

## City of Stevens Point Meeting Minutes

City Plan Commission,

Monday, December 1, 2008 PRESENT: Chairman Mayor Halverson; Ald. Jerry Moore; Jami Gebert; Tony Patton; Karen Aldinger; Fred Steffen; Lois Feldman

ALSO PRESENT: Comm. Dev. Dir. John Gardner; Ald. Myers, Hanson, Heart, Trzebiatowski, Molski, Stroik and Brooks; Reid Rocheleau; Brandan Macha; Bob Woehr; Sharon LaBrie; Mary Ann Laszewski; John Kneer; Carl Rasmussen; Sean Gehin; Kurt Hoffman; Alan Hetzel; Rick Whipp; Jason Glisczynski; John Mosey; Jay Schrank; Kurt Schoen; Fred Pionek; Ed Rusin; Gregory Diemer; Betty Pionek; Steve Selk; Chris and Jan Neuwirth; Patrick Moon; Jim Weinmann; Karen Uebehler; Steven Kewer; Diane Lalk; Cindy Nebel; Tiffany Reindl; Mary Berg; Mike Williams; Lynette Martens; Corey Kitowski; Sally Pawles; Shannon Ralde; Casey Davis; Gene Kemmeter, Po. Co. Gazette; Meredith Thorn, Stevens Point Journal

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### 1. Approval of the November 3, 2008 Plan Commission Minutes

Jerry Moore moved, seconded by Lois Feldman, to recommend approval of the November 3, 2008 minutes. Ayes all; Nays none; Motion carried.

### 2. Consideration and possible action on a Conditional Use Permit - 1701 River View Ave. - Extend construction period

John Gardner stated this project was approved some time ago. Three of the units were constructed along River View, but two of the buildings have not been constructed because of financing. The completion date approved was for December 31, 2008. The owners are requesting an extension until 2012 to allow them to complete construction. No standards or rules have changed since approval and he recommends approval.

Ald. Stroik noted when this was going through the approval process, people didn't see the need for five big buildings on this lot and to clear cut everything. They did a good job, it looks really nice the way it is, and we should say either build them now or shut down the other two buildings and leave it as a nice three building development.

Mary Ann Laszewski, 1209 Wisconsin St., noted the existing buildings take up the entire lot without the two remaining buildings. The trees that were promised for a buffer were completely clear cut and are now gone. We were led to believe that leaving as many trees as possible would preserve the wooded type character of the neighborhood and provide screening for adjacent neighbors. If buildings #4 and #5 are built, they will be within 10' of the neighboring lot line to the south. The development by Nicolet Lumber across HH was only granted an emergency exit onto HH for their apartments. The driveway for this project in the middle of the block on a highway is not considered safe. We are giving the wrong message if we reward contractors who do not keep their word about how they are going to manage their land and she doesn't feel the project warrants an extension.

Reid Rocheleau, 408 Cedar St., agreed with Mary Ann Laszewski and is opposed to granting the extension. They haven't sold all the units. If they can't sell them now when it looks halfway decent with green space, allowing two more is not going to improve the chances of this property selling. The owner was given two years the first time and now he is asking for four years. The developers on Doolittle Dr. and others were given similar amounts of time and got their units up and running with no extensions. It is counter-productive to the taxpayers and the city to grant this extension because it does not encourage others to complete their projects on time and get it on the tax rolls.

John Gardner noted the developer finds himself in the situation that some of the buildings are empty or rented but not sold. It is illogical to continue to build more in this economy. The neighbor to the south that is most affected by the setback was notified of the meeting but is not here. The developer has communicated with that neighbor and there is no dissatisfaction. We are really re-arguing the same thing we argued in 2007; not liking the plan and there are too many units.

He doesn't see any promises in the files that the developer was going to keep existing trees, in fact we all knew the trees would be gone because of the amount of grading that needed to be done and utilities to be brought in. They have not completed the screening along HH. The developer stopped building because he wasn't selling them. That doesn't mean he has already made all his money and may move on. There is still money to be made.

The HH access is a different situation. They purposely put the driveway to the west of the controlled access. In the other example, the ownership was in the controlled access so they had to ask the County for permission for the fire lane. These are two very separate situations.

Most of the issues you have heard are just a re-argument of the original discussion we had in 2007. It was approved then, nothing has changed, and he doesn't see any reason that they shouldn't be granted an extension.

