

REPORT OF CITY PLAN COMMISSION

July 5, 2017 – 6:00 PM

Portage County Annex Building – 1462 Strongs Avenue, Stevens Point, WI 54481

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

ALSO PRESENT: Director Ostrowski, Associate Planner Kearns, City Attorney Beveridge, Alderperson Jennings, Alderperson Shorr, Alderperson Nebel, Alderperson Johnson, Alderperson Dugan, Alderperson Phillips, Doug Lynch, Sherry Lynch, Emily Hikade, and Greg Karr.

INDEX:

1. Roll call.

Discussion and possible action on the following:

2. Report of the June 5, 2017 meeting.
 3. **Public Hearing and Action** on Request from Emily and Christopher Hikade for a Conditional Use Permit to operate a tourist rooming house at 2300 Main Street (Parcel ID: 281240833201606).
 4. **Public Hearing and Action** on Request from Doug Lynch to rezone 100 Bukolt Park Street (Parcel ID 281240830400806) from the split zoned designation of C Conservancy and R-2 Single Family Residence District to R-2 Single Family Residence District.
 5. Request from Doug Lynch for a site plan review to increase the size of the attached garage door opening above the maximum at 100 Bukolt Park Street (Parcel ID 281240830400806).
 6. Request from the City of Stevens Point to vacate a portion of public right-of-way on Woodward Drive
 7. Request from the City of Stevens Point to vacate a portion of public right-of-way on Reserve Street, south of Madison Street.
 8. Director's Update
 9. Adjourn
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1. Roll call.

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

Discussion and possible action on the following:

2. Report of the June 5, 2017 meeting.

Motion by Commissioner Cooper to approve the report of the June 5, 2017 Plan Commission meeting; seconded by Commissioner Haines.

Motion carried 7-0.

3. **Public Hearing and Action** on Request from Emily and Christopher Hikade for a Conditional Use Permit to operate a tourist rooming house at 2300 Main Street (Parcel ID: 281240833201606).

Director Ostrowski stated that the City had modified the zoning ordinance to allow tourist rooming houses, or short term rentals, as a conditional use within the R-4 and above zoning districts. He also reminded the commission that a zoning ordinance amendment request had come before them in the previous month to allow the short term rentals within lower zoning classifications, but that request had not passed. The property in question was located in the R-4 district and would be the first legal request to operate a short term rental within the city. He further explained that the owners would not be on site currently, but that they did stay there periodically throughout the year. Lastly, he showed internal images of the property and recommended approval of the request with the conditions outlined in the staff report.

Commissioner Curless asked if the owners were present and if they had a property manager.

Mayor Wiza declared the public hearing open.

Emily Hikade (2300 Main St) briefly explained that her and her husband had served and lived overseas for the past 15 years. They were currently renting out their home on Airbnb in order to be able to afford their home in Stevens Point. In terms of management, Dawn and Edward Haasl, a retired couple living on Indiana Avenue, would act as the property managers. So far, they have had a good experience.

Aldersperson Nebel (Third District) stated that overall she was ok with the request, but asked if the time of stay was still limited to 30 days, to which Mayor Wiza stated that her question would be answered after the public hearing.

Aldersperson Jennings (First District) stated her support for the current conditional use request, as well as the previous month's request to allow short term rentals in lower classifications. She further explained that it was a regeneration tool for the Downtown area and historic properties. In this case, it could be an incentive for buying an older home. She also pointed out that there hadn't been a discussion regarding the density of rental properties, specifically how many would be allowed and where. She also noted that there had been exceptional regulation applied to short term rentals and that those conditions could have been applied to R-2 or R-3 districts, adding that the commission could reconsider the ordinance change from last month if they chose to.

Aldersperson Dugan (Eighth District) agreed with the additional conditions recommended by staff. As a user of short term rentals and having researched them, she agreed that they were a good idea. Her only concerns were in regards to the property managers living away from the property and potential parking issues. Ideally, she stated, the property manager would live next door for easy access. In addition, she also stated that talking about the density of the rentals was needed and called for all rentals to be inspected and licensed, not just short term rentals.

