

REPORT OF CITY PLAN COMMISSION

April 7, 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, Alderperson Randy Stroik, Alderperson Mike Phillips, Alderperson Roger Trzebiatowski, Alderperson George Doxtator, Nate Enwald, Nicole Congdon, Brandi Makuski, Sherri Holland, MaryLouise Catura, Rick Bierman, Kevin Hoyt, Jeff Schuler, Sarah Wallace, Him Jasper, and Chuck Rasmussen.

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1. Report of the March 3, 2014 Plan Commission meeting.
2. Request from Point of Beginning, Inc, representing the Stevens Point Area School District, for site plan and architectural rendering review for the purposes of constructing an educational/community center, Life Skills Center, at the Stevens Point Area High School, **1201 Northpoint Drive (Parcel ID 2408-29-2100-21)**.
3. Request from Point of Beginning, representing Mark Wolf, for a conditional use permit for the purpose of constructing four, 8-unit apartment complexes at the **northwest corner of Badger Avenue and Songbird Lane (Parcel ID's 2408-36-2200-54, 2408-36-2200-55, 2408-36-2200-56, and 2408-36-2200-57)**.
4. Request from Richard Bierman, representing the property owner, for a conditional use permit and site plan review, for the purpose of constructing a service shop and repair facility addition within the wellhead protection district zone B and "B-5" Highway Commercial zoning district at **5441 Highway 10 East (Parcel ID 2408-35-1300-05)**.
5. Amending the Official Street Map of the City of Stevens Point by adding the following:
 - a. A 66-foot wide extension of **Jefferson Street**. Such area starts approximately at the intersection of Jefferson Street and Brilowski Road and extends east to Burbank Road extended.
 - b. A 66-foot wide extension of **Badger Avenue**. Such area starts approximately at the intersection of Badger Avenue and Jefferson Street extended and extends south to Old Highway 18.
 - c. A 110-foot wide extension of **Burbank Road**. Such area starts approximately at the intersection of U.S. Highway 10 East and extends south to Old Highway 18.
6. Request from Jim Jakusz for a preliminary subdivision plat review of a seven lot subdivision at **1901 Brilowski Road (Parcel ID 2408-36-3202-01)**.
7. Amending Chapter 23, Zoning Code, of the Revised Municipal Code of the City of Stevens Point to:
 - a. Define vapor bars in **Section 23.04(2)**,
 - b. Place vapor bars as a conditional use within **Section 23.02(2)(a)** (*B-1 Neighborhood Business District and above districts*), and
 - c. Place vapor bars as a permitted use within **Section 23.02(2)(c)** (*B-3 Central Business District and above districts*).
8. City of Stevens Point Comprehensive Plan Update process and outline.
9. Adjourn.

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

Motion by Alderperson Moore to approve the report of the March 3, 2014 meeting; seconded by Commissioner Cooper. Motion carried 7-0.

2. Request from Point of Beginning, Inc, representing the Stevens Point Area School District, for site plan and architectural rendering review for the purposes of constructing an educational/community center, Life Skills Center, at the Stevens Point Area High School, **1201 Northpoint Drive (Parcel ID 2408-29-2100-21)**.

Director Ostrowski explained that the commission and Common Council had approved the conditional use permit for the Life Skills Center at Stevens Point Area High School, with the condition that they bring back a new elevation plan and landscaping plan. The new elevation plan shows the using of several different materials such as textured stone, brick veneer, as well as additional windows. In addition, they have improved the look of the north façade of the building to make it look more like a main façade. However, the main entrance will remain on the south side. Furthermore, addition landscaping has been provided. Staff feels the new plans meet the conditions that were outlined in the conditional use permit and recommend approval.

Motion by Mayor Halverson to approve the site plan and elevation plans for the Life Skills Center; seconded by Commissioner Patton.

Commissioner Curless and Alderperson Moore expressed their liking to the new renderings and improved look of the façade.

Motion carried 7-0.

3. Request from Point of Beginning, representing Mark Wolf, for a conditional use permit for the purpose of constructing four, 8-unit apartment complexes at the **northwest corner of Badger Avenue and Songbird Lane (Parcel ID's 2408-36-2200-54, 2408-36-2200-55, 2408-36-2200-56, and 2408-36-2200-57)**.