Chm. Halverson moved, seconded by Karen Aldinger, to recommend approval of extending the construction period at 1701 River View Ave. until December 31, 2010 with all screening/trees, as indicated in previous staff memos, be planted no later than May 1, 2009 along the Whiting Ave. and River View Ave. sides of the property.

Ayes, Halverson, Aldinger, Gebert, Patton, Feldman; Moore: Abstained, Steffen. Motion carried.

### 3. Consideration and possible action on a Conditional Use Permit - 801 Francis St. - Fred's Towing

John Gardner stated the city has not received any complaints. Fred has done what he said he was going to and staff recommends approval with the same conditions and with an expiration date of December 31, 2012.

Karen Aldinger moved, seconded by Jami Gebert, to recommend approval of the the conditional use permit for Fred's Towing at 801 Francis St. with the same conditions and with an expiration date of December 31 2012. Ayes all; Nays none; Motion carried.

### 4. Consideration and possible action on UWSP Parking Lot R - Portage St. at Phillips St. and Lot K - Nelson Hall at Main St.

John Gardner provided slides and site plans/setbacks for each lot. He noted Lot K is currently a gravel lot and will be rebuilt. The plans for Lots K and R show less than 1 footcandle at the property lines. Proposed screening for Lot K includes trees, shrubs, daylilies along Main St., College Ave., and arborvitae along the east property line. Storm drainage will be provided by drains in the middle of the lot. Lot R will have LED lighting and screening to include trees and shrubs along the south property line, trees and understory along the east, west, and north property lines, and trees and landscaping for the 4 interior islands, with all planted areas to be irrigated. Storm drainage will be retained on site using a combination of rain gardens and underground storage with overflow into the storm water drain system. It is the intent of the University to expand the parking and screening to the existing lot in the northeastern corner of Lot R when the lot becomes available.

Carl Rasmussen, UWSP, stated this proposal is similar to what we presented in 2007. We have now hired AECOM and challenged them on the landscaping and storm water. He reviewed the storm water systems, plantings and lighting. The storm water system exceeds storm water standards. The parking in the southern one-half of Lot R will be metered with the northern one-half will be permits.

Kurt Schoen, AECOM, reviewed the two different design standards for storm water management; one for pollution control and the other for peak flow reduction. Both meet or exceed city standards. They are monitored and maintained through the maintenance agreement.

Mary Berg, 2000 Briggs St., noted she adjoins parking lot R and would like to see dense plantings along the south side.

Rick Whipp, 2016 Main St., stated he represents the Old Main Neighborhood Assoc. and thanked the university for allowing them to be included in development of the parking lots. Their concerns are: that the design of Lot R does not presume Reserve St. being two-way, need irrigation on the south side of parking lot R, a 6' high chain link fence for Lot R with ivy planted in the chain link fence, screening and year round maintenance of all plants, snow removal from both lots, and look into a policy for motorcycle and moped parking.

John Mosey, 1932 Briggs St., would like screening on the south line of the Lot R

Jason Gliczynski, owner of 2240 Main St., noted his property abuts Lot K and expressed concern with landscaping disrupting snow removal for his property.

Cindy Nebel, 1100 Phillips St., feels parking lot R will be great but would like to see denser arborvitae plantings along the south side. She would like to see more rounding off for Lot R, similar to Lot K, and more scheduled maintenance on the lots.

Chm. Halverson noted the university is proposing more planning and a much stronger regimented design in terms of plantings, irrigation and the water system. They are looking at more green space, dramatically more plantings, and have designed a parking lot that they are inflicting more financial hardship to do it correctly. They should be commended.

Gardner reminded the Commission that the area between Phillips and the parking lot is to be a rain garden which will be lower than the sidewalk.

John Kneer, Rettler Corp., stated for Lot R, they have chosen a mixture of 4'-6' deciduous evergreen shrubs, ornamental grasses and trees, and overstory trees. Deciduous shrubs that have various fall colors and summer flowering are repeated along the borders. The south property line is irrigated. The 6' green vinyl-coated fence will run the length of the south side of the lot.

