

REPORT OF CITY PLAN COMMISSION

Tuesday, August 7, 2012 – 6:00 PM

Lincoln Center – 1519 Water Street

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

ALSO PRESENT: Community Development Director Michael Ostrowski, Economic Development Specialist Kyle Kearns, Aldersperson Andrew Beveridge, Aldersperson Randy Stroik, Aldersperson Mary Stroik, Aldersperson Roger Trzebiatowski, John Holdridge, Chuck Lucht, Meryl Nelson, Stewart Nelson, Al Mertes, Elaine Wrone, Ann Leahy, Ann Garber, David Garber, Ramona Simonis, Pat Kitowski, Dave Kitowski Jr., Dave Wilz, Joe Stuczynski, James Ford, John Ford, Cynthia Berg, Mike Kubley, Shelley Binder, and Jim Billings.

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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.

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1. Report of the July 2, 2012 Plan Commission meeting.

**Motion by Commissioner Patton to approve the report of the July 2, 2012 meeting as presented; seconded by Commissioner Cooper. Motion carried 6-0.**

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)**.

Director Ostrowski stated that 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 gravel parking area. Staff would recommend approval with the following conditions:

- 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.

Jim Billings, 709 Sunset Avenue, stated that when speaking with Director Ostrowski about this request, he did agree to all the recommendations, except the two year restriction. He is willing to pave the additional area when and if he does the rest of the parking lot, but it would be a financial hardship if he was required to do it within the two year restriction. Mr. Billings feels that the gravel area will look better than the area currently does now with the sand. He also stated that the Engineering Department had reviewed his plan and approved it.

Commissioner Curless asked if the surface would be granite, to which Mr. Billings confirmed yes.

Commissioner O'Donnell asked for clarification if the addition would be paved when he does the rest of the lot. Mr. Billings stated yes.

Mayor Halverson asked for Director Ostrowski to clarify the ordinance regarding the parking lot requirements, to which Director Ostrowski stated that anytime we create a parking lot or add to an existing parking lot the parking lot needs to be paved and it needs to adhere to all the landscape and set back requirements. If it doesn't, it can be granted a modification through the Plan Commission based off of certain site characteristics or hardships that the applicant might face.

Commissioner Haines pointed out that previously businesses were given one year to accomplish conditions placed on them, and feels that the two years may be too much time and asked if the time frame could be adjusted. Director Ostrowski stated you could put any time frame on there, but it is more financially feasible to pave that area when he paves the existing lot, but not knowing when that is going to be done, that presents a challenge to this body. Staff does not want this parking area to remain gravel forever.

Mayor Halverson stated that this is a unique situation; it is not the applicant's goal to gain use of the spaces, but to remove the volleyball court. Mayor Halverson agrees that when the parking lot is repaved or substantially maintained that the area where the volleyball court existed to be paved as well. The square footage will be opened up, so it will be able to be used as a parking lot by default. The key is how we handle it in-light of getting that over grown non-utilized volleyball court out of there and improving the aesthetics of the lot.

Commissioner Patton pointed out that if the commission says they have to pave it within two years, and Mr. Billings takes out the sand, the weeds still grow and people will still park there. The choice is to have it cleaned up nice and functional, or to just leave it sand and people park there anyway.

**Motion by Commissioner Patton to approve the parking lot modification to remove the existing volleyball courts and make the area an unpaved parking area at 916 Maria Drive with the following conditions:**

- **Applicant shall blacktop/asphalt the parking lot addition when the applicant blacktop/asphalts the entire lot 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.**

**seconded by Commissioner Cooper. Motion carried 5-1, with Commissioner Haines voting in the negative.**

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.

Director Ostrowski stated this is approximately an 18 acre parcel that is located on the north east corner of Badger and Highway 10 East. The annexation request would also include the entire right of way for Highway 10 since there is no parcel directly to its south. He stated that this is a direct annexation, it is unanimous, and the state has confirmed that it is in the public interest. Therefore, staff would recommend approval.

