

REPORT OF CITY PLAN COMMISSION

June 5, 2017 – 6:00 PM

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

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

ALSO PRESENT: Director Ostrowski, Associate Planner Kearns, City Attorney Beveridge, Alderperson Shorr, Alderperson Nebel, Alderperson Oberstadt, Alderperson Johnson, Alderperson Dugan, Alderperson McComb, Alderperson Phillips, Alderperson Morrow, Nate Enwald, Susan Kerbel, Shirley Hughes, Reverend Susan Gilbert Zencka, Mike Gertry, Debra Jakusz, Zaxyz Kimmel, Jeffery Shultz, Dee Ruetten, Cynthia Milden, Alycia Skomsvold, Tiffany Krueger, Jim Buck, Jarrod Coyle, Bev Clayton, Bailey Voigt, Becca Greening, and Mildred Neville.

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1. Roll call.

Discussion and possible action on the following:

2. Report of the May 1, 2017 meeting.

3. Request from Bailey Voigt, representing the property owner, for a sign variance to install a wall sign above the signable area and beyond the total allowable signage at 1265 Main Street (Parcel ID: 2408-32-2027-18).

4. **Public Hearing and Action** on a request from Debra Jakusz & Michael Gentry for a Conditional Use Permit to utilize Traditional Neighborhood Overlay District reduced setback standards to construct an addition onto the rear of the home at 508 Fourth Avenue, Stevens Point, WI 54481 (Parcel ID: 281240830402508).

5. **Public Hearing and Action** on a request from Shirley Hughes for a Conditional Use Permit to utilize Traditional Neighborhood Overlay District reduced setback standards to construct a front porch at 1902 Dixon Street, Stevens Point, WI 54481 (Parcel ID: 281240832404211).

6. **Public Hearing and Action** on a request from Evergreen Community Initiatives, representing Frame Memorial Presbyterian Church for a Conditional Use Permit to operate a Warming Shelter (temporary housing) at 1300 Main Street, Stevens Point, WI 54481 (Parcel ID: 281240832202815).

7. **Public Hearing and Action** on a request from Susan Kerbel to Amend Chapter 23, Zoning Code, of the Revised Municipal Code, specifically Section 23.02(1)(e) to allow the use of Tourist Rooming Houses as a permitted or conditional use within the R-3 Single and Two-Family Residence Zoning District.

8. **Public Hearing and Action** on a request from the City of Stevens Point to Amend Chapter 25, Sign Code, of the Revised Municipal Code, specifically Section 25.04 (8)(D) to create a provision for wall signs outside of the signable area.

9. **Public Hearing and Action** on a request from the City of Stevens Point to Amend Chapter 23, Zoning Code, of the Revised Municipal Code, specifically Section 23.01(14) to increase residential driveway width standards and permit widening of the driveway within the front yard setback.

10. Director's Update

11. Adjourn

1. Roll call.

Present: Wiza, Brush, Haines, Cooper.

Excused: Kneebone, Hoppe, Curless.

Discussion and possible action on the following:

2. Report of the May 1, 2017 meeting.

Motion by Commissioner Cooper to approve the report of the May 1, 2017 Plan Commission meeting; seconded by Commissioner Haines.

Motion carried 4-0.

3. Request from Bailey Voigt, representing the property owner, for a sign variance to install a wall sign above the signable area and beyond the total allowable signage at 1265 Main Street (Parcel ID: 2408-32-2027-18).

Director Ostrowski explained that a similar item had been before the commission the previous month regarding signage for Delta Dental at 1265 Main Street. At the time they had requested signage above the third floor windows on the south side of the building, and they were now requesting additional signage on the north side of the building. Signage would be similar in size and material as the previous request. In addition, staff requested that additional areas for signage be allowed to be approved by staff for the top façade facing the north and south sides of 1265 Main Street in case an additional business located into the building so they too could have appropriate signage. They recommended approval of the request.

Motion by Commissioner Haines to approve the request, representing the property owner, for a sign variance to install a wall sign above the signable area and beyond the total allowable signage at 1265 Main Street (Parcel ID: 2408-32-2027-18); seconded by Commissioner Brush

Motion carried 4-0.