Mayor Wiza declared the public hearing closed.

Director Ostrowski, towards Aldersperson Nebel's question, clarified that transient or tourist was defined as less than 30 days.

Commissioner Curless asked how many people could stay at the property at one time.

Director Ostrowski stated that there were several different conditions that would determine the number. The number could shift depending on the amount of bedrooms, those bedroom sizes, and the definition of family.

Emily Hikade (2300 Main St) briefly stated that there was a total of 4 bedrooms, with one room being a playroom, so the maximum they would have would be 8 unrelated.

Commissioner Curless asked whether there would be enough parking to accommodate 8 unrelated.

Emily Hikade (2300 Main St) stated that they had maxed out parking before, but that they also made visitors clear of the parking requirements. If they needed additional parking, they could call the Police Department to request permission for overnight parking.

Alderperson Nebel (Third District) commented that she hoped for a more specific number on how many people could occupy a space and how much parking they could have when approving short term rentals for the benefit of the applicant and City.

Commissioner Curless continued to have concern regarding allowed occupancy.

Director Ostrowski reiterated that occupancy would depend on several factors. If strictly speaking on unrelated, they could have 2 per bedroom, or a total of 8 occupants. Once a family was thrown in, the occupancy would increase due to the definition of family.

Commissioner Cooper asked if the occupancy information would be determined through the licensing process, to which it was confirmed that it would be.

Motion by Commissioner Cooper to approve the request from Emily and Christopher Hikade for a Conditional Use Permit to operate a tourist rooming house at 2300 Main Street (Parcel ID: 281240833201606).with the following conditions:

- 1. The establishment shall have a current license, as required by the Wisconsin Department of Health Services, Wisconsin Administrative Code Chapter 195.**
- 2. Owner shall register with Clerks and/or Treasurer's office and shall pay room tax as required under Sec. 4.13 of the Stevens Point Revised Municipal Code.**
- 3. Maximum tourist occupancy shall comply with the minimum performance standards in the underlying zoning district regulations, parking regulations, and applicable building, fire, and occupancy codes, as amended.**
- 4. The property shall be subject to an annual inspection by the inspection and/or fire departments. The owner shall be responsible for all costs associated with the inspection(s).**
- 5. The property should have a locally designated agent or property manager.**
- 6. The establishment shall have a registry available on-site for inspection, indicating the identity of all guests, dates of stay, acknowledgement of operator presence or absence during stay, and length of stay. The registry shall include all information from the current registry year and the year immediately prior.**

seconded by Commissioner Brush.

Motion carried 7-0.

4. **Public Hearing and Action** on Request from Doug Lynch to rezone 100 Bukolt Park Street (Parcel ID 281240830400806) from the split zoned designation of C Conservancy and R-2 Single Family Residence District to R-2 Single Family Residence District.

Director Ostrowski stated that 100 Bukolt Park Street was located on the west side of Bukolt Park along the Wisconsin River and explained that the City had transferred 16 feet of Conservancy zoned park land to the R-2 zoned property along the southern edge during a boundary clarification. The portion of land remained Conservancy even after the transfer which didn't allow for residential structures to be built upon it, however they were able to use it as a setback area. The transfer of property resulted in a split zoned designation of Conservancy and R-2 Single Family Residence District. While reviewing a vicinity map, he pointed out that the future land use map in the Comprehensive Plan called for the area to be all park land, but the R-2 zoning of the property did not negate the option of it being a park as they were allowed in the R-2 district. He also noted that the GIS Mapping Tool has some visual discrepancies in terms of the northern portion parcel layer, and briefly pointed to the permitted and conditional uses allowed in the Conservancy district. He further stated that while the Comprehensive Plan identified the area as park land, the area would most likely remain as a single family use for many years. He recommended approval to rezone the property in order to have a single zoning classification on the entire parcel, and to be consistent on how the property has been used for many years. Lastly, he noted that the following agenda item would pertain to the same property in terms of a proposed addition to the home.

