

REPORT OF CITY PLAN COMMISSION

Monday, March 4, 2013 – 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 Beveridge, Alderperson Suomi, Alderperson M. Stroik, Alderperson R. Stroik, Alderperson Phillips, Matthew Brown, Brandi Makuski, Reid Rocheleau, Christina Scott, Angel Faxon, Kim Shirek, Lisa Totten, Carissa Miller, Brett Everman, Karen Everman, Brian Gollon, Jeanette Gollon, Deb Zinda, Rick Zinda, Barb Jacob, Jerry Gargulak, Greg Nyen, Jim Jasper, Carol Sniadejouski, Sharon Flugaur, Sue Felder, Judge Fluguar, James Lundbergh, Jim Brunnes, Rebecca Gaboda, Rob Konkol, Andrea Marty, Jenni Brandt, Samuel Levin, Attila Weninger, Tom Owen, Ken Butterfield, and Kurt Lepak.

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3. Request from Point of Beginning, Inc, representing the Stevens Point Area School District to rezone **349 Second Street North (Parcel ID: 2408-29-2100-07)** from "B-4" Commercial to "R-2" Single Family Residence.
4. Request from Point of Beginning, Inc, representing the Stevens Point Area School District for a conditional use permit for the purposes of constructing an educational/community center at **341 Second Street North (Parcel ID: 2408-29-2100-08) and 349 Second Street North (Parcel ID: 2408-29-2100-07).**
5. Amending the Revised Municipal Code of Stevens Point, Chapter 23 Zoning, to reduce the street yard building setback requirements within the "B-5" Highway Commercial District for streets other than Highway 10 East to 25 feet (Section 23.02(2)(e)(4)) and reduce the street yard setback requirements for parking lots within the "B-5" Highway Commercial District for streets other than Highway 10 East, and side and rear yard setback requirements to 5 feet (Section 23.02(2)(e)(4) and "Parking lot Setback" table 23.01(14)(f)).
6. Updating Plan Commission request forms, applications, and procedures to ensure complete, detailed, and thorough submittals and review.
7. Adjourn.

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1. Report of the February 4, 2013 Plan Commission meeting.  
**Motion by Alderperson Moore to approve the report of the February 4, 2013 meeting; seconded by Commissioner Curless. Motion carried 7-0.**
  2. Report of the February 12, 2013 Zoning Rewrite meetings.

**Motion by Commissioner Patton to approve the report of the February 12, 2013 Zoning Rewrite meeting; seconded by Commissioner Curless. Motion carried 7-0.**

3. Request from Point of Beginning, Inc, representing the Stevens Point Area School District to rezone **349 Second Street North (Parcel ID: 2408-29-2100-07)** from "B-4" Commercial to "R-2" Single Family Residence.

**Commissioner O'Donnell will be recusing herself from any discussion and action on items 3 and 4.**

Director Ostrowski stated that the request downzones the property from commercial to residential. Given that this area has a mixture of uses, including residential, taverns, and educational facilities, this down zoning will ensure more intense uses would not be allowed on the property. In addition, our Future Land Use Map calls for this area to be institutional in nature. Therefore, this request would be consistent with the Future Land Use Map, as well the Comprehensive Plan. Staff would recommend approval.

Reid Rocheleau feels that rezoning the property increases the expectation of this property; it infringes on the commercial properties to the north and west of this property, and feels it will negatively impact others in the neighborhood.

Lisa Totten, 2029 Tresik Road Junction City, a member of the School Board, just wanted the commission to be aware that the school board members have asked for alternatives in regards to this project, and feels there is no sense of urgency in rezoning of this property since alternatives will go back before the school board again.

Brian Gollon, 2732 Ellis Street, representing the Cedar House, stated that the rezoning would not be adequate and would impact the business being directly across the street.

Dr. Weninger, Superintendent of Schools, stated that the Life Skills Center is not on the March 11, 2013 School Board agenda or the Finance Committee agenda. The project has received authorizations every step of the way, and they open bids tomorrow depending on the Plan Commission's decision.

Mayor Halverson addressed the audience reminding them that the Plan Commission is here to determine the official request by the School District. He said the Commission will address whether or not they feel it meets the conditions for the conditional use permit. Intra-School Board dynamics and how the School Board uses their money is not part of this Commissions concern.

Commissioner Patton asked if we discuss the taverns, is that part of the rezoning, or should that wait until agenda item 4, to which Mayor Halverson stated it is more appropriate with item 4. Commissioner Patton pointed out that if we voted to deny the rezoning, that would save a lot of people's time and discussion, to which Mayor Halverson stated no, and that the rezoning is not necessarily required for the conditional use permit. He continued stating that the dynamics of the corridor have changed when it was previously US Highway 51, from commercial to more residential.

