> <ul style="list-style-type: none"> <li>Carl Debolt</li> </ul> <p><b>Staff:</b></p> <ul style="list-style-type: none"> <li>Michael Ostrowski, Director  <a href="mailto:mostrowski@stevenspoint.com">mostrowski@stevenspoint.com</a></li> <li>Kyle Kearns, Associate Planner  <a href="mailto:kkearns@stevenspoint.com">kkearns@stevenspoint.com</a></li> </ul> <p><b>Parcel Number(s):</b></p> <ul style="list-style-type: none"> <li>2408-32-4026-14</li> </ul> <p><b>Zone(s):</b></p> <ul style="list-style-type: none"> <li>"B-3" Central Business District</li> </ul> <p><b>Master Plan:</b></p> <ul style="list-style-type: none"> <li>Commercial</li> </ul> <p><b>Council District:</b></p> <ul style="list-style-type: none"> <li>District 9 - R. Stroik</li> </ul> <p><b>Lot Information:</b></p> <ul style="list-style-type: none"> <li>Frontage (feet): 60</li> <li>Depth (feet): 25</li> <li>Square Footage: 1,500</li> <li>Acreage: 0.034</li> </ul> <p><b>Current Use:</b></p> <ul style="list-style-type: none"> <li>Vacant</li> </ul> <p><b>Applicable Regulations:</b></p> <ul style="list-style-type: none"> <li>25.04(8) and 25.14</li> </ul>	<p><b>Request</b></p> <p>Request from Carl Debolt, for a sign variance to construct a freestanding cabinet and message center sign within the five foot setback and exceeding the size requirements at <b>1232 Park Street (Parcel ID 2408-32-4026-14)</b>.</p> <p><b>Attachment(s)</b></p> <ul style="list-style-type: none"> <li>Parcel Data Sheet</li> <li>Application</li> <li>Sign Rendering</li> </ul> <p><b>Findings of Fact</b></p> <ul style="list-style-type: none"> <li>The property is within the "B-3" Central Business District.</li> <li>All signs shall be set back a minimum of five feet from the right-of-way.</li> <li>Freestanding signs shall not exceed 20 feet in height or 32 square feet in size.</li> <li>The proposed freestanding sign graphics total approximately 84 square feet.</li> <li>Sign variances can be granted from certain requirements of the sign ordinance, subject to plan commission review and common council approval.</li> </ul> <p><b>Staff Recommendation</b></p> <p>Approve the sign variance subject to the following conditions:</p> <ul style="list-style-type: none"> <li>A two sided sign shall be utilized for which sign graphics shall not exceed 48 square feet, 32 for the main sign and 16 for the changeable copy sign.</li> <li>A landscape base at least the same area as the size of the sign shall be installed around the sign. Landscaping shall be approved by community development department staff.</li> <li>The sign height shall not exceed 20 feet.</li> <li>The sign pole shall not exceed 12 inches in diameter.</li> <li>A minimum clearance of 10 feet shall exist between the bottom of the sign and the grade at the right-of-way line.</li> <li>All electrical wiring shall be hidden from view.</li> <li>Applicable building permits shall be obtained.</li> <li>If such sign ever has to be removed or relocated due to the widening or improvement of the roadway area, or similar type activity, all costs to remove, relocate, and/or replace shall be borne by the owner of the property. Furthermore, vision triangle/obstruction, and location requirements shall be met.</li> <li>The main sign shall be opaque, allowing no light exposure except from the logo and lettering.</li> <li>No logo, lettering, or design shall be displayed on the third side of the</li> </ul>
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sign which is depicted as blank/black on the rendering.

- The sign shall be enclosed on all sides.

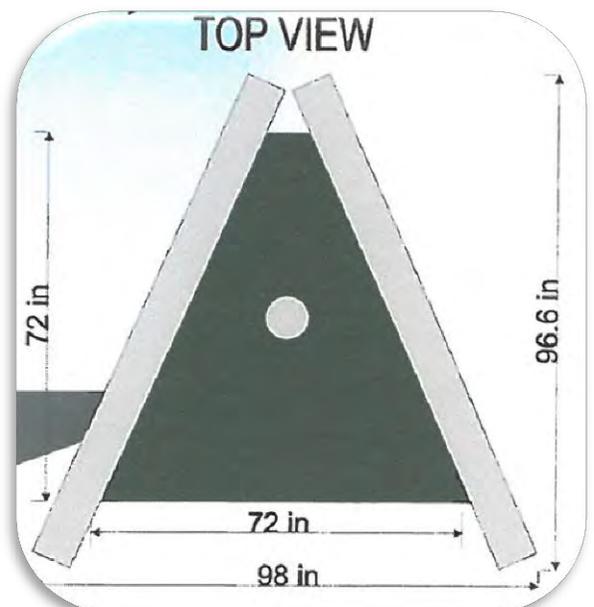
### Vicinity Map



### Background

This request was postponed last month due to a change in the sign design. The applicant Carl Debolt is requesting a sign variance to install a new freestanding sign within the setback and exceeding the size requirements. The sign design is of a triangular design, with only two of three sides displaying signage.

Again, the applicant is occupying a vacant building at the northwest intersection of Park Street and Division/Church Street. Signage is limited on site and therefore, the applicant is requesting to install the freestanding sign to market and identify the business. The proposed sign is of a cabinet design with internal lighting and a changeable copy sign below the cabinet sign. A three-sided triangular sign has been chosen to achieve better visibility along Church/Division Street. Further sign details have been provided below.



Freestanding Sign – 3-Sided (Triangular)

- Material: Aluminum
- Sides: 3 sides (2 with signage)
- Size: Cabinet: Approx. 67 s.f.  
Changeable Copy (4 lines): 32 s.f.
- Design: Logo + "Carl D's Soft Serve" + "Home of the Foot High Cone!" & "Home of the Foot High Flurry"
- Lighting: Internally lit
- Height: 20 feet

It is important to note that the area and property in question was recently rezoned from B-4 Commercial District to B-3 Central Business District.

