

AGENDA
CITY PLAN COMMISSION

Monday, July 2, 2012 – 6:00 PM
Lincoln Center – 1519 Water Street, Stevens Point, WI 54481

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

Discussion and possible action on the following:

1. Report of the June 4, 2012 Plan Commission meeting.
2. Request from Wisconsin Public Service to obtain multiple utility easements on City property at **2442 Sims Avenue and 933 Michigan Avenue (Parcel ID 2408-33-2001-05)**.
3. Request from John and Carol Lawlis for an approximate 1248 square feet accessory structure, which exceeds the 900 square feet requirement at **1331 Westmore Court (Parcel ID 2408-14-3002-09)**.
4. Request from John and Carol Lawlis for a conditional use permit to renovate their detached garage into a second living space at **1331 Westmore Court (Parcel ID 2408-14-3002-09)**.
5. Request from Perry Piotrowski to amend the conditional use permit relating to the landscaping for parking lot screening at **940 Maria Drive (Parcel ID 2408-29-2400-11)**.
6. Request from Hilltop Pub and Grill for a sign variance to allow a free standing sign that exceeds 20 feet in height to be located at **4901 Main Street (Parcel ID 2408-34-1400-09)**.
7. Zoning Code Rewrite - Article 1 - General and Article 2 - Code Components, with the potential removal of Articles 3 - Natural and 4 - Rural.
8. Zoning Code Rewrite - Review:
 - Article 5: Suburban Context
 - Article 6: Urban Context
 - Article 7: Center Context
 - Article 8: Special Context
9. Adjourn.

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, TDD# 346-1556, or by mail at 1515 Strongs Avenue, Stevens Point, WI 54481.

PUBLISH: June 29, 2012 and July 6, 2012

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Common Council of the City of Stevens Point, Portage County, Wisconsin, will hold a Public Hearing on Monday, July 16, 2012 at 7:00 PM in the Council Chambers of the County-City Building, 1516 Church Street, Stevens Point, Wisconsin, to hear the following:

- 1) Request from John and Carol Lawlis for a conditional use permit to renovate their detached garage into a second living space at 1331 Westmore Court (Parcel ID 2408-14-3002-09). This property being zoned "R-LD" Residential Low Density District, and described as LOT 8 CSM#5461-20-32 & A BNG PRT N1/2 SW S14 T24 R8 SUBJ TO REST COV 744/146, City of Stevens Point, Portage County, Wisconsin.
- 2) Request from Perry Piotrowski to amend the conditional use permit relating to the landscaping for parking lot screening at 940 Maria Drive (Parcel ID 2408-29-2400-11). This property being zoned "R-4" Multiple Family I Residence District, and described as A PRCL 225 1/2' E & W BY 258 1/4' N & S BNG PRT OF THAT PRT OF S 1/2 NW 1/4 LYG E OF HWY 51 AS DES IN 205/204 & 30' WIDE ING/EGR ESMT DESC 765075 S29 T24 R8 1.34A 642/231 559958-60 692289-91 740434.

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

All interested parties are invited to attend.

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

John Moe, City Clerk

REPORT OF CITY PLAN COMMISSION

Monday, June 4, 2012 – 6:00 PM

Lincoln Center

PRESENT: Mayor Andrew Halverson, Alderperson Jerry Moore, Commissioner Anna Haines, Commissioner Sarah O'Donnell, and Commissioner David Cooper. (Commissioner Tony Patton – excused)

ALSO PRESENT: Community Development Director Michael Ostrowski, Economic Development Specialist Kyle Kearns, Alderperson Logan Beveridge, Alderperson Joanne Suomi, Alderperson Mary Stroik, Alderperson Michael Phillips, Alderperson Jeremy Slowinski, Chief of Police Kevin Ruder, Assistant Chief of Police Tom Zenner, Brian Kowalski, Barb Jacob, Ward Wolff, Jason Glisczynski, Clair Goetsch, Steve Smith, Larry Cihlar, Tom Jakusz, Gary Hintz, Krystle Amble, Amanda Frausto, Tim Schertz, Damon Kozicki, Tim Zacher, LeRoy Cordy, Jordan Wojtalewicz, Brandon Wojtalewicz, Jim Billings, Attorney Maris Rushevics, Adolfo Melendez, Victor Cerone, Jose Muarillo, and Matthew Brown.

INDEX:

1. Reports of the May 7, 2012 and May 22, 2012 Plan Commission meetings.
 2. Conditional use permit renewal to operate taverns at the following:
 - 1009 Clark Street – Club Steel
 - 2525 Dixon Street – Point Bowl
 - 1324 Second Street – Lucky's Pub
 - 916 Maria Drive – Jimmy B's Parrot Club
 3. Conditional use permit renewal to operate a recycling center at **2608 Water Street – Express Recycling LLC. (Parcel ID 2308-05-1012-22).**
 4. Request from Jordan Wojtalewicz for a conditional use permit for the purposes of constructing a covered porch using the "R-TND" Traditional Neighborhood Development Overlay District minimum setback requirements at **1716 Oak Street (Parcel ID 2408-32-4003-09).**
 5. Request from Thomas Jakusz and Gary Hintz for a conditional use permit to operate an indoor archery range at **3260-74 Church Street (Parcel ID 2308-04-3008-06).**
 6. Request from Mid-State Technical College for a conditional use permit to operate a technical college on a portion of the property at **1201 Third Court (Parcel ID 2408-32-2029-51).**
 7. Request from the City of Stevens Point to rename the road known as Third Court to Third Street, and to name the portion of the remaining road from the end of Third Court north to Centerpoint Drive, Third Street.
 8. Conditional use permit renewal to operate a tavern at **2124 Rice Street – Players' Lounge (Parcel ID 2308-04-2006-03).**
 9. Adjourn.
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1. Report of the May 7, 2012 and May 22, 2012 Plan Commission meeting.
Motion by Alderperson Moore to approve the reports of the May 7, 2012 and May 22, 2012 meetings as presented; seconded by Commissioner Haines. Motion carried 5-0.
2. Conditional use permit renewals to operate taverns for the following:

- 1009 Clark Street – Club Steel
- 2525 Dixon Street – Point Bowl
- 1324 Second Street – Lucky’s Pub
- 9156 Maria Drive – Jimmy B’s Parrot Club

Mayor Halverson stated that we would address these conditional use renewals separately.

Director Ostrowski stated that the Steel Night Club is no longer operational and the building has been vacant for over a year. More importantly, the Steel Night Club has had several issues relating to legal violations, including: numerous noise complaints, disorderly conduct, thefts, and the sale/manufacturing of drugs. Given that the facility has not been operational for over a year and that the number of legal concerns with the former facility, staff would recommend not renewing the conditional use permit to operate a tavern at this time. If the current owners or new owners wish to seek a renewal at a later date, staff would recommend that a new plan for operation be submitted by the owners at that time.

Maris Rushevics, Attorney for the Steel Night Club, stated that Victor Cerone was unable to appear at the meeting on May 14, 2012 due to being in a car accident in April, which had him hospitalized and home bound while recovering. He stated that the business is not open at this time, but the owners do have plans for the business and building in the future. There are two issues, the conditional use permit and the liquor license. The owners are currently trying to sell the business and change the business format. The owners have made substantial renovations and have invested substantial money into the business since its purchase. They are here for the long haul and are residents of the community. Attorney Rushevics stated the owners are established businessmen in the area and they want to promote Central Wisconsin, and want to promote Stevens Point. He stated he did meet with Chief Ruder some time ago, and had a good meeting with the City regarding the activities that were going on outside of the business. The owners recognize that this congregating caused concerns and the owners wanted to do what they could to help with those issues. Attorney Rushevics said that the owners have a concern regarding the letter received and the recommendation that is being made by staff, specifically the legal concerns. He pointed out that the business was closed January 2011 and the violations are not recent. In addition, the liquor license was renewed unconditionally last summer. Attorney Rushevics said at the time of the meeting with Chief Ruder, all legal concerns were addressed, and there were never any issues of anybody manufacturing drugs or selling drugs. He also wanted to point out that the business closed for legitimate business reasons, and the owners are here to address why.

Ward Wolff, realtor of the property, stated that he has had the business up for sale for a year or so and the owners are being very aggressive in the sale as well as willing to take a large loss to have the property sold. There has been substantial interior restoration including the electrical and ADA bathrooms. The original business model didn’t quite work as planned and the owners are looking for a new entrepreneur to take over the business.

Adolfo Melendez, owner of business, stated that the letter stating manufacturing of drugs hurt his family deeply. He did address issues with the Police Department every time there was an issue and would take the recommendations that were given. He stated at this point they have taken a big loss on the property and is currently working on the property himself because of not being able to afford contractors. Mr. Melendez stated that they are trying to sell the business, but without a liquor

license, he does not think it will be worth it. He stated that the rumors of drugs have hurt the business, but that the issues with the noise have been addressed.

Police Chief Ruder stated that he had met with the owners many times and they have been cooperative with the Police Department. The problem is that when they first came up with this business in 2008 they took the occasion to talk with him, and had spoke about a fine dining establishment, unfortunately their business plan changed dramatically. They ended up having all you can drink specials toward the end of their operation. We had lots of fights, and the climate was a night club with lots and lots of people. In reference to the sale or manufacturing of drugs, Chief Ruder stated that on a number of occasions officers spoke with persons who were loitering outside of the building, and talking with the people who were involved in these disturbances and many were from Rockford and Milwaukee. An officer asked as to why they come up to Stevens Point, one of the thoughts was maybe there was the selling of drugs inside the place. On September 12, 2010 an undercover officer purchased two tablets of Ecstasy in the facility. Chief Ruder stated that he could go on about the number of assaults they have had, but the most serious in his opinion was September 5, 2010 where an officer was assaulted with a large crowd. In a quote read from an officers email sent to Chief Ruder "The Steel is turning into a butcher shop, it's basically they have huge crowds of people there that are either kicked out or emptied out into the street and either the fight began inside the place or finished on the outside of the place."

Jose Muarillo stated that he knows Victor and Adolfo personally and is here to speak on their character. He stated that they are extremely hard working and are respectful of the laws. Mr. Muarillo stated that alleged circumstances of the items in the staff report about the manufacturing of drugs and the fights are out of the owners' control, and if they did happen, then why weren't they addressed before. He said the owners' are hardworking and are working on a better business model. Holding a building without the liquor license would be a great detriment to them and the community as a whole.

Mayor Halverson asked Chief Ruder of the exact day of when the purchase of the Ecstasy occurred, to which Chief Ruder replied September 12, 2010. Mayor Halverson then asked when Steel Night Club closed operation. Chief Ruder said January 1, 2011.

Attorney Rushevics clarified that there is a conflict in the dates. The owners stated that the Steel Night Club closed March 30, 2011.

Commissioner Haines asked for clarification on how the conditional use permit is related to the liquor license. Director Ostrowski stated that the conditional use and liquor license are separate. The liquor license is under the review of the Public Protection Committee and as well as the Common Council. The conditional use permit is going to deal with impacts to the surrounding neighborhood, adjacent businesses and that is what we are dealing with tonight. The liquor license will be another matter. Taverns require a conditional use to operate within the City of Stevens Point, and you also need a liquor license to operate as well.

Commissioner O'Donnell asked if this property currently holds a liquor license, to which Director Ostrowski stated yes they do, but it is up for review this year.

Mayor Halverson stated that the liquor license process is handled through the Public Protection Committee but most of the administration of the license itself relates to state law and how it is regulated by the state. The conditional use process is ultimately a municipally-centric process for us

to determine what the impact will or will not be of an establishment on the adjacent properties. The conditional use standards that are laid out need to be met in order for the conditional use process to move forward. So we are looking at issues such as noise, traffic, and disturbances. This is where you see the Police Department on both sides of those issues with the license and/or with the conditional use. Obviously, there is a great deal of information that says while this facility was in operation there was a lot of concern from the Police Department in terms of reports that are of grave concern to us in what happened before, and more than likely what either could have already changed in the amount of time that they have had the license and the conditional use permit. There becomes a period of time that the City has to decide based on what we know had existed and they had a great deal of time to also re-write their overall business model. If history is any indication of what will or will not go on, either nothing will go on because there has been a great deal of time where nothing has happened either in terms of a sale, or in terms of a new business model that hopefully would have a lot less impact than what we have experienced in the past.

Commissioner Haines asked if the conditional use permit is for specifically to operate a tavern, and did we have any conditions on it in the past. Mayor Halverson answered that to operate a tavern in that zoning jurisdiction you need a conditional use permit. Director Ostrowski stated that no there were no conditions, and that is why in the staff report he recommended that at such time if a new tavern is proposed that we take a look at it at that time and place the appropriate conditions on it to address these types of concerns.

Mayor Halverson stated that one of the things we have seen is that issues may have very well happened, but they take care of them inside. The very existence of the nightclub is what sparks the issues that have poured on to the street and that we have had to deal with multiple times, such as the large amounts of people engaged in very questionable activity. That then puts a huge strain on law enforcement as well as the entire area for its overall safety and well-being.

Commissioner O'Donnell stated that if the business is not operating, it is a mute point. She stated that the property is not operating, it is for sale, and that she understands it may be more marketable if the liquor license is currently held with it, but there would be nothing preventing a potential future owner from coming before this body and asking the same thing.

