

REPORT OF CITY PLAN COMMISSION

April 3, 2017 – 6:00 PM

Lincoln Center – 1519 Water Street, Stevens Point, WI 54481

PRESENT: Mayor Wiza, Commissioner Brush, Commissioner Haines, Commissioner Hoppe, Commissioner Curless, and Commissioner Cooper.

ALSO PRESENT: Director Ostrowski, Associate Planner Kearns, City Attorney Beveridge, Alderperson Doxtator, Alderperson Shorr, Alderperson Johnson, Alderperson Dugan, Alderperson McComb, Alderperson Phillips, Alderperson Morrow, Nate Enwald, Brandi Makuski, Diane Ostrowski, Rob Merkel, Lori Kolodziej, Zach Kolodziej, John Piaskowski, Callie Corbin, Nick Corbin, Jenny Peterson, Donald Stoltz, Jason Davis, Matt Davis, Darin Palmer, Dale Rosicky,.

INDEX:

1. Roll call.

Discussion and possible action on the following:

2. Report of the March 6, 2017 meeting.
3. Request from Pinnacle Engineering Group, representing Aldi, for a site plan review of an addition onto their existing facility at 5632 Highway 10 East (Parcel ID 2408-36-2200-01).
4. Request from James J. Jakusz for subdivision plat review for the third addition to the Timber Ridge Estates plat located within the Town of Hull, southeast of the intersection of Hawk Haven Road and Willow Springs Drive, and within the City's extraterritorial boundary.
5. **Public Hearing** and action on a request from Point Place Properties LLC. to rezone 3318 Stanley Street (Parcel ID 2408-28-1000-13) from R-2 Single Family Residence District to B-4 Commercial District.
6. Request from the City of Stevens Point to annex approximately 0.718 acres along Country Club Drive between Woodward Drive and Gerald's Road from the Town of Hull for right-of-way purposes.
7. **Public Hearing** and action on a request from the City of Stevens Point to Amend Chapter 23, Zoning Ordinance, of the Revised Municipal Code of the City of Stevens Point, specifically Section 23.02(1)(f)(2) regarding the permitting Tourist Rooming Houses in the R-4 Multiple Family I Residence District and above, and Section 23.04(2), Definitions.
8. Acceptance by the City of Stevens Point of the dedication of land totaling approximately 22,925.2 square feet (0.53 acres) from Portage County to be used as right-of-way. Such land is identified as dedicated land on the preliminary certified survey map and located at an unaddressed property on the southeast corner of the intersection of Brilowski Road and E.M. Copsps Drive (Parcel ID 2308-01-2200-03).
9. Request from Charter Communications to be added to the Wisconsin Public Service utility easements to service Cobblestone Hotel, which is located at 1117 Centerpoint Drive. Such easements are along Strongs Avenue and municipal parking lots #15 and #16, which is property owned by the City of Stevens Point and the Redevelopment Authority of the City of Stevens Point.

10. Community Development Department Monthly Report for March, 2017 (*to be provided after the end of the month*)
 11. Director's Update
 12. Adjourn
-

1. Roll call.

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

Excused: Kneebone.

Discussion and possible action on the following:

2. Report of the March 6, 2017 meeting.

Commissioner Curless commended the Plan Commission, Common Council, and staff for their efforts in last month's Plan Commission meeting, to which Mayor Wiza agreed with the statement.

Motion by Commissioner Cooper to approve the report of the March 6, 2017 Plan Commission meeting; seconded by Commissioner Brush.

Motion carried 6-0.

3. Request from Pinnacle Engineering Group, representing Aldi, for a site plan review of an addition onto their existing facility at 5632 Highway 10 East (Parcel ID 2408-36-2200-01).

Director Ostrowski summarized the request from Pinnacle Engineering Group, representing Aldi, for a site plan review of a 2,854 square foot addition to the south side of their existing store. Since the property is within the B-5 zoning district, it was before the commission for a site plan review in order to mainly discuss potential traffic related issues. He briefly presented the internal layout, exterior renderings, and proposed signage and façade improvements. He noted that there were no changes to the actual site plan or vehicle access points, and that the proposed addition met appropriate setbacks and parking requirements. He said that staff saw no concern with moving forward with the addition as proposed and recommend approval.

