

REPORT OF CITY PLAN COMMISSION
December 7, 2015 – 6:00 PM
Lincoln Center – 1519 Water Street

PRESENT: Mayor Wiza, Alderperson Mary Kneebone, Commissioner Anna Haines, Commissioner Bob Brush, Commissioner Hoppe, Commissioner Garry Curless, and Commissioner Dave Cooper.

ALSO PRESENT: Community Development Director Michael Ostrowski, Associate Planner Kyle Kearns, Alderperson Mary McComb, Alderperson Heidi Oberstadt, Alderperson Tony Patton, Alderperson Mike Phillips, Alderperson Denise Mrozek, Zoning Administrator/Building Inspector James Zepp, City Attorney Logan Beveridge, Chief Marty Skibba, Chief Bob Finn, Assistant Chief Jodi Baganz, Mark & Bobbie Erwin, Nate Enwald, Brandi Makuski, Barb Jacob, Trisha Steinhorst, Tiffani Krueger, Cassie Degroff, Jocelyn Maye, Cynthia Milden, Robert Pattillo, Rogre Larson, DeAnna Ruetten, Tamara Kolbeck, Jennifer Lemberger, JD Manville, Robert Konkol, Larry Stuczynski, Tori Jennings, Jack Leichtfuss, Craig and Susan Tesch, Steve Decker, Donald Buza, Henry Korger, Bob & Cynthia Berl, Meryl Nelson, Ciana Rose, Thomas Treder, Jaime White, Eric Ecklund, Reverend Anne Edison-Albright, Kimberly Jononz, Terry Hackett, Pete Meinholz, Tony Mertes, Joanna Rodriguez, Joan Enright, Bob Enright, Cnrad Graczyk, Alycia Skomsvold, Father Placid Stroik OFM, Laurie Rossier, Stacy Reinwand, Jack Elsinger, Cathy Dugan, Amber Parrish, Scott Peplinski, Matthew Lepak, Leo Jacoby, Irene Slowinski, Paul Zurfley, Lori Kawleski, Andi Oppermann, Sally Topinka, and Rick Oppermann.

INDEX:

1. Roll call.

Discussion and possible action on the following:

2. Report of the November 2, 2015 Plan Commission meeting.
3. **Public Hearing** – Request from Stratford Sign Company, representing Investors Community Bank, for a conditional use permit and sign variance to construct two off-premise and multiple on-premise freestanding signs to be located on the **northwest corner of County Road R and County Highway HH (Parcel ID's: 2308-02-4004-10, 2308-02-4004-11 & 2308-02-4004-12)**.
4. Action on the above.
5. Request from Mark & Roberta Erwin for the purpose of annexing their property located at **1230 Second Street (County Parcel ID: 020-24-0817-12.03)** from the Town of Hull to the City of Stevens Point.
6. **Public Hearing** – Establishing a permanent zoning classification of "B-1" Neighborhood Business District, "B-2" Central Business Transition District, or "B-4" Commercial District for **1230 Second Street (County Parcel ID: 020-24-0817-12.03) (Erwin annexation request)**.
7. Action on the above.
8. Request from the City of Stevens Point for the purpose of annexing municipally owned property located west of 5707 U.S. Highway 10 East, known as a **portion of Elizabeth Avenue**.

9. Request from Nancy Urbanek for the purpose of annexing property located at **5707 U.S. Highway 10 East (County Parcel ID 020-24-0836-08.02)** from the Town of Hull to the City of Stevens Point.
 10. **Public Hearing** – Establishing a permanent zoning classification of "B-5" Highway Commercial District for **5707 U.S. Highway 10 East (County Parcel ID 020-24-0836-08.02) (Urbanek annexation request)**.
 11. Action on the above.
 12. **Public Hearing** – Request from Storage Unlimited LLC, for a conditional use permit for the purposes of operating an indoor storage facility at **3256 Church Street (Parcel ID 2308-04-2008-34)**.
 13. Action on the above.
 14. **Public Hearing** –Request from Evergreen Community Initiatives, representing the Franciscans Downtown, for a conditional use permit for the purposes of operating a warming shelter (temporary housing) at **1000 Main Street (Parcel ID 2408-32-2029-19)**.
 15. Action on the above.
 16. Adjourn.
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1. Roll call.

Present: Wiza, Kneebone, Brush, Haines, Hoppe, Curless, Cooper

Discussion and possible action on the following:

2. Report of the November 2, 2015 Plan Commission meeting.

Motion by Commissioner Cooper to approve the report of the November 2, 2015 Plan Commission meeting, seconded by Commissioner Haines.

Motion carried 7-0.

3. **Public Hearing** – Request from Stratford Sign Company, representing Investors Community Bank, for a conditional use permit and sign variance to construct two off-premise and multiple on-premise freestanding signs to be located on the **northwest corner of County Road R and County Highway HH (Parcel ID's: 2308-02-4004-10, 2308-02-4004-11 & 2308-02-4004-12)**.

