

AGENDA
CITY PLAN COMMISSION

Tuesday, August 7th, 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 July 2, 2012 Plan Commission meeting.
2. Request from Jim Billings, representing Jimmy B's Parrot Club, for a parking lot modification to remove the existing volleyball courts and make that area an unpaved parking area at **916 Maria Drive (Parcel ID: 2408-29-2400-18)**.
3. Request from James Ford, representing Parkdale Development LLC, for the purposes of annexing an unaddressed property located at the **northeast quadrant of the intersection of Badger Avenue and Highway 10 East (County Parcel ID: 020240836-02.05), along with the adjacent right-of-way**, from the Town of Hull to the City of Stevens Point.
4. Establishing a permanent zoning classification for the property located at the **northeast quadrant of the intersection of Badger Avenue and Highway 10 East** (Parkdale Development, LLC annexation request).
5. Adjourn.

PUBLISH: August 3, 2012 and August 10, 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, August 20, 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) Amendment of the Zoning Ordinance of the Revised Municipal Code of the City of Stevens Point, which would classify the following territory as "B-5" Highway Commercial District:

Part of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ and part of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 36, including all of Lot 1 of Certified Survey Map #8701, Volume 35, Page 81, all located in Township 24 North, Range 8 East, Town of Hull, Portage County, Wisconsin, described as follows:

Commencing at the North $\frac{1}{4}$ corner of Section 36, Township 24 North, Range 8 East; thence S 00°23'15"E along the West line of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 36, 557.32 feet; thence N 89°07'19"E, 33.00 feet to the point of beginning (POB) of the parcel to be described; thence N 89°07'19"E, 952.63 feet; thence S 00°23'15"E, 822.45 feet to the South line of U.S.H. "10"; thence S 89°00'02"W along the said South line of U.S.H. "10", 952.38 feet; thence N 00°30'17"W, 129.03 feet; thence N 00°23'15"W, 695.44 feet the point of beginning.

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, July 2, 2012 – 6:00 PM

Lincoln Center – 1519 Water Street

PRESENT: Mayor Andrew Halverson, Alderperson Jerry Moore, Commissioner Tony Patton, Commissioner Anna Haines, Commissioner Sarah O'Donnell, Commissioner Garry Curless, and Commissioner David Cooper.

ALSO PRESENT: Community Development Director Michael Ostrowski, Economic Development Specialist Kyle Kearns, Alderperson Logan Beveridge, Alderperson Mary Stroik, Alderperson Randy Stroik, Alderperson Michael Phillips, Carol Lawlis, Jeff Feist, Matthew Brown, Sarah Wallace, Barb Jacob, Reid Rocheleau, Wayne Bushman, Mike Mitchell, Bailey Bushman, Cathy Dugan, Mary Ann Laszewski, and Perry Piotrowski.

INDEX:

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.

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1. Report of the June 4, 2012 Plan Commission meeting.

Motion by Alderperson Moore to approve the report of the June 4, 2012 meeting as presented; seconded by Commissioner Cooper. Motion carried 7-0.

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)**.

Motion by Alderperson Moore to approve the multiple utility easements on City property at 2442 Sims Avenue and 933 Michigan Avenue; Seconded by Commissioner Haines. Motion carried 7-0.

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)**.

Director Ostrowski stated this is a two part request, 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. The accessory structure would be expanded to allow for a living space on the second floor. Given that the location is in a very rural setting within the city, staff does not see any concerns and would recommend approval for the 1,248 square foot accessory structure.

Motion by Commissioner Patton to approve the 1248 square feet accessory structure, which exceeds the 900 square feet requirement at 1331 Westmore Court; seconded by Mayor Halverson.

Commissioner Curless asked if the property has city sewer and water or well and septic, to which Ms. Lawlis stated they have a well and septic system. Commissioner Curless then asked if it would accommodate the additional living space. Jeffery Feist 441 Sixth Avenue, stated that they have conducted a perk test for a one bedroom apartment type situation, and the plan is to use the same well, but to add in a 3 foot wide by 100 foot long septic tank with drain field as an additional second system that would be on the opposite side of the property from the original system and exclusive to the new living space.

Commissioner Haines added she liked the idea.

Motion carried 7-0.

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)**.

Director Ostrowski stated this is the second part of the request. 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. Staff has reviewed it based on the standards of review and would recommend approval with following conditions:

- 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.
- The dwelling cannot exceed the proposed living area, and if they do want to expand the living area in the future, it would need to be brought back before the Plan Commission.

Motion by Commissioner Haines to approve the conditional use permit to renovate their detached garage into a second living space at 1331 Westmore Court with the following conditions:

- **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, and**
- **The dwelling cannot exceed the proposed living area, and if they do want to expand the living area in the future, it would need to be brought back before the Plan Commission;**

seconded by Commissioner Patton. Motion carried 7-0.

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).**

Director Ostrowski stated that 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. 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.

Aldersperson Moore stated that he had received a phone call about the fence from a neighbor that was not happy with it, but they will live with it.

Mayor Halverson recalled that one of the main concerns of one of the immediate adjacent property owners was the fence and that it was large enough to ultimately screen the area.

Aldersperson Moore asked about the finished side facing out.

Commissioner Curless asked if the city had a code that specifies the good side and bad side of the fence, to which Director Ostrowski stated we do not, we leave that up to the property owner. Commissioner Curless suggested that when looking at the fence, that the side that faces the neighbors has brown posts, and it would be nice if the posts were painted white, then it would blend in with the fence. Mayor Halverson clarified that the flush side is on the inside of the property, not facing the neighbors. Commissioner Curless stated that it is hard to see from the street, however, you do see every eight feet a brown 4 x 4 post. Mayor Halverson stated that it could be a new requirement if we do approve the release of the landscaping requirements.

Motion by Commissioner Curless to remove the landscaping requirements for parking lot screening at 940 Maria drive with the condition to paint the fence posts to match the color of the fence; seconded by Commissioner Patton.

Commissioner Haines stated she does not feel we should be granting this, and thinks they should have to screen, given the conditions that we placed on them before, and she does not want to go back on those previous conditions.

Commissioner Patton asked why all of a sudden did they decide to go with the fence, and would we have approved it with a fence before, to which Director Ostrowski stated it was approved with the fencing requirement. Our zoning code requires that parking lots be screened with either landscaping or a three foot tall fence.

