

REPORT OF CITY PLAN COMMISSION

September 4, 2018 – 6:00 PM

Police Department – 933 Michigan Avenue, Stevens Point, WI 54481

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

ALSO PRESENT: Director Ostrowski, Director Beduhn, Associate Planner Kearns, City Attorney Beveridge, Alderperson Jennings, Alderperson Nebel, Alderperson Johnson, Alderperson McComb, Alderperson Phillips, Joe Bachman, Susan Kerbel, Jerry Neberger, Jim Buchholz, Bill Kubisiak, Ross Rettler, Greg Wright, Sara Brish, and Carol Austreng.

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1. Roll call.

Discussion and possible action on the following:

2. Report of the August 6, 2018 meeting
3. Request from the Public Utilities Department for an easement to Wisconsin Public Service Corporation for the purpose of constructing electric overhead and underground at 301 Bliss Avenue (Parcel ID 281230805200016).
4. Public Hearing and Action on a request from Bill Kubisiak for a conditional use permit to operate a tavern at 2408 & 2412 Division Street (Parcel ID 281240832402009).
5. Request from Rettler Corporation for a conditional use permit to construct an outdoor amphitheater within the Conservancy Zoning District at an unaddressed parcel (Parcel ID 281240828210001) within the University of Wisconsin Stevens Point's Schmeckle Reserve.
6. Public Hearing and Action on a request from the City of Stevens Point to amend Chapter 23, Zoning Ordinance pertaining to driveway and parking requirements.
7. Artwork near the newly constructed roundabout on Division Street and North Point Drive.
8. Delineation of neighborhoods in the City of Stevens Point
9. Request from the Redevelopment Authority of the City of Stevens Point to purchase 1013 Second Street and 1016 Third Street (Parcel IDs 281240832200418 and 281240832200414).
10. Community Development Department Monthly Report for August, 2018.
11. Director's Update.
12. Adjourn.

1. Roll call.

Present: Wiza, Kneebone, Haines, Hoppe, Rice, Cooper

Excused: Arntsen

Discussion and possible action on the following:

2. Report of the August 6, 2018 meeting.

Motion by Commissioner Cooper to approve the report of the August 6, 2018 Plan Commission meeting; seconded by Commissioner Haines.

Motion carried 6-0.

3. Request from the Public Utilities Department for an easement to Wisconsin Public Service Corporation for the purpose of constructing electric overhead and underground at 301 Bliss Avenue (Parcel ID 281230805200016).

Director Ostrowski summarized the request, noted no concerns from staff, and recommended approval with conditions outlined in the staff report.

Motion by Commissioner Hoppe to approve the request from the Public Utilities Department for an easement to Wisconsin Public Service Corporation for the purpose of constructing electric overhead and underground at 301 Bliss Avenue (Parcel ID 281230805200016) with the following condition:

1. **Staff shall have the authority to approve minor changes to the easement document and boundary.**

seconded by Alderperson Kneebone

Motion carried 6-0.

4. Public Hearing and Action on a request from Bill Kubisiak for a conditional use permit to operate a tavern at 2408 & 2412 Division Street (Parcel ID 281240832402009).

Director Ostrowski summarized the request, noting that the use was currently operating as a grandfathered use. Staff recommended approval with standard conditions used for taverns as outlined in the staff report.

Mayor Wiza declared the public hearing open.

Bill Kubisiak (1561 Reserve N Dr, Hull), applicant and owner, made himself available for questioning.

Alderperson McComb (District Nine) stated that the property was in her district, and she had heard no complaints. She supported the request.

Mayor Wiza declared the public hearing closed.

Motion by Commissioner Rice to approve the request from Bill Kubisiak for a conditional use permit to operate a tavern at 2408 & 2412 Division Street (Parcel ID 281240832402009) with the following conditions:

1. **The licensee shall maintain order and peace in the licensed premises.**
2. **Any licensed premise established, operated, or maintained in violation of any of the provisions or requirements of this conditional use permit shall be grounds for suspension or revocation of this conditional use permit and/or declared to be unlawful and a public nuisance, the City may, in addition to or in lieu of, any other remedies set forth in the Stevens Point Municipal Code Chapter 12 of the City's Revised Municipal Code, commence an action to enjoin, remove, or abate such nuisance in the manner provided by law and shall take such other steps and apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such public nuisances, and restrain and enjoin any person(s) from establishing, operating, or maintaining said conditional use contrary to the provisions of this conditional use permit.**
3. **The business must be operated in a manner that music heard from outside the building does not unreasonably disturb the peace and enjoyment of the surrounding properties.**

4. **The licensee shall require that all exterior doors be kept closed so that noise does not unreasonably disturb the peace and enjoyment of the surrounding properties.**
5. **The licensee shall require that the area surrounding the premises be kept clean and orderly. All cups, bottles, cans, garbage, rubbish, cigarettes, etc. shall be properly disposed of at the end of each day, and not left on the property or public right-of-way.**
6. **All refuse containers shall be screened from view.**
7. **A sidewalk cafe license may be issued without amending this conditional use.**
8. **This conditional use permit shall expire September 1, 2019, upon which staff shall have the authority to review on a biannual basis and extend the permit for consecutive two year periods as long as all conditions are met.**

seconded by Commissioner Haines

Motion carried 6-0.