Director Ostrowski explained this is for Investors Community Bank. He said that are looking to present a master sign plan for the entire site. Two of the signs will be considered off-premise because they are not exactly on the same parcel where the use is taking place. The plan is for potentially five businesses on the site. There will be some internal signs a well. Staff recommends approval with the conditions outlined in the staff report. Director Ostrowski said they have received approval from Portage County Planning and Zoning, as it does need to meet the covenants for the Portage County Business Park.

Mayor Wiza declared the public hearing open.

Dan Drexler of Stratford Sign Company stated that the sign does meet the covenants and they did try to meet all the code requirements.

Mayor Wiza declared the public hearing closed.

4. Action on the above.

Motion by Commissioner Haines to approve the request from Stratford Sign Company, representing Investors Community Bank, for a conditional use permit and sign variance to construct two off-premise and multiple on-premise freestanding signs to be located on the northwest corner of County Road R and County Highway HH (Parcel ID's: 2308-02-4004-10, 2308-02-4004-11 & 2308-02-4004-12) with the following conditions:

1. Freestanding signs shall be set back a minimum of 5 feet from the property line.
2. Minor changes to the plan may be approved by staff.
3. All signs shall be similar in design and materials.

seconded by Commissioner Curless.

Motion carried 6-0, with Commissioner Cooper abstaining.

5. Request from Mark & Roberta Erwin for the purpose of annexing their property located at **1230 Second Street (County Parcel ID: 020-24-0817-12.03)** from the Town of Hull to the City of Stevens Point.

Director Ostrowski explained that this item has been before the Plan Commission relating to the Comprehensive Plan Future Land Use Map amendment to classify this area for commercial use. The annexation has been submitted to the state and it was found that it was in the public interest for the annexation to occur. Staff recommends approval as they feel it meets the standards of review.

Robert Konkol, Anderson Law Firm, representing Town of Hull, stated no matter what the commission does decide today, there will still be issues that remain. From the Town's perspective there is a stormwater management issue that impacts the right-of-way for North Second Street if there is a significant storm event. On the west side of the property, the roof drain ends approximately 12 feet from the edge of the property with the water runoff. The Town also requires a maintenance agreement. The Town of Hull is recommending that the city and the town enter into a comprehensive boundary agreement prior to annexing this area. He is asking for denial of this annexation until all matters are resolved.

Aldersperson Shaun Morrow urged the commission to approve this annexation citing that the DNR and Portage County have approved the project and it is meeting current codes.

Mark Erwin, 533 Second Street N, urged the commission to approve the annexation stating the issues with the Town of Hull have been taken care of.

Rich Smigi, Point Log, stated there are still a lot of issues with this property including the fact that water just naturally flows through this area. He is also concerned that if this property is annexed, that then his property will be annex, and for tax purposes, he does not want to be annexed to the city. He is against the annexation of this property.

Larry Stuczynski, 1280 North Reserve, stated he is concerned for future impact of sewer and water to that property and others in the area, and the assessment that would impact the other Hull residents in that area.

Mayor Wiza stated that if sewer and water were extended to that area, the assessment would be given to the property owners as they were annexed into the city.

Aldersperson Shaun Morrow pointed out that the Erwin's understand that there will be no sewer and water extended to this property.

Commissioner Brush asked if the city does annex this property, are there any requirements for stormwater that will need to be reviewed, to which Director Ostrowski stated the city stormwater utility will review the area and they will have to meet the city requirements as well.

Mayor Wiza explained that the permits have already been granted by the DNR and Portage County. The Town of Hull's legal issue will still remain, and that does not need to be resolved prior to annexation. Director Ostrowski added that regarding property taxes, the city is required after annexation to pay the Town of Hull five years of taxes for that property base on the value in which the annexation is final.

Commissioner Hoppe asked that if we annex the property, will that create more legal issues, to which Mayor Wiza stated that is not our preview.

Aldersperson Kneebone asked if the property is annexed, will the city be drawn in to the legal issues. Mayor Wiza stated these issues are with the Town of Hull.

Mark Erwin, 533 Second Street N, stated that any of the issues regarding drainage have been addressed and the engineer is willing to defend his design.

Barb Jacob, 1616 Depot Street, stated the Town of Hull has been holding this property back, and it is the city's job to grow, she is in support of the annexation.

Economic Development Specialist Kyle Kearns added that the annexation is consistent with the comprehensive plan. At the time of the amendment to the Future Land Use Map, a letter was provided by the DNR, Portage County, and the township.

Motion by Commissioner Brush to approve the request from Mark & Roberta Erwin for the purpose of annexing their property located at 1230 Second Street (County Parcel ID: 020-24-0817-12.03) from the Town of Hull to the City of Stevens Point; seconded by Commissioner Cooper.

Motion carried 7-0.