Commissioner Cooper asked if there was a permanent easement for the egress and ingress with the City, to which Director Ostrowski confirmed that there were no documented easements and that the parcel had been there for many years.

Commissioner Haines asked on the history of the property, to which Mayor Wiza stated that the house had been there prior to the park being established, adding that there may be some additional information at the Historical Society.

Commissioner Curless asked if the island close by was still owned by the property, and if the house on it was still existing.

Mayor Wiza noted that the island in question was a separate property and had recently sold.

Mayor Wiza declared the public hearing open.

Mayor Wiza declared the public hearing closed.

Director Ostrowski stated that the Park's Director was not in favor of the rezoning, to which Commissioner Haines asked if there was reasoning for it.

Mayor Wiza guessed that it may have to do with the Park Department's Comprehensive Plan, but stated that he couldn't speak for the Director.

Commissioner Hoppe commented that according to the documents, the City had tried to purchase the property at some point, to which Mayor Wiza confirmed that the City did try to acquire it prior to the last purchase by the Lynch's.

Dough Lynch (100 Bukolt Park St), second owner of the property, grew up in Stevens Point. He explained that the property had always been used for residential purposes, and that the transfer of land was done in order to correct an oversight that dated back to 1925. He gave a short history of the property and briefly explained the reasoning for his next request regarding the addition.

Motion by Commissioner Curless to approve the request from Doug Lynch to rezone 100 Bukolt Park Street (Parcel ID 281240830400806) from the split zoned designation of C Conservancy and R-2 Single Family Residence District to R-2 Single Family Residence District; seconded by Commissioner Hoppe.

Motion carried 7-0.

5. Request from Doug Lynch for a site plan review to increase the size of the attached garage door opening above the maximum at 100 Bukolt Park Street (Parcel ID 281240830400806).

Director Ostrowski briefly explained that there was a restriction within the building code that limited the size of an attached garage to 1,200 square feet and an unattached garage to 900 square feet. The maximum garage door opening was also restricted to a height of 8 feet. The overall request was to allow a larger garage door opening of 14 feet in order to allow the applicant to use it for his motorhome. Since the house itself was a permitted use, the request before them pertained solely to the garage door and not the garage addition. He presented the vicinity map, renderings of the additions, and elevations before recommending approval of the request with additional conditions covering landscape screening and other design requirements.

Mayor Wiza asked whether the ordinance allowed a property to have both the 1,200 square foot attached garage and 900 square feet detached garage, to which Director Ostrowski confirmed that they could have both.

Commissioner Brush asked for clarification if the garage was close to the water, to which Director Ostrowski stated that the detached garage/boathouse was existing and the addition would be attached to the house.

Mayor Wiza reiterated that they were only discussing to allow a larger garage door, to which Director Ostrowski added that it would specifically be an additional 6 feet in height.

Commissioner Hoppe asked if they would be limited to the 8 foot garage door if they added another detached garage, to which it was confirmed that they would indeed still be limited to that height.

Aldersperson Phillips asked if the applicants would be required to have the motorhome parked inside the garage, to which Mayor Wiza stated that there was currently no requirement at that point to have it in the garage.

Aldersperson Dugan (Eighth District) commented that the area was one of her favorite areas of the park and that she hoped that the applicant would be discreet and simple as possible during their renovations. She also agreed with the additional condition of requiring landscape screening around the garage door.

Commissioner Curless asked whether the applicants could build the addition, to which it was confirmed that they could as they had met all setback and design requirements.

Commissioner Curless asked for clarification regarding the landscape screening for the garage door.

Director Ostrowski further clarified landscape screening requirements and showed how landscaping would help screen the garage from Bukolt Park Street.

Commissioner Brush asked what park goers would see in regards to the house and addition.

Mayor Wiza described the direction in which park visitors would see the home. Photos and renderings provided by applicant were shown depicting the existing and proposed views from several angles.

Commissioner Brush asked if the renderings were to scale, to which Mayor Wiza commented that the architect renderings may be a bit off.