Motion by Commissioner Haines to approve the request from Pinnacle Engineering Group, representing Aldi, for a site plan review of an addition onto their existing facility at 5632 Highway 10 East (Parcel ID 2408-36-2200-01) with the following conditions:

1. **Applicable building codes shall be met and permits be obtained.**
2. **Stormwater review shall occur via the Utility Department.**

seconded by Commissioner Curless.

Motion carried 6-0.

4. Request from James J. Jakusz for subdivision plat review for the third addition to the Timber Ridge Estates plat located within the Town of Hull, southeast of the intersection of Hawk Haven Road and Willow Springs Drive, and within the City's extraterritorial boundary.

Director Ostrowski explained that the 40 acre subdivision was north of the city limits along Torun Road within the Town of Hull. The reason why it was before the Plan Commission, was because the city has extraterritorial review authority within three miles of its municipal boundaries to ensure that future plans are consistent with the City's long range plan moving forward. The proposed subdivision would be made up on 19 total lots, with each lot meeting the minimum lot size requirement of two acres within the Town of Hull. He briefly reviewed the overall layout, access points, and surrounding area, adding that they met requirements and would be appropriately located. Lastly, he noted that the area was within the Wellhead Protection Zone B, and any new construction within the area would need to be meet those regulations.

Commissioner Haines noted that the minimum lot size requirement of two acres could negatively affect the city's ability to provide future extension of utilities or annexations.

Director Ostrowski agreed that it would be expensive to serve anything with a two acre lot requirement, but noted that it was the minimum lot size for single family within the County's Zoning Ordinance.

Commissioner Curless expressed concern in having development outside the city occur with a minimum of two acre lots which could cause issues with the city wanting smaller lots in the future.

Director Ostrowski explained that the City's growth pattern that was initially identified within the 2006 Comprehensive Plan was set towards the east and that there were several concerns with expanding to the north, west, and south. He also noted that they needed to properly map their official street map, as well as discuss boundary agreements.

Mayor Wiza stated that Chairman Holdridge from the Town of Hull had expressed interest discussing a boundary agreement with the City of Stevens Point sometime in the future, to which Commissioner Curless added that it was a good idea.

Aldersperson Dugan (Eighth District) stated that she was very pleased about the future discussions regarding a boundary agreement between the Town of Hull and City of Stevens Point as much of the Hull boundary abutted her district and needed adjusting.

Motion by Commissioner Curless to approve the request from James J. Jakusz for subdivision plat review for the third addition to the Timber Ridge Estates plat located within the Town of Hull, southeast of the intersection of Hawk Haven Road and Willow Springs Drive, and within the City's extraterritorial boundary with the condition that the lots meet the City's Wellhead Protection Zoning Ordinance; seconded by Commissioner Brush.

Motion carried 6-0.

5. **Public Hearing** and action on a request from Point Place Properties LLC. to rezone 3318 Stanley Street (Parcel ID 2408-28-1000-13) from R-2 Single Family Residence District to B-4 Commercial District.

Director Ostrowski briefly explained that the residential property was on Stanley Street adjacent to 3310 Stanley Street, a commercial property also owned by the applicant. In addition, they also owned the two unaddressed lots behind the residential and commercial properties. When looking into the rezoning request, he explained, they needed to make sure it was consistent with the Comprehensive Plan in which Stanley Street had already been identified as mainly commercial in nature. While there were residential properties

along Stanley Street, the long range plan would be for them to be turned over into commercial uses given the traffic patterns. He further explained that the main intent of the property owner would be to expand the parking lot of the commercial property and move the single family home off of Stanley Street and onto the Fourth Avenue lot behind it. Due to the size of the property and the consistency with the Comprehensive Plan, staff recommended approval for the rezoning.

Mayor Wiza declared the public hearing open.

Diane Ostrowski (3328 Stanley St), homeowner of 33 years, expressed concern on how the value of her home would be affected if they were to be boxed in by commercial properties, as well as concerns for the noise and traffic that may be generated.

Donald Stoltz (3405 Fourth Ave) described a previous rezoning request by several residents that was denied on the basis that the area would remain unchanged. He asked that they keep things as they are.

