

REPORT OF CITY PLAN COMMISSION

July 7, 2014 – 5:30 PM  
Lincoln Center – 1519 Water Street

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

(Excused: Commissioner Daniel Hoppe)

ALSO PRESENT: Community Development Director Michael Ostrowski, Comptroller/Treasurer Corey Ladick, City Attorney Andrew Beveridge, Alderperson Doxtator, Alderperson Mary Stroik, Alderperson Slowinski, Alderperson Trzebiatowski, Alderperson Phillips, Nate Enwald, Brandi Makuski, Barb Jacob, Mike Yokers, Jim Lundberg, Sara Nikolg, Jeff Peterson, Rick Bierman, Cindy Nebel, Armin Nebel, Garrett Ryan, Joni Cherney, and Evan Cherney.

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2. Request from Richard Bierman, representing the property owner, for a site plan review, for expanding the parking lot at **5441 Highway 10 East (Parcel ID 2408-35-1300-05)**.
3. Request from Point of Beginning, representing the property owner, for a site plan review, to construct an approximate 1,518 square foot building addition and parking lot expansion at **5301 Highway 10 East (Parcel ID 2408-35-2400-03)**.
4. Request from Mike Yokers for a conditional use permit for the purposes of constructing a garage using the "R-TND" Traditional Neighborhood Development Overlay District minimum setback requirements at **1709 Main Street (Parcel ID 2408-32-1036-07)**.
5. Request from James Guzman for a constrained site exemption to reconstruct the parking lot at **1100 Centerpoint Drive (Parcel ID 2408-32-2002-07)**.
6. Amending **Section 23.02(1)(h)** of the Revised Municipal Code of the City of Stevens Point to adopt a newly formatted Traditional Neighborhood Overlay Map; no change to the boundary.
7. Allowing staff to approve parking modifications where specific standards exist within the zoning code. ***This item is for discussion purposes only.***
8. Creation of an ordinance to regulate recreational/accessory vehicle parking and storage within residential zoning districts. ***This item is for discussion purposes only.***
9. Rezoning of commercial properties within the vicinity of the intersection of Church Street, Division Street, Madison Street, and Park Street to B-3 Central Business District. ***This item is for discussion purposes only.***
10. Adjourn.

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1. Report of the June 2, 2014 Plan Commission meeting.  
**Motion by Alderperson Moore to approve the report of the June 2, 2014 meeting; seconded by Commissioner Curless.**  
**Motion carried 6-0.**
  2. Request from Richard Bierman, representing the property owner, for a site plan review, for expanding the parking lot at **5441 Highway 10 East (Parcel ID 2408-35-1300-05)**.

Director Ostrowski said this item was before the plan commission previously for the building addition to the south, and at that time the parking was going to remain unchanged. They have now decided to expand the existing lot. The pine trees have been removed in the southwest corner of the lot to accommodate the expansion. Staff recommends approval with the conditions outlined in the staff report.

Commissioner Haines asked what would be the depth of the rear vegetation setback, to which Director Ostrowski stated at least ten feet.

**Motion by Commissioner Patton to approve the site plan review for expanding the parking lot at 5441 Highway 10 East with the following conditions:**

- 1. Arborvitaes, evergreens, or similar type of vegetation, with a mature height of at least ten feet shall be planted along the portion of the west property line where the other trees have been removed. This vegetation shall be staggered to ensure thicker screening.**
- 2. Canopy trees shall be planted and spaced with one tree every 50 feet around the perimeter expansion area. Canopy trees must be a minimum of 2.5" caliper and ten feet at planting.**
- 3. The landscaping must have a water source within 100 feet, or be irrigated.**
- 4. Curbing, wheel stops, or an adequate alternative (as approved by the zoning administrator) must be installed for parking spaces that abut a landscaped area.**
- 5. Six bicycle stalls must be installed as per the distance and design requirements in the zoning code.**
- 6. Staff shall have the right to make minor modifications to the plans, as long as they meet all zoning code requirements.**

**seconded by Commissioner Curless. Motion carried 6-0.**

3. Request from Point of Beginning, representing the property owner, for a site plan review, to construct an approximate 1,518 square foot building addition and parking lot expansion at **5301 Highway 10 East (Parcel ID 2408-35-2400-03)**.