Dough Lynch (100 Bukolt Park) confirmed that the perspective was a bit off in the renderings. He discussed areas that may be strategic for additional landscape screening.

Commissioner Hoppe pointed to a typo on page 36 of the staff packet relating to the square foot size.

Commissioner Curless stated that he did not see any issues with the door.

Motion by Commissioner Cooper to approve request from Doug Lynch for a site plan review to increase the size of the attached garage door opening above the maximum at 100 Bukolt Park Street (Parcel ID 281240830400806) with the following conditions:

1. The door height shall not exceed 14 feet.
2. The view of the garage door shall be screened from the Bukolt Park Street view with landscaping in the form of evergreen shrubs and trees. Such landscaping shall be approved by the Community Development department staff.
3. The design and color of the door shall match the design and color of the primary home. For example, a white vinyl solid garage door would not match the rendering proposed. Final door specifications shall be provided to the Community Development department for review and approval prior to installation.

seconded by Commissioner Haines.

Motion carried 7-0.

6. Request from the City of Stevens Point to vacate a portion of public right-of-way on Woodward Drive.

Director Ostrowski explained reminded the commission that the item had been before them for a preliminary resolution at which time the Plan Commission had approved to move forward with vacating a triangular portion of public right-of-way on Woodward Drive. The owner of the property was looking at putting up a new building, but the property lines were creating a jog in the building and didn't allow for appropriate street setbacks for the building design. He further explained that it would be beneficial so the parking lot would be on the owner's property. Staff saw no concerns with the vacation and recommended approval.

Commissioner Curless asked whether the owner would be putting up the building, to which it was confirmed that was the plan.

Motion by Commissioner Haines to approve the request from the City of Stevens Point to vacate a portion of public right-of-way on Woodward Drive; seconded by Commissioner Curless.

Motion carried 7-0.

7. Request from the City of Stevens Point to vacate a portion of public right-of-way on Reserve Street, south of Madison Street.

Director Ostrowski explained that the request was for a preliminary step for a street vacation, similar to the process of vacation for Woodward Drive where there would be a preliminary resolution followed by a period

of 40 days of no action before proceeding to final action. In this case, the vacation would occur on Reserve Street between 2109 Madison Street and 2041 Madison Street. The portion of right-of-way was once thought to be vacated but a record for it could not be found, and the space was currently being used as an entrance to driveways. Originally, he explained, the area was part of a subdivision plat that had been annexed into the City and then dedicated as a public right-of-way. Historically, if the City could not ascertain where the property came from, the area would be split down the middle and each property owner would get half. Since there was a record showing where the portion did come from, the vacated area would go to the property on the east, or 2109 Madison Street.

Mayor Wiza asked if driveway access for 2041 Madison Street would be effected.

Director Ostrowski noted that 2041 Madison Street also had driveway access off of the western and southern portions of the property, adding that the item would be back before the commission prior to final action.

Commissioner Curless also expressed concern over driveway access to 2041 Madison Street, to which it was reiterated that while their access could potentially be effected, there was also access to the south and west.

Commissioner Curless asked if they could claim adverse possession since they have been using it under the ownership of the City.

Attorney Beveridge briefly explained that while there were many factors needed for adverse possession, the likelihood of it proceeding was unlikely since it had been appropriately mapped and dedicated as public right-of-way. In addition, it was not being done in a notorious or hostile manner. The vacation portion was not much value to the city, and currently inhibited the orderly development of lots.

Mayor Wiza asked what the proper motion would be for the item, to which Attorney Beveridge confirmed they could recommend approval.

Motion by Commissioner Haines to approve the request from the City of Stevens Point to vacate a portion of public right-of-way on Reserve Street, south of Madison Street; seconded by Commissioner Hoppe.

Motion carried 7-0.

8. Director's Update

Director Ostrowski stated that there would be a special Plan Commission meeting on July 24, 2017 at 7:00 PM for the Zoning Code and Comprehensive Plan rewrite, and that the final Housing Study would be reviewed in August.

9. Adjourn.

Meeting adjourned at 6:56 PM