4. **Public Hearing and Action** on a request from Debra Jakusz & Michael Gentry for a Conditional Use Permit to utilize Traditional Neighborhood Overlay District reduced setback standards to construct an addition onto the rear of the home at 508 Fourth Avenue, Stevens Point, WI 54481 (Parcel ID: 281240830402508).

Director Ostrowski explained the request for a Conditional Use Permit to utilize Traditional Neighborhood Overlay District reduced setback standards to construct an addition onto the rear of the home at 508 Fourth Avenue, as well as adding a carport to the front of the property facing Fourth Avenue. The TND District, he further explained, was intended for smaller lots as most of them didn't meet current Zoning Code setback requirements of 25 feet as most of them had smaller rear and side yards. The TND District allowed for a 15 foot rear yard setback, a 4 foot side yard setback, and a 12 foot street yard setback, with the applicant looking to use the 15 foot minimum rear yard setback requirement. The lot itself was very small, much smaller than current minimum square foot lot sizes. He briefly displayed renderings of the proposed addition and image of the front of the home. Staff recommended approval as the request met the standards of review for a Conditional Use Permit, they saw no issue with having a negative or detrimental impact on the surrounding property owners, the lot size was fairly small, and the addition was fitting for the neighborhood.

Mayor Wiza declared the public hearing open.

Mayor Wiza declared the public hearing closed.

Motion by Commissioner Cooper to approve the request from Debra Jakusz & Michael Gentry for a Conditional Use Permit to utilize Traditional Neighborhood Overlay District reduced setback standards to construct an addition onto the rear of the home at 508 Fourth Avenue, Stevens Point, WI 54481 (Parcel ID: 281240830402508) with the following conditions:

- 1. The addition and carport shall compliment the architectural appeal of the existing home. Such plans shall be reviewed and approved by the Community Development department.**
- 2. All necessary building permits shall be obtained for the proposed work.**
- 3. Rain gutters shall be installed on the home and addition, along with downspouts to direct stormwater away from adjacent properties and maintain the stormwater onsite.**
- 4. All other applicable ordinance requirements shall be met.**
- 5. Staff shall have the right to make minor modifications to the plans.**

seconded by Commissioner Haines.

Motion carried 4-0.

- 5. Public Hearing and Action** on a request from Shirley Hughes for a Conditional Use Permit to utilize Traditional Neighborhood Overlay District reduced setback standards to construct a front porch at 1902 Dixon Street, Stevens Point, WI 54481 (Parcel ID: 281240832404211).

Director Ostrowski explained the similar request to utilize Traditional Neighborhood Overlay District reduced setback standards to construct an 8 feet by 6 feet front porch at 1902 Dixon Street. The new porch would be smaller than the original one, however, the home itself was closer than the required 25 foot street yard setback requirement, thus the reasoning for the Conditional Use Permit. He further explained that the applicant had purchased the home and was in the process of revitalizing the property. The front porch would have a small stoop over the front, or a walk out from the second story, adding that front porches were very common within the neighborhood. Staff recommended approval with conditions outlined in the staff report, citing that there were no adverse impacts on the adjacent properties.

Commissioner Haines asked whether the applicant would be able to enclose the porch, to which it was confirmed that they could, adding that they would have to come back to the commission with the request to enclose the porch.

Mayor Wiza declared the public hearing open.

Aldersperson Nebel (Third District) expressed that she was pleased with the revitalization of the property, and asked whether it was going to remain a residential property or a rental.

Mayor Wiza stated that it was not part of the Conditional Use process, but if the applicant was willing to share that information, they could.

Mayor Wiza declared the public hearing closed.

Motion by Commissioner Brush to approve the request from Shirley Hughes for a Conditional Use Permit to utilize Traditional Neighborhood Overlay District reduced setback standards to construct a front porch at 1902 Dixon Street, Stevens Point, WI 54481 (Parcel ID: 281240832404211) with the following conditions:

- 1. The addition shall compliment the architectural appeal of the existing home. Such plans shall be reviewed and approved by the Community Development department.**
- 2. All necessary building permits shall be obtained for the proposed work.**
- 3. All other applicable ordinance requirements shall be met.**
- 4. Staff shall have the right to make minor modifications to the plans.**

seconded by Commissioner Haines

Motion carried 4-0.

