

REPORT OF CITY PLAN COMMISSION  
Monday, June 7, 2010

PRESENT: Chm. Mayor Halverson; Ald. Jerry Moore; Jack Curtis; Shari Laskowski;  
Anna Haines; Tony Patton

ALSO

PRESENT: Comm. Dev. Dir. Mike Morrissey; Ald. Molski, Wiza, Trzebiatowski, M. Stroik, Mallison, Slowinski; Planning & Zoning Dir. Jeff Schuler; Po. Co. Assoc. Planners Chuck Lucht and Sarah Wallace; Town of Hull Chm. John Holdridge; Al Pennebecker; Chris Haka; Reid Rocheleau; Thomas Haulfmann; Jeff Salewske; Art Oksuita; Randy Wanta; Mary Ann Laszewski; Eric and Hans Hofmeister; Mildred Neville; Jeremy Baublitz; Cathy Dugan; Rob Konkol; Jim Billings; Norm Myers Sr., Archie Hansen; Jeremy Piesik; Laverne & Donna Syens; Dave Wilz; Robert Kirschling; Jason Glisczynski; Steve Lansing; Gladys Laug; Barb Jacob; Paul Wachowiak; George Lepak; Po. Co. Gazette, Matthew Brown; Stevens Point Journal, Nick Paulson

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Chm. Halverson announced that Jami Gebert has resigned from the Plan Commission. She is the executive assistant to the County Executive and felt because of time constraints and other reasons, she would resign. We will be looking for a new commission member.

He noted with regard to item #8, the item is simply a transfer of property to the CDA under Sec. 66.1335(4) which is a transfer of land based on state law because we have a redevelopment agency in place. It has to be the redevelopment authority to carry out any redevelopment on the Lullabye site. We aren’t talking about any specifics as far as the use or

future of the site. The only thing we are doing is transferring the property to the CDA. Those here to speak on that item need to contain your comments only to the state law that created the CDA and the original redevelopment boundaries of the CDA once it was created.

1. Approval of the May 3, 2010 Plan Commission Minutes

**Jerry Moore moved, seconded by Tony Patton, to recommend approval of the May 3, 2010 Plan Commission minutes. Ayes all; Nays none; Motion carried.**

2. Discussion and Possible Action on Conditional Use Permits to Operate Taverns:

- 1001 Amber Ave. – Holiday Inn
- 2301 Church St. – Rhody’s
- 1009 Clark St. – Steel Night Club
- 200 Division St. – Olympic Bar/Rest.
- 2317 Division St. – Archie’s
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Chm. Halverson noted we do not have any concerns from the Police Dept. in terms of the operation of these facilities.

Jim Billings, representing The Final Score, stated his conditional use was approved last fall with a sunset clause of June 30. He would like to extend the hours for consumption of alcohol on the deck to accommodate the new no-smoking law. We don’t have sound or speakers out on the deck after 10:00 p.m. and that will continue. People will continue to go out there until bar time to smoke and he doesn’t see why they couldn’t take their cocktails out there.

Chm. Halverson responded we would not be dealing with that tonight. We would allow for the condition to stay but you would be free to submit a new conditional use request to change that and go back through the review process.

**Tony Patton moved, seconded by Jack Curtis, to recommend approval of the conditional use request to operate the taverns listed.  
Ayes, Patton, Curtis, Laskowski, Haines & Halverson. (Moore, abstained)  
Motion carried.**

3. Discussion and Possible Action on Variance from Sign Ordinance at 5590 Hwy 10 E. - Fleet Farm

Dennis, representing Fleet Farm, stated they are requesting to replace the middle portion of their gas sign with an electronic reader which would allow them to change the gas prices from inside the building. The size of the sign will remain the same.

Curt Wilkes, representing Nagle Signs, they propose to upgrade the sign to an LED which will be easier to read and change prices.

Anna Haines asked if the sign will flash.

Curt Wilkes responded the price sign will have the changeable numbers, and the lower portion will be a changeable message center.

Chm. Halverson noted our concern would be that the message doesn't flash repetitively which would be against the ordinance.

Sarah Wallace stated the sign was erected prior to annexation into the city and was a legal nonconforming use. They are requesting a specific height variance for the two middle signs and an overall square footage variance. The sign square footage and height are staying the same. Based on the information given to us, we recommend approval of this request based on not increasing the nonconformity of the sign.

**Tony Patton moved, seconded by Shari Laskowski, to recommend approval of the Fleet Farm sign as proposed. Ayes all; Nays none; Motion carried.**

4. Discussion and Possible Action on Variance from Sign Ordinance at 1201 North Point Drive (SPASH)

Chris Haka, representing SPASH, stated they have dedicated a strength and fitness center which was made possible by donations, including a large donation from Ministry Medical Group. We would like to have an LED sign on the west side of the building to advertise the building and thank Ministry Medical Group. It would be set on the same timer as their marquee which goes off at 10:00 p.m.

Chm. Halverson noted given the size of the wall, the location of the sign, and the sign area, it would not be deleterious to the area.

