

REPORT OF CITY PLAN COMMISSION

Monday, August 5, 2013 – 6:00 PM  
Lincoln Center – 1519 Water Street

PRESENT: Mayor Andrew Halverson, Alderperson Jerry Moore, Commissioner Tony Patton, Commissioner Dave Cooper, and Commissioner Garry Curless (Commissioner Anna Haines excused).

ALSO PRESENT: Community Development Director Michael Ostrowski, Economic Development Specialist Kyle Kearns, Attorney Beveridge, Comptroller Ladick, Alderperson Doxtator, Alderperson Suomi, Alderperson M. Stroik, Alderperson R. Stroik, Alderperson Phillips, Guy Stewart, John Kraft, Chris Jones, Marcin Mrozek, Jim Lucas, Bev Mancl, Mark Boeck, Richard Bierman, Reid Rocheleau, Travis Kornowski, Sarah Wallace, Gene Kemmeter, Leonard Moadlo, Rosemary Gagas, and Larry Gagas.

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1. Report of the July 1, 2013 Plan Commission meeting.
2. Request from Brad Wolf, representing the property owner, for a conditional use permit for the purposes of constructing an attached garage using the “R-TND” Traditional Neighborhood Development Overlay District minimum side-yard setback requirements at **2024 Wyatt Ave (Parcel ID 2408-32-4046-14)**.
3. Request from Beverly Mancl for a conditional use permit for the purpose of constructing an 8-unit townhouse style apartment complex, at the southeast corner of **Echo Dells Avenue and Riverview Avenue (Parcel ID 2308-05-4300-36)**, as well as a modification to the parking lot and landscaping standards, relating to a reduced parking lot setback and location of the parking lot in a street yard.
4. Request from Richard Bierman, representing the property owner, for a conditional use permit for the purpose of constructing a car dealership and service facility within the wellhead protection district zone B at **3700 Northpoint Drive (Parcel ID 2408-27-2001-05)**.
5. Request from the City of Stevens Point to acquire approximately 1.320 acres of **Parcel ID 2308-01-2200-05** (Portage County property) for the extension of E.M. Copsps Drive to the east.
6. Request from the City of Stevens Point to acquire approximately 37.01 acres (Moadlo Property) within the **northwest corner of the East Park Commerce Center (Parcel ID 2308-01-2100-01)** to be used for right-of-way and future development sites.
7. Review and recommendation on transferring and/or selling approximately 27 acres of property located in the **northwest corner of the East Park Commerce Center (portion of Parcel ID 2308-01-2100-01)**, to Service Cold Storage, LLC.
8. Review and recommendation on extending and naming E.M. Copsps Drive, east of Week Street to the eastern edge of Parcel ID 2308-01-2100-01.
9. Adjourn.

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1. Report of the July 1, 2013 Plan Commission meeting.

**Motion by Alderperson Moore to approve the report of the July 1, 2013 meeting; seconded by Commissioner Cooper. Motion carried 5-0.**

2. Request from Brad Wolf, representing the property owner, for a conditional use permit for the purposes of constructing an attached garage using the “R-TND” Traditional Neighborhood Development Overlay District minimum side-yard setback requirements at **2024 Wyatt Ave (Parcel ID 2408-32-4046-14)**.

Director Ostrowski explained the request is to take down the existing garage, recreating a new one and the setback would be four feet off of the property line. Current requirements within the existing zoning district are seven and a half, but since it is in the TND district, they are allowed to go down to the four feet. Staff would recommend approval with the conditions outlined in the staff report.

**Motion by Mayor Halverson to approve the conditional use permit for the purposes of constructing an attached garage using the “R-TND” Traditional Neighborhood Development Overlay District minimum side-yard setback requirements at 2024 Wyatt Ave (Parcel ID 2408-32-4046-14) with the following conditions:**

- **All necessary building permits shall be obtained for the proposed work.**
- **The applicant shall not widen the curb cut and driveway within the public right-of-way without the approval of all applicable departments.**
- **The driveway shall not be wider than 20 feet.**
- **Gutters shall be installed on the entire north side of the structure and directed appropriately to prevent drainage onto adjacent properties.**
- **The materials of the new garage shall be compatible, to the extent possible, the materials on the main home.**
- **All other applicable ordinance requirements shall be met.**

**seconded by Alderperson Moore. Motion carried 5-0.**

3. Request from Beverly Mancl for a conditional use permit for the purpose of constructing an 8-unit townhouse style apartment complex, at the southeast corner of **Echo Dells Avenue and Riverview Avenue (Parcel ID 2308-05-4300-36)**, as well as a modification to the parking lot and landscaping standards, relating to a reduced parking lot setback and location of the parking lot in a street yard.