6. **Public Hearing** – Establishing a permanent zoning classification of "B-1" Neighborhood Business District, "B-2" Central Business Transition District, or "B-4" Commercial District for **1230 Second Street (County Parcel ID: 020-24-0817-12.03) (Erwin annexation request).**

Director Ostrowski explained that when a property is annexed into the city, it comes in as Residential Low Density until the proper zoning can be adopted. For this property staff feels that B-4 Commercial District is the best zoning for this property. Furthermore, it would be consistent with the Town's commercial zoning.

Mayor Wiza declared the public hearing open.

Mayor Wiza declared the public hearing closed.

7. Action on the above.

Motion by Commissioner Haines to establish a permanent zoning classification of “B-4” Commercial District for 1230 Second Street (County Parcel ID: 020-24-0817-12.03) (Erwin annexation request); seconded by Alderperson Kneebone.

Motion carried 7-0.

8. Request from the City of Stevens Point for the purpose of annexing municipally owned property located west of 5707 U.S. Highway 10 East, known as a **portion of Elizabeth Avenue.**

Director Ostrowski stated that this and the next agenda item are similar in that the property owner of 5707 US Highway 10 East has requested to be annexed to the city. With that request the right-of-way and portion of Elizabeth Avenue would also need to be annexed as to not create a town island. This area has been identified in the Comprehensive Plan as a future commercial growth area. In addition, utilities have already been extended to this area. Staff recommends approval.

Meryl Lee Nelson, 5732 Algoma Street, stated she is a neighbor to the 5707 Highway 10 East property, and said that the rezoning of the property to B-5 Commercial is inappropriate being that it borders on single family residential. She is not against the annexation, just the zoning classification.

Bob Enright, 57532 Algoma Street, said there is not logical reason to annex this property unless there is a designated purpose. The Town of Hull does not resist community development, but feels there should be a specific purpose to annex this property. He is not opposed to the annexation as long as the specific use/zoning is not detrimental to the residents surrounding the property.

Scott Peplinski, 5704 Algoma Street, is opposed to the annexation due to the lack of knowledge of its use. He pointed out that any type of development in that area will negatively impact the surrounding properties.

Bob Berl, 1405 Black Berry Lane, said the reason the property owner wants to annex to the city is for a land use change and the township will not allow it.

Director Ostrowski explained the property is specifically identified to be annexed to the city as B-5 Highway Commercial. This zoning provides the greatest protection for all developments, as a site plan would be required to come before the Plan Commission for approval no matter what the use. He continued that the request meets the standards of review, and the state has indicated that the annexation is in the public interest.

Alderperson Kneebone stated if this does come into the city it will be in her district and she just wants to be certain that it would be a nice development and that the site review is very important.

Motion by Commissioner Hoppe to approve the request from the City of Stevens Point for the purpose of annexing municipally owned property located west of 5707 U.S. Highway 10 East, known as a portion of Elizabeth Avenue, seconded by Commissioner Curless.

Motion carried 7-0.

9. Request from Nancy Urbanek for the purpose of annexing property located at **5707 U.S. Highway 10 East (County Parcel ID 020-24-0836-08.02)** from the Town of Hull to the City of Stevens Point.

Motion by Commissioner Cooper to approve the request from Nancy Urbanek for the purpose of annexing property located at 5707 U.S. Highway 10 East (County Parcel ID 020-24-0836-08.02) from the Town of Hull to the City of Stevens Point; seconded by Commissioner Haines.

Motion carried 7-0.

10. **Public Hearing** – Establishing a permanent zoning classification of "B-5" Highway Commercial District for **5707 U.S. Highway 10 East (County Parcel ID 020-24-0836-08.02) (Urbanek annexation request).**

Mayor Wiza declared the public hearing open.

Barb Jacob, 1616 Depot Street, asked if the B-5 zoning district could be explained as to the advantages and disadvantages.

Director Ostrowski stated that the B-5 district was created for the Highway 10 corridor and would allow for any of the larger commercial developments that you see along there. The difference is that all uses require a site plan review by the Plan Commission prior to development. Through this process you can address such things as buffer zones and traffic access.

Bob Enright, 5753 Algoma Street, asked that the Plan Commission meet with the Town of Hull and the neighbors to address items like lighting, setbacks, and times of operation of any development that would occur at that site.

Cathy Dugan, 615 Sommers Street, agrees with Mr. Enright and feels that the city needs to work with the Town of Hull. Her concerns are for light, noise pollution, protecting the neighborhood, and greenspace.

Scott Peplinski, 5704 Algoma Street, asked for the zoning to be postponed until there can be input and discussion regarding this property.

Mayor Wiza declared the public hearing closed.

11. Action on the above.

Director Ostrowski explained that B-5 district is set up to provide protections to the residents surrounding these properties. The B-4 district is a lesser intense use, but permitted uses would not require a site plan review by the plan commission.

Mayor Wiza asked if B-5 is the only commercial zoning district that requires a review, to which Director Ostrowski stated yes, unless it is a conditional use.