Commissioner Curless stated that if the project would not be approved, he feels it would be more advantages for it to remain commercial.

Director Ostrowski pointed out that with the requests, they need to be looked at separately. If the Life Skills Center is denied, the Commission still needs to address the zoning of this property and the fact that the circumstances have changed on this road.

Commission Cooper clarified the existing zoning on the properties that are currently there.

**Motion by Commissioner Haines to approve the rezoning of 349 Second Street North (Parcel ID: 2408-29-2100-07) from “B-4” Commercial to “R-2” Single Family Residence District; seconded by Alderperson Moore. Motion carried 4-2, with Commissioner Curless and Commissioner Patton voting in the negative, and Commissioner O’Donnell recusing.**

4. Request from Point of Beginning, Inc, representing the Stevens Point Area School District for a conditional use permit for the purposes of constructing an educational/community center at **341 Second Street North (Parcel ID: 2408-29-2100-08) and 349 Second Street North (Parcel ID: 2408-29-2100-07).**

Greg Nyen, Director of Student Services, described the life skills center as a multi-use facility with the primary use to be for students with special needs. The center will also serve many community members who are of low socioeconomic status or homeless. The Threads of Kindness program is specifically aimed at providing consumables and non-consumables. The Blue Light Café is an instructional format kitchen that would in no way be in competition with local restaurants. It is academic in nature and is currently performing about one time per quarter. He said that he would anticipate it continuing on that schedule. He feels that the center would not influence the traffic flow or pattern in the area.

Brian Gollon, 2732 Ellis Street, representing Cedar House, stated that he feels the Living Skills Center is a great thing, but has an issue with the State Statue as far as Class A and B liquor licenses requiring 300 feet from an institutional facility. He is concerned with possible future expansion that may be limited or decreasing value for any future sales of the establishment and any issues that it would cause for future buyers.

Sam Levin, 1600 Sherman Avenue, is for the Life Skills program, but is not sure if this project is going forward in the correct way. He stated that it would be more advantageous to have the structure closer to the school. He also has a concern about allowing this facility this close a tavern.

Barb Jacob, 1616 Depot Street, feels the Life Skills program is good, but questions if the facility is really needed if the school can use what the already have available to them. She also feels that there are concerns for the neighboring taverns and for limiting the expansion of those businesses.

Kim Sherik, Sherman Avenue, stated that the majority did vote for the Life Skills Center as well as the majority voted to have the School Board present alternatives for how to rebuild this structure closer to the school.

Alderperson Mike Phillips expressed his displeasure for the legality of this request.

Mayor Halverson clarified that this request is not illegal for the School District to ask or for this commission to grant the permission to put the building at this location. He stated there is a distance

restriction relating to taverns and whether or not they would be able to operate within the distance associated with the parcel.

Alderman Randy Stroik stated that as a council member he is looking at the big picture and is not convinced that this location is the best for this center, and would not vote for the conditional use permit. He stated he is supporting the statute regarding the 300 foot limitation and feels the council should have the discussion regarding the amendment prior to this project being brought to the Plan Commission.

Christina Scott, 3340 Whiting Avenue, pointed out that in the past students with special needs were squeezed into small areas that did not serve them well. She stated that they currently have money to do something for these kids, and wants the commission to look for reasons to support this building.

Reid Rocheleau stated that he is for this project, but not in support of its size or location. He stated he has concerns regarding the distance from the main school facility, the danger in transporting the students to the facility, the close proximity to the taverns, the lack of parking, and a place for snow storage.

Kareen Everman explained that students with special needs graduate with their classmates, but are able to continue at the school until the age of 21 to learn independent life skills. She feels the current apartment is too small for children in wheelchairs, such as her son's, as it hinders the learning interactions. She feels this facility will add to the current program.

Renee Simino, 1247 Rock Run Road, supports the Life Skills program, but feels that SPASH has kitchens and facilities that the students can use. She also feels that the taverns in the area should be protected for future expansion if the Life Skills Center is constructed in the proposed location.

Dr. Weninger pointed out on a layout of the SPASH property that the site where the Life Skills Center is anticipated to go is one of the two highest points along the street. He also stated that they do want a home like environment for the students to learn in, but the greater need is space for adaptive equipment. Dr. Weninger continued stating the current apartment used for this program is approximately the same distance as the proposed facility, but the students have to cross the busy North Point Drive to get there. He explained that the commercial kitchen is to teach students job skills in a similar environment that they could be working in. He continued stating that the state statute does not apply to this facility because the tavern was existing prior to the occupancy of the facility.

Alderman Randy Stroik again stated that this is a great project, but if this is about the kids, then move the parking spaces into the proposed location and move the Life Skills Center closer to the main school building.