Director Ostrowski explained Ultra Com is looking to expand their building to the east and south. There will be no changes to the ingress/egress patterns. Staff recommends approval with the conditions outlined in the staff report.

**Motion by Commissioner Patton to approve the site plan review to construct an approximate 1,518 square foot building addition and parking lot expansion at 5301 Highway 10 East with the following conditions:**

- 1. Six bicycle stalls must be installed as per the distance and design requirements in the zoning code.**
- 2. Canopy trees must be a minimum of 2.5" caliper and ten feet at planting.**
- 3. Curbing, wheel stops, or an adequate alternative (as approved by the zoning administrator) must be installed for parking spaces that abut a landscaped area.**
- 4. If any of the existing landscaping is removed, it must be replaced with new landscaping that meets current standards.**
- 5. The landscaping must have a water source within 100 feet, or be irrigated.**
- 6. Staff shall have the right to make minor modifications to the plans, as long as they meet all zoning code requirements.**

**seconded by Commissioner Cooper. Motion carried 6-0.**

4. Request from Mike Yokers for a conditional use permit for the purposes of constructing a garage using the "R-TND" Traditional Neighborhood Development Overlay District minimum setback requirements at **1709 Main Street (Parcel ID 2408-32-1036-07)**.

Director Ostrowski explained the property owner is looking at demolishing the existing garage and constructing a new 20 x 22 foot garage in this location. The property is within the Traditional Neighborhood Development Overlay District which allows for reduced setbacks. One foot side and rear yard setbacks for accessory buildings can be requested. Director Ostrowski added that with reduced setbacks, drainage is required to be directed back on to the property and away from adjacent properties. Staff recommends approval with the conditions outlined in the staff report.

Garrett Ryan, 1708 Clark Street, stated he has concerns with the power lines that are currently resting on the existing structure. Furthermore, he questioned how a new structure of that size will fit into the area even with taking into consideration the reduced setbacks. He also had concerns relating to the materials that were going to be used.

Joni Cherney, 1701 Main Street, stated her comfort with a garage replacement of similar size, but not at the proposed increased size. She also had concerns regarding drainage coming onto her property.

Cindy Nebel, 1100 Phillips Street, is concerned with this property becoming a student rental and the issue of parking for the shared driveway with the neighbors.

Mike Yokers, 1421 Pine Oak Court, pointed out the current garage is in disrepair. He added that the garage may not be used for two cars, but space for storage. He also explained this property is not a student rental, and will be repaired and placed on the market.

Armin Nebel, 1100 Phillips Street, is concerned for the need for this size of garage and for the garage looking disproportionate to the home.

Mayor Halverson explained the Traditional Neighborhood District allows for this type of reduced setback, but he does question the impact of this construction to the adjacent properties. The storm water is addressed with the condition of gutters, but there is a question of the direction of the water flow and if there is enough green space for retention.

Commissioner Haines asked if the driveway was shared, to which Mayor Halverson stated it may be unofficially shared. Director Ostrowski stated the CSM does list the driveway to be used jointly.

Director Ostrowski said there is no lot coverage ratio requirement, but the storm water must remain on the property and not drain on to the neighbor's property.

Mayor Halverson asked is the property was in a historic district, to which Director Ostrowski stated no.

Commissioner Curless asked if the structure was legal, to which Director Ostrowski stated yes.

Aldersperson Moore asked if the downspouts have been addressed and if water runoff direction has been determined, to which Director Ostrowski stated downspouts are an added condition which shall direct the water on to the applicant's property.

**Motion by Aldersperson Moore to approve the conditional use permit for the purposes of constructing a garage using the "R-TND" Traditional Neighborhood Development Overlay District minimum setback requirements at 1709 Main Street with the following conditions:**

1. All necessary building permits shall be obtained for the proposed work.
2. The applicant shall not widen the curb cut and driveway within the public right-of-way without the approval of all applicable departments. Driveway requirements shall apply.
3. Gutters shall be installed on the entire garage and directed appropriately to prevent drainage onto adjacent properties.
4. The materials of the new garage shall be compatible to the greatest extent possible with the materials on the main home.
5. All other applicable ordinance requirements shall be met.
6. Staff shall have the right to make minor modifications to the plans, as long as they meet all zoning code requirements.

seconded by Commissioner Patton. Motion carried 6-0.