Commissioner Haines asked what the requirements for B-5 are and what the buffers are. Director Ostrowski stated the commission can establish the buffers, parking lot, landscape, and where the building would sit on the lot. Commissioner Haines then asked what kinds of uses are able to be developed there, to which Director Ostrowski stated similar uses that you see on Highway 10 or Division Street, such as retail, office, fast food, or multi-family with a conditional use.

Commissioner Brush asked since the site is essentially cleared, can we require double rows of evergreen for screening, to which Director Ostrowski stated yes and we have in the past with other developments.

Commissioner Hoppe asked if the commission would review the property if it was divided into separate lots, to which Director Ostrowski stated the act of splitting the lots into four or less would require review by staff. The physical development on the site would require a site plan review by the plan commission.

Director Ostrowski then explained what the standard setbacks were for the B-5 district.

Motion by Commissioner Brush to approve the request establishing a permanent zoning classification of "B-5" Highway Commercial District for 5707 U.S. Highway 10 East (County Parcel ID 020-24-0836-08.02) (Urbanek annexation request); seconded by Commissioner Hoppe.

Motion carried 7-0.

12. **Public Hearing** – Request from Storage Unlimited LLC, for a conditional use permit for the purposes of operating an indoor storage facility at **3256 Church Street (Parcel ID 2308-04-2008-34)**.

Director Ostrowski stated this request was before the Plan Commission in February of 2015 as a request to occupy the entire former Cops South building with indoor storage units. Staff felt at that time it did not meet some of the standards of review and the request was ultimately denied. The applicants have revised some of their plans to incorporate approximately 30% of the interior of the building for future retail/commercial potential. The proposed rendering was submitted which incorporated some exterior changes to the structure. There were a few concerns that staff had back in February, such as storage was not the appropriate use for this site as it did not provide the economic activity needed in that district. With the new plans, it does mitigate some of those concerns. There have been concerns regarding traffic and noise, but that has been mitigated. The applicant does have concerns regarding not knowing what commercial tenant might rent that space that would drive the decision on what the exterior changes would be done. Staff does have a concern with the plans handed out at the meeting, as the proposed plans do not really change the exterior appearance. Staff does recommend approval with conditions listed in the staff report which include the 30 % retail/ commercial space.

Commissioner Curless asked if the property has been sold yet, to which Director Ostrowski stated not yet.

Commissioner Brush asked about the internal layout, to which Director Ostrowski stated that is what we are approving.

Mayor Wiza declared the public hearing open.

J. D. Manville, 411 Linwood Avenue, stated that an empty grocery store is extremely hard to fill and if you have a viable tenant, the city should move on it.

Craig Tesch, 1100 Frontenac Avenue, asked questions regarding the parking area at the northeast front of the building if that would remain parking. He is concerned for the vibrancy of the area. Mayor Wiza stated the parcel would also be reserved for future commercial development, and Director Ostrowski also added that 30 % of the front of the building would be used for a commercial use and the back portion would be the interior storage.

Aldersperson Mary McComb stated she is pleased to see this change and development and supports it.

Jack Leichtfuss, 3132 Church Street, stated he feels the area does need development and has been disappointed in current maintenance of the property. He is concerned for the front portion next to his property (Hardees) and wants to be sure it is maintained properly.

Jamie White, 620 Seventh Street, stated that this revised plan does address the previous concerns and did ask for clarification to staff recommendations. She is planning on working to improve the property right away and does have reservations about moving forward with the project as they have to be cautious with the conditions as they are waiting for a tenant and their input prior to making too many changes.

Chris Winter, 4820 Tanglewood, stated he represents Rollie Winter and Associates and feels that the conditional use should be approved. They have owned the property for many years and there are no other viable tenants for this building. He feels this is a good fit for this area.

Mayor Wiza declared the public hearing closed.

Commissioner Cooper stated he would be abstaining.

Commissioner Hoppe asked if the plan was discussed as to how many commercial units would be available 1-3, to which Director Ostrowski stated it would depend on the tenants and how much space they need.

Commissioner Brush asked about the access to the property. Director Ostrowski stated Kwik Trip owns the access point off of Church Street. There is a shared use agreement between the property owners.

Commissioner Brush asked about the approximate acre of land on the north side of the building by the loading dock and expressed a concern for large trucks use of that area, and can there be some green space added for screening and noise reduction.