Mayor Halverson stated that is really what the applicant is asking for, in that the fence is there and in their opinion adequate and they want to be released from the requirement for the added landscaping. Alderperson Moore asked if the rest of the landscaping would stay, to which Director Ostrowski stated this would just be the landscaping around the bend in the drive and the landscaping surrounding the parking lot.

Mary Ann Laszewski, 1209 Wisconsin Street, stated that when you are on Maria Drive and look at the property, you see the narrow end of this rectangular building facing Maria, and what you mostly see are the electric meters, the large metal mechanical boxes, lengthy rolls of conduit piping, and a big roll of colored wiring on the end of the building. When you pull into the only entrance which is a driveway between the bars, it brings you into the parking lot up to the side of the building that is a long flat rectangular west side facing building. She stated that her first impression upon driving in was it is a barracks looking structure that shows the exhaust pipes, vents and flat doors, and cars pulled up to them like a strip motel. She also viewed the poor dumpster coverage, skimpy old trees, and the white fence giving the property a very minimalistic appearance. Ms. Laszewski was surprised due to the fact of the conditions previously placed on the property requiring brick and dormers and adding elevations to which were originally a very bare and plain building. Upon a return visit, Ms. Laszewski stated that she needed to get off of the entry road onto a sandlot facing east to see other side of the building, and there she was able to see the conditions were met. She stated that she was shocked, because it is a side that you will never see, and that the back side of the building is the only side that is visible by a road when you drive in. She feels that the front is the primary focus of the building that exists between the street and the front of the building. She feels that there is no attention given to the Maria Drive or the west side of the building, therefore, the landscaping condition should be enforced. Ms. Laszewski feels that new developments need to look good on all sides, screening of all mechanicals are needed, the dumpster needs to be enclosed and the landscaping really needs to be enforced on the west side of the building.

Cathy Dugan, 615 Sommers Street, did not realize that we could waive the landscaping requirements on parking lots and in addition to fencing there was still a need for shrubs and foliage.

Alderperson Randy Stroik asked if we did add the fencing at Common Council, to which Director Ostrowski stated it was added at the Plan Commission meeting. He continued to state that the applicant knew September 2011 that there was fencing and a screening requirement and had the opportunity at that time to speak against it. Alderperson Stroik feels the white fence does screen the parking lot, but does stick out, and shrubs would not be screening for the homes, but it is needed on the inside of the fence the way we originally had conditioned it.

Reid Rocheleau, 408 Cedar Street, stated that when you see the front of the building, it does have redeeming qualities, but it does not appear to be the front of the building.

Perry Piotrowski, 251 Dubai Avenue, stated that he knows the front is supposed to face Third Street some day. He did want to turn the building, but that was the way he was supposed to build it. He was going to go along with all the other plans with the landscaping, but the white fence came into

play and the solid vinyl fence requirement came in after the landscaping plan had been approved. Furthermore, Mr. Piotrowski stated that he does have the proper screening according to the laws, and is hoping that he can do his own style of landscaping, as well as, to cover the front of the building in time with some type of lighting and a sign that will suit the property.

Mayor Halverson asked to go over the code specifics in terms to the minimum requirements relating to a parking lot specifically.

Director Ostrowski stated that if you look on page one of two in the staff memo, under subsection a) Continuous Screening. 1) Continuous Screening Specifications. Screening shall consist of natural plant material and/or decorative wall or durable landscape barrier. The applicant would be free to choose which treatment they would like to screen the parking lot with. Since this was a conditional use they are required to follow the conditions that the Plan Commission placed upon them, unless the Plan Commission would waive that condition if this applicant were creating a parking lot for a permitted use, they would have the ability to choose if they wanted a fence or shrubbery.

Mayor Halverson expressed that the main concern of one resident whose home is directly off of North Second Street was the fence. He wanted to make sure the fence was up and that was part of what was going to be done, and he does not know if that person has any opinion on the landscaping. Mayor Halverson stated that he does not disagree with the folks that we have heard from tonight, in terms of the beautification of the site itself, in terms of the conditional use itself and mitigating of any adverse impacts to adjacent properties, the fence is the primary part of it.

Commissioner Curless asked if there was any problem with the open pond, not being fenced, to which Director Ostrowski stated we do not have any requirements relating to that in our zoning ordinance.

Mayor Halverson repeated the motion.

Motion by Commissioner Curless to remove the landscaping requirements for parking lot screening at 940 Maria drive with the condition to paint the fence posts to match the fence; seconded by Commissioner Patton. Motion carried 6-1, with Commissioner Haines voting in the negative.

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)**.

Director Ostrowski stated that 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 standings 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. 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.

Commissioner Patton asked if they could just move the sign over three feet towards the road, to which Mayor Halverson stated it would be encroaching on the WPS requirements from the transmission line. Director Ostrowski added that there is also the outside door to the patio. He then asked if they could make it taller, to which Director Ostrowski stated they cannot make it taller under the current regulations, but that is their request for an exception to make it taller. Commissioner Patton asked if the increased height would make it as tall as the first cupola, to which Director Ostrowski stated the bottom portion of the sign would be in between the two roof lines.

Aldersperson Moore asked where the second location would be for the sign, to which Director Ostrowski stated to the east of the driveway and west of the building. Director Ostrowski said that one of the concerns with the Hilltop is the underserved parking, so locating a sign in a parking lot and removing two to three stalls, is not an option. However, with this location, you would not eliminate any parking.

Mike Mitchell, 5271 Forest Circle, stated that with the addition and the encroachment to the road, the deck and patio were installed in the 1980's; the other addition put on was westerly and parallel the road, so it isn't an issue of them moving closer to the road historically, what really happened was in 2004 the road moved closer to them by eight feet. He stated that he feels because the road was moved eight feet towards the building that it limited how big the sign could be and where it could be placed. When looking for a location they went about half of what the ordinance allowed due to the concerns for the power lines. When measuring everything out in February, they were really concerned on where the sign went, they may not have paid close enough attention to what it might look like from a quarter mile down the road. He feels that if they go up eight feet, people will really be able to see it, it would still fit into the décor of the building, and would not be too big or obtrusive. Mr. Mitchell admitted that going smaller may have helped, but how much smaller do you want to go before your sign isn't effective. Mr. Mitchell also addressed the relocating of the sign, to which he stated that even though it is not a marked parking spot east of the driveway, it is still used for negotiating the parking lot, for carry out orders, and for a drop off area, and he feels that someone would run into the sign. He stated he worked with Bailey Bushman and walked the property line and placed the sign in the only spot that they felt it could go. With being next door to the hotel, their sign is 50 feet, the Econolodge is 60 feet, and the next competitor's sign Grazies is 40 feet in height. He stated he understands the ordinance with the 20 feet, but we already have varying heights along the Highway 10 corridor.