John Holdridge, Chairperson for the Town of Hull, passed out an informational handout from the Town of Hull Board of Supervisors meeting. He stated that back in 1998 there was an intergovernmental agreement regarding the development of that area. The agreement was for 20 years and included the land from Brilowski Road to Badger Avenue, which is now basically called Parkdale Development. He stated that, frankly he had hardly looked at the agreement, but it wasn't an issue, and things were going well building out there based on the plan. The plan was supported by both the City and the Town. He stated that their 2006 comprehensive plan called for this area to be residential or natural areas. He further stated that this annexation is clearly contiguous and is a legal annexation; however, the issue is the Town of Hull has a concern over is the issue of the commercial development in a wetland area, and they are not prepared to support the annexation with the possible intent of creating a commercial type business such as a gas station. At the Town Board meeting on Monday night, they took a position against the annexation largely because of commercialization. The town also has a concern for the wells in that area, which are currently

dealing with a high nitrate issue and would be exposed to possible contamination from a commercial development such as a gas station. He said that a push of commercialization all the way to County Highway J would be urban sprawl. Mr. Holdridge also pointed out that there are numerous vacancies existing on the east side of Stevens Point, including the Copps store and the undeveloped land already in the Parkdale area. He also feels that the wooded area on Highway 10 is a nice entryway to the City of Stevens Point.

Mayor Halverson read a portion of the intergovernmental agreement: "The parties agree commercial and/or residential development in the Planning Area shall only be allowed after the land has been annexed to the City. The Planning Area shall only be developed for commercial purposes using municipal sewer and municipal water services from the City. The Town agrees to support annexation petitions submitted to the City for land in the Planning Area. "Mayor Halverson pointed out that this agreement was signed by Mr. Holdridge, and the map within the agreement says this area will be zoned "B-5" Highway Commercial.

Mr. Holdridge told Mayor Halverson that the area included in the annexation request is exclusively wetlands, to which Mayor Halverson pointed out that the most current DNR wetland indicator map indicates that about five acres of the total 18 acres is wetlands. There is an area on the corner that could be developed that is not wetlands. Mayor Halverson pointed out that the City of Stevens Point's comprehensive plan is different in that we have the need to grow; we have to be expanding the tax base. Mr. Holdridge responded that the Town of Hull had no problem when the city annexed the soccer fields, but they do have a problem with the annexation of an area that has wetlands, and the potential of building of a gas station on that property.

Ann Leahy, 5970 Westminster Court, asked if there would be an opportunity to hear what is proposed on this property in the next agenda item, to which Mayor Halverson stated no. This request is only for the annexation and zoning of the property. The zoning of the property allows for a number of permitted and conditional uses. Ms. Leahy stated that she is opposed to the annexation.

Mary Lee Nelson, 5732 Algoma Street, opposes the Parkdale Development and has a concern for the loss of green space and wetlands. Ms. Nelson pointed out that if there is a gas station on that property, it could pose a threat to the ground water safety if an underground storage tank were to leak. She is also concerned with the aesthetics of the area and is asking for the commission to give that consideration as well.

Dave Wills, 1909 Mary's Drive, stated he is opposed to the annexation for commercial purposes and wants the commission and both municipalities to slow down to hear all sides so the municipalities can move forward together.

Ann Garber, 5893 Clark Street, stated she is opposed to any use in the proposed annexation area other than green space. She stated that it is nice to have the buffer against urban sprawl. Ms. Garber also suggested asking the community what they think of the plan before continuing.

David Garber, 5893 Clark Street, stated he is opposed to the annexation petition. He stated that perhaps there was no foresight in 1998 that one of the commercial uses would be a gas station or some other use that could pollute the immediate area.