5. Request from James Guzman for a constrained site exemption to reconstruct the parking lot at **1100 Centerpoint Drive (Parcel ID 2408-32-2002-07)**.

Director Ostrowski explained Mr. Guzman is looking to reconstruct the parking lot on his property. The applicant's request meets one of the requirements for a constrained site, as he has less than the required number of stalls. When using the office use parking standards, 44 stalls are required, however only 22 stalls exist in this lot, with an additional 14 stalls on the parking lot to the north. The width of parking area and drive aisles prevents a five foot setback from being met on the west and east sides without reducing the number of parking stalls. Therefore, staff recommends granting the reduced setback on Union Street and on the west side (former Lullabye property side) of the property.

**Motion by Mayor Halverson to approve the constrained site exemption to reconstruct the parking lot at 1100 Centerpoint Drive with the following conditions:**

1. A five foot landscaped area to the north is established.
2. A three foot separation between the building and parking lot is established.
3. Curbing, wheel stops, or an adequate alternative (as approved by the zoning administrator) must be installed for parking spaces that abut a landscaped area.
4. A landscape plan shall be submitted to be reviewed and approved by staff.
5. The landscaping must have a water source within 100 feet, or be irrigated.
6. Staff shall have the right to make minor modifications to the plans, as long as they meet all zoning code requirements.

seconded by Alderperson Moore. Motion carried 6-0.

6. Amending **Section 23.02(1)(h)** of the Revised Municipal Code of the City of Stevens Point to adopt a newly formatted Traditional Neighborhood Overlay Map; no change to the boundary.

Director Ostrowski stated the map is more detailed, but does not change the boundary.

**Motion by Commissioner Haines to approve the amendment to Section 23.02(1)(h) of the Revised Municipal Code of the City of Stevens Point to adopt a newly formatted Traditional Neighborhood Overlay Map with no change to the boundary; seconded by Mayor Halverson. Motion carried 6-0.**

7. Allowing staff to approve parking modifications where specific standards exist within the zoning code. ***This item is for discussion purposes only.***

Director Ostrowski explained when we presented the amendment for the parking requirements there was a proposal that would allow staff to allow exemptions where clear standards in the zoning code were met. Examples being constrained sites, allowing modifications for curbing or wheel stops, or tree preservation. At that time, there was an amendment made to bring everything back before plan commission and common council for review and approval. In working with owners, developers, paving companies, there have been a number of requests for constrained site exemptions, which could require up to almost a two month delay in a project. Given that the asphalt paving season is so short, a two month delay can cause a burden on businesses. Therefore, he is requesting that staff be able to have the ability to approve modifications when they meet certain standards within the zoning code.

Mayor Halverson stated he is in support of this and to streamline the process would be good. Commissioner Haines clarified as long as it still meets the standards of the code and uses the least aggressive exemption. She is fine with the existing staff, but worries if new staff would be enforcing the regulations. She would be more comfortable with more specific language.

Director Ostrowski stated prior to the amendment to the ordinance, the plan commission could issue the exemption for whatever reason. Now the ordinance has very specific reasons for exemptions but there has to be plan and common council approval which holds them up for a period of time, as well as charging them \$150 to go before the plan commission.

Aldersperson Moore stated he does not object to the amendment if it would make it easier for people to do business in Stevens Point, but does want input from the community, being the paving companies and businesses.

Mayor Halverson stated as long as it is set clear enough that there are requirements, there is modeled flexibility for staff to look at them, the quicker we can approve them the better.

Director Ostrowski concluded that he will draft an ordinance amendment and get comments from businesses and pavement companies for next month's plan commission meeting.

8. Creation of an ordinance to regulate recreational/accessory vehicle parking and storage within residential zoning districts. **This item is for discussion purposes only.**

Director Ostrowski stated there was a request by an alderperson, that we take a look at creating an ordinance that would regulate accessory or recreational vehicles, trailers, and boats on residential lots. A number of ordinances have been researched, but before drafting an ordinance, he would like to see direction given by the plan commission, as there are a number of elements that could be included. For example there are several ways and things that can be regulated such as, types of vehicles, parking setbacks, number of vehicles, and screening. There are clearly some properties that have more than the average number of these vehicles; however, the majority of the properties in the city are fine.