5. Request from Rettler Corporation for a conditional use permit to construct an outdoor amphitheater within the Conservancy Zoning District at an unaddressed parcel (Parcel ID 281240828210001) within the University of Wisconsin Stevens Point's Schmeckle Reserve.

Director Ostrowski summarized the request for the construction of a new outdoor amphitheater, as well as additional improvements to Schmeckle Reserve. Staff saw no concerns and recommended approval with conditions as outlined in the staff report.

It was noted that the public hearing for the request would occur at the upcoming Common Council meeting.

Motion by Alderperson Kneebone to approve the request from Rettler Corporation for a conditional use permit to construct an outdoor amphitheater within the Conservancy Zoning District at an unaddressed parcel (Parcel ID 281240828210001) within the University of Wisconsin Stevens Point's Schmeckle Reserve with the following conditions:

1. **All exterior mechanical equipment including refuse storage shall be continuously screened with fencing and/or landscaping.**
2. **Applicable permits shall be obtained for the development.**
3. **Minor modifications to the plan may be approved by staff.**

seconded by Commissioner Haines

Motion carried 6-0.

6. Public Hearing and Action on a request from the City of Stevens Point to amend Chapter 23, Zoning Ordinance pertaining to driveway and parking requirements.

Mayor Wiza briefly noted that discussions regarding driveway and parking requirements had occurred during previous meetings, and that staff was now looking for action in terms of amending Chapter 23.

Director Ostrowski explained that they had drafted a driveway ordinance based on previous comments and analysis, and had brought it forward for review and approval. Commissioners had several comments and questions throughout the review:

1. Clarification on redlined section on page 56, Section 23.01(14)(i)(1): Site Access, to which it was explained that it applied to overall parking standards, and that it could be in commercial. While it was redlined, it was specifically called out in the residential section.

2. Clarification on page 58, bullet two, for 'applicable regulations': Staff provided an example of a legal nonconforming gravel driveway. Since a gravel driveway could be grandfathered, they would be allowed to maintain and replace it, as well as continue to be legal nonconforming within setbacks, however any maintenance or replacement would need to meet the new applicable standards.
3. Clarification on page 58, bullet three, and whether grandfathered nonconforming driveways would be able to park in the setback areas, to which it was stated that they could not.
4. Clarification on when owners would need to redo their driveways.
5. Clarification on rooming houses, and how they remain: Staff briefly explained that specific sections under the law prevented the City from taking uses away.

Mayor Wiza declared the public hearing open.

Aldersperson Nebel (District Three) spoke against granting grandfathered status for driveways, citing available aerials dating back to 2012. She did not support the grandfathering of other statuses, such as rooming houses.

Aldersperson Jennings (District One) spoke against granting grandfathered status, noting rooming houses, and also mirroring concerns by Aldersperson Nebel. She urged the commission to be cautious of grandfathering.

Carol Austreng (3140 Monica Ln, Plover), owner of a 4-plex in Stevens Point, summarized an existing driveway request and cited some difficulties she was facing, to which staff briefly discussed and explained that her request did not pertain to the current agenda item, nor could they grant an individual request at the Plan Commission meeting. They asked that she speak with staff at the Community Development Department.

Aldersperson McComb (District Nine) asked for clarification on when or if grandfathered properties would be required to meet new standards.

Attorney Beveridge briefly summarized the history of a grandfathered status, and how they were applied in zoning ordinances and statutory case law provisions.

Commissioner Hoppe stated for clarification that a previous ordinance could still be enforced because they could be nonconforming in the old ordinance, even if the new ordinance was implemented.

Attorney Beveridge stated that if a driveway was nonconforming or not in compliance with the new proposed standards, and based on the route staff was looking to take, the nonconforming status would be grandfathered in.

Director Ostrowski made the following comments:

1. New driveway standards for residential and commercial came in late 2012. Massive changes in parking standards and driveways completed.
2. Challenges exist due to permitting not being required until May 2018, thus no permits or paperwork exist for reference. Difficult to enforce something that was legally conforming at the time.
3. To go back to find illegally nonconforming driveway would be very challenging.
4. Only tool that could be used for enforcement is aerial photography that is taken sporadically.