Nick Corbin (3324 Fourth Ave) stated that the residential property adjacent to the commercial building was being used to park and store inventory even though it was zoned residential. He expressed the need to have better screening as the visible inventory and rubbish around the property was degrading his property value.

Aldersperson Dugan (Eighth District) explained that she had spoken with Mr. Corbin and City Planner Kyle Kearns several times, and was concerned about there being a commercial driveway through that area, adding that there were ATVs, UTVs, and motorcycles being test driven up and down Fourth Avenue. While she didn't object to the commercial area, she preferred to see Fourth Avenue be returned to a quiet and screened residential area. She warned not to take commercial uses too far into the university area. When commenting on Stanley Street lanes, Mayor Wiza asked that her comments remain germane to the rezoning of the property as the size of the road did not affect the request.

Mayor Wiza declared the public hearing closed.

Mayor Wiza briefly asked that some of the allegations be addressed in regards to the city streets being used to test ATVs, UTVs, and motorcycles, as well as potentially using the residential property for commercial uses. While they did not play a role in the rezoning request, he noted that potential ordinance violations be looked into separately. He asked Commissioner Curless to speak on the property value concern and to elaborate on his history and experience.

Commissioner Curless stated that he was a commercial and residential appraiser. For clarification, he asked if the owner owned all four lots and whether they could be moving the residential home back into another lot, to which Mayor Wiza agreed that it seemed to be the owner's intent.

Commissioner Curless briefly explained that as a value of a house went down, the value of the land would go up, so typically it would not lose a lot of value if it had to be sold as it would most likely be bought for a commercial or retail office use.

Mayor Wiza asked whether they foresaw a forced rezoning of 3328 Stanley Street.

Director Ostrowski stated that historically, the city has looked at the property owner to make that request, but while unlikely, there have been city requested rezonings in past. He also noted that they would not typically rezone only one property, but rather in a broader sense such as rezoning the entire strip commercial.

Mayor Wiza asked what oversight they had to ensure that the neighboring properties were not adversely affected as fencing and noise concerns had been brought forward.

Director Ostrowski explained that so long as a property was considered a permitted use, it would fall under the standard zoning requirements. For instance, parking lots would require screening on all sides with either landscaping or a fence. In terms of noise, that would be regulated on a case by case basis in different neighborhoods. Setbacks requirements may differ if they abut a residential district.

Commissioner Brush asked for the zoning of the strip between Stanley Street and Fourth Avenue and whether it was all commercial or half commercial, to which Director Ostrowski explained that there was a mix of commercial and residential.

Mayor Wiza added that the four properties owned by the applicant were not all zoned commercial.

Commissioner Haines asked whether the parking lot expansion would come back before Plan Commission or stay with staff since it would be a permitted use, to which Director Ostrowski confirmed that it would go before staff for approval.

Mayor Wiza added that it would be the case if it was a parking lot. Once it was zoned commercial, they wouldn't necessarily have to put in a parking lot.

Commissioner Haines asked for clarification if the property owner could use his other three properties as commercial even if they were zoned residential, to which Director Ostrowski confirmed that they could not.

Commissioner Brush asked what the status of the parked vehicles were on the property, to which Mayor Wiza stated that staff would address concerns brought forth by neighbors, and all others could be addressed via city ordinances.

Commissioner Hoppe asked if there was current screening on that property, or whether they needed it if they were grandfathered in, to which Director Ostrowski confirmed that outdoor storage would need to be screened and there currently was none on 3318 Stanley Street.

Commissioner Curless agreed that there were issues that needed to be address via city ordinance, to which Mayor Wiza agreed and stated they were focusing on the rezoning request.

Commissioner Haines asked what else they could do if they decided not to do a parking lot expansion, to which Director Ostrowski stated they could typically do any use they see along Division or Church Street such as a standard retail or office, fast-food, or a restaurant.

Mayor Wiza added that the B-4 district was one of the most liberal zones.

Commissioner Haines asked if they could put in a gas station.

Director Ostrowski stated that while they could, they may also fall under the Wellhead Protection Zone and all other requirements such as setbacks and parking which could reduce the number of uses on the property. He noted that combining lots could be an option.