Carl Rasmussen noted they would like to hold off on the slats in the chain link fence. A speaker has stated they are inexpensive and easy to install, but they do not hold up over time. He would like to see how the screening does first. Their snow removal policy is to stock pile for a couple of days and then haul it away. The timeline for the project is for bids to go out in March with work to start in May. The bio-filtration set up is made to be a teaching tool so that students understand how these projects need to be maintained.

Jami Gebert asked if the university would entertain ivy in the chain link fence, and would they share a maintenance schedule with the neighborhood association. Did we answer the gentlemen's question regarding Lot K and where he can put his snow.

Carl Rasmussen responded they would entertain the idea of ivy in the fence and they could share the maintenance schedule if there is a problem area. There is an existing 6' fence between Lot K and the adjacent property. The fence will be reduced to 4' high on the property boundary. The fence is 1' within the campus boundary according to the certified survey. Within the next year, moped parking will be looked at.

Fred Steffen moved, seconded by Lois Feldman, to recommend approval of the proposals for Lot R at Portage St. at Phillips St. and Lot K at Nelson Hall on Main St. as proposed with completion (including all landscaping) by the first day of the fall semester of 2009, with the opportunity for neighbors to plant ivy along the chain link fence on the south side of the lot. Ayes all; Nays none; Motion carried.

##### 5. Consideration and possible action on a Conditional Use Permit for a Wireless Communication Tower - 1900 Polk St. - Stevens Point School District

John Gardner reviewed the history and provided slides showing the tower. They have applied for the FAA approval and they do not anticipate any need for lighting on the tower. There would be the potential for at least 3 antenna platforms on the tower with about 10'-15' between the platforms.

Steve Kewer, 2001 River View Ave., expressed concern with the 160' tower in his back yard. He feels it does not meet conditional use standards #1 and #4 which deal with endangering public health and welfare and the exterior architectural appeal being an adverse effect on the neighborhood. He further expressed concern with electromagnetic radiation. He stated Ben Franklin School parents are concerned with health issues.

Chm. Halverson stated these are extremely difficult decisions because we have to balance the need for added utility with the impact on the general public. The tower is setback 250'-300' from Holiday Park II and 800'-900' from the school itself. The tower will be set into a wooded area which will help shield it.

Jim Weimann, U.S. Cellular, stated there would be a 6' chain link fence around the bottom of the tower. With regard to health issues, these towers are very high frequency and low power. There is more emitted radiation from hand held phones than from the tower. They have many towers located on hospitals all over the state.

Tony Patton moved, seconded by Karen Aldinger, to recommend approval of the conditional use request for a wireless communication tower at 1900 Polk St. with the following conditions: 1) the tower is constructed as shown on the attachment, 2) the tower is constructed in a manner that

will support at least three total antenna arrays, 3) no lighting is required on the tower/antenna, 4) the tower receives a positive determination from FAA, and 5) the tower is constructed less than 1253' mean sea level.  
Ayes all; Nays none; Motion carried.

#### 6. Consideration and possible action on Construction of a Wireless Communication Tower - 836 Main St. - SCS Computers

John Gardner provided a slide and showing the proposed height of the tower. It seems to be a reasonable request and fits in with the standards.

Tony Patton questioned if it will interfere with the library.

Jay Schrank, 836 Main St., responded he and the library are broadcasting in unlicensed frequencies so that is a major issue. He has met with the library and we are trying to coordinate. We propose to construct the same type of tower as is already there, just taller.

Reid Rocheleau felt this tower is too high for an historic district. He noted there should be some requirement that the owner would be responsible to take it down because the next owner might not need it.

John Gardner noted the Historic Preservation Commission chairman has approved the request.

Tony Patton moved, seconded by Karen Aldinger, to recommend approval of the conditional use request for a wireless communication tower at 836 Main St. with the condition that the tower is free-standing without guy wires, not be lit, and be an open web construction with provisions to prevent climbing on the tower. Ayes all; Nays none; Motion carried.

#### 7. Consideration and possible action on Amending the Building Code to Allow Open-Sided Buildings to Exceed Accessory Building Maximum of 900 sq. ft.

John Gardner provided slides of the site and reviewed lot sizes in the city. He provided several options the last time this came to the commission: 1) deny and not allow, 2) allow any size open sided structures, and 3) allow an open sided structure up to a maximum square footage. We should consider ease of applicability, enforcement, and equity for all users. These types of buildings could store boats, cars, piles of junk, or piles of wood in them.