- 6. Public Hearing and Action** on a request from Evergreen Community Initiatives, representing Frame Memorial Presbyterian Church for a Conditional Use Permit to operate a Warming Shelter (temporary housing) at 1300 Main Street, Stevens Point, WI 54481 (Parcel ID: 281240832202815).

Director Ostrowski explained that the warming shelter was requesting to be relocated to 1300 Main Street, just south of the previous location. He recounted that they had previously gone through the similar Conditional Use Permit process for the warming shelter as it was considered temporary housing. The new location, he explained, would operate in a similar fashion with the rules that had been in place at the previous facility. In terms of complaints, they had not received any, nor had it caused any disturbances. When speaking on the new location, he stated that the Fire Department, Police Department, and Building Inspection Department had gone through the facility to assure that it was adequate. He briefly reviewed the conditions and internal layout for the facility. He noted that one of the conditions that had been changed was the requirement for a shower within the facility. The applicant had made other arrangements for an alternative location so it did not need to be included. Ultimately, given their performance at the prior facility, staff recommended approval of the warming shelter use at 1300 Main Street with the conditions outlined in the staff report.

Mayor Wiza declared the public hearing open.

Tiffany Krueger (1311 West River Dr) gave a brief update on how the warming shelter did over the past year, reporting that they had housed 47 individuals, or about 7 per night, all of which had been local individuals. She recounted a situation in which the shelter had been an important factor for aiding an individual who had been living in his car and had become severely ill.

Aldersperson Morrow (Eleventh District) stated that he had originally had concerns with the warming shelter, but after several visits and with speaking with those involved, he was impressed by how things were run. He reported that the policies had been followed well and that there had been no complaints from the Police Department, his agents, or church goers. He couldn't say enough good things about the facility and urged the commission to approve the request.

Tiffany Krueger (1311 West River Dr) clarified an error within the report under the Warming Shelter Policy where it stated that patrons under the influence were not admitted, when indeed they were welcome, but drugs and alcohol were not permitted.

Mayor Wiza declared the public hearing closed.

Motion by Commissioner Haines to approve request from Evergreen Community Initiatives, representing Frame Memorial Presbyterian Church for a Conditional Use Permit to operate a Warming Shelter (temporary housing) at 1300 Main Street, Stevens Point, WI 54481 (Parcel ID: 281240832202815) with the following conditions:

- 1. Occupancy shall be limited to the basement floor.**
- 2. The use of the facility for temporary housing shall only occur during the following time periods:**
 - a. Warming shelter opens November 1st or below 20 degrees F temperature.**
 - b. Warming shelter closes April 30 or after temperatures are above 20 degrees F temperature**
 - c. Warming shelter check-in hours shall be from 8:30 PM - 9:00 PM.**
 - d. Warming shelter closes at 6:30 AM.**
- 3. Guest rules shall be incorporated into the conditional use permit.**
- 4. The primary entrance to the warming shelter shall be on the north façade of the building.**
- 5. At least one professionally trained staff member shall provide supervision of the facility at all times during operation.**
- 6. Applicable building and fire codes shall be met.**
- 7. An ADA accessible bathroom must be located in the area of the temporary housing, before occupancy can take place.**
- 8. Appropriate emergency lighting shall be installed within the basement.**
- 9. Fire wall separate shall exists between the temporary housing occupancy use and other uses in the basement.**
- 10. Handrails to exist stairwells shall meet ADA accessible guidelines.**
- 11. Doors stops on fire doors shall be removed.**
- 12. The kitchen hood system needs to be cleaned by a professional cleaning company.**
- 13. Locking hardware shall be installed on the doors to the nursery/daycare and storage area to ensure separation of the temporary housing use.**
- 14. The conditional use permit shall expire within one year after final approval and may be granted an extension by the Plan Commission and Common Council.**

seconded by Commissioner Brush.

Motion carried 4-0.

7. **Public Hearing and Action** on a request from Susan Kerbel to Amend Chapter 23, Zoning Code, of the Revised Municipal Code, specifically Section 23.02(1)(e) to allow the use of Tourist Rooming Houses as a permitted or conditional use within the R-3 Single and Two-Family Residence Zoning District.

