

REPORT OF CITY PLAN COMMISSION

May 5, 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, Comptroller/Treasurer Corey Ladick, City Attorney Andrew Beveridge, Alderperson Mike Phillips, Alderperson Randy Stroik, Alderperson Mary Stroik, Alderperson Jeremy Slowinski, Nate Enwald, Brandi Makuski, Barb Jacob, Jackson Case, Cathy Dugan, Gil Polum, and Brian Kowalski.

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1. Report of the April 7, 2014 Plan Commission meeting.
2. Request from Jim Jakusz for a final plat review for a seven lot subdivision, Hunter Oaks Second Addition, for the property located at **1901 Brilowski Road (Parcel ID 2408-36-3202-01)**.
3. Request from Point of Beginning, representing the property owner Todd Reilly, for a conditional use permit amendment for the purposes of splitting the property at **1717 Riverview Avenue (Parcel IDs: 2308-05-4400-13 through 2308-05-4400-22)**.
4. Request Sentry Insurance for a constrained site exemption for the reconstruction of their parking lot at **1421 Strongs Avenue (Parcel IDs 2408-32-2024-05 and 2408-32-2024-06)**.
5. Amending **Section 23.01(14)(g)** of the Revised Municipal Code of the City of Stevens Point, Constrained Sites, to allow alternative parking and landscape standards for additions to existing parking facilities that provide consistency with the existing conditions.
6. Request from the Stevens Point Municipal Airport, for a sign variance to allow a freestanding sign to exceed the area and height requirements at **4401-4501 Highway 66 (Parcel ID 2408-23-2300-01)**.
7. City of Stevens Point Comprehensive Plan update.
8. Request from the Redevelopment Authority of the City of Stevens Point to transfer an approximate 50-foot wide extension of **Third Street** to the City of Stevens Point (**part of Parcel IDs 2408-32-2029-65 and 2408-32-2029-66**).
9. Acceptance by the City of Stevens Point of the land described in the above agenda item.
10. Request from the Redevelopment Authority of the City of Stevens Point to transfer an approximate 60-foot wide extension of **Strongs Avenue** to the City of Stevens Point (**part of Parcel IDs 2408-32-2029-65 and 2408-32-2029-66**).
11. Acceptance by the City of Stevens Point of the land described in the above agenda item.
12. Creation of an overlay district encompassing commercial properties within the vicinity of the intersection of Church Street, Division Street, Madison Street, and Park Street where reduced parking standards would apply. ***This item is for discussion purposes only.***
13. Request from AT&T for an easement to the east of Third Street extended for the purposes of extending utilities.
14. Request from Charter Communications for an easement to the west of Strongs Avenue extended for the purposes of extending utilities.
15. Request from Bernard Moadlo Farms to lease a portion of city-owned land in East Park Commerce Center for farming purposes (**part of Parcel IDs 2308-01-2100-02 and 2308-01-2100-04**).
16. 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)**, and

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

17. Adjourn.

1. Report of the April 7, 2014 Plan Commission meeting.

Motion by Alderperson Moore to approve the report of the April 7, 2014 meeting; seconded by Commissioner Cooper. Motion carried 6-0.

2. Request from Jim Jakusz for a final plat review for a seven lot subdivision, Hunter Oaks Second Addition, for the property located at **1901 Brilowski Road (Parcel ID 2408-36-3202-01)**.

Director Ostrowski explained that this has been before the Commission as a preliminary plat, and it has met all the conditions that have been placed upon it. It will have to go to the state for review.

Motion by Mayor Halverson to approve the final plat for a seven lot subdivision, Hunter Oaks Second Addition, for the property located at 1901 Brilowski Road (Parcel ID 2408-36-3202-01); seconded by Alderperson Moore. Motion carried 6-0.

3. Request from Point of Beginning, representing the property owner Todd Reilly, for a conditional use permit amendment for the purposes of splitting the property at **1717 Riverview Avenue (Parcel IDs: 2308-05-4400-13 through 2308-05-4400-22)**.

Director Ostrowski explained back in 2007 there was a resolution which allowed for the construction of these condominiums. At this time Mr. Reilly has only built three of the buildings and is looking to split off a portion of the property that abuts Whiting Avenue to make an individual lot that would likely be used for a duplex or single family home.

Motion by Alderperson Moore to approve the conditional use permit amendment for the purpose of splitting the property at 1717 Riverview Avenue (Parcel IDs: 2308-05-4400-13 through 2308-05-4400-22); seconded by Commissioner Patton. Motion carried 6-0.