Chief Ruder stated that we have expended lots of resources to deal with the Steel Night Club in the last three or four months of its operation. We have had to have manpower that was specifically stationed outside of the building at bar time, just do to deal with the traffic and the problems that we had. Chief Ruder stated that Mr. Melendez was very cooperative as far as doing the best that he could, he did have a music place come in to correct loud music issue, but it was just out of control at the end.

Commissioner Haines asked if the conditional use could be extended with conditions such as if the name changes, if it reopens, or if it is sold, and then the new owner can come in for a new conditional use. Mayor Halverson stated no, because given where we are right now, that would be a transfer of ownership process that really can't be assumed. Director Ostrowski clarified that the conditional use goes with the property, not the owner, so if a new owner comes in they take over that conditional use and continue to operate under those conditions. He stated he recommends non-renewal at this time and in the future if a new owner does come in and they want to open a tavern, they then would apply for a conditional use at that time.

Commissioner Cooper asked if we don't renew the conditional use, the liquor license is up for renewal next month, to which Mayor Halverson stated that there will be a hearing in front of the Common Council at a special meeting immediately after the Public Protection Committee meeting next Monday. Commissioner Cooper stated that in theory they revoke the liquor license because there is no conditional use, to which Mayor Halverson stated correct, but the liquor license is a separate act and would have to be dealt with separately. Mayor Halverson clarified that you can hold a liquor license and not have the ability to operate as a tavern if you don't have a conditional use. You can have one without the other, but generally they go together, but that is not necessarily the case. Director Ostrowski stated that there are businesses that have liquor licenses, but do not have a conditional use, for example a restaurant.

Attorney Rushevics clarified that if there was a new owner they would have to come before this body and ask for approval of the conditional use, but would that also apply to these current owners if they submitted a new business plan. Mayor Halverson answered that there are many permitted uses allowed within that zoning jurisdiction, as well as many conditional uses. If the proposed use was a conditional use under the zoning code, they could apply at that time. Mayor Halverson stated the question would then be the model, and what they are looking to do. If it is a tavern then that would automatically be a conditional use, of course as the agents and the owners, we would also look at the track record of what they have or haven't done in relationship to a tavern, but there would be a variety of other uses that could go on in that property the way it is zoned.

Motion by Commissioner O'Donnell to deny the conditional use permit renewal for the Steel Night Club, 1009 Clark Street; seconded by Mayor Halverson. Motion carried 5-0.

Mayor Halverson stated moving on to:
-2525 Dixon Street Point Bowl and
-1324 Second Street Lucky's Pub

Director Ostrowski stated that the next two, both Point Bowl and Lucky's Pub are both operating under a conditional use, they have both met their conditions and staff does not have any concerns with them, and would recommend renewal for a two year period.

Motion by Alderperson Moore to approve the renewal for conditional use permits for Point Bowl, 2525 Dixon Street, and Lucky's Pub, 1324 Second Street; seconded by Commissioner Cooper. Motion carried 5-0.

Mayor Halverson stated in reference to Jimmy B's 916 Maria Drive.

Director Ostrowski stated he had a conversation with the owner and he has indicated that he is no longer going to be using the exterior volleyball courts, so therefore, they no longer need a conditional use for that area, and there is no need to act on this at this time.

3. Conditional use permit renewal to operate a recycling center at **2608 Water Street – Express Recycling LLC. (Parcel ID 2308-05-1012-22).**

Economic Development Specialist Kyle Kearns stated that the property is zoned M-2 Heavy Industrial, and they need a conditional use to operate a solid waste transfer facility in that zoning district. They have been in operation at that facility since 2008 and their prior location was on

Francis Street. Staff has inspected the property to make sure they have met all the current conditions. The semi-truck trailer visible in the pictures was approved in 2007 with a screening plan approved for the metal refuse containers. Additionally, the aluminum can collection donation enclosure was allowed to exist with no screening. The facility is very clean and quiet after close, which illustrates professionalism and commitment to maintaining a very successful operation. Lastly, there have been no complaints in relation to the property or business in the last several years. For reasons mention above, staff would recommend approval of the renewal with the following conditions:

- Existing screening for exterior storage and refuse containers shall remain,
- Hours of operation would be from 10:00am to 4:00pm Monday – Friday and 9:00am to 1:00pm on Saturdays, and
- Conditional use to expire on June 30, 2014.

Damon Kozicki, 3320 Yvonne Drive, stated that he would like to modify the condition of renewal to every four or five years as opposed to every two years.

Barb Jacob, 1616 Depot Street, requested to have the conditional use renewed. She stated she lived in the area and at the time of their first request, she was very hesitant on having a recycling center in her neighborhood, but thinks it is fantastic and helpful in the neighborhood.

LeRoy Cordy, 2157 Rice Street, stated he has dealt with the business numerous times and feels they are an asset to the community and that they do a fantastic job.

Alderperson Moore asked if there was any reason not to extend them for four years, to which Director Ostrowski stated that it would be up to the Plan Commission and the Common Council, and it has been typically done for administrative purposes.

Mayor Halverson stated that the business track record has been extremely positive. He stated we were concerned at first, as it is an aggressive use in the M-2 Heavy Industrial, but was a holdover from years before. It is a great example of where good basic conditions that you can put on a property that is adhered to can really insulate the impact to the neighborhood.

Motion by Mayor Halverson to approve the Conditional Use permit renewal to operate a recycling center at 2608 Water Street – Express Recycling LLC with the conditions:

- **Screening of all storage on the exterior of the building.**
- **The roll-off container for scrap metal not be visible from Water Street.**
- **Existing screening for exterior storage and refuse containers shall remain.**
- **Hours of operation would be from 10:00 am to 4:00 pm Monday-Friday and 9:00 am to 1:00 pm on Saturdays.**
- **This Conditional Use shall expire on June 30, 2015.**

seconded by Commissioner O'Donnell.Motion carried 5-0.

4. Request from Jordan Wojtalewicz for a conditional use permit for the purposes of constructing a covered porch using the "R-TND" Traditional Neighborhood Development Overlay District minimum setback requirements at **1716 Oak Street (Parcel ID 2408-32-4003-09)**.

Director Ostrowski stated that Mr. Wojtalewicz is proposing to add a covered porch to the front, (south side) of his home facing Oak Street. The minimum street yard setback requirement is 25 feet in the R-3 district. However, Mr. Wojtalewicz is located within the Traditional Neighborhood Development (TND) Overlay District. The minimum street yard setback in the overlay district is 12 feet, as a conditional use. Mr. Wojtalewicz is requesting a conditional use to allow for a setback of 12'6". The porch will extend approximately 6'10" from the current home. The current home is setback approximately 19'4". The steps for the porch will extend from the front of the porch, towards the sidewalk. Staff would recommend approval with the following conditions:

- All necessary building permits shall be obtained for the proposed work.
- All R-TND setback requirements shall be met.

Motion by Mayor Halverson to approve the request for a conditional use permit for the purposes of constructing a covered porch using the "R-TND" Traditional Neighborhood Development Overlay District minimum setback requirements at 1716 Oak Street with the following conditions:

- **All necessary building permits shall be obtained for the proposed work.**
- **All R-TND setback requirements shall be met.**

Seconded by Alderperson Moore. Motion carried 5-0.

5. Request from Thomas Jakusz and Gary Hintz for a conditional use permit to operate an indoor archery range at **3260-74 Church Street (Parcel ID 2308-04-3008-06)**.

Director Ostrowski stated that Thomas Jakusz and Gary Hintz are requesting a conditional use permit for the purposes of operating an indoor archery range in a suite located in the shopping center at 3260-74 Church Street. The business will offer repair, maintenance, sale, training, and target practice associated with archery. Two archery ranges are proposed to occupy much of the rear, along with storage and bathrooms. Walls will divide the two archery ranges, of which one will be used only for blunt tipped arrows and the other for broad heads. The blunt tip range will display a projection at the far end to which a computer will accurately score shots. Furthermore, it will simulate dusk and dawn periods with low light. The broad head range will use synthetic targets backed by netting to safely catch missed arrows. Each range will be 60 feet in length. Staff will supervise archers using the ranges. Staff would recommend approval with the following conditions:

- All buildings codes shall be met.
- Outdoor shooting shall be prohibited.
- The handling of bows shall adhere to all local, state, and federal regulations.
- The licensee shall require that all exterior doors be kept closed so as to fully confine the archery range.
- All refuse containers shall be screened from view.
- All shooting within the proposed ranges shall be monitored and supervised at all times by an instructor or staff member.
- Clear separation must be maintained between the archery ranges and sales floor and service desk in the form of rope, curtains, tape, floor markings, or similar.

- The conditional use permit shall be renewed prior to June 30, 2014.

Alderson Moore asked if there was really a need for the condition that stated no shooting out doors, because it seems redundant to other city ordinances. Director Ostrowski stated that with this condition, if it is not followed, then the conditional use could be revoked if needed.

Motion by Alderson Moore to approve the request for a conditional use permit to operate an indoor archery range at 3260-74 Church Street with the following conditions:

- All buildings codes shall be met.
- Outdoor shooting shall be prohibited.
- The handling of bows shall adhere to all local, state, and federal regulations.
- The licensee shall require that all exterior doors be kept closed so as to fully confine the archery range.
- All refuse containers shall be screened from view.
- All shooting within the proposed ranges shall be monitored and supervised at all times by an instructor or staff member.
- Clear separation must be maintained between the archery ranges and sales floor and service desk in the form of rope, curtains, tape, floor markings, or similar.
- The conditional use permit shall be renewed prior to June 30, 2014.

Seconded by Commissioner Haines. Motion carried 5-0.

6. Request from Mid-State Technical College for a conditional use permit to operate a technical college on a portion of the property at **1201 Third Court (Parcel ID 2408-32-2029-51)**.

Director Ostrowski stated that Mid-State Technical College is requesting a conditional use permit to operate an educational facility in a portion of the former Centerpoint Marketplace. Mid-State will occupy the western half of the former mall from Third Court to the west. Demolition of a portion of the mall will occur to reconnect Third Street and create separation. Once demolished, Mid-State Technical College will re-construct their portion of the wall to become an eastern entrance to their facility. Additional exterior reconstruction will occur to the northern and southern entrances, as well as, additional architectural features along the building façade, including the installation of windows. Interior renovations will also occur with the creation of classrooms, labs, and offices. Staff would recommend approval with the following conditions:

- Exterior improvements must be reviewed and approved by the Historic Preservation / Design Review Commission (HP/DRC), with any changes to exterior design subject to staff and HP/DRC review.
- Refuse containers shall be screened from view.
- Parking for the facility shall not be less than 1 space for every 250 square feet of floor area.

Commissioner Haines clarified that the parking could be reduced by 40 spaces. Director Ostrowski said that given their proposed square footage of 54,726, they would need 219 stalls. There are approximately 259 stalls on the property, so yes, they could reduce the number of stalls by 40 if their square footage stays the same.

Motion by Mayor Halverson to approve the conditional use permit to operate a technical college on a portion of the property at 1201 Third Court with the following conditions:

- **Exterior improvements must be reviewed and approved by the Historic Preservation / Design Review Commission (HP/DRC), with any changes to exterior design subject to staff and HP/DRC review.**
- **Refuse containers shall be screened from view.**
- **Parking for the facility shall not be less than 1 space for every 250 square feet of floor area.**

seconded by Alderperson Moore. Motion carried 5-0.

7. Request from the City of Stevens Point to rename the road known as Third Court to Third Street, and to name the portion of the remaining road from the end of Third Court north to Centerpoint Drive, Third Street.

Motion by Alderperson Moore to approve the renaming of the road known as Third Court to Third Street, and to name the portion of the remaining road from the end of Third Court north to Centerpoint Drive, Third Street; seconded by Mayor Halverson. Motion carried 5-0.

8. Conditional use permit renewal to operate a tavern at **2124 Rice Street – Players’ Lounge (Parcel ID 2308-04-2006-03).**

Director Ostrowski stated at the Plan Commission meeting in May a 30 day extension of the conditional use permit was granted to Players’ Lounge with the condition that the item would return to the Commission in June for further consideration. The staff report outlines the complaints that have been received, with the two most recent noise complaints being April 14, and 15 2012 from a loud band at 12:30 am, the second complaint was shortly after, and the officer did not witness any excessive noise level. Furthermore, complaints via phone and email have been made to the Community Development Department in regards to Players’ Lounge. Complaints pertain to the increase in noise especially during early morning hours, as well as, the increase in trash and refuse fund throughout the neighborhood, specifically on a neighbor’s lawn. He stated there also has been some use violations regarding gambling, and because of that incident there was a person breaking into vehicles the following day because of losing some money at the gambling event. There were citations issued to the owners of Players’ Lounge and the organizer of the event. Most recently on April 26, 2012 Players’ Lounge received a citation for a liquor law violation, providing alcoholic beverage to an underage person. Director Ostrowski stated that in trying to gather statistics to see if crime increased in the neighborhood, it was difficult and hard to determine if the crimes originated because of Players’ Lounge. There has been some vandalism, but it was on the Players’ Lounge facility. With that information, staff would recommend approving the conditional use but only extending it until January 31, 2013 with the same conditions that are currently placed upon it. However, if additional complaints are received and validated, or if additional violations are incurred, the City reserves the right to attached additional conditions to the conditional use permit to address such concerns, and/or not renew such conditional use permit.