Chapter 25, Uniform Sign Ordinance states the following relating to freestanding signs within the "B-3" Central Business District:

*Section 25.04 (C)*

*C. LOCATION REQUIREMENTS*

*All signs, banners, flags, hangings, canopies and other displays shall not be located or overhang any right-of-way, including alleys and sidewalks, except for government signs, subdivision identification signs, garage and rummage sale signs and those signs allowed in Section 4.8 E. All signs shall be set back a minimum of 5 feet from the right-of-way in all Zoning Districts except the "B-3" Central Business District.*

*D. VISION OBSTRUCTION*

*All signs, banners, flags, hangings, canopies and other displays shall not create any vision obstructions onto a public right-of-way, alley, sidewalk, adjacent drive or private drive entering a street or alley.*

*Section 25.04(8)(f)*

**REQUIREMENTS FOR FREESTANDING SIGNS:**

1. *Freestanding signs shall be limited to 20 feet in height, or 12 feet in height when adjacent to residential areas.*
2. *Freestanding signs shall not exceed 32 square feet in sign area, or 16 square feet in sign area when adjacent to, or across the street from, residential zones.*
3. *The sign base shall be equal in size to the total square footage of the sign face, but must be at least 4 square feet in area. The sign base shall include plant materials and/or other permanent construction materials such as brick, stone, timbers, etc.*

Based on the above ordinance and the proposed sign, it would impede onto the sidewalk by 2.5 feet, exists within the vision triangle, and exceeds the size requirements by 50 square feet. Below are the standards of review for a sign variance.

**Standards of Review**

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In obtaining a permit, the applicant may submit an appeal to the common council for a variance from certain requirements of this ordinance. The plan commission shall provide a recommendation to the common council when a variance is requested. A variance may be granted by the common council where the literal application of the ordinance would create a substantial hardship for the sign user and the following criteria are met:

- 1) A literal application of the ordinance would result in a demonstrated practical difficulty or unnecessary hardship to the property.**

**Analysis:** The property is very small at 0.034 acres (1,500 sq.ft.) and has a building of 700 square feet in size. This allows for very limited space for onsite parking, or activities related to the proposed use. Due to the development of the site nearly 100 years ago, the building was situated on the western property line, while other adjacent buildings

are situated on the east property lines. Furthermore, the single ingress/egress to the property existing off of Park Street occupies the remaining width of the site.

**Findings:** The building placement on this property and those adjacent would significantly reduce the effectiveness of a sign to patrons and vehicles along the main thoroughfare (Business 51) if the ordinance was met. Specifically, those traveling south on Business 51 would have difficulty identifying the sign and taking the appropriate action at the intersection at Park Street. Additionally, the sign may impede the limited parking space and open area on the site.

**2) The granting of the requested variance would not be materially detrimental to the property owners in the vicinity.**

**Analysis:** The majority of the surrounding properties have signs that are grandfathered into the ordinance and do not meet the B-3 Central Business District requirements. Neighboring freestanding signs and projecting signs within the vicinity overhang onto the sidewalk, while others exceed the size requirements. The road and right-of-way curves drastically in this area.

**Findings:** The granting of the requested variance to overhang the sidewalk should not be detrimental to the surrounding property owners whom have similar situations. The sign should assist in drawing patrons to the property and increase the aesthetics of the area, having an overall positive impact.

**3) Hardship caused the sign user under a literal interpretation of the ordinance is due to conditions unique to that property and does not apply generally to the city.**

**Analysis:** Once again, the property's small size and building placement creates a difficulty in adequately meeting the required location requirement without drastically changing the parking and open area on the property. Additionally, a wall sign cannot achieve an effected level of marketability for the site to vehicles traveling along Business 51. Furthermore, a freestanding sign meeting the requirements will have difficulty in doing so. The wide sidewalk and large boulevard consisting of vegetation and brick pavers assists in providing a buffer between the sign and road minimizing potential conflicts at the intersection.

**Findings:** A few other properties exist along Business 51 within the area with similar situations, however, the situation is not seen greatly throughout the city. Regarding the sign size, a slightly larger sign may be warranted again due to the line of visibility, which is impaired due to the buildings to the north. However, the size requested (100 square feet) would be extremely large for this location.

Staff would recommend that if such sign ever has to be removed or relocated due to the widening or improvement of the roadway area, or similar type activity, all costs to remove, relocate, and/or replace shall be borne by the owner of the property. Furthermore, vision triangle/obstruction, and location requirements shall be met if that occurs.

**4) The granting of the variance would not be contrary to the general objectives of this ordinance.**

**Analysis:** The purpose of these sign regulations are: to encourage the effective use of signs as a means of communication in the City of Stevens Point (hereinafter referred to as the city); to maintain and enhance the beauty and unique character and enhance the aesthetic environment of the city by eliminating visual blight; to enhance the city's ability to attract sources of economic development and growth; to protect pedestrians and motorists of the city from damage or injury caused or partially attributable to the distractions and obstructions which are hereby declared to be caused by improperly sized or situated signs; to minimize the possible adverse effect of signs on nearby public and private property; to promote the public safety, welfare and convenience, and enjoyment of travel and the free flow of traffic within the city; and to provide a uniform sign ordinance between the City of Stevens Point, Village of Plover and Portage County.

**Findings:** The proposed freestanding cabinet sign should not be detrimental to the area or cause safety concerns at the nearby intersection or along the sidewalk. In order to have signage meeting the location requirements, the building's limited front parking and open space would be reduced, and also the sign would be partially hidden to vehicular traffic on Business 51. Furthermore, a freestanding sign meeting the requirements would impede into the driveway and increase the potential for collisions. The property's small size, corner intersection location, and building's placement, along with neighboring building's placement is not one often seen throughout the city. After staff review, a unique property characteristic exists that creates a difficulty when displaying effective signage on the property.