Aldersperson Randy Stroik stated that the LaQuinta and BP all have increased height and increased square footage. This business is adding tax base to us, they have done a good job giving back to the community, and they are asking only for eight feet taller. To deny this would be a mistake, and he is in support of allowing the additional height exception.

Aldersperson Logan Beveridge does not think the height of the sign in that location is a concern, but the overall concern is the program integrity throughout the community. There is a danger in setting a precedent that people can come and get exceptions to the rules as a matter of routine, and therefore if the commission is going to grant the exception in this case, it needs to be very clear on the record that it was done so because of the highly unique and challenging aspect of this particular location.

Barb Jacob, 1616 Depot Street, does not see a problem with a 28 foot sign. The 20 foot sign blends into the building too much and you almost miss it. A sign is meant to draw attention to the business and with them going up to eight feet, then they are accomplishing what they set out to do. She feels that the commission and council need to take into consideration that these are older buildings and they don't meet what we think is tradition. We have someone that wants to spend some money

and improve the look of the community, and we should not deter them. She feels that this should be an exception because you want to draw attention to the business.

Reid Rocheleau, 408 Cedar Street, thinks that this is a reasonable request. He feels that people should be able to see the sign and that the sign ordinance should be changed to allow for signs such as these.

Bailey Bushman, 4925 Coye Drive, stated that she did the best to follow the guidelines for the sign, so they would not be put in this situation. She thought that this sign would be fine, considering there were no other signs directly in competition with this sign, and the focus was with WPS and the power lines, as well as the road set back. In this case it is a bad situation, and she feels that this is a unique situation.

Wayne Bushman, Bushman Electric and Sign, stated this business has done something tremendous in this town, and employs lots of people. He stated it is very competitive, especially in the food business, and in this case if you look at the corridor by segments, this is very unique in how it is positioned. Mr. Bushman stated that you can see the different segments of height limitations, and in this case this is just a request for a minimum height increase to make the sign effective. Regarding the parking area potential placement, that would be a detriment since it is more of a pickup location and would be struck by cars and cause a hazard for snow plowing.

Aldersperson Moore stated it is a nice looking sign, but the way it is set up it looks stupid. He also questioned if eight feet would be enough for the height increase.

Mayor Halverson stated that given the projections that we are seeing on the illustrations it looks like the eight feet would be appropriate to clear the building, especially from an easterly direction. The issue is specific to the site and the requirement of WPS, the right-of-way that has changed, and the unique property characteristics of the terrain are all difficulties.

Motion by Mayor Halverson to approve the request for a sign variance to allow a free standing sign that exceeds 20 feet in height to be located at 4901 Main Street; seconded by Aldersperson Moore.

Director Ostrowski stated that if you do move approval, he recommends some conditions to be placed on the sign, for example that it is limited to 28 feet in height, that the sign cannot exceed the proposed square footage, and that the sign pole be painted to match one of the colors on the building.

Mayor Halverson and Aldersperson Moore agreed to the added conditions to the motion.

Motion by Mayor Halverson to approve the request for a sign variance to allow a free standing sign that exceeds 20 feet in height to be located at 4901 Main Street with the following conditions:

- **The sign is limited to 28 feet in height,**
- **the sign cannot exceed 82.375 square feet in area, and**
- **the sign pole shall be painted to match one of the colors on the building;**

seconded by Aldersperson Moore.

Commissioner Curless stated that with the eight feet, the Hilltop part of the sign would be visible, and it would only affect people from out of town who would be looking for this location.

Motion carried 7-0.

7. Zoning Code Rewrite - Article 1 - General and Article 2 - Code Components, with the potential removal of Articles 3 - Natural and 4 - Rural.'

The Commission discussed the previous meeting and their decision regarding the elimination of the Rural and Natural context areas. Furthermore, they used examples throughout the City to analyze when determining the benefits or disadvantages of eliminating those context areas.

8. Zoning Code Rewrite -Review:

Article 5: Suburban Context

Article 6: Urban Context

Article 7: Center Context

Article 8: Special Context

The Commission determined that the introduction and review of new material relating to the zoning code rewrite shall be done at only the special Plan Commission Meetings.

9. Adjourn.

Meeting adjourned at 6:58 pm.

Administrative Staff Report

Jimmy B's Parrot Club

Parking Lot Review

916 Maria Drive

August 7, 2012



Department of Community Development

<p>Applicant(s):</p> <ul style="list-style-type: none">• Jimmy B's Parrot Club <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">• 2408-29-2400-18 <p>Zone(s):</p> <ul style="list-style-type: none">• "B-4" Commercial 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 11 – Moore <p>Current Use:</p> <ul style="list-style-type: none">• Tavern <p>Applicable Regulations:</p> <ul style="list-style-type: none">• 23.01(14)	<p>Request</p> <p>Request from Jim Billings, representing Jimmy B's Parrot Club, for a parking lot modification to remove the existing volleyball courts and make that area an unpaved parking area at 916 Maria Drive (Parcel ID: 2408-29-2400-18).</p> <p>Attachment(s)</p> <ul style="list-style-type: none">• Parcel ID Sheet• Application• Site Plan <p>Findings of Fact</p> <ul style="list-style-type: none">• Current property is zoned "B-4" Commercial District.• Parking lot additions must comply with ordinance requirements.• The request includes removing a non-utilized volleyball court and converting the area to parking.• Variations to parking lot requirements must be approved by the Plan Commission. <p>Staff Recommendation</p> <p>Approve, subject to the following condition(s):</p> <ul style="list-style-type: none">• Applicant shall blacktop/asphalt the entire lot within two years of approval and at that time submit a parking lot and landscaping plan to be reviewed/approved by staff. That plan must meet all ordinance requirements or receive approval by the plan commission for a modification.• The wheel stops shall be relocated to the north to prevent parking from encroaching into the green area.• All necessary permits shall be obtained from the Community Development department for the parking lot construction.• Stormwater requirements must be met as per Department of Public Works and Water/Wastewater/Stormwater Utility standards.
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Vicinity Map



2012 – Orthographic Photo

Background

Jimmy B's Parrot Club no longer utilizes their outdoor volleyball court. Most recently, the property did not extend the premise to serve alcohol within the volleyball area. As seen from the photos, the volleyball net does not exist, nor does the fence around the perimeter. Therefore, the applicant has elected to remove the court and turn it into a gravel parking area.