Commissioner Patton stated when he reviewed the examples he stated it would be nice to have pictures of properties that are really offending, and some that are doing it right and would conform to the ordinance.

Director Ostrowski replied stating there are a number of different examples of ordinances with some more extreme than others. Mayor Halverson added he does like the ordinance from Bloomington, MN which provides a visual for the property owners. Although he does not want to pursue this, but if the plan commission and council want to pursue this, he hopes it is extremely clear and specific.

Commissioner Haines asked for clarification that the City's only current ordinance regarding the subject is within the staff report to which Director Ostrowski stated correct.

Aldersperson Moore indicated that he has not received many of these types of complaints.

Commissioner Curless listed a few examples of violations and feels there should be some form of regulation, even if it is just no front yard parking.

Commissioner Haines stated she thought parking on grass is prohibited, to which Director Ostrowski explained you can park an unlicensed un-motorized vehicle on the grass. Commissioner Curless feels all the trailers and vehicles should be no further in front of the house than the side-yard.

Commissioner Haines clarified mainly we are talking about un-motorized like a trailer or camper. Director Ostrowski replied stating you can make this as broad or as narrow as you want.

Mayor Halverson added that where you park the un-motorized vehicle such as a true front yard setback on a non-impervious surface is an issue. The real discussion is about how many and where they can park. Limiting the numbers on a property regardless of where, is a concern, and how we regulate where the parking occurs is a different concern.

Director Ostrowski pointed out that what is visible from the street can be an issue. Director Ostrowski then added that an ordinance can be drafted and photos of examples provided to be brought back to the commission for review.

Commissioner Curless suggested that if the setback is equal to the front or behind the house that would be fine. Director Ostrowski suggested that wording can be added that would specify parking equal to the setbacks of the primary structure. Mayor Halverson stated this is quite technical with the types of vehicles and sizes. Director Ostrowski pointed out the information from Bloomington also included a breakout of the vehicles in question by classes and diagrams.

Commissioner Haines stated she does not want to place regulations on the number of vehicles, but to regulate where they can be parked is ok, to which Mayor Halverson and Commissioner Curless agreed.

Aldersperson Phillips stated there are vacant lots in his area that are being used as storage for recreational vehicles and at this time there is nothing that can be done about it. Mayor Halverson agreed that is an issue.

Director Ostrowski stated that with adjacent lots owned by the same owner, we treat those as one zoning lot and that is ok since we cannot force an owner to combine lots. We can also add language to only allow the parking and storage of vehicles that are registered to the owner or tenant of the property.

Commissioner Cooper felt a specific ordinance was extreme, as only a select few properties are causing regulation for the whole city.

Commissioner Haines pointed out there would need to be special wording for regulating on corner lots.

Mayor Halverson pointed out these examples exist throughout the city and we have to find a middle ground.

9. Rezoning of commercial properties within the vicinity of the intersection of Church Street, Division Street, Madison Street, and Park Street to B-3 Central Business District. ***This item is for discussion purposes only.***

Director Ostrowski stated that staff was asked to compare the B-3 and B-4 districts, which are displayed in a table in the staff report, as well as a map showing the boundary of the area for the proposed rezoning.

Mayor Halverson liked the layout and feels it captures the properties that are business related and would like to proceed with the rezoning of this area. Commissioner Haines stated she is in agreement as well.

Director Ostrowski pointed out that quite a few businesses would be brought into zoning conformity.

Alderson Moore asked if the property and business owners have been notified of rezoning to which Director Ostrowski stated no. The next step of the process would be to notify and work with them to gain their comments. Director Ostrowski stated he will begin contacting the owners to receive feedback.

Mayor Halverson added he approved of the visual map and feels it covers the area that is in question.

Alderson Moore asked if there was a reason for including the train park to which Director Ostrowski stated he used the railroad tracks as a natural boundary.

10. Adjourn.

Meeting Adjourned at 6:33pm.