Commissioner Cooper asked Dr. Weninger why other locations around the school were not selected, and are there alternatives being brought back before the school board. Dr. Weninger answered that other alternative locations were considered but if attached to the building there were no adequate location. In additions. He continued stating that it is coming back to the school board as there are

several other approvals that need to be made, but the board has approved every step along the way thus far. He also clarified that there were suggestions made about bringing back some other possibilities or options, but it was not a requirement and it is not on the agenda for the March 11, 2013 meeting.

Commissioner Curless asked if students had to pay to park in the lot, and if the city banned street parking in that area, would there be a shortage of parking for the SPASH students. Dr. Weninger stated yes the students have to pay to park in the lot, but he could not answer if there would be a shortage due to the unknown number of how many students drive to school.

Aldersperson Moore stated that he understands the need for the neighborhood atmosphere, but asked about the land on Prentice Street to the east of the school. This would not affect any businesses, and it would be closer to the grocery store for that part of the program. Dr. Weninger stated that there are newly constructed sports practice fields at that location.

Commissioner Curless asked if the structure was built on the east side of the school, if there would be a liquor license issue, to which Mayor Halverson stated no there would not since the former Tilted Kilt licensed establishment would be inactive for over a year and it would be taken back by the city.

Dr. Weninger stated that the reason they have the funding for this structure is that the school does get Medicaid funds from the government, which was put away for this type of facility.

Commissioner Patton felt that for some reason the state statute was written for not wanting a bar near a school, and in the spirit of the statute, they also don't want a school to build near a bar.

Commissioner Haines asked if Cedar House is currently zoned commercial, which was confirmed, and asked for clarification if right now they wanted to expand, would they be able to, or would they have to come before the commission. Director Ostrowski answered stating as of the current state statute the school could build a facility there, and the council would not have to waive the 300 foot requirement, because the taverns already exist in this location. The concern is if the tavern decides to expand the premise in the future. He continued stating that currently taverns have to come in for review regardless, because of being a conditional use in every district. Mayor Halverson added that anything larger would have to come forward and get approval if this was approved on that location.

Commissioner Haines then asked if the taverns would be affected in the future when trying to sell or if they burned. Mayor Halverson stated that wouldn't affect the property unless there would be an expansion and since they are conforming uses, they could rebuild to the same foot print if demolished by fire.

Mayor Halverson clarified that the opportunity exists where the school district owns property, there may or may not be a question about parking, the condition regarding the traversing of the students to keep them isolated from traffic can be addressed, but a question can be posed of the academic setting adjacent to taverns. He felt that the impact on the neighborhood was minimal in terms of the use, and the design aesthetic are appropriate. He feels that the question still exists that by the

Plan Commission's action to approve this conditional use request, are we somehow minimizing the value of the two licensed establishments within the area.

Director Ostrowski stated that within the staff report there were three main concerns identified, one of which were the uses. He continued stating the other two concerns were the transporting of students and the proximity to the taverns. The concern regarding the taverns, while they are allowed to remain, the issue is if they can expand. The businesses will have to come before the council to expand anyway because of the conditional use permit, but if the sole reason for their denial is because they are within 300 feet of an educational facility, that is a concern. The other concern that is difficult to address at this location is the transporting of the students to this facility. While these two issues can be mitigated, they cannot be eliminated.

Commissioner Curless asked if the taverns could put a patio behind the building for smoking or volleyball courts. Director Ostrowski answered that they would have to come in for the expansion of premise. This requires Public Protection Committee and Plan Commission review and Common Council approval. The expansion would need to meet the conditional use permit standards.

Commissioner Curless stated that it would seem to be a loss of value for the taverns if this facility was placed in this location. Mayor Halverson added that we may have a situation where the conditional use could be denied anyway based on impacts to the neighborhood, which are discretionary actions of legislative bodies. He continued stating it is this situation where we are creating a more difficult situation because we are letting it happen based on the conditional use process.

Aldersperson Moore explained that this is not the only property that the school district owns, and with this much discussion on how these nearby businesses may be affected in the future should tell us this is not the right thing to do at this location. The project is fine, but the location is an issue.

**Motion by Aldersperson Moore to deny the request for a conditional use permit for the purposes of constructing an educational/community center at 341 Second Street North (Parcel ID: 2408-29-21-08) and 349 Second Street North (Parcel ID: 24058-29-2100-01); seconded by Commissioner Curless.**

Mayor Halverson stated that from his prospective, it is not so much about the location itself regarding proximity to the high school, but his is whether its presence affects other businesses. He continued stating he does not want to deny the Life Skills Center at this location, but wants input from the City Attorney in terms of scenarios, and would be more comfortable with a motion to table for another month based on the specific value and expansion questions related to the neighboring businesses.