4. Request from Sentry Insurance for a constrained site exemption for the reconstruction of their parking lot at **1421 Strongs Avenue (Parcel IDs 2408-32-2024-05 and 2408-32-2024-06)**.

Director Ostrowski explained Sentry Insurance wants to reconstruct their lot at their downtown location. Furthermore, he explained the Zoning Code allows parking lot exemptions for constrained sites, which in this case would be a modification to landscaping and setback requirements for the lot. This request meets one of the three constrained site criteria, specifically, a reduction in the number of stalls below the required number for the use on the property. The parking requirement with this size of building recommends approximately 416 stalls and at this time only 300 are provided. Lastly, Sentry is planning on installing five feet of perimeter landscaping around the entire lot, which would be an increase from what is there now.

Motion by Commissioner Patton to approve a constrained site exemption for the reconstruction of Sentry Insurance's parking lot at 1421 Strongs Avenue (Parcel IDs 2408-32-2024-05 and 2408-32-2024-06); seconded by Commissioner Curless. Motion carried 6-0.

5. Amending **Section 23.01(14)(g)** of the Revised Municipal Code of the City of Stevens Point, Constrained Sites, to allow alternative parking and landscape standards for additions to existing parking facilities that provide consistency with the existing conditions.

Director Ostrowski stated Ministry Medical is looking at expanding their parking lot at 2501 Main Street to the east. However, our current code would require a 15 foot setback from the street yard right-of-way because of it being in the R-5 District. The proposed amendment is to add an exemption to the parking section under the constrained sites section that would allow parking lots to be expanded as long as they remain consistent with the existing setback, however the parking expansion cannot exceed 50% of the existing parking area.

Cathy Dugan, 615 Sommers Street, stated adding more pavement and less green space does not add to the appeal and aesthetics of the area. We have recently developed parking lot landscaping standards that are higher than previous codes and would hate to see our community restrain ourselves.

Commissioner Haines arrived 6:06pm

Motion by Commissioner Patton to approve amending Section 23.01(14)(g) of the Revised Municipal Code of the City of Stevens Point, Constrained Sites, to allow alternative parking and landscaping standards for additions to existing parking facilities that provide consistency with the existing conditions; seconded by Commissioner Cooper.

Aldersperson Moore pointed out he was not comfortable with the language that is used because he feels it is not very clear. Director Ostrowski explained this is for existing parking lots that would be expanded. Furthermore, the additional parking area added to an existing lot cannot be greater than 50% of the original existing lot. He explained that if Ministry installs the additional parking lot under the current parking lot setback, there will be a jog in the parking lanes, and significant loss of parking. With the proposed amendment, additional parking which maintains the existing setback could be installed.

Commissioner Haines asked for clarification to why this change was being presented, to which Director Ostrowski explained Ministry Medical wants to expand their lot at 2501 Main Street and their current setback for that lot is seven feet from the street right-of-way. They want to add a small addition of 30-40 stalls within the entire parking facility; however a 15 foot setback is required which is contradicting to the existing 7 foot setback. Commissioner Haines asked if the other three constrained site exemptions would not apply, to which Director Ostrowski confirmed, and stated the proposed amendment would add a fourth.

Aldersperson Randy Stroik asked if you could have a constrained site as a brand new site, to which Director Ostrowski answered no. Previously no review standards existed within our zoning code regarding parking lot variances. The constrained sites section is essentially review standards for parking lot variances, allowing for parking lot modifications under certain circumstances.

Mayor Halverson stated there are many other instances where this circumstance would apply throughout the City.

Motion carried 5-2, with Moore and Haines voting in the negative.

6. Request from the Stevens Point Municipal Airport, for a sign variance to allow a freestanding sign to exceed the area and height requirements at **4401-4501 Highway 66 (Parcel ID 2408-23-2300-01)**.

Director Ostrowski explained the airport is unique in that it is zoned R-2 Single Family, which allows for very minimal signage within the district; however, this property is not used as residential. The request is for an 18-20 foot, and approximately 200 square feet sign.

Commissioner Patton asked if the proposed sign is bigger than the existing sign, to which Director Ostrowski stated yes.

Commissioner Curless asked if the sign was lit, to which Director Ostrowski answered yes.