Staff would recommend the sign to be opaque except for the logo and lettering, which will prevent a large spillover of light onto the right-of-way and adjacent properties.

In granting a variance, the plan commission may attach additional requirements necessary to carry out the spirit and purpose of this ordinance in the public interest.

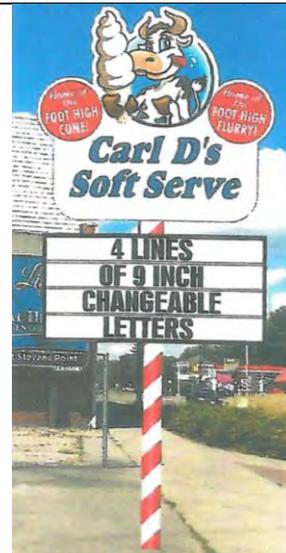
When taking into consideration the above findings regarding the sign variance, staff would recommend approving the proposed location, as practical difficulties do exist due to the unique property. Furthermore, staff would recommend that the main sign not exceed 32 square feet, but allow the ability to add a changeable copy sign as it is informational in nature, but not more than 16 square feet, for a total of 48 square feet.

Several signs within the area, specifically the recently rezoned "B-3" district, are non-conforming as they exceed the sign size requirement. As they are non-conforming, they are allowed to exist and be maintained, however over time they will likely change. This area has been identified as a unique area, and has been rezoned accordingly. To preserve the existing character and future of the area, signage regulations should be enforced unless special circumstances exist. As identified above, staff feels a special circumstance exists warranting a sign variance for the placement of the sign; however, one does not for allowing a larger sign.

**Photos**



Sign Area



Proposed Sign



View From South



View From North

Name and Address		Parcel #	Alt Parcel #	Land Use
Carl D's Soft Serve LLC 2312 Linden St Stevens Point, WI 54481		240832402614	240832402614	Garage, Service
		Property Address		Neighborhood
		1232 Park St		Division St/Church St (Comm)
		Subdivision		Zoning
Display Note		S E & Other Plat		B4-COMMERCIAL

**OWNERSHIP HISTORY**

Owner	Sale Date	Amount	Conveyance	Volume	Page	Sale Type
Carl D's Soft Serve LLC	9/23/2014	\$18,000	Quit Claim Deed	799735		Land & Build.

**SITE DATA**

**PERMITS**

Actual Frontage	60.0	Date	Number	Amount	Purpose	Note
Effective Frontage	60.0					
Effective Depth	25.0					
Square Footage	1,500.0					
Acreage	0.034					

**2014 ASSESSED VALUE**

Class	Land	Improvements	Total
(2) - B-Commercial	\$6,200	\$13,800	\$20,000
<b>Total</b>	<b>\$6,200</b>	<b>\$13,800</b>	<b>\$20,000</b>

**LEGAL DESCRIPTION**

SELY 25' OF LOTS 423-424 BLK 62 S E & O ADD 374/488-89 443/371-2 462/197 602/556 799735

**PROPERTY IMAGE**

**PROPERTY SKETCH**



Name and Address		Parcel #	Alt Parcel #	Land Use
Carl D's Soft Serve LLC 2312 Linden St Stevens Point, WI 54481		240832402614	240832402614	Garage, Service
		Property Address		Neighborhood
		1232 Park St		Division St/Church St (Comm)
		Subdivision		Zoning
Display Note	S E & Other Plat		B4-COMMERCIAL	

**BUILDING SUPERSTRUCTURE DATA**

Bldg	Sec	Occupancy	Year	Area	Framing	Hgt
1	1	Service Gar (C avg)	1930	704	Masonry - Avg	14

Total Area	704
------------	-----

**BASEMENT DATA**

**COMPONENTS**

Bldg	Sec	Adjustment Description	Area	Bldg	Sec	Component Description	Area

**DETACHED IMPROVEMENTS**

Structure	Year Built	Square Feet	Grade	Condition

**SITE IMPROVEMENTS**

**STRUCTURE DATA**

Site Improvement	Units	Age	34
		Year Built	1930
		Eff. Year	1980
		One Bedroom	
		Two Bedroom	
		Three Bedroom	
		Total Units	
		Stories	1.00
		Business Name	Service Garage



City of Stevens Point  
Community Development Department

1515 Strongs Avenue, Stevens Point, WI 54481  
(715) 346-1567  
(715) 346-1498  
[communitydevelopment@stevenspoint.com](mailto:communitydevelopment@stevenspoint.com)  
<http://stevenspoint.com>

**APPLICATION FOR A SIGN VARIANCE**

(Pre-Application Conference Required)

**ADMINISTRATIVE SUMMARY (Staff Use Only)**

R# 1-59235

Application #	-	Date Submitted	11/10/14	Fee Required	\$150.00	Fee Paid	\$150.00
Associated Applications if Any	-	Assigned Case Manager	Kyle Kearns				
Pre-Application Conference Date	58 11-6-14, 10-23-14		Sign Variance (check all that apply)	Height	<input type="checkbox"/> Size	<input type="checkbox"/> Quantity	<input type="checkbox"/> Other <input checked="" type="checkbox"/> <u>Setback</u>

**APPLICANT/CONTACT INFORMATION**

APPLICANT INFORMATION		CONTACT INFORMATION (Same as Applicant? <input type="checkbox"/> )	
Applicant Name	Carl D's Soft Serve	Contact Name	Carl Debolt
Address	1232 Park St	Address	2312 Linden St.
City, State, Zip	Stevens Point WI 54481	City, State, Zip	Stevens Point WI 54481
Telephone	715-340-3390 Cell	Telephone	715-341-5795 Home
Fax		Fax	
Email	stptwi@yahoo.com	Email	stptwi@yahoo.com