Director Ostrowski explained Ms. Mancl is looking at constructing an 8 unit, 2-bedrooms each townhouse style apartment complex on the corner of Echo Dells and Riverview. He added that there is a request for a reduction in the western street yard setback by 7 feet to 18 feet from the property line to the start of the parking lot. Director Ostrowski explained the request is for better circulation of traffic within the complex in terms of driveway access for visitor parking as well as the parking in front and by the garages. He added in regards to the standards of review, staff has found they have been met and there are a couple that would be modified slightly, such as adding additional landscaping along the northern edge of the property.

Jim Lucas, ArcCentral, stated in addition the property owner will maintain the area between the curb and her property, which is landscaped and well maintained, and she would continue to do that at this site. He continued stating it is a benefit to the property to keep it looking nice. He also added they would put a secondary row of coniferous trees to help with shielding headlights from other properties. Mr. Lucas also explained the plan includes additional parking then required, and maintaining city property offsets the land that they would like to pave closer to the street.

**Motion by Commissioner Patton to approve the conditional use permit for the purpose of constructing an 8-unit townhouse style apartment complex, at the southeast corner of Echo Dells Avenue and Riverview Avenue (Parcel ID 2308-05-4300-36), as well as a modification to the parking lot and landscaping standards, relating to a reduced parking lot setback and location of the parking lot in a street yard with the following conditions:**

- **If sidewalks were ever to be installed by the City or property owners on directly adjacent properties, the applicant or owners of the property in question shall install sidewalks at his/her own expense within one year.**
- **Material used for the refuse enclosure shall be constructed out of finished wood, or masonry materials.**
- **Additional vegetative landscaping to match the proposed shall be placed along the north side of the building facing Riverview Avenue.**
- **The maximum number of units shall be 8, within a maximum number of 16 bedrooms.**
- **Snow shall be removed from the site, or stored in a location that it will not negatively impact adjacent properties.**
- **A stormwater plan will need to be reviewed and approved by the Department of Public Works.**
- **A minimum of 25% of the façade shall be covered with masonry or decorative brick. EIFS may be considered to satisfy this requirement.**
- **Staff shall have the authority to approve minor changes such as landscaping or drainage.**
- **Landscaping that screens parking, shall be allowed to encroach into the public right-of-way with approval from the appropriate staff. The owner shall manage and maintain the landscaping within the right-of-way and if ever the City were to widen the street or install sidewalks, compensation for landscaping would not be provided. Furthermore, the owner shall remove landscaping at their cost if the above were to occur.**
- **Supplementary landscape planters shall be installed along the westward facing building façade near entryways.**
- **The applicant shall pay the required park fee per unit to the City.**

**seconded by Commissioner Curless. Motion carried 5-0.**

4. Request from Richard Bierman, representing the property owner, for a conditional use permit for the purpose of constructing a car dealership and service facility within the wellhead protection district zone B at **3700 Northpoint Drive (Parcel ID 2408-27-2001-05).**

Director Ostrowski explained this is the existing Courtesy Nissan Dealership at the northwest corner of I39 and Stanley Street. This request is before us because it is within the wellhead protection zone, not as a standard conditional use, so any of the conditions placed upon this development would have to relate to the protection of the groundwater supply. He continued they are looking at razing the existing building and reconstructing a new Honda Dealership on that site which a site plan was included in the packet with a quantities list of fluids that they would be having on property. Specifically, 500 gallons of oil, 50 gallons of transmission fluid, 50 gallons of antifreeze, and 50 of gallons of washer solvent. Director Ostrowski continued stating all fluids would be above ground, and the oil would have a double wall containment system with the recommendations of a 100% containment area such as a concrete curb or basin to provide a third layer of protection, as well as the other areas we would require them to have that second layer as well. He also explained we would require them to provide a safety manual spill prevention control plan, which has already been done. He added the screening mechanisms for landscaping will be dealt with through the zoning code and any requirements what would need to be met within there. If they do request a modification from any of the zoning standards, those would be before the commission at a later date.