Our Zoning Ordinance requires the following for the reconstruction of parking lots:

Landscaping required when expanding or reconstructing existing parking lots.

Landscaping requirements in this Ordinance apply to all parking areas of 5 or more contiguous spaces and must be met prior to the expansion or reconstruction of any existing parking lot affected by this Ordinance. This shall include:

- a. Any new addition to an existing parking lot (Only the newly developed area must comply with the requirements of this ordinance.)*
- b. Reconstruction of an existing lot. Reconstruction is defined as removing over fifty (50) percent of the existing surface and reconstructing that surface. In the event that a property owner has problems complying with landscape standards associated with reconstructing a parking lot including the loss of a significant number of parking spaces, the Plan Commission shall consider and grant variations to these requirements based upon a mutually acceptable plan. Such variations may be granted without Common Council approval. Variations denied by the Plan Commission may be appealed to the Common Council.*

Since an addition to an existing parking lot is being proposed, Jimmy B's Parrot Club is required to comply with the current landscape requirements within our Zoning Ordinance. The Plan Commission may grant variations to the landscape requirements if the property owner has problems complying with the existing standards, including the loss of a significant amount of parking spaces.

In terms of existing parking lots that have less than 75 spaces, our Zoning Ordinance requires the following:

Existing lot less than 75 parking spaces: Landscaping shall be added which will not result in the loss of parking spaces and shall not decrease the parking dimensions of the reconstructed lot to less than the parking dimensions contained in this ordinance plus one additional foot added to each dimension contained in this ordinance.

The property meets the space requirement outlined in our code. A tavern use requires: 1 space per 100 square feet, in this case 22 parking spaces which are met with the addition of the parking lot.

Mr. Billings is also requesting not to have to pave the area where the volleyball courts are currently located. The current parking lot is in rough shape and the plan is to pave the current volleyball court area when the rest of the lot is reconstructed. Therefore, Mr. Billings is asking for a modification of paving this area until the rest of the lot is going to be paved.

Standards of Review

- 1) Any parking lot containing ten (10) or more contiguous spaces shall be hard-surfaced with bituminous or Portland cement concrete.**

Analysis: The parking lot mainly consists of aged asphalt and gravel. The proposed addition will be gravel. Mr. Billings is planning to pave this addition area when he repaves the entire lot.

Findings: This standard is not met. Since this area is located towards the rear of the lot, staff does not see a concern with leaving this area gravel for a limited time period. The current lot is in rough shape and needs to be reconstructed. In addition, this area does have a shortage of parking during peak times and this parking lot addition will help alleviate that concern. However, staff would recommend that the current lot and the new addition be paved within two years of approval of this request.

- 2) On the site of a building or open lot use providing an off-street parking area of five (5) or more contiguous spaces, there shall be provided landscaping between such area and the street right-of-way and/or property line.**

Analysis: The property is zoned B-4 and this would require a 5' setback to the addition that abuts the rear of the property.

Findings: The current setback of the volleyball court is 0' from the property line; however the property to the north is under the same ownership.

Staff would also recommend that all setbacks be met for the parking lot addition, except where the parking lot abuts a property under the same ownership. Within this setback area the appropriate screening shall be placed.

- 3) Parking areas being screened from a public right-of-way, residentially property or parking areas within a residentially developed area: 1 tree per 50 lineal feet - for parking areas being screened from commercial or industrial zoned district: 1 tree per 75 lineal feet. 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.**

Analysis: Trees exist along the north property line.

Findings: This standard is met.

- 4) Protection of Landscape Strips and Plantings from Vehicular Encroachment. One of the following methods must be provided to eliminate vehicular encroachment in an area where parking spaces abut a landscaped area of the site: Wheel stops of masonry, steel, or heavy timber construction shall be provided at a distance of two (2) feet from the edge of the planting area. The parking space shall not extend into the required parking area setback unless approved. Curb. If curb is used, a minimum five (5) foot landscape strip shall be required. It is intended that two (2) feet of said strip may be utilized for vehicle overhang and may be credited to stall depth.**

Analysis: Concrete wheel stops exist south of the volleyball court.

Findings: Staff recommends that the concrete wheel stops be moved north, five feet from the property lines, once the volleyball court has been removed to meet the requirement.

This request is somewhat unique, in that it involves the removal of a non utilized volleyball court in order to add additional parking. Furthermore, a driveway exists on the adjacent property under the same ownership to the east. This asphalt driveway leads to a newly constructed apartment complex behind the property in question, making it stand out in relation to the gravel parking lot. Parking for the Jimmy B's Parrot Club extends onto the nearby property, boarding the driveway.

Staff feels that the removal of the volleyball courts will increase the aesthetics of the area, and furthermore offer parking which is underserved for the property. Our code requires the parking lot addition to be hard-surfaced, however in doing so would not conform to the rest of the parking lot. Therefore, staff recommends approving the request to remove the volleyball court and allow the area to be used as parking, consisting of gravel for two years, where then the applicant shall hard-surface the entire lot and meet all requirements at that time, including but not limited to the landscape requirements for the entire lot.

Photos



Jimmy B's – Facing Maria Dr.



Jimmy B's – Volleyball Court



Jimmy B's – Volleyball Court



Jimmy B's – Volleyball Court

Name and Address		Parcel #	Alt Parcel #	Land Use
JADA LLC 908 Maria Dr Stevens Point, WI 54481		240829240018	240829240018	Bar/Tavern
		Property Address		Neighborhood
		916 Maria Dr		North West (Comm)
		Subdivision		Zoning
Display Note		Metes And Bounds		B4-COMMERCIAL

OWNERSHIP HISTORY

Owner	Sale Date	Amount	Conveyance	Volume	Page	Sale Type
JADA LLC Brian D Cramer	10/19/2004	\$191,100	Warranty Deed W/Add'L	663876		Land & Build.
	12/28/2001	\$91,000	Warranty Deed W/Add'L	600450		Land & Build.

