

REPORT OF CITY PLAN COMMISSION
April 4, 2016 – 6:00 PM
Portage County Annex Building Room 1 & 2 – 1462 Strongs Avenue

PRESENT: Mayor Wiza, Alderperson Kneebone, Commissioner Brush, Commissioner Curless, and Commissioner Cooper.

EXCUSED: Commissioner Haines

ABSENT: Commissioner Hoppe

ALSO PRESENT: Community Development Director Michael Ostrowski, Associate Planner Kyle Kearns, City Attorney Beveridge, Alderperson Johnson, Alderperson McComb, Alderperson Phillips, Alderperson Slowinski, Alderperson Patton, Kenny Rozek, Ron Wierzba, Terry Johnson, Duane Kruzitski, Cindy Davis, Michael Bronk, Jeanne Dodge, Jeff Schuler, Shirley Multhauf, Kristen Johnson, Nate Enwald, Krista Olson, Marilyn Swiecki, Tim Swiecki, Julia Watson, Sarah Johnson, Jaime White, Bob Woehr, and Travis Haines.

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1. Roll call.

Discussion and possible action on the following:

2. Joint Meeting with Town of Stockton Plan Commission – Comprehensive Plan Update.
 3. Report of the March 7, 2016 Plan Commission meeting.
 4. **Public Hearing** – Request from Storage Unlimited LLC, for a conditional use permit amendment for the purposes of operating an indoor storage facility at **3256 Church Street (Parcel ID 2308-04-2008-34)**.
 5. Action on the above.
 6. **Public Hearing** – Request from the McDill Pond Inland Lake Protection District, for a conditional use permit to construct a shed and chain-link fence within the “C” Conservancy Zoning District at **4001 Patch Street (Parcel ID 2308-03-2100-05)**.
 7. Action on the above.
 8. **Public Hearing** – Request from the City of Stevens Point Public Works Department, for a conditional use permit to construct a Municipal Service and Operational Facility Garage at **1748 Water Street (Parcel ID 2408-32-3002-57) and the adjacent unaddressed parcel 2408-32-3002-21**.
 9. Action on the above.
 10. **Public Hearing** – Amending Chapter 23 of the Revised Municipal Code, Zoning Ordinance, specifically Subsection 23.01(17), Nonconforming Premises, of the Revised Municipal Code to permit additions, alterations, and modifications to structures where the nonconformity is not affected.
 11. Action on the above.
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12. **Public Hearing** – Amending Chapter 23 of the Revised Municipal Code, Zoning Ordinance, specifically Subsection 23.02(1)(h), “R-TND” Traditional Neighborhood Development Overlay District, of the Revised Municipal Code to clarify garage street front and corner side yard setback requirements.
 13. Action on the above.
 14. Request from the City of Stevens Point for a site plan review of landscaping within Municipal Lot 14 - Shopko Lot (**Parcel ID 2408-32-2029-65**) northwest of the intersection of Main Street and Church Street.
 15. Repeal and replace Chapter 21 (Building and Premises Maintenance and Occupancy) of the Revised Municipal Code of the City of Stevens Point, with the International Property Maintenance Code from the International Code Council, with local amendments.
 16. Community Development Department Monthly Report for March 2016. *Report will be provided after March 31, 2016.*
 17. Adjourn.
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1. Roll call.

Present: Wiza, Kneebone, Brush, Curless, Cooper

Excused: Haines

Absent: Hoppe

Discussion and possible action on the following:

2. Joint Meeting with Town of Stockton Plan Commission – Comprehensive Plan Update.

Town of Stockton Plan Commission called meeting to order at 6:05 pm

Town of Stockton Board called meeting to order at 6:06 pm

Jeff Schuler of the Portage County Planning and Zoning led the discussion between the Town of Stockton and the City of Stevens Point regarding updates to each of their comprehensive plans.

Director Ostrowski indicated the City of Stevens Point would continue to grow eastward as it is the most logical due to growth challenges in other directions, however, a significant focus will be directed on infill and redevelopment within the city. The plan is to continue with infill within the city limits but there is a shortage of single family residential lots available for development. East Park Commerce Center (EPPC) was annexed to the city and the City holds an option to purchase all of the property to make it eligible for the State’s Certified Site program.

The Town of Stockton indicates some concern about the city annexing property and reducing their tax base. Members of the town indicated that they were pleased to hear more about infill development this time around. They do want to keep agriculture as a primary focus of the land use just east of the city, but understand the need for development as well. The potential relocation of Highway 10, would impact both communities and their development plans. Board members would like to see intergovernmental cooperation during expansion and annexation that would lessen the impact to the Town of Stockton’s tax base.

