

AGENDA
CITY PLAN COMMISSION

Monday, May 2, 2016 – 6:00 PM

Lincoln Center – 1519 Water Street, Stevens Point, WI 54481

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

1. Roll call.

Discussion and possible action on the following:

2. Report of the April 4, 2016 Plan Commission meeting.

3. **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).

4. Action on the above.

5. **Public Hearing** – Request from the McDill Pond Inland Lake Protection District, for a conditional use permit to dredge in McDill Pond, south of the Patch Street Bridge and deposit dredging sediment at 4001 Patch Street (Parcel ID 2308-03-2100-05).

6. Action on the above.

7. **Public Hearing** – Request from William Schierl and Sarena Melotte for a conditional use permit to operate an inn at 1665 Main Street (Parcel ID 2408-32-1020-01).

8. Action on the above.

9. **Public Hearing** – Request from Rettler Corporation, representing the property owner, to rezone two unaddressed parcels, totaling approximately 2.2 acres located at the northwest intersection of Sunset Boulevard and Green Avenue (Parcel ID’s 2408-27-3004-15 and 2408-27-3004-17) from “R-LD” Low Density Residence District to “R-3” Single and Two-Family Residence District.

10. Action on the above.

11. **Public Hearing** – Request from Rettler Corporation, representing the property owner, for a preliminary subdivision plat review at two unaddressed properties located at the northwest intersection of Sunset Boulevard and Green Avenue (Parcel ID’s 2408-27-3004-15 and 2408-27-3004-17).

12. Action on the above.

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.

13. **Public Hearing** – Request from Washington Construction Inc., for a preliminary subdivision plat review at two unaddressed properties located at the southwest intersection of Regent Street and Saint Paul Street (Parcel ID's 2408-28-4002-11 and 2408-28-4002-21).
14. Action on the above.
15. **Public Hearing** – Request from the City of Stevens Point to rezone 24 properties within and on the fringe of the downtown from **M-1 Light Industrial District to B-2 Central Business Transition District**: 1000 Union St. (Parcel ID: 2408-32-2002-01), 701 Portage Street (Parcel ID: 2408-32-2006-05), 1000 Third Street (Parcel ID: 2408-32-2004-01), 1001 Union Street (Parcel ID: 2408-32-2001-11), 941 Portage Street (Parcel ID: 2408-32-2004-02), 0 Portage Street (Parcel ID: 2408-32-2005-01), 1013 Second Street (Parcel ID: 2408-32-2004-18), 1009 Second Street (Parcel ID: 2408-32-2004-05), 1001 Second Street (Parcel ID: 2408-32-2004-04), 801 Portage Street (Parcel ID: 2408-32-2005-02), 1008 Union Street (Parcel ID: 2408-32-2002-06), 1017 Union Street (Parcel ID: 2408-32-2001-13), 1016 Third Street (Parcel ID: 2408-32-2004-14), 0 Centerpoint Drive (Parcel ID: 2408-32-2005-06), 916 Centerpoint Drive (Parcel ID: 2408-32-2004-08), 1220 Briggs Court (Parcel ID: 2408-32-2001-37), 1105 Second Street (Parcel ID: 2408-32-2004-09), 0 Third Street (Parcel ID: 2408-32-2004-13), 1035 Union Street (Parcel ID: 2408-32-2001-15), 1043 Union Street (Parcel ID: 2408-32-2001-16), 0 Centerpoint Drive (Parcel ID: 2408-32-2004-17), 0 Second Street (Parcel ID: 2408-32-2004-19), 157 West Clark Street (Parcel ID: 2408-31-1013-05), and 133 & 165 West Clark Street (Parcel ID: 2408-31-1013-26).
16. Action on the above.
17. **Public Hearing** – Request from the City of Stevens Point to rezone five properties within and on the fringe of the downtown from **B-4 Commercial District to B-3 Central Business District**: 1111 Crosby Avenue (Parcel ID: 2408-32-2009-10), 1017 Crosby Avenue (Parcel ID: 2408-32-2007-12), 0 Main Street (Parcel ID: 2408-32-2011-11), 0 Crosby Avenue (Parcel ID: 2408-32-2011-12), and 0 Water Street (Parcel ID: 2408-32-2009-11).
18. Action on the above.
19. **Public Hearing** – Request from the City of Stevens Point to rezone one property within and on the fringe of the downtown from **B-4 Commercial District to B-2 Central Business Transition District**: 1009 First Street (Parcel ID 2408-32-2005-05).
20. Action on the above.
21. **Public Hearing** – Request from the City of Stevens Point to rezone three properties within and on the fringe of the downtown from **M-1 Light Industrial District to C Conservancy District**: Three unaddressed parcels (Parcel ID's: 2408-31-1013-17, 2408-31-1013-02, and 2408-31-1013-01).
22. Action on the above.

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23. **Public Hearing** – Request from the City of Stevens Point to rezone one property within and on the fringe of the downtown from **B-3 Central Business District to B-2 Central Business Transition District**: 1101 First Street (Parcel ID: 2408-32-2005-07).
24. Action on the above.
25. **Public Hearing** – Request from the City of Stevens Point to rezone one property within and on the fringe of the downtown from **R-4 Multiple Family I Residence District to B-2 Central Business Transition District**: 1009 Union Street (Parcel ID: 2408-32-2001-12).
26. Action on the above.
27. **Public Hearing** – Request from the City of Stevens Point to rezone one property within and on the fringe of the downtown from **R-5 Multiple Family II Residence District to B-2 Central Business Transition District**: 1300 Briggs Court (Parcel ID: 2408-32-2001-36)
28. Action on the above.
29. **Public Hearing** – Amending Chapter 23 of the Revised Municipal Code, Zoning Ordinance, specifically Subsection 23.02(2)(b) and 23.02(2)(c), B-2 and B-3 Commercial Zoning Districts, to remove parking stall requirements for all uses.
30. Action on the above.
31. **Public Hearing** – Amending the Official Street Map of the City of Stevens Point to extend Worth Court south to Clem’s Way.
32. Action on the above.
33. **Public Hearing** – 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.
34. Action on the above.
35. Community Development Department Monthly Report for April 2016. *Report will be provided after April 30, 2016.*
36. Adjourn.

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PUBLISH: April 15, 2016 and April 22, 2016

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Plan Commission of the City of Stevens Point, Portage County, Wisconsin, will hold a Public Hearing on May 2, 2016 at 6:00 PM in the multi-purpose room of the Lincoln Center, 1519 Water Street, Stevens Point, Wisconsin, to hear the following:

1. 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). This property being zoned "C" Conservancy District and described as LOT 2 CSM#7181-26- 111 BNG PRT N 1/2 NW FR 1/4 S3 T23 R8 (SUBJ UNRECORDED AGRMT TO CITY ST PT-GOLF DISC COURSE)138/231 273/535 405/341-ESMT 646627, City of Stevens Point, Portage County, Wisconsin.
2. Request from the McDill Pond Inland Lake Protection District, for a conditional use permit to dredge in McDill Pond, south of the Patch Street Bridge and deposit dredging sediment at 4001 Patch Street (Parcel ID 2308-03-2100-05). This property being zoned "C" Conservancy District and described as LOT 2 CSM#7181-26- 111 BNG PRT N 1/2 NW FR 1/4 S3 T23 R8 (SUBJ UNRECORDED AGRMT TO CITY ST PT-GOLF DISC COURSE)138/231 273/535 405/341-ESMT 646627, City of Stevens Point, Portage County, Wisconsin.
3. Request from William Schierl and Sarena Melotte for a conditional use permit to operate an inn at 1665 Main Street (Parcel ID 2408-32-1020-01). This property is zoned "R-4" Multiple Family 1 Residence District and described as LOTS 1 & 2 BLK 14 SMITH BRIGGS & PHILLIPS ADD BNG PRT NW NE S32 T24 R8 ACCESS RIGHTS-419/403-4 350/353, City of Stevens Point, Portage County, Wisconsin.
4. Request from Rettler Corporation, representing the property owner, to rezone two unaddressed parcels, totaling approximately 2.2 acres located at the northwest intersection of Sunset Boulevard and Green Avenue (Parcel ID's 2408-27-3004-15 and 2408-27-3004-17) from "R-LD" Low Density Residence District to "R-3" Single and Two-Family Residence District. These properties are described as PRT FRACL NWSW COM 867' E OF SW CRNR SD 40 TH N 132' E 130' S 132' W130' TO POB EXC OL2 CSM 49/19 S27 T24 R8, and S16 RDS OF E20 RDS OF FRACL NWSW & OL 1 CSM 49/19 BNG PRT PT MANORS REPLAT IN SWSW EXCL OL2 CSM 49/19 ALL IN S27 T24 R8, City of Stevens Point, Portage County, Wisconsin.
5. Request from Rettler Corporation, representing the property owner, for a preliminary subdivision plat review at two unaddressed properties located at the northwest intersection of Sunset Boulevard and Green Avenue (Parcel ID's 2408-27-3004-15 and 2408-27-3004-17). These properties are zoned "R-LD" Low Density Residence District and described as, PRT FRACL NWSW COM 867' E OF SW CRNR SD 40 TH N 132' E 130' S 132' W130' TO POB EXC OL2 CSM 49/19 S27 T24 R8, and S16 RDS OF E20 RDS OF FRACL NWSW & OL 1 CSM 49/19 BNG PRT PT MANORS

REPLAT IN SWSW EXCL OL2 CSM 49/19 ALL IN S27 T24 R8, City of Stevens Point, Portage County, Wisconsin.

6. Request from Washington Construction Inc., for a preliminary subdivision plat review at two unaddressed properties located at the southwest intersection of Regent Street and Saint Paul Street (Parcel ID's 2408-28-4002-11 and 2408-28-4002-21). These properties are zoned "R-4" Multiple Family 1 Residence District and described as LOTS 9 AND 10 REGENCY GREEN SUB BNG PRT S28 T24 R8 810476, City of Stevens Point, Portage County, Wisconsin.
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14. 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.
15. Amending Chapter 23 of the Revised Municipal Code, Zoning Ordinance, specifically Subsection 23.02(2)(b) and 23.02(2)(c), B-2 and B-3 Commercial Zoning Districts, to remove parking stall requirements for all uses.
16. Amending the Official Street Map of the City of Stevens Point to extend Worth Court south to Clem's Way and vacate a portion of the cul-de-sac.

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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
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.

INDEX:

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.

Aldersperson 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.

Aldersperson 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.

Aldersperson 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 is 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.*

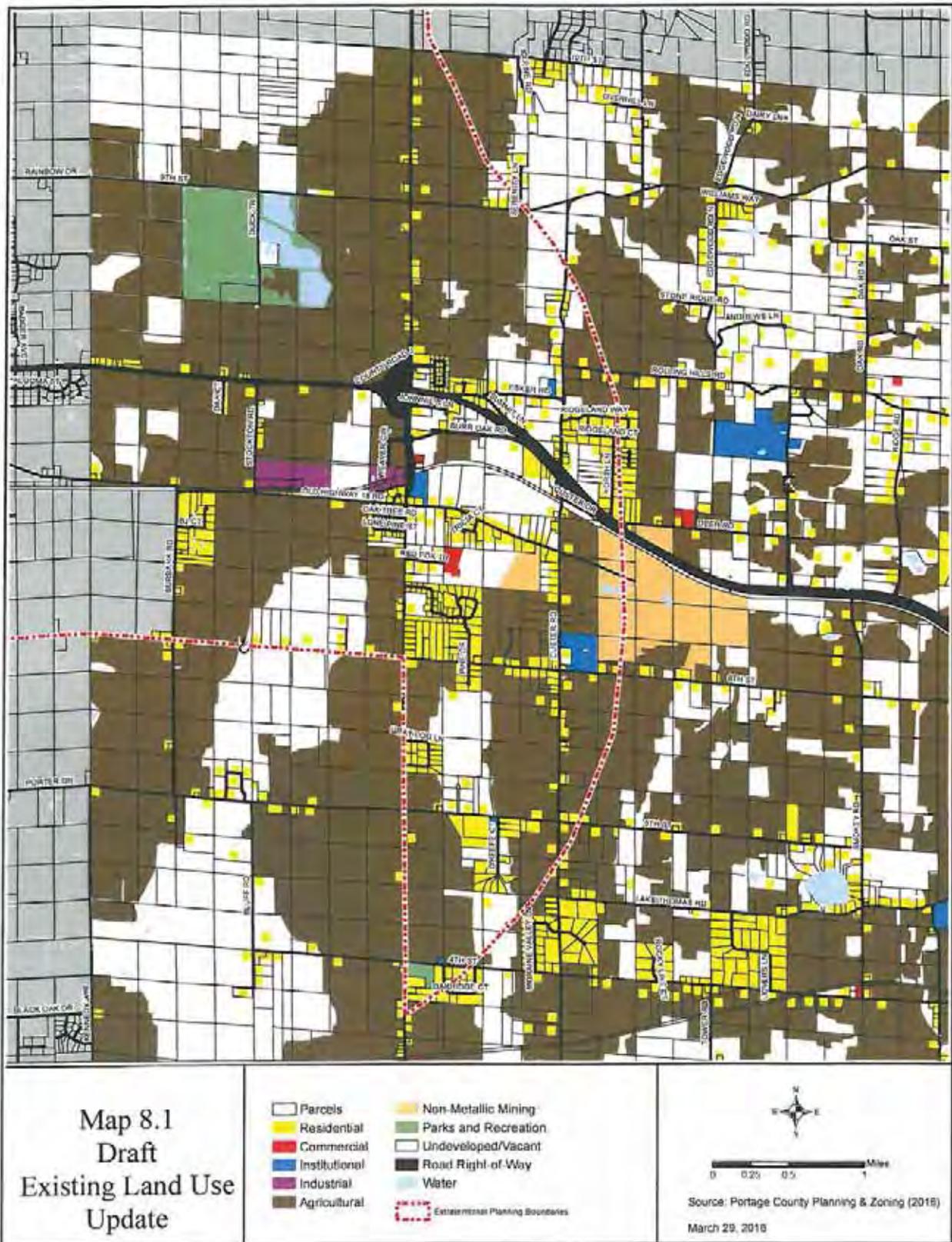
Motion by Mayor Wiza to place the Community Development Department Monthly Report for March 2016 on file, seconded by Aldersperson Kneebone.

Motion carried 5-0

17. Adjourn.

Adjourned at 8:56 PM.

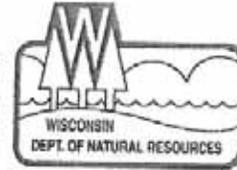
Attachment – Provided at the Plan Commission Meeting – Pertaining to Item 3



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.

McDill Lake District

September 4, 2015

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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.

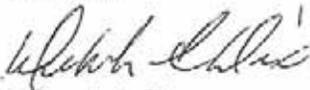
(b) A person who violates sub. (3) and who, within 5 years before the arrest of the current conviction, was previously convicted of a violation of sub. (3) shall be fined not less than \$700 nor more than \$2,000 or shall be imprisoned for not less than 6 months nor more than 9 months or both.

(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 54484

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 54484

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.

McDill Lake District

September 14, 2015

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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

Attachment – Provided at the Plan Commission Meeting – Pertaining to Item 16

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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Administrative Staff Report

Construct Shed and Fence

Conditional Use

4001 Patch Street

April 20, 2016



Department of Community Development

<p>Applicant(s):</p> <ul style="list-style-type: none"> McDill Pond Inland Lake Protection District <p>Staff:</p> <ul style="list-style-type: none"> Michael Ostrowski, Director mostrowski@stevenspoint.com Kyle Kearns, Associate Planner kkearns@stevenspoint.com <p>Parcel Number(s):</p> <ul style="list-style-type: none"> 2308-03-2100-05 <p>Lot Information:</p> <ul style="list-style-type: none"> N/A – Exempt <p>Zone(s):</p> <ul style="list-style-type: none"> "C" Conservancy District <p>Master Plan:</p> <ul style="list-style-type: none"> Commercial <p>Council District:</p> <ul style="list-style-type: none"> District 6: Slowinski <p>Current Use:</p> <ul style="list-style-type: none"> Parkland – Disc Golf <p>Applicable Regulations:</p> <ul style="list-style-type: none"> 23.01(16) and 23.02(1)(a) 	<p>Request</p> <p>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).</p> <p>Attachment(s)</p> <ul style="list-style-type: none"> Application Request Details <p>Findings of Fact</p> <ul style="list-style-type: none"> The property is zoned "C" Conservancy District. The placement of structures or devices disrupting the natural conditions in the Conservancy District requires a conditional use permit. The original request at the April Plan Commission meeting to construct a shed and fence was postponed. The request is now for a utility trailer, and fence located on the removable dock (see attachments). <p>Staff Recommendation</p> <p>Approve the conditional use permit request from the McDill Pond Inland Lake Protection District to install a dock with fencing and utilize a utility trailer for on-site storage at 4001 Patch Street (Parcel ID 2308-03-2100-05) subject to the following conditions:</p> <ol style="list-style-type: none"> All harvester equipment shall be removed from site during winter months when harvesting operations are not active. All equipment shall be stored in the utility trailer or motorized vehicles. All vehicles and trailers shall be stored where identified on the site plan when not in use on the site.
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Vicinity Map



Background

The McDill Pond Inland Lake Protection District originally requested a conditional use permit to construct a shed and fence at the location above, within the C – Conservancy Zoning District. Given the concerns identified by staff and the Plan Commission regarding the proposed improvements (identified below) action was postponed to allow for concerns to be addressed.

- Proposed improvements are not conducive to the park use,
- May create an attractive nuisance,
- Impede wildlife access along the shoreline,
- Reduce natural environment aesthetics,
- Negatively impact other users surrounding or using the property, and
- Create conflict among users.

Taking into consideration the above concerns, the applicant has proposed using a utility trailer instead of the shed. Furthermore, a dock is proposed to be installed to serve the harvesters with fencing that restricts entry to the dock. For further details regarding the new request, please see the attachments.

Weed harvesting operations occur throughout the spring, summer, and fall on McDill pond almost daily. The staging area for these operations occurs on the southern end of the disc golf course (4001 Patch Street), identified above. A boat landing exists at this location to serve the aquatic harvesters. These harvesters are stored in the water during the harvesting season, with dump trucks and other equipment stored on shore. The request has stemmed from

security/safety issues and vandalism to the equipment. Note that as the weed harvesting site is on the disc golf course, and is visible to users. Standards below have been reviewed based on the new request.

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 proposed improvements are on City property where a disc golf course exists, and include the installation of a dock and dock fencing gate, along with the storage of a utility trailer to house equipment. Harvesters are currently stored in the water, along with a row boat during seasonal operations. A dump truck and other equipment are currently stored on shore.

Findings: In the spring, summer, and fall months, patrons of the park increase and there is a concern regarding safety and vandalism of the harvesting equipment. Damage to the harvesters has previously occurred due to limited security measures. The proposed improvements would increase the security of the harvesters and equipment and potentially reduce vandalism. Fencing previously proposed could have easily been traversed given its placement at the pond's high water mark. Whereas, the proposed dock and dock fencing will create a more difficult passage within the water for unwanted access to the harvesters. Lastly, both the trailer and dock/fencing are not permanent and will be removed with each season. Therefore, they should not interfere with other activities, or events during times of the year. Overall, the proposed improvements should not significantly increase the use or endanger the health safety, and comfort of the public.

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

Analysis: The property is primarily utilized as a disc golf course during spring, summer and falls months. Furthermore, the Lake District has been granted access to utilize a portion of the area for harvesting operations. The proposed improvements are accessory to the use already permitted.

Findings: Parks and natural areas are typically utilized by the public for recreational activities and aesthetic purpose within a community. Permanent fencing and structures are no longer proposed. The proposed dock and utility trailer are not permanent and can be easily removed. Much of the land will remain for parkland use, as the dock and dock fence are in the water. Natural environments of the land, and water are should be maintained, as docks are permitted within the pond. Lastly, the proposed dock fence should deter individuals from going on or damaging the harvesters or equipment on the harvesters, as trespassers would need to enter the water. The proposed changes to the use should not be injurious to the use and for the purpose already permitted.

- 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 weed harvesting use currently exists on the property, along with park/recreational uses (disc golf). This request involves placing a utility trailer on the property to securely store equipment, while also installing a dock and dock fencing to deter vandalism of the harvesters. The surrounding property consists of a mix of single family, multi-family, and industrial uses.

Findings: The parcel will likely remain parkland and utilized as a disc golf course which essentially is undeveloped only with disc golf hole baskets. Again, as indicated above, proximity to neighboring uses and structures is great

at several hundred feet; therefore, the proposed use should not impede normal development within the surrounding areas. Note also that all proposed devices are temporary in nature and can be removed.

- 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: No structures currently exist on the property. No structures are proposed with the new submittal.

Findings: N/A

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

Analysis: A gated access road exists from Patch Street to the harvesting area. The property is not served by utilities.

Findings: Patrons of the park can only access the harvesting area via walking due to the existing gated access road. Access to the site via vehicles can occur when harvesting is occurring. Utilities are not needed to serve the proposed improvements.

- 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: See standard 5 above.

Findings: Park patrons park vehicles within the immediate lot off of Patch Street. Harvesting users utilize a gated access road to reach the harvesting staging area (see attached site plan and aerial map above). No anticipated changes are expected to traffic from the request.

- 7) **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 "C" Conservancy District. This district is established to provide protection to environmentally-sensitive lands such as flood plains, wetlands, shorelands, well fields, airport fringe lands and fringe lands remote from City services and access. The district is also intended to be applied as a means of regulating the timing and direction of land development in accordance with the City's Comprehensive Plan. The City's 2006 Comprehensive Plan identifies this area to develop as institutional/government uses.

Findings: The harvesting use is currently operating on the property. Damage to equipment has occurred from vandalism which negatively impacts the harvesting operations on McDill pond. Therefore, the applicant has requested the proposed security measures, utility trailer and dock fence, to reduce vandalism and increase safety. While this use is accessory to the park use, it seems fitting on a conservancy zoned property as harvesting improves the water, wildlife habitat, and wildlife. Furthermore, the requested devices are temporary and will be removed after the harvesting season.

- 8) **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: City/County shoreland zoning is applicable on the site and will need to be met.

Findings: All ordinance requirements and applicable permits would be needed for the proposed project.

- 9) **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

- 10) **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

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

See standard 5 and 6 above.

- 12) **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: No utilities serve the site.

Findings: No utilities are requested for the proposed improvements.

- 13) **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: Two harvesters are stored at the dock when not in use. A dump truck also sits onshore for use in transporting harvested vegetation. Other equipment and vehicles may exist onshore during harvesting operations, such as the proposed trailer.

Findings: The proposed trailer and dock fence may provide added security for equipment however does not effectively screen the equipment. Given the large property size and natural surrounding vegetation, harvesting equipment and operations can only be seen from the water body.

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

Analysis: No lighting as proposed.

Findings: This standard is met.

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

Analysis: Harvesting primarily occurs on the water (McDill Pond).

Findings: Little increase in noise should exist within the property with the proposed improvements.

- 14) **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

While the use exists on the property, the placement of devices in the Conservancy Zoning District are a conditional use. Given the findings outlined above, staff would recommend approving the conditional use, as the request alleviates several prior concerns with the construction of a shed and fence. The dock and dock fence may assist in deterring vandalism, while not decreasing shoreland aesthetics, negatively affect wildlife, or limit use for park users. Furthermore, both the dock and trailer are temporary and would be removed annually, or could be removed easily if warranted.

Photos



Frisbee Golf Parking Area



Access Gate to Service Road for Harvesting Operations (Broken)



Harvesting Staging Area – Boat Landing



Harvesting Staging Area – Approximate Northwest Fence Post Location



Harvesting Staging Area – View of Nearby Frisbee Golf Hole



Harvesting Staging Area – View of Nearby Frisbee Golf Hole and Pathway

McDill Pond Harvesting Area Fence Permit Amendment

McDill Lake District would like to propose the following changes to the harvesting permit fencing to meet setup requirements of blocking public access to the equipment and providing a secured storage for other equipment.