Mayor Wiza asked that the applicant come forward and speak to their intended use of the property.

Darin Palmer (3310 Stanley St) stated that his intent was to expand their footprint to allow them to cleanup and store items on the property, in addition to expanding their parking lot.

Commissioner Curless asked if they would tear the house down at 3318 Stanley Street, to which Mr. Palmer confirmed that they would want to move the house to a back lot, not tear it down.

Commissioner Cooper asked what the setbacks would be for the subject property and the house to the east if they were they to expand their parking lot, to which Director Ostrowski stated five feet.

Commissioner Cooper asked if that meant from where the pavement of the parking lot ends, to which Director Ostrowski confirmed that they would also have to have landscaping, screening, or a fence within those five feet.

Motion by Commissioner Brush to approve the request from Point Place Properties LLC. to rezone 3318 Stanley Street (Parcel ID 2408-28-1000-13) from R-2 Single Family Residence District to B-4 Commercial District; seconded by Commissioner Curless.

Motion carried 6-0.

6. Request from the City of Stevens Point to annex approximately 0.718 acres along Country Club Drive between Woodward Drive and Gerald's Road from the Town of Hull for right-of-way purposes.

Director Ostrowski explained that the annexation was different than previous ones from property owners as the property was owned by the City. The City can request that property be attached to the city. The County Club Drive overpass was being constructed and the area within the request was the right-of-way for it, and the City wants that right-of-way to be maintained by the City. Staff recommended approval.

Motion by Commissioner Cooper to approve the request from the City of Stevens Point to annex approximately 0.718 acres along Country Club Drive between Woodward Drive and Gerald's Road from the Town of Hull for right-of-way purposes; seconded by Commissioner Haines.

Motion carried 6-0.

7. **Public Hearing** and action on a request from the City of Stevens Point to Amend Chapter 23, Zoning Ordinance, of the Revised Municipal Code of the City of Stevens Point, specifically Section 23.02(1)(f)(2) regarding the permitting Tourist Rooming Houses in the R-4 Multiple Family I Residence District and above, and Section 23.04(2), Definitions.

Mayor Wiza briefly stated that it would be a zoning code change request.

Director Ostrowski reminded the commission that they had discussed short term tourist rooming houses in November of last year, and most recently in February. Initially there had been several concerns brought forth in regards to allowing them in single and two family neighborhoods. After further review and given the definition of family, they did find it problematic in allowing them in single and two family residential districts. However, he explained that they also had the ability to move forward in allowing it as a permitted use in some of the upper level zoning districts with R-4 Multiple Family being the lowest level. Another factor he described would be to have supplemental use regulations to deal with some of the concerns they may see. While they were not currently within the zoning code, it was something they would likely have in the new zoning code. It would allow a use by right or permitted use, but still attach supplemental restrictions such as a car wash, and adding a supplemental use restriction to close all car washes by a certain time, rather than applying that condition under a conditional use for every single individual car wash. Going back to rooming houses, potential supplemental use regulations could include items such as room tax and licensing. As a discussion point, in Madison if they were to allow them in single and two family districts, the tourist rooming house would have to be the owner's primary residence. If the operator did not occupy the

residence at the time of rental, the tourist rooming house may operate no more than 30 days during a licensing year, which was a way to limit the intensity of use. If the owner did live there, he explained, there would be no limit. When getting into R-4 and higher commercial districts, they typically didn't see as big of a concern given the surrounding properties. Another option could be to allow them as a permitted use in R-4 and R-5 Multiple Family districts, but restrict them to a conditional use in higher business districts as the use may still not be appropriate in some commercial districts, or if they may want to attach further conditions to them. Lastly, they would have to modify some of their definitions within the zoning ordinance as presented within the staff report.

Commissioner Haines asked for clarification if they were proposing to go into R-4 districts only, to which Director Ostrowski stated they would permit them in R-4 and R-5, but switch it back to a conditional use when going above into the business districts.

Commissioner Haines commented that there was no narrative for R-5, to which Mayor Wiza explained that zoning districts stacked, so R-4 would include R-3 and every zoning district below that.