5. Have some aerial photography from 2012, but was taken prior to driveway standards being implemented. Oldest aerial photography that could be used after the new standards were in existence was taken in 2015.
6. Enforcement will take time. Staff will have to be able to prove that the driveway expansion occurred after the new ordinance requirements came into place.

Aldersperson Jennings (District One) reiterated her opposition to granting grandfathered status for driveways.

Aldersperson Nebel (District Three) stated additional issues could arise from granting grandfathered status for driveways, such as driveway expansions leading to more improper parking and over occupancy.

Attorney Beveridge noted that property rights were different, noting that land use regulations were unique.

Mayor Wiza lastly reminded the commission and audience that driveway changes wouldn't just effect rentals, but single family properties as well.

Mayor Wiza declared the public hearing closed.

Motion by Mayor Wiza to approve the request from the City of Stevens Point to amend Chapter 23, Zoning Ordinance pertaining to driveway and parking requirements as submitted; seconded by Commissioner Cooper.

Motion by Commissioner Hoppe to amend the original motion, condition 2, Section 23.01(14)(i)(3): Driveways For Residential Uses, to reflect a change of aerial usage from May 5, 2018 to the earliest date in 2012; seconded by Commissioner Rice.

Commissioner Cooper was excused for a prior arrangement.

There was a brief discussion in clarifying the motion amendment and proper motion procedures.

Commissioner Hoppe withdrew his amended motion.

Motion by Commissioner Hoppe to amend the original motion to remove the second bullet point on page 58 relating to grandfathered, as well as to allow staff to make the appropriate adjustments on page 61 relating to reconstruction of nonconforming driveways.

seconded by Commissioner Haines.

Motion carried 5-0 for the amendment.

Motion carried 5-0 for amended motion.

7. Artwork near the newly constructed roundabout on Division Street and North Point Drive.

Director Ostrowski explained that the City, in collaboration with CREATE Portage County and the Convention and Visitors Bureau, put out a call to artists for artwork proposals for the new roundabout. The goal would be to create an entry feature into the City.

Greg Wright (1217 Franklin St) summarized the ongoing process of reviewing the proposals. While they had received interesting submissions, none of them had really captured their goal. They have since continued to work with a local artist, Boleslaw Kochanowski, in trying to define pieces for the area. Mr. Wright hoped to have more detailed plans and renderings at the next Plan Commission meeting.

Commissioner Hoppe asked if there would be anything placed in the center of the roundabout, to which it was explained that the Department of Transportation recommended not placing anything high in the center

in order to avoid vision obstruction issues. It was noted however, that a landscaping design was in place for the center.

Sara Brish (340 Division St N) reiterated the benefits of placing art in the area, stating that their purpose would be to have the area become iconic and be a draw for the City.

Aldersperson Kneebone stated her support for the project.

8. Delineation of neighborhoods in the City of Stevens Point

Director Ostrowski summarized the history behind the idea for neighborhood delineation, and discussed the following benefits if adopted:

1. Assists in creating a sense of place: creates an identity that residents promote and take pride in, leading to improved community development.
2. Assists to further development projects within neighborhoods; knowing the characteristics about them and what makes them unique.
3. Can lead to the improvement of homes and aesthetics, which raises property values.

Greg Wright (1217 Franklin St) reiterated the benefits of neighborhood delineation, as well as highlighted the need to have a strategic vision for culture growth within the community. He stated that neighborhood mapping would be a core piece for that vision, adding that residents would be vital in creating it.

Mayor Wiza asked if there were any scheduled public meetings to discuss delineation, to which Mr. Wright stated that they would be looking to schedule meetings for the fall.

Ideas, feedback, or potential names for the neighborhood areas could be forwarded to CREATE Portage County at gregw@createportagecounty.org or 715-254-0460.

Aldersperson McComb asked for clarification on the Lower Whiting and Upper Whiting named areas, to which it was explained that the names were based off elevation rather than location.

Aldersperson Nebel suggested the use of signage or flags to differentiate neighborhoods, as well as potentially involving the University.

Mayor Wiza made comments in support of neighborhood delineation.

9. Community Development Department Monthly Report for August, 2018.

Director Ostrowski briefly reviewed the monthly report and explained that a large portion of the monthly value and permit fees was driven by a public project. However, in terms of year to date values, they were still trending higher than the previous year.

10. Director's update.

Director Ostrowski stated that the end of the month Comprehensive Plan & Zoning Code Rewrite meeting would occur on September 24, 2018 at 7:00 PM in which they would review the Land Use chapter of the Comprehensive Plan and Chapter 7 of the Land Development Code. Lastly, he noted that changes to City ordinance regarding repeat violation offenses, and details for Redevelopment Authority projects, would soon be going before the Common Council.

11. Adjourn.

Meeting adjourned at 7:24 PM.