Commissioner O’Donnell asked when the conditional use was originally placed on Players’ Lounge, to which Director Ostrowski stated 2008. She also asked how many times they have requested conditional use, to which Director Ostrowski stated that at first it came up a lot due to every time

they wanted an extension for an event, they would have to amend their conditional use. He then stated that since then, we have modified the zoning requirements for a temporary extension of premises to be approved by staff as long as it does not exceed four times a year. Commissioner O'Donnell clarified so it was not necessarily for violations. Mayor Halverson answered no. Initially there was a great deal of conversation about the length of time allowed for meeting the original conditions that were first put on that establishment, which were never met, and ultimately we modified the conditions with the landscaping plan that was submitted by Mr. Glisczynski to eventually be able to work through the conditions. Now the concerns that are being raised specifically by Mr. Cordy are more of the noise issues and a lot of other impacts to the single family homes being that close. Mayor Halverson also stated that the city had received an email correspondence that had been distributed to the commission prior to the meeting today, regarding to a meeting between Mr. Glisczynski and the neighbors on Rice Street.

Director Ostrowski stated that he did have a conversation with Mr. Glisczynski regarding the concerns related to noise and the bass levels, where he did indicate that since the complaints, the owner has had the bands and employees turn down the bass, and he has hired people to do traffic control to keep the parking in his lot instead of on the street.

Jason Glisczynski, 2124 Rice Street, stated that he had a meeting with the neighbors the week prior to Plan Commission and with that conversation with the neighbors the largest issues were when they have large scale events, specifically bands. He stated that the last noise complaints that they did have was on April 14 and 15, 2012, and that is where we had the parking issues and the bass levels at an unacceptable level. Since then, they have reduced the bass levels, and they have not had another complaint regarding the noise levels, even after another band. Mr. Glisczynski stated that in regards to the trash complaint that was emailed, that came from the day after the motorcycle rally, and they had sustained 20 mph winds throughout the day of the event and they had served lunch to about 500 people outside. There were three pieces of trash in a neighbor's yard, and she brought those items to us. Two of the items were not even items that they sell, but they did take care of the issue. The same neighbor called Mr. Glisczynski about a year ago about trash in her yard, where he gave her his personal cell phone number as well as the personal cell phone number of the onsite manager, and told her that if it ever happened again to immediately call either person to come over and remove whatever ended up in her yard. Mr. Glisczynski stated that back in 2008 when the original business plan was proposed, there had been a question if a liquor license was needed to survive, to which he stated yes, for the cash flow. Also in the business plan, it was outlined that they would be doing events at this location with crowds of 200-500 people, and that was part of the reason why the conditional use permit was structured as such that when they did have those events they would then have to come back and ask for approval from the Common Council for each event. He pointed out that they have not strayed from their original business plan, and still do a lot of sporting activities with over 350 people that participate in volleyball leagues, and they run from 15-18 tournaments a year. Mr. Glisczynski stated that he had also met with the Police Department and they did not see any issues.

LeRoy Cordy, 2157 Rice Street, stated that Mr. Glisczynski did meet with the neighbors, a group of four to five people, and did assure them that if there were problems, to call himself or the manager. He stated that the neighbors were told this when the business first started, and that the noise has just gotten out of hand. Mr. Cordy stated that Mr. Glisczynski had assured the noise problems would not take place again, but it has happened once, who says it won't happen again. He stated that he does not want to see anyone go out of business, but when there is a conflict with a residential neighborhood it needs to be addressed, which Mr. Glisczynski has made an effort.

Barb Jacob, 1616 Depot Street, stated she had spoken with a few people that were at this meeting, with Mr. Glisczynski, and the problem is mostly the bass. She feels that the neighbors don't want to see the business close or a vacant building, and that if the Players' Lounge would follow everything that was put in the conditional use, the neighbors would like to see the business stay open. She stated that no one wants to see them close, and people think it is a nice facility, but there are just a few issues. Ms. Jacob stated that she knows there are issues with owning a tavern, and complaints that have been received could happen to almost any bar in town at anytime.

Aldersperson Suomi asked for clarification of why the conditional use was extended only to January 2013. Director Ostrowski said that given the complaints that have been received, he feels that it was appropriate to allow the operation for an additional six months to see if additional complaints or violations occur. If they do, the Plan Commission can address them at that time. Given the concerns we have heard for the last few years, he stated that he did not think it was appropriate to wait another two years before we would review it again.

Mayor Halverson asked if any of the Cleveland Avenue neighbors attended, to which Mr. Glisczynski stated that he had knocked on doors, but no one was home. However, he was able to speak with the owner of the property at the corner of Rice and Cleveland on the northeast corner, and they said they had no issues or complaints.

Aldersperson Moore stated he was disappointed that music is to be done at 11:00pm and there was a band causing noise at 12:30am, to which Director Ostrowski stated that was approved from the last extension of premise.

Mayor Halverson stated the difference between this conditional use and the exact amounts of complaints, and when you look at the amount of Police calls around this establishment, and the other (Steel Night Club) there actually is not as many. There are some aggressive issues that are here, like the gambling issue, which is a concern and obviously it going on knowingly by the owner is extreme concern to us. The impacts that it has on the neighborhood, Mr. Glisczynski is making as many efforts as possible for some type of mechanism to try and find a way to address the concerns as quickly as possible. He stated he is not comfortable with a period of time longer than six months, and we know that there is a situation that revolves around this particular establishment that we have to be very careful. There are only certain aspects of this that we have to concern ourselves with, the most aggressive here is the impact on the neighborhood, the back taxes issue and the liquor license issue are separate city issues revolving around Public Protection, and that will have to

be addressed with the Common Council. He stated that in terms of the conditional use, there is progress and clear direction in minimizing the amount of citizen concerns. Mayor Halverson stated that if there was a more severe situation, he would expect to hear from more people, which he hasn't.

Motion by Mayor Halverson to approve conditional use permit renewal for Player's Lounge 2124 Rice Street for six months from July 31, 2012 to January 31, 2013 with the following conditions:

- 1) The building must be modified with materials specifically designed to muffle or contain noise/music inside the building.
- 2) Screening in the form of berms shall be installed on the Rice St. and Cleveland Ave. sides of the lot.
- 3) Entrances shall be arranged in a manner that patrons under the age of 21 will not be admitted to the bar area.
- 4) The hours of operation shall be limited to the following:
 - a. Live band concerts held on the premises shall be limited to an 11 PM ending of the music performance.
 - b. DJ or band activity shall cease at 10 PM on Sunday through Thursday, and 11 PM on Friday and Saturday nights.
 - c. The tavern/lounge shall have hours of operation from 11:00 AM to 2:00 AM on Monday – Friday (or legally allowed hours, whichever is earlier) and 11:00 AM to 2:30 AM on Saturday – Sunday (or legally allowed hours, whichever is earlier).
- 5) The business must be operated in a manner that music heard from outside the building does not unreasonably disturb the peace and enjoyment of the residential neighborhood.
- 6) The business must be operated in a manner that patrons must be prevented from congregating outdoors in a manner that would unreasonably disturb the peace and enjoyment of the residential neighborhood.
- 7) The doors shall be kept closed so that noise does not unreasonably disturb the peace and enjoyment of the residential neighborhood.
- 8) The exterior of the building, including the tavern expansion, shall be improved as shown on the attached plans.
- 9) No alcohol or fermented malt beverage may be served or consumed in the volleyball and basketball area.
- 10) The building plan layout as presented on the attachment is approved and shall not be modified without city approval.
- 11) Alcohol may be served and consumed only in the following places: 90 days from date of passage of this conditional use resolution or when the "bar area" opens whichever occurs first: 19 ft x 54 ft area designated "temporary bar area" as shown on attached map; after 90 days from passage of this conditional use resolution: 41 ft x 96 ft building addition designated as "bar area" as shown on the attached map.
- 12) It is the intent of the City to require completion of the exterior portions of the project by the end of April, 2009. However, given that exterior work may be difficult to complete by the end of April due to poor weather conditions, the Inspection Department is given the discretion to allow the business to operate the tavern as provided above with an extension of time to complete the exterior portion of the project as shown on the attached drawings until June 30, 2009.

- 13) A complete site plan/landscaping plan be submitted to the Community Development Department by February 22, 2010 that would include that the 5 planting areas be enhanced and redesigned with raised mulch beds with increased plantings of year round foliage, and a new raised mulch bed be installed across the entire entry south driveway with plantings to match the requirements for the other planting areas.
- 14) Dumpsters be screened with fencing that matches the building color.
- 15) Paint, or other materials, on the south side of the building to replace the area currently painted blue and wrap around the building to the north (not to include the area above the blue) with consistency in the gray colors of the building to be approved by the Community Development Department.
- 16) Year round foliage on the south side of the building.
- 17) Close the south driveway closest to the building and curb it off at the owners expense.
- 18) Remove the hvac units along the south elevation.
- 19) Repair the deck and paint the rusty doors and posts on the south elevation.
- 20) This Conditional Use Permit shall expire January 31, 2013.

seconded by Commissioner Cooper. Motion carried 5-0.

9. Adjourn.

Meeting adjourned at 7:14 pm.

Administrative Staff Report

Wisconsin Public Service Easement Request
2442 Sims Avenue and 933 Michigan Avenue
July 2, 2012



Department of Community Development

<p>Applicant(s):</p> <ul style="list-style-type: none">• Wisconsin Public Service <p>Staff:</p> <ul style="list-style-type: none">• Michael Ostrowski, Director mostrowski@stevenspoint.com• Kyle Kearns, Associate Planner kkearns@stevenspoint.com• Joel Lemke, Director joellemke@stevenspoint.com <p>Parcel Number(s):</p> <ul style="list-style-type: none">• 2408-33-2001-05 <p>Zone(s):</p> <ul style="list-style-type: none">• "R-2" Single Family Residential <p>Master Plan:</p> <ul style="list-style-type: none">• Institutional / Government <p>Council District:</p> <ul style="list-style-type: none">• District 2 – Suomi <p>Lot Information:</p> <ul style="list-style-type: none">• Effective Frontage: 857 feet• Effective Depth: 1,500 feet• Square Footage: 1,285,500• Acreage: 29.511 <p>Current Use:</p> <ul style="list-style-type: none">• Institutional	<p>Request</p> <p>Request from Wisconsin Public Service to obtain multiple utility easements on City property at 2442 Sims Avenue and 933 Michigan Avenue (Parcel ID 2408-33-2001-05).</p> <p>Attachment(s)</p> <ul style="list-style-type: none">• Parcel ID Sheet• Easement Document <p>Findings of Fact</p> <ul style="list-style-type: none">• Land is owned by the City.• Any easement on City property must be reviewed by the Plan Commission• Overhead power lines currently exist on the property.• Upgrade of the lines would require them to be placed at a height of 50 feet.• The installation of a switch to be buried is included in the request. <p>Staff Recommendation</p> <ul style="list-style-type: none">• Approve subject to Plan Commission and staff comments.
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Background

Wisconsin Public Service (WPS) is requesting to obtain multiple 12 foot utility easements in the parking area between the City of Stevens Point's Parks Department building (2442 Sims Avenue) and PJ Jacobs Junior High (2400 Main Street). Also, an easement is proposed to exist on the north end of Mid-State Technical College's parking lot (933 Michigan Avenue), also City property. Overhead utilities currently exist and are in need of replacement / upgrade. City ordinance requires new or replaced overhead lines to be installed at a height of 50 feet, which is unfeasible at this location. Therefore, WPS is proposing to bury the lines, allowing them to install a switch as well.

Buried utilities are much more maintenance free as they are unaffected by the weather. Additionally, they are hidden which will make the proposed location much more aesthetically appealing. Maintenance and repair costs are significantly reduced for WPS as the frequency of damaged lines is lowered. Again, this request comes before the Plan Commission because the property in question is owned by the City of Stevens Point. The easements are proposed within the vicinity outlined below. See the attached draft utility easement document for specifics details and locations.

Vicinity Map



	DOCUMENT NUMBER
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UTILITY EASEMENT / CORPORATION

THIS INDENTURE, made this _____ day of _____, _____, between City of Stevens Point hereinafter called "Grantor" for One and no/100 dollars (\$1.00) and/or other valuable consideration to it paid by WISCONSIN PUBLIC SERVICE CORPORATION, a Wisconsin Corporation, its successors and assigns and None hereinafter called "Grantee", receipt whereof is hereby acknowledged, does hereby grant unto said Grantee, its successors and assigns, the perpetual right, permission, authority, privilege and easement, to construct, install, operate, maintain, remove, and replace necessary and usual appurtenant equipment, all for the purpose of transmitting electrical energy and/or gas for light, heat, power and signals, or for such other purpose as electric current and/or gas is now or may hereafter be used, and for communication upon, over, across, within and above and/or beneath certain easement areas as shown below, or on attached Exhibit "A" & "B", on land owned by said Grantor in the City of Stevens Point, County of Portage, State of Wisconsin, described as follows, to-wit:

Return to:
 Wisconsin Public Service Corp.
 Real Estate Dept.
 P.O. Box 19001
 Green Bay, WI 54307-9001

Parcel Identification Number (PIN)
 281240833200105

Part of the Northeast one-quarter of the Northwest one-quarter of Section 33, Township 24 North, Range 8 East, commencing at the Northeast corner of Main Street and Michigan Avenue; Thence North 250 feet to the Point of Beginning; thence North 884 feet more/less; thence East 1257.7 feet to the Westerly line of Minnesota Avenue; thence South 1134.5 feet to the Northerly line of Main Street; thence West along the Northerly line of Main Street for 847.1 feet; thence North 350 feet; thence West 230 feet; thence North 40 feet; thence West 100 feet; thence South 140 feet; thence West 70 feet to the Point of Beginning.