**OWNERSHIP INFORMATION**

PROPERTY OWNER 1 INFORMATION (Same as Applicant? <input type="checkbox"/> )		PROPERTY OWNER 2 INFORMATION (If Needed)	
Owner's Name	Carl Debolt	Owner's Name	
Address	2312 Linden St	Address	N/A
City, State, Zip	Stevens Point, WI 54481	City, State, Zip	
Telephone	715-341-5795	Telephone	
Fax		Fax	
Email	stptwi@yahoo.com	Email	

**PROJECT SUMMARY**

Subject Property Location [Please Include Address and Assessor's Identification Number(s)]		
Parcel 1	Parcel 2	Parcel 3
1232 Park St. Stevens Point WI 54481 ± 240832402614		
Legal Description of Subject Property		
Sely 25' of lots 423-424 Blk 62 SE & O ADD		
Current Use of Property	Current Zoning of Property	
Storage for past 5yrs	B-4	
Will adhering to the Sign Ordinance create a demonstrated practical difficulty or unnecessary hardship to the property? Please provide a detailed description of your request and reasoning with your answer. (Use additional pages if necessary)		
Yes A two sided sign can not be seen from both sides unless brought closer to the road. This area has a bending road and extra wide flower beds & red brick area. A three sided sign would be best if all three sides were used at the		

Current limits of 100 sq ft, not just two sides of 100 sq ft and a blank 3rd side.

Would the granting of the variance be materially detrimental to the property owners in the vicinity? Please provide a detailed narrative and reasoning with your answer. (Use additional pages if necessary)

No A high quality sign helps business a poorly done sign is detrimental This helps the family friendly business concept and is proper support of the new B-3 zoning more like downtown variety of businesses

Does the property have unique property characteristics that cause a hardship to the sign user under a literal interpretation of the Sign Ordinance? If yes, please describe the unique property characteristics. (Use additional pages if necessary)

Unique characteristics is the bend in Division St., brick wall about up to the sidewalk to the North, narrow lot, the wide flower bed & red brick area between Division St & the lot line.

Would the granting of this variance be contrary to the general objectives of the Sign Ordinance? Please provide a detailed narrative and reasoning with your answer. (Use additional pages if necessary)

No Looks good, serves intent & can be seen from both sides of a bending area of Division St Much like the one hang on the Book Isle building & the sign over hanging the sidewalk to the North, its post is on the edge of the sidewalk

Current Zoning Surrounding Subject Property

North:	B-4	South:	B-4
East:	B-4	West:	B-4

Current Land Use Surrounding Subject Property

North:	Phone Retail (New)	South:	Archics & public parking lot
East:	Dentist & the bank I use	West:	Congress bar which broadcasts over my building & parking

EXHIBITS

Letter to District Alderperson	<input checked="" type="checkbox"/>	Additional Exhibits If Any:
Map / Site Plan (designating location of the sign(s))	<input checked="" type="checkbox"/>	
Sign Rendering(s) (includes sign dimensions, size & graphics)	<input checked="" type="checkbox"/>	

CERTIFICATION AND SIGNATURE

By my signature below, I certify that the information contained in this application is true and correct to the best of my knowledge at the time of the application. I acknowledge that I understand and have complied with all of the submittal requirements and procedures and that this application is a complete application submittal. I further understand that an incomplete application submittal may cause my application to be deferred to the next posted deadline date.

Signature of Applicant	Date	Signature of Property Owner(s)	Date
Carl D. Jolt	11-7-14	Carl D. Jolt	11-7-14

Date: 12- 10 -2014

To whom it concerns

As requested at the last meeting I have clarified my sign variance request. I ask for 100 sq. ft. as shown on the variance form. I had tried to drill the footing before the frost came and the zoning changed from B-4 to B-3.

I ask you to support a 100 sq. ft. two sided sign in a pie shape as shown. I believe the pictures show it does not block the stop lights. The red brick and park bench allow space between three sidewalks and this sign. The pie shape allows for both lanes of traffic in Division St. to see the graphics.

In my opinion R- 3 sign requirements work well downtown where the speed limit is lower and parking is on both sides. However in the Southside Division Street area there are many large signs I think a 4 x 8 sheet of plywood or the 32 sq. ft. max is almost meaningless next to the larger signs such as Belt's and their four lines of script, the credit union across the street with their electric message board and Frank's Transmission with their four lines of script.

I ask for a double sided pie shaped sign to be allowed along with four lines of 8 in script with a total of the two being 100 square feet per side. And angled to face both lanes of traffic on Division Street. I will sell popcorn and soft serve ice cream treats these are both impulse items the need meaningful signage.