Director Ostrowski explained he had provided an updated memo, site layout, and elevation plan via email, as well as hard copies today. The applicant made some modifications based on the initial staff comments.

This request is for four, 8-unit apartment buildings which would be two stories each and one 8-stall detached garage per building. This development is a somewhat of a continuation of the apartment complexes to the west. In reviewing the request, staff wanted to see the access to the apartments come in off of Badger Avenue allowing the buildings to be shifted to the east, which would allow a larger buffer between the two complexes. Staff also expressed a concern regarding the elevations and architectural design of the building, and wanted to see additional materials including masonry or hardy plank as opposed to E.I.F.S., and different roof gables to break up the units. From the development's location on the corner of Badger Avenue and Songbird Lane, it will be very visible and staff wanted to see some different designs and materials for the main buildings as well as the garages. In addition, an additional fire hydrant at the ingress/egress point off of Badger Avenue should be installed.

Mayor Halverson stated he has a concern relating to the aesthetics. This development will be very visible and they should be treated differently than the other complex in that area. He agreed with the mixing up of the exterior façade.

Commissioner Curless agreed with the staff recommendations. He said since where the apartment buildings will be placed they will get a lot of visibility and there is a need for more design into the exterior.

Mark Wolf explained that E.F.I. S. is a very versatile exterior product and you can paint it, change the finish, you can do bump outs, and make it look like brick or stone. We can do those things, but still want to use the

E.F.I.S. to do that. The hardy plank and masonry adds a large amount to the cost to the construction, but if they can still use the E.F.I.S., he is able to dress up the exterior appearance.

Mayor Halverson said he is glad Mr. Wolf is willing to work with the commission and along with the gabled roof line.

Commissioner Curless asked what the pitch of the roof was, to which Mr. Wolf answered a 4 x 12, but he would be able to put in smaller dormers above the windows and patio doors verses one big dormer and can provide plans at a later date that include these changes.

Commissioner Haines asked for clarification regarding the balconies, to which Mr. Wolf stated there is a second exit for fire code to have balconies on the second floor and patios on the first floor similar to the existing complex.

Commissioner Patton asked about the time of growth for the landscaping and screening and will you notice any changes to the E.F.I.S. if the landscaping is in place, to which Mayor Halverson stated there, will be substantial growth from what is proposed. Mr. Wolf added with growth, you won't see much of the building and there is extensive screening on the front and back sides.

Commissioner Haines asked what the zoning was to the south, to which Director Ostrowski stated B-5 Highway Commercial.

Mayor Halverson explained from his point of view, if the developer changed the roof line to the other pitch and ultimately integrated some bi-coloring of the textured E.F.I.S., the building would look very different from the current elevations.

Commissioner Curless asked about the northwest corner and prior approval of a credit union. Director Ostrowski clarified there is a credit union which will be across from The Store gas station across on Badger Avenue. He stated the construction should begin soon.

Motion by Commissioner Patton to approve the conditional use permit for the purpose of constructing four, 8-unit apartment complexes at the northwest corner of Badger Avenue and Songbird Lane with the following conditions:

- **New colored exterior building elevations for both the main buildings and the garages shall be submitted and approved by staff. Staff shall have the authority to make a determination and approve what type of E.F.I.S. is used with at least two different colors for the façade. Additional architectural features shall be added to the design, which includes changes in the roofline and potential dormers.**
- **A total of four accessible parking stalls should be incorporated into the plan, one for each of the buildings.**
- **Sidewalks shall be installed along Songbird Lane and Badger Avenue. The sidewalks shall be five feet in width. The internal sidewalks for the development shall connect to the sidewalks along Songbird Lane and Badger Avenue.**
- **The main access drive on Songbird Lane shall be relocated to Badger Avenue, and aligned as best possible with the driveway for the hockey and soccer complex.**