1. Fencing of harvesting equipment: The fence around the perimeter will not be installed, and instead a one dock for both harvesters setup will be used. A fencing section with gate will be placed at a point on the dock to stop the general public from traveling into the area where the harvesters are kept. The fencing will be mounted to the dock and with posts into the water to have the gate area extend farther than the width of the dock so people can't swing around the gate and access the secured area.
2. Equipment Storage: In place of a shed, McDill will place an utility storage trailer on the site in the place where the wagon and plastic storage container used to sit. Equipment will be locked in the storage trailer when not in use, and the trailer will be locked to a metal pole at the site. At the end of the harvesting season the trailer will be removed from the site and stored with the other harvesting equipment off season.

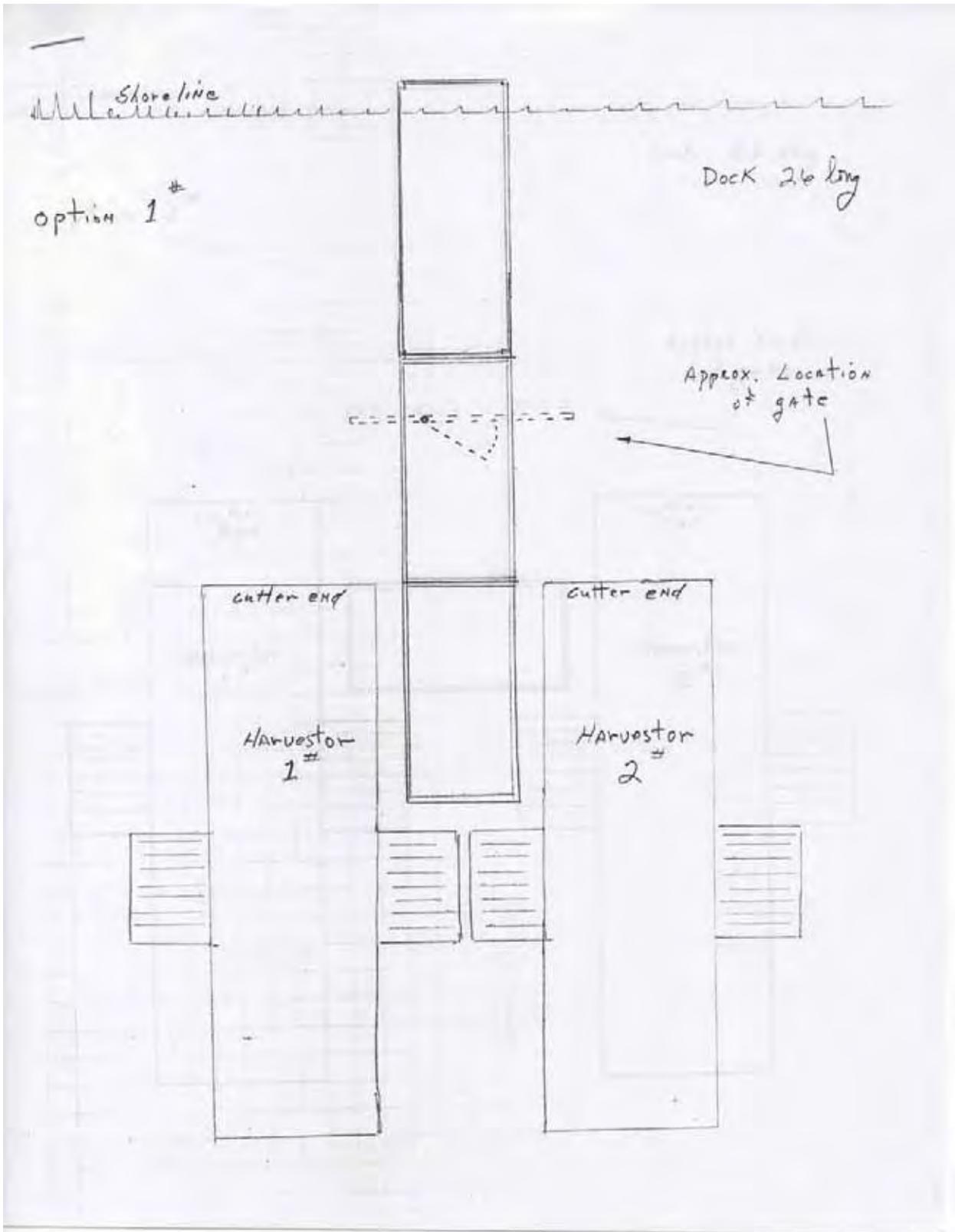
Example of Utility Trailer



Example of Gate on dock and style of aluminum docking the harvesters will be attached to. The hope is to have a dock section about 26' long with the gate about 10 feet out from the start of the dock.



Proposed layout – Orange would be location to park utility trailer vs current rubbermaid storage shed and small open trailer at the site. White would be the dock with gate that both harvesters would be parked at.



Rec. # 1.065212



City of Stevens Point
Community Development Department

1515 Strongs Avenue, Stevens Point, WI 54481
(715) 346-1567
(715) 346-1498
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http://stevenspoint.com

APPLICATION FOR A CONDITIONAL USE PERMIT

(Pre-Application Conference Required)

ADMINISTRATIVE SUMMARY (Staff Use Only)

Application #	-	Date Submitted	2/21/16	Fee Required	250.00	Fee Paid	250.00
Associated Applications if Any	-	Assigned Case Manager	Kyle Kearns				
Pre-Application Conference Date	-	Conditional Use Permit Request	Use <input checked="" type="checkbox"/> Amend <input type="checkbox"/>				

APPLICANT/CONTACT INFORMATION

APPLICANT INFORMATION		CONTACT INFORMATION (Same as Applicant? <input checked="" type="checkbox"/>)	
Applicant Name	McDill Inland Lake Protection District	Contact Name	Krista Olson
Address	3317 Della St	Address	
City, State, Zip	Stevens Point WI 54481	City, State, Zip	
Telephone	715-347-8901	Telephone	
Fax		Fax	
Email	mcDillPond@charter.net	Email	

OWNERSHIP INFORMATION

PROPERTY OWNER 1 INFORMATION (Same as Applicant? <input type="checkbox"/>)		PROPERTY OWNER 2 INFORMATION (if Needed)	
Owner's Name	City of Stevens Point	Owner's Name	
Address	1515 Strongs Ave	Address	
City, State, Zip	Stevens Point WI 54481	City, State, Zip	
Telephone	715-346-1567	Telephone	
Fax		Fax	
Email		Email	

PROJECT SUMMARY

Subject Property Location [Please include Address and Assessor's Identification Number(s)]		
Parcel 1	Parcel 2	Parcel 3
2812308032/0005		
Legal Description of Subject Property		
4001 Patch St - Lot 2 CS# 7181-26-111 Being part N 1/2 NW 1/4 S3 T23 R8 Stevens Point Golf Disc Course		
Designated Future Land Use Category		Current Use of Property
Conservancy		Conservancy
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)		

McDill Lake District would like to place an 8' high Chain link Fence around the harvester landing to provide a safety fence around dangerous equipment, from mid May to Oct 1 the lake district runs its harvesting location, which includes 2 large aquatic harvesters, a dump truck, boat, docks, & various tools. There have been several incidents of vandalism to the equipment which is the responsibility of the city to maintain. The equipment is extremely dangerous with cutting bars, chains and Diesel engines exposed. We would also like to place a 10x12 wooden storage shed within the fenced area to store tools + equipment.

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

The harvesting location was moved to this area in 2009 to remove it out of residential areas. When the disc course reopened, vandalism & trespassing on equipment became a serious issue. The fencing will provide security to the area to keep the public safe and protect individuals with too much curiosity from hurting themselves. The area outside the fencing can be naturalized to protect the shoreline & water.

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

If needed we can replant around the fence area native shoreline plants & trees using the Conservation department's free tree & shrub shoreline planting packets.

Current Zoning Surrounding Subject Property			
North:	Conservancy	South:	Public - McDill Waterway
East:	Conservancy	West:	Conservancy
Current Land Use Surrounding Subject Property			
North:	Conservancy	South:	
East:	Conservancy	West:	

EXHIBITS		Additional Exhibits If Any:
Owner Information Sheet	<input type="checkbox"/>	
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
	7/28/16		



This type

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Administrative Staff Report

Dredge McDill Pond

Conditional Use

4001 Patch Street

April 21, 2016



Department of Community Development

<p>Applicant(s):</p> <ul style="list-style-type: none"> McDill Pond Inland Lake Protection District <p>Staff:</p> <ul style="list-style-type: none"> Michael Ostrowski, Director mostrowski@stevenspoint.com Kyle Kearns, Associate Planner kkearns@stevenspoint.com <p>Parcel Number(s):</p> <ul style="list-style-type: none"> 2308-03-2100-05 <p>Lot Information:</p> <ul style="list-style-type: none"> N/A – Exempt <p>Zone(s):</p> <ul style="list-style-type: none"> "C" Conservancy District <p>Master Plan:</p> <ul style="list-style-type: none"> Commercial <p>Council District:</p> <ul style="list-style-type: none"> District 6: Slowinski <p>Current Use:</p> <ul style="list-style-type: none"> Parkland – Disc Golf <p>Applicable Regulations:</p> <ul style="list-style-type: none"> 23.01(16) and 23.02(1)(a) 	<p>Request</p> <p>Request from the McDill Pond Inland Lake Protection District, for a conditional use permit to dredge in McDill Pond, south of the Patch Street Bridge and deposit dredging sediment at 4001 Patch Street (Parcel ID 2308-03-2100-05).</p> <p>Attachment(s)</p> <ul style="list-style-type: none"> Application Site Plan <p>Findings of Fact</p> <ul style="list-style-type: none"> Current property is zoned "C" Conservancy District. The property is utilized as a disc golf park. Disruption of natural conditions, dredging, grading, and lagooning are a conditional use within the "C" Conservancy District. The request is to perform dredging below the Patch Street Bridge on McDill Pond to remove sediment, and temporarily place sediment at 4001 Patch Street. <p>Staff Recommendation</p> <p>Staff would recommend approval of the conditional use permit to perform dredging activities in McDill Pond at the location identified, as well as deposit dredged sediment at 4001 Patch Street where identified with the following conditions:</p> <ol style="list-style-type: none"> A City zoning permit shall be obtained prior to work occurring. All other applicable permits and approvals shall be obtained. The applicant shall provide safe crossing for the Green Circle Trail. The applicant shall work with the Parks Department and disc golf group to notify park patrons prior to the park closure. Notice and signage shall be provided within the disc golf park to notify park users. All dredging material must be removed from the site when dried (not to exceed 3 months) by the applicant. Silt fencing should be installed around the pile of dredged material.
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Vicinity Map



Background

McDill Pond Inland Lake Protection District is requesting a conditional use permit to dredge out a silt trap in McDill Pond, south of the Patch Street Bridge, where the Plover River enters the pond. A contractor will utilize a crane on top of the bridge to perform the dredging in the water's below. A portion of Patch Street will be utilized for the dredging. The applicant has indicated proper traffic control measures will be taken. Once dredged sediment is pulled from the water, it will be placed on shore, before being hauled to neighboring site and deposited where indicated on the map above to dry. Once dry it will be removed from the site. Approximately 2,100 cubic yards of sandy sediment is anticipated to be removed from McDill Pond where indicated.

The applicant has indicated the silt trap below the bridge exists to allow sediment to settle there rather than elsewhere in the lake, and needs to be dredged every 15 years. Lastly, upon completion of the project, native plantings, such as lily pads will be planted around the dredged area. The project is anticipated to be completed by the end of the summer. All necessary DNR permits will be obtained.

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: Dredging is proposed to remove sand and sediment within a silt trap south of the Patch Street Bridge. Fast moving water in the Plover River enters McDill pond and slows, depositing sediment upon entering. This sediment needs to be removed or sand can be carried further down the pond and disrupt the navigable water body. In addition, removed sediment is proposed to be permanently deposited on the nearby City owned property, utilized as a disc golf course.

Findings: The dredging will ensure McDill pond will remain navigable in the future and allow the silt trap to continue to work in catching deposited sediment from the Plover River. After dredging occurs, the applicant has stated natural flora will be planted in the vicinity to restore the natural habitat. Dredging may temporarily interrupt the traffic on Patch Street, as well as traffic on the Green Circle Trail. The Green Circle Trail crosses Patch Street at the bridge. Given the potential increased conflict for trail users crossing at that location, staff would recommend the applicant provide safe crossing. Furthermore, the temporary deposit of sediment at 4001 Patch Street, utilized as a disc golf course, may temporarily change course configuration. In addition, the park will likely be closed during dredging operations. Therefore, staff would recommend the applicant work with the Parks Department and disc golf group to notice the closure prior to the project.

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

Analysis: The area will be temporarily disrupted for approximately 1 week, starting in June.

Findings: The use should not be injurious to the area or surrounding properties, especially as it is temporary. The applicant has identified methods for handling disruptions of traffic and the Green Circle Trail. Furthermore, the City and other jurisdictions have additional review procedures and permits for dredging, work within the right-of-way, zoning, etc. While dredging material deposits will temporarily change the landscape of the disc golf course it shouldn't prevent the use from occurring. It may temporarily change the layout of the course, but should allow for full use of the property after project completion. Furthermore, the neighboring commercial and residential properties should not be significantly affected, given the separation distance, and vegetation between properties. Again, as stated above, proper methods will be used to ensure public safety, including the installation of fencing, establishment of detour routes for the Green Circle Trail and Patch Street, as well as signage. Dredging is anticipated to take 1 week.

- 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 surrounding area is fully developed with commercial, industrial, and residential uses, and project activities are proposed in/near City recreational land.

Findings: The proposed remediation activities should not permanently impede the development or improvement of surrounding properties. Access on Patch Street and the Green Circle Trail will be temporarily interrupted, during the dredging project, but restored after its completion.

- 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: No structure is proposed.

Findings: N/A

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

Analysis: The project will not utilize utilities. Dredging will assist in removing sediment and sand deposited by the river which empties into the pond. A portion of Patch Street will be closed to allow for direct access to the dump site by trucks carrying sediment. Two-way traffic will still exist on Patch Street. The disc golf course park will be closed during the dredging operation.

Findings: Signage and other applicable road equipment are proposed to assist vehicle and bicycle traffic around the project site. Applicable permits from the City and other organizations such as the DNR shall be obtained.

- 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: The project area will be closed off to the public. A portion of Patch Street will be closed to allow for dump trucks to access the dump site.

Findings: Proper signage, fencing, and other measures will be in place to direct traffic, pedestrians, and Green Circle Trail users around the project area.

- 7) **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 is temporary and will improve the water body, protecting it from the buildup of sediment making it unnavigable. The Conservancy District is established to provide protection to environmentally-sensitive lands such as flood plains, wetlands, shorelands, well fields, airport fringe lands and fringe lands remote from City services and access. The district is also intended to be applied as a means of regulating the timing and direction of land development in accordance with the City's Comprehensive Plan.

Findings: The proposed use is temporary in order to remove deposited sediment in a designed silt trap in McDill Pond. While dredged sediment is proposed on City property utilized as a disc golf course, the sediment should not permanently negatively affect the use. Furthermore, the sediment is proposed to be deposited in a lowland area hundreds of feet from McDill Pond.

- 8) **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: No permanent development is taking place. The request is in conformance to the City Shoreland/Wetland Ordinance.

Findings: A City zoning permit shall be obtained prior to work occurring.

- 9) 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

- 10) 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

- 11) Access to the site shall be safe.

N/A

- 12) 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: Utilities exist along Patch Street. No stormwater plan is required.

Findings: This standard is met.

- 13) 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.

N/A

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

N/A

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

Analysis: Noise will occur during normal daytime business hours.

Findings: Noise will last only until the project is complete, approximately 1 week.

- d. New Multifamily sites which abut single or single-and-two family zoned lands shall increase that sideyard and/or rearyard setback requirement(s) that abuts the single or single-and-two-family zoned area by 50% but need not exceed the maximum rear-yard setback requirements of the district.

N/A

- 14) 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

Upon review of the request to perform dredging activities as described above, staff would recommend approval.



City of Stevens Point
Community Development Department

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

APPLICATION FOR A CONDITIONAL USE PERMIT

(Pre-Application Conference Required)

ADMINISTRATIVE SUMMARY (Staff Use Only)

Application #	-	Date Submitted	4/14/16	Fee Required	2500	Fee Paid	Collected
Associated Applications if Any	CUP Fence / Stud			Assigned Case Manager	Kyle Keams		
Pre-Application Conference Date	-	Conditional Use Permit Request	Use <input checked="" type="checkbox"/>	Amend	<input type="checkbox"/>		

APPLICANT/CONTACT INFORMATION

APPLICANT INFORMATION		CONTACT INFORMATION (Same as Applicant? <input type="checkbox"/>)	
Applicant Name	McDill Inland Lake Protection Dist	Contact Name	Krista Dean + Mit. Phillips
Address	3317 Della St	Address	
City, State, Zip	Stevens Point WI 54481	City, State, Zip	
Telephone	715-347-8901	Telephone	
Fax		Fax	
Email	mcDillpond@charter.net	Email	

OWNERSHIP INFORMATION

PROPERTY OWNER 1 INFORMATION (Same as Applicant? <input type="checkbox"/>)		PROPERTY OWNER 2 INFORMATION (If Needed)	
Owner's Name	City of Stevens Point	Owner's Name	
Address	1515 Strongs Ave	Address	
City, State, Zip	Stevens Point WI 54481	City, State, Zip	
Telephone	715-346-1567	Telephone	
Fax		Fax	
Email		Email	

PROJECT SUMMARY

Subject Property Location [Please Include Address and Assessor's Identification Number(s)]		
Parcel 1	Parcel 2	Parcel 3
281230803210005	281-23-0803220102	

Legal Description of Subject Property
4001 + 0 Patch St Lot 1+2 CSN# 7181-26-111 Being part N 1/2 NW FR 1/4 S3 T23 R8

Designated Future Land Use Category	Current Use of Property
Conservancy	Conservancy

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)

McDill Lake District needs to dredge out the silt trap that was last dredged 15 years ago that is reaching capacity. Peter's Construction will place a crane on the northern edge of the land + bridge right of way area to remove 21000 cubic yards of sand. The sand will be placed on piles to dry for 2 weeks and then will be hauled away by Stoczyński

Trucking, mega rentals will provide barricades + signing for traffic control around the area, which will also be a portion of the Green Circle Trail. All sand should be removed by end of summer. The lake district is actively working with the DNR for permit approval + site requirements.

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

The design of the original silt trap was to only have capacity for about 15 years. Without dredging McDill will fill with sediment and shallow, making areas of the pond no longer navigable. Dredging to maintain the silt trap will ensure the future of McDill Pond and allow the public the full use of the water body.

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

Once the crane is removed the surrounding area can be replanted with native shoreline plants + grass mixture. The Friends of McDill will also be doing a few paddle for lily pad cuttings to collect lily pad tubers from other areas on McDill + replant them to the shallows to establish healthy aquatic plants vs invasive s per the DNR + our lake management plan.

Current Zoning Surrounding Subject Property

North:	Conservancy	South:	Conservancy + waterway
East:	conservancy + waterway	West:	Conservancy

Current Land Use Surrounding Subject Property

North:		South:	
East:		West:	

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
	4/1/16		

Patch St Silt Trap, pictures taken during June 2012 during drawdown.



Main wide circle of silt trap immediately South of Patch St East Shore view



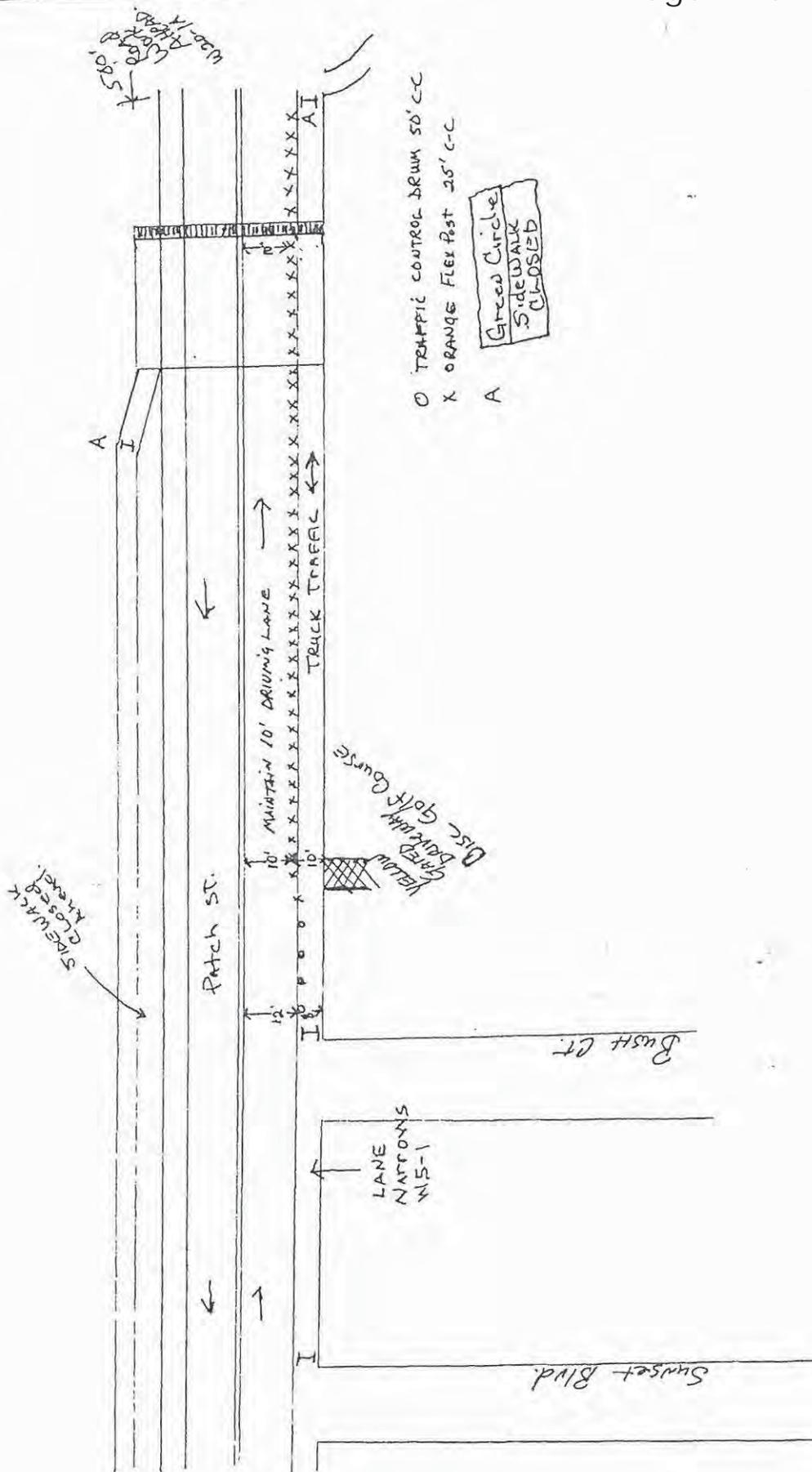
View of 4001 and 0 Patch St from Patch St bridge with silted area in middle – west shore



View of Silt trap looking North to Patch St Bridge

N ↑

NOT TO SCALE
McDILL BND. LAKE ASSN.

