

REPORT OF CITY PLAN COMMISSION

March 3, 2014 – 6:00 PM
Lincoln Center – 1519 Water Street

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

ALSO PRESENT: Community Development Director Michael Ostrowski, Economic Development Specialist Kyle Kearns, City Attorney Andrew Beveridge, Alderperson Suomi, Alderperson Wiza, Alderperson M. Stroik, Alderperson Trzebiatowski, Alderperson R. Stroik, Alderperson Phillips, Brandi Makuski, Nate Enwald, Cathy Dugan, Barb Jacob, Steve Smith, Dan Drexlar, Quade Varga, Asa Plonsky, MaryAnn Laszewski, Chris Overlay, Dave Worzalla, Dale Schulfer, Roger Skrzeczkoski, Steve Plaski, Joan Curless, and Todd Jacowski.

INDEX:

1. Report of the February 3, 2014 Plan Commission meeting.
2. Request from Stratford Sign Company, representing Mid-State Technical College, for a sign variance to construct a freestanding sign exceeding the size requirements at **1001 Centerpoint Drive (Parcel ID 2408-32-2029-64)**.
3. Rezoning the property at **1901 Brilowski Road (Parcel ID 2408-36-3202-01)** from "R-LD" Low Density Residence District to "R-2" Single Family Residence District and "R-3" Single and Two Family Residence District.
4. Request from Chris Overlay for review and recommendation on a vapor bar concept, including the determination of use within the zoning code.
5. Repealing and recreating of **Chapter 22 (Historic Preservation / Design Review ordinance) of the Revised Municipal Code of the City of Stevens Point**.
6. Repealing and recreating of the **City of Stevens Point Historic Preservation / Design Review Commission – Design Guidelines**.
7. Amending the Wellhead Protection Map to match the legal description and relocate the map within the text to **Section 23.02(4)(e)(3.1)**.
8. Adjourn.

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1. Report of the February 3, 2014 Plan Commission meeting.

Motion by Commissioner Patton to approve the report of the February 3, 2014 meeting; seconded by Commissioner Curless. Motion carried 7-0.

2. Request from Stratford Sign Company, representing Mid-State Technical College, for a sign variance to construct a freestanding sign exceeding the size requirements at **1001 Centerpoint Drive (Parcel ID 2408-32-2029-64)**.

Dan Drexler, Stratford Signs, explained that the proposed sign is more than the allowed area, but not overly large in comparison to the property size and building.

Commissioner Haines asked for specific sign dimensions for the proposed 48 square foot sign, to which economic development specialist Kyle Kearns stated they can be found on page 16 of the full packet.

Commissioner Patton asked if there would be landscaping around the sign, to which Mr. Drexler stated that is up to the college, but if that is required by the Commission, landscaping will depend on the placement of the sign. He continued explaining the sign was moved from the original location on the northeast corner due to impedance by several utilities.

Commissioner Hoppe asked what would be happening to the current mall sign, to which Director Ostrowski answered, that sign is on a different parcel, and would be removed shortly. He sees no issues with the proposed sign given the size of the property and the amount of street frontage.

Commissioner Patton asked if the applicant had any issues with the staff recommendations, to which the applicant stated no. Director Ostrowski asked that if this is approved, that staff would have the authority to work with the applicant regarding sign location as long as it still meets the setback requirements.

Motion by Commissioner Patton to approve the request for a sign variance to construct a freestanding sign exceeding the size requirements at 1001 Centerpoint Drive (Parcel ID 2408-32-2029-64) with the following conditions:

- **A sign setback of at least 5 feet shall be maintained.**
- **The sign graphics shall not exceed 48 square feet.**
- **The sign height shall not exceed 20 feet.**
- **Brick or stone matching the building shall encompass the sign supports/base.**
- **Logos and lettering shall only be illuminated on the freestanding sign, backing and border shall be opaque.**
- **A landscaping plan for the freestanding sign shall be submitted and approved by the Community Development Department.**
- **Any recommendations by the Historic Preservation / Design Commissions pertaining to the design review of the proposed freestanding sign shall apply to the sign variance.**
- **All electrical wiring shall be hidden from view.**
- **Staff shall have the authority to approve sign location changes that still meet the setback requirements.**

seconded by Commissioner Curless.

Cathy Dugan, 615 Sommers Street, asked that the sign be considered by the Historic Preservation and Design Review Commission and to keep in mind the historic character of the area. Furthermore, she expressed a concern for the brightness of the reader board, stating it may cause an issue with the residential neighborhood nearby.

Aldersperson Mike Wiza stated the request is within his district and he has not received any opposition to the sign.