Town of Stockton Plan Commission adjourned at 6:56pm
Town of Stockton Board adjourned at 6:57pm

3. Report of the March 7, 2016 Plan Commission Meeting.

Motion by Commissioner Cooper to approve the report of the March 7, 2016 Plan Commission Meeting; second by Commissioner Brush.

Motion carried 5-0.

4. **Public Hearing** – Request from Storage Unlimited LLC, for a conditional use permit amendment for the purposes of operating an indoor storage facility at **3256 Church Street (Parcel ID 2308-04-2008-34)**.

Director Ostrowski explained that this was before the commission in December of 2015 for a conditional use permit which was approved, and in February 2016 for a site plan and landscape review. The request is for an amendment to the conditional use permit to modify the interior layout, as well as some of the exterior treatments in terms of the windows. Any change from the original plan would constitute an amendment to the conditional use and therefore have to come before the Plan Commission. Director Ostrowski continued, pointing out the area will be changed and enlarged for the commercial/office use to meet the 30% building requirement. The other change is with the elevation and site plan. The window bay depicted in the front (south) façade was approved as actual facade windows within the building. However they were not originally intended as such, and instead exist between two canopy pillars. Given the changes identified, staff would recommend approval with the conditions outlined in the staff report.

Mayor Wiza declared the public hearing open.

Jaime White, 620 Seventh Street, explained that the original interior plan was to use the parcel pick up area as an entrance/exit to the storage area, but when the state was reviewing the plans, they were informed that they needed to designate other exits and add walls, so they opted to add an extra service door. The breakup of the building was difficult to also meet the bathroom requirements for the retail space. So, they are moving forward with their own antique mall to place in the retail area. As far as the windows, the original plan was for tinted or semi opaque glass, but with the antique mall they are wanting to have more of a trellis and vine look to the front façade. They would be willing to install the tinted glass in the area under the sign if required.

Mayor Wiza declared the public hearing closed.

5. Action on the above.

Commissioner Cooper stated he would be abstaining from this item.

Motion by Commissioner Curless to approve the request from Storage Unlimited LLC, for a conditional use amendment for the purpose of operating an indoor storage facility at 3256 Church Street (Parcel ID 2308-04-2008-34) with the following conditions:

1. **Windows shall be installed in the grid system that have a frosted, tinted, or other design to create an opaque appearance. Such design shall be approved by the Community Development Department.**

2. Continuous screening in the form of vegetative landscaping shall be installed along the west side of the west façade canopy.
3. Previous approved landscaping shall be attached to the conditional use permit amendment, along with a new landscaping plan identifying the above condition to be reviewed and approved by the Community Development Department.
4. Landscaping shall meet all current zoning standards for the existing planting areas prior to June 30, 2016.
5. At least thirty percent of the building's south side shall be dedicated to commercial and/or office type uses, excluding storage. Deviations from the internal layout reducing the commercial/office area shall be considered an amendment to the conditional use permit and subject to review and approval by the Plan Commission and Common Council. Failure to maintain this area as commercial/office shall be a violation of the conditional use permit, and subject to revocation.
6. Exterior façade improvements as indicated on the attached plans shall be completed prior to the occupancy by the storage use. Failure to construct the exterior improvements as identified in this time period shall be a violation of the conditional use permit, and subject to revocation.
7. Exterior refuse storage shall be screened with constructed materials matching or complementing those found on the main building. Exterior refuse storage shall occur on the north side of the building and should be reviewed and approved by staff prior to construction.
8. No exterior storage on the property shall be allowed.
9. If additional lighting is added, an illumination plan shall be submitted and reviewed and approved by staff.
10. Exterior signage shall:
 - Be in the form of channel letters where only the letters are illuminated or have a glow lighting, or
 - Be illuminated with gooseneck style lighting, or
 - If a wall cabinet is proposed, only the letters shall be illuminated, not the background of the sign. The background of the sign shall be darker than the lettering/text/images.
11. Staff shall have the authority to make minor changes.

seconded by Alderperson Kneebone.

Motion carried 4-0, with Commissioner Cooper abstaining.

6. **Public Hearing** – Request from the McDill Pond Inland Lake Protection District, for a conditional use permit to construct a shed and chain-link fence within the “C” Conservancy Zoning District at **4001 Patch Street (Parcel ID 2308-03-2100-05)**.