Motion by Commissioner Patton to approve the sign variance for the Stevens Point Municipal Airport to allow a freestanding sign to exceed the area and height requirements at 4401-4501 Highway 66 (Parcel ID 2408-23-2300-01); seconded by Alderperson Moore.

Cathy Dugan, 615 Sommers Street, stated her concern regarding the residential area across the street and the potential for light to disturb neighboring properties.

Motion carried 7-0.

7. City of Stevens Point Comprehensive Plan update.

Director Ostrowski explained this was placed on the agenda to find out what the comprehensive plan means to the commissioners and to help tailor the update process to the commissions' needs. The plan commission will meet to discuss and consider the updated information that staff presents as well as planning public informational meetings. At this time he suggested a regular independent meeting of the commission to discuss and update the comprehensive plan on the second Wednesday of the month beginning in June, 2014.

Commissioner Patton stated he would like the plan to be more general and development friendly so developers would not have to request exceptions as often. Mayor Halverson explained the comprehensive plan is a guiding document that should be specific as to where and how we want the city to develop and grow, and the zoning code would be reflective of this document.

Commissioner Hoppe asked if the city has received all of the 2010 Census data to which Director Ostrowski stated yes and that would be provided as an appendix to this document.

Alderperson Moore pointed out the comprehensive plan is a guide to keep the plan commission moving in a thought-out direction for city growth and development. He would like to see more work and development with our neighboring municipalities in cleaning up the boarder lines with boundary agreements.

Commissioner Haines explained she feels this document is a guide to our future and feels we should consider new ways to think and develop housing, transportation, and agriculture elements, as well as other aspects.

Commissioner Curless agreed that a lot can and could happen in the next 10-15 years and has heard very good things about the city compared to other communities in Central Wisconsin.

Commissioner Patton asked what issues have arisen with the current plan and then stated the update should be conducted in a way to address those issues. Director Ostrowski explained the comprehensive plan is a guide to development and future planning of the City of Stevens Point.

Mayor Halverson added we must be more responsive and nimble to development and change our zoning code to reflect our comprehensive plan.

Attorney Beveridge pointed out the comprehensive plan is based from state statute and our range of discretion is limited, as there are specific requirements which include intergovernmental cooperation. Commissioner Haines feels other communities have been creative with their comprehensive plans which have included sustainability and health components, and does not feel state statute limits the plan.

Jeff Schuler, Portage County Planning and Zoning, explained the Portage County Planning and Zoning Department is available to help the city with the document update and is to be used as a resource for the Community Development Department. When the state law passed regarding comprehensive planning, communities were required to include the nine elements of the plan. The county Planning and Zoning Department worked to create the comprehensive plans for all communities in the county, with much of the plans being similar, as a basic formula was used along with grant monies. Now that we have a basic infrastructure, this is a good time for the plan commission to plan the future of the city and its developments. Mr. Schuler encourages the commission to have an open mind during the process, and to work with other municipalities as well as city residents.

Director Ostrowski asked the commission if the second Wednesdays of every month would work for regularly scheduled meetings for comprehensive plan discussions, with the first meeting occurring on June 11, 2014 at 6:00 pm. All commission members concurred. Commissioner Haines asked that the commission also be open to 15-20 minute educational presentations at every meeting.

Associate Planner Kyle Kearns added the first meeting would likely include a review of a public participation plan, while also including a great deal of education.

Director Ostrowski stated we will have meetings for the public all throughout this project at different locations and times of day. Mayor Halverson added that it would be good to incorporate meetings with existing neighborhoods to gain a more personal input from residents.

Jackson Case, 3028 Stanley Street, asked the commission to also consider a historical perspective of city growth and development when updating components of the comprehensive plan.

Cathy Dugan, 615 Sommers Street, expressed her interest in participating and feels looking at demographics of age and transportation needs as well as thinking about residents and the land use plan are important.

8. Request from the Redevelopment Authority of the City of Stevens Point to transfer an approximate 50-foot wide extension of **Third Street** to the City of Stevens Point (**part of Parcel IDs 2408-32-2029-65 and 2408-32-2029-66**).

Director Ostrowski explained agenda items 8,9,10 and 11 have been before you in the past, and are all related. This is the extension of Third Street and the future extension of Strongs Avenue that we are looking at transferring from the Redevelopment Authority to the City of Stevens Point.

Mayor Halverson asked if there isn't any objection, we can take items 8,9,10 and 11 together; no objection from the commission occurred.

