

REPORT OF CITY PLAN COMMISSION

Tuesday, September 7, 2010 – 6:00 p.m.

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

ALSO

PRESENT: Comm. Dev. Dir. Michael Ostrowski; Ald. Mallison, Suomi, M. Stroik, Slowinski, Molski, and Brooks; Pat Dunn; Tim Schertz; Rand/Theresa Erbach; Kurt Simdars; Carol Laskowski; John Ford; Sarah Robinson, Downtown Mgr.; Rich Sommer; Sarah Wallace, Po. Co. Planning & Zoning; Matthew Brown, Po. Co. Gazette; Brian Kowalski, Stevens Point Journal

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1. Approval of the Minutes of the August 2, 2010 Plan Commission Meeting.
2. Discussion and possible action on a request from Ralph and Marcia Locher, that the City of Stevens Point purchase back a portion of their property located at Lot 43 in the Whitetail Trail Subdivision. **Parcel ID 2408-15-4401-43.**
3. Discussion and possible action on a request from Barbara Nachman to rezone the property at **920 Songbird Lane** from "R-3" Single and Two Family Residence District to "R-4" Multiple Family I Residence District. **Parcel ID 2408-36-2200-54.**
4. Discussion and possible action on a request from Tim Schertz for a Conditional Use Permit to Operate a Tavern at **817 Clark St.** **Parcel ID 2408-32-2014-12.**
5. Discussion and possible action on the submission of a Community Development Block Grant application for downtown redevelopment and/or revitalization projects.
6. Adjourn.

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1. Approval of the Minutes of the August 2, 2010 Plan Commission Meeting.

Tony Patton moved, seconded by Jack Curtis, to recommend approval of the August 2, 2010 minutes. Ayes Patton, Curtis, Moore, Haines, Laskowski, & Halverson; Nays none; (Rice Abstained) Motion carried.

Chm. Halverson welcomed Maurice Rice as our new commissioner. He brings years of experience as a lawyer to the table and is a lifelong city resident. He brings a different perspective. We have a business owner, county supervisor, a community member, a professor of land use, and now an attorney. We have a commission that is very reflective of a dynamic, different, and changing community.

2. Discussion and possible action on a request from Ralph and Marcia Locher, that the City of Stevens Point purchase back a portion of their property located at Lot 43 in the Whitetail Trail Subdivision. **Parcel ID 2408-15-4401-43.**

Dir. Ostrowski noted Ralph and Marcia Locher purchased the lot in January of this year. At that time, they were concerned about individuals walking across the corner of their property and their liability if someone were to injure themselves. They are asking that the city purchase back that portion of the property.

Chm. Halverson noted he and the Comptroller-Treasurer talked and have agreed to do that.

Tony Patton moved, seconded by Maurice Rice, to recommend approval of purchasing back a portion of the property located at Lot 43 in Whitetail Trail Subdivision.

Ayes all; Nays none; Motion carried.

3. Discussion and possible action on a request from Barbara Nachman to rezone the property at **920 Songbird Lane** from "R-3" Single and Two Family Residence District to "R-4" Multiple Family I Residence District. **Parcel ID 2408-36-2200-54.**

Dir. Ostrowski noted the three parcels to the east of this property were rezoned from "R-3" to "R-4" in March of this year. At that time, there was talk of rezoning this parcel as well. The three parcels to the east are planned for 4-plexes on each lot. The intent here is to rezone this parcel and then sell it to the owner of the three parcels to the east. The parcel meets the minimum size requirements and the request is consistent with the city's comprehensive plan. Staff recommends approval.

Jerry Moore moved, seconded by Anna Haines, to recommend approval of rezoning the property at 920 Songbird Lane from "R-3" Single and Two Family Residence District to "R-4" Multiple Family I Residence District. Ayes all; Nays none; Motion carried.

4. Discussion and possible action on a request from Tim Schertz for a Conditional Use Permit to Operate a Tavern at **817 Clark St. Parcel ID 2408-32-2014-12.**

Dir. Ostrowski provided background on the property and reviewed the applicable conditions listed in his staff report. Staff recommends the conditional use expire in two years.

Maurice Rice feels the city should, at some point, look at the issue of how many taverns an area can sustain. The standard for disturbance should be beefed up to a less nebulous approach with maybe decibel requirements. The current standard for noise will be difficult to enforce. He questioned the two-year period for expiration. He feels you can find how well this is doing in a period of one year.

Dir. Ostrowski responded typically we do a two-year period. If there are concerns prior to this two-year approval, staff will bring the item back to the commission. In terms of noise, we have just been general and keep track of how many noise complaints a property has had and enforce it that way.

Chm. Halverson stated in this case, rather than having a specific decibel threshold, the more nebulous this is from a police or inspection dept. prospective, the easier it is to accumulate a complaint list and act on it as appropriate.

Rand Erbach, owner of the parking lot across the street, stated he is concerned about trash issues and liability issues with people parking on his property. His lot seems to be a standard place for parking and dumping trash. If you have a conditional use permit, can you sell the business to someone else and the permit would transfer to them. Can a liquor license be switched to another property.

Maurice Rice suggested Mr. Erbach should post signs on his property which would relieve some of his anxieties.

Chm. Halverson responded a sale of the property would require going back through a change of agent process for the liquor license in particular. The conditional use permit and the liquor license cannot be taken to another address.

Tony Patton moved, seconded by Anna Haines, to recommend approval of the conditional use permit to operate a tavern at 817 Clark Street based on compliance with the conditional use standards with the following conditions/restrictions:

- The licensee shall maintain order and peace in the licensed premises.
- 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 twelve & 12.14 ordinance or 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.
- 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.
- 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.
- The licensee shall require that all exterior equipment and containers, including refuse containers, be screened from view with an appropriate enclosure(s).
- 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.
- The licensee shall require that the green area to the west of the building be well maintained and have a professional appearance. The grass shall be mowed and kept at an acceptable height, and all cups, bottles, cans, garbage, rubbish, cigarettes, etc. shall be properly disposed of at the end of each day.
- The conditional use shall expire in June of 2012.

Ayes all; Nays none; Motion carried.

5. Discussion and possible action on the submission of a Community Development Block Grant application for downtown redevelopment and/or revitalization projects.

Dir. Ostrowski noted no action is required on this item. The common council will be taking this item up at a 7:00 meeting tonight and holding a public hearing. The city is looking at applying for a community development block grant for the potential acquisition of six properties, including the clearance and testing of those sites. The following sites are being considered for potential acquisition: 1016 Third St., 1013 Second St., 1008 Union St., 1105 Second St., 1043 Union St., and 1220 Briggs St. There may be projects in the future that would come to the commission as conditional uses or rezonings.

6. Adjourn Meeting adjourned at 6:30 p.m.