Jan Neuwirth noted the lean-to is 170 sq. ft. and holds 8 cords of wood.

Ald. Stroik stated there was a lot of discussion at the council meeting. He suggests keeping it simple by allowing a maximum 250 sq. ft. lean-to that is open on three sides.

Chm. Halverson suggested a starting place of any lot over and above 10,000 sq. ft. would be allowed an additional 250 sq. ft. accessory building on top of the 900 sq. ft. that they are already allowed by ordinance. Any lot smaller than 10,000 sq. ft. would not be allowed any square footage over the 900 sq. ft. that is allowed by ordinance.

Jerry Moore feels 250 sq. ft. is pretty large for any lot.

Chm. Halverson noted we are already allowed 900 sq. ft. (30' x 30') which is a tremendous amount of storage.

Kurt Hoffman, 1640 Ellis St., noted one-third of their backyard looks at the wood pile which is taller than the fence. He commended the Neuwirths on the work they have done on their property. Aesthetically, the shed doesn't fit in with the rest of the landscaping the Neuwirth's have been doing.

Ald. Brooks noted the Neuwirths could be required to take the lean-to down and they could pile up wood (with no limit as to how high you can have a wood pile) and cover it with a blue tarp. The idea of the lean-to is to make it look better. Maybe we should make it real easy - 250 sq. ft. open on three sides on lots that have 20,000 sq. ft.

Jan Neuwirth, 1649 Clark St., stated the one garage is not 900 sq. ft. The garage and the lean-to are probably under 900 sq. ft. (editors note: there is a second garage on the site.) We could put lattice work up so that the Hoffmans would not see the wood.

Ald. Myers noted keep it simple and give these people a conditional use for their lean-to.

Chm. Halverson noted these property owners were not aware of the fact that they were doing it against our ordinance. Are we in the business of granting exceptions because we are concerned about someone that did not know what they were doing. What about other future exceptions.

Jerry Moore noted the lean-to is already there and we shouldn't change it, but he feels kind of bad for them because they have a unique situation with the size of their lot and the two out buildings.

Tony Patton suggested a condition that the lean-to be for wood storage only and you wouldn't have all the other miscellaneous storage under there.

Tony Patton moved, seconded by Fred Steffen, to allow a maximum 170 sq. ft. open-sided accessory building for wood storage only on any size lot and the roof not to exceed 10' in height.

Lois Feldman moved to amend the motion to 8'. Motion fails for lack of a second.

Lois Feldman moved, seconded by Tony Patton to amend the motion to read "firewood" instead of wood.

Chm. Halverson repeated the motion on the floor.

Tony Patton moved, seconded by Fred Steffen, to amend the ordinance to allow a maximum 170 sq. ft. accessory building open on three sides above the 900 sq. ft. accessory building without any lot size requirements, for firewood only, and the roof height not to exceed 10' in height. Ayes, Patton, Steffen and Feldman; Nays, Gebert, Aldinger, Feldman and Chm. Halverson. Motion fails.

Ald. Stroik suggested changing the ordinance to allow a 200 sq. ft. lean-to only on lots over 20,000 sq. ft.

Jerry Moore moved, seconded by Karen Aldinger, to amend the ordinance to allow a maximum 170 sq. ft. open-sided accessory building in addition to the 900 sq. ft. accessory building on lots that are 20,000 sq. ft. or larger.

Ayes, Moore, Aldinger, Steffen, and Gebert. Nays, Feldman, Patton, and Chm. Halverson. Motion carried.

#### 8. Consideration and possible action to Amend the Conditional Use Permit to operate a Tavern at 2124 Rice St.

John Gardner provided slides of the interior setup and noted the owner has set up a temporary tavern. The owner has a signed contract and loan commitment from the bank for construction of the final area with a time schedule in your packet. Staff informed the owner that since he had not complied with the restrictions, he could not operate the tavern. The owner is requesting an amendment to the conditional use to operate the tavern in the temporary area until he completes the project.

Jason Glisczynski, 1920 Adams St., stated there has been a 90-day delay with his financing that delayed this project. He constructed the temporary section with limited access and is located over 45' from the building entrance. We are open Monday-Thursday to accommodate the volleyball leagues. The construction schedule shows a completion date of March 27, 2009.

Chm. Halverson noted the temporary area is only sectioned off with a short wall. How do prevent transfer of beverages out of the area.