Director Ostrowski stated that the McDill Lake District is proposing a fence along the shoreline to protect the weed harvesters, a small shed for storage located in the fenced area for the storage of fuel and equipment, and to install docks for the harvesters. When the staff report was written, there were several concerns relating to the improvements. Mainly, there is a very tall fence that is on the shoreline within McDill Pond that staff didn't feel was very aesthetically pleasing, it may act as an attractive nuisance, and would not deter access to the area. Also, the fence and shed may negatively impact the other users surrounding the area. Director Ostrowski explained that a follow up conversation occurred with the

applicant to address some of the concerns. He then described that there could be natural vegetation planted around the fence which also could be green in color to improve aesthetics. One of the concerns also is that because this property was annexed after 1982, it falls under County shoreland zoning requirements. They did indicate some concerns about wildlife passage through the chain link fence. Raising the fence up 6-12 inches to allow wildlife passage may assist in alleviating this concern. Staff originally denied this request given several concerns mentioned in the staff report, but with some changes proposed by the applicant, some concerns may be mitigated.

Mayor Wiza declared the public hearing open.

Krista Olson, 3317 Della Street, explained that this harvester was moved to this site in 2009 and since then there had not been any issues until the site was opened up to the public as a disc golf course. After the disc golf opened, there was continued damage and vandalism to the harvesting equipment. When this equipment is damaged, they are unable to keep the weeds clear and navigation on the water ceases, causing an impact both on Nature Treks and CenterPoint Marine. With the shutdown of the equipment, there is the cost of repairs, which is handled by the city. Furthermore, the Lake District has been made aware by the DNR that the equipment must be modernized with GPS units. Lastly, she clarified they have had conversations with the Izaak Walton league regarding the Jamboree on the same property which would include leaving the proposed gates open after harvesting season.

Mayor Wiza asked how the fence would prevent people from getting on the harvesters, to which Ms. Olson stated it is providing a main deterrent, but they are also taking the appropriate means for insurance purposes and hope to keep the majority of the people out.

Commissioner Curless asked where they are stored now, to which Ms. Olson stated in the open.

Commissioner Brush asked about electronic surveillance from the police department and possible trail cameras to which Ms. Olson stated that had been looked into, but there is no power to that area and the trail cameras are unsatisfactory and for insurance purposes, and that they are required to have the harvesters gated or barred off in some way.

Commissioner Curless confirmed that the fence would go in the shoreline and out, to which Ms. Olson stated the fence would be placed from the shoreline, approximately 35 feet in depth and 75 feet in length to hold the two harvesters, the dump truck, the conveyor belt, and student boat within it.

Ms. Olson stated that the shed would be a wooden solid secure shed.

Tim Swieki, 609 Lindbergh Avenue, stated he had looked at the area upon receiving the notice and felt that the shed and fencing would not be aesthetically pleasing for the view that is there in this conservancy area.

Reid Rocheleau, 408 Cedar Street, is against the shed and fencing for several reasons, including aesthetics, operations on McDill Pond, and others.

Shirley Multhauf, 2625 Bush Court, opposes the shed and fence on this property adjacent to hers. She has a concern regarding the items that will be stored in the shed and containment if there is any type of leak.

Ms. Olson explained that currently the gas and chemicals are stored outside in the open. Furthermore, there is a wagon that holds the gas tanks and the tanks have been stolen and thrown into the water. The Lake District is very concerned with the environmental impact to the water way.

Alderson Slowinski stated there had been issues with the equipment being stored on Heffron Street and the Lake District worked with the police to have it relocated to this area. The boat landing itself was constructed for the harvesters. He knows that the fencing is not fool proof, but the pond needs to be kept clean and he is in support of this.

Alderson Phillips, clarified the fence is for safety issues, and he is in favor of this proposal. He feels that the Plan Commission and Lake District can come to a compromise for a better outcome for both parties.

Mayor Wiza declared the public hearing closed.

7. Action on the above.

Director Ostrowski stated that when he sat down with the applicant, there were suggestions that would lessen the impact on the area. He agreed that not having a permanent structure would be a good idea, and the screening of the fence may help alleviate some of the concerns.

Alderson Kneebone said she does not like the idea, but understands the need for the equipment. She suggested that the shed be moved up toward the parking area and they can carry in the equipment needed, to which Ms. Olson stated their equipment is quite heavy and would need to be hauled back and forth to the harvesters, making it very difficult.

Mayor Wiza asked about mooring the harvesters off shore, and taking the boat back and forth to operate them. Ms. Olson stated that the DNR really wanted the harvesters secured on land, but it is an option if the DNR would agree to it.

After a lengthy discussion back and forth between the Plan Commission and Ms. Olson several suggestions were brought up such as green fencing, using a trailer instead of a shed, planting cedar bushes around the fence, naturalized shoreland vegetation plantings, and finding another location with less impact.