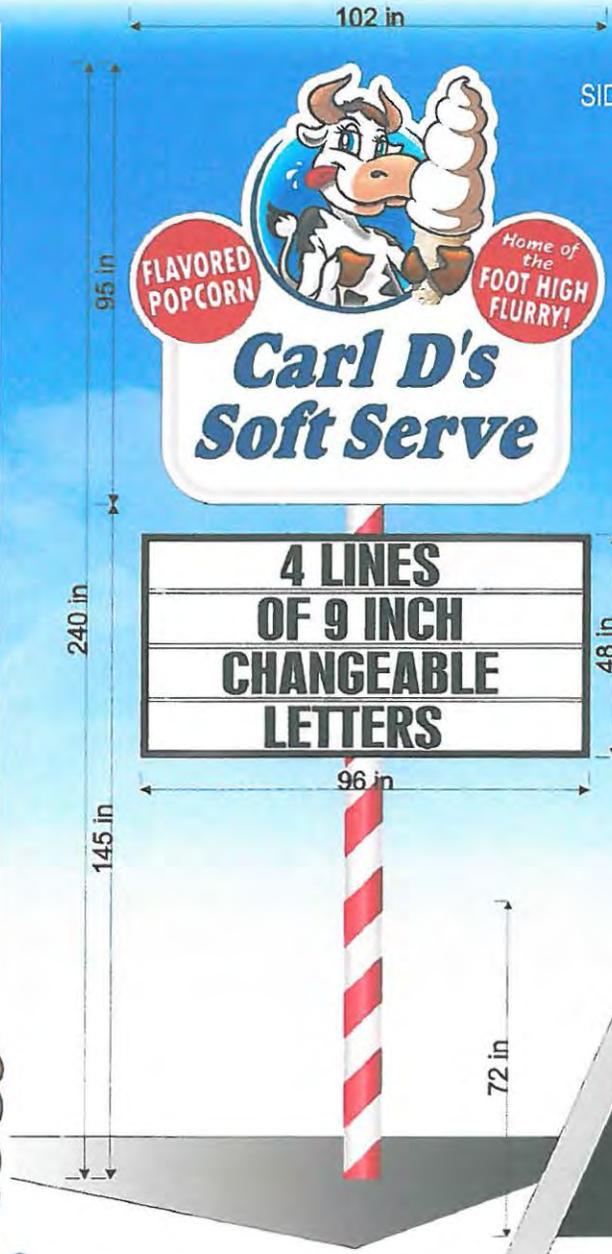
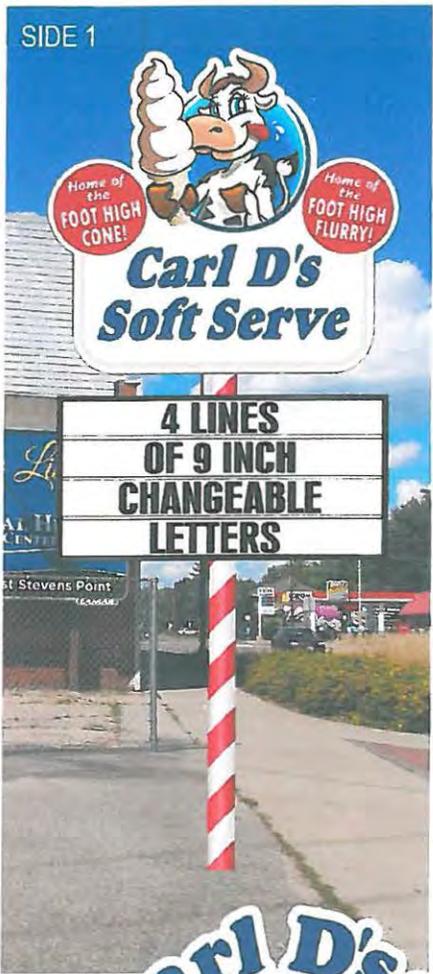
Thank you for your time.

Carl Debolt  
Carl D's Soft Serve

DESIGNER / SALES REP: GAIL	DATE: 10/8/14	MATERIAL: ALUMINUM CABINET
COLORS: AS SHOWN		CONTACT: Carl / Shirley - 715-341-5795

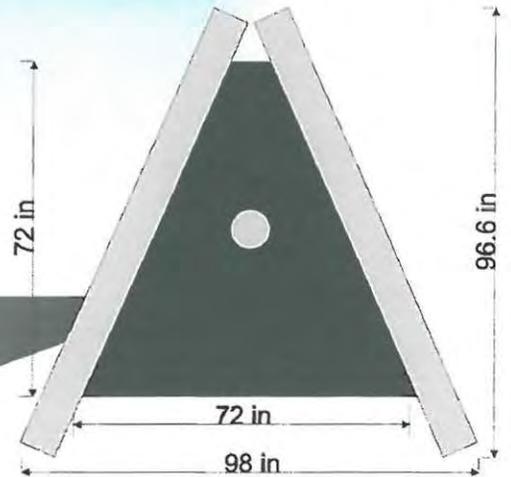
NOTES:

ACTUAL PAINT OR VINYL GRAPHIC COLORS MAY NOT MATCH COLORS ON PRINTED LAYOUT



LOGO DESIGN

TOP VIEW



**FINAL FILE, FIELD & SHOP APPROVED DRAWING**

These drawings will be released to manufacturing once signed and returned. Any detail or dimension changes will delay fabrication and incur extra charges.

ONCE DESIGN IS APPROVED SSC WILL NOT BE RESPONSIBLE FOR ERRORS (Including spelling)

Do Not Use Drawings Dated Before Date: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_



Plan Staff

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# Memo

To: Plan Commission  
From: Plan Staff  
CC:  
Date: 12/29/2014  
Subject: Presentation and discussion on a conceptual project review for a new science facility on the University of Wisconsin Stevens Point campus in **parking lot X, bounded by Fourth Avenue, Fremont Street, and Stanley Street (Parcel ID 2408-28-3007-19)**. *This item is for discussion purposes only; no formal action will be taken.*

The University of Wisconsin-Stevens Point (UWSP) is requesting a conceptual project review (CPR) for their proposed science facility. The 172,800 square foot Chemistry and Biology Building is proposed to be constructed on the existing Lot X, which is bounded by Fourth Avenue, Stanley Street and Fremont Street.

A CPR is an initial review of a proposed project. The plans that are submitted for the CPR are fairly general, outlining the proposed project. The goal of a CPR is to get input from the public, the Plan Commission, and the Common Council on a development before it proceeds to the next step, in this case, site plan review. As mentioned above, plans are general in nature and will be more detailed once comments are received regarding the proposed development. No official action will be taken at this meeting for this item, as it is for discussion purposes only.

UWSP has prepared a presentation that they will present at the Plan Commission meeting.