Motion by Alderperson Moore to approve agenda items 8, 9, 10, and 11:

8. Request from the Redevelopment Authority of the City of Stevens Point to transfer an approximate 50-foot wide extension of **Third Street** to the City of Stevens Point (**part of Parcel IDs 2408-32-2029-65 and 2408-32-2029-66**).

9. Acceptance by the City of Stevens Point of the land described in the above agenda item.
10. Request from the Redevelopment Authority of the City of Stevens Point to transfer an approximate 60-foot wide extension of **Strong's Avenue** to the City of Stevens Point (**part of Parcel IDs 2408-32-2029-65 and 2408-32-2029-66**).
11. Acceptance by the City of Stevens Point of the land described in the above agenda item.

seconded by Commissioner Cooper. Motion carried 7-0.

9. Request from the Redevelopment Authority of the City of Stevens Point to transfer an approximate 50-foot wide extension of **Third Street** to the City of Stevens Point (**part of Parcel IDs 2408-32-2029-65 and 2408-32-2029-66**).

Approved within agenda item 8 above.

10. Request from the Redevelopment Authority of the City of Stevens Point to transfer an approximate 60-foot wide extension of **Strong's Avenue** to the City of Stevens Point (**part of Parcel IDs 2408-32-2029-65 and 2408-32-2029-66**).

Approved within agenda item 8 above.

11. Acceptance by the City of Stevens Point of the land described in the above agenda item.

Approved within agenda item 8 above.

12. Creation of an overlay district encompassing commercial properties within the vicinity of the intersection of Church Street, Division Street, Madison Street, and Park Street where reduced parking standards would apply.

This item is for discussion purposes only.

Mayor Halverson stated the area described was talked about during the inception of the façade grant program.

Director Ostrowski explained there are a couple of different ways this can be reviewed; one, we can look at its current zoning form and possibly create an overlay district that will allow reduced setback and reduced parking requirements due to the buildings layout and the lot coverage, or two we could potentially rezone the entire area as B-3 Central Business District meeting the same requirements as downtown. One of the reasons this has come up is due to a business owner looking to tear down a portion of his building, and reconstruct it a little bit larger, however, they cannot do that because they would not meet the parking requirements.

Direction given by the commission would lead to further action by staff to begin pursuing one of the options.

Commissioner Haines stated her initial feeling is to rezone it B-3, to which Alderperson Moore agreed.

Director Ostrowski stated he would have to do some analysis as to what uses are allowed here now, versus what could be.

Mayor Halverson agreed that rezoning would make more sense. Commissioner Haines added it would seem like an overlay district would just be adding a layer of regulation that is just not necessary.

Jackson Case, 3028 Stanley Street, asked for the difference between the rezoning and the overlay district. Mayor Halverson answered that the overlay district would really be only for parking, whereas the rezoning would include other elements such as setbacks and lot cover ratios.

13. Request from AT&T for an easement to the east of Third Street extended for the purposes of extending utilities.

Director Ostrowski explained AT&T has service at the south east corner of Third Street extended and Centerpoint Drive and are looking at extending a five foot wide easement south. All of this property is owned by the redevelopment authority currently and in order for us to grant an easement the plan commission needs to provide a recommendation. One of the concerns is the restriction of the redevelopment authority from potentially placing anything on the easement. Staff's recommendation is that a portion of the language within the easement agreement be removed and a price be negotiated for the easement.

Commissioner Curless asked would the easement have a big affect on the use of the property, to which Director Ostrowski responded potentially. Currently he does not see an issue since the property will be a parking lot, however if the parking lot is removed in 10-15 years any development planned for the site would be limited due to the agreement.

Motion by Mayor Halverson to recommend the Redevelopment Authority pursue the easement with AT&T to the east of Third Street extended for the purpose of extending utilities, with the condition that the Redevelopment Authority address concerns within the easement agreement regarding development restrictions on the property; seconded by Commissioner Hoppe.

Aldersperson Moore asked if we at the City retain possession of the property, to which Director Ostrowski stated yes.

Motion carried 7-0.

14. Request from Charter Communications for an easement to the west of Strongs Avenue extended for the purposes of extending utilities.

Director Ostrowski explained this easement request is being made by Charter Communications to install fiber cable from the southeast corner of the Strongs Avenue parking lot north and eventually west to the Great Lakes Loan Services building which is owned by the Redevelopment Authority. Director Ostrowski recommends approval as the easement and installation of fiber make the building more marketable in the future if Great Lakes were to ever leave.