Easement areas as shown on attached Exhibits "A" & "B". Which shall be the actual easement area conveyed herein.

The Grantee shall have the right to go upon the Grantor's property outside of the easement area for the purpose of gaining access to the easement area in the event direct access to the easement area is not possible. Grantee shall notify the Grantor, when possible, before going upon the Grantor's property, except in the event of an emergency.

The Grantee shall refill any trenches in which said wires or gas mains are laid, promptly and properly tamp the same and restore the surface of the ground and if the Grantee shall at any future time open said trenches for the purpose of repairing, renewing, or removing said wires or gas mains, it will, as soon as said work is done, restore the surface of the ground, and that all work performed by the Grantee on said land will be performed in a proper workmanlike manner, and that during the progress of the work, the Grantee will properly safeguard said trench.

Administrative Staff Report



Lawlis Conditional Use
Two Principal Uses and a Larger Accessory Structure
1331 Westmore Court
July 2, 2012

Department of Community Development

<p>Applicant(s):</p> <ul style="list-style-type: none">• John and Carol Lawlis <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">• 2408-14-30-0209 <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">• Commercial / Office / Multi-family <p>Council District:</p> <ul style="list-style-type: none">• District 8 – Patton <p>Lot Information:</p> <ul style="list-style-type: none">• Effective Frontage: 296 feet• Effective Depth: 297 feet• Square Footage: 87,912• Acreage: 2.018 <p>Current Use:</p> <ul style="list-style-type: none">• Residential <p>Applicable Regulations:</p> <ul style="list-style-type: none">• 30, 23.01(16), and 23.02(1)(b)	<p>Request</p> <p>Request from John and Carol Lawlis for an approximate 1248 square feet accessory structure, which exceeds the 900 square feet requirement at 1331 Westmore Court (Parcel ID 2408-14-3002-09).</p> <p>Request from John and Carol Lawlis for a conditional use permit to renovate their detached garage into a second living space at 1331 Westmore Court (Parcel ID 2408-14-3002-09).</p> <p>Attachment(s)</p> <ul style="list-style-type: none">• Parcel Data Sheet• Application• Site Plan <p>Findings of Fact</p> <ul style="list-style-type: none">• Current property is zoned "R-LD".• More than one main (principal) building is allowed on one zoning lot through Conditional Use granted by the Plan Commission.• Living area is 624 sq. ft. (Second Floor) <p>Staff Recommendation</p> <p>Approve, subject to the following condition(s):</p> <ul style="list-style-type: none">• All building codes shall be met and building permits obtained.• Building materials shall match closely to those found on the main home.• Immediate and extended family member shall be the only persons permitted to occupy the living space.• Existing screening shall be maintained for the west, north, and east property lines, to reduce the view of the structure from those adjacent properties.• The conditional use permit shall expire June 30, 2014.
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Vicinity Map



Background

John and Carol Lawlis would like to add a “mother in law suite” above their existing garage for one of their children to occupy. In other words, a second principal structure defined as a single family residence, as the tenant is a family member. Our code does not directly address “mother in law suites” which are defined as a secondary or accessory to the primary residence on the parcel, having its own entrance, kitchen, bathroom, and living area which in this particular case all would apply. Our code considers any additional living structure on a lot as a second principal structure which can only be approved through Plan Commission via the conditional use process.

The applicants’ request consists of a 384 square foot addition onto the rear of the existing two-story garage, with only 192 sq. ft. designated as living space. The living space will exist on the entire second floor above dog kennels and the existing garage. Furthermore, the addition incorporates the construction of a bathroom and kitchen. Total, the second floor living area is 624 sq. ft. smaller than the total first floor area of 1,248 sq. ft., as the second floor has inclined walls. Currently, the second floor space is used as an office and the first floor as storage for vehicles and equipment.

The building code allows accessory buildings up to a maximum of 900 square feet, however, the Plan Commission and Common Council can grant exceptions beyond the 900 square foot requirement in the R-LD zoning district after considering setbacks, neighborhood conditions, building materials, building designs, and other site and building factors.

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 use is to occur in the “R-LD” zoning district with no increase in traffic on the property.

Findings: The proposed use is not in conflict with the surrounding area, as the property is 2.018 acres, providing enough buffer between neighboring properties and the use will exist in a portion of an existing accessory structure rather than being constructed elsewhere on the property.

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

Analysis: The R-LD district is established to provide for low density residential land usage and accessory uses particularly in fringe areas of the City to reduce the need for and cost of public services such as sewer and water, or to be applied in those areas of the City where natural environmental conditions present physical development problems such as from high ground water, bedrock, clay soils, etc. A further purpose is to help preserve the open space and natural scenic and ecological qualities in special areas such as along shorelines, wetlands, bluffs, community parks or other areas identified by the Plan Commission and otherwise consistent with the City’s Comprehensive Plan.

Findings: The proposed use will not be injurious to uses that exist, as the request incorporates an already existing accessory structure and does not significantly impact the already permitted use.

- 3) That 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 is not in conflict with the surrounding uses or area.

- 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 respective area is an established area of the City and will use a portion of an existing accessory structure.

Findings: The current accessory structure matches the principal structure and the proposed addition to the accessory structure will match as well. Additional windows and doors will be constructed on the addition to mimic the current principal structure.

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

Analysis: Utilities exist in this area or are planned to exist.

Findings: This standard is met.

- 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 and egress is not proposed to change.

Findings: No additional traffic or parking will occur on the property.

- 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-LD" Residential Low Density District. The Stevens Point Comprehensive Plan identifies the future land use as residential.

Findings: The proposed use is not in conflict with the objectives or the general intent of the "R-LD" District and is consistent with the Stevens Point Comprehensive Plan.

- 8) The use shall, in all other respects, shall 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 within this district, and no amendments or changes are being proposed.

Findings: The proposed use conforms to the general intent and regulations of the "R-LD" district.

- 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.**

Analysis: Access to the site is off Westmore Court, a cul-de-sac.

Findings: Traffic to the site will occur off of Westmore Court. Access is adequate as there will be no change in traffic.

- 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: Electric and water exist at the structure. Sewage does not exist.

Findings: A septic system for waste water has been designed to specifically and only handle waste from the proposed living space. It will be installed upon approval of the conditional use.

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: No change will occur regarding mechanical equipment or refuse containers.

Findings: This standard is met.

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

Analysis: No change in lighting is proposed.

Findings: This standard is met.

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

Analysis: Noise will increase as construction of the addition occurs; however, once completed there will be no change in noise on the property.

Findings: This standard is met.

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

Photos



Name and Address		Parcel #	Alt Parcel #	Land Use
John F & Carol A Lawlis 1331 Westmore Ct Stevens Point, WI 54482		240814300209	240814300209	Residential
		Property Address		Neighborhood
		1331 Westmore Ct		253 Eagle Pointe Somerset
		Subdivision		Zoning
Display Note		Certified Survey Map		RLD-LOW DENSITY

OWNERSHIP HISTORY

Owner	Sale Date	Amount	Conveyance	Volume	Page	Sale Type
John F & Carol A Lawlis Robert M & Susan A Salinger	12/29/1997	\$355,000	Warranty Deed	744	146	Land & Build.
	12/1/1993	\$32,000	Warranty Deed	619	595	Land

SITE DATA

PERMITS

Actual Frontage	296.0	Date	Number	Amount	Purpose	Note
Effective Frontage	296.0	3/27/1998	27478	\$18,000	036 Garage	New Construction hosue
Effective Depth	297.0	5/18/1994	24201	\$0	036 Garage	
Square Footage	87,912.0	5/18/1994	24201	\$350,000	060 New Construction	
Acreage	2.018					

2012 ASSESSED VALUE

Class	Land	Improvements	Total
A-Residential	\$32,700	\$419,600	\$452,300
Total	\$32,700	\$419,600	\$452,300

LEGAL DESCRIPTION

LOT 8 CSM#5461-20-32 & A BNG PRT N1/2 SW S14 T24 R8 SUBJ TO REST COV 744/146

DWELLING DATA (1 of 1)

Style	06 Contemporary		Basement	Full	Exposed	No
Ext. Wall	Wood / Masonite		Heating	Air Conditioning		
Story Height	2	Age	18	Fuel Type	Gas	
Year Built	1994	Eff. Year	1994	System Type	Warm Air	
Class	A-Residential		Total Rooms	9	Bedrooms	3
Int. Cond. Relative to Ext.	Interior Same As Exterior		Family Rooms	1		
Physical Condition	Average		Full Baths	4	Half Baths	1
Kitchen Rating	Good		Bath Rating	Good		

FEATURES

ATTACHMENTS

Description	Units	Description	Area
Masonry Adjustment	512	Open Frame Porch	40
Metal / Gas Fireplace	3	Open Frame Porch	160
Additional Plumbing Fixtures	2	Frame Garage	951
Basement Finish	1,615	Wood Deck	512

Name and Address		Parcel #	Alt Parcel #	Land Use
John F & Carol A Lawlis 1331 Westmore Ct Stevens Point, WI 54482		240814300209	240814300209	Residential
		Property Address		Neighborhood
		1331 Westmore Ct		253 Eagle Pointe Somerset
		Subdivision		Zoning
Display Note		Certified Survey Map		RLD-LOW DENSITY

LIVING AREA

Description	Gross Area	Calculated Area
Basement	2,032.0	
Finished Basement Living Area	0.0	0.0
First Story	2,032.0	2,032.0
Second Story	1,707.0	1,707.0
Additional Story	0.0	0.0
Attic / Finished	0.0	0.0
Half Story / Finished	0.0	0.0
Attic / Unfinished	0.0	
Half Story / Unfinished	0.0	
Room / Unfinished	0.0	
Total Living Area		3,739.0

DETACHED IMPROVEMENTS

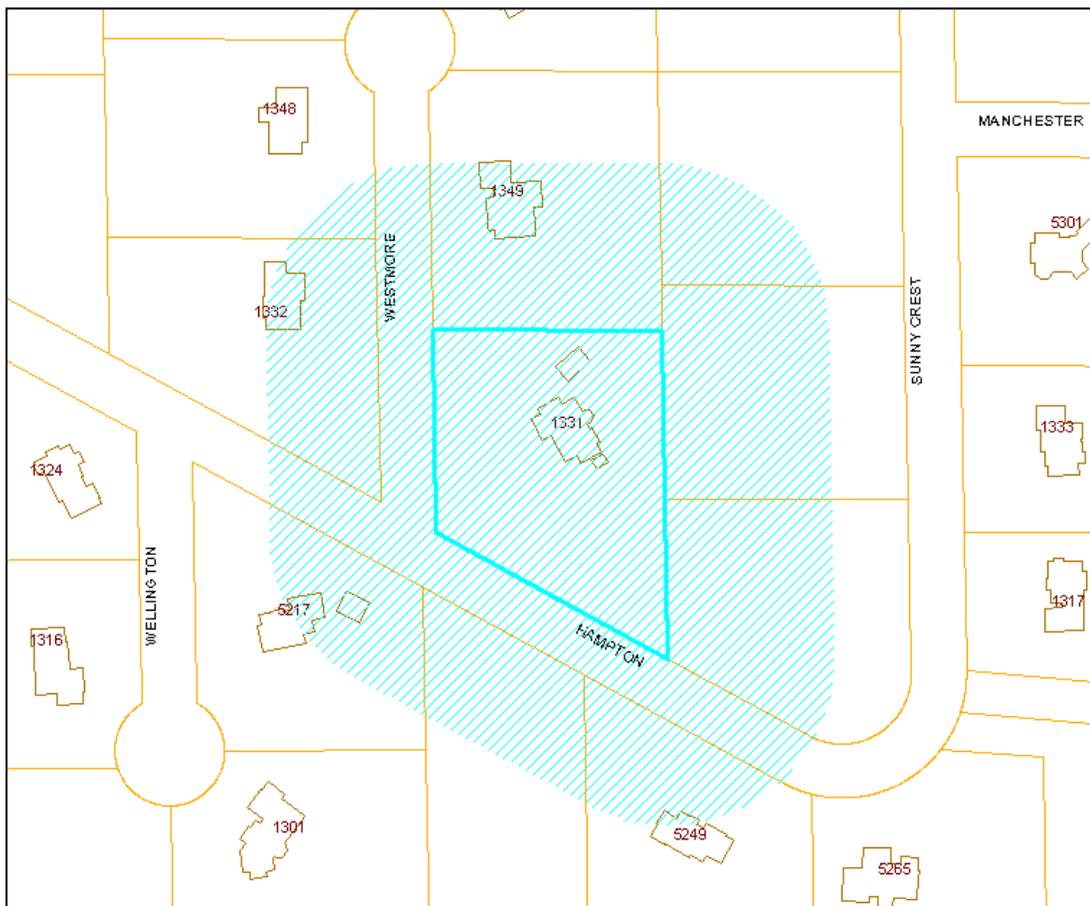
Description	Year Built	Square Feet	Grade	Condition
Garage - Detached Frame/ Block	1998	768.0	C	Average