Commissioner Curless asked if the school would have to go through this process again and listen to everyone, to which Mayor Halverson stated we are not required to take public opinion. Commissioner Curless clarified that there is no one opposed to the project; it is just that the location has too many negatives.

Commissioner Haines asked how many parcels the school district owns, to which Director Ostrowski stated all except for the parcel to the south of the White Inn. She then stated that all they could do on that property is to expand parking.

Commissioner Curless asked about the house to the south of the property, to which Director Ostrowski stated it is owned by the school, but is currently rented.

**Motion carried 4-2, with Mayor Halverson and Commissioner Haines voting in the negative and Commissioner O'Donnell recusing.**

5. Amending the Revised Municipal Code of Stevens Point, Chapter 23 Zoning, to reduce the street yard building setback requirements within the "B-5" Highway Commercial District for streets other than Highway 10 East to 25 feet (Section 23.02(2)(e)(4)) and reduce the street yard setback requirements for parking lots within the "B-5" Highway Commercial District for streets other than Highway 10 East, and side and rear yard setback requirements to 5 feet (Section 23.02(2)(e)(4) and "Parking lot Setback" table 23.01(14)(f)).

Director Ostrowski stated that the "B-5" district really was created for the Highway 10 corridor. The thought was to have larger setbacks from Highway 10 with larger boulevard areas. The concern with the current ordinance requirements is that it presents challenges for lots that front on other streets that are not Hwy 10 E, or have multiple street frontages. Currently, you need a 40 foot setback for buildings on the street frontage and a 30 foot setback for parking lots on street frontages. He stated that within the attached amendment, buildings along Hwy. 10 E shall still meet a 40 foot setback, however, properties that boarder another street as well, would be required to meet a 25 foot setback for that street. Also, lots that do not border Hwy. 10 E would have a 25 foot street yard setback. The current 40 foot setback on other streets limits the developable area of properties within this zoning district, putting those properties at a disadvantage from other commercial lots. He stated that in order to be consistent with the street yard setback reduction for buildings facing streets other than Hwy 10, staff also recommends reducing the parking lot setbacks for lots along streets other than Hwy 10 E. Required parking lot setbacks from Hwy 10 E. are 30 feet. The parking lot setback from streets other than Hwy 10 E. within the "B-5" district is 20 feet. Staff is recommending reducing street setback for parking lots to 5 feet for streets other than Hwy 10 E. Side and rear yard parking lot setbacks are also recommended to be changed from 10 feet to 5 feet. These changes reflect more appropriate setbacks consistent with the reduced building front yard street setback from streets other than Hwy 10 E. These would more closely match the setback requirements in the other commercial zoning districts. Director Ostrowski stated that the Plan Commission is required to review all site plans within the B-5 zoning district. Therefore, if an increased setback is warranted for a specific development, the Plan Commission could recommend that a larger setback requirement be required.

**Motion by Mayor Halverson to amend the Revised Municipal Code of Stevens Point, Chapter 23 Zoning, to reduce the street yard building setback requirements within the "B-5" Highway Commercial District for streets other than Highway 10 East to 25 feet (Section 23.02(2)(e)(4)) and**

**reduce the street yard setback requirements for parking lots within the “B-5” Highway Commercial District for streets other than Highway 10 East, and side and rear yard setback requirements to 5 feet (Section 23.02(2)(e)(4) and “Parking lot Setback” table 23.01(14)(f)); seconded by Commissioner Curless.**

Commissioner Haines asked what prompted this request, to which Director Ostrowski stated there is a development that is coming forward later this year and one of their concerns is that they cannot expand into an area because of the 40 foot requirement.

**Motion carried 7-0.**

6. Updating Plan Commission request forms, applications, and procedures to ensure complete, detailed, and thorough submittals and review.

Director Ostrowski stated that for last month’s Plan Commission meeting we had a site plan that was submitted that was not final, while staff was under the impression that it was. In addition, the proposed use that was presented to staff was different that what was expressed at the Plan Commission meeting. These actions concerned him and he does not want this to occur again. With that said, Director Ostrowski proposed several changes to the Plan Commission process including having the applicant provide a more detailed description of the proposal, having the applicant notify the district alderperson at the time of the request, having the applicant provide justification for their request, and having the applicant explain their request to the Plan Commission. In addition, the Plan Commission application will also be updated.

**Motion by Mayor Halverson to update the Plan Commission request forms, applications, and procedures to ensure complete, detailed, and thorough submittals and review; seconded by Commissioner Patton.**

Commissioner Haines suggested it would be helpful to have someone come in with a sketch plan or preliminary plan so the commission could make suggestions. Director Ostrowski stated that we can encourage applicants to do a conceptual project review, similar to what we did with the CBRF proposal on the former Lullabye property.

**Motion carried 7-0.**

7. Adjourn

**Meeting Adjourned at 7:38 PM.**