Commissioner Haines asked if this request complies with the review of Chapter 22 and the Design Review Guidelines, to which Director Ostrowski stated it is on the upcoming Historic Preservation / Design Review Commission agenda and staff have placed conditions on the request to better meet the design guidelines.

Motion carried 7-0.

3. Rezoning the property at **1901 Brilowski Road (Parcel ID 2408-36-3202-01)** from "R-LD" Low Density Residence District to "R-2" Single Family Residence District and "R-3" Single and Two Family Residence District.

Director Ostrowski explained we are looking at rezoning the northern portion of the property to “R-3” Single and Two Family Residence District, and the rest “R-2” Single Family Residence District. At a later date a subdivision plat will be submitted to include four zero lot line homes along Jefferson Street and two single family homes along Schiller Drive. At this time Jefferson Street would not be continued to Brilowski Road, but it would be developed as a private driveway to access those lots. Our office did receive one call from the city resident at 1728 Brilowski Road who was opposed to the zero lot line homes along Jefferson Street.

Motion by Alderperson Moore to approve the rezoning of the property at 1901 Brilowski Road (Parcel ID 2408-36-3202-01) from “R-LD” Low Density Residence District to “R-2” Single Family Residence District and “R-3” Single and Two Family Residence District; seconded by Commissioner Cooper. Motion carried 7-0.

4. Request from Chris Overlay for review and recommendation on a vapor bar concept, including the determination of use within the zoning code.

Director Ostrowski stated he received a call from Chris Overlay who is looking to open up a vapor bar within the Stevens Point area, specifically in the downtown. Currently, vapor bars are not within our zoning code and when that occurs the code is analyzed to find a similar use, but unfortunately one does not exist. Director Ostrowski also explained no action will occur at tonight's meeting, but instead, a discussion of the use and its place within the zoning code. The most similar uses are tobacco shops, permitted within the B-1 district and liquor stores or taverns, conditional uses in B-2 and B-3 downtown districts. Lastly, Director Ostrowski clarified the sale of electronic cigarettes and related merchandise would not be regulated, but rather the use as a vapor bar could be regulated. The use can be placed as permitted, conditional, or prohibited within our zoning code.

Mayor Halverson stated using electronic cigarettes or vapor smoking products is legal and therefore should be allowed within certain districts as it does not fall under the state or local tobacco laws. Furthermore, he stated that regulating vapor bars as a conditional use is unreasonable, as nothing needs to be regulated. Taverns are regulated to ensure distance separation exists from schools and other factors. Commercial districts are the most fitting place for the use and potentially industrial districts, but it should be prohibited in residential districts.

Commissioner Curless asked how the business owner would make money, would it be on product sale, to which Director Ostrowski stated correct.

Chris Overlay, applicant, explained that the concept behind a vapor bar is not necessarily focused on the cigarette product, but the focus would be on the use of Hookah. He explained a Hookah is a taller smoking instrument where vapor product can be used. Food and drinks will also be provided within the vapor bar. Lastly Mr. Overlay explained the difference between a smoke shop and the proposed vapor bar, which will act more as a gathering place for patrons to socialize with entertainment and music.

Commissioner Hoppe is concerned that the e-cigarette market is not regulated at all, what would stop an e-cigarette company from coming out with something that would release higher amounts of tobacco vapor. Mr. Overlay responded stating that perhaps operation as a conditional use would allow for regulation within the establishment.

Mayor Halverson stated the use is what is regulated by the conditional use permit, concentration of individuals, and access in and out of the location, not the legality of the carcinogens in the product. In his perspective the use of a vapor bar should be an allowed use because it does not create ancillary issues that other businesses create through the conditional use process. The proposed use is a business that offers a social environment to enjoy something that is legal.

Commissioner Haines asked for clarification as to where other communities have vapor bars located in their zoning districts. Mr. Overlay stated there are vapor bars in Rib Mountain on 17th Avenue, and in Appleton. Las Vegas also has several located in the downtown along the strip. He explained his business model is similar to a Hookah lounge, however tobacco will not be used, but instead, vapor products. Commissioner Haines stated the use may be most fitting within the B-3 commercial district.

Director Ostrowski added the lowest commercial zoning district would be B-1, which is Neighborhood Business, where taverns are allowed as a conditional use. Director Ostrowski followed up by stating vapor bars may become difficult to regulate based on their definition and what actually constitutes a vapor bar, versus just a casual environment with vapor equipment. If a lesser intense district is used than the downtown, staff would recommend the vapor bars as a conditional use within B-1 and B-2 and then permitted in B-3 districts and up.