Commissioner Patton asked if Mr. Kraft and Mr. Stewart are aware of the standards, to which Director Ostrowski answered they have been provided the standards.

Richard Bierman, 2108 Johnberg Road, stated he is aware of the concerns of the local property owners regarding landscaping, and his idea is to shift one of the access roads on the site and add some sort of berm and landscaping to compensate for what is seen along the street, but the lot is basically their show room as well. He is concerned about deciduous trees by the cars, but would put in larger type trees and add shrubs.

Commissioner Curless asked if the building would be further north than the present building, and if they owned the house to the north and would that be torn down, to which Mr. Bierman answered yes the new structure would be further north, the house to the north is theirs, and it would be demolished.

Guy Stewart, 3703 North Point Drive, stated he appreciates the interest in working with the neighbors, and understands the conditional use being focused on wellhead protection. He continued stating that in the past, with other conditional use permits that were issued on this site there were assurances that there would be landscape screening when the existing building was put it. He has looked at the screening plan, and it does look like they would require continuous three foot screening on the North Point Drive side of the project. He asks as part of this condition if they would increase the buffer between the residential and commercial uses.

Mayor Halverson answered the increase in the buffer zone cannot be done in what is being discussed tonight because this would be treating a zoned property different than any other property zoned the same.

John Kraft, 3715 North Point Drive, expressed his concern over the landscaping, and just wanted his concern heard.

**Motion by Commissioner Patton to approve the conditional use permit for the purpose of constructing a car dealership and service facility within the wellhead protection district zone B at 3700 Northpoint Drive (Parcel ID 2408-27-2001-05) with the following conditions:**

- **A drainage plan shall be submitted to the Department of Public Works and reviewed by all appropriate staff, meeting all stormwater requirements as per Chapter 31 of the Revised Municipal Code.**
- **All above ground chemical storage tanks shall be a minimum double walled, unless an equal or greater protection mechanism exists.**
- **No underground tanks shall be installed.**
- **Storage of all chemicals shall occur within 100% containment area such as a concrete curb basin or tub to provide a second/third containment measure against leaks or spills.**
- **Cracks and joints that open on dispensing areas or catch basins, if any, shall be filled and fixed immediately to avoid the infiltration of hazardous chemicals.**
- **Catch basins shall be installed around every fill point to catch product that may drip from the loading hose during the product transfer process.**
- **A spill prevention, control, and countermeasure plan shall be in place prior to the operation of the facility.**

- **Monitoring wells shall be installed throughout the property at locations determined by the Director of Water and the City Engineer. Testing shall be done quarterly. City staff shall be given unrestricted access for compliance purposes. Test shall be completed annually, and the results shall be supplied to the Director of Utilities.**
- **The City reserves the right to establish new conditions for the purpose of protecting the groundwater supply. Furthermore, the department of Community Development and Water Department shall be notified if changes occur to chemicals, quantities, storage or service at the facility or on the property.**
- **All costs associated with the conditions within this resolution shall be at the expense of the operator and/or owner. All required reports relating to sampling, analysis, and/or testing shall be provided to the City upon completion of such sampling, analysis, and/or testing.**
- **If any equal or superior alternative exists over any of the conditions, as determined by the Director of Water, the state, and the Director of Community Development, City of Stevens Point personnel shall have the ability to modify such condition(s).**
- **The conditional use permit shall expire within two years after final occupancy date.**

**seconded by Commissioner Cooper.**

**Motion carried 5-0.**

Aldersperson Moore asked how far is the parking area going to be setback from North Point Drive, to which Director Ostrowski stated five feet from the property line. Aldersperson Moore asked how far the property line was back from North Point Drive and was concerned that the road is rather narrow now and does not want to prohibit the city at a later date regarding infringing on the right-of-way if the road is widened. Mayor Halverson explained that can be verified by the survey, and Director Ostrowski added you will have the property line, and then between the property line and the parking lot you will have at least five feet of solid screening.