Director Ostrowski explained that individuals were allowed to request amendments to the Zoning Code, and that those requests would go through the similar process of holding a public hearing and placing the request before the Plan Commission before going in front of Common Council for approval. The current applicant was looking to amend the recently amended Zoning Code in relation to Tourist Rooming Houses by allowing them in the R-3 Single and Two-Family Residence District. He reminded the commission that they have previously discussed the topic of Tourist Rooming Houses several times and had ultimately decided to allow them as a Conditional Use within the R-4 Districts and above. To date, they had not taken up any requests. He briefly displayed a map to show where they were currently allowed as a Conditional Use as opposed to where they would be allowed were the request to be approved. Given that the City was in the middle of rewriting the Zoning Code, staff recommended to hold the request until the rewrite was completed prior to making any changes.

Mayor Wiza declared the public hearing open.

Susan Kerbel (1925 Church St) stated that she wished to rent out her two bedrooms to a maximum of four individuals at 1925 Church Street and provided a signed petition by her neighbors to operate as a VRBO, or Vacation Rental by Owner. She cited several surrounding rental properties, as well as properties listed online for short term renting to show that her renting out her rooms would not be a disruptive to the surrounding area. She understood that the zoning laws were being rewritten, and asked if she could perhaps go under a six month trial period before coming back for another discussion.

Aldersperson McComb (Ninth District) noted that she had performed research on short term rentals in different cities. She found that there were three in the City that were not owner occupied, but most of them being private rooms in people's homes. She added that there were a lot of issues in tourist cities concerning short term rentals, and that they were using restrictions like minimum stay requirements and density limitations in specific areas. She expressed her desire of allowing Ms. Kerbel the trial period to rent out her home, but understood that it may not be a possibility.

Susan Kerbel (1925 Church St) added that she operated her sewing business from the property, and would only be looking to rent out the rooms on weekends only.

Aldersperson Nebel (Third District) expressed concern with approving the request, noting that if they allowed it for one person, they would have to open it up to everyone, regardless of the individual or district.

Mayor Wiza declared the public hearing closed.

Mayor Wiza clarified to the commission that they were not considering a Conditional Use request, but rather an ordinance change which would allow for a possible Conditional Use approval to operate a VRBO in the R-3 and R-2 zoning districts. He agreed with staff's recommendation of denying the ordinance change since they were in the middle of rewriting ordinances.

Commissioner Cooper also agree with staff recommendation, noting that they couldn't do a trial period for just one property, to which Mayor Wiza added that they couldn't do a trial period for an ordinance change.

Commissioner Haines agreed with putting the request on hold as the change would encompass a large area, and they needed to think about it more. She added that she liked the idea of being density based in areas.

Director Ostrowski commented that what others had done for adult homes or community-based residential facilities was to place restrictions to where they could operate based on distance to each other or a percentage of the city population or aldermanic districts. Another option would be to permit them in some areas, with the addition of supplemental use standards that would put the same standards or requirements on every single request. In other areas they could keep them as a Conditional Use if they wanted more scrutiny in terms of uses in those particular areas. While it was something they could look at while doing the zoning code rewrite, he recommended pausing the request at hand.

Motion by Commissioner Cooper to deny the request from Susan Kerbel to Amend Chapter 23, Zoning Code, of the Revised Municipal Code, specifically Section 23.02(1)(e) to allow the use of Tourist Rooming Houses as a permitted or conditional use within the R-3 Single and Two-Family Residence Zoning District; seconded by Commissioner Brush.

Motion carried 4-0.

8. **Public Hearing and Action** on a request from the City of Stevens Point to Amend Chapter 25, Sign Code, of the Revised Municipal Code, specifically Section 25.04 (8)(D) to create a provision for wall signs outside of the signable area.