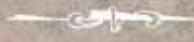


Road
WORK
AHEAD
W20-1A

○ TRAFFIC CONTROL DRUM 50' C-C
X ORANGE FLEX POST 25' C-C
A
Green Circle
SIDEWALK
CLOSED



SCALE: 1" = 100'



Administrative Staff Report

William Schierl and Sarena Melotte
Operate Inn – Conditional Use Request
1665 Main Street
April 21, 2016



Department of Community Development
1515 Strongs Avenue, Stevens Point, WI 54481
Ph: (715) 346-1568 - Fax: (715) 346-1498

<p>Applicant(s):</p> <ul style="list-style-type: none"> William Schierl & Sarena Melotte <p>Staff:</p> <ul style="list-style-type: none"> Michael Ostrowski, Director mostrowski@stevenspoint.com Kyle Kearns, Associate Planner kkearns@stevenspoint.com <p>Parcel Number(s):</p> <ul style="list-style-type: none"> 2408-32-1020-01 <p>Zone(s):</p> <ul style="list-style-type: none"> "R-4" Multi-Family 1 Residence District <p>Master Plan:</p> <ul style="list-style-type: none"> Multi-Family <p>Council District:</p> <ul style="list-style-type: none"> District 1 – Doxtator <p>Lot Information:</p> <ul style="list-style-type: none"> Actual Frontage: feet Effective Frontage: 100 feet Effective Depth: 100 feet Square Footage: 12,500 Acreage: 0.287 <p>Current Use:</p> <ul style="list-style-type: none"> Vacant <p>Applicable Regulations:</p> <ul style="list-style-type: none"> 23.01(14), 23.01(16), and 23.02(1)(f) 	<p>Request</p> <p>Public Hearing - Request from William Schierl and Sarena Melotte for a conditional use permit to operate an inn at 1665 Main Street (Parcel ID 2408-32-1020-01).</p> <p>Attachment(s)</p> <ul style="list-style-type: none"> Application <p>Findings of Fact</p> <ul style="list-style-type: none"> The property is zoned "R-4" Multiple Family 1 Residence District. The request is operate an inn at 1665 Main Street. An inn is a conditional use within the R-4 district. The property owners have proposed to renovate the entire building, including performing necessary repairs as required by the City's Building Inspection Department. <p>Staff Recommendation</p> <p>Approve the conditional use permit to operate an inn at 1665 Main Street subject to Plan Commission and staff comments, including the following condition(s):</p> <ol style="list-style-type: none"> The applicant shall submit a site, building, and landscape plan to be reviewed and approved by the Plan Commission and Common Council. All building permits and other applicable permits shall be obtained. Ingress/egress on Main Street shall be vacated if not in use during the inn operation. All refuse or mechanicals shall be screened, with materials approved by the Community Development Department.
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Vicinity Map



Background

William Schierl and Sarena Melotte are requesting to operate an inn at 1665 Main Street. The property is currently vacant and has been vacant for several years. Over the years of vacancy, the building has been neglected and is in disrepair. Note that several orders from the building inspection department exist for the property, requiring the repair of several building features.

The requested inn would operate as a single rental suite. Furthermore, no staff would regularly exist on site to oversee the inn operations. As the use would change from residential to commercial, an approved site plan, landscaping plan, and other pertinent requirements would apply. Necessary plans have not been included with this review, but are recommended to be reviewed at a later date by the Plan Commission and Common Council.

Below are review standards for the request to operate an inn on the property and within the existing vacant home.

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 home is approximately 3,600 square feet and contains 5 bedrooms, and has been vacant for several years. Furthermore, the building has severely degraded and been subject to vandalism, weather, and neglect, which have triggered several maintenance orders issued through the City's building inspection office. The proposed inn would involve renting out the home as a single unit to families, groups, etc. Permanent housing is not sought with the request. The zoning code defines an inn as the following:

***INN** – is a lodging type that may or may not be owner-occupied, offering 5 to 12 bedrooms, permitted to serve breakfast in the morning to guests. Guests shall not exceed fourteen consecutive days of occupancy.*

Findings: The neighborhood primarily consists of a mix of uses, from single, two, and multi-family residential to office and institutional uses. Additionally, the property is on two main thoroughfares, Main Street and Division Street. While single family uses are permitted within the district, they are not necessarily conducive to increased residential densities and other intense uses allowed within the district. Note that within the R-5 Districts and above, single-family residences are a conditional use. For similar reasons, inns are a conditional use within the R-4 district. Given the exposure of the property and its proximity next to two main thoroughfares, an inn may be an appropriate use. Parking and landscaping plans are recommended to be submitted for review and approval by Plan Commission and Common Council as screening and landscaping can ensure the public health, safety and general welfare of the neighborhood is protected. Therefore, the use should not be detrimental to, or endanger, the public health, safety, or general welfare as several neighboring properties are higher dense residential apartments, or other greater intense uses.

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

Analysis: The inn is proposed within the entire existing building and will be operated off-site staff rather than having staff on-site staff. The entire unit will be rented out rather than renting out individual bedrooms. Guest stays cannot exceed fourteen consecutive days of occupancy as indicated above.

Findings: The use should be complementary to the proposed uses in the area, as several mixed uses exist, such as apartments, offices, and institutional uses. Furthermore, the building has been vacant for years and has deteriorated greatly which has negatively impacted the neighborhood aesthetics. The proposed use should assist in improving the neighborhood characteristics.

- 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 respective area is an established area of the City.

Findings: The proposed use should not impede the orderly development and improvement of the surrounding properties.

- 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 home currently exists. Project plans for the use include renovating the interior of the home, as well as performing exterior improvements. The applicant has not provided specifics regarding renovation and rehabilitation activities.

Findings: Much of the architectural appeal should remain the same and should be improved with the proposed use. Furthermore, it should not be in variance with other structures throughout the neighborhood. Staff would recommend that an exterior rendering be provided and approved by the Plan Commission and Common Council.

- 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. Utilities for the structure have been turned off, but exist nearby.

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: Ingress/egress to the site exists from Main Street and Division Street. The Division Street driveway appears to be the primary entrance to the property and allows for two way ingress/egress, whereas Main Street is a west bound one-way.

Findings: While a concrete apron exists on Main Street to serve the property, it does not act as the primary entrance/exit for the site. Given the corner-lot, two driveways may be warranted, however staff would recommended vacating the Main Street Driveway if not in use when the inn is in operation.

- 7) **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 is within the R-4 Multiple Family 1 Residence District. The intent of this district is to provide a medium density, mixed residential district intended to provide a transition between low density detached housing areas and more intense non-residential land usage consistent with the City's Comprehensive Plan.

Findings: The proposed use is a supporting use within this district.

- 8) **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 lot and building exist. Any improvements shall meet the zoning requirements for the district and shall obtain applicable building permits. As the building has changed occupancy code, the commercial code may now be applicable.

Findings: Staff would recommend a site, building, and landscape plan be submitted for review by the Plan Commission and Common Council.

- 9) **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.**

Analysis: The proposal is operate an inn in an existing 5 bedroom home. The applicant has indicated the entire home will be rented out on a temporary basis to families or groups, rather than renting individual rooms.

Findings: The proposal should not result in an over-concentration of high density living facilities, as the property is within an area consisting of several multi-family homes, apartments, duplexes, and other mixed uses. Furthermore, the inn creates temporary housing for residents that cannot exceed fourteen consecutive days of occupancy.

- 10) **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

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

Analysis: See standard six above. A site plan and landscape plan have not been submitted.

Findings: Access, parking, landscaping, and other pertinent zoning standards must be met and approved on a site plan and landscape plan which is recommended to be submitted and approved by Plan Commission and Common Council at a later date.

- 12) **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 currently exists, and adequate utilities exist at the site.

Findings: This standard is met.

- 13) **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 storage shall be identified on the future site plan and landscape plan.

Findings: The applicant shall submit a site plan identifying refuse storage.

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

Analysis: Lighting will likely not be more than that of a residential home.

Findings: This standard is met.

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

Analysis: The home is proposed to be used as an inn. Patrons of the inn may be visiting for different reasons and therefore will be of different varieties, and will have different vehicles.

Findings: As noise could increase depending on the inn patrons, staff would recommend increased landscape screening, or fencing along the parking lot and property lines to buffer increased noise.

- 14) **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

Based on the findings above, staff would recommend approval of the conditional use permit to operate and inn at 1665 Main Street with the conditions of approval outline on page one of the staff report.



City of Stevens Point
Community Development Department

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

APPLICATION FOR A CONDITIONAL USE PERMIT

(Pre-Application Conference Required)

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"/>		<input type="checkbox"/>

APPLICANT/CONTACT INFORMATION

APPLICANT INFORMATION		CONTACT INFORMATION (Same as Applicant? <input type="checkbox"/>)	
Applicant Name	William G Schierl	Contact Name	SARINA L MELLOTTE
Address	109 County Rd E S	Address	109 County Rd E S
City, State, Zip	Stevens Point, WI 54487	City, State, Zip	Stevens Point, WI 54487
Telephone	715.345.1199	Telephone	715.345.1199
Fax		Fax	
Email	bills@kamschierl.com	Email	SARINA.MELLOTTE@ministryhealth.org

OWNERSHIP INFORMATION

PROPERTY OWNER 1 INFORMATION (Same as Applicant? <input type="checkbox"/>)		PROPERTY OWNER 2 INFORMATION (If Needed)	
Owner's Name	Rail Side Farm LLC	Owner's Name	
Address	109 County Rd E S	Address	
City, State, Zip	Stevens Point, WI 54487	City, State, Zip	
Telephone	715.345.1199	Telephone	
Fax		Fax	
Email		Email	

PROJECT SUMMARY

Subject Property Location (Please include Address and Assessor's Identification Number(s))		
Parcel 1	Parcel 2	Parcel 3
1665 Main Street		
Legal Description of Subject Property		
LOTS 1&2 BIR 14 SMITH BRIGGS & PHIPPS ADD BNG PRT NW N3 S32 T24 R8 ACCESS RIGHTS - 4/19/403-04 350/353		
Designated Future Land Use Category		Current Use of Property
R-4		R-4 (vacant for 10 years)
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)		
- conditional use "inn"		

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

- existing conditions ordered to be repaired by city will be completed
- enhances existing zoning
- improving appearance / entrance to downtown

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

- rental agreements will outline adherence to existing local, city and state laws and ordinances

Current Zoning Surrounding Subject Property

North:	R-4	South:	R-3 / R-4
East:	R-3	West:	R-4

Current Land Use Surrounding Subject Property

North:	R-4	South:	R-3 / R-4
East:	R-3	West:	R-4

EXHIBITS

	<input type="checkbox"/>	Additional Exhibits If Any:
Owner Information Sheet	<input type="checkbox"/>	
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
<i>Sarena Z. Mulatto</i>	4/8/16		

April 4, 2016

Additional information for Application for a Conditional Use Permit for 1665 Main Street, Stevens Point, WI property

Explain the land use and the development proposed for the subject property.

The property at 1665 Main Street is currently zoned "R-4" Multiple Family I Residence District 1. The proposed use is for an "Inn." This will require obtaining a conditional use permit.

How will proposed development reinforce the existing or planned character of the neighborhood?

The 3,600 square foot two-story property at 1665 Main on the corner of Main and Division Streets has been vacant for approximately 10 years. The property is to be sold AS IS and requires extensive repairs resulting from neglect, trespassers and forces of nature. We will repair conditions required to be corrected by the City of Stevens Point and to completely renovate the home to be used as an "inn" through obtaining a conditional use permit – enhancing existing zoning, the entrance to downtown, and overall appearance of the property.

Outline steps that will be taken to reduce any negative impacts on adjacent property.

- 24-hour contact information will be provided to renters and neighboring land owners
- Approved guests and visitors will be expected to follow "good neighbor guidelines" and appropriate city laws and ordinances as outlined in the rental agreements and would be posted in the unit which will include noise levels especially after 10 p.m., proper garbage and recycling disposal, and ongoing maintenance of the property.

April 4, 2016

Dear Alderman George Doxtator,

My name is Sarena L. Melotte, I am a resident at 109 County RD E S. My husband, William G. Schierl and I are proud to live and work in Stevens Point. We are active in our community, serving as volunteers with arts and advocacy programs and organizations such as Arts Alliance of Portage County, The Women's Fund, Portage County Sculpture Park, among others.

We believe that being active in a community contributes to a thriving community and take great pride in where we live. We also have an appreciation of our local history and architecture. Thus we have taken interest in the property for sale at 1665 Main Street (the corner of Main and Division Streets). The property is to be sold AS IS and requires extensive repairs resulting from neglect, trespassers and forces of nature.

It would be our intent to repair conditions required to be corrected by the City of Stevens Point and to completely renovate the home to be used as a short-term rental of which is contingent upon obtaining a conditional use permit. The conditional use permit will allow us to utilize online vacation rental websites including, but not limited to, VRBO (Vacation Rental by Owner) and Airbnb.

We are seeking a conditional use permit through the City of Stevens Point to allow us to have short-term renters. It is our hope that structure will provide a means to keep the home in good repair as well as provide a beautiful historical location for visitors our wonderful city of Stevens Point.

I look forward to future opportunities to discuss this opportunity and welcome any immediate questions. Please feel free to contact me by cell phone at 715.630.0300.

Sincerely,

A handwritten signature in cursive script that reads "Sarena L. Melotte".

Sarena L. Melotte
109 County Rd E S
Stevens Point, WI 54481

Administrative Staff Report

Rezone Request

Sunset Boulevard and Green Avenue "R-LD" Low Density Residence District to "R-3" Single & Two-Family Residential April 22, 2016



Department of Community Development
1515 Strongs Avenue, Stevens Point, WI 54481
Ph: (715) 346-1568 - Fax: (715) 346-1498

<p>Applicant(s):</p> <ul style="list-style-type: none"> Rettler Corporation, representing the property owner <p>Staff:</p> <ul style="list-style-type: none"> Michael Ostrowski, Director mostrowski@stevenspoint.com Kyle Kearns, Associate Planner kkearns@stevenspoint.com <p>Parcel Number(s):</p> <ul style="list-style-type: none"> 2408-27-3004-15 2408-27-3004-17 <p>Lot Information:</p> <ul style="list-style-type: none"> Square Footage: approx. 96,000 Acreage: 2.2 acres <p>Zone(s):</p> <ul style="list-style-type: none"> "R-LD" Low Density Residence District <p>Master Plan:</p> <ul style="list-style-type: none"> Residential <p>Council District:</p> <ul style="list-style-type: none"> District 8: Dugan <p>Current Use:</p> <ul style="list-style-type: none"> Vacant <p>Applicable Regulations:</p> <ul style="list-style-type: none"> 23.02(1)(b) and 23.02(1)(e) 	<p>Request</p> <p>Request from Rettler Corporation, representing the property owner, to rezone two unaddressed parcels, totaling approximately 2.2 acres located at the northwest intersection of Sunset Boulevard and Green Avenue (Parcel ID's 2408-27-3004-15 and 2408-27-3004-17) from "R-LD" Low Density Residence District to "R-3" Single and Two-Family Residence District.</p> <p>Attachment(s)</p> <ul style="list-style-type: none"> Application Preliminary Site Plan Example Duplexes <p>Findings of Fact</p> <ul style="list-style-type: none"> The property is zoned "R-LD" Low Density Residence District. The request is to rezone two properties, approx. 2 acres, to "R-3" Single and Two Family Residence District. The property is currently vacant, and is proposed to be platted for an 8 lot subdivision. Development on the property is slated for twin homes (duplexes). The City's Comprehensive Plan calls for a residential use on this property. <p>Staff Recommendation</p> <p>Based upon the findings below, staff recommends approving the rezoning request for two unaddressed parcels, totaling approximately 2.2 acres located at the northwest intersection of Sunset Boulevard and Green Avenue (Parcel ID's 2408-27-3004-15 and 2408-27-3004-17) from "R-LD" Low Density Residence District to "R-3" Single and Two-Family Residence District.</p>
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Vicinity Map



Background

Rettler Corporation, representing the property owner, is requesting to rezone recently annexed property on Sunset Boulevard and Green Avenue. The property is slated for the development of an eight lot subdivision that consists of twin homes, some of which are zero-lot line lots.

The property was annexed a few months ago and therefore given the R-LD Low Density Residence District zoning classification. In order to allow for two-family residential development, a more intense zoning classification is required, thus triggering the rezoning request.

Below are standards of review regarding the rezoning request.

Standards of Review

Rezoning Request

- 1) The parcel(s) meets the minimum lot requirements.

Analysis: The minimum lot requirements in the "R-3" Single and Two-Family Residence District are as follows:

- Minimum Lot Area: Permitted Uses - 8,000 square feet

Two Family Dwellings – 15,000 square feet

Zero Lot Line – 7,000 square feet

- Minimum Lot Width: Single Family: 60 feet, or 80 feet for corner lots
Two Family Dwellings – 100 feet
Zero Lot Line – 50 feet

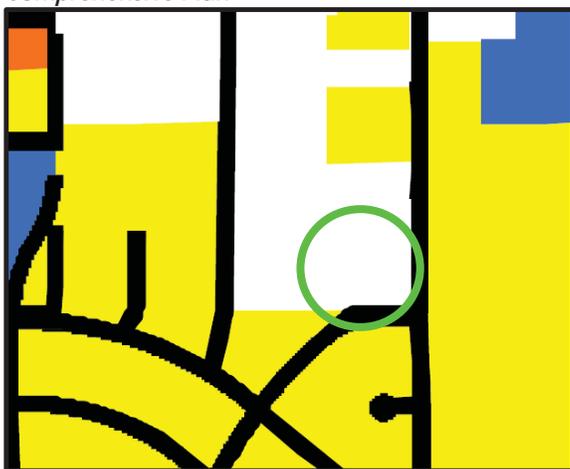
Findings: The current site totals over 2 acres. The proposed platted lots currently vary between 7,000 and 16,000 square feet. Again, the property owner will be subdividing the property into 8 lots, as proposed on the next agenda item. Lots on any plat would have to meet the minimum lot size for the district, and would have to follow land platting requirements. The current platted lots (two) meet the requirements identified above. Any land division of five or more lots requires a subdivision plat which includes preliminary and final plat review before the Plan Commission and Common Council, as well as through the State.

2) **The change in zoning is consistent with the City Comprehensive Plan.**

Analysis: While the Comprehensive Plan Future Land Use Map doesn't specifically identify the area as it was recently annexed into the City, it calls for the surrounding area to be a Residential use, which already exists directly adjacent to the property. Residential is classified as single-family or two-family residences. The extraterritorial map however does identify the area to be residential in nature.

Findings: The applicant's request is consistent with the Extraterritorial Land Use map within the Comprehensive Plan below. Residential future land use category includes both single and two-family residential.

Future Land Use Map – 2005 Stevens Point Comprehensive Plan



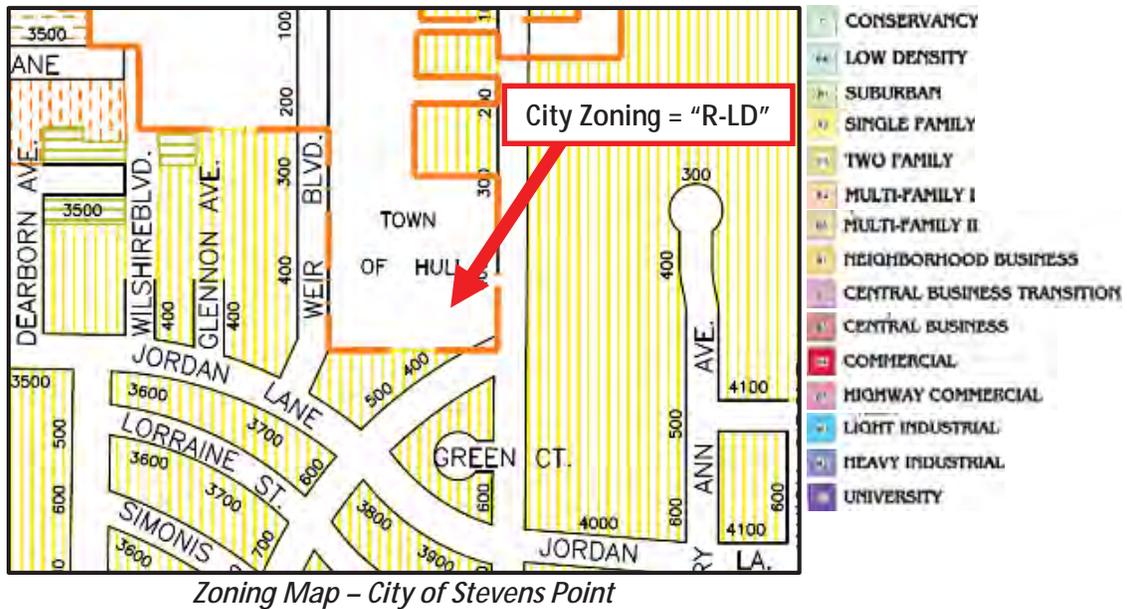
Extraterritorial Land Use Map – 2005 Stevens Point Comprehensive Plan



3) **The change in zoning will not create adjacent incompatible uses.**

Analysis: The property is zoned "R-LD" Low Density Residence District, however has not been updated on the zoning map below. The following are the current City zoning classifications and uses of adjacent properties:

Direction	Zoning	Use
North	County Zoning = "R-2" Single Family Residence District	Vacant Land, Commercial / Industrial
South	"R-2" Single Family Residence District	Single Family homes
East	"R-2" Single Family Residence District	Single Family homes
West	County Zoning = "R-2" Single Family Residence District & Conservancy	Single Family Homes, Zero-Lot Line Duplexes, and Vacant Land



Findings: The area primarily consists of residential single family uses, and existing zoning is conducive to the use. Note that duplexes exist to the west on Glennon Avenue and Wilshire Boulevard. When reviewing the surrounding uses and zoning, it is apparent that an "R-3" Single and Two-Family zoning classification would fit within the area as the property falls on a busy thoroughfare, Green Avenue. Furthermore, the proposed development and subdivision plat which will be reviewed in the next item, creates a small neighborhood of twin homes within a cul-de-sac. Note also that the developer has identified pursuing age restrictions within the community requiring 55 and older.

Zoning exists to ensure that incompatible uses do not exist next to each other. In the proposed rezoning, and development thereafter, the twin homes and cul-de-sac development assist to create a buffer between Green Avenue and single family residential houses. The twin homes are designed to be set back from the right-of-way and face inward toward the cul-de-sac, thereby reducing any conflicts from the use amongst neighboring properties. In addition, the development characteristics mirror those found within the established neighborhood (see development renderings). Note that staff would not classify this rezoning as "spot zoning," which is defined as the zoning of parcels within a larger zoned area that are inconsistent or incompatible, as the area is over 2 acres and will potentially consist of 8 lots.

Note that a preliminary and final plat approval would be required for the division of land into five or more acres.

Based on the findings above, the change in zoning should not create adjacent incompatible uses, and furthermore, conforms to the City's comprehensive plan. It should assist in creating a transitional zone between single family homes and increasingly busy Green Avenue thoroughfare. Therefore, staff recommends approving the rezoning request.