**Tony Patton moved, seconded by Jack Curtis, to recommend approval of the sign for SPASH as proposed. Ayes all; Nays none; Motion carried.**

5. Discussion and Possible Action on Rezoning 5001 Carol's Lane from "M-2" Heavy Industrial to "R-3" Single and Two Family Residence District

Eric Hofmeister, representing Spectra Print, stated they have been trying to come up with a way to develop the 5 acres along Carol's Lane that would be good for the neighborhood as well as themselves. They are requesting rezoning from Heavy Industrial to 'R-3'. They are fortunate to have a builder that is interested in building high-end duplexes that would be a good buffer for the existing neighborhood and be a good start for the rest of our development.

Chm. Holdridge, Town of Hull, feels given the history of this parcel, this rezoning is a giant step forward and will be compatible with the neighbors. He would encourage seeking input from the neighborhood on the site plan. He is very appreciative of Eric and his family through this process. They have been more than fair.

David Wilz, 1909 Mary's Dr., stated he agreed with Chm. Holdridge and also encouraged input from the neighborhood. He noted the following neighbors' concerns about the upcoming

development: 1) any development to be owner-occupied with assessed value equal to or greater than the average home in their subdivision, 2) setbacks be equal to or greater than the existing homes on Carol's Lane, 3) the traffic stay on the Spectra Print property, and 4) future development traffic be contained on their property and exit onto Country Club Drive.

Tom Haulfmann, 5316 Carol's Lane, noted he is very happy about the rezoning but had one concern with the setback. All the houses on Carol's Lane are 50' back from the right of way and there would be balance if these setbacks were the same.

Cathy Dugan, 615 Sommers St., stated this is a better plan and fits in the bigger picture of land use and zoning. Please consider the setbacks, berms, and plantings.

Laurel Hoeth, neighbor, stated the Hofmeisters have been good neighbors and we support this proposal. They would appreciate greater setbacks. This is a win-win for all.

**Jerry Moore moved, seconded by Shari Laskowski, to recommend approval of "R-3" Single and Two Family Zoning for the property at 5001 Carol's Lane.**

**Ayes all; Nays none; Motion carried.**

6. Discussion and Possible Action on Conditional Use Request to Construct an Addition at 2617 Water Street – Point Brewery

Art Oksuita, representing Point Brewery, stated they are taking a keg storage area currently located in the brewery and moving it to the new location which will be a modern keg storage cooler. The current area will be used for additional aging kegs.

**Jack Curtis moved, seconded by Tony Patton, to recommend approval of the conditional use request to construct an addition at 2617 Water Street as presented.**

**Ayes all; Nays none; Motion carried.**

7. Discussion and Possible Action on Conditional Use Request to Operate a Tavern at 2124 Rice Street – Player's Lounge

Jason Glisczynski, representing Player's Lounge, stated they have put together a landscaping plan that will hopefully fulfill what the city is looking for. They are proposing installing a 6' high fence that would be 10' in length on the west side of the dumpsters.

Chm. Halverson questioned how many of the conditions have been met that were placed on the property to be completed by June 30?

Jason Glisczynski responded the northeast corner has not been painted yet because the tenant has an interest in painting it to match his business. The driveway has been removed. He has the plants and is ready to go after receiving approval.

Chuck Lucht reviewed the attached landscape plan and staff report. The proposed plan includes a proper planting schedule with proper plant location. County Planning staff feels the landscape plan meets the intent of the commission requirements and recommends approval.

Chm. Halverson felt the landscaping plan is in order and looks very good. Any additional outstanding conditions that exist will have to be met by June 30. The proposed screening on the west side of the dumpsters should accomplish what we are trying to do.

Jerry More felt the 10' fence around the dumpsters should be 15' to allow space for garbage pick-up.

**Tony Patton moved, seconded by Anna Haines, to recommend approval of the conditional use to operate a tavern at 2124 Rice Street based on the landscaping plan meeting the intent of the Plan Commission requirements and keep the fence length at 10'. Ayes, Patton, Haines, Curtis, & Chm. Halverson; Nays, Moore; (Laskowski, abstained.) Motion carried.**

#### 8. Discussion and Possible Action on the Transfer of City-owned Former Lullabye Property to the Community Development Authority

Chm. Halverson stated because we have a Community Development Authority which is the redevelopment authority authorized under state law 66.1335(4), any and all redevelopment with the existing boundaries of an original area, are charged to the CDA under state law. Any city-owned property that is sold or transferred has to be approved by the Plan Commission. Because we have a CDA that was created under state law, they have to be the agency to carry out blight elimination and redevelopment within the downtown. There is no conspiracy to approve apartments without appropriate public notice as has been suggested.

There are to be no conversations this evening about apartments, land uses, redevelopment strategies, TIF agreements, developers agreements, or anything related therein.

Ald. Wiza questioned if we are required by state to do this transfer and if we are, why a vote? Does this transfer preclude the CDA from coming back to the city in any way on any aspect of redevelopment. His concern is that in theory, the CDA could sell the property to someone for a permitted use and the city would have no say in it. He recommends holding off on the transfer of the land until we have a plan for redevelopment. That would keep the city somewhat responsible for what goes there.