Motion by Commissioner Brush to postpone the request from the McDill Pond Inland Lake Protection District, for a conditional use to permit to construct a shed and chain-link fence within the "C" Conservancy zoning district at 4001 Patch Street (Parcel ID 2308-03-2100-05) until the May 2016 Plan Commission meeting, allowing staff to work with the applicant in analyzing alternatives and addresses concerns; seconded by Commissioner Curless.

Motion carried 5-0.

8. **Public Hearing** – Request from the City of Stevens Point Public Works Department, for a conditional use permit to construct a Municipal Service and Operational Facility Garage at **1748 Water Street (Parcel ID 2408-32-3002-57) and the adjacent unaddressed parcel 2408-32-3002-21.**

Director Ostrowski explained that the Public Works Department is looking to construct a storage building right off of Water Street, where there is an existing storage facility currently being used by the Police Department. The proposed location is near the water tower, and the garage would be approximately 2,100 square feet with five garage doors that would face Water Street. Furthermore, the comprehensive plan calls for this area to be industrial type, governmental style use. Lastly, the garage would house the trucks and operations of the Public Works Department.

Commissioner Brush asked for the width of the city land along the entry way along Water Street, to which Director Ostrowski stated a standard city lot approximately 70 feet width and 150 feet deep. He continued explaining that there is a concern with the layout in that it is adjacent to residential and staff suggests shifting the building to the north. This property has challenges in that it is in an area where manufacturing abuts residential zoning. Staff would recommend approval with the conditions outlined in the staff report.

Commissioner Brush stated that along Water Street the side would be visible, but suggested to plant trees in the area of the strip along Water Street.

Mayor Wiza declared the public hearing open.

Aldersperson McComb said she explored the area and likes the idea about adding trees and repairing the fence. She has not heard any comments from residents in the area.

Mayor Wiza declared the public hearing closed.

9. Action on the above.

Motion by Commissioner Cooper to approve the request from the city of Stevens Point Public Works Department, for a conditional use permit to construct a Municipal Service and Operational Facility Garage at 1748 Water Street (Parcel ID 2408-32-3002-57) and the adjacent unaddressed parcel 2408-32-3002-21 with the following conditions:

1. Lots shall be combined to create one lot prior to the construction of the municipal service and operational facility.
2. The applicant shall analyze placing the facility elsewhere on the property, such as north of the existing garage.
3. Additional residential characteristics shall be incorporated into the design of the building, such as masonry, shingles, etc. to match neighboring residential characteristics. The design shall be reviewed/approved by the Plan Commission and Common Council.
4. Privacy slats and/or vegetative screening shall be added to the south and eastern fence line to ensure adequate screening is provided. A landscaping plan shall be submitted identifying landscaping and screening to be reviewed/approved by Plan Commission and Common Council.
5. The applicant shall submit an updated site plan showing setbacks, parking and other pertinent zoning requirements to be reviewed/approved by Plan Commission and Common Council.

seconded by Commissioner Brush.

Motion carried 5-0.

10. **Public Hearing** – Amending Chapter 23 of the Revised Municipal Code, Zoning Ordinance, specifically Subsection 23.01(17), Nonconforming Premises, of the Revised Municipal Code to permit additions, alterations, and modifications to structures where the nonconformity is not affected.

Director Ostrowski stated he will be abstaining from this item as it may benefit one of his family members.

Associate Planner Kyle Kearns explained this is before you to clarify the nonconforming premise section of Chapter 23, zoning code. Previously, there have been two ways that a property owner can ask for a reduced setback. One is within our TND district and the other is within our nonconforming premise section. In the past, previous administrations may have utilized language in the nonconforming premise section to allow reduced setbacks, however the way it currently reads is unclear. We are looking to provide some clarity to the nonconforming premise section with the proposed amendment that would allow nonconforming structures that are permitted uses within their districts to be enlarged and extended if they are not enlarging or extending into the nonconformity side of that use.

Aldersperson Kneebone asked for clarity that the whole point of a nonconforming use is that it does not conform to existing standards, by allowing a nonconforming use to continue to be enlarged are you defeating the purpose. Mr. Kearns answered that the way we and other communities look at it is if the nonconforming structure is not increasing the nonconformity, then we and other communities do not see an issue with it. If we were to not allow a mechanism by which they could put on a deck or addition to a side of the property that meets all zoning ordinances and all other applicable codes, then we would be depriving that property owner of being able to improve their lot. He sees value to this and he believes that past administrations with this section that is currently outlined in our ordinance have allowed this in the past, and the proposed amendment would simply provide clarity.