City of Stevens Point
Community Development Department

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

APPLICATION FOR A ZONING MAP AMENDMENT - REZONING

(Pre-Application Conference Required)

ADMINISTRATIVE SUMMARY (Staff Use Only)

Application #	-	Date Submitted	4/11/16	Fee Required	270.00	Fee Paid	270.00
Associated Applications if Any	Subdivision E-Lot		Assigned Case Manager	Kyle Keams			
Pre-Application Conference Date	-						

APPLICANT/CONTACT INFORMATION

APPLICANT INFORMATION		CONTACT INFORMATION (Same as Applicant? <input type="checkbox"/>)	
Applicant Name	Ross Rettler	Contact Name	Dave Rowe
Address	3317 Business Park Dr.	Address	3501 Patch St.
City, State, Zip	Stevens Point, WI, 54482	City, State, Zip	Stevens Point, WI, 54481
Telephone	715-341-2833	Telephone	715-252-1671
Fax	715-341-0431	Fax	
Email	ross@rettler.com	Email	rowebuildersinc@yahoo.com

OWNERSHIP INFORMATION

PROPERTY OWNER 1 INFORMATION (Same as Applicant? <input type="checkbox"/>)		PROPERTY OWNER 2 INFORMATION (if Needed)	
Owner's Name	Dave Rowe	Owner's Name	
Address	3501 Patch St.	Address	
City, State, Zip	Stevens Point, WI, 54481	City, State, Zip	
Telephone	715-252-1671	Telephone	
Fax		Fax	
Email	rowebuildersinc@yahoo.com	Email	

PROJECT SUMMARY

Subject Property Location [Please Include Address and Assessor's Identification Number(s)]		
Parcel 1	Parcel 2	Parcel 3
020240827-10.04	020240827-10.13C	
Legal Description of Subject Property		
<p>Parcel 1: South 16 rods of the East 20 rods of fractional NW-SW of Section 27 T24N R8E Parcel 2: Commencing 867' East of SW corner of NW-SW, thence N. parallel with Green Ave., 132', thence east parallel with south line of said forty, 130' thence south parallel to Green Ave. 132', thence west on said forty line, 130', less OUTLOT 2 CSM # 10739-49-19</p>		
Area of Subject Property (Acres/Sq Ft)		Area of Requested Rezoning (Acres/Sq Ft)
95,979 Sq. Ft. (2.2 Acres)		95,979 Sq. Ft. (2.2 Acres)
Designated Future Land Use Category	Current Use of Property	Proposed Use of Property
R3 - Multi-Family	Vacant - Wooded	Multi-Family Housing - Duplexes
Current Zone District		Proposed Zone District
R2 - Residential		R3 - Residential

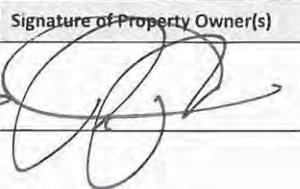
Reason for the zone change request			
<p>The purpose of the Re-zoning request is to allow for multi-family duplex units to be developed on the parcel that is currently zoned R2- Residential. In order for multi-family duplex units to be developed the parcel must be re-zoned to R3-Residential.</p>			
Land use and the development proposed for the subject property. Include the time schedule (if any) for development. (Use additional pages if necessary)			
<p>The proposed multi-family development on the 2.2 acre parcel calls for five duplex units. As part of this development, a 24' public road and cul de sac with a 66' right-of-way will be constructed for access to 4 of the units. An additional 20' private access drive will access the 5th unit to the west.</p> <p>Rowe Builders Inc. plans to start Construction of the first unit as soon as possible late this spring or early this summer in 2016.</p>			
Current Zoning Surrounding Subject Property			
North:	R2 - Residential	South:	
East:		West:	R2 - Residential
Current Land Use Surrounding Subject Property			
North:	Single Family Residential Home	South:	
East:		West:	Single Family Residential Home
Is the proposed zoning map amendment consistent with the Comprehensive Plan? If so how?			
<p>YES, THE COMP. PLAN IDENTIFIES RESIDENTIAL AS FUTURE LAND USE. RESIDENTIAL DEVELOPMENT IS PROPOSED. (R3)</p>			

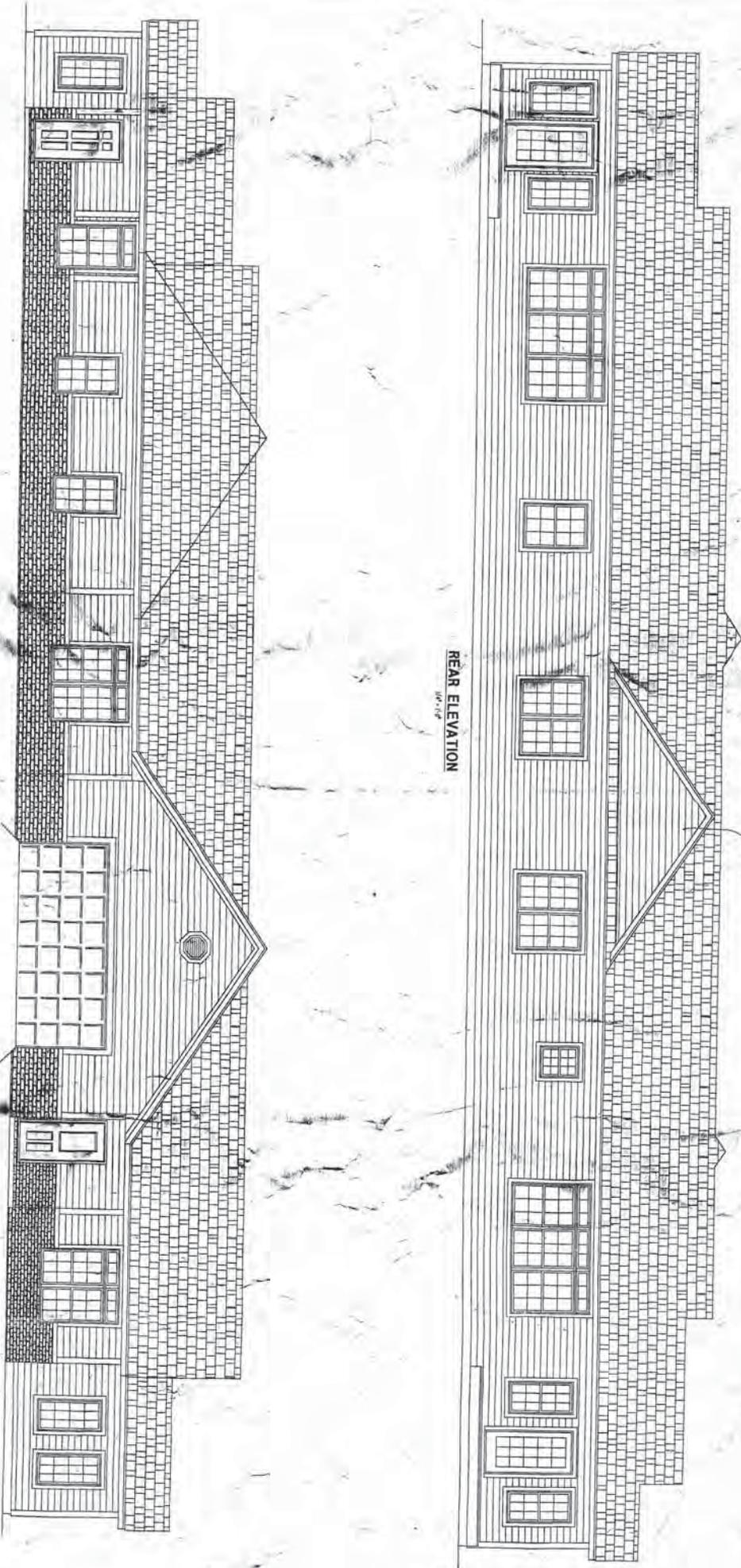
EXHIBITS

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"/>	

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.

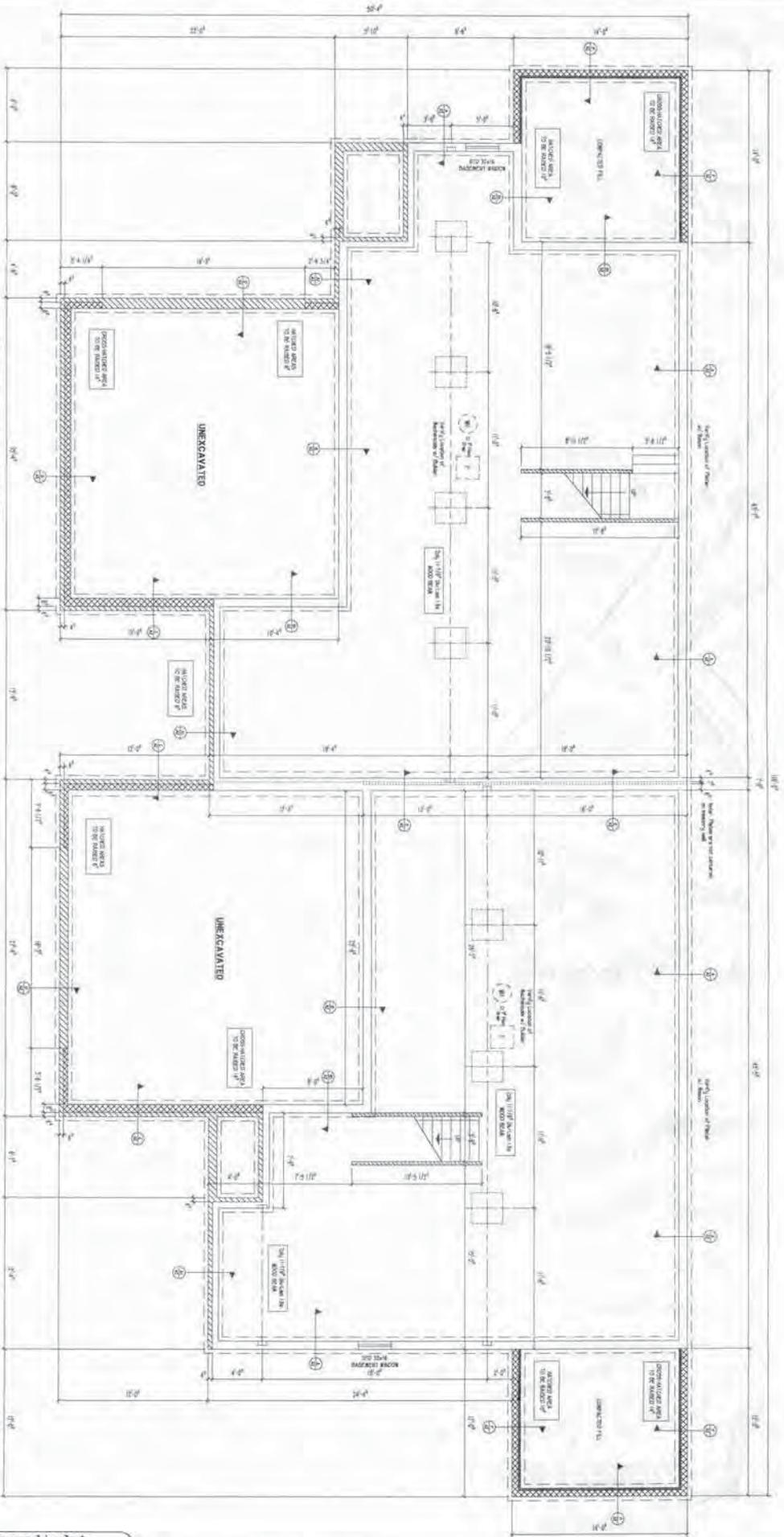
Signature of Applicant	Date	Signature of Property Owner(s)	Date
	04.04.16		04.11.16



FRONT ELEVATION
1/8" = 1'-0"

REAR ELEVATION
1/8" = 1'-0"

1/12/8
S.H. & GAMES



UNFT "A" FOUNDATION

UNFT "B" FOUNDATION

NOTES

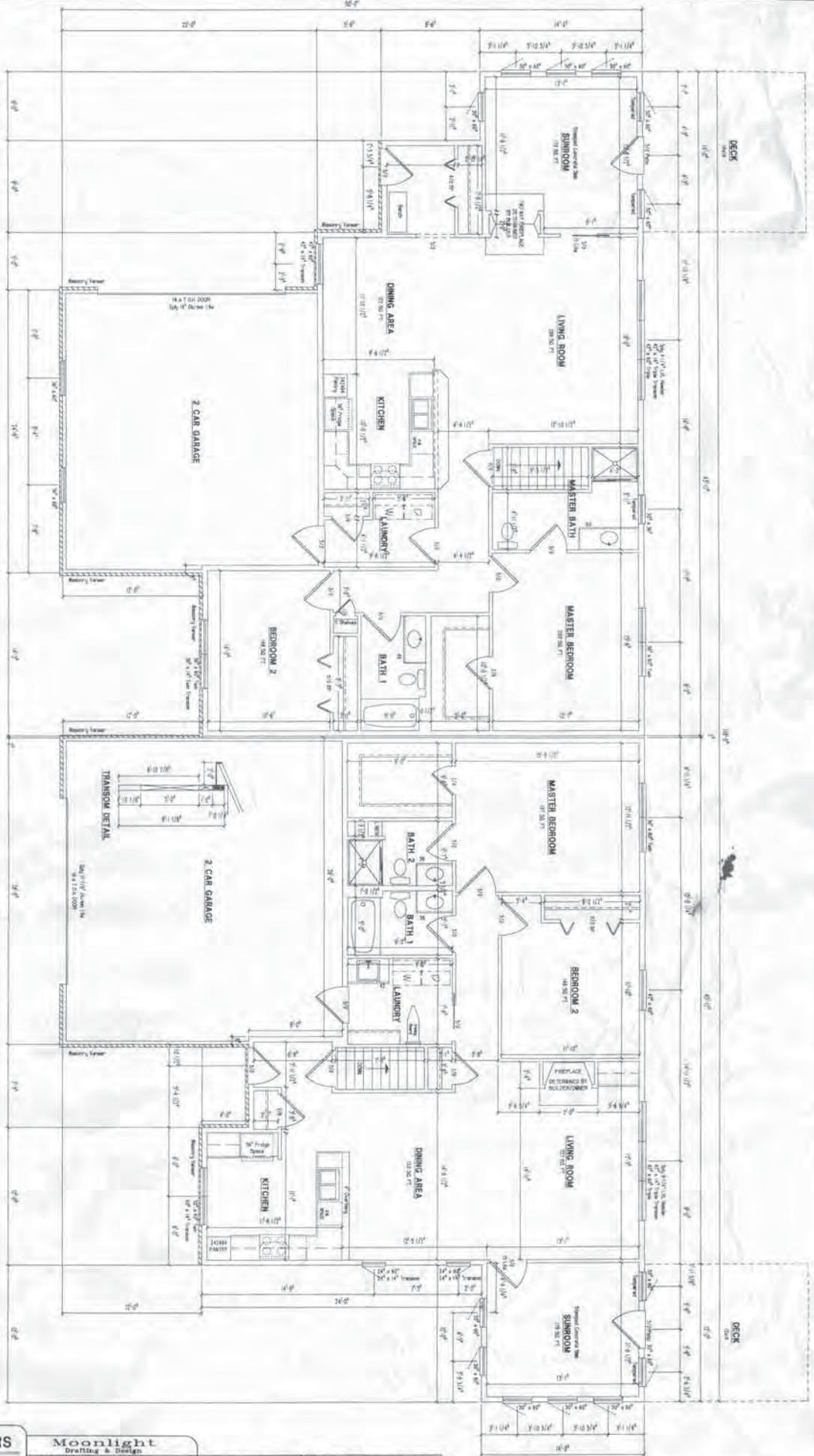
- 1. ALL REINFORCING BARS SHALL BE #4 UNLESS OTHERWISE NOTED.
- 2. ALL REINFORCING BARS SHALL BE #4 UNLESS OTHERWISE NOTED.
- 3. ALL REINFORCING BARS SHALL BE #4 UNLESS OTHERWISE NOTED.
- 4. ALL REINFORCING BARS SHALL BE #4 UNLESS OTHERWISE NOTED.
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- 7. ALL REINFORCING BARS SHALL BE #4 UNLESS OTHERWISE NOTED.
- 8. ALL REINFORCING BARS SHALL BE #4 UNLESS OTHERWISE NOTED.
- 9. ALL REINFORCING BARS SHALL BE #4 UNLESS OTHERWISE NOTED.
- 10. ALL REINFORCING BARS SHALL BE #4 UNLESS OTHERWISE NOTED.

ROWE BUILDERS
 3301 PATCH STREET
 Stevens Point, WI 54481
 Ph: (715)344-3053 Fax: (715)344-3053

Moonlight
 Drafting & Design
 1000 W. Main Street
 Stevens Point, WI 54481
 Ph: (715)344-3053 Fax: (715)344-3053

NOTES:
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 5. ALL REINFORCING BARS SHALL BE #4 UNLESS OTHERWISE NOTED.

A2



UNIT "A" FLOOR PLAN
 Floor Square Footage: 1644 w/ Sunroom
 Garage Square Footage: 536

UNIT "B" FLOOR PLAN
 Floor Square Footage: 1572 w/ Sunroom
 Garage Square Footage: 635

NOTES

- 1/8" WALL HEIGHTS
- DOORS ARE FINISHED TO FINISHING
- 3/2x10 Sigsbee Headers U.N.O.

Division:

ROWE BUILDERS

3501 PATCH STREET
 Stevens Point, WI 54481
 P: (715)344-3053 Fax: (715)344-3053

Moonlight
 Drafting & Design

3501 Patch Street
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Administrative Staff Report

Rettler Corporation
 Preliminary Plat Request – Cessna Estates
 Subdivision
 Sunset Boulevard & Green Avenue
 April 22, 2016



Department of Community Development
 1515 Strongs Avenue, Stevens Point, WI 54481
 Ph: (715) 346-1568 - Fax: (715) 346-1498

<p>Applicant(s):</p> <ul style="list-style-type: none"> Rettler Corporation, representing the property owner <p>Staff:</p> <ul style="list-style-type: none"> Michael Ostrowski, Director mostrowski@stevenspoint.com Kyle Kearns, Associate Planner kkearns@stevenspoint.com <p>Parcel Number(s):</p> <ul style="list-style-type: none"> 2408-27-3004-15 2408-27-3004-17 <p>Zone(s):</p> <ul style="list-style-type: none"> "R-LD" Low Density Residence District <p>Master Plan:</p> <ul style="list-style-type: none"> Residential <p>Council District:</p> <ul style="list-style-type: none"> District 8: Dugan <p>Lot Information:</p> <ul style="list-style-type: none"> Square Footage: approx. 96,000 Acreage: 2.2 acres <p>Current Use:</p> <ul style="list-style-type: none"> Vacant <p>Applicable Regulations:</p> <ul style="list-style-type: none"> 20 and 23.02(1)(e) 	<p>Request</p> <p>Request from Rettler Corporation, representing the property owner, for a preliminary subdivision plat review at two unaddressed properties located at the northwest intersection of Sunset Boulevard and Green Avenue (Parcel ID's 2408-27-3004-15 and 2408-27-3004-17).</p> <p>Attachment(s)</p> <ul style="list-style-type: none"> Application Preliminary Plat <p>Findings of Fact</p> <ol style="list-style-type: none"> The property is zoned "R-LD" Low Density Residence District. Eight lots are proposed, with a cul-de-sac. "R-3" Zoning is required to permit twin home and duplexes. A rezoning request will be a separate item which may affect the subdivision plat. All eight lots are proposed to be developed with twin homes (duplexes), six as zero-lot line lots. Lots range in size from 7,000 square feet to 16,000 square feet. Depths for each lot are between 100 – 150 feet, with varying widths narrow at the cul-de-sac before widening in the rear yards. All lots meet the requirements of the requested rezoning "R-3" District. The division of land into five or more lots shall be considered a major subdivision and requires Plan Commission review and Common Council approval. <p>Staff Recommendation</p> <p>Based upon the findings below, regarding the proposed use, surrounding neighborhood, and plat, staff recommends approving the preliminary subdivision plat of Cessna Estates with the following conditions:</p> <ol style="list-style-type: none"> The following quarter section description; NW ¼ SW ¼ shall be displayed above (north) of the quarter section line. A hydrant shall be installed along the north side of Sunset Boulevard between the proposed private drive serving lot eight and the cul-de-sac (Katanya Court), or as requested by the Fire Department. A ten foot utility easement should be added around the entirety of the cul-de-sac, Katanya Court. Swales meeting all City Department of Public Works and Utility
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Department specifications, as well as those outlined in Chapter 31, shall be installed to control stormwater.

5. A stormwater management plan shall be submitted and reviewed by the City Public Works and Utility Departments.
6. Curb and gutter shall be installed around the entirety of the cul-de-sac meeting applicable design requirements of the Public Works Department. Mountable/roll-able curb shall be permitted.
7. The center island within the cul-de-sac (Katanya Court) shall be removed.
8. The southernmost twin homes on lot 1 and lot 7 shall take access from the Katanya Court Street and not the cul-de-sac in order to provide more room for snow storage.
9. Off-site snow removal during winter months within the cul-de-sac shall be the responsibility of the developer or property owners.
10. A park fee shall be submitted to the City of Stevens Point in the amount indicated on the most recent fee schedule.
11. Additional minor grammatical errors on the plat, identified by staff, shall be corrected.
12. A developer's agreement shall be drafted outlining the conditions of approval and other applicable requirements.
13. Objections from reviewing agencies shall be satisfied before the plat is recorded.
14. The plat shall conform to the provisions of Chapter 20 of the Revised Municipal Code and Chapter 236 of the Wisconsin Statutes. All applicable permits from Portage County, the Wisconsin Department of Natural Resources, the City, and any other authorizing agencies shall be obtained.
15. A final plat per Chapter 20, Subdivision Control Ordinance shall be submitted and reviewed by the Plan Commission and Common Council within six (6) months of the preliminary plat approval date, conforming to the provisions of Chapter 20 and Chapter 236 of the Wisconsin Statutes.

Vicinity Map



Background

Rettler Corporation, representing the property owner, is proposing a small residential subdivision consisting of eight primary lots, with the majority taking access from a cul-de-sac. Lot details vary amongst lots (see attached plat). The property is requested to be rezoned from "R-LD" to "R-3" to allow for twin homes (duplexes) and zero-lot line lots. The property was recently annexed into the City of Stevens Point for development purposes.

Major subdivision plats shall be reviewed by the Plan Commission, and approved by the Common Council. Major subdivisions are defined as:

(12) "Subdivision" is a division of a lot, parcel or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development, where:

236.02(12)(a) The act of division creates 5 or more parcels or building sites of 1 1/2 acres each or less in area;
or

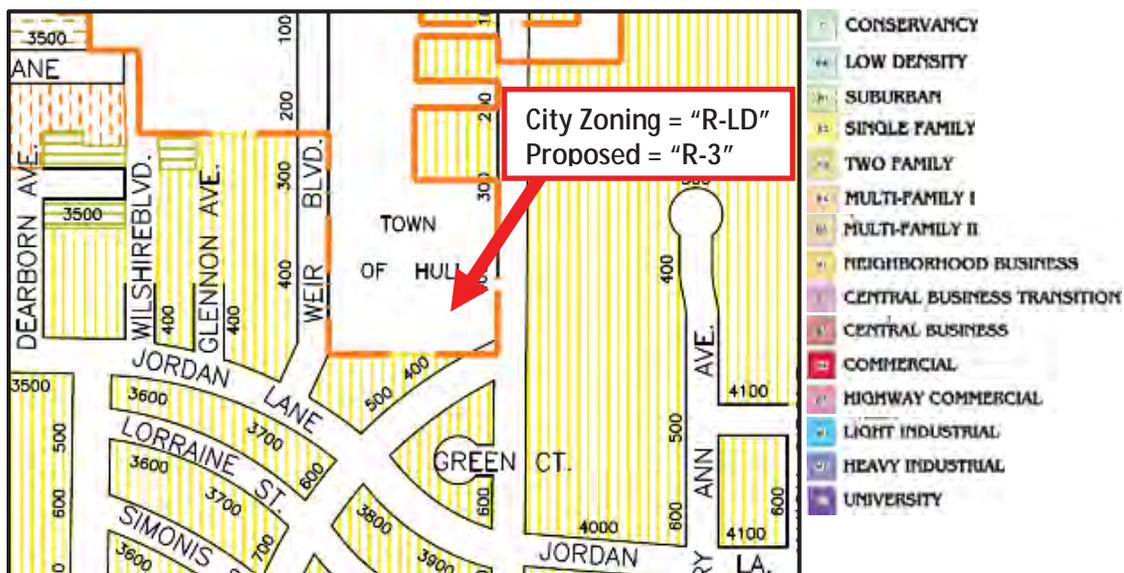
236.02(12)(b) Five or more parcels or building sites of 1 1/2 acres each or less in area are created by successive divisions within a period of 5 years.

Standards of Review

- 1) The proposed subdivision or land division shall be compatible with adjacent land uses and shall maintain the general land use pattern of the area in question.