PROPERTY IMAGE

PROPERTY SKETCH



1331 Westmore Court – Conditional Use – Exhibit Map (200 Feet Boundary)



TaxKey	Property Address	Owner Name	Mailing Address	City	State	Zip Code
281240814300116	5249 Hampton Rd	Randall M & Lori A Ramczyk	5249 Hampton Rd	Stevens Point	WI	54482
281240814300117	Hampton Rd	Jay R Jr & Jeannine L Warner	250 Eastwood Dr	Stevens Point	WI	54482
281240814300118	5217 Hampton Rd	Paul B & Courtney D Atkinson	5217 Hampton Rd	Stevens Point	WI	54482
281240814300206	1332 Westmore Ct	Jeffrey M & Hilary D R Bilbrey	1332 Westmore Ct	Stevens Point	WI	54482
281240814300207	1348 Westmore Ct	Douglas H Sr & Judith C Munsey	1348 Westmore Ct	Stevens Point	WI	54482
281240814300208	1349 Westmore Ct	James J & Deborah A Weishan	1349 Westmore Ct	Stevens Point	WI	54482
281240814300209	1331 Westmore Ct	John F & Carol A Lawlis	1331 Westmore Ct	Stevens Point	WI	54482
281240814300210	Hampton Rd	John F & Carol A Lawlis	1331 Westmore Ct	Stevens Point	WI	54482
281240814300211	Sunny Crest Dr	John F & Carol A Lawlis	1331 Westmore Ct	Stevens Point	WI	54482
281240814300212	Sunny Crest Dr	James J & Deborah A Weishan	1349 Westmore Ct	Stevens Point	WI	54482
281240814320099	Hampton Rd	City Of Stevens Point	1515 Strongs Ave	Stevens Point	WI	54481

\$270. -

#1-48158

6-14-12

\$270

REQUEST TO CITY OF STEVENS POINT PLAN COMMISSION

ADDRESS OF PROPERTY: 1331 Westmore Ct

- Zoning Ordinance Change
- Conditional Use Permit
- Variance from Zoning Ordinance -Board of Appeals
- Variance from Sign Ordinance
- Appeal from Subdivision Requirements
- Other

REQUESTED CHANGE: (State briefly what is being requested, and why).
would like to add a mother in law suite
above existing garage for one of the lawlis
children to stay in.

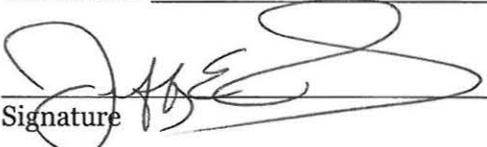
OWNER/APPLICANT:
Name: John & Carol lawlis
Address: 1331 Westmore Ct
Stevens Point, WI 54481
(City, State, Zip Code)

AGENT FOR OWNER/APPLICANT:
Name: Feist Construction LLC
Address: 441 6th Ave
Stevens Point, WI 54481
(City, State, Zip Code)

Telephone: 715-345-7250
Cell Phone: _____

Telephone: 715-310-3975
Cell Phone: _____

Signature



Signature

Scheduled Date of Plan Commission Meeting: _____

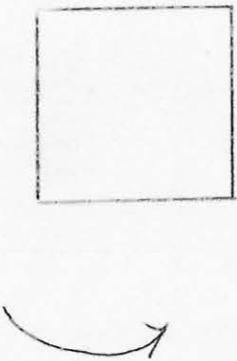
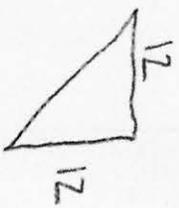
Scheduled Date of Common Council Meeting: _____

You, as the applicant, or your agent, shall attend the meeting and present your request.

All requests with supporting documentation are due at the Community Development Office **three weeks** prior to the actual meeting.

Fee schedule is on second page.

Receipt # _____

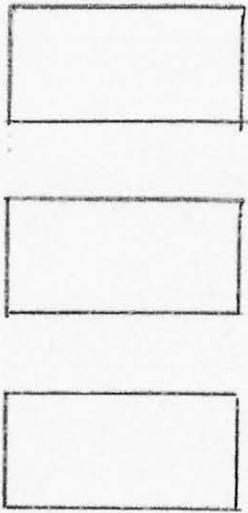


Berked Cedar Siding Stained To Match

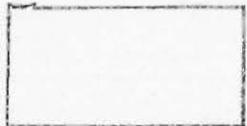


DOG KENNEL
UNDER NEW
ADDITION

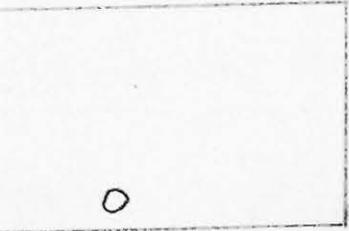
EXISTING

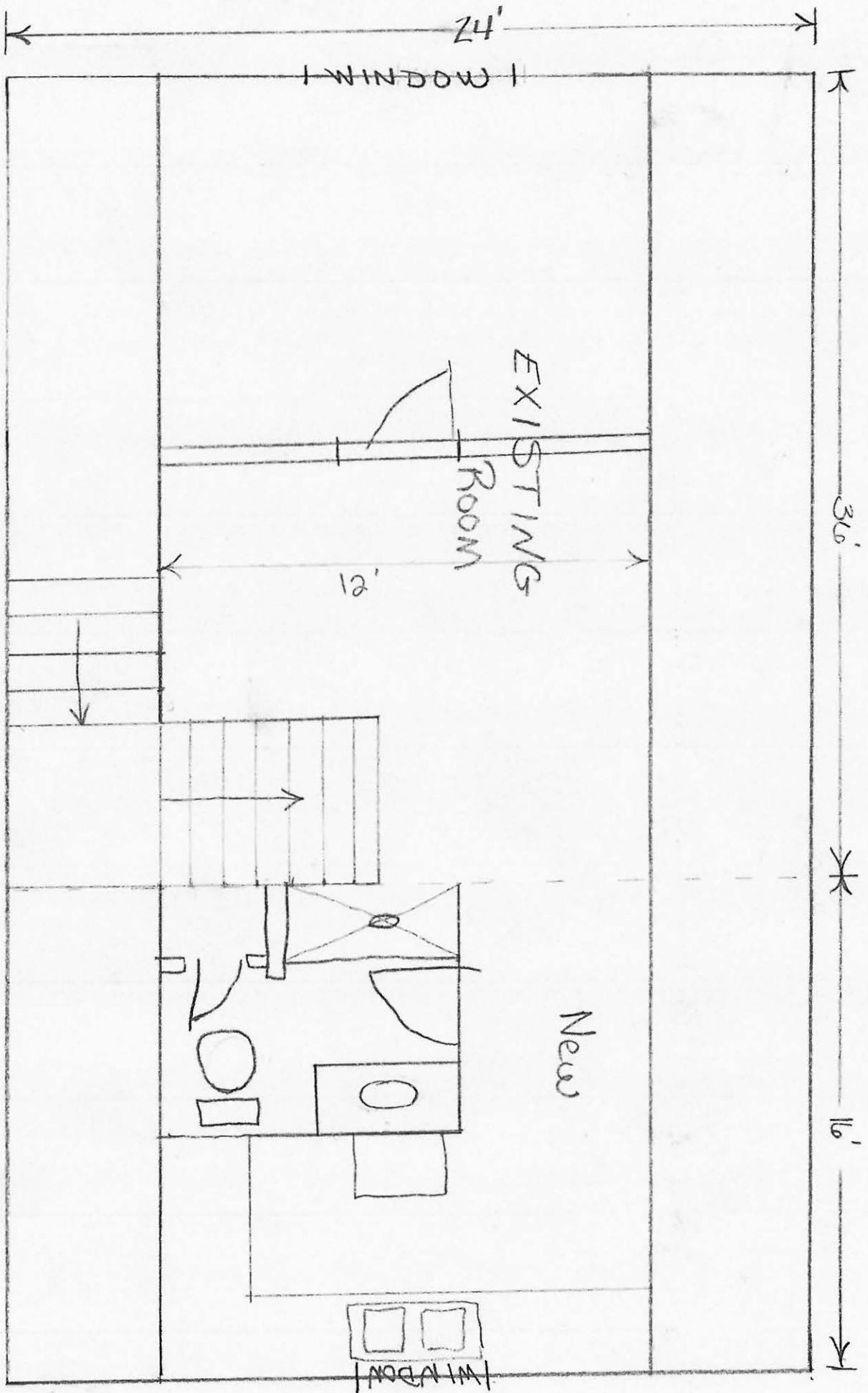


NEW



DOG KENNEL





John, Carol Hauslie

1331 Westmore Ct

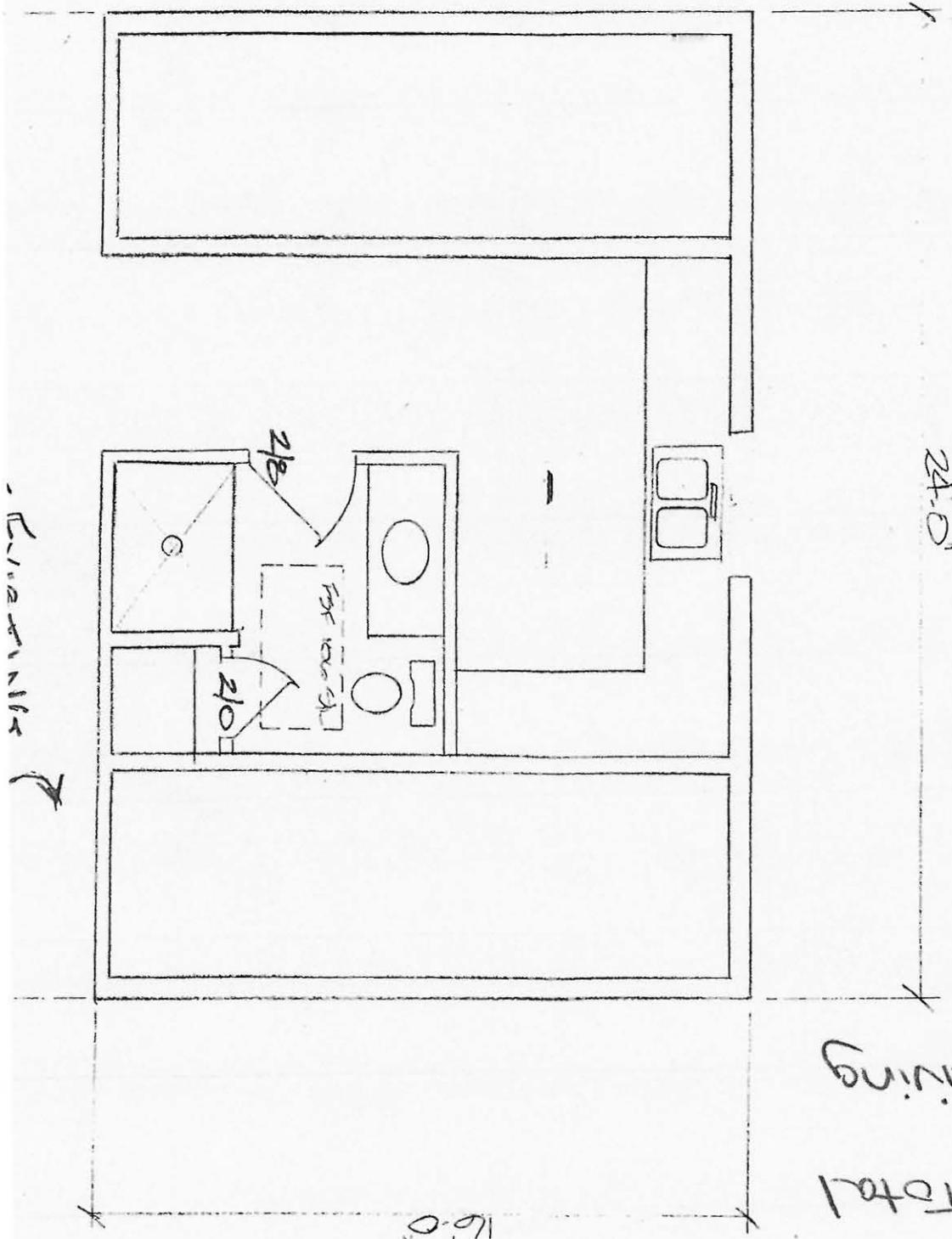
Stevens Point WI 54481

715 - 345 - 7250

New Area

16 x 24 Total

16 x 12 Living





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

City of Stevens Point – Department of Community Development

To: Plan Commission
From: Michael Ostrowski and Kyle Kearns
CC:
Date: 7/2/2012
Re: 940 Maria Drive – Landscaping Plan Amendment

A conditional use permit was approved in September, 2011 for the property at 940 Maria Drive to construct and operate a 24-bed apartment complex. A landscaping plan was submitted along with the conditional use. The plan described and outlined parking lot screening in the form shrubs and bushes on the north and west sides of the parking lot. Screening to the east is provided by the building and to the south is access to Maria Drive.