- A fire hydrant shall be installed along Badger Avenue near the intersection with the driveway. The location shall be approved by staff.
- The apartment buildings shall be shifted to the east to allow for greater buffer between this proposed development and the multi-family development to the west. The buffer shall incorporate additional large trees (2.5" caliper at the time of planting) planted at a rate of one per 25 lineal feet.
- The materials used for the refuse enclosure shall be constructed out of finished wood, masonry, or other decorative materials. Such plan shall be approved by staff. As an alternative, the refuse containers could be stored within a garage stall.
- A grouping of evergreen type trees shall completely screen the eastern façade of the garage on Badger Avenue.
- The maximum number of buildings shall be four, with 8-units in each building, with a maximum number of 64 bedrooms.
- Snow shall be removed from the site, or stored in a location that it will not negatively impact adjacent properties.
- A stormwater management plan shall be submitted to be reviewed and approved by the appropriate departments.
- A lighting plan shall be submitted to be reviewed and approved by community development department staff. All lighting fixtures shall be cut-off fixtures. Lighting shall not exceed 0.5 foot candles at the property line.
- Staff shall have the authority to approve minor changes to the plans.
- The applicant shall pay the required park fee per unit to the City.
- The owner shall secure a multi-family dwelling license for the units.

seconded by Commissioner Curless.

Commissioner Haines expressed her concern with the density of multi-family residential in such a small area. In addition, this may lead to additional traffic in this area. Director Ostrowski said that there are a few more areas for development, including around the pond and a few more lots on Highway 10. Mayor Halverson added the way in which this area of town is laid out actually zoned and planned is one of the better ways in how planning is coming to be. In terms of the density, we have planned for it and we have zoned it accordingly.

Motion carried 7-0.

4. Request from Richard Bierman, representing the property owner, for a conditional use permit and site plan review, for the purpose of constructing a service shop and repair facility addition within the wellhead protection district zone B and "B-5" Highway Commercial zoning district at **5441 Highway 10 East (Parcel ID 2408-35-1300-05)**.

Director Ostrowski stated this request is similar to the Honda request that we had previously in a wellhead protection district. However, this one also includes a site plan review because it is located within B-5 Highway Commercial District. The only concern in terms of the site plan for staff is to add some screening on the back side of the property where it abuts residential homes. Therefore, staff would recommend an opaque fence or

evergreen trees, but preferably evergreen trees. Other than that, staff would recommend approval with the conditions listed in the staff report.

Alderperson Moore asked for clarification in that the existing fence would have to be taken out, to which Director Ostrowski stated no, it can remain, just to add a visual barrier, to which Mayor Halverson agreed.

Richard Bierman asked for clarification regarding the evergreen trees and the 10 foot requirement, the pavement being five feet off of the property line and could it be closer to the property line if the neighbor agreed to an easement, and to clarify the two year expiration of the conditional use permit. Director Ostrowski explained the height requirement is based on mature height with at least 3 feet at planting, they would not be able to pave closer to the property line even with an easement, and the reason for the two year expiration for the conditional use permit is for a future review in making sure that all conditions are complied with.

Motion by Commissioner Patton to approve the conditional use permit and site plan review, for the purpose of constructing a service shop and repair facility addition within the wellhead protection district zone B and “B-5” Highway Commercial zoning district at 5441 Highway 10 East (Parcel ID 2408-32-1300-05) with the following conditions:

- **Additional screening in the form of a solid (opaque) ten foot tall fence shall be installed on the southern property line to screen the parking and service door area from neighboring residences. Said fence shall extend from the eastern property line west to the existing tree line in the southwest corner of the property (approximately 200 feet). If the existing trees were ever to be removed, the fence shall be extended to the western property line. In lieu of a fence, dense evergreen trees that have a mature height of at least ten feet may be installed along this area. Such plan must be approved by the Community Development Department. Such landscaping shall be maintained in perpetuity.**
- **Proposed pavement/asphalt along the eastern building and proposed addition shall meet the 5 foot setback requirement.**
- **All above ground chemical storage tanks shall be at minimum double walled, unless and equal or greater protection mechanism exists.**
- **No underground tanks shall be installed.**
- **Storage of all chemicals shall occur within a 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 Utilities. Testing shall be done annually, and the results shall be supplied to the Director of Utilities. City staff shall be given unrestricted access for compliance purposes.**
- **The City reserves the right to establish new conditions for the purpose of protecting the groundwater supply. Furthermore, the department of Community Development and Utility 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 Utilities 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 7-0.