Analysis: The property is zoned "R-LD" Low Density Residence District, however has not been updated on the zoning map below. The property owner has also requested a rezoning from "R-LD" to "R-3" Single and Two-Family Residence District. Lots within the vicinity of the development vary, with smaller lots (9,000 – 13,000 square feet) in the City and larger (0.5 - 1 acre) lots in the Town of Hull. The following are the current City zoning classifications and uses of adjacent properties:

Direction	Zoning	Use
North	County Zoning = "R-2" Single Family Residence District	Vacant Land, Commercial / Industrial
South	"R-2" Single Family Residence District	Single Family homes
East	"R-2" Single Family Residence District	Single Family homes
West	County Zoning = "R-2" Single Family Residence District & Conservancy	Single Family Homes, Zero-Lot Line Duplexes, and Vacant Land



Zoning Map – City of Stevens Point

Findings: The area primarily consists of residential single family uses, and the proposed residential use is conducive to existing uses. Note that duplexes exist to the west on Glennon Avenue and Wilshire Boulevard. When reviewing the surrounding uses and zoning, it is apparent that an "R-3" Single and Two-Family zoning classification would fit within the area as the property falls on a busy thoroughfare, Green Avenue. Furthermore, the proposed development and subdivision plat creates a small neighborhood of twin homes within a cul-de-sac. Note also that the developer has identified pursuing age restrictions within the community requiring 55 and older. The twin homes and cul-de-sac development assist to create a buffer between Green Avenue and single family residential houses. Furthermore, the subdivision creates a transition from small residential lots in the City to larger lots in the township. The twin homes are designed to be set back from the right-of-way and face inward toward the cul-de-sac, thereby reducing any conflicts from the use amongst neighboring properties. In addition, the development characteristics mirror those found within the established neighborhood (see development renderings).

- 2) The proposed subdivision or land division shall result in a development pattern which is compatible with surrounding developments and land uses. Measures of compatibility shall consider at least but not limited to lot sizes, traffic generation, access, noise and visual features.

Analysis: Lot sizes within the subdivision vary between 7,000 and 16,000 square feet. Traffic to the eight proposed lots will primarily come from a cul-de-sac off of Sunset Boulevard. One lot and twin home will take access from a separate driveway on Sunset Boulevard. The proposed town home development mimics elements found on single family homes and incorporates several building materials and architectural designs.



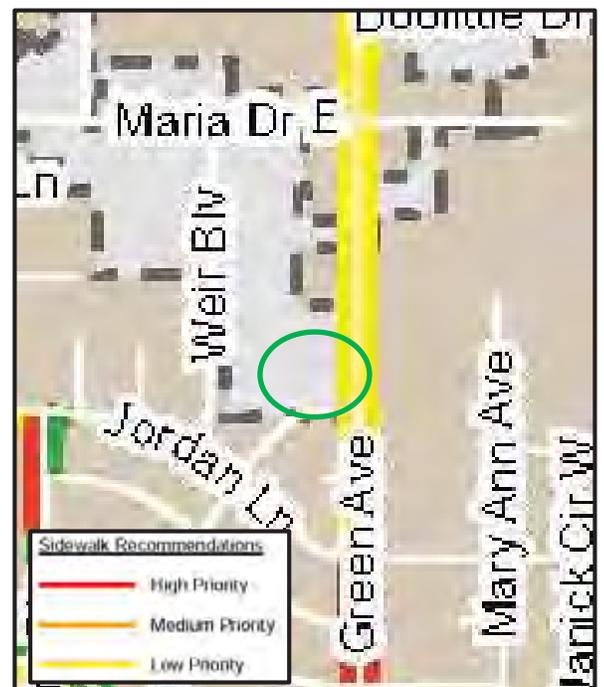
Findings: As stated above, the lot sizes match those within the neighborhood and act as a transition between smaller City lots and large township lots. The proposed cul-de-sac will assist in reducing conflict from the subdivision lots on Sunset Boulevard and Green Avenue. In addition, lots on the cul-de-sac face each other and have rear or side yards that for the majority face neighboring rear and side yards. The single lot taking access from Sunset Boulevard may be incompatible with the neighboring home as the driveway may extend into the backyard of the existing home. Furthermore, lot eight on the subdivision plat doesn't seem conducive to the rest of the development.

Traffic, activities, and noise within the cul-de-sac should not negatively affect the surrounding properties. Visually, the proposed development of twin homes is aesthetically appealing.

- 3) The proposed subdivision or land division and the resulting development shall not demonstrably adversely affect the City's ability to provide future public utilities, install future public improvements or accomplish future annexations. The Plan Commission may consider annexation agreements with the property owner in order to comply with this requirement. The Plan Commission may also consider whether the City and Town(s) have reached an agreement on necessary public improvements and public services facilities required to serve the development.

Analysis: The property was recently annexed from the Town of Hull to the City of Stevens Point. Utilities exist to serve the area, specifically along Sunset Boulevard and Green Avenue. The development incorporates a cul-de-sac and center island. Furthermore, eight driveways are proposed to take access on the cul-de-sac.

Findings: The subdivision does not adversely affect the City's ability to provide future improvements to the area. Staff would recommend a hydrant be installed on Sunset Boulevard between the lot eight private drive and cul-de-sac. Several concerns exist regarding snow plowing, stormwater run-off, other infrastructure components. The Director of Public works has provided a supplemental memo (see attached), and recommendations based on the memo have



been identified on page one of the staff report. In order to create more spacing for snow storage within the cul-de-sac, staff would recommend that the southernmost twin home on lot 1 and lot 7 take access from the Katanya Court Street and not the cul-de-sac. In addition, staff would recommend that if off-site snow removal is necessary during winter months within the cul-de-sac, that responsibility and costs for removal be borne by the developer or property owners.

The City's adopted Bicycle and Pedestrian Plan identifies sidewalks to be installed on Green Avenue. However, this sidewalk would then be the only sidewalk within the area and thus create additional gaps within the City. Ideally, staff would like to see sidewalk on both Green and Sunset. However, given that there are no existing sidewalks in the area, this installation might not be that critical at this time.

- 4) The proposed subdivision or land division shall comply with one of the following:
- a. The proposed subdivision or land division shall represent infilling of vacant land. Infilling is defined as a subdivision or land division which will accommodate the development of vacant land located such that surrounding existing land uses render the land impractical for any but similar uses.
 - b. The proposed subdivision or land division shall provide permanent open space lands for use by the general public in conformance with the adopted Parks and Open Space Plan for Portage County, Wisconsin, the City of Stevens Point adopted Parks and Open Space Plan or the City's other adopted Comprehensive Plan elements. The permanent open space lands shall be accessible and open for use by the general public.

Analysis: The subdivision is infill development, as existing development surrounds the property. The development creates eight lots on an undeveloped parcel within a residential area. The City's Comprehensive Plan identifies the future use of the area as residential development.

Findings: This standard is met.

2005 Stevens Point Comprehensive Plan – Extraterritorial Land Use Map



Based on the findings above, staff would recommend approving the preliminary subdivision plat with the conditions also found above.



City of Stevens Point
Community Development Department

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

APPLICATION FOR SUBDIVISION APPROVAL

(Pre-Application Conference Required)

ADMINISTRATIVE SUMMARY (Staff Use Only)

Application #		Date Submitted	4/11/16	Fee Required	170.00	Fee Paid	170.00
Associated Applications (if any)	S Perzwiner			Assigned Case Manager	Kyle Keams		
Pre-Application Conference Date	-			Major Subdivision	<input checked="" type="checkbox"/>	Minor Subdivision	<input type="checkbox"/>

APPLICANT/CONTACT INFORMATION

APPLICANT INFORMATION		CONTACT INFORMATION (Same as Applicant? <input type="checkbox"/>)	
Applicant Name	Ross Rettler	Contact Name	Dave Rowe
Address	3317 Business Park Dr.	Address	3501 Patch St.
City, State, Zip	Stevens Point, WI, 54482	City, State, Zip	Stevens Point, WI, 54481
Telephone	715-341-2633	Telephone	715-252-1671
Fax	715-341-0431	Fax	
Email	ross@rettler.com	Email	rowebuildersinc@yahoo.com

OWNERSHIP INFORMATION

PROPERTY OWNER OF RECORD 1 INFORMATION (Same as Applicant? <input type="checkbox"/>)		PROPERTY OWNER OF RECORD 2 INFORMATION (if Needed)	
Owner's Name	Dave Rowe	Owner's Name	
Address	3501 Patch St.	Address	
City, State, Zip	Stevens Point, WI, 54481	City, State, Zip	
Telephone	715-252-1671	Telephone	
Fax		Fax	
Email	rowebuildersinc@yahoo.com	Email	

PROJECT SUMMARY

Subdivision Name	Katanya Court		Former Subdivision Name (if any)	
Area of Subject Property (Acres/Sq Ft)	95,979 Sq. Ft. (2.2 Acres)		Proposed Number of Lots	8
Project Address:	419-423 Sunset Blvd. Stevens Point, WI 54481			
Parcel 1 - Assessor's Parcel ID Number	Parcel 2 - Assessor's Parcel ID Number (if needed)	Parcel 3 - Assessor's Parcel ID Number (if needed)		
020240827-10.04	020240827-10.13C			
Current Use of Subject Property	Wooded - Vacant			
Proposed Use of Subject Property	Multi-Family Housing - Duplexes			
Designated Future Land Use Category	Current Zone District(s)			
R3 - Residential - Multi-Family	R2 - Residential			
Is there an associated request for a Zoning Map Amendment? If yes provide the application Number?	Yes			
Number of Residential Units Proposed	Proposed Gross Residential Density	Commercial Space Proposed Sq. Ft.		
5		NA		
Common Open Space Proposed Sq. Ft.	Primary Open Space Designations (Cluster)	Secondary Open Space Designation (Cluster)		

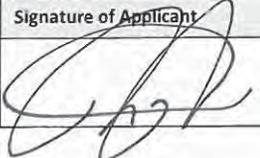
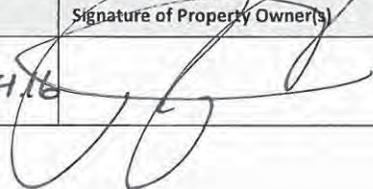
Source of Utilities:				Streets Created or Extended as part of Subdivision? If Yes What Types?	
Water	City	Sewer	City	Yes - 1 Public Cul De Sac - 1 Private Drive	
Number of Each Type of Building and Individual Units				Proposed Density (Units/Acre)	
Single-Family House					
Attached House (duplex)				5	
Row House (Number of Units)					
Apartment (Number of Units)					
Commercial Building					
Mixed Use Building (number of residential units)					
Industrial Building					
Civic Building / Institutional					
Open Lot					
Describe land use and the development proposed for the subject property. Include the time schedule (if any) for development. (Use additional pages if necessary)					
<p>The proposed multi-family development on the 2.2 acre parcel calls for five duplex units. As part of this development, a 24' public road and cul de sac with a 66' right-of-way will be constructed for access to 4 of the units. An additional 20' private access drive will access the 5th unit to the west.</p> <p>Rowe Builders Inc. plans to start Construction of the first unit as soon as possible late this spring or early this summer in 2016.</p>					
Current Zoning Surrounding Subject Property					
North:	R2 - Residential			South:	
East:				West:	R2 - Residential
Current Land Use Surrounding Subject Property					
North:	Single Family Residential Home			South:	
East:				West:	Single Family Residential

EXHIBITS (MAJOR SUBDIVISION)

Owner Information Sheet	<input type="checkbox"/>	Additional Exhibits If Any (List):
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"/>	
Parking Plan (Location, number of spaces, reductions, and design and landscaping)	<input type="checkbox"/>	
Open Space Plan if Cluster Subdivision	<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"/>	

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
	04.04.16		04.11.16

City of Stevens Point
1515 Strongs Avenue
Stevens Point, WI 54481



Public Works

Engineering Department:

Phone: 715-346-1561

Fax: 715-346-1650

Streets Department:

Phone: 715-346-1537

Fax: 715-346-1687

April 27th, 2016

To: Michael Ostrowski, Director of Community Development
From: Director of Public Works, Scott Schatschneider, P.E.
Re: Cessna Estates Preferred Site Layout Plan – (Concept Plan)

Michael, I took a look at the Cessna Estates Concept Plan and I have listed my initial thoughts.

Given the physical size of the site with respect to the concentration of development, the submitted concept plan appears committed to a particular design. If modifications are required for approval, a significant change in the theme of the development may need to be re-examined.

With that being said. In terms of concerns from a City of Stevens Point Public Works perspective, the following exist:

1. The cul-de-sac does not appear to meet minimum turning radius (42') for typical municipal service vehicles, (i.e. garbage trucks, snow plow trucks and emergency vehicles). As a result any type of delivery vehicle or one of the larger fire trucks would not be able to maneuver adequately with the proposed radius.
2. The center grass island called out for storm water and snow storage is confusing. Given the inadequate radius, the inside of the pavement should have curb and gutter. The curb and gutter will prevent water from reaching this grass area. In addition the curb and gutter will prevent any snow from being pushed into the middle of the cul-de-sac if snow picking is required.

3. Without curb and gutter this green area will be vulnerable to vehicles turning to close to the edge of the pavement and subsequently damaging whatever landscaping exists and over time, damaging the edge of pavement. Therefore, the center grass area may need to be paved. I understand and appreciate the aesthetics the developer is trying to implement. If this roadway would stay under private ownership and control this issues would be minimized.
4. The number of driveways in the proposed cul-de-sac create a concern in terms of reducing the already minimal snow storage area. If this cul-de-sac becomes a public street, City plow trucks will push snow to the right as they come into the cul-de-sac. The ends of the drive ways will become the areas where snow is stored. From the proposed concept plan the distance between the driveways does not leave a lot of room for snow to be stored.

Based on history, these future residents will be in disbelief with the amount of snow in the end of their driveways, even with moderate snowfalls. When this occurs, residents will call the City with concerns and will request the City to remove the snow. Given the proposed layout, the residents may be forced to push or blow the snow from the end of their driveways back into the street, which is illegal and will cause even more issues.

5. The photos included as part of the concept plan may not accurately depict the layout of the proposed development, with regard to snow storage and storm water storage.
6. On the concept plan a concrete access drive is called out. If the intent of the developer is for the City to take ownership of the street, staff recommends an asphalt roadway. A concrete roadway being installed as part of private development and the City having ongoing maintenance responsibilities is not an ideal situation. The City would have little to no oversight on the quality control measures needed to correctly install a concrete roadway.

In conclusion, modifications will need to be made to the proposed Cessna Estates Preferred Site Layout Plan before the Department of Public Works would consider a recommendation of approval. As currently proposed, Public Works would recommend the development stay under private ownership and control.

Thank you.

Administrative Staff Report

Washington Construction Inc.
Preliminary Plat Request – Washington
Subdivision
Regent Street and Saint Paul Street
April 25, 2016



Department of Community Development
1515 Strongs Avenue, Stevens Point, WI 54481
Ph: (715) 346-1568 - Fax: (715) 346-1498

<p>Applicant(s):</p> <ul style="list-style-type: none"> Rettler Corporation, representing the property owner <p>Staff:</p> <ul style="list-style-type: none"> Michael Ostrowski, Director mostrowski@stevenspoint.com Kyle Kearns, Associate Planner kkearns@stevenspoint.com <p>Parcel Number(s):</p> <ul style="list-style-type: none"> 2408-28-4002-11 2408-28-4002-21 <p>Zone(s):</p> <ul style="list-style-type: none"> "R-4" Multiple-Family 1 Residence District <p>Master Plan:</p> <ul style="list-style-type: none"> Residential <p>Council District:</p> <ul style="list-style-type: none"> District 8: Dugan <p>Lot Information:</p> <ul style="list-style-type: none"> Square Footage: approx. 33,790 Acreage: 0.77 Acres <p>Current Use:</p> <ul style="list-style-type: none"> Vacant <p>Applicable Regulations:</p> <ul style="list-style-type: none"> 20 and 23.02(1)(f) 	<p>Request</p> <p>Request from Washington Construction Inc., for a preliminary subdivision plat review at two unaddressed properties located at the southwest intersection of Regent Street and Saint Paul Street (Parcel ID's 2408-28-4002-11 and 2408-28-4002-21).</p> <p>Attachment(s)</p> <ul style="list-style-type: none"> Application Preliminary Plat <p>Findings of Fact</p> <ol style="list-style-type: none"> The property is zoned "R-4" Multi-Family 1 Residence District. The division of land into five or more lots shall be considered a major subdivision and requires Plan Commission review and Common Council approval. Three lots are proposed within the subdivision to construct single-family homes. The owner previously divided two lots west of the proposed subdivision via CSM into zero-lot lines. Lots range in size from 10,000 square feet to 12,000 square feet. Depths for each lot are approximately 125 feet, with varying widths. All lots meet the requirements of the requested rezoning "R-4" District. <p>Staff Recommendation</p> <p>Based upon the findings below, regarding the proposed use, surrounding neighborhood, and plat, staff recommends approving the preliminary subdivision plat of Washington Subdivision with the following conditions:</p> <ol style="list-style-type: none"> Swales meeting all City Department of Public Works and Utility Department specifications, as well as those outlined in Chapter 31, shall be installed to control stormwater. A park fee shall be submitted to the City of Stevens Point in the amount as indicated in the most recent fee schedule. Additional minor grammatical errors on the plat, identified by staff, shall be corrected. A developer's agreement shall be drafted outlining the conditions of approval and other applicable requirements. Objections from reviewing agencies shall be satisfied before the plat is recorded.
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6. The plat shall conform to the provisions of Chapter 20 of the Revised Municipal Code and Chapter 236 of the Wisconsin Statutes. All applicable permits from Portage County, the Wisconsin Department of Natural Resources, the City, and any other authorizing agencies shall be obtained.
7. A final plat per Chapter 20, Subdivision Control Ordinance shall be submitted and reviewed by the Plan Commission and Common Council within six (6) months of the preliminary plat approval date, conforming to the provisions of Chapter 20 and Chapter 236 of the Wisconsin Statutes.

Vicinity Map



Background

Bill Pritchard is proposing to subdivide two existing lots on Saint Paul Street into three single family lots, upon which he would construct three single family homes. A subdivision plat is required because he subdivided two adjacent lots into four lots. The creation of five or more lots within five years requires a subdivision plat. The Plan Commission reviewed a conceptual plan of the subdivision in March upon which a majority spoke against requiring sidewalks along Saint Paul Street or Regent Street. Shortly after the March Plan Commission meeting, the conceptual subdivision was also

reviewed by the City’s Bicycle and Pedestrian Advisory Committee which motioned to recommend the installation of sidewalks along all street frontages within the subdivision.

Lot details vary amongst lots (see attached plat). The property is zoned “R-4” multiple-family 1 residence district which permits single family. The applicant recently developed lots west of the subdivision into two duplexes, four zero-lot line duplexes.

Major subdivision plats shall be reviewed by the Plan Commission, and approved by the Common Council. Major subdivisions are defined as:

(12) "Subdivision" is a division of a lot, parcel or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development, where:

236.02(12)(a) The act of division creates 5 or more parcels or building sites of 1 1/2 acres each or less in area;
or

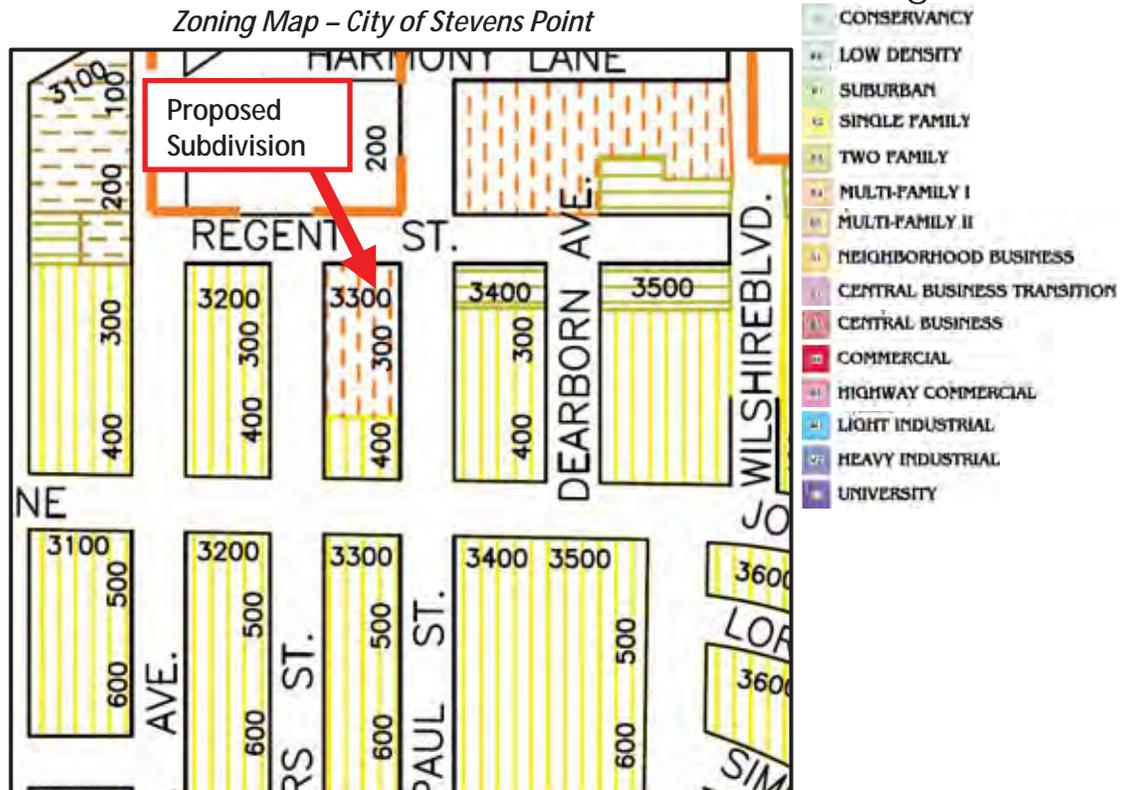
236.02(12)(b) Five or more parcels or building sites of 1 1/2 acres each or less in area are created by successive divisions within a period of 5 years.

Standards of Review

- 1) **The proposed subdivision or land division shall be compatible with adjacent land uses and shall maintain the general land use pattern of the area in question.**

Analysis: The property is zoned “R-4” Multiple-Family Residence District, which permits single family residences. Lots within the vicinity of the development vary greatly in size. Furthermore, uses within the vicinity differ as well. The following are the current City zoning classifications and uses of adjacent properties:

Direction	Zoning	Use
North	County Zoning = “C-3” Commercial District	Commercial (office/storage), multi-family apartments
South	“R-2” Single Family Residence District	Single Family homes, institutional use
East	“R-2” Single Family Residence District “R-3” Single and Two Family Residence District “R-4” Multiple-Family 1 Residence District	Single Family homes, vacant lots, Institutional use,
West	“R-2” Single Family Residence District	Zero-Lot Line Duplexes , Single Family Homes



Findings: The area primarily consists of residential single family uses, and the proposed single family residential use is conducive to existing uses. The area is unique in that the town of Hull is directly north, where intense commercial uses exist. Furthermore, a nearby single family development exists eastward with several vacant lots slated for development.

- 2) The proposed subdivision or land division shall result in a development pattern which is compatible with surrounding developments and land uses. Measures of compatibility shall consider at least but not limited to lot sizes, traffic generation, access, noise and visual features.

Analysis: Lot sizes within the subdivision vary between 10,000 and 12,000 square feet. Access to the three lots will likely occur on Saint Paul Street.

Findings: As stated above, the lot sizes match those within the neighborhood and should not negatively affect adjacent land use and development. Single family homes should visually complement the neighborhood. Other pertinent zoning requirements are met.

- 3) The proposed subdivision or land division and the resulting development shall not demonstrably adversely affect the City's ability to provide future public utilities, install future public improvements or accomplish future annexations. The Plan Commission may consider annexation agreements with the property owner in order to comply with this requirement. The Plan Commission may also consider whether the City and Town(s) have reached an agreement on necessary public improvements and public services facilities required to serve the development.

Analysis: The subdivision is infill development where utilities currently exist to serve the proposed lots. Furthermore, access to the lots will be taken via driveways along Saint Paul Street. The City's adopted Bicycle and Pedestrian Plan does not specifically recommend sidewalks along Saint Paul Street or Regent Street.