Mayor Halverson stated that ultimately the annexation before the commission has been dealt with in the intergovernmental agreement in 1998. This agreement was very specific, stating that the three points were: having orderly planned growth for the Town of Hull and the City of Stevens Point, the provision of cost-effective municipal services to support development, and the implementation of development standards and land use plans which will protect and enhance property values of adjacent properties. Mayor Halverson also pointed out that the area west of the annexation proposal is zoned "B-5" Highway Commercial as well as the area that is in question. The area to the north is residential, and that was done specifically because it was done per this agreement, which was laid out in cooperation with the Town of Hull, which the current chairman signed. He stated that the difficulty that we face is that we look to our comprehensive plan, which calls for very specific commercialization of that corridor, eventually all the way to Highway J, and as we plan our municipal utilities accordingly, urban sprawl is not the process we want to undertake. What we want is small and incremental growth, because we have to have new growth just as we also need infill of our urban core. "B-5" Commercial was signed off on by the Town of Hull cooperatively, specifically for the site we are talking about as well as to the furthest extent to the east and this zoning has not changed since the agreement was signed.

Commissioner Haines stated that she sees no issue with the annexation, as it is contiguous with the city, but she does point out that the municipal boundaries are a mess and would like to see that cleaned up.

**Motion by Commissioner Patton to approve the annexation request for an unaddressed property located at the northeast quadrant of the intersection of Badger Avenue and Highway 10, along with the adjacent right-of-way, from the Town of Hull to the City of Stevens Point; Seconded by Mayor Halverson. Motion carried 6-0.**

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).

Mayor Halverson stated that the Director Ostrowski suggested "B-5" Highway Commercial, which is in accordance to the intergovernmental agreement with the Town of Hull that we have signed from 1998 and also specifically in line with our comprehensive plan.

Commissioner Haines stated that it looks the City's Comprehensive Plan calls for that specific property to be multiple-family. Director Ostrowski stated that a future land use map is to be a guide for future uses of a general area. The plan is not always parcel specific, but should be looked at in a general nature, also considering the goal and objectives outlined within the plan. Our Comprehensive Plan calls for high intensity residential and commercial uses along Highway 10 east all the way to Highway J. Highway 10 is a major corridor and is designed for commercial uses.

Mayor Halverson pointed out that standard planning and zoning practices are to obviously have your commercial uses that would front the properties directly adjacent to the highways, and your lesser intensive uses as you go back further and then you would eventually go specifically to residential. The area laid out to the west of Badger Avenue has done exactly that.

Commissioner Haines also points out that on the intergovernmental agreement that has the whole area as "B-5" Highway Commercial. She asked what permitted uses would be allowed in this area. Director Ostrowski stated that it ranges from retail, gas stations, green houses, drive-in restaurants,

banks, pet shops and any generally commercial uses that you would see along Highway 10, Division Street, and Church Street. There are also conditional uses that can be located here.

Director Ostrowski clarified that multiple-family is a conditional use in every zoning district, and one of the unique characteristics of the "B-5" zoning district is that site plans will come back to the Plan Commission no matter what the use.

Commissioner Haines then asked for an explanation of the difference between B-4 to B-5 to which Director Ostrowski stated that the setbacks and lots are typically larger. Mayor Halverson added that this was also agreed to by the Town of Hull in the intergovernmental agreement. He stated that landscaping and setbacks are specifically outlined in the agreement.

**Motion by Commissioner Patton to approve the zoning classification of "B-5" Highway Commercial District for the property located on the northeast quadrant of the intersection of Badger Avenue and Highway 10 East; Seconded by Commissioner Curless.**

Ann Leahy, 5970 Westminster Court, stated that she opposes the zoning. She feels that it would be a wonderful example of Stevens Point being the Gateway to the Pineries. Ms. Leahy requests that the commission leaves the area zoned as it is, and not develop and encourage them to slow down.

Commissioner Haines stated that she agrees it is a beautiful piece of property, but it is private property and we can't tell the property owner not to develop it.

Commissioner Curless asked if we know for sure if it is a gas station that is going to be proposed there, to which Mayor Halverson stated it is highly potential. Director Ostrowski added that in a wellhead protection area, a gas station would be a conditional use. Commissioner Curless asked if it was truthfully a wellhead zone, to which Mayor and Director Ostrowski stated yes it is, and Commissioner Curless confirmed that they still would have to get a conditional use permit some time down the road.

**Motion carried 6-0.**

5. Adjourn.

**Meeting adjourned at 6:57 PM.**