Motion by Aldersperson Moore to recommend the Redevelopment Authority pursue the easement with Charter Communications to the west of Strongs Avenue extended for the purpose of extending utilities, with the condition the Redevelopment Authority address concerns within the easement agreement regarding development restrictions on the property; seconded by Commissioner Haines. Motion carried 7-0.

15. Request from Bernard Mocadlo Farms to lease a portion of city-owned land in East Park Commerce Center for farming purposes (**part of Parcel IDs 2308-01-2100-02 and 2308-01-2100-04**).

Director Ostrowski explained Mr. Mocadlo is looking to lease a portion of this land, which was farmed prior to the City's purchase. Director Ostrowski added that Mr. Mocadlo has a lease for the northern section of land from Cold Storage, and has asked to lease the city's portion, which is approximately four acres. There are no immediate concerns with leasing it for the time being, as crops would be planted in June and harvested

sometime in September. If a development were to come along on the site, necessary approvals would likely take a few months, therefore not limiting any development.

Aldersperson Phillips pointed out when we originally created East Park Commerce Center the property owners were allowed to farm the property until it was used/developed by the city. Director Ostrowski explained the land in question was purchased by the city, so a lease agreement would have to be done.

Jackson Case, 3028 Stanley Street, asked if there is any typical language in the lease agreement that specifies what farming practices are used for the protection of the land, to which Mayor Halverson stated he is not specifically aware of leasing any city property for farming, but language regarding farming practices can be inserted within the lease.

Motion by Commissioner Cooper to approve entering into a lease agreement with Bernard Mocadlo Farms for a portion of city-owned land in the East Park Commerce Center for farming purposes (part of Parcel IDs 2308-01-2100-02 and 2308-01-2100-04); seconded by Commissioner Curless. Motion carried 7-0.

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

Director Ostrowski stated the council postponed any action relating to vapor bars as noted in the memo. The challenge identified previously is how to distinguish a vapor bar compared to a retail sales area. Language has since been added to the definition stating that a vapor bar would constitute 25% or more of the building dedicated for the use of electronic cigarettes or other related equipment. If the criteria are met, a conditional use permit would be required for the operation of a vapor bar.

Aldersperson Moore stated he does not want to move forward with this and wants to wait to see how the state and federal government regulate products. Commissioner Haines pointed out there is no harm in defining what we think a vapor bar is. Mayor Halverson added the issue for us should not be about what it is or isn't from a regulatory health point of view, but rather a use within our community having a definition and furthermore, how that use should be regulated within the zoning code. When it comes to underage consumption and illegal activity, it can be looked at through an additional licensing process that we would have a vapor bar go through almost identical to a tavern through the Public Protection Committee.

Commissioner Curless asked if there was an age restriction of 18 years old, to which Mayor Halverson answered yes for the purchase of nicotine based products.

Director Ostrowski pointed out in terms of zoning, staff needs the ability to define what the use is and whether it is allowed within a district or not. We have establishments that are open that have come in under retail who sell the electronic cigarettes and vapor products, and allow smoking of it on the property. The amended language provided does not say it is right or wrong, but it needs to be defined and placed as a permitted, conditional, or prohibited use within the zoning code. Mayor Halverson added from a zoning administrative prospective, he feels this amendment does that.

Commissioner Haines asked what the implications were if the Commission decides to not define it in the zoning ordinance at all. Director Ostrowski stated zoning will allow them as a retail component, but this gives

us the ability to take a look at the situation and the business to determine whether or not it should be allowed in an area and if there are negative impacts that it may have on neighboring properties.

Aldersperson Moore asked if we have received any complaints regarding the existing establishments, to which Director Ostrowski answered none that he is aware of. Director Ostrowski stated his concern is that as an establishment grows, it may impact adjacent property owners. At that time, it will likely be determined as an existing use. The amendment will at least set the requirements up front and they will have regulations that they will need to follow.

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. Any facility, building, structure, or establishment where the area that is used in any way for accommodating patrons who use on the premises, e-cigarettes or apparatuses utilizing a heating element to vaporize liquid which is then inhaled, where such area exceeds 25 percent (25%) of the net floor area of the entire establishment shall constitute a vapor bar.

and

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

seconded by Commissioner Haines. Motion carried 4-3, with Moore, Curless, and Hoppe voting in the negative.

17. Adjourn.

Meeting Adjourned 7:13 PM.