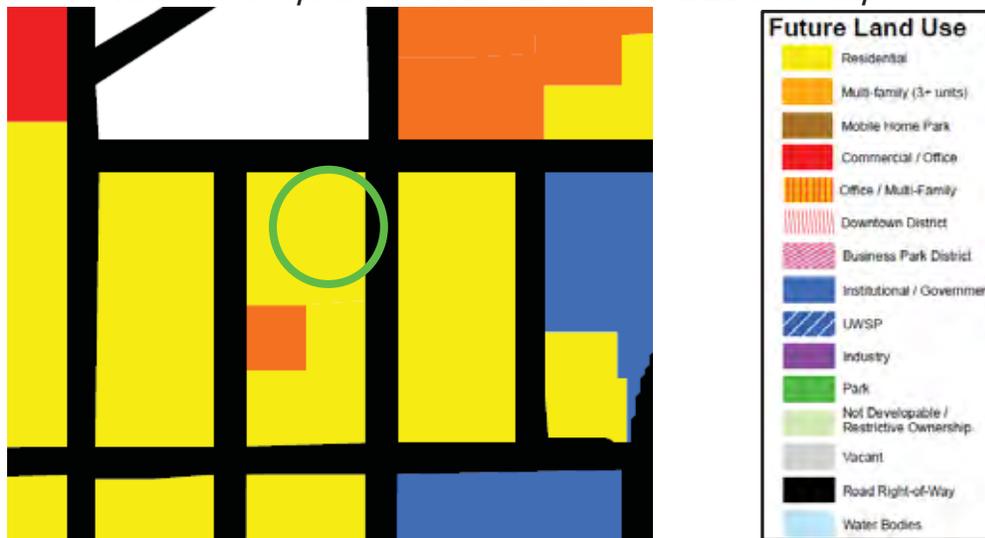
Findings: The subdivision does not adversely affect the City’s ability to provide future improvements to the area. Staff would recommend swales be installed along the frontage of each lot to adequately handle Stormwater. The recently adopted Portage County Bicycle and Pedestrian Plan does not recommend sidewalks on Saint Paul Street in front of the proposed lots. Given the surrounding uses and developments, required sidewalks along the proposed lots would lead to nowhere. It is unlikely for sidewalks to be installed in the near future along Regent Street given the higher intense uses and municipal boundary. Furthermore, any sidewalks to the south would have to extend nearly 300 feet on one developed residential property before reaching Jordan Lane which is also unlikely.

- 4) The proposed subdivision or land division shall comply with one of the following:
- a. The proposed subdivision or land division shall represent infilling of vacant land. Infilling is defined as a subdivision or land division which will accommodate the development of vacant land located such that surrounding existing land uses render the land impractical for any but similar uses.
 - b. The proposed subdivision or land division shall provide permanent open space lands for use by the general public in conformance with the adopted Parks and Open Space Plan for Portage County, Wisconsin, the City of Stevens Point adopted Parks and Open Space Plan or the City’s other adopted Comprehensive Plan elements. The permanent open space lands shall be accessible and open for use by the general public.

Analysis: The subdivision is infill development, as existing development surrounds the property. The development creates three lots within a dense residential area. The City’s Comprehensive Plan identifies the future use of the area as residential development.

Findings: This standard is met.

2005 Stevens Point Comprehensive Plan – Extraterritorial Land Use Map



Based on the findings above, staff would recommend approving the preliminary subdivision plat with the conditions also found above.



APPLICATION FOR SUBDIVISION APPROVAL

(Pre-Application Conference Required)

ADMINISTRATIVE SUMMARY (Staff Use Only)

Application #		Date Submitted	3/24/16	Fee Required	170.00	Fee Paid	170.00
Associated Applications (if any)	-	Assigned Case Manager	Kyle Keems				
Pre-Application Conference Date	-	Major Subdivision	<input type="checkbox"/>	Minor Subdivision	<input checked="" type="checkbox"/>		

APPLICANT/CONTACT INFORMATION

APPLICANT INFORMATION		CONTACT INFORMATION (Same as Applicant? <input checked="" type="checkbox"/>)	
Applicant Name	Washington Const. Inc	Contact Name	
Address	5456 Cardinal Dr.	Address	
City, State, Zip	Stevens Point, WI 54482	City, State, Zip	
Telephone	715 576 7211	Telephone	
Fax		Fax	
Email	pritchard@charter.net	Email	

OWNERSHIP INFORMATION

PROPERTY OWNER OF RECORD 1 INFORMATION (Same as Applicant? <input checked="" type="checkbox"/>)		PROPERTY OWNER OF RECORD 2 INFORMATION (if Needed)	
Owner's Name		Owner's Name	
Address		Address	
City, State, Zip		City, State, Zip	
Telephone		Telephone	
Fax		Fax	
Email		Email	

PROJECT SUMMARY

Subdivision Name		Former Subdivision Name (if any)	
Area of Subject Property (Acres/Sq Ft)		Proposed Number of Lots	
Project Address:			
Parcel 1 - Assessor's Parcel ID Number	Parcel 2 - Assessor's Parcel ID Number (if needed)	Parcel 3 - Assessor's Parcel ID Number (if needed)	
Current Use of Subject Property	vacant		
Proposed Use of Subject Property	3 single family detached		
Designated Future Land Use Category	Current Zone District(s)		
residential	R4		
Is there an associated request for a Zoning Map Amendment? If yes provide the application Number?			
Number of Residential Units Proposed	Proposed Gross Residential Density	Commercial Space Proposed Sq. Ft.	
3			
Common Open Space Proposed Sq. Ft.	Primary Open Space Designations (Cluster)	Secondary Open Space Designation (Cluster)	

Source of Utilities:		Streets Created or Extended as part of Subdivision? If Yes What Types?	
Water	existing	Sewer	existing
Number of Each Type of Building and Individual Units		Proposed Density (Units/Acre)	
Single-Family House	3		
Attached House (duplex)			
Row House (Number of Units)			
Apartment (Number of Units)			
Commercial Building			
Mixed Use Building (number of residential units)			
Industrial Building			
Civic Building / Institutional			
Open Lot			

Describe land use and the development proposed for the subject property. Include the time schedule (if any) for development. (Use additional pages if necessary)

3 detached single family residential

Current Zoning Surrounding Subject Property			
North:	Town of Hull	South:	R2
East:	R2 R2	West:	R4
Current Land Use Surrounding Subject Property			
North:	Commercial	South:	Residential
East:	Residential	West:	Residential

EXHIBITS (MAJOR SUBDIVISION)

Owner Information Sheet	<input type="checkbox"/>	Additional Exhibits If Any (List):
Letter to District Alderperson	<input checked="" 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"/>	
Parking Plan (Location, number of spaces, reductions, and design and landscaping)	<input type="checkbox"/>	
Open Space Plan if Cluster Subdivision	<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"/>	

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
<i>W. P. ...</i>	3/24/16	<i>W. P. ...</i>	3/24/16

PRELIMINARY PLAT OF WASHINGTON SUBDIVISION

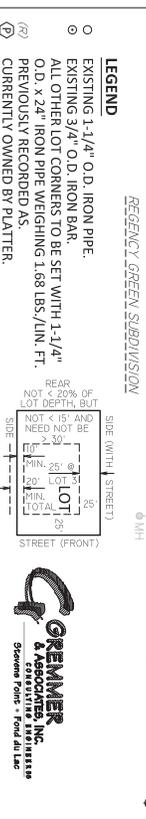
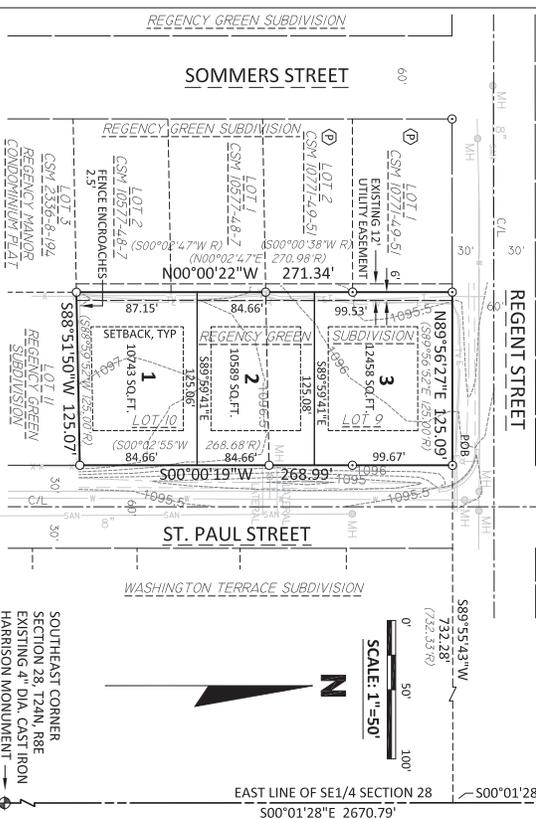
BEING A RE-DIVISION OF LOTS 9 AND 10 OF REGENCY GREEN SUBDIVISION, LOCATED IN THE NE1/4-SE1/4 OF SECTION 28, TOWNSHIP 24 NORTH, RANGE 8 EAST, CITY OF STEVENS POINT, PORTAGE COUNTY, WISCONSIN

OWNER: WASHINGTON CONSTRUCTION, INC.
 420 BILL PRITCHARD
 5436 CARDINAL DRIVE
 STEVENS POINT, WI 54482

OWNER: UNPLATTED LANDS OWNED BY OTHERS
 VIMING HOLDING, INC.

SURVEYED BY: GRENMER & ASSOCIATES, INC.
 120 WILSHIRE BLVD. NORTH
 STEVENS POINT, WI 54481

EAST QUARTER CORNER SECTION 28, T24N, R8E
 EXISTING 4" DIA. CAST IRON HARRISON MONUMENT
 X 206915.09
 Y 172114.87



LEGEND

- EXISTING 1-1/4" O.D. IRON PIPE.
- EXISTING 3/4" O.D. IRON BAR.
- ALL OTHER LOT CORNERS TO BE SET WITH 1-1/4" O.D. X 24" IRON PIPE WEIGHING 1.68 LBS./LIN. FT. PREVIOUSLY RECORDED AS CURRENTLY OWNED BY PLATTER.

NOTES

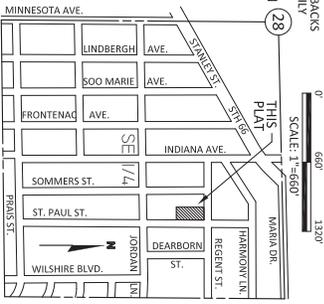
ALL DIMENSIONS MEASURED AND SHOWN TO THE NEAREST HUNDREDTH OF A FOOT. ALL ANGLES MEASURED TO THE NEAREST SECONDS AND COMPUTED TO THE NEAREST SECOND.

PROPOSED LOTS ARE ZONED R-4 MULTIPLE-FAMILY.

PROPOSED STORM DRAINAGE TO EXISTING CITY SEWER AND WATER.

THE FOLLOWING MAY BE REQUIRED: SWALES MEETING ALL CITY DEPARTMENT OF PUBLIC WORKS AND UTILITY DEPARTMENT SPECIFICATIONS, AS WELL AS THOSE OUTLINED IN CHAPTER 31, SHALL BE INSTALLED ON ALL SIDES OF THE DEVELOPMENT TO CONTROL STORMWATER.

BEARINGS REFERENCED TO THE EAST LINE OF THE SE1/4 OF SECTION 28, T24N, R8E, RECORDED TO BEAR 500°01'28"E, BEING A GRID BEARING REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, PORTAGE COUNTY, MAD83(2011).



SURVEYOR'S CERTIFICATE

I, David L. Roberts, Professional Land Surveyor, hereby certify:

That in full compliance with the provisions of Chapter 236, Wisconsin Statutes and the Subdivision Regulations of the City of Stevens Point, and under the direction of Washington Construction, Inc., owner, I have surveyed, divided and mapped WASHINGTON SUBDIVISION, and that such plat correctly represents all exterior boundaries and the subdivision of the land surveyed, and is a re-division of Lots 9 and 10 of Regency Green Subdivision, which includes part of the "expansion area" of Regency Manor Condominium Plat and amendments, located in part of the Northeast 1/4 of the Southeast 1/4 of Section 28, Township 24 North, Range 8 East, City of Stevens Point, Portage County, described as follows:

Lots 9 and 10 of Regency Green Subdivision, more particularly described as: Commencing at the east quarter corner of said Section 28, thence 500°01'28"E along the east line of said Section 28, 752.03 feet; thence 589°55'43"W, 732.28 feet to the northeast corner of Regency Green Subdivision; and the point of beginning; thence 500°00'19"W along the west line of Saint Paul Street, 268.99 feet to the southeast corner of said lot 10; thence 588°51'50"W, 125.07 feet to the southwest corner of said lot 10; thence 500°00'22"W along the west line of said lots 9 and 10, 271.34 feet; thence 189°56'27"E along the south line of Regent Street, 125.09 feet to the point of beginning. Said parcel contains 33,790 square feet or 0.776 acre, more or less.

Dated this 23TH day of MARCH, 2016.

David L. Roberts
 Professional Land Surveyor S-1725



CORPORATE OWNERS CERTIFICATE

Washington Construction, Inc., a corporation duly organized and existing under and by virtue of the laws of the state of Wisconsin, as owner, does hereby certify that said corporation caused the land described on this plat to be surveyed, divided, and mapped as represented on this plat.

Washington Construction, Inc., does further certify that this plat is required to be submitted to the following for approval or objection:

City of Stevens Point
 Department of Administration, Plat Review

In witness whereof, the said Washington Construction, Inc. has caused these presents to be signed by William Pritchard, its president, and countersigned by William Pritchard, its secretary at Stevens Point, Wisconsin, and its corporate seal to be hereunto affixed on this _____ day of _____, 2016.

In the presence of:

Washington Construction, Inc.
 _____ President

Countersigned:
 _____ Secretary

STATE OF WISCONSIN)
 PORTAGE COUNTY) SS

Personally came before me this _____ day of _____, 2016, William Pritchard, president, and William Pritchard, secretary of the above-named corporation, to me known, and to the person who executed the foregoing instrument, and to me known to be such president and secretary of said corporation, and acknowledged that he executed the foregoing instrument as such officers as the deed of said corporation, by its authority.

Notary Public, _____ Wisconsin
 My commission _____

CONSENT OF CORPORATE MORTGAGEE

Farmers and Merchants Bank, a corporation duly organized and existing under and by virtue of the laws of the state of Wisconsin, mortgagee of the above-described land, does hereby consent to the surveying, dividing, and mapping of the land described on this plat, and does hereby consent to the above certificate of Washington Construction, Inc.

In witness whereof, the said Farmers and Merchants Bank has caused these presents to be signed by James Judd, its president, and countersigned by Jessica Adamski, its secretary, at Rudolph, Wisconsin, and its corporate seal to be hereunto affixed this _____ day of _____, 2016.

In the presence of:

Farmers and Merchants Bank
 _____ President
 _____ Secretary
 _____ Date

STATE OF WISCONSIN)
 COUNTY) SS

Personally came before me this _____ day of _____, 2016, James Judd, president, and Jessica Adamski, secretary of the above-named corporation, to me known to be the persons who executed the foregoing instrument, and to me known to be such president and secretary of said corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of said corporation, by its authority.

Notary Public, _____ Wisconsin
 My commission _____

CERTIFICATE OF CITY TREASURER

STATE OF WISCONSIN)
 PORTAGE COUNTY) SS

I, Cory Laidick, being the duly elected, qualified and acting City Treasurer of the City of Stevens Point, do hereby certify that the records in my office, there are no unpaid taxes or unpaid special assessments as of _____ on any of the land included in the plat of WASHINGTON SUBDIVISION.

Date _____ City Treasurer

COUNTY TREASURER'S CERTIFICATE

STATE OF WISCONSIN)
 PORTAGE COUNTY) SS

I, Stephanie Stokes, being the duly elected, qualified and acting treasurer of the County of Portage, do hereby certify that the records in my office show no unredeemed tax sales and no unpaid taxes or special assessments as of _____ affecting the lands included in the plat of WASHINGTON SUBDIVISION.

Date _____ County Treasurer

COMMON COUNCIL APPROVAL CERTIFICATE

Be it resolved that the plat of WASHINGTON SUBDIVISION in the City of Stevens Point is hereby approved by the Stevens Point Common Council.

Mayor, City of Stevens Point

I hereby certify that the foregoing is a copy of a resolution adopted by the Common Council of the City of Stevens Point, WI.

Clerk, City of Stevens Point _____ Date _____

Plan Staff

Community Development

City of Stevens Point

1515 Strongs Avenue

Stevens Point, WI 54481

Ph: (715) 346-1567 • Fax: (715) 346-1498



Memo

To: Plan Commission

From: Plan Staff

CC:

Date: 4/25/2016

Subject:

Request from the City of Stevens Point to rezone 24 properties within and on the fringe of the downtown from M-1 Light Industrial District to B-2 Central Business Transition District.

Request from the City of Stevens Point to rezone five properties within and on the fringe of the downtown from B-4 Commercial District to B-3 Central Business District.

Request from the City of Stevens Point to rezone one property within and on the fringe of the downtown from B-4 Commercial District to B-2 Central Business Transition District.

Request from the City of Stevens Point to rezone three properties within and on the fringe of the downtown from M-1 Light Industrial District to C Conservancy District.

Request from the City of Stevens Point to rezone one property within and on the fringe of the downtown from B-3 Central Business District to B-2 Central Business Transition District.

Request from the City of Stevens Point to rezone one property within and on the fringe of the downtown from R-4 Multiple Family I Residence District to B-2 Central Business Transition District.

Request from the City of Stevens Point to rezone one property within and on the fringe of the downtown from R-5 Multiple Family II Residence District to B-2 Central Business Transition District.

A few months ago, staff began examining rezoning several properties on the fringe of downtown. This examination of rezoning stemmed from previous high intensity uses and zoning that existed within downtown, however are mainly non-existent today. Specifically, several manufacturing uses historically existed within and on the fringe of downtown, and thus were zoned industrial/manufacturing (M-1 and M-2) accordingly. Now that the majority of uses have ceased and/or been transformed, a more appropriate zoning classification should be designated to ensure neighboring uses are compatible and not injurious to each other. A specific district was created within the City's zoning ordinance for such purpose, Central Business Transition District (B-2). The B-2 District acts as a transition district from higher intense uses to lower intense uses. A change in zoning from the manufacturing districts to B-2 will allow for denser development, requiring a smaller minimum lot size, and smaller setbacks which fits well within the downtown. Permitted and conditional uses are typically less when down zoning occurs, however a less intense zoning will assist in protecting the downtown characteristics, along with residential aesthetics. Furthermore, the proposed zoning changes are consistent with our comprehensive plan. Lastly, in some instances, a change in zoning may make an existing nonconforming structure or property, conforming or more conforming.

Property owners were previously notified of this examination and invited to an open house and presentation held on Wednesday, March 16, 2016 at 7:00 PM at Mid-State Technical College, to provide feedback on the rezoning and obtain further information. Approximately ten property owners or concerned citizens were in attendance. Questions were few, however pertained to property uses, densities, and land value changes. Based upon the feedback gathered from those attending the open house, and from citizen's feedback provided via other means, the City has elected to introduce the rezoning for action at the Plan Commission meeting. Again the property owners and surrounding properties were notified of the Public Hearing that will be held at Plan Commission.

In summary, a total of 24 residentially-used properties are proposed to be rezoned from M-1 Light Industrial District to B-2 Central Business Transition District, along with five commercially-used properties rezoned from B-4 Commercial District to B-3 Central Business District. Seven additional properties are proposed to be rezoned from either B-4, M-1, B-3, R-4 Multiple-Family 1 Residence District, or R-5 Multiple-Family 2 Residence District to either C Conservancy District or B-2. A total of 36 properties are recommended for rezoning (see full list below).

Staff is recommending the rezoning of the 36 properties identified in the map below and attached list.



Existing Zoning (Zoning Examination - Red Outline)



Proposed Zoning (Zoning Examination - Red Outline)



	Parcel Number	Name	Property Address	Existing Zoning	Proposed Zoning
1	281240832200201	LAYNE E COZZOLINO	1000 Union St.	M1	B2
2	281240832200605	JOEL A TOWEY	701 Portage St.	M1	B2
3	281240832200401	COMMUNITY DEV AUTHORITY OF STEVENS PT	1000 Third St.	M1	B2
4	281240832200111	1001 UNION LLC	1001 Union St.	M1	B2
5	281240832200402	CITY OF STEVENS POINT	941 Portage St.	M1	B2
6	281240832200501	KIM L KRAYECKI	0 Portage St.	M1	B2
7	281240832200418	BELKE LUMBER & MFG CO INC	1013 Second St.	M1	B2
8	281240832200405	SAVED FROM SCRAP LLC	1009 Second St.	M1	B2
9	281240832200404	KIM L KRAYECKI	1001 Second St.	M1	B2
10	281240832200502	GUYMAR PROPERTIES LLC	801 Portage St.	M1	B2
11	281240832200112	SUSAN CARROLL REVTRUST	1009 Union St.	R4	B2
12	281240832200206	RON HANSON LLC	1008 Union St.	M1	B2
13	281240832200505	YME CAFE LLC	1009 First St.	B4	B2
14	281240832200113	DANIEL KIEFFER	1017 Union St.	M1	B2
15	281240832200414	ERIC BELKE C/O JAMES J BELKE	1016 Third St.	M1	B2
16	281240832200506	CITY OF STEVENS POINT	0 Centerpoint Dr.	M1	B2
17	281240832200910	WI PUBLIC SERVICE	1111 Crosby Ave.	B4	B3
18	281240832200712	CITY OF STEVENS POINT	1017 Crosby Ave.	B4	B3
19	281240832200408	CITY OF STEVENS POINT	916 Centerpoint Dr.	M1	B2
20	281240832200137	ELODIN HOLDINGS LLC	1220 Briggs Ct.	M1	B2
21	281240832200409	JEROME S & P RASCHKA	1105 Second St.	M1	B2
22	281240832200507	JEFFREY J & CHRISTY THOMPSON	1101 First St.	B3	B2
23	281240832200413	CITY OF STEVENS POINT	0 Third St.	M1	B2
24	281240832200115	PATRICIA HERMAN	1035 Union St.	M1	B2
25	281240832200116	13 INVESTMENTS LLC	1043 Union St.	M1	B2
26	281240832200417	COMMUNITY DEV AUTHORITY OF STEVENS PT	0 Centerpoint Dr.	M1	B2
27	281240832200419	CITY OF STEVENS POINT	0 Second St.	M1	B2
28	281240832201111	CITY OF STEVENS POINT	0 Main St.	B4	B3
29	281240831101317	CONSOLIDATED WATER POWER CO	0 W Clark St.	M1	C
30	281240831101305	JANE M GOUDREAU	157 W Clark St.	M1	B2
31	281240831101326	ROBERT D MOODIE	133 & 165 W Clark St.	M1	B2
32	281240832201112	CITY OF STEVENS POINT	0 Crosby Ave.	B4	B3
33	281240832200136	COMMUNITY DEV AUTHORITY OF STEVENS PT	1300 Briggs Ct.	R5	B2
34	281240831101302	CITY OF STEVENS POINT	0 West Clark St.	M1	C
35	281240831101301	CITY OF STEVENS POINT	0 West Clark St.	M1	C
36	281240832200911	CITY OF STEVENS POINT	0 Water St.	B4	B3



Memo

Plan Staff

Community Development

City of Stevens Point

1515 Strongs Avenue

Stevens Point, WI 54481

Ph: (715) 346-1567 • Fax: (715) 346-1498

To: Plan Commission
From: Plan Staff
Date: April 25, 2016
Subject: Amending Chapter 23 of the Revised Municipal Code, Zoning Ordinance, specifically Subsection 23.02(2)(b) and 23.02(2)(c), B-2 and B-3 Commercial Zoning Districts, to remove parking stall requirements for all uses.