SITE DATA**PERMITS**

Actual Frontage	116.0	Date	Number	Amount	Purpose	Note
Effective Frontage	116.0	12/31/2004	32944	\$2,000	090 Roof/Strip & re-ro	
Effective Depth	100.0					
Square Footage	11,600.0					
Acreage	0.266					

2012 ASSESSED VALUE

Class	Land	Improvements	Total
B-Commercial	\$23,200	\$88,800	\$112,000
Total	\$23,200	\$88,800	\$112,000

LEGAL DESCRIPTION

THAT PRT S 1/2 NW 1/4 S29 T24 R8 DES: COM AT A PT ON NL MARIA DR, 30' N OF SL SD 80 AND 100' E OF EL OF N SECOND ST; E PRL, 116'; THN N AT RA 100'; THN W PRL, 116'; THN S 100' TO POB ALSO DRIVEWAY RIGHTS 663876

PROPERTY IMAGE**PROPERTY SKETCH**

Name and Address		Parcel #	Alt Parcel #	Land Use
JADA LLC 908 Maria Dr Stevens Point, WI 54481		240829240018	240829240018	Bar/Tavern
		Property Address		Neighborhood
		916 Maria Dr		North West (Comm)
		Subdivision		Zoning
Display Note		Metes And Bounds		B4-COMMERCIAL

BUILDING SUPERSTRUCTURE DATA

Bldg	Sec	Occupancy	Year	Area	Framing	Hgt
1	1	Bar/Tavern (D avg)	1930	2,025	Wood Frame - Avg	9
1	2	Bar/Tavern (D avg)	1980	181	Wood Frame - Avg	9

Total Area		2,206
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BASEMENT DATA

COMPONENTS

Bldg	Sec	Adjustment Description	Area	Bldg	Sec	Component Description	Area

DETACHED IMPROVEMENTS

Structure	Year Built	Square Feet	Grade	Condition

SITE IMPROVEMENTS

STRUCTURE DATA

Site Improvement	Units	Age	32
		Year Built	1930
		Eff. Year	1980
		One Bedroom	
		Two Bedroom	
		Three Bedroom	
		Total Units	
		Stories	1.00
		Business Name	Duces Wild Bar & Dance Club

REQUEST TO CITY OF STEVENS POINT PLAN COMMISSION

#150²⁰

ADDRESS OF PROPERTY: 916 MARIA DRIVE / STEVENS POINT, WI 54481

- 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).

ALLOW FORMER SPORTS AREA TO BECOME A GRAVEL PARKING AREA

OWNER/APPLICANT:

Name: JIM BILLINGS
Address: 709 SUNSET AVE.
STEVENS POINT, WI 54481
(City, State, Zip Code)

Telephone: 715/342-1513
Cell Phone: 715/352-9975

Signature: 

AGENT FOR OWNER/APPLICANT:

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

Telephone: _____
Cell Phone: _____

Signature: _____

Scheduled Date of Plan Commission Meeting: 8-6-12

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 # 1.48356



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

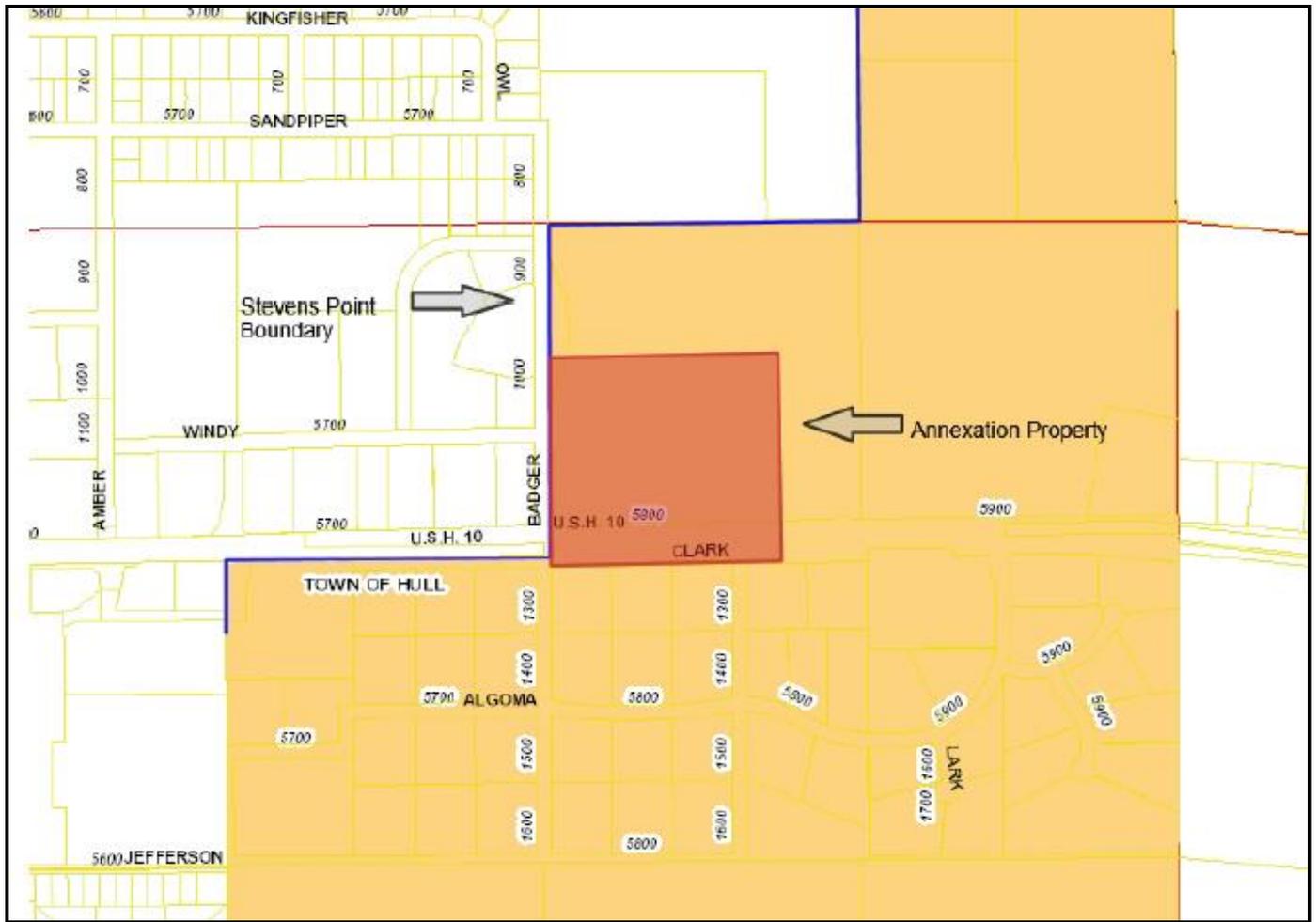
To: Plan Commission
From: Michael Ostrowski and Kyle Kearns
CC:
Date: 8/7/2012
Re: **Parkdale Annexation - property located at the northeast quadrant of the intersection of Badger Avenue and Highway 10 East (County Parcel ID: 020240836-02.05), along with the adjacent right-of-way.**