5. Amending the Official Street Map of the City of Stevens Point by adding the following:
 - a. A 66-foot wide extension of **Jefferson Street**. Such area starts approximately at the intersection of Jefferson Street and Brilowski Road and extends east to Burbank Road extended.
 - b. A 66-foot wide extension of **Badger Avenue**. Such area starts approximately at the intersection of Badger Avenue and Jefferson Street extended and extends south to Old Highway 18.
 - c. A 110-foot wide extension of **Burbank Road**. Such area starts approximately at the intersection of U.S. Highway 10 East and extends south to Old Highway 18.

Alderson Moore asked for clarification of why Burbank Road is so much wider than the other streets. Director Ostrowski explained that with the developing the East Park Commerce Center, Burbank Road would be a major north / south thoroughfare, and it will need to accommodate truck traffic. In addition, it is anticipated that there may be an overpass built over the rail, so we are planning for the proper width for that road. Commissioner Curless asked if this would occur with Burbank all the way down to Highway HH, to which Director Ostrowski answered yes, we may have to do a little adjustment at the intersection with HH, where there is a cemetery we would have to work around. Mayor Halverson added in his opinion Burbank would need to be widened from the railroad tracks to Highway HH. If Highway 10 is rerouted the Village of Plover and the city are very interested in insuring that Burbank Road as it extends south of County Highway HH and eventually intersects with Highway 10 that a diamond interchange be preserved at that location.

Alderson Moore confirmed this is just a change to the street map, and not that we are developing these roadways at this time. Director Ostrowski answered yes; this is a planning document that preserves our ability to plan this area so things are not placed in an area where a street is planned. Mayor Halverson added should things change where certain planning and development initiatives are taken by the townships as well, this will give us the ability to deny certain kinds of developments.

Commissioner Haines asked if this is part of what we talked about last month regarding Jefferson Street. Director Ostrowski answered yes, we will be talking about Jefferson Street as well in the next agenda item and that is why this is being amended now.

Commissioner Patton asked about the renaming of Jefferson Street in that area since there is a Jefferson Street in the central city area already. Director Ostrowski explained it can be renamed; however, it might be a concern for residences currently in that area. Mayor Halverson added at some point if you wanted to rename it in an area where there currently are no properties, that can happen but for simplicity for protective services most of the time where roads can be extended and preserved it makes sense.

MaryLouise Catura, 5649 Jefferson Street, asked for clarification if there would be an opening on Brilowski Road to Jefferson Street, and how and when the streets would be extended and their width. Mayor Halverson explained yes Jefferson Street would be extended from Brilowski all the way to Burbank, and the street would be the same width as existing but the 66 feet include the right-of-way. The streets are not being developed right away, and that there is no set timeframe for development, but by placing them on the official street map it will assist in future planning, zoning, and development of the area.

Alderman Trzebiatowski does have concerns for the current drainage issues in the area, but fully supports the plan of the streets to be placed on the official street map extended.

Mayor Halverson pointed out the stormwater utility is very interested in working with area property owners and the Town of Hull to work out a solution.

Motion by Alderperson Moore to approve amending the Official Street Map of the City of Stevens Point by adding the following:

- a. **A 66-foot wide extension of Jefferson Street. Such area starts approximately at the intersection of Jefferson Street and Brilowski Road and extends east to Burbank Road extended.**
- b. **A 66-foot wide extension of Badger Avenue. Such area starts approximately at the intersection of Badger Avenue and Jefferson Street extended and extends south to Old Highway 18.**
- c. **A 110-foot wide extension of Burbank Road. Such area starts approximately at the intersection of U.S. Highway 10 East and extends south to Old Highway 18.**

seconded by Commissioner Cooper. Motion carried 7-0.

6. Request from Jim Jakusz for a preliminary subdivision plat review of a seven lot subdivision at **1901 Brilowski Road (Parcel ID 2408-36-3202-01).**

Director Ostrowski explained we have been looking at this property for the last couple of months in terms of annexation and rezoning. We had rezoned the property R-3 on the northern portion and R-2 on the southern portion, with the intent of subdividing it into lots to allow zero lot line duplexes along the north and two single family homes coming off of Schiller Drive. This would be considered a major subdivision because of the creation of more than four lots. In that process this preliminary subdivision plat is before the plan commission for review and approval. The northern 33 feet would be dedicated for public right-of-way. Staff recommends approval with the conditions listed in the staff report.