Downtown parking has been exempt or zero for all uses within the B-3 Downtown Business District. Any parking constructed or reconstructed however must meet the applicable dimensional and screening standards of the zoning ordinance. In reviewing the ordinance, staff would like to clear up some of the language and modify one of the districts. Within the zoning ordinance, each individual table within each district section typically references Section 23.01(14) regarding parking. When reviewing 23.01(14), specifically section 23.01(14)(d)(5), the following is stated:

5) *Designated Downtown*

No parking is required in a designated downtown area. Where parking is provided, it must meet the dimensional standards of this Zoning Code

Two years ago, a rezoning occurred of the Church Street and Park Street area, near the railroad underpass. Several properties were rezoned to B-3 Central Business District, given their small lot size, limited setbacks, and other characteristics resembling downtown. Based on the above language it may cause some confusion for this area. Therefore, below staff has recommended an amendment to clarify the exemption from parking ratios.

In addition to the B-3 district, staff is recommending exemption from parking ratios in the B-2 Central Business Transition District. This district is situated on the fringes of downtown, and several properties have been requested for this rezoning classification which will significantly increase the amount of properties zoned B-2. Furthermore, the rezoning adequately utilizes the rezoning classification to buffer the downtown from the residences. Given the proximity and use of this zoning designation near the dense downtown, removing parking stall ratios for all uses seems appropriate and conducive to the downtown zoned B-3 Central Business District. It is important to maintain the density on the fringe of downtown, as well as to match the neighborhood aesthetics and characteristics. Also, public parking lots exist on the fringe of downtown to assist in providing off-site parking for existing business or redevelopment. Therefore, exemptions from parking ratios within both districts are recommended below in each performance standard table.

Zoning Ordinance (Section 23.02(2)(b))

4) Minimum Performance standards for the "B-2" District:

"B-2" CENTRAL BUSINESS TRANSITION DISTRICT: (CBD Transition)

USE	LOT AREA AND DENSITY	LOT WIDTH	HEIGHT OF STRUCTURE	SIDE YARD	STREET SETBACK	REAR YARD	PARKING	AREA OF STRUCTURE
Permitted Uses	<p>2,650 Sq. Ft. Lot area/ground floor unit plus an additional 50 sq.ft. /bdrm.</p> <p>870 sq.ft. Lot area/above ground floor unit plus an additional 50 sq.ft./bdrm.</p> <p>770 sq.ft. Lot area/unit above 2nd floor having balcony plus an additional 50 sq.ft./bdrm.</p> <p>2,000 sq.ft. Of lot area/person not a member of the resident family in developments with 1-4 units. In no case shall a dwelling have less lot area than 10,000 sq.ft.</p>	40 ft. - 60 ft. For corner lots	<p>35 ft.</p> <p>A greater height is permissible with a fire prevention system approved by the Fire Dept. And C.D. Dir.</p>	0 ft. - 10 ft. if yard abuts residence district	5 ft.	10 ft.	<p>Per 23.01(14)</p> <p>Parking stall ratios exempt - 0 for all uses.</p> <p>All other pertinent requirements in 23.01(14) shall apply.</p>	<p>0</p> <p>More restrictive State codes would apply.</p>
All other permitted uses	5,000 sq. Ft.							
Cond. Use	As set by the Plan Commission and City Council.							

Zoning Ordinance (Section 23.02(2)(c))

4) Minimum Performance standards for the "B-3" District:

"B-3" CENTRAL BUSINESS DISTRICT (CBD):

USE	LOT AREA AND DENSITY	LOT WIDTH	HEIGHT OF STRUCTURE	SIDE YARD	STREET SETBACK	REAR YARD	PARKING	AREA OF STRUCTURE
Permitted Uses	<p>2650 sq.ft. Lot area per ground floor unit plus additional 50 sq.ft. Per bedroom</p> <p>870 sq.ft. Lot area per above ground floor unit plus an additional 50 sq.ft. Per bedroom</p> <p>770 sq.ft. Lot area per unit above 2nd floor having a balcony plus an additional 50 sq.ft. Per bedroom</p> <p>Dwellings shall have a minimum lot area of 8,000 sq.ft.</p>	0	35 ft. - 85 ft. If fire prevention system approved by fire dept.	0	0	0	<p>Per 23.01(14)</p> <p>Parking stall ratios exempt - 0 for all uses.</p> <p>All other pertinent requirements in 23.01(14) shall apply.</p>	0
Permitted businesses	0	20 ft.		0	0	0	0	0
All other permitted uses								
Conditional Uses	As set by the Plan Commission and City Council.							



Memo

Plan Staff

Community Development

City of Stevens Point

1515 Strongs Avenue

Stevens Point, WI 54481

Ph: (715) 346-1567 • Fax: (715) 346-1498

City of Stevens Point – Department of Community Development

To: Plan Commission

From: Plan Staff

Date: 4/26/2016

Re: Amending the Official Street Map of the City of Stevens Point to extend Worth Court south to Clem's Way.

With the construction of Skyward's corporate headquarters on E.M. Copps Drive, a traffic impact analysis (TIA) was done at the intersection of E.M. Copps Drive and County Road R due to the increased amount of expected traffic. The TIA revealed that the intersection referenced above cannot support signals given the grade over the railroad overpass. Therefore, City staff has pursued extending Worth Court south to intersect with Clem's Way where signals exist at the intersection of County Road R. The extension and Certified Survey Map for the new right-of-way have been approved by Common Council. Therefore, the City's Official Street map needs to be amended to include the extension. See the attached map and ordinance. Staff would recommend approving the amendment to the official street map.

**ORDINANCE AMENDING THE REVISED MUNICIPAL CODE
OF THE CITY OF STEVENS POINT**

The Common Council of the City of Stevens Point do ordain as follows:

SECTION I: That the Official Street Map and Extraterritorial Street Map of the City of Stevens Point be amended by adding the following described street:

Worth Court

Extending south that part of Worth Court 66 feet wide to the intersection of Clems Way more particularly described as follows and depicted on attached Exhibit "A":

Said Street located in the Southeast Quarter of the Northeast Quarter of Section 2, Township 23 North, Range 8 East, City of Stevens Point, Portage County, Wisconsin described as follows:

*Commencing at the east quarter corner of said Section 2; thence North 01 degree 52 minutes 15 seconds West along the east line of said Northeast Quarter of Section 2 a distance of 378.72 feet to the easterly extension of the north right-of-way line of Clems Way; thence South 89 degrees 37 minutes 14 seconds West along said easterly extension and said north right-of-way line 643.07 feet to the **point of beginning**; thence continuing along said north right-of-way line South 89 degrees 37 minutes 14 seconds West 66.02 feet to the southeast corner of Lot 1 of Portage County Certified Survey Map Number (PCCSMN) 8780-36-10; thence North 01 degree 52 minutes 46 seconds West along the east line of said Lot 1 a distance of 262.80 feet; thence northeasterly 150.80 feet along the arc of a 213.00 foot radius curve, tangent with the last described course, center to the east, the chord bears North 18 degrees 24 minutes 09 seconds East 147.67 feet; thence northwesterly 104.00 feet along the arc of a 147.00 foot radius curve, tangent with the last described course, center to the west, the chord bears North 18 degrees 24 minutes 57 seconds East 101.85 feet to the southeast corner of Lot 1 of PCCSMN 10688-48-118; thence North 01 degree 51 minutes 10 seconds West along the east line of said Lot 1 a distance of 177.97 feet; thence North 88 degrees 11 minutes 22 seconds East 66.00 feet to the east right-of-way line of Worth Court and the southeast corner of Lot 2 of PCCSMN 7838-29-118; thence South 01 degree 51 minutes 10 second East 177.92 feet; thence southwesterly 150.70 feet along the arc of a 213.00 foot radius curve, tangent with the last described course, center to the west, the chord bears South 18 degrees 24 minutes 57 seconds West 147.58 feet; thence southeasterly 104.07 feet along the arc of a 147.00 foot radius curve, tangent with the last described course, center to the east, the chord bears South 18 degrees 24 minutes 09 seconds West 101.91 feet; thence South 01 degree 52 minutes 46 seconds East 264.53 to the **point of beginning** and there terminating.*

SECTION II: The City Clerk shall file a copy of the ordinance with the Register of Deeds of Portage County, Wisconsin.

SECTION III: This ordinance shall take effect upon passage and publication.

APPROVED: _____
Mike Wiza, Mayor

ATTEST: _____
John Moe, City Clerk

Dated:

Passed:

Published:

RETURN TO: Stevens Point City Clerk
Drafted by P. Fuehrer, City Engineering



Memo

Michael Ostrowski, Director

Community Development

City of Stevens Point

1515 Strongs Avenue

Stevens Point, WI 54481

Ph: (715) 346-1567 • Fax: (715) 346-1498

mostrowski@stevenspoint.com

To: Plan Commission
From: Michael Ostrowski
CC: Common Council
Date: 2/20/2016, updated 3/30/2016
Subject: Property Maintenance Code

Please bring your copy of the International Property Maintenance Code that was previously provided to you. The information below was provided to you last month.

Copyright Notice: "2015 International Property Maintenance Code, International Code Council, Inc., Washington, D.C. Reproduced with permission. All rights reserved. www.iccsafe.org."

Enclosed in your packet is a copy of the International Code Council's 2015 International Property Maintenance Code (IPMC). Please note this code is being reproduced with the written consent of the International Code Council (ICC). No further reproductions or modifications can take place. This code is being supplied to you in hard copy format only, to comply with the copyright provision. This code will not be available online as part of the Plan Commission packet. Two copies of this code exist at Stevens Point City Hall (one at the Clerk's Office and one at the Community Development Department), as well as an electronic version of the 2012 version can be viewed on the ICC's website: <http://publiccodes.cyberregs.com/icod/ipmc/>.

This code would essentially replace Chapter 21 (Building and Premises Maintenance and Occupancy) of the Revised Municipal Code of the City of Stevens Point. In summary, the International Property Maintenance Code would govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment, and exterior property within the City of Stevens Point. The current code, Chapter 21, has not been updated for some time and it is important to make sure our ordinances are as clear as possible. Furthermore, there are a number of areas where the current code is silent. This can present difficulties in enforcing and working with property owners to correct such violations.

With the IPMC, local municipalities can adopt the code and make local amendments to it, as not all standards within the IPMC would apply to each jurisdiction. In addition, we can also include additional standards and clarifications.

My intent at the March meeting is to get you familiar with the code and the proposed local amendments and to identify any further changes. From there we would look at having a public hearing on the ordinance amendment in April or May, depending on the comfort level of the Commission moving forward.

Upon the conclusion of this process, I will need all of the hard copies returned to me.

If you should have any questions or concerns regarding this item, please do not hesitate to contact me

to discuss.

Thank you.

Below are the proposed draft local amendments:

101.1 Title.

Replace with: These regulations shall be known as the *Property Maintenance Code of the City of Stevens Point*, hereinafter referred to as "this code."

102.3 Application of other codes.

Replace with: Repairs, additions or alterations to a structure, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the *Building Code, Electrical Code, and Plumbing Code*. Nothing in this code shall be construed to cancel, modify or set aside any provision of the *Zoning Code*.

102.7 Referenced codes and standards.

Repeal

SECTION 103 DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

Replace with: DEPARTMENT OF COMMUNITY DEVELOPMENT

103.1 General.

Replace with: The department of community development shall serve as the department overseeing this code and the building inspector and/or the code enforcement officer shall be known as the *code official*.

103.2 Appointment.

Replace with: The *code official* shall be the building inspector and/or the code enforcement officer.

103.3 Deputies.

Replace with: In accordance with the prescribed procedures of this jurisdiction, the *code official* shall have the authority to appoint a deputy(s). Such employees shall have powers as delegated by the *code official*.

103.4 Liability.

Replace with: The *code official*, member of the property maintenance appeals board or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent

law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

103.5 Fees.

Replace with: The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the most recently adopted fee schedule for the department of community development.

106.3 Prosecution of violation.

Replace with: Failure to comply with a notice of violation or order served in accordance with Section 107 may result in criminal or civil penalty.

106.4 Violation penalties.

Replace with: Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws, including a fine of one-hundred dollars (\$100.00) and not more than five-hundred dollars (\$500.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense. Nothing in this section shall limit the remedies available to the *City* in seeking to enforce the provisions of this code.

106.5 Abatement of violation.

Replace with: The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal *occupancy* of a building, structure or *premises*, or to stop an illegal act, conduct, business or utilization of the building, structure or *premises*. Should the *owner* fail to abate the violation within the timeframe provided, the *code official* shall order crews to abate such violation, and the actual costs of the same, including administrative, labor, overhead, bookkeeping, mileage, and incidentals, shall be charged to the *owner*. Failure of the *owner* to pay the related charges within thirty (30) days will result in the charges being entered on the tax roll as a special charge against said *premises* pursuant to the provisions of Section 66.0627 of the Wisconsin Statutes for collection and settlement under Chapter 74 of the Wisconsin Statutes.

107.2 Form.

Replace with: Such notice prescribed in Section 107.1 may be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *dwelling unit* or structure into compliance with the provisions of this code.

107.3 Method of service.

Replace with: Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Posted in a conspicuous place in or about the structure affected by such notice.
3. Sent by certified or first-class mail addressed to the last known address; or
4. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

Add: 107.7 Service charge. A service charge in the amount indicated in the most recently adopted fee schedule for the department of community development, may be levied against the *owner* for the inspection and preparation of any notice and order for correcting violations. In the event corrective action is not taken within the required time for compliance, or if the same or similar violation is committed on the property within a one (1) year calendar period, any subsequent notice or order may have a service fee levied against the *owner* in the amount indicated in the most recently adopted fee schedule for the community development department. Service charges that are not paid within thirty (30) days shall be entered on the tax roll as a special charge against said *premises* pursuant to the provisions of Section 66.0627 of the Wisconsin Statutes for collection and settlement under Chapter 74 of the Wisconsin Statutes. Service charges are independent of other penalties, and the payment of such service charges shall not relieve any person from complying with the requirements of this code or any other code adopted by the jurisdiction, or from any additional penalties proscribed herein.

108.1 General.

Replace with: When a structure or equipment is found by the *code official* to be unsafe, or when a structure is found unfit for human *occupancy*, or is found unlawful, such structure may be *condemned* pursuant to the provisions of this code.

108.2.1 Authority to disconnect service utilities.

Replace with: The *code official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code or any code adopted by the jurisdiction in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The *code official* shall notify the serving utility and, whenever possible, the *owner* or owner's authorized agent and *occupant* of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the *owner*, owner's authorized agent or *occupant* of the building structure or service system shall be notified in writing as soon as practical thereafter.

109.5 Costs of emergency repairs.

Replace with: Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction may institute appropriate action against the *owner* of the *premises* or owner's authorized agent where the unsafe structure is or was located for the recovery of such costs.

110.1 General.

Replace with: The *code official* shall order the *owner* or owner's authorized agent of any *premises* upon which is located any structure, which in the *code official's* or owner's authorized agent judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the *owner's* option; or where there has been a cessation of normal construction of any structure for a period of more than two (2) years, the *code official* shall order the *owner* or owner's authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond six (6) months, unless *approved* by the building official.

110.2 Notices and orders.

Replace with: 110.2 Adoption of codes and regulations. Section 66.0413 (Razing buildings) of the Wisconsin State Statutes, and any amendments thereto, is hereby adopted and made part of this code. The razing of buildings shall be done in accordance with Section 66.0413 (Razing buildings) of the Wisconsin State Statutes.

110.3 Failure to comply.

Repeal

110.4 Salvage materials.

Repeal

111.1 Application for appeal.

Replace with: Any person directly affected by a decision of the *code official* or a notice or order issued under this code shall have the right to appeal to the property maintenance appeals board, provided that a written application for appeal is filed within twenty (20) days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. The applicant must pay an appeal fee in the amount as indicated in the most recently adopted fee schedule for the department of community development. Shall such notice or order issued under this code be overturned by the board, the applicant shall be subject to a refund of the appeal fee.

111.2 Membership of board.

Replace with: The board shall consist of not less than three (3) members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not

employees of the jurisdiction. The *code official* shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed by the mayor, and shall serve three (3) year staggered and overlapping terms.

111.2.1 Alternate members.

Replace with: The mayor shall appoint not less than two (2) alternate members who shall be called by the board chairperson to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.

111.2.2 Chairman.

Replace with: 111.2.2 Chairperson. The board shall annually select one (1) of its members to serve as chairperson.

111.2.4 Secretary.

Replace with: The *code official* shall serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the department of community development.

111.3 Notice of meeting.

Replace with: The board shall meet upon notice from the chairperson, within twenty (20) days of the filing of an appeal, or at stated periodic meetings.

111.7 Court review.

Replace with: Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law.

112.4 Failure to comply.

Insert: one-hundred dollars (\$100.00) and five-hundred dollars (\$500.00)

Add:

SECTION 113 ORDER TO VACATE

113.1 Authority. Where a notice of violation and order to comply has been issued as herein provided and upon re-inspection at the end of the time specified for compliance it is found that the violation or violations have not been corrected, or at any time when required in accordance with the emergency procedure, the *code official* may order the entire building or structure, or the parts thereof affected by the continued violations, to be vacated in accordance with the following procedures:

113.1.1 Timeframe to vacate. The vacation shall be within a reasonable time as determined by the *code official*, but shall not to exceed sixty (60) days;

113.1.2 Securing. Vacated buildings shall have all outer doors, windows, or other openings securely boarded to prevent entry as outlined in section 108.2.

113.1.3 Posting. The building shall be posted with a placard under the provisions as outlined in section 108.4.

113.2 Habitation. Such buildings shall not be used for human habitation until all violations have been corrected and a written determination obtained from the *code official* that the building or structure complies with the provisions of this code.

201.3 Terms defined in other codes.

Replace with: Where terms are not defined in this code and are defined in the Building Code, Electrical Code, Fire Code, Plumbing Code, or the Zoning Code of the City of Stevens Point, or Chapters SPS 301-388 Wisconsin Administrative Code, such terms shall have the meanings ascribed to them as stated in those codes.

SECTION 202 GENERAL DEFINITIONS

Replace: APPROVED. Authorized by a relevant code and/or acceptable to the *code official*.

Add: APPROVED SURFACE. Permitted parking and/or storage spaces for all motorized or non-motorized vehicles, machinery, and equipment shall be made permanently available for such purposes and be surfaced with asphalt, bituminous, concrete or dustless material approved by the *code official*, and shall be maintained in a smooth, well-graded condition.

Add: ATTRACTIVE NUISANCE. All premises within the jurisdiction which cause the circumstance and/or condition that would reasonably attract any person and such circumstance and/or condition which may constitute a danger to the person(s). Attractive nuisances include, but are not limited to, unused or abandoned refrigerators, freezers or other such large appliances or equipment or any parts thereof; any structurally unsound or unsafe fence or building edifice; any unsecured or abandoned excavation pit, well, cistern, storage tank or shaft; any collection of scrap lumber, trash, vegetation or other similar items; or unattended machinery or equipment, unsecured, abandoned or vacant buildings, open and unattended vehicles or vehicle trunks, or other similar unguarded conditions or situations that would injure or cause injury to any person(s).

Add: BUILDING CODE. The adopted building code for the City of Stevens Point.

Add: CAR COVER. A cover that is specifically manufactured and commercially retailed for the purpose of covering a vehicle. This cover can be a cover designed for the specific vehicle or type of vehicle or may be designed for a generic vehicle. The cover must be completely opaque, conceal the vehicle entirely and be securely fastened at all times. Generic tarps are not a permitted car cover.

Add: CITY. The City of Stevens Point.

Add: DEBRIS. Remains of anything broken-down or destroyed; ruins; rubble including but not limited to scrap metals, building materials, plastic matter, vehicle matter, or any other similar matter or materials.

Add: DIRT AND FILTH. Dirt and filth means and includes, but is not limited to, floor, sidewalk, street and other surface sweepings; discards from vacuum cleaners; soot; ashes; matter removed from gutters and downspouts; accumulations of dust, residue from fire other than soot and ashes; hair from humans and animals; and all other discarded, unused and seemingly worthless goods and commodities not otherwise described in this chapter.

Add: DRIVEWAY. The driveway is the permitted surfaced roadway leading from the public right-of-way to a legal parking space.

Add: ELECTRICAL CODE. The adopted electrical code for the City of Stevens Point.

Replace: GARBAGE. Waste and residue from the preparation, cooking and dispensing of food, and from the handling, storage and sale of food and food products including, but not limited to, discarded food wrappings and containers, paper, plastic and metal products used or intended for use in connection with the storage, sale, preparation or "clean-up" relating to food items; egg shells; used coffee grounds; used tea bags; meat trimmings; entrails of animals, poultry or fish; offal; medical wastes including bandages, syringes, medicines, plaster or other casts; and decomposed putrid material; whether such items are alone or in combination with other materials.

Repeal: Inoperable Motor Vehicle.

Add: INOPERABLE VEHICLE. A vehicle, either motorized or non-motorized, and/or its parts which cannot be driven or operated upon the public streets for reasons including but not limited to being unlicensed, unroadworthy, wrecked, abandoned, or in a state of disrepair; except, vehicles specifically designed for off-road use and that are unlicenseable such as ATV's, snowmobiles, and dirt bike motorcycles, will not have their license status used to determine operability.

Add: JUNK. Scrapped, broken, or neglected items and materials. Junk includes items such as plastic, cloth, glass, rags, paper or metals that can be converted into usable articles or stock, or articles that have outlived their usefulness in their original form. Examples of "junk" include, but are not limited to, empty bottles and jars; empty metal, plastic or paper products; discarded engine or motor parts; automobile and truck parts of all descriptions; used tires, wheels and inner tubes; discarded batteries; cardboard; discarded and/or pre-used building materials; discarded and/or pre-used electrical and plumbing materials; broken pieces of concrete; discarded, broken, or neglected electrical, gas or hand-operated appliances; previously used packing materials; discarded, broken, or neglected household goods and furnishing; or any household item located outdoors that is designed for indoor use; as well as parts and pieces of any of the foregoing.

Add: LITTER. Tangible personal property which has been unlawfully scattered and/or abandoned in a public place or on private property, typically outdoors, as a form of solid waste – material which, if thrown or deposited, creates a danger to public health, safety and welfare. Litter is further defined as either hazardous, reusable-recyclable, non-hazardous, or non-usable material. Litter includes, but is not limited to, polystyrene foam, plastics, cigarette butts, candy and gum wrappers, paper towels, newspapers, food wastes, chip bags, aluminum and steel beer/soda cans, leather, rubber, clothing, textiles, wood, glass, metal, abandoned tires, vehicle parts, or other such debris that has fallen onto a public right-of-way as a result of negligent litter; litter from trash-hauling vehicles, unsecured loads, or construction sites.

Add: NOXIOUS WEEDS. Shall have the meaning as defined in Section 66.0407 of the Wisconsin State Statutes.

Add: PLANTING, PARKING STRIP. The area of the right-of-way between the constructed curb or edge of the roadway and the adjoining property line, exclusive of any improved sidewalk or any established pedestrian path.

Add: PLUMBING CODE. The adopted plumbing code for the City of Stevens Point.

Add: PUBLIC NUISANCE. A nuisance consists of doing an unlawful act, or omitting to perform a duty, or permitting an action or condition to occur or exist which intrudes, annoys, injures or endangers the comfort, repose, health or safety of others, is unreasonably offensive to the senses, or which interferes with or disrupts a neighbor's or citizen's ability to freely use or enjoy their properties or public property adjacent to where the nuisance occurs. Such nuisances include, but are not limited to, the following:

1. Unsecured *attractive nuisances*;
2. Conditions or acts which annoy, injure, or endanger the comfort, repose, health, or safety of others;
3. Conditions or acts which are offensive to the senses;
4. Conditions or acts which interfere with, obstruct, or tend to obstruct or render dangerous for passage any stream, public park, parkway, square, sidewalk, street, or highway and other rights-of-way in the city;
5. Illicit discharges into the municipal storm drainage system;
6. Unauthorized interference with, damage to, or polluting of designated habitat areas, publicly thereto;
7. Conditions or acts which obstruct the free use of property so as to essentially interfere with the comfortable enjoyment of life and property;
8. Conditions or acts which lead to blight and contribute to the deterioration of the neighborhood or adjoining property;
9. The improper parking or storage of vehicles on any residential lots which impedes the use of yard areas for light, air circulation, recreation, and landscaping; and
10. A violation of any city ordinance.