Director Ostrowski explained that the sign code had originally been written with buildings similar to those on Main Street and Clark Street in mind where there was a store front on the first floor and a residential or office use on the second floor, with the signable area being right above the first but below the second floor. With the newer buildings going up such as the Cobblestone Hotel and Executive Place, they were starting to run into issues with signage requests because the buildings didn't fit the norm of the signable area or code within the B3 Zoning District. He further expanded that the area they were looking at within the sign code only pertained to the B3 zoning district which was the downtown area and the south side that had been rezoned. The amendment would allow the Zoning Administrator to approve signs outside the signable area where it would not impact the architectural features or details of the building, as opposed to having to come before Plan Commission every time signage was proposed outside the signable area. Even so, the downtown requests would always be reviewed by the Historic Preservation / Design Review Commission for new signs, but the south side signs could be approved internally. Requests would still have to meet the sign code requirements, and if anything different was requested, they would come before Plan Commission as a sign variance request.

Commissioner Haines asked for clarification if the request only dealt with placement, and if it would affect other items such as flashing lights on signage, to which Director Ostrowski confirmed that all other requirements would remain the same and the current request only dealt with placement. He reiterated that the requests within the B3 downtown district would still go before the Historic Preservation / Design Review Commission, but the south side requests would be able to be approved internally by staff.

Mayor Wiza also assured the commission that the request was solely for the placement of the signage as it related to the building, and that everything else would remain in its place in terms of requirements.

Mayor Wiza declared the public hearing open.

Mayor Wiza declared the public hearing closed.

Motion by Commissioner Cooper to approve the request from the City of Stevens Point to Amend Chapter 25, Sign Code, of the Revised Municipal Code, specifically Section 25.04 (8)(D) to create a provision for wall signs outside of the signable area per staff recommendations; seconded by Commissioner Haines.

Motion carried 4-0.

9. **Public Hearing and Action** on a request from the City of Stevens Point to Amend Chapter 23, Zoning Code, of the Revised Municipal Code, specifically Section 23.01(14) to increase residential driveway width standards and permit widening of the driveway within the front yard setback.

Director Ostrowski reported that they had modified the parking and driveway standards in 2012, in which they had restricted driveway widths to no wider than 20 feet in the front yard setback area. Typically in a suburban style zoning district, he explained, they had a 25 foot setback meaning that the driveway could not be wider than 20 feet within that 25 foot setback. They had recently been running into issues for smaller, more urban lots within traditional neighborhood areas where driveways were starting to exceed 20 feet as most 2 stall garages were 24 feet wide. He presented examples of currently existing driveways that met or did not meet current requirements. He noted concerns for people putting down pads on the side of garages in order to park, but then using the grass to drive onto it as wider driveways were not permitted whereas most people would likely prefer having a whole paved driveway.

Commissioner Haines asked for clarification whether the driveways described should not be happening, to which Director Ostrowski stated that they would not be allowed under the current ordinance requirements. In the previous ordinance requirements, he further explained, did not have driveway width requirements, only the opening at the street, noting that Public Works didn't allow for residential driveway openings to be more than 20 feet in width to prevent early turning.

Commissioner Haines asked for clarification if the new language would make the illegal driveways allowed, to which Mayor Wiza confirmed that it would make them allowable again.

Director Ostrowski expanded on allowing them again, noting that it would increase driveway width standards and permit widening of the driveway within the street yard setback, with the flare expanding to no wider than 32 feet, adding that they could also not have more than 25% of the street yard be impervious.

Commissioner Cooper asked if the flare would still have to meet the 3-foot setback from the property line, to which Director Ostrowski confirmed that it would have to be 3 feet from the property line.

Commissioner Brush stated that he had seen multiple cars parked side by side in a conventional driveway, and asked whether that was legal, to which Director Ostrowski clarified that the number of cars did not matter so long as they were on the approved surface.

Mayor Wiza declared the public hearing open.

Mayor Wiza declared the public hearing closed.

Motion by Commissioner Brush to approve request from the City of Stevens Point to Amend Chapter 23, Zoning Code, of the Revised Municipal Code, specifically Section 23.01(14) to increase residential driveway width standards and permit widening of the driveway within the front yard setback per staff recommendations; seconded by Commissioner Cooper.

Motion carried 4-0.

10. Director's Update

Director Ostrowski stated that there would not be a special Plan Commission meeting in June for the Zoning Code and Comprehensive Plan rewrite, and that meetings would resume in July.

11. Adjourn.

Meeting adjourned at 6:44 PM