Commissioner Haines pointed out the lack of sidewalks. Director Ostrowski said that because Jefferson Street may act as a private drive for a while, they would not have sidewalks installed.

Mayor Halverson expressed his approval for the plat and how well it was laid out.

Motion by Commissioner Curless to approve the preliminary subdivision plat for seven lot subdivision at 1901 Brilowski Road (Parcel ID 2408-36-3202-01) with the following conditions:

- The city of Stevens point Treasurer should be changed to Corey Ladick.
- The corporate limits line needs to be heavier to distinguish between the City of Stevens Point and the Town of Hull.
- The ten foot strip within the subdivision located in the Town of Hull should be clearly identified and labeled as such.
- All external boundaries shall be monumented with the appropriate monumentation.
- Outlot 1 shall be split following the northern property line of Lot 2, shown below, creating a 3rd outlot.
- Thirty-three feet of the northern property area shall be dedicated as public right-of-way, and shall be identified on the plat.
- Access to lots 2, 3, 4 and possibly 5 shall occur via a private driveway, paid for by the owner, unless Jefferson Street is extended by the City at no cost to the owner. This access should be noted on the plat. In addition, the owner shall pay for the construction of the utilities down the private driveway, or Public Street, to serve the zero lot line homes.
- A statement regarding Outlot 1 and 2 should be added to the plat and indicated the following:
 - a. Outlot 1 shall be dedicated to the public for right-of-way purposes.
 - b. Outlot 2 shall be dedicated to the public for right-of-way purposes.
 - c. Outlots 1 and 2 shall be used as a private driveway to access Lots 2,3,4 and 5 and shall be maintained by said lot owners until at such point Outlot 1 and 2 are developed as a public street.
- Identify Jefferson Street on the plat (northeast).
- A utility easement should be added south of Outlot 2 and west of Schiller Drive.
- The “City of Stevens Point” identifier, southwest of Jefferson Street/Brilowski Road should be moved to the east to be closer to the corporate limits line.
- Another “City of Stevens Point” note should be added in Brilowski Road south of the proposed subdivision.
- A Park fee shall be submitted to the City of Stevens Point in the amount of \$250.00 per lot. Outlots shall not be considered.
- Minor grammatical errors on the plat, identified by staff, shall be corrected.
- Swales meeting all City Department of Public Works and Utility Department specifications, as well as those outlined in Chapter 31, shall be installed to control stormwater.

- **Objections from reviewing agencies shall be satisfied before the plat shall be recorded.**
- **The owner shall receive approval from the Town of Hull for the lands located within the Town of Hull.**
- **The plat shall conform to the provisions of Chapter 20 of the Revised Municipal Code and Chapter 236 of the Wisconsin Statutes. All applicable permits from Portage County, the Wisconsin Department of Natural Resources, the City, and any other authorizing agencies shall be obtained.**
- **A Final plat per Chapter 20, Subdivision Control Ordinance shall be submitted and reviewed by the Plan Commission and Common Council within six (6) months of the preliminary plat approval date, conforming to the provisions of Chapter 20 and Chapter 236 of the Wisconsin Statutes.**

seconded by Commissioner Haines. Motion carried 7-0.

7. Amending Chapter 23, Zoning Code, of the Revised Municipal Code of the City of Stevens Point to:
 - a. Define vapor bars in **Section 23.04(2)**,
 - b. Place vapor bars as a conditional use within **Section 23.02(2)(a)** (*B-1 Neighborhood Business District and above districts*), and
 - c. Place vapor bars as a permitted use within **Section 23.02(2)(c)** (*B-3 Central Business District and above districts*).

Director Ostrowski explained as long as the commission is ok with the definition, last month we discussed placing it as a conditional use in the B-1 and B-2 zoning districts, and allowing the use as a permitted use in the B-3 and up zoning districts.

Aldersperson Moore asked if they would have an age limit, such as no one under 18 years old admitted.

Director Ostrowski answered that would be how they would be regulated. Typically with nicotine products you would have to be 18 or older, unless they have a tavern use as well then it would be 21 or older.