Below is a summary of the project:

### UWSP Conceptual Science Facility Details

- Approximately 172,800 sq. ft.
- Four Stories
- LEED Certification
- Finishing Materials: Blended brick frame and solid brick, natural wood, fitted glass, stone

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# Memo

To: Plan Commission  
From: Plan Staff  
CC:  
Date: 12/29/2014  
Subject: Amending **Section 23.01(16)(b)(3)** of the Revised Municipal Code of the City of Stevens Point to hold required public hearings at the Plan Commission level.

Currently, public hearings for most zoning matters (conditional use permits, rezonings, etc.) are held at the Common Council level. Staff is recommending that the public hearings be held at the Plan Commission level for two reasons:

1. Holding the public hearings at the Plan Commission level will allow for individuals to be made aware of the request sooner. The Class II Publication required for public hearings will be required to be made two insertions prior to the Plan Commission meeting, rather than the Common Council meeting. While the Plan Commission meeting packet will be still mailed about one week before the Plan Commission meeting, the actual notice of public hearing will be about 2-3 weeks sooner.
2. Holding the public hearings at the Plan Commission level will give the Plan Commission members the ability to get additional public input before making a recommendation to the Common Council. By doing so, they will be able to make a more informed recommendation. For example, if public comment is made at the Common Council meeting, after the Plan Commission provides a recommendation, it may lead to additional conditions being placed on a conditional use request, or the item being sent back to the Plan Commission for additional review. This can cause unintended consequences and/or delays in the process.

For these reasons, we would recommend making the following amendment to the Zoning Code:

## **Section 23.01(16)(b)(3)**

Hearing and Final Determination. The Common Council shall make the final determination on a Conditional Use after ~~conducting~~ a public hearing ~~has been conducted on the matter, and the Plan Commission provides a recommendation on the matter.~~ The ~~City Common~~ Council and Plan Commission have the right to attach conditions to the issuance of such permits. All Conditional Use Permits shall be valid only for the use specified on said permit and the permit shall expire at the time that any such conditional use shall terminate. Conditional Use Permits shall not be transferable to other uses on the same site nor shall the permit be transferred by the person or firm having the permit to a different location from that described on the permit for the purpose of changing the location of the permit.

Other sections in the Zoning Code relating to public hearings are silent on where the public hearing should take place. Please note, if required by Wisconsin State Statutes or some other regulation, certain public hearings may be required to be at the Common Council level.

## ROLE OF THE PLAN COMMISSION

The plan commission performs a wide variety of functions related to community planning and land use development. Formal roles are outlined in state statutes and local ordinances while informal roles evolve as a result of the nature of the plan commission's work. Five general roles are outlined below:

### ► Community Planning

One of the primary roles of the plan commission is to prepare community plans and recommend their adoption to the governing body. Important roles for the plan commission include overseeing the development of a request for proposals for professional planning services; designing the planning process; developing a community vision; reviewing community data and trends; developing goals and objectives; and recommending policies, programs and tools to implement the plan.

### ► Plan Implementation

The plan commission plays an important role in the adoption and administration of zoning ordinances, land division ordinances, development standards and other related plan implementation tools. While adoption of these tools is a legislative function reserved by state law for the local governing body, the commission's role is nonetheless important. The plan commission may be involved in drafting and reviewing ordinances or amendments, public airing of proposals, and making recommendations to the governing body.

### ► Public Participation and Education

The plan commission may be asked to take the lead role in involving the public in developing community plans and implementing programs or ordinances. A well-designed public participation process will identify affected parties, provide meaningful opportunities for public involvement, and ensure that as many points of view as possible are expressed

throughout the process. While involving the public may add significant time, expense, and other challenges to the process, it can also help the community to identify issues of concern, assess the impacts of a proposal on various parties, and garner political support leading to adoption of the plan or ordinance.

### ► Development Review

In communities that are experiencing growth and change, the plan commission often spends a majority of its time reviewing specific land development proposals. Requests for zoning amendments, conditional use permits, and subdivision plats appear frequently on the municipal plan commission agenda. Plan commissions may also be involved in other types of development review including but not limited to site plan review, planned unit development review, historic preservation review, and design review.

### ► Referrals and Advisory Recommendations

The plan commission reviews a wide variety of matters referred to it. The table on the following page contains a list of items that must be referred to the plan commission before the decision-making body may take action. In most cases, the plan commission is given thirty days to review these matters.<sup>1</sup> If a report is not submitted by the plan commission within that time period, the decision-making body may proceed without it.<sup>2</sup> Failure to refer one of these items to the plan commission may result in a court voiding the action.<sup>3</sup> In addition to the items outlined in this table, the governing body may refer any other matter to the plan commission that it deems appropriate. These referrals may be outlined in a local ordinance or determined on a case-by-case basis.

<sup>1</sup> The governing body may extend this time. Review of amendments to the zoning ordinance and official map are given 60 days.

<sup>2</sup> *KW Holdings, LLC v. Town of Windsor*, 2003 WI App 9, 259 Wis. 2d 357, 656 N.W.2d 752, 02-0706.

<sup>3</sup> *Scanlon v. Menasha*, 16 Wis. 2d 437, 114 N.W.2d 791 (1962).

## *Role of the Plan Commission*

What functions is the plan commission required to perform? What functions are optional?

The following table provides a summary of typical plan commission functions. Words such as “shall” and “must” indicate functions the plan commission is required to perform. Words such as “may” and “should” indicate functions that may be required by local ordinance or initiated at the discretion of the governing body or plan commission.

### *Community Planning*

- **Plan Preparation.** The plan commission shall prepare and recommend a comprehensive plan for adoption by the governing body.<sup>4</sup> The commission may also prepare other more detailed community plans, reports and recommendations.
- **Plan Review and Updates.** The comprehensive plan must be updated at least once every ten years.<sup>5</sup> However, the plan commission may review or recommend updates to the plan on a more frequent basis.
- **Consistency Review.** New or amended zoning, subdivision and official mapping ordinances must be consistent with the comprehensive plan.<sup>6</sup> The plan commission may be asked to review these items for consistency.