13. Action on the above.

Motion by Commissioner Brush to approve the request from Storage Unlimited LLC, for a conditional use permit for the purposes of operating an indoor storage facility at 3256 Church Street (Parcel ID 2308-04-2008-34) with the following conditions:

- 1. The applicant shall provide an updated site plan and landscaping plan meeting all applicable requirements to be reviewed and approved by the Plan Commission prior to any construction taking place for the storage units.**
- 2. At least thirty percent of the building's south side shall be dedicated to commercial and/or office type uses, excluding storage. Deviations from the internal layout of the commercial/office area shall be considered an amendment to the conditional use permit and subject to review and approval by the Plan commission and the Common council. Failure to maintain this area as commercial/office shall be a violations of the conditional use permit, and subject to revocation.**
- 3. Exterior improvements shall take place to the facility as identified on the submitted rendering as part of the storage unit project, and shall be completed within one year of approval of the conditional use permit. Failure to construct the exterior improvements as identified in this time period shall be a violation of the conditional use permit, and subject to revocation.**

4. **A site and landscaping plan shall be submitted for review and approval by the Plan Commission and Common Council.**
5. **Exterior refuse storage shall be screened with constructed materials matching or complementing those found on the main building. Exterior refuse storage shall occur on the north side of the building and should be reviewed and approved by staff prior to construction.**
6. **No exterior storage on the property shall be allowed.**
7. **If additional lighting is added, an illumination plan shall be submitted and reviewed and approved by staff.**

seconded by Commissioner Hoppe.

Motion carried 6-0, with Commissioner Cooper abstaining.

14. **Public Hearing** –Request from Evergreen Community Initiatives, representing the Franciscans Downtown, for a conditional use permit for the purposes of operating a warming shelter (temporary housing) at **1000 Main Street (Parcel ID 2408-32-2029-19).**

Mayor Wiza explained that there has been funds being raised for this for some time, but there was no location determined at that time. The city first heard about this proposed warming shelter from the local media. We contacted the applicants right away and informed them of the rules, the safety, the conditional use permit, and proper inspection to be sure the building was safe. We did not get the application in time for the November round of meetings. Staff has worked with the applicants to be sure the paperwork was filled out correctly and it was placed on the agenda as soon as it was received. In the meantime, the need was seen as winter was fast approaching. In working with the Police Department, Chief Skibba and I sat down with the Salvation Army to address the need to have a warm place throughout the night until the proper process could be completed. The Salvation Army agreed to provide the lobby for any persons who were not sex offenders or under the influence of drugs or alcohol. The Police Department also informed the Mayor of the other opportunities available for the others to have a warm place to stay, such as a hotel stay for a night, officers have supplied personal funds to purchase bus tickets, or if issues the jail. No one needed to sleep in the cold. Staff has done lots of research in that the City of Wausau has a warming center, Waupaca County has a warming center. We researched what was there and how they went through the process as we have here. The recommendation from staff is to approve temporarily through March 31, 2015 with an extension possible through the end of April dependent on weather. There are better places for this, but at this time we can make this work and fill the need. The conditions recommended by staff are:

- The conditional use permit shall expire on March 31, 2016, and may be granted an extension of up to 30 days dependent on weather conditions and if the use is still meeting the required standards and conditions.
- Occupancy shall be limited to the first floor. No residential type occupancy shall be allowed in the basement, unless proper building and fire codes are met.
- At least one professionally trained staff member shall provide supervision of the facility at all times during operation.

- An ADA accessible bathroom must be located on the main floor, where the temporary housing use is located before occupancy can take place.
- Building must meet property building and fire codes.
 - a. Carbon Monoxide detectors must be installed on each floor.
 - b. Panic hardware must be installed if the doors are locked on two exits.
 - c. No more than 15 occupants be allowed in the warming shelter at any time (including staff).

Director Ostrowski stated that the reason for the temporary recommendation is that in the past, this body and council had denied any housing type uses on the first floor, and there are some concerns relating to the building and fire code. We have to be careful in that there is the zoning code that we deal with as the Plan Commission, but we also have building and fire codes. They may get confusing, but when the occupancy changes from retail to residential it changes the codes that need to be met, which may have not needed to be met prior, so that is the reason for the recommendation and conditions that we have set forth.

Fire Chief Bob Finn stated regarding the conditional use permit and the fire codes, because the use currently is mercantile, it is not required to have a carbon monoxide detector. Once it becomes mixed occupancy with residential, there is the requirement of a carbon monoxide detector on every level per state statute 101.149(2) for the safety of persons staying there. Also, the business design has the doors open when the business is open, right now if they lock the doors, if exiting is required, finding a thumb deadbolt when smoke is in there would be hard to do. Therefore, panic hardware would need to be installed when the doors are locked so a reasonable person could just push that to exit. The 15 person occupancy came up because of any more occupants the fire prevention codes classifies the property as a motel/hotel and other codes would be required. This is a temporary basis only; if the request was for a permanent location, there would be more fire codes that would have to be met.

Aldersperson Kneebone asked if there was a requirement for fire extinguishers, to which Chief Finn stated yes within 75 feet, but there are extinguishers there now.

Mayor Wiza stated there are standard fire codes that the existing business has to operate under. We want to be sure that we have a safe environment. If this were a permanent use there would be many more requirements, but we are only looking at a temporary conditional use to get us through this season. The recommendation now from staff is that we approve the conditional use temporarily with the conditions read.

Mayor Wiza declared the public hearing open.