Commissioner Haines asked whether that applied to commercial as well, to which Director Ostrowski confirmed that it did, so B-1 would be allowed in B-2, and B-2 would be allowed in B-3 and so forth.

Commissioner Haines asked if B-1 would allow R-5, to which Director Ostrowski confirmed that it would, but that they would call it out as a conditional use in B-1.

Associate Planner Kearns stated that it was an amendment that was not shown.

Commissioner Curless expressed his opposition to short term rentals in a single family districts. He asked how long he could rent out a multi-family home, to which Director Ostrowski stated that they would be able to rent it all year long.

Commissioner Curless clarified his question and asked whether he could use an existing licensed student rental, remodel it, and use it to rent to more than his license previously allowed, to which Director Ostrowski stated that he could not.

Commissioner Haines stated for clarification that student rentals were licensed.

Commissioner Curless stated that he would not refer to it as a student rental, but as renting out to tourists for nine months.

Mayor Wiza, while understanding Commissioner Curless' argument, stated that by definition they would not be considered tourists after those 30 days.

Commissioner Haines asked if it then would not be up to zoning enforcement to deal with it.

Director Ostrowski explained that the length of stay had been handled differently in other communities. For example, if the owner's primary residence was the not property they were leasing, they could allow the type of use for 30 days max throughout the entire calendar year, whether it was two days at a time for 15 times, or two weeks at a time. If the property they were renting out was the owner's primary residence, they could allow the use all year long regardless of how many times it was rented. He noted that those scenarios typically occurred in the lower level zoning districts for single and two family. He explained that since the single and two family districts were of concern to the commission, the method would allow them to move forward in multiple family zoning districts while providing them with a good case study to see how they were handled and how state regulations would come into play.

Commissioner Curless asked whether the house being remodeled by Mr. Schierl on the corner of Division and Main Street could be rented as long as he wants, to which Commissioner Haines added only for a maximum of 30 days per person.

Director Ostrowski explained that since it was not intended to be their primary residence, they could have a group in there for no more than 30 days, similar to a bed and breakfast. After those 30 days that group would have to leave. He added that the Schierl's intention was to rent out the five rooms to a single group, not five individual groups.

Mayor Wiza provided a further example of who he could rent to and for what lengths of time were he to rent out a property that was not his primary residence.

Commissioner Haines asked if they could visually see where the R-4 and R-5 districts were.

Associate Planner Kearns stated that he had prepared maps to display for R-4 and above districts, as well as where R-4 and R-5 were only.

Commissioner Curless stated that when looking into zoning, they had to look at the worst rather than the best since once it was provided a certain zoning or use, the property could change hands.

Maps were presented showing the districts requested, as well having the district legend clarified.

Director Ostrowski suggested that they could also start R-4 and R-5 districts as a conditional use so they could have an opportunity to review each request on a case by case basis, noting it may be a way to ease into it prior to making a massive change to the zoning ordinance that could allow them by right. He explained that once they were allowed by right, it could not be taken away and they would be allowed to remain in perpetuity until they expanded or ceased for 12 months.

Mayor Wiza declared the public hearing open.

Mayor Wiza declared the public hearing closed.

Commissioner Brush agreed with initially starting rooming houses as a conditional use so they could control the unforeseen variables.

Commissioner Haines asked whether it would apply to R-4 and above, to which Director Ostrowski confirmed that it would be a conditional use in the R-4 and above zoning districts.

Commissioner Brush reiterated that it was a good idea, noting that they did not want to do anything to hurt residences.

Mayor Wiza added that it was a new area for them as a community, and while it was working in other areas, they wanted to make sure that they proceeded cautiously. He agreed with starting them off as a conditional use in the R-4 and above districts.

Commissioner Brush commented that he had recently attended a talk presented by the president of the Bed and Breakfast Association. While it had been very informative, she had also spoken about the negatives. He agreed that they needed to proceed cautiously.

Mayor Wiza reiterated that while some communities have had short term rentals in place for a long time, and some with issues, it was no means the majority. Allowing them as a conditional use would give the

commission and council the ability to review them first and get their feet wet. They could then think about potentially allowing it as a permitted use in the future.