### *Public Participation*

- **Preparation of a Public Participation Plan.** The governing body is required to prepare written procedures for public participation in association with the preparation of a comprehensive plan.<sup>7</sup> The plan commission may be asked to prepare this plan or take a lead role in involving the public.
- **Public Meetings and Hearings.** Under Wisconsin’s Open Meetings Law, all meetings and hearings of the plan commission must be open to the public and preceded by advance notice.<sup>8</sup> A public hearing must be held by the plan commission or governing body prior to adopting plans and ordinances and in association with most development review functions.

### *Plan Implementation*

- **Ordinances.** At the direction of the governing body, the plan commission shall prepare and recommend ordinances or amendments necessary to implement the plan (i.e. zoning,<sup>9</sup> subdivision,<sup>10</sup> official mapping,<sup>11</sup> driveway access, design review, etc.)
- **Programs.** The plan commission may recommend programs for public improvements<sup>12</sup> or other non-regulatory programs to implement the plan (i.e. education, economic development, tourism promotion, acquisition of land or conservation easements, capital improvement programs, intergovernmental agreements, etc.)

### *Development Review*

- **Plat Review.** Proposed plats that fall within a municipality’s plat approval jurisdiction must be referred to the plan commission for review. Approval of preliminary or final plats may be assigned to the plan commission or governing body.<sup>13</sup>

- **Rezones.** Proposed zoning amendments must be referred to the plan commission for review.<sup>14</sup> (Note: For towns under county zoning, rezones and other zoning matters do not need to be referred to town plan commissions. However, notice of rezones must be provided to affected towns.)
- **Conditional Uses.** Authority to decide zoning conditional use permits may be assigned to the plan commission, zoning board, or governing body as specified in the local zoning ordinance.<sup>15</sup>
- **Other review** as assigned by the governing body including but not limited to site plan review, design review, historic preservation review, etc.

### *Referrals and Advisory Recommendations*

The following matters must be referred to the plan commission for review and consideration before the governing body or other decision-making body takes action:<sup>16</sup>

- Location and design of public buildings
- Location of statues and memorials
- Land for public purposes such as streets, parks, airports, etc.
- Land for public or semi-public housing, slum clearance, relief of congestion, vacation camps for children
- Public utilities
- General fire limits<sup>17</sup>
- Child welfare agencies and group homes<sup>18</sup>
- Community-based residential facilities<sup>19</sup>
- Pedestrian malls<sup>20</sup>
- Proposed housing projects<sup>21</sup>
- Plats of lands over which the municipality is given platting jurisdiction
- Adoption or amendment of a subdivision or land division ordinance<sup>22</sup>
- Amendment or repeal of any ordinance adopted under Wis. Stat. sec. 62.23, including ordinances relating to plan commissions, comprehensive planning, official mapping and zoning.

### *Miscellaneous Powers*

- **Hire Staff.** The plan commission may employ or contract for the services of experts or staff, not to exceed appropriations made by the governing body.<sup>23</sup>
- **Adopt Rules of Procedure.** The plan commission may adopt rules of procedure and shall keep a record of its studies, resolutions, transactions, findings, and determinations.<sup>24</sup>
- **Inspect Land.** The plan commission may enter upon land, make examinations and surveys, and place and maintain necessary monuments and marks thereon.<sup>25</sup>

<sup>4</sup> Wis. Stat. §§ 62.23(2) and 59.69(3)(a). <sup>5</sup> Wis. Stat. § 66.1001(2)(i). <sup>6</sup> Wis. Stat. § 66.1001(3). <sup>7</sup> Wis. Stat. § 66.1001(4)(a). <sup>8</sup> Wis. Stat. § 19.83. <sup>9</sup> Wis. Stat. §§ 59.69(5)(e), 60.61(4)(b) and 62.23(7)(d)1a. <sup>10</sup> Wis. Stat. § 236.45(4). <sup>11</sup> Wis. Stat. § 62.23(6). <sup>12</sup> Wis. Stat. § 62.23(4). <sup>13</sup> Wis. Stat. § 62.23(5) and 236.10(3). <sup>14</sup> Wis. Stat. §§ 59.69(5)(e) and 62.23(7)(d)2. <sup>15</sup> Wis. Stat. §§ 59.694(1) and 62.23(7)(e)1. <sup>16</sup> Wis. Stat. § 62.23(5) which applies to cities, villages and towns with village powers. Other references as noted. <sup>17</sup> Wis. Stat. § 62.23(9)(b). <sup>18</sup> Wis. Stat. § 48.68(3). <sup>19</sup> Wis. Stat. § 50.03(4). <sup>20</sup> Wis. Stat. § 66.0905. <sup>21</sup> Wis. Stat. § 66.1211(3). <sup>22</sup> Wis. Stat. § 236.45(4). <sup>23</sup> Wis. Stat. §§ 59.69(2)(d) and 62.23(1)(e). <sup>24</sup> Wis. Stat. §§ 59.69(2)(c) and 62.23(2). <sup>25</sup> Wis. Stat. § 62.23(4).

## MEETING AND HEARING CONDUCT

### ► Effective Meetings and Hearings

How well a community accepts a plan commission decision depends on much more than the decision itself. Public relations matter. The actions of plan commission members influence whether citizens feel they were listened to, respected and given fair consideration when the decision was made. Here are some steps commissioners can take at public meetings and hearings to bolster public confidence in the commission and its decisions:<sup>4</sup>

1. **Prepare.** Careful preparation is critical to success. Clarify the goals of your meeting or hearing and hold it early in the decision-making process. Select an appropriate site, line up speakers and facilitators, and prepare government officials. If background materials are to be provided as a handout, use clear, plain language, understandable by everyone.
2. **Publicize.** Outreach efforts can help in getting more people to attend meetings and hearings. Effectively publicize your event using multiple media. Create public interest and educate citizens about what is involved and how they will be affected. Use multiple communication channels to notify, educate, and build interest. Take a look at your community and figure out how people are getting their information. Are notices posted where they are likely to be read? Is the information presented in a format that is likely to be read? (remember that an article, factsheet or story is much more compelling than a posted notice or agenda). Consider placing meeting materials on a website so that they are broadly accessible and can be reviewed in advance.