In regards to annexation, there are basically six types:

- Annexation by Unanimous Approval
- Annexation by One-Half approval
- Annexation by Referendum
- Annexation by City or Village Initiated Referendum
- Annexation of Town Islands
- Annexation of Territory Owned by a City or Village

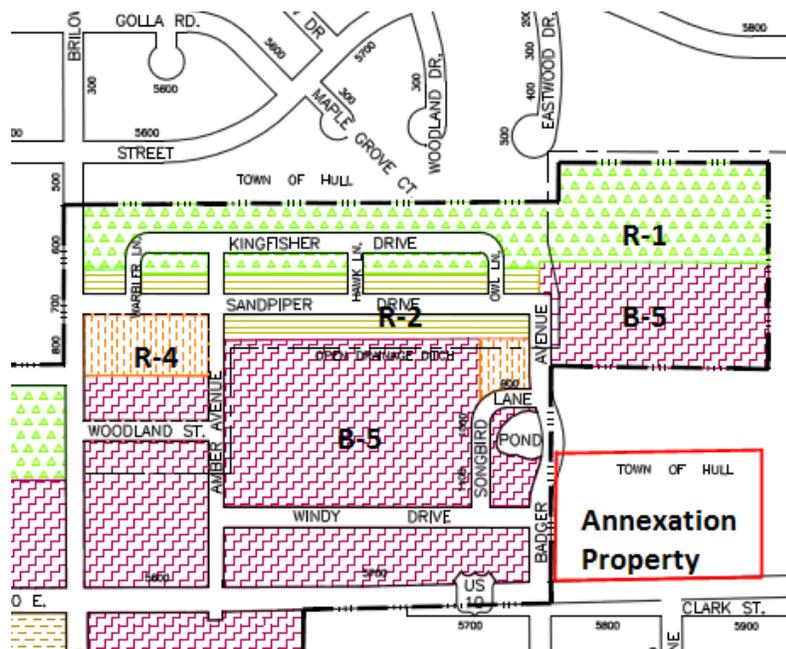
With this request, we are dealing with annexation by unanimous approval:

66.0217(2) Direct annexation by unanimous approval. *Except as provided in this subsection and sub. (14), and subject to ss. 66.0301 (6) (d) and 66.0307 (7), if a petition for direct annexation signed by all of the electors residing in the territory and the owners of all of the real property in the territory is filed with the city or village clerk, and with the town clerk of the town or towns in which the territory is located, together with a scale map and a legal description of the property to be annexed, an annexation ordinance for the annexation of the territory may be enacted by a two-thirds vote of the elected members of the governing body of the city or village without compliance with the notice requirements of sub. (4). In an annexation under this subsection, subject to sub. (6), the person filing the petition with the city or village clerk and the town clerk shall, within 5 days of the filing, mail a copy of the scale map and a legal description of the territory to be annexed to the department and the governing body shall review the advice of the department, if any, before enacting the annexation ordinance. No territory may be annexed by a city or village under this subsection unless the territory to be annexed is contiguous to the annexing city or village.*



Wis. Stats. require the Plan Commission to make a recommendation to the governing body on annexation requests. In addition, our Zoning Ordinance requires the following for the zoning of property:

All territory annexed to the City of Stevens Point shall automatically become a part of the "R-1" Low Density Residence District until definite boundaries and zoning districts are recommended by the City Plan Commission and adopted by the Common Council; provided, however, that the Common Council shall adopt definite boundaries and district regulations within 90 days from the date of the annexation. The Plan Commission may recommend definite zoning districts and boundaries to the City Council prior to or at the time the Council acts on a proposed annexation, and may adopt definite boundaries at the time of annexation provided the public notice procedure is followed.



Given that the annexation is a direct annexation by unanimous approval, staff would recommend approval of the annexation, and would recommend that the property be zoned "B-5" Highway Commercial, which is the zoning classification of the surrounding area. The Future Land Use Map of the Comprehensive Plan indicates this area to be higher intensity residential/commercial use.

R#1-48602
\$420
7/10/12

REQUEST TO CITY OF STEVENS POINT PLAN COMMISSION

ADDRESS OF PROPERTY: PROPERTY ON NORTHEAST QUADRANT OF BADGER AVE

- 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).
ANNEXATION TO THE CITY OF STEVENS POINT AND
ESTABLISH PERMANENT ZONING

OWNER/APPLICANT: _____ AGENT FOR OWNER/APPLICANT: _____

Name: PARKDALE DEVELOPMENT, LLC Name: _____
 Address: 3021 PATTON DR Address: _____
PLOVER, WI 54467 _____
 (City, State, Zip Code) (City, State, Zip Code)

Telephone: 715-630-7227 Telephone: _____
 Cell Phone: _____ Cell Phone: _____

[Signature] _____ 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 # _____

Petition of Electors and Property Owners for Direct Annexation

We the undersigned, constituting all of the resident electors and the owners of all of the land in area in the following territory of the Town of Hull Portage County, Wisconsin, adjoining the City of Stevens Point, petition the Honorable Mayor and Common Council of said City to annex the territory described below as shown on the scale map to the City of Stevens Point, Portage County, Wisconsin.

We, the undersigned, elect that this annexation shall take effect to the full extent consistent with outstanding priorities of other annexations, incorporation or consolidation proceeding, if any.