Add: PREMISES. Any building, lot, parcel, alley, real estate or land or portion of land whether improved or unimproved, including adjacent sidewalks, boulevards, parking strips and street.

Add: PUBLIC RIGHT-OF-WAY OR RIGHT-OF-WAY. "Right-of-way" means all real property owned or held by the city in fee, or by way of easement, or dedicated to the public and located within the city, and used or intended for use as a street, alley, sidewalk, public way or easement for public or private utilities, whether developed or undeveloped.

Add: PUBLICLY VISIBLE OR PUBLIC VIEW. Anything that can be seen by a person with normal vision from any sidewalk, street, alley or other public place, or from any building situated on an adjoining property.

Add: SCREENING/SCREENED. A permitted continuous solid fence, landscape planting of sufficient density that is not affected by seasonal change, a continuous wall, chain-link fence combined with commercially designed and manufactured fence slats rated at ninety percent (90%) plus sight obscuring or chain-link fence combined with commercially designed and manufactured privacy/windscreen material rated at ninety percent plus sight obscuring or combination thereof that is at least six (6) feet in height that would effectively screen a property from *public view* in which it encloses. Any dead or dying portion of the hedge shall be replaced. Fencing and screening materials must be maintained in good repair or replaced if worn or damaged. All gates leading into the enclosed area must also effectively screen the property and be kept closed. Where inoperable vehicle(s) within a screened area are visible from a neighboring structure, a car cover as defined herein, or a permitted temporary structure, must be used to further screen the vehicle. A covering/barrier such as a tarp or similar material is not permitted screening.

Add: TRASH AND WASTE. Trash and waste means, but is not limited to ashes; leaves; branches and trimmings from trees, shrubs and hedges; discarded Christmas trees; excrement and undigested residue of food eliminated by humans, animals, fish and birds; lawn, yard, garden, shrub and tree trimmings; garbage, junk and filth; discarded clothing of all descriptions; decayed or decaying materials of all kinds and descriptions; and insect-infested materials of all kinds and descriptions; whether such items are alone or in combination with other materials.

Replace: ULTIMATE DEFORMATION. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to eighty percent (80%) or less of the maximum strength.

Add: UNROADWORTHY. Any vehicle shall be deemed unroadworthy if such vehicle does not have all operational and safety-related components maintained in a manner that makes it legal and safe to operate on the public streets.

Add: VEHICLE. A vehicle includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, including but not limited to, automobiles, motorcycles, trucks, buses, motorized recreational vehicles, campers, travel trailers, boat trailers, utility trailers, or other similar devices capable of moving or being moved on public right-of-way, and shall also include parts of vehicles.

Add: WATERCRAFT. A watercraft means any boat, vessel, or other craft used for navigation on or through water. (Does not include kayaks or canoes).

Replace: WEEDS. All grasses, annual plants and vegetation, other than trees or shrubs; however, this term shall not include cultivated flowers and gardens. Natural plantings of native wild plants and accepted cultivars of wild plants are a recognized type of landscaping. These areas must be tended, cultivated in a manner consistent with natural plantings, and confined to a definite area.

Replace: YARD. Any open space on a lot or lots.

Add: ZONING CODE. The adopted zoning code for the City of Stevens Point.

302.1 Sanitation.

Replace with: *Exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* that such *occupant* occupies or controls in a clean and sanitary condition free of *junk, garbage, trash, rubbish, dirt and filth* or *waste*.

302.3 Sidewalks and driveways.

Replace with: Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions, or any vegetative growth.

Add:

302.3.1 Gravel driveways and parking areas. Gravel driveways and parking areas are required to be maintained with a minimum of three inches (3") of three-quarter inch (3/4") road gravel. Failure to maintain the proper state of repair will require gravel driveways and parking areas to either be removed, or to be reconstructed with an *approved surface* in an *approved* location.

Add:

302.3.2 Snow and ice removal. The *owner, occupant* or person in charge of any building or property fronting upon or adjoining any street, and the owner or person in charge of an unoccupied dwelling or lot fronting as aforesaid, shall clean the entire width of the sidewalk in front of or adjoining such building, or unoccupied lot or dwelling, which on corner lots shall include the sidewalk or ramps extending to the street, of snow and ice from such sidewalk and cause same to be kept clear of snow and ice, provided that when ice has formed on any sidewalk that it cannot be removed, the persons herein referred to shall keep the same sprinkled with salt or sand. In the event of a snow storm, accumulated snow shall be removed from the abutting sidewalk by the owner or occupant of any premises within twenty-four (24) hours after the snow ceases to fall, except on those streets or portions thereof where no boulevard is located, in which case snow shall be removed within forty-eight (48) hours. Due to the dangerous situation caused by snow and ice on sidewalks and ramps, no further notice beyond this code shall be required to be provided by the *City* for the abatement of such violation.

Should the *owner, occupant* or person in charge of any building or property fail to remove the snow and/or ice within the timeframe indicated above, the *code official* shall order crews to do

this work, and the actual costs of the same, including administrative, labor, overhead, bookkeeping, mileage, and incidentals, shall be charged to the *owner*. Failure of the *owner* to pay the related charges within thirty (30) days will result in the charges being entered on the tax roll as a special charge against said premises pursuant to the provisions of Section 66.0627 of the Wisconsin Statutes for collection and settlement under Chapter 74 of the Wisconsin Statutes.

No *owner, occupant, or person* shall place any snow or ice on or into any sidewalk, street, or alley without permission from the Director of Public Works.

302.4 Weeds.

Replace with: *Premises and exterior property* shall be maintained free from grasses, *weeds* or plant growth in excess of seven inches (7"). *Noxious weeds* shall be prohibited.

Add:

302.4.1 Adoption of codes and regulations. Section 66.0407 (Noxious weeds) and Section 66.0517 (Weed commissioner) of the Wisconsin State Statutes, and any amendments thereto, are hereby adopted and made part of this code.

Add:

302.4.2 Duty to destroy. Every *owner* shall destroy all *noxious weeds* on all lands within the *City*, including any terraces and/or ditches abutting said property.

Add:

302.4.3 Entry. The *code official* may enter upon any lands within the *City* upon which any of the *weeds* or *noxious weeds* growing, and cut or otherwise destroy them, without being liable to an action for trespass or any other action for damages resulting from such entry and destruction, if reasonable care is exercised in the performance of the duty hereby imposed. The *code official* may also authorize the mowing of any untended lawns.

302.7 Accessory structures.

Replace with: Accessory structures, including, but not limited to *detached* garages, fences and walls, shall be maintained structurally sound and in good repair. No structure shall be in a sagging, leaning, fallen, decayed or other dilapidated or unsafe condition.

302.8 Motor vehicles.

Replace with: 302.8 Motor vehicles/vehicles/watercraft. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle, vehicle, watercraft or parts thereof shall be parked, kept or stored on any premises, and no vehicle or watercraft shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth. Such

vehicles shall be declared to be *public nuisances* which shall be abated and removed as specified in this code; provided that this section shall not apply to the following:

1. A vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed auto wrecker or licensed vehicle dealer;
2. Any historic automobile, special interest vehicle or inoperable vehicle that is in the process of being restored; provided that all such vehicles and parts thereof which are not licensed or not operable shall be stored or parked within a building in a lawful manner where they are not publicly visible; or
3. A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and *approved* for such purposes. This work shall be performed in compliance with Section 302.12 and in accordance with the *Zoning Code*.

302.9 Defacement of property

Repeal

Add:

302.9 Vehicles and/or machinery parts. Except where permitted and licensed as a wrecking yard, all premises within the city shall be maintained free of the existence and maintenance of a storage area, junkyard or dumping ground for the wrecking or dismantling of automobiles, trucks, trailers, house trailers, boats, tractors or other vehicles or machinery of any kind, or for the storing or leaving of worn out, wrecked, inoperative or abandoned automobiles, trucks, trailers, house trailers, boats, tractors or other vehicles or machinery of any kind or of any major parts thereof.

Add:

302.10 Vehicle parking/storage. Limitations on the parking of vehicles, boats, trailers, commercial and heavy commercial equipment.

302.10.1 Vehicles. Motor vehicles, or other vehicles not covered in this section, shall be parked or stored on an *approved* parking surface, shall not be parked in the required property setbacks and shall be in conformance with Chapter 23.01(14) of the Revised Municipal Code.

302.10.2 Recreational vehicles, boats, trailers. Recreational vehicles, boats, and trailers shall be parked or stored on an *approved* parking surface, shall not be parked or stored in required property setbacks and shall be in conformance with Chapter 23.01(14) of the Revised Municipal Code.

302.10.3 Machinery and equipment. Machinery and equipment shall be parked, kept or stored on an *approved* parking surface, shall not be parked or stored in required

property setbacks and shall be in conformance with Chapter 23.01(14) of the Revised Municipal Code.

302.10.4 Truck tractors, semi-trailers and commercial equipment. Truck tractors, as defined in Section 340 (Vehicles) of the Wisconsin State Statutes, or similar commercial equipment, shall not be parked or stored in residentially zoned areas, on residential property in other zones, or on sites that have not been permitted, improved and *approved* for such use. This requirement shall not apply to the parking or storage of agricultural machinery on residential premises to be used for agricultural use allowed by the *Zoning Code* or when equipment is used in conjunction with a permitted or allowed project. These vehicles shall be parked or stored on an *approved surface* outside of required property setbacks.

Add:

302.11 Vehicle and equipment repair on residential premises. Servicing, repairing, assembling, modifying, restoring, or otherwise working on any vehicle on any residential premises shall be subject to the following:

302.11.1 Occupant or occupant's family. Work shall be limited to the repair and maintenance of vehicles, equipment, or other conveyance currently registered to the *occupant* or a member of the *occupant's* family.

302.11.2 Approved areas. Work is limited to the *approved* parking surface or garage or approved accessory structure; at no time can repairs be made on the lawn, sidewalk, planting strip or the street.

302.11.3 Minor repairs. Only minor repairs such as an oil change, tire repair, small parts change, or minor routine maintenance may be performed outside of a garage or *approved* accessory structure and only then on an *approved* parking surface. The associated vehicle(s) in which such minor repairs exceed seven (7) days shall be moved inside of a building that meets applicable code and zoning requirements or be properly *screened* from *public view* and parked on an *approved surface* outside of property setbacks.

302.11.4 Nuisance. Work which creates a nuisance shall not be permitted.

Add:

302.12 Dangerous trees. All premises within the city shall be maintained free of any dead, diseased, infested or dying tree that constitutes a danger to street trees, streets, alleys or sidewalks.

Add: 302.13 Obscured public facilities. All premises within the city shall be maintained free of any object blocking, vine or climbing plants growing into, onto or over any street, tree growing within a *public right-of-way* or any public hydrant, utility meter, pole, street light, utility device, street sign or public facility or device; or the existence of any uncontrolled, uncultivated or

untended shrub, vine or plant growing on, around or nearby any hydrant, standpipe, sprinkler system connection or any other appliance or facility provided for fire protection purposes in such a way as to obscure the view thereof or impair the access thereto.

302.13.1 Overhanging trees and shrubs. Every property owner having any tree or shrub overhanging any street, alley or *right-of-way* within the city shall prune the branches so that such branches shall not interfere with the unobstructed use of the street, alley, sidewalk or *right-of-way* or obstruct the view of any street intersection. Trees and shrubs overhanging the street and alley shall be pruned to allow a minimum fourteen foot (14') clearance above the entire surface of the street or alley. Trees and shrubs overhanging the sidewalk and/or *right-of-way* shall be pruned to allow a minimum eight foot (8') clearance above the entire sidewalk surface and/or *right-of-way* to the adjoining property line. No person shall, without a written permit of the City Forester cut, prune, rake, climb, injure or remove any living tree in any *public right-of-way*, park, planting/parking strip or other public place in the city.

Add:

302.14 Privies, vaults, cesspools, etc. All premises within the city shall be maintained free of any privies, vaults, cesspools, sumps, pits, trenches or like places which create a dangerous condition or are not securely protected from flies and rats, or which are foul or malodorous.

Add:

302.15 Outdoor wood storage. Outdoor wood and firewood shall be neatly stacked not to exceed four feet (4') in height, shall be adequately supported so as not to pose a hazard to person or property, and shall not be placed in any setback or other restricted area on the property in which it is being stored.

Add:

302.16 Accumulation of dangerous materials. All premises within the city shall be maintained free of the existence of any accumulation of materials, substances or objects in a location when the same endangers property, health, safety or constitutes a fire hazard.

Add:

302.17 Open storage of materials and furnishings. No person shall openly store or keep, for a period of more than twenty-four (24) hours, any equipment, materials or furnishings; or any item that creates an unsightly condition or one that promotes urban blight or *public nuisance*. This may include, but is not limited to, indoor furniture, household appliances, auto parts, shopping carts or building materials.

Exception: Building materials neatly stacked and stored for no less than sixty (60) days for a construction project permitted with the city. The material must be weather protected, shall not be placed within property setbacks or placed in such a manner that would create a danger to property, health and/or safety.

Add:

302.18 Alley/Public right-of-way maintenance. The *owner* or *occupant*, or any person having the care or charge of any property that has alley access or an alley *right-of-way* easement, shall be responsible for maintaining that portion of the alley that fronts said property up to and including one-half (1/2) of the apparent alley centerline, and shall keep said alley or alley easement maintained in a clean, safe and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health, safety or welfare. *Public right-of-way* maintenance shall also include utility easements or *parking and/or planting strips*. Such blighting problems shall include, but are not limited to: overgrown trees, shrubs, vegetation, *weeds* and/or grasses; *garbage; junk; rubbish; dirt and filth; litter; trash; and waste*. This definition shall also include, but not be limited to, such items as couches, loveseats, chairs, mattresses, and other similar household furniture or appliances. Such items, if placed in any city alleyway or alley easement, shall be considered a *public nuisance* and abated within the time established by the *City* in accordance with Section 106.

Add:

302.19 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

Add:

302.20 Attractive nuisance. All premises within the city shall be maintained free of any accessible *attractive nuisance*.

Add:

302.21 Unsafe conditions. No *owner, occupant, or operator* of a building, building unit, or premise, shall suffer, permit, or allow any condition which may be dangerous to children because of their inability to appreciate peril and may reasonably be expected to attract them to the premises.

303.2 Enclosures.

Replace with: Private swimming pools, hot tubs and spas, containing water more than twenty-four inches (24") in depth shall be completely surrounded by a fence or barrier not less than forty-eight inches (48") in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is not less than fifty-four inches (54") above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six inches (6") from the gatepost. No existing pool

enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Pools, spas or hot tubs with a safety cover that complies with ASTM F1346 shall be exempt from the provisions of this section.

304.1.1 Unsafe conditions.

Replace with: The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *Building Code: keep all original subsections in 2015 International Property Maintenance Code*

304.2 Protective treatment.

Replace with: Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Tarp or similar materials used for weather protection shall not exceed thirty (30) days. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

304.3 Address identification.

Replace with: Buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position to be visible from the street or road fronting the property, and at the rear of the property if there is an improved alley. Additionally, structures not fronting a public street or an alley shall also have approved numbers placed at the front and back of the building so as to be plainly visible from points as determined by the *code official*. Address identification characters shall contrast with their background. Address numbers shall be Arabic numerals or alphabetical letters. Numbers shall not be spelled out. Each character shall be a minimum of four inches (4") in height with a minimum stroke width of one-half inch (0.5"). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained and not be sight obscured.

304.7 Roofs and drainage.

Replace with: The roof and flashing shall be sound, tight and not have defects that admit rain. Tarp or similar materials used for weather protection shall not exceed thirty (30) days. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior

portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a *public nuisance*.

Add:

304.13.3 Storm or thermal windows. During the period from November 1 to March 31, every window and other outside opening required for ventilation shall be equipped with a storm window or be a thermal window.

304.14 Insect screens.

Replace with: During the period from April 1 to October 31, every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum sixteen (16) mesh per inch, and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

304.15 Doors.

Replace with: Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition and weather tight. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

305.1.1 Unsafe conditions.

Replace with: The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *Building Code: keep all original subsections in 2015 International Property Maintenance Code*

306.1.1 Unsafe conditions.

Replace with: Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the *Building Code: keep all original subsections in 2015 International Property Maintenance Code*

307.1 General.

Replace with: Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than twenty-four inches (24") above the floor or grade below shall have *guards*. Handrails shall be not less than thirty inches (30") in

height or more than thirty-eight inches (38") in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. *Guards* shall be not less than thirty-six inches (36") in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: *Guards* shall not be required where exempted by the adopted building code.

SECTION 308 RUBBISH AND GARBAGE

Replace with: SECTION 308 RUBBISH, GARBAGE AND RECYCLABLE MATERIALS

308.1 Accumulation of rubbish and garbage.

Replace with: 308.1 Accumulation of rubbish, garbage and recyclable materials. *Exterior property and premises*, and the interior of every structure, shall be free from any accumulation of *rubbish, junk, trash, dirt and filth, waste, garbage*, recyclable materials, or miscellaneous materials that appear unsightly.

308.2 Disposal of rubbish.

Replace with: Every *occupant* of a structure shall dispose of all *rubbish, junk, trash, dirt and filth, waste, garbage* or recyclable materials in a clean and sanitary manner by placing such *rubbish, junk, trash, filth, waste, garbage* or recyclable materials in *approved* containers, or by taking it to an *approved* disposal facility.

308.2.1 Rubbish/garbage storage facilities. The *owner* of every occupied premises shall maintain *approved* covered containers for *rubbish, junk, trash, dirt and filth, waste, garbage* or recyclable materials, and the owner of the premises shall be responsible for the removal of *rubbish, junk, trash, dirt and filth, waste, garbage* or recyclable materials from the premises.

308.2.2 Dangerous and/or discarded appliances. Refrigerators, household appliances, and similar equipment shall not be discarded, abandoned or stored on any *premises* within the city.

308.3.2 Containers.

Replace with: The *operator* of every establishment producing garbage shall provide, and at all times cause to be utilized, *approved* leakproof containers provided with closefitting covers for the storage of such materials until removed from the *premises* for disposal. Containers shall not be stored within the street yard setback area, except on collection days, or if they are properly *screened* from public view. Containers shall be readily accessible for removing and emptying the same shall be placed no sooner than 6:00PM the day before collection to 11:59PM the day of collection.

Add:

308.4 Disposal of recyclable materials. Every *occupant* of a structure shall dispose of recyclable materials in a clean and sanitary manner by placing such materials in *approved* material containers.

308.4.1 Containers. The *operator* of every establishment producing recyclable materials shall provide, and at all times cause to be utilized, *approved* leakproof containers provided with closefitting covers for the storage of such materials until removed from the *premises* for disposal. Containers shall not be stored within the street yard setback area, except on collection days, or if they are properly *screened* from public view. Containers shall be readily accessible for removing and emptying the same shall be placed no sooner than 6:00PM the day before collection to 11:59PM the day of collection.

Add:

308.5 Rubbish and garbage exceptions. The following shall not be a violation of this section.

1. Compost piles less than four feet (4') in height and six feet (6') in diameter at ground level, and twenty feet (20') or more from any adjacent dwelling, and six feet (6') or more from adjoining properties.
2. Storm debris within thirty (30) days following a storm event.
3. Construction residue and debris during and for fourteen (14) days following completion of work.
4. Fallen leaves, tree needles, tree fruit and similar vegetation, during the months of October through April, inclusive.

401.3 Alternative devices.

Replace with: In lieu of the means for natural light and *ventilation* herein prescribed, artificial light or mechanical *ventilation* complying with the *Building Code* shall be permitted.

402.1 Habitable spaces.

Replace with: Every *habitable space* shall have not less than one window of *approved* size facing directly to the outdoors or to a court. The minimum total glazed area for every *habitable space* shall be eight percent (8%) of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than three feet (3') from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exceptions:

1. Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining

room shall be not less than eight percent (8%) of the floor area of the interior room or space, but a minimum of twenty-five (25) square feet. The exterior glazing area shall be based on the total floor area being served.

2. Habitable rooms, other than bedrooms, located in basements or ground floors do not require natural light.

403.1 Habitable spaces.

Replace with: Every *habitable space* shall have not less than one openable window. The total openable area of the window in every room shall be equal to not less than three and one-half percent (3 ½%) of the floor area of such room.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be not less than eight percent (8%) of the floor area of the interior room or space. The *ventilation* openings to the outdoors shall be based on a total floor area being ventilated.

404.3 Minimum ceiling heights.

Replace with: *Habitable spaces*, hallways, corridors, laundry areas, *bathrooms*, *toilet rooms* and habitable *basement* areas shall have a minimum clear ceiling height of seven feet(7') .

All habitable rooms, kitchens, hallways, bathrooms and corridors shall have a ceiling height of at least seven feet (7'). Habitable rooms may have ceiling heights of less than seven feet (7') provided at least fifty percent (50%) of the room's floor area has a ceiling height of at least seven feet (7'). Beams and girders or other projections shall not project more than eight inches (8") below the required ceiling height.

Exceptions:

1. In one- and two-family dwellings, beams or girders projecting a maximum of eight inches (8") below the required ceiling height.
2. *Basement* rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a minimum ceiling height of six feet-eight inches (6'-8") with a minimum clear height of six feet-four inches (6'-4") under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a minimum clear ceiling height of seven feet (7') over not less than one third (1/3) of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of five feet (5') shall be included.

404.4. Room area.

Replace with: 404.4.1 Bedroom area. Every bedroom shall contain not less than seventy (70) square feet and every bedroom occupied by more than one (1) person shall contain not less than fifty (50) square feet of floor area for each occupant thereof.

404.5 Overcrowding.

Replace with: For each occupant in a dwelling unit, at least one-hundred twenty five (125) square feet of floor area shall be provided.

404.5.1 Sleeping area.

Repeal

404.5.2 Combined areas.

Repeal

502.2 Rooming houses.

Replace with: Not less than one water closet, lavatory and bathtub or shower shall be supplied for each eight (8) *occupants*.

502.5 Public toilet facilities.

Replace with: Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the *Plumbing Code*. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during *occupancy* of the *premises*.

505.1 General.

Replace with: Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an *approved* private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the *Plumbing Code*.

602.2 Residential occupancies.

Replace with: Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 70°F in all habitable rooms, *bathrooms* and *toilet rooms*.

602.3 Heat supply.

Replace with: Every *owner* and *operator* of any building who rents, leases or lets one (1) or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from November 1 to March 31 to maintain a minimum temperature of seventy degrees Fahrenheit (70°F) in all habitable rooms, *bathrooms* and *toilet rooms*.

602.4 Occupiable work spaces.

Replace with: Indoor occupiable work spaces shall be supplied with heat to maintain a minimum temperature of sixty-eight degrees Fahrenheit (68°F) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

604.3.1.1 Electrical equipment.

Replace with: Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water and damaged shall be replaced in accordance with the provisions of the *Building Code* and *Electrical Code*.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement: *keep all original subsections in 2015 International Property Maintenance Code*

604.3.2.1 Electrical equipment.

Replace with: Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the *Building Code*.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

702.1 General.

Replace with: A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the *public way*. Means of egress shall comply with the *Fire Code*.

702.2 Aisles.

Replace with: The required width of aisles in accordance with the *Fire Code* shall be unobstructed.

702.3 Locked doors.

Replace with: Means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *Building Code*.

704.1 General.

Replace with: Systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the *Fire Code*.

704.2.4 Smoke detection system.

Replace with: Smoke detectors listed in accordance with UL 268 and provided as part of the building's fire alarm system shall be an acceptable alternative to single- and multiple-station smoke alarms and shall comply with the following:

1. The fire alarm system shall comply with all applicable requirements of the *Fire Code*.
2. Activation of a smoke detector in a dwelling or sleeping unit shall initiate alarm notification in the *dwelling* or *sleeping unit* in accordance with the *Fire Code*.
3. Activation of a smoke detector in a *dwelling* or *sleeping unit* shall not activate alarm notification appliances outside of the *dwelling* or *sleeping unit*, provided that a supervisory signal is generated and monitored in accordance with the *Fire Code*.