The applicant is requesting to amend the landscaping plan to eliminate the screening around the parking lot as the applicant was required to construct a six foot fence around the north and west sides of the property, which provides screening from the adjacent properties. The zoning code requires the parking lot to be screened with either vegetation or a fence/wall:

- a) *Continuous Screening. Any off-street parking spaces or parking lot abutting the public street right-of-way or property zoned R-1, R-2, R-3, and R-4 or used for residential purposes shall provide continuous screening as provided below. CLEAR VIEW requirements shall be maintained as described in Sec. 2.c.) a. and b.*
 - 1) *Continuous Screening Specifications. Screening shall consist of natural plant material and/or decorative wall or durable landscape barrier.*
 - a) *Plant material (shrubs/hedges): minimum 18 inches in height when measured immediately after planting. Three (3) foot maximum height where abutting public right-of-way. Individual plants shall be spaced so as to provide continuous screening within a two-year period.*
 - b) *Wall or Barrier: minimum three (3) feet in height except as described in Sec. 2, a.4; Three (3) feet maximum height where abutting public right-of-way.*

Staff feels that the fence adequately screens the parking lot from neighboring properties. Therefore, staff would recommend removing the need to screen the parking lot with bushes and shrubs, and allow the fence to serve as the needed screening.

Photos



Vicinity Map



Name and Address		Parcel #	Alt Parcel #	Land Use
Perry R Piotrowski 251 DuBay Ave Stevens Point, WI 54481		240829240011	240829240011	Multiple Residence (Low Rise)
		Property Address		Neighborhood
		940 Maria Dr		Apts 8-15 units (Comm)
		Subdivision		Zoning
Display Note		Metes And Bounds		R4-MULTI-FAMILY I

OWNERSHIP HISTORY

Owner	Sale Date	Amount	Conveyance	Volume	Page	Sale Type
Perry R Piotrowski	12/21/2009	\$0	Term. Dec. Prop. Int.	740434		Land & Build.
Perry R Piotrowski	7/27/2006	\$2,500	Quit Claim Deed	692291		Land
Perry R Piotrowski et al	7/27/2006	\$2,500	Quit Claim Deed	692290		Land
Perry R Piotrowski et al	7/27/2006	\$2,500	Quit Claim Deed	692289		Land
Perry R Piotrowski et al	5/21/1999	\$76,300	Quit Claim Deed/Addl Par	559960		Land
Dolores H Piotrowski	5/20/1999	\$76,300	Trustees Deed w/addl pro	559958		Land

SITE DATA**PERMITS**

Actual Frontage	256.0	Date	Number	Amount	Purpose	Note
Effective Frontage	256.0	11/2/2011	11-800	\$30,000	020 Electrical	8-unit apt bldg
Effective Depth	225.0	11/2/2011	11-800	\$450,000	060 New Construction	8-unit apt bldg
Square Footage	57,600.0	11/2/2011	11-800	\$40,000	032 Furnace (HVAC)	8-unit apt bldg
Acreage	1.322	11/2/2011	11-800	\$30,000	066 Plumbing	8-unit apt bldg

2012 ASSESSED VALUE

Class	Land	Improvements	Total
B-Commercial	\$40,000	\$291,800	\$331,800
Total	\$40,000	\$291,800	\$331,800

LEGAL DESCRIPTION

A PRCL 225 1/2' E & W BY 258 1/4' N & S BNG PRT OF THAT PRT OF S 1/2 NW 1/4 LYG E OF HWY 51 AS DES IN 205/204 & 30' WIDE ING/EGR ESMT DESC 765075 S29 T24 R8 1.34A 642/231 559958-60 692289-91 740434

PROPERTY IMAGE**PROPERTY SKETCH**

Name and Address		Parcel #	Alt Parcel #	Land Use
Perry R Piotrowski 251 DuBay Ave Stevens Point, WI 54481		240829240011	240829240011	Multiple Residence (Low Rise)
		Property Address		Neighborhood
		940 Maria Dr		Apts 8-15 units (Comm)
		Subdivision		Zoning
Display Note		Metes And Bounds		R4-MULTI-FAMILY I

BUILDING SUPERSTRUCTURE DATA

Bldg	Sec	Occupancy	Year	Area	Framing	Hgt
1	1	Apts (D avg)	2011	13,736	Wood Frame - Avg	8

Total Area	13,736
------------	--------

BASEMENT DATA**COMPONENTS**

Bldg	Sec	Adjustment Description	Area	Bldg	Sec	Component Description	Area
				1	1	Open Frame Porch(es)	40
				1	1	Enclosed Frame Porch(es)	144

DETACHED IMPROVEMENTS

Structure	Year Built	Square Feet	Grade	Condition

SITE IMPROVEMENTS**STRUCTURE DATA**

Site Improvement	Units	Age	1
		Year Built	2011
		Eff. Year	2011
		One Bedroom	
		Two Bedroom	
		Three Bedroom	8
		Total Units	8
		Stories	2.00
		Business Name	8 - 3 BR Apartments

281240829240018	916 Maria Dr	JADA LLC	908 Maria Dr	Stevens Point	WI	54481
281240829240019	932 Maria Dr	James T & Deborah J Billings	709 Sunset Ave	Stevens Point	WI	54481
281240829240020	1000 Maria Dr	JADA LLC	908 Maria Dr	Stevens Point	WI	54481
281240829240021	Rear Maria Dr	James T & Deborah J Billings	709 Sunset Ave	Stevens Point	WI	54481
281240829240027	149 Second St N	Kevin M & Susan J K Sliwicki	PO Box 413	Stevens Point	WI	54481
281240829240028	Second St N	Gerald P & Bonnie L Worzella	5777 Clark St	Stevens Point	WI	54482
281240829240033	Maria Dr	Sisters Of St Joseph Of	1300 Maria Dr	Stevens Point	WI	54481
281240829290000	Third St (ROW)	City Of Stevens Point	1515 Strongs Ave	Stevens Point	WI	54481

R# 1-47855
5-30-12
\$250

REQUEST TO CITY OF STEVENS POINT PLAN COMMISSION

X ADDRESS OF PROPERTY: 940 MARIA DRIVE

- Zoning Ordinance Change (\$90.00 fee required)
- X Conditional Use Permit (\$90.00 fee required) Amendment
- Variance from Zoning Ordinance - Board of Appeals (\$90.00 fee required)
- Variance from Sign Ordinance
- Appeal from Subdivision Requirements
- Other

REQUESTED CHANGE: (State briefly what is being requested, and why).
Request to amend landscaping plan for screening of parking lot due to solid white fence screening

OWNER/APPLICANT:

AGENT FOR OWNER/APPLICANT:

X Name: Perry Piotrowski
Address: 251 DuBay Ave
Stevens Point WI, 54981
(City, State, Zip Code)

Name: _____
Address: _____
(City, State, Zip Code)

X Telephone: 715-345-2628
Cell Phone: 715-340-1332

Telephone: _____
Cell Phone: _____

X Perry Piotrowski
Signature

Signature

Scheduled Date of Plan Commission Meeting: July 2nd

Scheduled Date of Common Council Meeting: July 16th

You, as the applicant, or your agent, shall attend the meeting and present your request.

All requests with supporting documentation are due at the Community Development Office three weeks prior to the actual meeting.

\$90.00 Fee Required for Rezoning Requests, Variances, and Conditional Use Permits

Receipt # _____

GENERAL NOTES:

- CONTACT DIGGER'S HOTLINE 5 WORKING DAYS PRIOR TO THE START OF DEMOLITION/CONSTRUCTION.
- 6" OF TOP-SOIL SHALL BE PROVIDED IN ALL GENERAL LANDSCAPE AREAS. LANDSCAPE CONTRACTOR SHALL VERIFY THAT SPECIFIED PLANTING SOIL DEPTH IS PRESENT PRIOR TO PLANTING.
- SEED/FERTILIZE/CRIMP HAY MULCH ALL GENERAL LANDSCAPE AREAS DISTURBED DURING CONSTRUCTION.
- ALL PLANT MATERIALS LISTED SHALL MEET THE STANDARDS OF THE AMERICAN NURSERY & LANDSCAPE ASSOCIATION FOR THE SIZES GIVEN.
- EDG-KING LANDSCAPE EDGING OR EQUAL SHALL BE PLACED AROUND ALL LANDSCAPE BEDS.
- ALL TREES IN TURF AREA SHALL HAVE A 5' DIAMETER CIRCLE OF 4" DEPTH SHREDDED HARDWOOD BARK MULCH.
- 4" OF SHREDDED BARK MULCH SHALL BE PLACED IN ALL SHRUB PLANTING BEDS AROUND THE PERIMETER OF THE PARKING LOT.
- 3" DEPTH OF 3/4" DIAMETER DECORATIVE LANDSCAPE STONE SHALL BE PLACED IN ALL BUILDING FOUNDATION SHRUB PLANTING BEDS. COLOR TO BE SELECTED BY THE OWNER.
- FILTER FABRIC SHALL BE PLACED BENEATH ALL DECORATIVE LANDSCAPE STONE.
- COORDINATE ALL LANDSCAPE WORK WITH GAS, ELECTRIC, (INCLUDING MAIN SERVICE, SITE LIGHTING, CONDUITS AND SIGNAGE) CABLE AND TELEPHONE CONSTRUCTION AND RESPECTIVE TRADES FOR THE INSTALLATION OF SAID UTILITIES.

PLANTING SCHEDULE:

TREES SYMBOLS	BOTANICAL NAME	COMMON NAME	PLANTING SIZE	MATURE HEIGHT	QUANTITY
AS	ACER SACCHARUM 'GREEN MOUNTAIN'	GREEN MOUNTAIN SUGAR MAPLE	3" CAL.	50'-60'	4
MA	MALUS 'ROYALTY'	ROYALTY FLOWERING CRAB	2" CAL.	20'TX20'W	3
PA	PINUS ABIES	NORWAY SPRUCE	6"-8"	40'-45'	3

SHRUBS SYMBOLS	BOTANICAL NAME	COMMON NAME	PLANTING SIZE	MATURE HEIGHT	QUANTITY
AB	ABIES BALSAMEA 'NANA'	NANA DWARF BALSAM FIR	18" MIN.	2'TX3'W	20
EA	EUONYMUS ALATA 'FIREBALL'	FIREBALL BURNING BUSH	24"	7'TX7'W	10
JC	JUNIPERUS CHINENSIS 'SEA GREEN'	SEA GREEN JUNIPER	24"	6'TX8'W	18
SJ	SPIRAEA JAPONICA 'GOLDMOUND'	GOLDMOUND SPIREA	18"MIN.	2'TX2'W	16
TC	TAXUS CUSPIDATA 'NANA'	DWARF YEW	18" MIN.	3'TX6'W	2
TH	THUJA OCCIDENTALIS 'HOLMSTRUP'	HOLMSTRUP ARBORVITAE	24"-36"	8'TX3'W	5
TO	THUJA OCCIDENTALIS 'RHEINGOLD'	RHEINGOLD ARBORVITAE	18"-24"	6'TX5'W	12
WF	WEIGELA FLORIDA 'MINUET'	MINUET WEIGELA	18" MIN.	3'TX3'W	15

ORNDAMENTAL GRASS SYMBOLS	BOTANICAL NAME	COMMON NAME	PLANTING SIZE	MATURE HEIGHT	QUANTITY
PV	PANICUM BIRCATUM 'HEAVY METAL'	HEAVY METAL SWITCH GRASS	1 GAL.	3'-4'	18

SITE PLAN RATIOS

	TOTAL AREA	% OF LOT AREA
TOTAL LOT	57,562 SQ. FT.	
TOTAL AREA OF BUILDING	5,473 SQ. FT.	9.5%
TOTAL AREA OF PAVEMENT/PAVEMENT/CONCRETE WALK	13,072 SQ. FT.	22.7%
TOTAL AREA OF TREE SPACE/LANDSCAPING	19,017 SQ. FT.	33.1%

PROPERTY OWNER:

PERRY R PIOTROWSKI
251 DUBAY AVENUE
STEVENS POINT, WI 54481

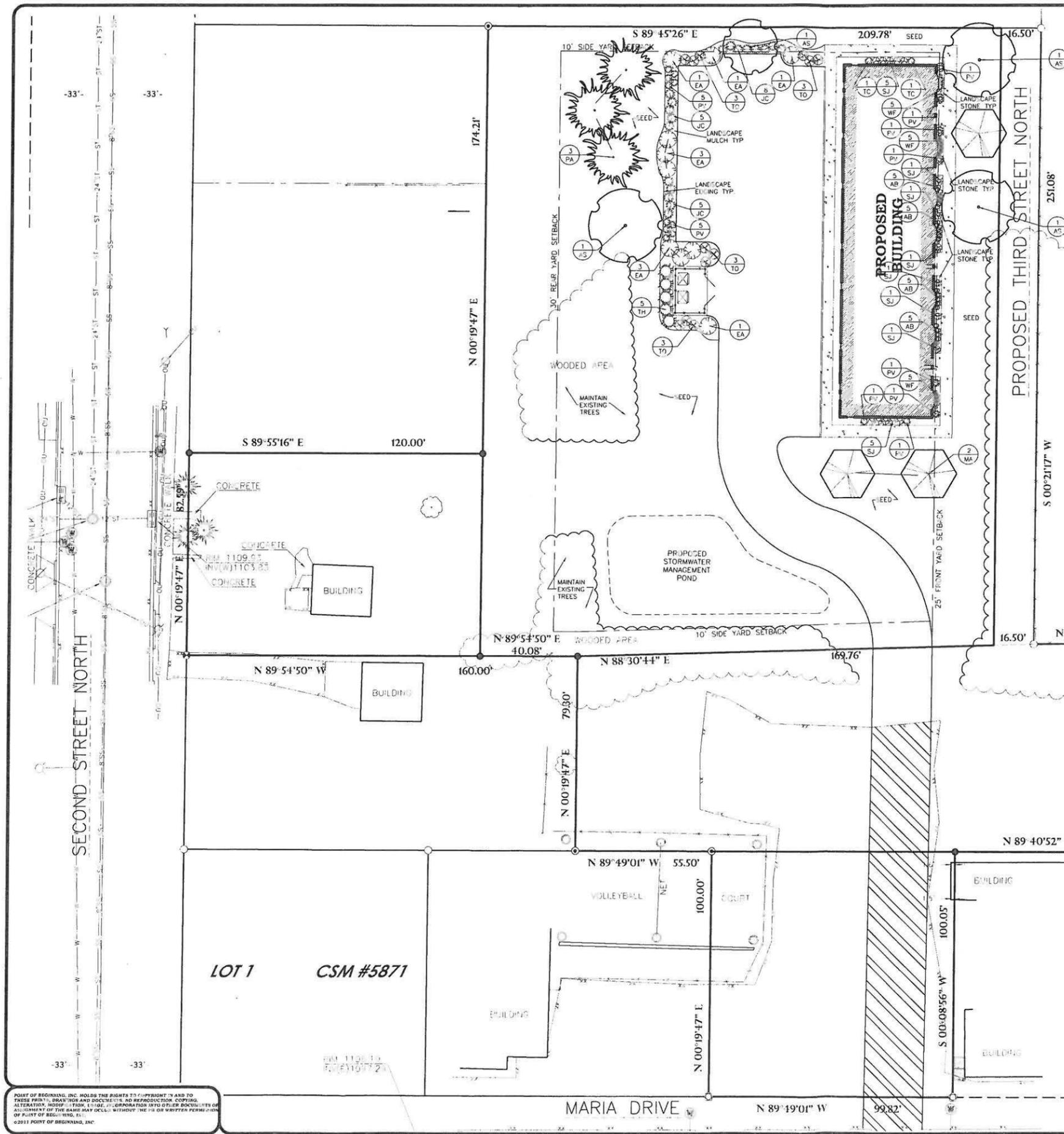
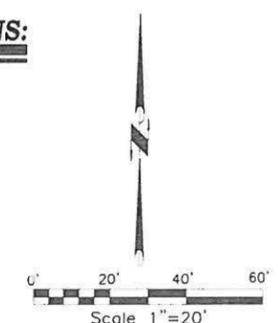
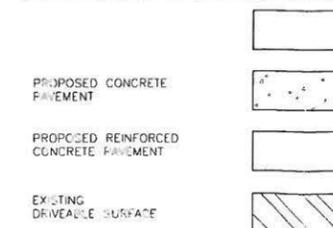
PARKING LOT SETBACK SPECIFICATIONS:

- PARKING LOT BEING SCREENED FROM A RESIDENTIALLY ZONED PROPERTY REQUIRED 1 TREE PER 50 LINEAL FEET OF PARKING= APPROXIMATELY 225 L.F. OF PARKING LOT PROPOSED= 5 TREES REQUIRED.
- *PROPOSED TO LEAVE EXISTING TREES/WOODED AREA AS SCREENING OF PARKING AS NOTED ON THIS PLAN AND ADDITIONAL 5 TREES AROUND PARKING LOT.
- *REMAINDER OF PARKING LOT TO BE SCREENED AS NOTED ON THIS PLAN, WITH CONTINUOUS SHRUB BORDER WITH A MINIMUM OF 3' IN HEIGHT.

ADDITIONAL LANDSCAPE FOR CONDITIONAL USE:

- REQUIRED ONE TREE PER DWELLING UNIT TO BE PLANTED OUTSIDE PARKING AREA
- REQUIRED ONE PLANT (18" MIN.) FOR EACH 30 INCHES OF BUILDING FACING THE STREET= 144 L.F. OF BUILDING FRONTAGE/30"= 58 PLANTS REQUIRED
- *PROPOSED TO LEAVE EXISTING TREES/WOODED AREA AS SCREENING OF PARKING AS NOTED ON THIS PLAN PLUS ADDITIONAL 5 TREES AROUND PERIMETER OF BUILDING.
- *60 SHRUBS/PLANTS PROPOSED AROUND PERIMETER OF BUILDING.

PAVEMENT HATCH PATTERNS:



REVISIONS

NO.	DATE	DESCRIPTION

CHECKED: JIM LEIBERD
DRAWN: MELISSA KLUCK
DATE: 8/23/11
PROJECT NO.: 11.067

LANDSCAPE PLAN

PRELIMINARY - NOT FOR CONSTRUCTION

PERRY PIOTROWSKI
MULTI-FAMILY DEVELOPMENT
MARIA DRIVE
STEVENS POINT, WISCONSIN

Land Surveying
Engineering
5709 Winley Drive, Suite D
Stevens Point, WI 54482
715.344.9999(PH) 715.344.9922(FX)



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Administrative Staff Report

Hilltop Pub & Grill Sign Variance 4901 Main Street July 2, 2012



Department of Community Development

<p>Applicant(s):</p> <ul style="list-style-type: none">Hilltop Pub & Grill <p>Staff:</p> <ul style="list-style-type: none">Michael Ostrowski, Director mostrowski@stevenspoint.comKyle Kearns, Associate Planner kkearns@stevenspoint.com <p>Parcel Number(s):</p> <ul style="list-style-type: none">2408-34-1400-09 <p>Zone(s):</p> <p>"B-4" Commercial District</p> <p>Master Plan:</p> <ul style="list-style-type: none">Commercial / Office/ Multi-family <p>Council District:</p> <ul style="list-style-type: none">District 7 – Trzebiatowski <p>Lot Information:</p> <ul style="list-style-type: none">Frontage (feet): 368.8Depth (feet): 108.3Square Footage: 39,956.1Acreage: 0.917 <p>Current Use:</p> <ul style="list-style-type: none">Restaurant <p>Applicable Regulations:</p> <ul style="list-style-type: none">Chapter 25.04 (7)	<p>Request</p> <p>Request from Hilltop Pub and Grill for a sign variance to allow a free standing sign that exceeds 20 feet in height to be located at 4901 Main Street (Parcel ID 2408-34-1400-09).</p> <p>Attachment(s)</p> <ul style="list-style-type: none">Parcel Data SheetApplicationSign Rendering <p>Findings of Fact</p> <ul style="list-style-type: none">The sign is set back from the property approximately 13 feet.The sign and electronic reader board total 82.375 sq. ft.Freestanding signs shall be limited to twenty (20) feet in height.Maximum square footage allowed for a freestanding sign is 150 sq. ft.No change of the sign face is proposed. <p>Staff Recommendation</p> <p>In reviewing this request, there is some uniqueness to this property with being on a hill, and on the face of the request, there is a hardship with WPS requiring a 10 foot setback from the power lines. However, there is another location where the sign could be placed on the property, and the hardship in this case has been self-created, with the installation of the new sign, and the building additions that have occurred so close to the street. In addition, the sign could have been made smaller so that the entire sign could have been visible to passing motorists. With that said, staff would recommend to deny the request for a variance to exceed the height requirement.</p>
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Vicinity Map



Background

Hilltop Pub & Grill are proposing to increase the height of their newly installed freestanding sign along Main Street from 20 feet to 28 feet, as the building blocks a portion of the sign. No changes are proposed to the face or size of the sign. Furthermore, the sign is located tight up against the building between the outside dining area and main entrance. The City sign code allows free standing signs up to 20' in height and 150 square feet in area (for properties with over 200 feet of frontage). Any request to exceed the requirements within the sign code requires a variance from the Plan Commission. Sign specifics are below:

Proposed Sign:

Faces: 2

Display: Hilltop Pub & Grill + Logo

Height: 28 feet

Size: 61.75 sq. ft.

Electronic Reader Board: 20.625 sq. ft.

Total sq. ft.: 82.375 sq. ft.

Standards of Review

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

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

Analysis: The current sign on the property is 20' in height and over 80 square feet in area which includes the electronic reader board. The building is setback approximately 13 feet from Main Street. Wisconsin Public Service requires a 10 foot setback of any structure or sign from overhead power lines. Furthermore, the building is located on top of a hill and has a large cupola that towers over the main entrance.

Findings: The cupola slightly blocks the view of the entire sign traveling east bound on Main Street. Both the cupola and hill contribute to the vision impairment. Eventually, the sign becomes fully visible when you approach the top of the hill where the entrance to the property exists. There is good visibility of the sign from the east. Staff feels that in this instance there is a hardship due to the needed distance away from the overhead utility lines. However, when Main Street was expanded, compensation is typically given to the property owner if property is purchased for right-of-way.

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

Analysis: There are several existing nonconforming signs along the Main Street / Highway 10 corridor that exceed the height and square footage requirements. La Quinta Inn, directly adjacent to the property has a freestanding sign that exceeds the height requirement. The property in question is 0.917 acres. In addition, the property has no neighbors to the west or south of the property, as it borders wetlands.

Findings: Other businesses along Main Street have requested sign variances that have been denied. Very few sign variances have been approved since the sign ordinance adoption. This request is different in that topography, utilities, and adjacent property all become a factor. The proposed sign would not obstruct any views of adjacent signs or businesses. Furthermore, it may reduce accidents along that section of Highway 10, as confusion surrounding business location will be reduced for first time patrons. I urge the Commission to review this request thoroughly and understand that approval may set precedent for future variance requests.



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

Analysis: The building sits atop a hill carved out by the nearby Plover River. Additionally, the latest reconstruction widening of Main Street (Hwy 10) at that location has pushed the building very close to the right-of-way. Also, the property is shaped irregular from nearly at a point to the west and widening to a square eastward. Lastly, Wisconsin Public Service has power lines running the length of the property requiring the sign to be setback at least 10 feet in comparison the City's 5 foot requirement.

Findings: While the property contains unique conditions related to this request there are other suitable locations on the property for a freestanding sign. In almost all cases, parking stalls would need to be removed to accommodate a new freestanding sign, however if relocated east of the access drive, near the building entrance no parking would be removed. This location may impede snowplowing and walkability, but could adequately serve the site and meet the sign requirements. With separation from the building the sign would be highly visible. In addition, this is a fairly new sign. The previous sign was removed for the installation of this sign, which may be considered a self-created hardship.

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

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

Findings: The proposed height increase would allow for better sign visibility but make the sign nonconforming as well. Furthermore, extending the sign higher above the building will look more aesthetically appealing as it currently gets buried within the building façade. In addition, the new sign could help further economic development and growth of the business, making it much more obvious. However, while the new sign meets some of the elements of the purpose of the sign code, it does go against others, such as providing uniform signage throughout the community. It is also, important to reiterate that sign requirements and better visibility can be met if the sign is moved to another location. Relocation of the sign can meet sign requirements and improve visibility. In many cases however, parking will be lost to do so and for a business that already has inadequate parking that could be detrimental.

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

Other Considerations:

1) The sign shall meet the required setback distances.

Analysis: The sign currently meets the setback of more than 10' required by WPS.

Findings: The minimum setback requirement is 5'. This standard is met.

2) The sign shall not create any vision obstructions.

Analysis: The proposed increase in sign height will not create any vision obstructions, as it is staying fixed to that location. Its close proximity to the building alleviates any vision obstruction concerns. The sign is not within the vision triangle.

Findings: This standard is met.

3) The sign shall have a landscaped base.

Analysis: No landscape base has been proposed.

Findings: The signs close proximity to the building and entrances limits the landscaping that can occur, as much of the surrounding space is used as a walkway. A small landscape base may be possible and if so, can be required as a condition if the request is approved.

4) The site shall not create an over proliferation of signage.

Analysis: The proposed sign is 28' tall and approximately 82 square feet in area. Our ordinance requires signs to be no more than 20' tall and 150 square feet in area (for properties with over 200 feet of frontage). No change in sign area has been proposed. Two additional billboard signs exist on the parcel, along with a projecting sign above the main entrance.

Findings: There is not an over proliferation of signage related to the Hilltop Pub & Grill. Furthermore, the two billboards located on the property incorporate other advertisements and are a great deal away from the building.