Guy Stewart, 3703 North Point Drive, commented that with the original annexation of the property and the agreement for the B-4 zoning for that site, there was an approval of a 10 foot landscape area. Mayor Halverson stated we will look into the original landscape buffer and if there was a part of the motion that was specifically connected to allowing the annexation to move forward as part of the original annexation we would have to look at that but would only be able to enforce it if it was recorded with the deed. Director Ostrowski added typically there is not a requirement placed on the zoning/rezoning unless it is recorded on the deed. Aldersperson Moore asked what year the area was annexed, to which Mr. Stewart stated it was about 1998. Mayor Halverson reassured that staff would do some research on that, and see what the documentation says.

**Motion carried 5-0.**

5. Request from the City of Stevens Point to acquire approximately 1.320 acres of **Parcel ID 2308-01-2200-05** (Portage County property) for the extension of E.M. Copps Drive to the east.
6. Request from the City of Stevens Point to acquire approximately 37.01 acres (Mocadlo Property) within the **northwest corner of the East Park Commerce Center (Parcel ID 2308-01-2100-01)** to be used for right-of-way and future development sites.

7. Review and recommendation on transferring and/or selling approximately 27 acres of property located in the **northwest corner of the East Park Commerce Center (portion of Parcel ID 2308-01-2100-01)**, to Service Cold Storage, LLC.
8. Review and recommendation on extending and naming E.M. Copps Drive, east of Week Street to the eastern edge of Parcel ID 2308-01-2100-01.

Director Ostrowski presented that the East Park Commerce Center has been annexed into the City, the TIF district has been established, and the site has been certified by the State. With these requests, we are looking at getting approval from the Plan Commission to purchase a portion of land from Portage County to extend E.M. Copps Drive as an entrance into the East Park Commerce Center. He continued stating they would also need permission to acquire approximately 37.01 acres from the Mocadlo family. We are looking for the Plan Commission to make a recommendation on acquiring both parcels of land from Portage County, and the Mocadlo family, which describes agenda items number 5 and 6. Director Ostrowski explained item 7, is to transfer approximately 27 acres of land to Service Cold Storage for the creation and construction of a freezer warehouse development of about 160,000 square feet. This area would be north of E.M. Copps Drive extended. He then explained that item 8 is would be the extension and naming of E.M. Copps Drive to the east, and the road would be constructed this year to about the tree line, which would leave about seven acres south of the road available for additional development at a later date.

**Motion by Alderperson Moore to approve the following:**

- **Acquiring approximately 1.320 acres of Parcel ID 2308-01-2200-05 (Portage County Property for the extension of E.M. Copps Drive to the east.**
- **Acquiring approximately 37.01 acres (Mocadlo Property) within the northwest corner of the East Park Commerce Center (Parcel ID 2308-01-2100-01) to be used for right-of-way and future development sites.**
- **Transferring approximately 27 acres of property located in the northwest corner of the East Park Commerce Center (portion of Parcel ID 2308-01-2100-01), to Service Cold Storage, LLC.**
- **Extending and naming E.M. Copps Drive, east of Week Street to the eastern edge of Parcel ID 2308-01-2100-01.**

**seconded by Mayor Halverson.**

Reid Rocheleau, 408 Cedar Street, feels the transferring and/or selling of the land concerns him, and questions who decides how much it is sold for and expressed that he is opposed to the Developer's Agreement as well as the process.

Commissioner Cooper asked what would be the time frame for acquiring the 37 acres and the transfer of the property to the taxpaying entity, to which Mayor Halverson stated the same day as closing.

Commissioner Curless asked if the Cold Storage will build on the property, to which Mayor Halverson answered yes, it is all laid out in the Developer's Agreement and also in the progressive liens that would be released as construction progresses so our security interest is protected in the land. Mayor Halverson continued explaining the Common Council in open session agreed to all of the changes to the Developer's Agreement at a special meeting.

Commissioner Cooper pointed out that this development not only is going to move quickly, but they are hiring people and probably expand this rather quickly and hire more people and pay more taxes. Mayor

Halverson confirmed and added there are many contracts already in place for the project. He added their willingness to consider a different site helps the Skyward project move forward and with the geography if you look at the layout of the property, originally it was oriented more square, the difference is E.M. Copps is extended straight to the east, and will take a southern turn more east and have compensation for the railroad right of way. We have to compensate with the road or we lose the distance necessary to maintain the rail right of way along the parcels, and then allows the city to preserve two three acre lots which will then be able to be sold for smaller projects. He also pointed out they could now potentially expand their operations.

**Motion Carried 5-0**

9. Adjourn.

**Meeting Adjourned 6:26 PM.**