The current population of the area to be annexed is 0

Signature of Petitioner

Date of Signing

Address



7/10/2012

3021 Patton Dr.
Flora, WI 54437

Legal Description of Land Petitioned for Annexation

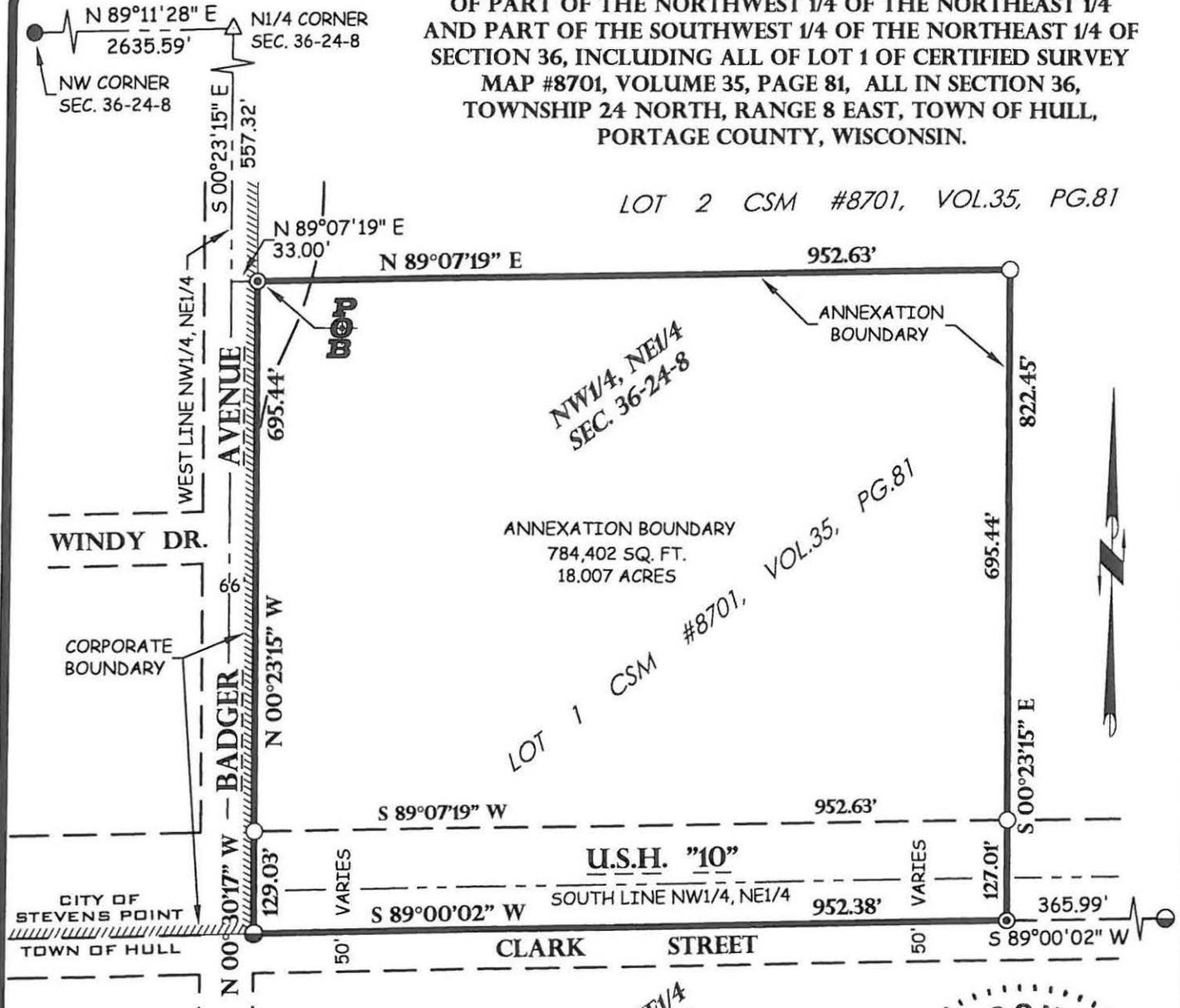
ANNEXATION SURVEY

OF PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36, INCLUDING ALL OF LOT 1 OF CERTIFIED SURVEY MAP #8701, VOLUME 35, PAGE 81, ALL IN SECTION 36, TOWNSHIP 24 NORTH, RANGE 8 EAST, TOWN OF HULL, PORTAGE COUNTY, WISCONSIN.

LOT 2 CSM #8701, VOL.35, PG.81

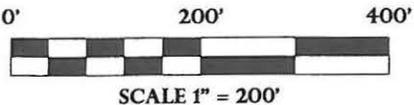
ANNEXATION BOUNDARY
784,402 SQ. FT.
18.007 ACRES

LOT 1 CSM #8701, VOL.35, PG.81



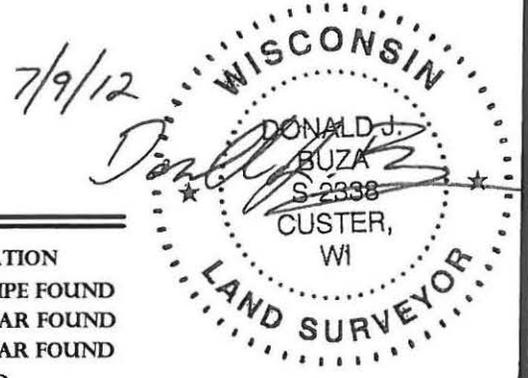
SURVEYOR'S NOTE

1) THIS SURVEY IS STRICTLY INTENDED FOR THE PURPOSE OF DESCRIBING AN ANNEXATION BOUNDARY AND IS NOT INTENDED TO COMBINE OR DIVIDE ANY EXISTING PARCELS AND MAY NOT BE USED FOR SUCH PURPOSES. (SEE ATTACHED LEGAL DESCRIPTION).



LEGEND

- ⊙ COMPUTED LOCATION
- 1-1/4" O.D. IRON PIPE FOUND
- 1-1/4" O.D. IRON BAR FOUND
- ◐ 1 1/2" O.D. IRON BAR FOUND
- △ MAG NAIL FOUND



Land Surveying
Engineering
Donald J. Buza, RLS #2338
5709 Windy Drive, Suite D
Stevens Point, WI 54482
715.344.9999(PH) 715.344.9922(FX)

THIS INSTRUMENT WAS DRAFTED BY DONALD BUZA AND DRAWN BY DONALD BUZA

FIELD BOOK B-48 PAGE 45
JOB # 12.536

SHEET 1 OF 2 SHEETS



Point of Beginning

Re: Annexation Boundary

Legal Description

Part of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ and part of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 36, including all of Lot 1 of Certified Survey Map #8701, Volume 35, Page 81, all located in Township 24 North, Range 8 East, Town of Hull, Portage County, Wisconsin, described as follows:

Commencing at the North $\frac{1}{4}$ corner of Section 36, Township 24 North, Range 8 East; thence S $00^{\circ}23'15''$ E along the West line of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 36, 557.32 feet; thence N $89^{\circ}07'19''$ E, 33.00 feet to the point of beginning (POB) of the parcel to be described; thence N $89^{\circ}07'19''$ E, 952.63 feet; thence S $00^{\circ}23'15''$ E, 822.45 feet to the South line of U.S.H. "10"; thence S $89^{\circ}00'02''$ W along the said South line of U.S.H. "10", 952.38 feet; thence N $00^{\circ}30'17''$ W, 129.03 feet; thence N $00^{\circ}23'15''$ W, 695.44 feet the point of beginning.