Mayor Wiza declared the public hearing open

Bob Woehr, 727 Second Street, stated in reading the recommendations he understands it to read that if the nonconformity is not being made worse, then it is ok. He did suggest an addition to the ordinance in that if the structure was damaged by fire, wind, etc., that the structure may be rebuilt with the confirmation of the Plan Commission and Common Council. Mr. Kearns stated that wording such as that is included in the state statutes, which trumps the city ordinance.

Mayor Wiza declared the public hearing closed.

11. Action on the above.

Motion by Aldersperson Kneebone to approve the amending Chapter 23 of the Revised Municipal Code, Zoning Ordinance, specifically Subsection 23.01(17), Nonconforming Premises, of the Revised Municipal Code to permit additions, alterations, and modifications to structures where the nonconformity is not affected as proposed by staff; seconded by Commissioner Curless.

A nonconforming structure in which only permitted uses are operated may be enlarged or extended if the enlargement or extension can be made in compliance with all of the provisions of this chapter established for structures in the district in which the nonconforming structure is located. Such enlargement shall also be subject to all other applicable ordinances.

Motion carried 5-0.

12. **Public Hearing** – Amending Chapter 23 of the Revised Municipal Code, Zoning Ordinance, specifically Subsection 23.02(1)(h), “R-TND” Traditional Neighborhood Development Overlay District, of the Revised Municipal Code to clarify garage street front and corner side yard setback requirements.

Director Ostrowski explained within our ordinance we have a section that allows Traditional Neighborhood Development Districts that allows a large chunk of the city to have reduced setbacks through the conditional use process. There is some confusion within the existing ordinance on what some of it means. Staff would like to clean up some of these confusions within the ordinance, mainly in reference to garages. With the existing TND standards, the front street setback for a principal structure can be reduced to 12 feet, the garage front and corner side yard can be 25 feet, the corner side yard of a principal structure can be 12 feet, interior side yard 4 feet, rear yard 15 feet, and if it is an accessory building, that is detached the side and rear lot lines can be down to 1 foot. However, further into the ordinance there is a section that talks about a garage will need to be at least 2 feet behind a principal structure. So if we are already stating the garage street front setback needs to be 25 feet, they are not getting any difference between the current zoning district and the TND district, so that garage would never be able to be closer than 25 feet. The main reason for this large setback is to ensure a parking pad is provided in front of it, however it can be reduced to 20 feet which will still ensure cars don't encroach over the sidewalk. In conclusion, Director Ostrowski explained we are proposing to clean up the language and allow the garage front street yard setback down to 20 feet, the corner street side yard dropped down to 12 feet for a garage, so long as the garage does not take access to a public street on that side for attached garages. Also, the same for the detached structure.

Commissioner Curless clarified that the front of the garage could be 20 feet from the lot line, to which Director Ostrowski stated 20 feet from the lot line so long as the house is at least 18 feet. This is added as a design element because they do not want street frontages dominated by garages.

Mayor Wiza declared the public hearing open

Bob Woehr, 727 Second Street, pointed out that the newer Chevrolet and Ford Trucks are at least 19 ½ feet long with the trailer hitch. He strongly recommends that setback stay at 25 feet so that if a vehicle has to park on the parking pad, they can clearly get out of the right-of-way.

Reid Rocheleau, 408 Cedar Street, stated he is in agreement with Mr. Woehr.

Mayor Wiza declared the public hearing closed.

13. Action on the above.

Motion by Commissioner Cooper approved the amending Chapter 23 of the Revised Municipal Code, Zoning Ordinance, specifically Subsection 23.02(1)(h), “R-TND” Traditional Neighborhood Development Overlay District, of the Revised Municipal Code to clarify garage street front and corner side yard setback requirements as proposed by staff; seconded by Commissioner Brush.

Zoning Ordinance (Section 23.02(1)(h)(3))

3. Conditional Uses as allowed in the underlying zoning district

The Common Council may consider the following conditional use setback requirements as an alternative to the setback requirements in the underlying zoning district. These conditional use setback requirements shall be applied only to single family uses.

Conditional Use Setback requirements:

- **Primary Structure**
 - Front street yard - 12 feet
 - Corner street side yard - 12 feet
 - Interior side yard - 4 feet
 - Rear yard - 15 feet

- **Garage (attached)**
 - Front street yard - 20 feet
 - Corner street side yard - 12 feet, with no access to a public street
 - Interior side yard - 4 feet
 - Rear yard - 15 feet

- **Accessory Building (detached)**
 - Street front setback - 20 feet
 - Corner side yard - 12 feet, with no access to a public street
 - Interior side yard - 1 foot
 - Rear yard - 1 foot

The corner side yard is the side yard adjoining the street on a lot bounded on two or more sides by public right of way. As applied in this conditional use, the Common Council shall define the primary facade of the home as being the front yard and the secondary facade of the home as the side yard.