Motion by Commissioner Brush to approve the request from the City of Stevens Point to Amend Chapter 23, Zoning Ordinance, of the Revised Municipal Code of the City of Stevens Point, specifically Section 23.02(1)(f)(3) to allow Tourist Rooming Houses as a conditional use in the R-4 Multiple Family I Residence District and above, and Section 23.04(2), Definitions; seconded by Commissioner Hoppe.

Motion carried 6-0.

8. Acceptance by the City of Stevens Point of the dedication of land totaling approximately 22,925.2 square feet (0.53 acres) from Portage County to be used as right-of-way. Such land is identified as dedicated land on the preliminary certified survey map and located at an unaddressed property on the southeast corner of the intersection of Brilowski Road and E.M. Cops Drive (Parcel ID 2308-01-2200-03).

Director Ostrowski explained that the area within the request was at the current intersection of E.M. Cops Drive and Brilowski Road, County Road R, with the County owning all three vacant lots with an accepted purchase on one of them. As the City continued to progress to the east towards East Park Commerce Center, that area would likely be due for a lot of heavy truck traffic which could result in significant infrastructure improvements. One of the things they wanted to preserve, he explained, was an appropriate width at the intersection in case they ever needed to widen the roadway at the location without having to repurchase land from a private party and potentially making their use nonconforming. That is why they worked with the County to set aside 40 feet on the northern part of the parcel which would give them the needed right-of-way for both the infrastructure and permits for the road, as well as a pedestrian path. He added that they would keep the pedestrian path on the south side due to the pond and its slope to the north. He further explained that there was no financial consideration, and that the County would be dedicating it to the City for roadway purposes.

Motion by Commissioner Curless to accept the dedication of land to the City of Stevens Point totaling approximately 22,925.2 square feet (0.53 acres) from Portage County to be used as right-of-way. Such land is identified as dedicated land on the preliminary certified survey map and located at an unaddressed property on the southeast corner of the intersection of Brilowski Road and E.M. Cops Drive (Parcel ID 2308-01-2200-03); seconded by Commissioner Haines.

Motion carried 6-0.

9. Request from Charter Communications to be added to the Wisconsin Public Service utility easements to service Cobblestone Hotel, which is located at 1117 Centerpoint Drive. Such easements are along Strongs Avenue and municipal parking lots #15 and #16, which is property owned by the City of Stevens Point and the Redevelopment Authority of the City of Stevens Point.

Director Ostrowski explained that the document was before them with Wisconsin Public Service. They had initially requested an easement to get electric and gas to Cobblestone Hotel. In order to do that, they had to cross both Redevelopment Authority and City of Stevens Point land. They had been granted that easement, and now they were looking to add Charter Communications to it. He explained that Charter Communications already had fiber in the ground that was serving the Great Lakes building. The revision was just to memorialize both entities within the same agreement so there was no confusion. Staff saw no concerns and recommended approval.

Motion by Commissioner Haines to approve the request from Charter Communications to be added to the Wisconsin Public Service utility easements to service Cobblestone Hotel, which is located at 1117 Centerpoint Drive. Such easements are along Strongs Avenue and municipal parking lots #15 and #16, which is property owned by the City of Stevens Point and the Redevelopment Authority of the City of Stevens Point; seconded by Commissioner Cooper.

Motion carried 6-0.

10. Community Development Department Monthly Report for March, 2017.

Director Ostrowski reported that March had been another decent month with year-to-date reaching just over 5.5 million dollars. Value was also up with a number of good remodeling projects. He noted that the department had also transitioned to a new software system which would assist in providing more detailed reports in the future.

Mayor Wiza stressed the importance of growth for the city since as a municipality they could only increase their spending by the amount of growth they had according to state levy restrictions. He noted that the more they could spend, the more services could be provided such as park improvements. He commended staff, developers, and all committees and boards for making it happen.

Motion by Commissioner Cooper to accept and place on file the Community Development Department Monthly Report for March 2017; seconded by Commissioner Curless.

11. Director's Update

Director Ostrowski stated that they were looking at reconvening for an additional meeting on Monday, April 24, 2017, in order to discuss several chapters of the Comprehensive Plan and Zoning Code rewrite.

12. Adjourn.

Meeting adjourned at 6:57 PM