Aldersperson Moore provided an example of a situation where multiple uses would exist, such as a tavern and a retail store for vapor products and/or use. He continued, questioning whether a conditional use permit would be required, to which director Ostrowski answered a conditional use permit would be required as a tavern; however, the vaping aspect would be a permitted use in the downtown area based upon the above recommendation. Director Ostrowski noted that in lower commercial districts the use as a vapor bar could potentially exist near residential.

Commissioner Hoppe suggested the idea of creating an ordinance or plan to allow, or not allow vaping before determining what zoning districts it would be in. Furthermore, he stated cities have banned the use of electronic cigarettes inside buildings.

Commissioner Haines pointed out that not all vapors are nicotine based. Mr. Overlay clarified the liquid for vaping products comes in both forms, with and without nicotine, as well as varying levels of nicotine. Commissioner Haines questioned if electronic cigarettes were ever banned in taverns or establishment, could a vapor bar still exist. Director Ostrowski replied, explaining it really depends on what is done at the state level. He continued stating a senator has introduced a bill that would specifically exempt electronic cigarettes from the state wide smoking ban to make it clear that they are allowed and legal.

Mayor Halverson stated he has no interest in pursuing a ban on electronic cigarettes in the city. Furthermore, vapor bars are most fitting in the B-3, B-4, and B-5 districts. Districts near residential areas may warrant further analysis through a conditional use process.

Commissioner Haines asked can this fit into a use which we already have, to which Director Ostrowski answered that is what we initially looked for. The sale of vapor products would fit within general retail uses, but the vapor lounge aspect is a new use.

Alderman Mike Wiza pointed out that vaping is different than electronic cigarettes and they are an allowed use right now. If the state decides to ban the use of them, then it would be an illegal use. His concern is that other activities that may coexist with the vapor bar may need to be regulated, such as music. He also feels it is important to clearly and specifically define vapor bars within the ordinance which will assist in determining where it is most appropriate.

Director Ostrowski explained the importance of defining vapor bars as the principal use, and/or as an accessory use. For example, a tavern may have a vapor bar as an accessory within a certain zoning district.

Cathy Dugan, 615 Sommers Street, asked why the cities of New York and Chicago have banned vapor bars, to which Mayor Halverson responded they have only banned the electronic cigarettes not the vapor bars. She then asked if nicotine could be exhaled when using vapor products and if there are harmful effects from second hand smoke, to which Director Ostrowski responded long term studies have not been conducted to determine that.

Quade Varga, 950 Highland Drive, stated the 18-20 year old population can utilize the vapor bar as a place to gather and socialize. Furthermore, he stated plant extract can be used within vaping products.

Mayor Halverson concluded the discussion stating the discussion will assist staff to define and place vapor bars in adequate locations within the zoning code for review by the commission next month.

5. Repealing and recreating of **Chapter 22 (Historic Preservation / Design Review ordinance) of the Revised Municipal Code of the City of Stevens Point.**

Director Ostrowski stated over the last year, the Historic Preservation and Design Review Commission has been working on updating Chapter 22 and the Design Guidelines which are used to review requests within the historic districts and the design review district. Several changes to both documents have been made, including new maps, guidelines, photographs and formatting which is substantial enough to trigger repealing the existing ordinance and guidelines and recreating the new proposed documents. Mayor Halverson stated staff did a good job and feels this is a great improvement and will significantly be easier for property owners to understand. Director Ostrowski added that both documents have received State approval.

Commissioner Curless provided an historic reconstruction example and questioned whether existing windows could be replaced with new windows based on the new ordinance and guidelines. Director Ostrowski replied, stating yes. He continued explaining locally designated historic districts follow the city's design guidelines, whereas, the request for tax credits will trigger additional state guidelines.

Motion by Mayor Halverson to approve the repealing and recreating of Chapter 22 (Historic Preservation / Design Review ordinance) of the Revised Municipal Code of the City of Stevens Point; seconded by Commissioner Patton. Motion carried 7-0.

6. Repealing and recreating of the **City of Stevens Point Historic Preservation / Design Review Commission – Design Guidelines.**

Motion by Mayor Halverson to approve the repealing and recreating of the City of Stevens Point Historic Preservation / Design Review Commission Design Guidelines; seconded by Commissioner Hoppe. Motion carried 7-0.

7. Amending the **Wellhead Protection Map** to match the legal description and relocate the map within the text to **Section 23.02(4)(e)(3.1)**.

Motion by Mayor Halverson to amend the Wellhead Protection Map to match the legal description and relocate the map within the text to Section 23.02(4)(e)(3.1); seconded by Alderperson Moore. Motion carried 7-0.

8. Adjourn.

Meeting Adjourned 6:44 PM.