The following design standards shall be incorporated into each development and will be utilized in the review of conditional use. A conditional use is not automatically allowed. A balance is required between allowing remodeling or modest additions to structures while not unduly affecting the neighboring property owner's enjoyment of open space and light.

- a. The proposed structure shall fit the overall character of the neighborhood. Neighborhood character includes the conformity or nonconformity of buildings in the immediate neighborhood with the setback requirements. Neighborhood character also includes the physical characteristics of the buildings in the immediate neighborhood including such elements as windows, exterior finishes, roof pitch, height of buildings, the diversity or homogeneity of architectural styles, porches, location of garages, density, and the like.
- b. In no case shall the front facade of the building consist of a blank wall or a series of garage doors.
- c. Developers shall vary design elements to avoid monotonous facades.
- d. One ground floor entry shall be oriented to the front of the lot on a public or private street.

- e. **Garages shall be sited in several ways:**
 - 1) **In the rear yard, either attached or detached, accessed from a public street or an alley.**
 - 2) **Accessed from a public street with the garage doors facing the public street provided it be set back a minimum of two (2) feet from the front façade of the building.**
- f. **Consideration shall be given to the impact of the proposed addition on neighboring light, ventilation, and privacy from existing windows and yards.**

Motion carried 4-1, with Curless voting in the negative.

- 14. Request from the City of Stevens Point for a site plan review of landscaping within Municipal Lot 14-Shopko Lot (**Parcel ID 2408-32-2029-65**) northwest of the intersection of Main Street and Church Street.

Director Ostrowski explained that the Shopko lot was resurfaced over the last couple of years, and the city was to come before the commission to get approval for the landscaping plan around the lot. Also, the city is exploring expansion of the landscape area at the southern part of the lot since it is so narrow. Saw cutting is proposed to the sidewalk to increase to the landscaping area.

Commissioner Brush asked for clarification as to the dotted line, to which Director Ostrowski stated there is a plant list on page 95 of the packet. The city is also required to maintain the number of stalls that are in the lot per an agreement with Shopko, so that makes interior landscaping a difficulty.

Motion by Mayor Wiza to approve the request from the City of Stevens Point for a site plan review of landscaping within Municipal Lot 14-Shopko Lot (Parcel ID 2408-32-2029-65) northwest of the intersection of Main Street and Church Street; seconded by Commissioner Curless.

Motion carried 5-0.

- 15. Repeal and replace Chapter 21 (Building and Premises Maintenance and Occupancy) of the Revised Municipal Code of the City of Stevens Point, with the International Property Maintenance Code from the International Code Council, with local amendments.

Delores Vorgenhagen, 2808 Soo Marie Avenue, stated she received a notice regarding her garbage carts being in front of her garage. She explained that there is no other location that she can place them to not be visible from the street, and accessible for her.

Mayor Wiza explained to the commission that the current code does not allow garbage carts past the front of the house. He continued stating that we don't want to create a nuisance to keep the garbage carts visible on a site. He then asked if staff would be able to incorporate a screening element to the code for situations such as this.

Director Ostrowski explained that last month was the introductory of the new ordinance to the commission. He continued stating that there are a number of sections in the current code that are vague and not specific, leaving it a challenge for interpretation by the citizens receiving the notices. The ICC maintains the code and will update it every three years and allow local governments to make amendments to fit their community. He is looking for the commissioners and citizens to give him their

thoughts and comments. Currently, our city needs to address the garbage cart placement, gravel driveways, and recreational vehicle parking on private property.

Aldersperson Kneebone stated she had compared the new amendments with the old code and then sat with the director and had her concerns answered. She recommends that all the commissioners do this as well.

Travis Haines, 1317 College Court, stated if the reason to change the code is for simplification, that is great and he feels the old code has lots of grey areas. He mentioned a few concerns regarding the definition of deteriorating, the notices to cite the ordinance that the property is in violation, what happens to violations with the sale of a property, storm windows, screens supplied to tenants, and heat supply to be maintained at 70 degrees in habitable rooms.

Director Ostrowski state he would like the commission to determine if they would like to allow gravel driveways and parking areas on the lots to be extended, and decide how they would like to regulate recreational vehicle parking since this issue still has not been resolved. Mayor Wiza responded that he is not in favor of restricting recreational vehicle parking in front of the property since there are many who do not have access to their rear yards for that purpose.