Tiffany Krueger, 1311 West River Drive, representing Evergreen Community Initiatives, provided background information regarding the pursuit of the warming shelter, citing her own personal story of homelessness, other community examples of warming shelters, Evergreen's mission, and additional community data. Data including eight documented homeless persons on July 29th. Furthermore, she continued stating the operational procedures for the proposed warming center, and need within the community.

Mayor Wiza added that Evergreen Initiatives is a good group of individuals trying to do something good for the community.

Steve Decker, 400 Florence Drive, representing Five Rings Martial Arts, stated his opposition to the warming center and cited the increase in loiters and disruptive persons from the opening of the Franciscans Downtown. He continued identifying the patrons of his business, primarily children and families who do not agree with the proposed use. He indicated his primary entrance to his business on the north side of the building would be fifteen feet from the primary entrance to the warming shelter where people will congregate prior to being allowed entrance to the warming center. Lastly, he indicated the patrons of the warming center would not spend money downtown and deter others interested in contributing to the downtown.

Joel Besemer, 3249 Channel Drive, identified that he would be the professional person on staff for the warming shelter. He further went on explaining his background in non-profit organizations, and specifically his five year experience working with homeless persons in Wisconsin, and 16 years of experience total.

JD Manville, 411 Linwood Avenue, identified he owns a hobby store downtown. Furthermore, he stated downtown's increased vibrancy and population and then added the proposed warming center is not the highest and best use for downtown. Lastly, he indicated his concerns for warming center patron's mobility and locations during daytime hours.

Sally Topinka, 732 West River, described her support for the warming center, citing it's noble cause, and providing the example of caring for lost animals but not homeless people.

Connie Schleicher, 2006 North Lane, identified that she would be volunteering at the shelter. She also explained that her experience from working at the Salvation Army has allowed her to witness homeless travel from the Salvation Army to downtown daily, as it is a convenient location.

Ann Edison-Albright, 3324 Howard Avenue, representing Redeemer Lutheran Church, supports the warming shelter. She reiterated the need for the warming center within the community before someone would die from being exposed to the cold elements. Furthermore, she identified growing support in the community for the warming shelter, including funds and volunteers. Lastly, she stated the downtown is the greatest location for the center and cited this as an opportunity to meet Jesus.

Amber Parrish, 3621 Patti Drive Plover, spoke in support of the warming shelter and cited the ability to use it to educate and expose children about homelessness, mercy, and empathy.

Lori Kwalewski, 1651 Meadowview Lane, representing Portage County Health and Human Services, stated the Health and Human Services Department was involved in creating day time warming centers throughout Portage County. She is in support of warming center, as the Salvation Army is the only emergency center to house homeless, and the warming center would provide another location.

Aldersperson Shaun Morrow, provided his concern with the location of the warming center in close proximity to the downtown bars, and furthermore cited County resources to help drug addicts and homeless.

Andi Oppermann, 111 Brilowski Road, representing the Companion Shop, cited the investment in downtown which has had great results. She went on to state the location of the warming center could jeopardize those results, which could ruin the impression of downtown.

Josoline Mae, 2601 Indiana Drive, reiterated that homeless congregate to downtown locations regardless of a warming center. Furthermore, she stated the temporary nature of the center and her support for its operation.

Aldersperson Mary McComb described the argument and perspectives between downtown business owners and community residents. She said she is torn about the proposed use, but hopes the warming center details can be worked out for this winter.

Aldersperson Denise Mrozek explained that this is a tough decision, especially the location. She questions the alternative location, specifically if one cannot be found. Furthermore, she feels the Police Department should provide data on homelessness and procedures for accommodating homeless, as well as rules for the warming center operation. Mayor Wiza asked for clarification on warming center rules presented in the application after the public hearing.

Cassandra DeGroff, 8334 Klondyke Street, explained that the warming shelter is temporary and they are looking for approval potentially for next year for a permanent location. We do have a permanent location, Place of Peace has a location but the zoning is not up to code and there is extensive work that needs to be done and it will take quite a while. We are going to give ourselves this winter and over the summer to get that taken care of at The Downtown Mission Church. To address the tenants being around the downtown businesses, the Franciscans are open during the day. The hours of the warming shelter are after most businesses are closed and at this point no one has stayed there, so it is not their cliental. People do congregate downtown by the library as it is a warming center location. Intake is from 8:30p-8:45p then the doors will be locked. In regards to the alcohol, intoxication, and drug use issue, they will accept persons under the influence, but will also work with the Police Department to make sure they are on hand and when it is appropriate to contact them. Residents will be documented when they do come into the warming center, as well as a three strike policy used for removal. We will be working with the Salvation Army regarding families, at this time there is no intent to house families, but we will not turn away a family with children that need to be warm. There are room dividers that have been purchased to section children off from the general population. Our policy would be to send a family to the Salvation Army first before housing them at the shelter. The question regarding what the Police are already doing and why are persons being put up in a hotel for the night is not good enough. They will also have councilors and resources available not only to keep them warm, but to also help rehabilitate them and give them a helping hand to move beyond homelessness.