<sup>4</sup> Adapted from “Critical Factors for Enhancing Municipal Public Hearings.” William H. Baker, H. Lon Addams and Brian Davis. *Public Administration Review*, Volume 65, Issue 4, July/August 2005.

### Public Meeting or Public Hearing?

The distinction between a public *meeting* of a governmental body and a public *hearing* before it is a matter of purpose. A meeting is for the purpose of conducting the business of the body and may or may not involve opportunities for public involvement. A hearing is held for the express purpose of gathering information from the public regarding a pending application, petition or policy proposal. The plan commission may be required to hold a public hearing when developing recommendations on the adoption or amendment of a comprehensive plan or ordinance or when considering an application for a development permit.

3. **Launch.** Many people are unfamiliar with planning and the role of local government. Take time at the beginning of meetings to describe the role of the plan commission, the nature of the decision being made, opportunities to provide public input, and necessary technical or background information. Clearly frame the key issues and use multiple media to help achieve understanding. Describe the procedures to be used during the meeting.
4. **Facilitate.** Well-run meetings influence the overall effectiveness of public involvement. When meetings start and end on time, people are more willing to participate and stay focused on the issues at hand. A skilled chairperson or facilitator is invaluable in running an efficient meeting. Make sure that the facilitator guides and moves the discussion along, clarifying and summarizing main points, assuring citizens of the value of their input, and managing citizens’ emotions. A successful facilitator will be open, unbiased, patient, non-defensive and adaptable.

5. **Listen.** Public meetings should provide meaningful opportunities for communication. When people feel that their comments make a difference, they are more likely to take the time to attend meetings and share their ideas. At the beginning of the meeting, describe how public input will be used. Make sure that members of the plan commission and local governing body carefully listen to and value citizens' comments, remembering that they are community stewards. Reading, sorting through papers, taking a restroom break, or adjusting equipment sends the message that local officials are not listening. Demonstrate you're listening by restating what you've heard from citizens, responding to their comments and following up with

questions. Be honest and forthright, yet respectful and sensitive in your responses.

6. **Follow-up.** Follow up effectively after the meeting. Make sure that public input is recorded and discuss how that input will be used to make decisions. Report back to citizens at subsequent meetings to discuss how their input was used.

Additional information on public involvement is provided in Chapter 4. Information to guide the commission in conducting public hearings is provided in two parts. A checklist for conducting public hearings is provided below. A sample hearing appearance slip and announcement of proceedings are provided at the end of the chapter and may be downloaded from the internet and modified for local use.

### *Public Hearing Checklist*

#### 1. **Prior to meeting.** [designated staff]

- A. Arrange for alternates due to anticipated absence or conflict of interest.
- B. Send the agenda, proposal, and staff reports to commission members.
- C. Comply with open meeting law and public hearing notice requirements.
- D. Arrange for a tape recording of the hearing or a court reporter.

#### 2. **Preliminary matters at meeting.**

- A. Distribute and collect hearing appearance slips. (see example on page 22). [chair]
- B. Call the meeting to order. [chair]
- C. Take roll and confirm that a quorum is present. [secretary]
- D. Confirm compliance with open meetings law and public notice requirements. [commission]
- E. Read the agenda and amend as necessary (reorder hearings). [chair and commission]
- F. Inform the public in attendance of hearing procedures (see script on page 23). [chair]

For Legislative Proceedings: (i.e. plan or ordinance adoption or amendment)

#### 3. **Public hearing.**

- A. Open the public hearing. [chair]
- B. Provide a summary and rationale for the proposal. [commission or staff]
- C. Allow time for group and individual questions and answers. [commission, staff, public]
- D. Request formal statements from the public. [chair]
- E. Close the record and the hearing. [chair]

#### 4. Deliberation and recommendation.

- A. Decide/vote on the proposal.
- B. Forward recommendation to the governing body.

For Quasi-Judicial Proceedings: (i.e. conditional use, variance, rezone of individual property)

#### 3. Public hearing.

- A. Open the first public hearing. [chair]
- B. Read petition or application. [staff]
- C. Report on any site inspection. [secretary or staff]
- D. Request a statement by the applicant. [chair with questions by commission]
- E. Read the staff report. [staff with questions by commission]
- F. Report on related correspondence. [secretary]
- G. Disclose any ex parte communication. [commission]
- H. Request statements of witnesses (pro/con/information). [chair with questions by commission]
- I. Request a response by the applicant (or after each witness). [chair with questions by commission]
- J. Request a response by staff. [staff with questions by commission]
- K. Ask any final questions. [commission]
- L. Close the record and the hearing. [chair]

#### 4. Deliberation and decision or recommendation.

(Note: many plan commissions conduct all hearings before deliberating on decisions)

- A. Findings of fact
  - Determine whether the commission has the authority to make the decision.
  - Determine whether application contains information necessary to make a decision.
  - Record pertinent facts on the decision form and in meeting minutes.
- B. Conclusions of law
  - Specify applicable legal standards (found in state statutes, case law or local ordinance).
  - Determine which facts relate to the legal standards.
  - Determine whether the legal standards are met.
  - Agree on any permit conditions.
- C. Order and Determination
  - Decide/vote on the case.
  - Direct staff to take any necessary action.

#### 5. Repeat steps 3 and 4 for additional hearings.

#### 6. Other agenda items.

#### 7. Adjourn meeting.