Commissioner Brush asked if the parking of recreational vehicles could be addressed with the TND reduced setbacks, to which Mayor Wiza stated not for that type of concern and we should address the issue on a case by case basis where some take good care of the area where the recreational vehicle is parked and others do not.

Commissioner Curless asked if you can park a boat along the side of a house, to which Director Ostrowski stated yes up to the lot line on the grass.

Director Ostrowski also stated that this code provides an appeals process to an appeals board where the previous one provided appeals to the public protection committee.

16. Community Development Department Monthly Report for March 2016. *Report will be provided after March 31, 2016.*

Motion by Mayor Wiza to place the Community Development Department Monthly Report for March 2016 on file, seconded by Aldersperson Kneebone.

Motion carried 5-0

17. Adjourn.

Adjourned at 8:56 PM.

Attachment – Provided at the Plan Commission Meeting – Pertaining to Item 3

Attachment – Provided at the Plan Commission Meeting – Pertaining to Item 6 & 7

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Wisconsin Rapids Service Center
473 Griffith Avenue
Wisconsin Rapids WI 54494

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



September 4, 2015

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Jack Negaard, President
McDill Lake District
3325 Yvonne Drive
Stevens Point, WI 54481

Casetrack #2015-WCEE-055
Permit #WC-2014-50-18M
Water Resources – Portage County

Subj: **NOTICE OF VIOLATION**

Dear Mr. Negaard:

The Department of Natural Resources has reason to believe that McDill Lake District is in violation of state water resource laws ss. 23.24, Wisconsin Statutes, ch. NR 109, Wisconsin Administrative Code, and specific conditions of water resource permit #WC-2014-50-18M associated with dredging operations on McDill Pond, under control of the McDill Lake District. These violations were documented in response to a complaint on 7/16/2016 and 8/28/2016. The Department alleges the following violations:

- Permit #WC-2014-50-18M – Harvesting of aquatic plants outside of the approved area in the permit.
- Permit #WC-2014-50-18M – Disturbance of lake bottom sediments.

We have scheduled the following Enforcement Conference to discuss this matter in more detail:

Date: September 14, 2015
Time: 9:00 a.m.
Location: Wisconsin Department of Natural Resources
473 Griffith Avenue
Wisconsin Rapids, WI

The Service Center is closed at this time so please come to the back employee entrance and ring the doorbell for access to the building.

We request you attend the Enforcement Conference as it is an important opportunity to discuss the circumstances surrounding the alleged violations and to learn your perspective on this matter. Please note that in an effort to encourage a candid and productive conversation, attendance is limited to you, your legal counsel and others with the technical expertise necessary to understand, evaluate and correct the violation.

The Department's enforcement decision will be based upon available information if you do not attend the Enforcement Conference.

Please be advised that violations of ss. 23.24, Wis. Stats., may receive one more citations and court ordered compliance as follows:

PENALTIES.

(a) Except as provided in par. (b), any person who violates sub. (3) shall forfeit not more than \$200.

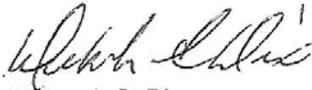
(b) A person who violates sub. (3) and who, within 5 years before the arrest of the current conviction, was previously convicted of a violation of sub. (3) shall be fined not less than \$700 nor more than \$2,000 or shall be imprisoned for not less than 6 months nor more than 9 months or both.

(c) The court may order a person who is convicted under par. (b) to abate any nuisance caused by the violation, restore any natural resource damaged by the violation, or take other appropriate action to eliminate or minimize any environmental damage caused by the violation.

Each violation or day of violation may be considered a separate violation.

If you have questions or need to reschedule the conference, please contact me at 715/421-7809 or through e-mail at deb.dix@wisconsin.gov.

Sincerely,



Deborah S. Dix
Environmental Enforcement Specialist

Enclosure – What is an enforcement conference information sheet

- c. Scott Provost, Wisconsin Rapids
Carroll Schaal, WT/4
Mike Kowalkowski, LS/8

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Wisconsin Rapids Service Center
473 Griffith Avenue
Wisconsin Rapids WI 54494

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



September 14, 2015

Jack Negaard, President
McDill Lake District
3325 Yvonne Drive
Stevens Point, WI 54481

Casetrack #2015-WCEE-055
Permit #WC-2014-50-18M
Water Resources – Portage County

Subj: Enforcement Conference Follow-up

Dear Mr. Negaard:

An enforcement conference was held on September 14, 2015 at the Wisconsin Department of Natural Resources Wisconsin Rapids Service Center. The purpose of the conference was to discuss alleged violation of state water resource laws ss. 23.24, Wisconsin Statutes, ch. NR 109, Wisconsin Administrative Code, and specific conditions of water resource permit #WC-2014-50-18M associated with aquatic plant harvesting operations on McDill Pond, under control of the McDill Lake District. A copy of the sign-in sheet is enclosed for your reference.