Chm. Halverson responded we are required to do this transfer. The city is the corporate entity that originally purchased the property so ultimately if the city wants to do anything with the property, it would have to transfer to the CDA and the CDA would have to follow through on it. If we want to redevelop the property, we are required to transfer it to the CDA.

The CDA would have to come back to the city if any redevelopment strategy is a conditional use, it would require Plan Commission and Council approval. If any development would require subsidy, a joint meeting between the CDA and Common Council.

Reid Rocheleau stated the Plan Commission duties are set forth in state statutes and you are responsible for planning in this city. In case you didn't know, the mayor is the chairman of CDA. We need to wait and find out what pollution is there and how much it will cost to clean that up. He agrees with Ald. Wiza that you should hold off the transfer until you have a plan.

Barb Jacobs, 1616 Depot St., questioned what the CDA is, who is on the CDA, and how is it developed, and who do they answer to.

Chm. Halverson responded the CDA is a separate body politic from the common council that is chaired by himself. There are commissioners that serve on the CDA that are appointed by the mayor and confirmed by the council. The CDA was envisioned in the late 1970's and was created as the redevelopment arm of the downtown because it was required by law that if you were going to engage in condemnation, removal of property, blight elimination, or carrying out a large development strategy, the law requires that a redevelopment agency becomes the entity to carry out revitalization. The city chose to create the CDA as part of the downtown redevelopment of thirty years ago. The CDA has bonding authority independent of the city, can issue bonds on their own without the authority of the common council. They have the power of condemnation so that they can declare property blight and seize it from individual property owners. The CDA is an extremely powerful body because of the need and ability to work through redevelopment strategies. The CDA is a public body so all the agendas have to be properly noticed and all open meeting laws have to be maintained. The CDA is a separate body from the common council and reports only to the state law that it must follow.

Barb Jacobs felt it would be in the city's best interest to leave it with the plan commission so that they can give them their ideas and there is still another body on the other side for checks and balances. I think we need to look further into this before we give it to one group to decide what is going to happen for us.

Mike Morrissey responded although the state statute outlines what the power and duties are of the Plan Commission, they are different than that of a CDA. In many communities, there is a Housing Authority and a Redevelopment Agency established by the city. The Redevelopment Agency performs redevelopment functions on behalf of the city. In Madison, Wausau, and Whitewater, the Housing Authority is combined with the Redevelopment Agency to create a Community Development Authority. Stevens Point has a Community Development Authority which is established by the common council by a 2/3 vote. The membership is made up according to state statute, how many members, its representation, they are audited every year. It is a separate but affiliated agency with its municipality. He feels it is good to have council members and elected officials serve on both committees because it provides checks and balances.

Mary Ann Laszewski, 1209 Wisconsin St., stated she is alarmed at the CDA's authority. It appears very likely we will have no voice in any development on the Lullabye property. Any development for this property should come before this committee for review and approval. She would like a lot more openness about any projects.

John Brown, 2132 McCulloch St., questioned if we are only dealing with the Lullabye property. Why wasn't the property acquired by CDA instead of the city.

Chm. Halverson reviewed the survey map and indicated what property is included. When the city moved to acquire the property, the CDA should have been the entity to acquire the property in the first place.

Paul Wachowiak, 1620 Meadowview Lane, felt the Plan Commission should wait for the redevelopment plan and then transfer the property. Retain control and keep it in the public eye and avoid the appearance of any wrongdoing.

Mildred Neville, 1709 Jefferson St., reviewed correspondence, memos, and information provided to her by the city concerning the Lullabye lot. She doesn't see legally how this ownership could transfer to CDA in light of the fact that the city has stopped AECOM from continuing their consulting on the Lullabye site. You, as Plan Commissioners for our city, should not pass this on to the Common Council without being absolutely sure you are comfortable with all the aspects that you have investigated. Don't make the decision tonight.

Ald. Wiza asked if apartments are a permitted use on this site or would they have to come to this commission and the council.

Chm. Halverson responded apartments are not a permitted use. They are a conditional use and would require Plan Commission and Common Council approval.

Tony Patton felt that transferring the property is the next best step to get something done. He is confident that anything that should be sent back to us will be.

**Tony Patton moved, seconded by Jack Curtis, to recommend approval of transferring the city-owned former Lullabye property to the Community Development Authority.**

Shari Laskowski asked if there is any harm in waiting until there is a proposed plan.

Chm. Halverson responded no, none whatsoever.

Jerry Moore noted if there was a mistake made before that this wasn't purchased by the CDA to start with, and legally that is where it should be, he is having a hard time understanding why we are going through this. At this time, I believe this is the right way to correct this.

**Ayes, Patton, Curtis, Laskowski, Moore & Chm. Halverson. Nays, Haines.  
Motion carried.**

9. Adjournment. Meeting adjourned at 7:50 p.m.