Tori Jennings, 1632 Ellis Street, stated that she wants to focus her concerns on what the city has planned and what the organization has planned when an issue arises. She is sympathetic to the business owners' downtown. If there is a problem, what is the plan in place to deal with them and will there be compensation if business is lost. A whole new feature of this is that there will be people coming in who are intoxicated and under the influence. We already have an issue with vandalism and alcohol downtown and we are adding this layer to that. As a community we need to come up with a plan and address the current issues.

Barb Jacob, 1616 Depot Street, feels this is a great plan but questions the location. The homeless/warming shelter does not have anything to do with the current issues downtown because they are not even open yet. We need to have a place for people to get warm and sleep, we need to look for a better location, but we need to do something today.

Leo Jacoby, 1724 Oak Street, volunteers at the Franciscans Downtown and he has learned that the homeless have names, and encourages the support of this request.

Police Chief Skibba explained that historically there have been 2-5 persons a year that are in need of a warm place to sleep. In 2002 the Chaplin program was started and that assists with housing subjects at hotels if needed. The police work with the Salvation Army and Health and Human Services to assist in helping this population. This is a great initiative, but the police will still be dealing with them, because once it is our issue we cannot let them freeze. In the last 24 years we have not had a homeless person freeze in Stevens Point. It is another resource for the community, but it is not though no resources exist currently.

Zoning Administrator/Building Inspector, Jim Zepp stated the concern currently is that the only bathroom for this facility is in the basement. This does not meet accessibility requirements, and the ceiling height to go downstairs to the bathroom does not meet code either. Due to the new use, the occupancy requires the shelter to meet the ADA requirements and a bathroom to be placed on the main floor.

J.D. Manville, 411 Linwood, clarified the location is an issue not the cause. The mention of the highest and best use is a real estate term regarding the use of the structure. The higher use the higher the tax assessment is, so maybe this should be taxed as residential.

Aldersperson Denise Mrozek was concerned regarding the rules in the staff report and being that they were from other cities, would they be the same rules, and would there be deviations from the rules, such as guests would not be admitted if they were under the influence or incapacitated with alcohol or drugs. Also, the age of persons housed still was not clarified.

Steve Decker, 400 Florence Drive, stated the issue with the homeless is during the day. The Franciscans and the Library seem to be the places for them to congregate. The Franciscans have a great outreach and he definitely appreciates where their heart is. The issue is now the homeless people downtown will not be there 24 hours a day. When the Franciscans close at 5:00pm, they will congregate there until they are allowed to come back in. He is in business at those times, and that is when kids are coming and going from his studio. This is only a hindrance to his business. He was not contacted by the Franciscans, and was only contacted by the Evergreen Initiative on Facebook a couple of days ago. As far as alternate locations, he feels that the Evergreen Church or the Lutheran Church would be an easier location to make this happen.

Tiffany Krueger, 1311 West River Drive, addressed some of the concerns and questions that have already been asked, the intake door was chosen to be respectful for the Main Street businesses, but they can change to another door location for intake and are willing to work with the neighbors. The smoking issue that business owners have has been addressed as soon as they were made aware of it. The portable bathroom was just an idea, and they are exploring other options. They are also looking at a few different churches for other locations, however they are not located downtown so there will be an issue for

transportation for meals. Regarding the persons who are incapacitated and cannot walk, they are better served by the police department and hospital. She continued stating that children need a warm shelter as well, and Stevens Point has had an increase regarding homeless children. She feels they can use 18 years of age as a guideline to house persons due to being around intoxicated persons. The Salvation Army stated they are willing to work with them to keep people safe, so she expects they are willing to work with the children.

Mayor Wiza declared the public hearing closed.

15. Action on the above.

Mayor Wiza reviewed the conditions set forth in the staff report:

1. The conditional use permit shall expire on March 31, 2016, and may be granted an extension of up to 30 days dependent on weather conditions and if the use is still meeting the required standards and conditions.
2. Occupancy shall be limited to the first floor. No residential type occupancy shall be allowed in the basement, unless proper building and fire codes are met.
3. At least one professionally trained staff member shall provide supervision of the facility at all times during operation.
4. An ADA accessible bathroom must be located on the main floor, where the temporary housing use is located before occupancy can take place.
5. Building must meet property building and fire codes.
 - a. Carbon Monoxide detectors must be installed on each floor.
 - b. Panic hardware must be installed if the doors are locked on two exits.
 - c. No more than 15 occupants be allowed in the warming shelter at any time (including staff).

Commissioner Brush has a concern for the loitering in the back alley and he questioned if there is anything that we can do to alleviate that issue. Mayor Wiza stated that Evergreen Church Initiative, now that they are aware of it, would be diligent in trying to keep the patrons aware that it is not allowed. Chief Skibba explained that loitering is handled based per call. The person is identified and are made aware of the concern and complaint as well as the officers' observations. If there is a disturbance, it is addressed and the police work with them, depending on their actions.