Images



Name and Address		Parcel #	Alt Parcel #	Land Use
Mitchell Properties LLC 4901 Main St Stevens Point, WI 54481		240834140009	240834140007	Restaurant
		Property Address		Neighborhood
		4901 Main St		Hwy 10 W of Hwy 39 (Comm)
		Subdivision		Zoning
Display Note	New Parcel for 2009	Certified Survey Map		B4-COMMERCIAL

OWNERSHIP HISTORY

Owner	Sale Date	Amount	Conveyance	Volume	Page	Sale Type

SITE DATA**PERMITS**

Actual Frontage	368.8	Date	Number	Amount	Purpose	Note
Effective Frontage	368.8	4/3/2012	12-0142	\$30,000	099 Sign	20' sign w/LED msg c replace hwh
Effective Depth	108.3	1/24/2007	34513	\$13,000	066 Plumbing	
Square Footage	39,956.1	5/19/2004	32361	\$5,000	090 Roof/Strip & re-ro	
Acreage	0.917	11/25/2003	32085	\$1,731	099 Sign	
		7/21/1997	26906	\$175,000	003 Addition	
		6/3/1996	25818	\$20,000	060 New Construction	parking lot

2012 ASSESSED VALUE

Class	Land	Improvements	Total
B-Commercial	\$247,200	\$438,400	\$685,600
Total	\$247,200	\$438,400	\$685,600

LEGAL DESCRIPTION

LOT 1 CSM#2878-10-136 BNG PRT SE NE EX PRCL DES 512/444 (BNG PRT CSM 14/202) EX HWY DES 626873; ALSO INCLDING OL1 CSM#4147-14-202 (EXC PRCL DES 512/444) TOGETHER W/RTS DES 516/883 BNG PRT SENE S34 T24 R8 442/1175 512/434 595717

PROPERTY IMAGE**PROPERTY SKETCH**

Name and Address		Parcel #	Alt Parcel #	Land Use
Mitchell Properties LLC 4901 Main St Stevens Point, WI 54481		240834140009	240834140007	Restaurant
		Property Address		Neighborhood
		4901 Main St		Hwy 10 W of Hwy 39 (Comm)
Subdivision		Zoning		
Display Note	New Parcel for 2009	Certified Survey Map		B4-COMMERCIAL

BUILDING SUPERSTRUCTURE DATA

Bldg	Sec	Occupancy	Year	Area	Framing	Hgt
1	1	Restaurant (D avg)	1952	2,994	Wood Frame - Avg	9
1	2	Restaurant (D avg)	1997	2,796	Wood Frame - Avg	12

Total Area	5,790
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BASEMENT DATA**COMPONENTS**

Bldg	Sec	Adjustment Description	Area	Bldg	Sec	Component Description	Area
1	1	Bar/Tav/Restaurant Unf Bsmnt	784	1	1	Wood Deck(s)	390
				1	1	Enclosed Frame Entry	390
				1	2	Wood Deck(s)	486

DETACHED IMPROVEMENTS

Structure	Year Built	Square Feet	Grade	Condition

SITE IMPROVEMENTS**STRUCTURE DATA**

Site Improvement	Units	Age	17
		Year Built	1952
		Eff. Year	1995
		One Bedroom	
		Two Bedroom	
		Three Bedroom	
		Total Units	
		Stories	1.00
		Business Name	Hilltop Bar & Grill

REQUEST TO CITY OF STEVENS POINT PLAN COMMISSION

ADDRESS OF PROPERTY: Hilltop Pub and Grill- 4901 Main St. Stevens Point

- Zoning Ordinance Change
- Conditional Use Permit
- Variance from Zoning Ordinance -Board of Appeals
- Variance from Sign Ordinance
- Appeal from Subdivision Requirements
- Other

REQUESTED CHANGE: (State briefly what is being requested, and why).

We are requesting the height of the new pylon sign to be increased. The sign was installed in compliance with the code at the maximum height of 20' next to the building WPS requires a 10' setback off of any power lines which hugs the sign right next to the building, causing the cupola entryway to cover up part of the sign facing west. We would like to raise it just enough to fully visible which would be approximately 8' for an overall height of 28' to the top of the sign.

OWNER/APPLICANT:

Name: Mike Mitchell/ Hilltop Pub and Grill
Address: 4901 Main St. Stevens Point, WI 54481

(City, State, Zip Code)

Telephone: 715-341-3037
Cell Phone: 715-340-1540

Signature

AGENT FOR OWNER/APPLICANT:

Name: Bailey Bushman/ Bushman Electric Crane and Sign
Address: 4925 Coye Dr. Stevens Point, WI 54481

(City, State, Zip Code)

Telephone: 715-341-4942
Cell Phone: 715-340-0939

Signature

Digitally signed by Bailey Bushman
DN: cn=Bailey Bushman, c=us, email=bailey@bushmanelectric.com, o=US
Date: 2012.06.21 09:04:42 -0500

Scheduled Date of Plan Commission Meeting: July 2012

Scheduled Date of Common Council Meeting: _____

You, as the applicant, or your agent, shall attend the meeting and present your request.

All requests with supporting documentation are due at the Community Development Office **three weeks** prior to the actual meeting.

Fee schedule is on second page.

Receipt # _____

1. What is the square footage of the existing sign?

Top section
Logo $6'6" \times 9'6" = 61.75$

Message Center $29" \times 8'3" = 20.625$

82.375 Sq ft.

2. Please answer the variance standard questions below and provide any supplemental info.

a. What is the unnecessary hardship on the property related to the request?

Sign needs to be 10' off power lines - At 20' height building is blocking part of sign facing west - Any other loc. would jeopardize parking / visibility from east.

b. Will the granting of the variance be materially detrimental to the surrounding property owners.

No - La Quinta next door has 50' sign that was grandfathered in
BP - Plenty of area between bldg. and road
Econulodge - Existing grandfathered sign 50' +

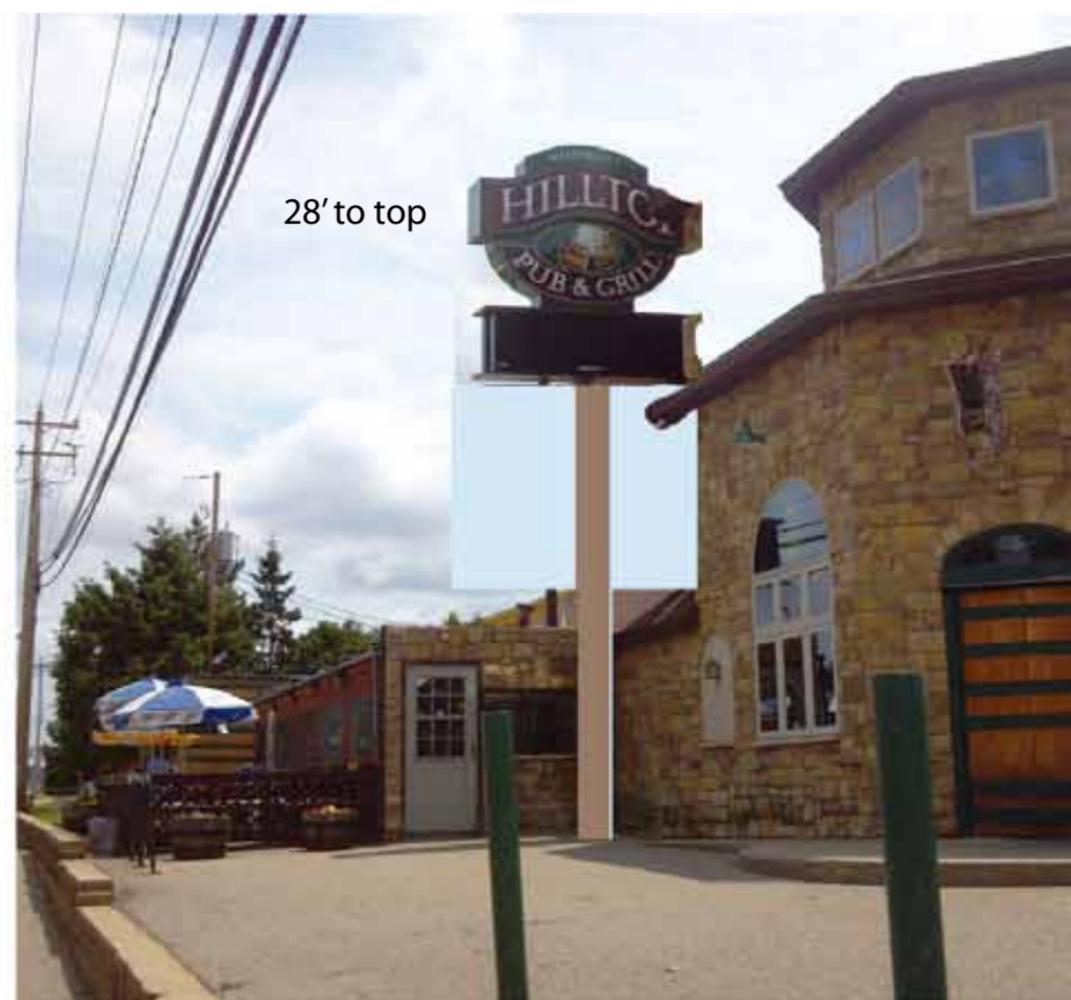
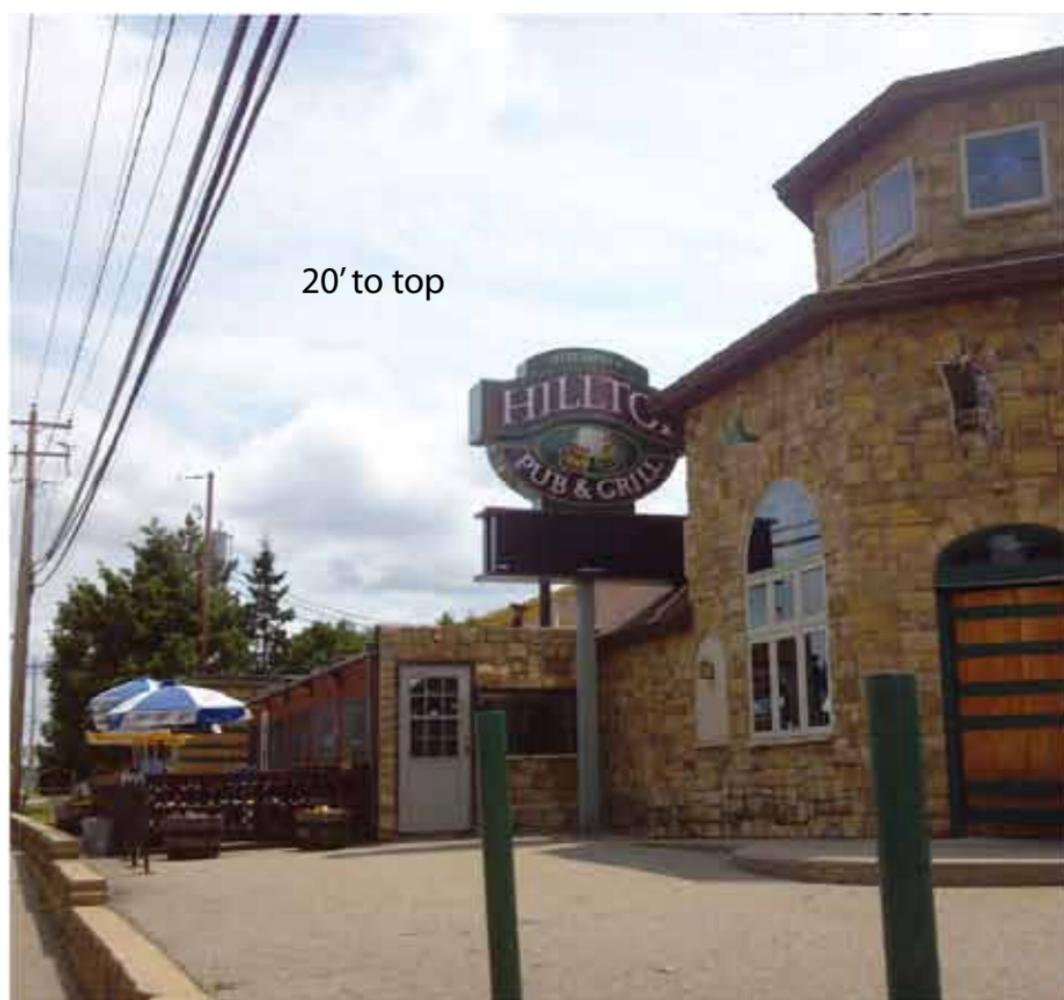
c. Is the hardship caused by unique conditions and characteristics found on the property that do not apply generally to the city.

proximity of building to street / power lines

when road was widened, property lost good amount of frontage - shown from existing sign foundation

Pine trees / hill also pose obstruction for sign placement / exposure

You have touched upon the questions above somewhat in the application but any additional information would be helpful.





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

City of Stevens Point – Department of Community Development

To: Plan Commission
From: Michael Ostrowski and Kyle Kearns
CC:
Date: 6/27/2012
Re: Zoning Code Rewrite

Due to the fact that we were unable to get a quorum on Tuesday, June 26, 2012 for the zoning code rewrite meeting, if time allows, I would like to continue with the zoning code rewrite following the regular agenda items at the meeting on July 2, 2012.