Aldersperson Moore asked for clarifications regarding people on premise similar to a tavern. Mayor Halverson stated in terms of if we could say no one under the age of 18 could be in there.

Aldersperson Randy Stroik pointed out that the vapor bars and e-cigarettes are coming up quickly like they are trying to develop businesses before studies come out saying what could or couldn't be bad. His concern is if they allow the vapor lounges, are the operators going to check people at the door to make sure other substances including illegal substances are not brought in. He feels there is more regulation that needs to be addressed before just defining a vapor bar and allowing them as permitted uses.

Cathy Dugan, 615 Sommers Street, pointed out we already have vapor bars in town and feels we should hold back and see what state and federal regulations are passed and do some more research.

Aldersperson Trzebiatowski explained the Governor has already approved liquid THC for medical purposes and is concerned that there may be other substances that will be liquefied as well as the concerns for overdoses.

Commissioner Hoppe is concerned that customers will bring in other products or liquids into the vapor bars that are not legal or regulated in any way including potency levels as well as for chemicals that may be exhaled. He feels there is not enough information to make this decision.

Mayor Halverson explained the situation that we have is the Plan Commission is not the health department, or Public Protection Committee. We have a legal process and most of the concerns that were pointed out are illegal. The operation of a legal vapor bar is a situation where because of the very interest that is developing, it needs to be defined or regulated, in turn creating a process for us to be able to enforce exactly where we would want them to be. In terms of any added regulations, aside from the 18 year old age limit, on a process that is legal, there is very little ground for the Plan Commission or the Public Protection Committee to act. It is not the city's responsibility to regulate through zoning, whether or not it is right or wrong, that is for state agencies or the federal government to act on. The use is appropriately defined, and the conditional use process for B-1 and B-2 and the allowed use within B-3 or higher makes sense. If someone is going to liquefy an illegal substance, that is illegal and if they are going to use vapor underage, that is illegal as well. Those are issues for the individual who is engaging in the illegal act even more so than the establishment.

Commissioner Cooper asked how are the ones that are operating now doing so legally, to which Director Ostrowski answered the intent of the existing businesses is for the retail of the equipment and liquids. What we are looking at is the actual congregation of individuals for the use of vaping in a particular area. We do not regulate through zoning the selling, we regulate the use of the business because of the impact it may have on adjacent properties. Alderperson Moore asked how are we going to differentiate between the retail establishment and the vapor bars, to which Director Ostrowski responded that is why we have the current drafted definition. He then asked if there were any regulations coming from the state, to which Director Ostrowski stated at this point the only thing that he has seen is that vaping does not fall under the smoking ban.

Commissioner Curless stated he was still confused in that are we saying we are going to allow vapor bars and we are just deciding where we would allow them, to which Mayor Halverson responded we are deciding on both. We are deciding what the definition of a vapor bar would be and then the area where they would be a conditional use and the areas they would be an allowed use.

Commissioner Hoppe asked if we are worried about the congregation of youth in this area and in the downtown area, and will this draw 16 and 17 year olds, to which Mayor Halverson answered Public Protection will have the decision as to if anyone under the age of 18 isn't allowed in, if nicotine is sold and consumed openly in the bar.

Motion by Commissioner Curless to deny Amending Chapter 23 Zoning Code, of the Revised Municipal Code of the City of Stevens Point to:

- a. Define vapor bars in Section 23.04(2),**
- b. Place vapor bars as a conditional use within Section 23.02(2)(a) (B-1 Neighborhood Business District and above districts), and**
- c. Place vapor bars as a permitted use within Section 23.02(2)(c) (B-3 Central Business District and above districts)**

seconded by Commissioner Hoppe.

Commissioner Patton pointed out by denying, they are wide open for use. Mayor Halverson explained you have the sale of the materials and devices in several locations, what naturally happens is that the devices are

used. The question gets back to this definition regarding the principle or secondary use. It is that this definition will be addressing the specific use for that site only. Commissioner Patton pointed out that by denying this we really have nothing on paper. Mayor Halverson agreed it becomes a strange situation where it is not referenced anywhere. As this is currently laid out, you are defining the use and you are creating the conditional uses and permitted uses based on that definition. Commissioner Haines added that vaping is legal, so you can use them in a tavern or restaurant. Commissioner Curless asked how they are able to use nicotine if you cannot smoke in the restaurants. Mayor Halverson stated there is no smoke that is emitted, it is just a steam and there are no carcinogens that are emitted by this process.