Commissioner Haines asked when can this property open, Mayor Wiza answered all conditions would need to be met including the bathroom constructed and safety items met to be open and the earliest would be December 22, 2015 after council approval.

Commissioner Curless asked if they have started to construct the bathroom. Mr. Besemer stated he was notified of the need for the bathroom on Thursday, they have the funds and people willing to do the work.

Commissioner Hoppe asked what would be the timeline for the construction. Mr. Besemer stated he would love to have the bathroom done by the 22nd. Director Ostrowski added the design would need to be done by a licensed architect or engineer and a permit would be required for the construction which requires a Master Plumber and Master Electrician to do that work.

Commissioner Haines commented that this is ok for a temporary use for this facility, but does not want to see it become permanent. She is wary putting in a permanent bathroom and where does this go from here. She is also concerned with the businesses next door. It is a worthy cause for only 3-4 months she can be ok with this.

Commissioner Hoppe feels the same way and is willing to help in any way he can.

Motion by Commissioner Brush to approve the request from Evergreen Community Initiatives, representing the Franciscans Downtown, for a conditional use permit for the purposes of operating a warming shelter (temporary housing) at 1000 Main Street (Parcel ID 2408-32-2029-19) with the following conditions:

- 1. The conditional use permit shall expire on March 31, 2016, and may be granted an extension of up to 30 days dependent on weather conditions and if the use is still meeting the required standards and conditions.**
- 2. Occupancy shall be limited to the first floor. No residential type occupancy shall be allowed in the basement, unless proper building and fire codes are met.**
- 3. At least one professionally trained staff member shall provide supervision of the facility at all times during operation.**
- 4. An ADA accessible bathroom must be located on the main floor, where the temporary housing use is located before occupancy can take place.**
- 5. Building must meet property building and fire codes.**
 - a. Carbon Monoxide detectors must be installed on each floor.**
 - b. Panic hardware must be installed if the doors are locked on two exits.**
 - c. No more than 15 occupants be allowed in the warming shelter at any time (including staff).**

Commissioner Curless asked could we also add that this is a onetime use, to which Mayor Wiza explained the condition is that this shall expire on March 31, 2016 and if it comes back you can say no.

seconded by Commissioner Hoppe.

Commissioner Curless pointed out the three strike rule and that it is a lot of strikes for only three months, why not less. Mayor Wiza urged him to talk to the ECI staff regarding the rules and accepting their rules is not part of the conditions. City Attorney Beveridge stated the rules adoption could be explained in the conditions as it can reasonably impact how this relates with other properties, and it is within the purview of the conditional use standards.

Mayor Wiza asked the ECI if they had a copy of their specific rules available right now, to which Ms. Krueger stated she does. He then asked Commissioner Brush if he would be acceptable to an amendment

as condition 6 regarding the application of guest rules subject to staff approval. Commissioner Brush asked for the rules to be read first. Mayor Wiza read through the rules of the Warming Center Guidelines.

Director Ostrowski the rules handed out are different from the ones in the packet. Mainly, there is a change in hours of intake. The rules in the packet state 7:00pm – 8:30pm and the ones just handed out state 8:30pm-9:15pm.

Commissioner Brush stated earlier it was mentioned that intake could be done at the front door, to which he would like to add that to the motion as well, and no admittance to anyone under the age of 18 years of age, Commissioner Hoppe agreed to the additional conditions.

Motion by Commissioner Brush to approve the request from Evergreen Community Initiatives, representing the Franciscans Downtown, for a conditional use permit for the purposes of operating a warming shelter (temporary housing) at 1000 Main Street (Parcel ID 2408-32-2029-19) with the following conditions:

1. The conditional use permit shall expire on March 31, 2016, and may be granted an extension of up to 30 days dependent on weather conditions and if the use is still meeting the required standards and conditions.
2. Occupancy shall be limited to the first floor. No residential type occupancy shall be allowed in the basement, unless proper building and fire codes are met.
3. At least one professionally trained staff member shall provide supervision of the facility at all times during operation.
4. An ADA accessible bathroom must be located on the main floor, where the temporary housing use is located before occupancy can take place.
5. Building must meet property building and fire codes, including, but not limited to:
 - a. Occupancy must not exceed fifteen people, including staff.
 - b. An ADA accessible bathroom must be installed on the first floor. This must be completed prior to occupancy of the building.
 - c. Panic hardware must be installed on the doors to allow people to exit in an emergency without having to unlock the doors. This must be completed prior to occupancy of the building.
 - d. CO detectors must be installed on each level.
6. The warming shelter guest rules are attached and made part of this permit, with the exception that no one under the age of 18 may occupy the facility.
7. Access to the warming shelter shall be through the main entrance off of Main Street, and not via the Third Street entrance.

seconded by Commissioner Hoppe.

Motion carried 6-1, with Commissioner Cooper voting in the negative.

16. Adjourn.

Meeting adjourned at 9:07 PM.