Above described annexation boundary contains 784,402 sq. ft. or 18.007 acres.

Dated this 9th day of July, 2012.

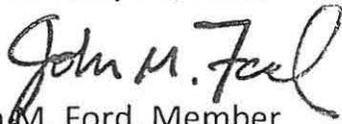
Donald J. Buza, RLS

Resolution Number 3

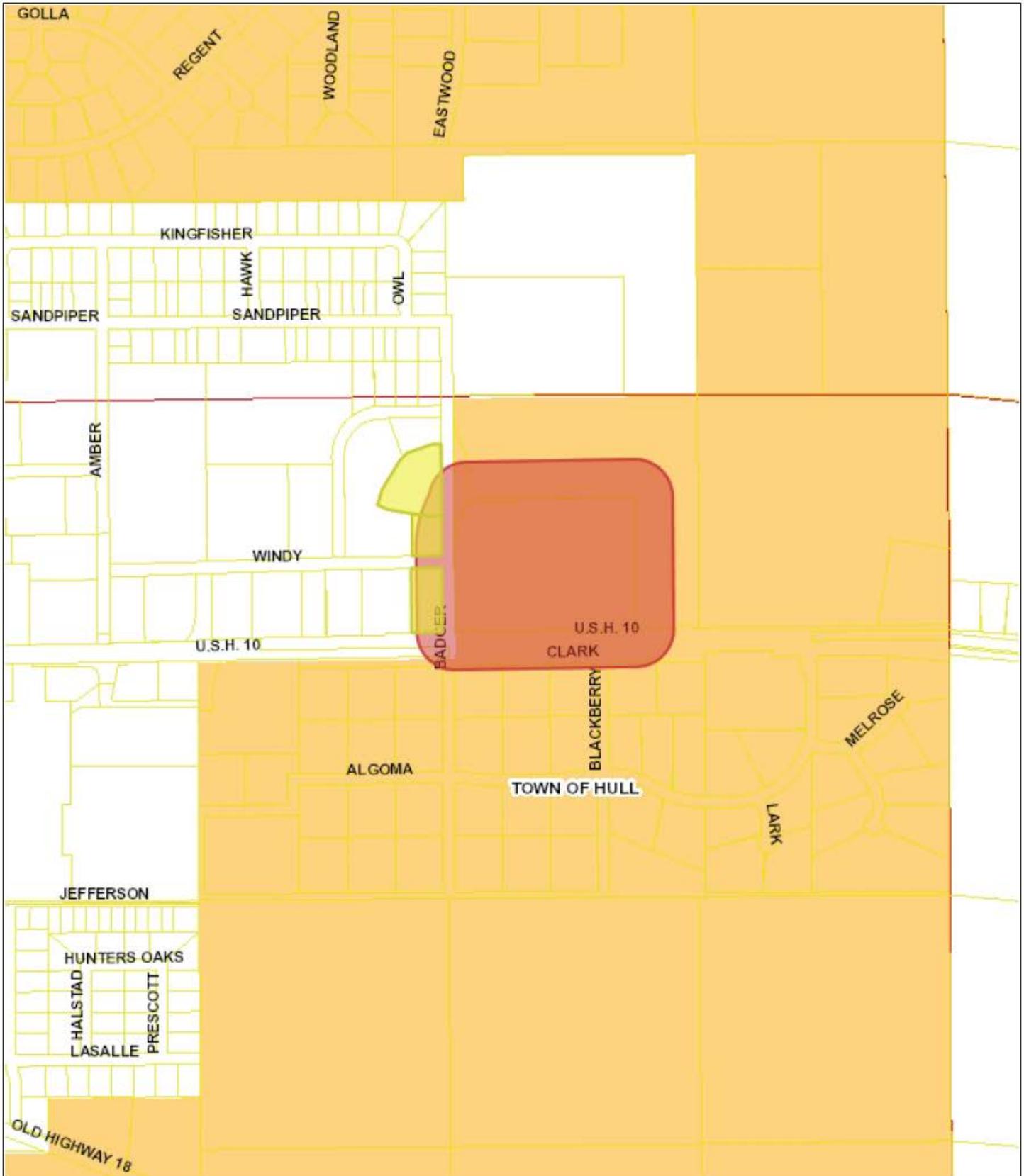
By unanimous vote, the members of Parkdale Development, LLC, a Wisconsin Limited Liability Company do hereby, by telephone vote, consent to the following resolution:

Be it resolved that, by unanimous vote taken by John Ford, the membership hereby authorizes any one of the following three individuals, James T. Ford, John M. Ford, William J. Bayba, to sign documents on behalf of Parkdale Development, LLC.

Dated: July 10, 2012

A handwritten signature in black ink that reads "John M. Ford". The signature is written in a cursive style with a large, looped "F" and "D".

John M. Ford, Member
Parkdale Development, LLC



**Parkdale, LLC Annexation Request
Permanent Zoning to B-5 Highway Commercial**

DISCLAIMER: The City of Stevens Point Does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.



City of Stevens Point
1515 Strongs Ave
Stevens Point, WI 54481
(715)346-1569

SCALE: 1" = 712'

Print Date: 7/31/2012

Parcel ID	Owner	Owner 2	Address	City and State	Zip
281240836220045	PARKDALE POND LLC		5424 HWY 10 E STE A	Stevens Point, WI	54482
281240836220043	SCHULTZ LLC	R G	3370 Twin Lakes Road	Rosholt, WI	54473
281240836220016	PARKDALE	DEVELOPMENT	3021 Patton Drive	Plover, WI	54467