We began the conference with an outline of the Department's stepped enforcement process and then proceeded to discuss the alleged violation(s). At this time, the Department's biggest concern has been the harvesting of aquatic plants outside of the area approved in Permit #WC-2014-50-18M. As President of the Lake District, you explained that there have been difficulties in maintaining qualified staffing on the weed harvesters along with issues of numerous complaints and requests for weed harvest outside of the approved areas. You expressed that it has been very difficult to manage the harvesting operations and that GPS units which were installed quit working at some point, but you were not notified of this issue.

After some discussion, it was agreed that the McDill Lake District will install GPS tracking units on both harvesters during the winter storage. The units will be similar to a system used by Cliff Schmidt who performs chemical applications on the lake. You indicated that you have been in contact with Mr. Schmidt and he will be assisting the Lake District in selection of the units and corresponding software. In order to adequately document that the purchase, installation and training on use of the GPS system have occurred, you are required to submit the following:

- Documentation that the GPS systems have been purchased including purchase order if applicable and a copy of the invoice.
- Documentation that the systems have been properly installed on both harvesters. This may be done through invoice for installation services, photos of the units installed, documentation that the software has been installed as needed.
- Documentation that training on how to use the software has been provided to harvester operators and to a minimum of two Lake District members who will be able to read / review documentation from the system to monitor that the operators are staying within the approved areas. Documentation must include the date training was completed and signature of those who have been trained.

In addition to the above, Water Resource Management Specialist Scott Provost indicated that the Lake District should apply for a new permit for 2016, offering the opportunity for Lake District members to provide feedback on areas where they would like harvesting to occur between 2016 and 2020. Mr. Provost has offered to hold a public meeting to obtain input from the local residents. In addition, Mr. Provost offered to attend the Lake District annual meeting that is being held in October to discuss with residents the requirements of the permit and the reasoning why there are areas that are not approved for harvest.

This enforcement action will remain open until adequate information has been received to document that the above requirements have been met. Documentation should be sent to my attention at:

Wisconsin Department of Natural Resources
473 Griffith Avenue
Wisconsin Rapids, WI 54494

If you have questions, please contact me at 715/421-7809 or through e-mail at deb.dix@wisconsin.gov.

Sincerely,



Deborah S. Dix
Environmental Enforcement Specialist

Enclosure – Conference Sign-in Sheet

- c. Scott Provost, Wisconsin Rapids
Carroll Schaal, WT/4
Mike Kowalkowski, LS/8

Community Development Report - March 2016

Construction Report

New Construction	Owner/Location	Declared Valuation	Fees
Residential	Shane & Katie Alm 3242 Sunflower Rd	\$188,900.00	\$1,000.00
Commercial			

Remodeling/ Additions	# of Permits	Declared Valuation	Fees
Residential	31	\$97,142.00	\$1,686.50
Commercial	17	\$1,640,062.00	\$16,605.29

Monthly Permits	Monthly Valuation	Monthly Fees	YTD Valuation	YTD Fees
49	\$1,926,104.00	\$18,2914.79	\$3,482,538.55	\$32,142.81

2015:	\$3,014,947.50	\$19,632.19
2014:	\$868,267.97	\$6,907.34
2013:	\$3,626,677.00	\$25,610.13

Violation Report

Exterior Property Area Complaints

*Multiple Exterior Property Violations	25
*Other Exterior Property Violations	7
Accumulation of Rubbish or Garbage	18
Grass or Weeds	0
Improper Parking of Vehicles	37
Improper Storage of Refuse or Refuse Carts	3
Refuse or Refuse Carts on Curb	5
Snow and Ice	0
Storage of Household Items Outside	8
Unlicensed or Inoperable Vehicles	16
Unsanitary Conditions	0

Exterior Structure Complaints

*Multiple Exterior Structure Violations	4
*Other Exterior Structure Violations	2
Broken or Missing Windows	0
Defective Protective Treatment	0
Missing or Defective Handrails/Guards	0

Interior Structure Complaints

*Multiple Interior Structure Violations	1
*Other Interior Structure Violations	1

Multiple Violations

*Multiple Property Violations	4
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Other Violations

*Other Property Violations	4
Expired Multiple-Family License	1
Improper Occupancy: Multi-Family Dwelling	0
Improper Occupancy: Residential Dwelling	0
Work Without Permit	7
Work Without Historic Preservation Review	0

Total Violations / Total Service Fees Billed	143/\$2,500.00
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