Director Ostrowski recommended approving the definition as outlined and adding it to the zoning code, and if the use is not listed, it would then be prohibited, and at least we would have a definition to go by. Mayor Halverson suggested treating it as a tavern and treat it as a conditional use in B-1 or higher and every one would have to come back before the commission. Commissioner Haines stated she would personally like to see the definition and it as conditional use in all the districts outlined rather than any permitted uses.

Commissioner Hoppe withdrew his second. Motion has been withdrawn.

Motion by Commissioner Hoppe to approve amending of Chapter 23 Zoning Code, of the Revised Municipal Code of the City of Stevens Point to:

- a. **Define vapor bars in Section 23.04(2) as:**

VAPOR BAR – means any facility, building, structure, or establishment, whether fixed or mobile, whose business operation, whether as its principal use or as an accessory use, includes utilizing a heating element that vaporizes a liquid solution that releases nicotine or a flavored vapor, including but not limited to establishments known as vapor lounges or e-cigarette lounges.

seconded by Commissioner Patton.

Commissioner Patton asked if that would be in the best interest of the city, to which Director Ostrowski stated at least there is a definition in which we can go by and will be enforceable.

Commissioner Cooper stated this activity is going to go on whether it is regulated or not, so why not just have vapor bars be a conditional use, so it does come before us. Eventually, the state or other agency will tell us what will happen, so we might as well regulate it. Mayor Halverson agreed and feels it is the most appropriate way to proceed, and allows us the opportunity for us to review it for the impacts.

Motion failed 2-5, with Halverson , Moore, Haines, Curless, and Cooper voting in the negative.

Motion by Mayor Halverson to approve amending Chapter 23 Zoning Code, of the Revised Municipal Code of the City of Stevens Point to:

- a. **Define vapor bars in Section 23.04(2) as**

VAPOR BAR – means any facility, building, structure, or establishment, whether fixed or mobile, whose business operation, whether as its principal use or as an accessory use, includes utilizing a heating element that vaporizes a liquid solution that releases nicotine or a flavored vapor, including but not limited to establishments known as vapor lounges or e-cigarette lounges.

and

- b. **Place vapor bars as a conditional use within Section 23.02(2)(a) B-1 Neighborhood Business District and all above districts).**

seconded by Commissioner Patton. Motion Carried 6-1, with Hoppe voting in the negative.

8. City of Stevens Point Comprehensive Plan Update process and outline.

Director Ostrowski stated we adopted a Comprehensive Plan in 2005-2006 and are required to update it every 10 years, which we are coming up on. We had done this in cooperation with Portage County Planning and Zoning. We have Jeff Schuler and Sarah Wallace here to discuss this process and answer any questions.

Jeff Schuler of Portage County Planning and Zoning talked about the schedule for updating the Comprehensive Plan and wanted the commission and council to be comfortable with what the plan does for the city. Basically, it will be the Plan Commission's document to recommend to the Common Council. There will be need to be conversations on what types of public participation the city wants, and it is a completely different situation than the original document creation. This time you already have the existing plan and you have to look at it and see what it tells us about our community. The city has had a lot of ideas that have come up based on ideas that were in the plan, and others that have come about ahead of the plan. There will also be the need to have conversations with the Town of Hull, Stockton, and Village of Plover as to the opportunities and how we want to work together and have consistency between the municipalities. Last time the document was drafted from scratch, this time we can now look at what is really important to the city and be able to focus on those things.

Aldersperson Moore pointed out the last time it took a long time because of starting from scratch, and now we can look at what worked. It really worked well opening up conversations with our neighbors and maybe we can take care of some of the boundary issues.

Commissioner Haines likes the conversations that can take place and that we can be more creative with the city's future vision.

Mayor Halverson added we intend to use as much of the current foundation as we can going forward.

9. Adjourn.

Meeting Adjourned 7:15 PM.