Jason Glisczynski responded all volleyball participants are over 21 and we actively monitor. We have 46 teams with 5 players per team. We currently have a 3' high wall but can make the wall any height that you want. We want to do the right thing.

Jerry Moore noted when this came up the first time, there was great discussion on what area this liquor license was allowed in. Why didn't you request this temporary permit before you opened the business. You are operating in violation of the conditional use permit.

Jason Glisczynski responded he had the proper licensing but was operating outside the scope of the conditional use permit. He felt as long as he contained the area, he was okay, but obviously he wasn't. As soon as he learned of the violation, he ceased operation. The bar is open but there is no beer or alcohol for sale. All we have is soda and water.

Chm. Halverson noted he, as well as the police chief, reiterated numerous times the specific premise where the alcohol could be consumed. The other issue is, it was difficult enough for the alderpersons and plan commission to deal with a liquor license within a stones throw of a school and within a residential area. The police have been opposed to this request.

Tiffany Reindl, 424 Walker St., stated she is a volleyball player and noted at our first game, the referee talked with all the players indicating the volleyball rules and where the liquor was allowed. The bartender has full view and usually an owner or partner is on the premise. They have clear signage and have been very responsible.

Patrick Moon, 261 Paradise Ln., plays volleyball several nights per week and agreed that they have all been instructed where liquor is allowed and it is very well marked.

Casey Davis, 1975 Water St., plays volleyball and agreed with how well it is controlled.

Lois Feldman moved, seconded by Karen Aldinger, to recommend approval of amending the conditional use request to operate a tavern at 2124 Rice St. to allow a temporary tavern area until final construction is completed (attached schedule) and include the following conditions: 1) the building must be modified with materials specifically designed to muffle or contain noise/music inside the building, 2) screening in the form of berms shall be installed on the Rice St. and Cleveland Ave. sides of the lot - berms to be at least 5 ft. in height and must be finished with grass or landscaping, 3) entrances shall be arranged in a manner that patrons under the age of 21 will not be admitted to the bar area, 4) live band concerts held on the premises shall be limited to an 11 p.m. ending of the music performance. DJ or band activity shall cease at 10 p.m. on Sunday through Thursday, and 11 p.m. on Friday and Saturday nights. The tavern/lounge shall close at midnight on Sunday through Thursday nights and 2 a.m. on Saturday and Sunday mornings. 5) 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 residential neighborhood, 6) the business must be operated in a manner that patrons must be prevented from congregating outdoors in a manner that would unreasonably disturb the peace and enjoyment of the residential neighborhood, 7) the doors shall be kept closed so that noise does not unreasonably disturb the peace and enjoyment of the residential neighborhood, 8) the exterior of the building, including the tavern expansion, shall be improved as shown on the attached plans, 9) no alcohol or fermented malt beverage may be served or consumed in the volleyball and basketball area, 10) the building plan layout as presented on the attachment is approved and shall not be modified without city approval, and 11) conditional use approval to expire 90 days from the date of approval by the Common Council.

Ayes, Feldman, Aldinger, Patton, Steffen, Gebert, Chm. Halverson; Nays, Moore; Motion carried.

#### 9. Consideration and possible action on Street Name for Whitetail Subdivision

John Gardner suggested the names of Finch or Sparrow to keep the theme with the other streets in the subdivision.

Lois Feldman moved, seconded by Fred Steffen, to recommend the name of "Finch Lane" for the street in Whitetail Subdivision. Ayes all; Nays none; Motion carried.

Meeting adjourned at 9:50 p.m.

Meeting adjourned at approximately 4:25 p.m. The meeting minutes reproduced on this website are derived from the computer files used to produce the official minutes for the City of Stevens Point, but are unofficial. The minutes on this web site cannot be certified under s. 889.08, Wis. Stats., and cannot be considered prima facie evidence under s. 889.04, Wis. Stats. Certain tables, maps, and other documents that are a part of the official minutes are not included in the files reproduced on this website. Please consult the printed minutes, available in the City Clerk's Office, for the official text. The decisions made by City of Stevens Point boards, committees, and commissions (other than the Police & Fire Commission) are advisory only and are not binding on the city until affirmed at a meeting of the Common Council. Some of the minutes on this web site might not be approved by the Common Council as of today.