

Meeting Minutes  
City Plan Commission  
Monday, May 7, 2007

PRESENT: Chairman Mayor Halverson; Ald. Jerry Moore; Ann Shannon; Jeff Zabel; Karen Aldinger; Fred Steffen (Excused, Lois Feldman)  
ALSO PRESENT: Comm. Dev. Dir. John Gardner; City Attorney Louis J. Molepske; Ald. Myers, Hanson, Stroik & Barber; Jim Weinmann; Cathy Dugan; Mary Ann Laszewski; Robin Engum; Mildred Neville; Jackson Case; Scott Gile; Mike Yokers; Betsy Altenburg; Kathleen Hermann; Gene Kemmeter, Po. Co. Gazette

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1. Approval of the April 2, 2007 Plan Commission Minutes

Jerry Moore moved, seconded by Ann Shannon, to recommend approval of the April 2, 2007 minutes. Ayes all; Nays none; Motion carried.

2. Conditional Use - Holiday Inn Expansion at 1001 Amber Ave.

John Gardner stated the request is for a 24-room expansion of the existing motel. The site plan provides space for 84 rooms. Finish materials will be the same as the main building. The expansion was shown on the original site plan. Staff recommends approval of the 84-room expansion with the condition that the building meet Department of Commerce Building Codes and City of Stevens Point Zoning Codes.

Fred Steffen moved, seconded by Karen Aldinger, to recommend approval of the conditional use request for expansion as shown on the attached site plan at 1001 Amber Avenue based on a positive finding on all conditional use standards.  
Ayes all; Nays none; Motion carried.

3. Conditional Use to Reconstruct Open Porch at 1748 Dixon St.

Robin Engum, contractor representing the property owner, stated the owner contacted him to give an estimate on replacing the porch and steps. The proposal is to eliminate the planter and replace the 3' wide stoop with a 6' wide front porch for additional space and safety.

John Gardner reviewed the site plan and setbacks and noted the porch will be enclosed with a railing and will match the other porch that is there. The Traditional Neighborhood Development District was created to allow for improvements in older parts of town where the building doesn't meet the setbacks under standard zoning. He recommends approval with the conditions stated in his staff report.

Fred Steffen moved, seconded by Ann Shannon, to recommend approval of the conditional use request to reconstruct an open porch at 1748 Dixon St. based on a positive finding on all conditional use standards with the conditions that 1) the treated lumber used to construct the porch is stained or painted (not left as raw treated wood) and 2) the underside of the porch be screened with lattice or some other material that screens the underside of the deck.  
Ayes all; Nays none; Motion carried.

4. Amend Fence Height Regulation - Sec. 23.01(10)(b)3. And Sec. 30.09

Elizabeth Altenburg, 1701 Clark St., stated back in September they hired someone to take down all the damaged fence sections along Division St. and he was starting to put up new sections when someone told him he couldn't do that because it was illegal. So we left it and have been waiting to see what would happen.

John Gardner stated the ordinance does not allow a solid fence taller than 3' within 10' of the street. He presented slides of the Altenburg fence on the corner of Division/Clark and other fences around town. He noted Ms. Altenburg wants to put the fence back up to cut down the noise and have some privacy like interior backyards have. The ordinance allows a fence 6' tall but 10' off the sidewalk. Do you want solid fences with zero setback on any lots, just on corner lots, or only corner lots on the busier streets. .

Kathy Dugan, 615 Sommers St., agreed with option #4 - only corner lots or through lots to have 6' high fence with a 5' setback. The 5' setback allows for pedestrians and bicyclists on sidewalks. Many existing fences are done illegally. Is there anything we can do about these? Maybe building permits would help that situation.

Ald. Hansen suggested maybe a variance or a 2' setback. This specific intersection not only has a lot of automobile traffic, but also pedestrian traffic. You have no privacy. The 10' (vision) triangle at the driveway is important to protect pedestrians.

Jeff Zabel noted he understands the request on Division Street. The 10' street setback takes a lot out of a yard on smaller lots. Rather than a variance for one property, maybe we could identify other streets with similar intersections.

John Gardner responded some of the busiest streets in town are Division, Main, Clark, Church south of the railroad tracks, and Michigan south of Clark St. and provided traffic counts for those and various other streets in the city.

Fred Steffen noted at some point in the future other streets such as Green Ave. will become busy and how do we get the criteria to change those. Fred Steffen preferred #3 but for any corner?

Karen Aldinger felt we should choose the streets noted by John, and include Stanley St., and include corner lots.

Fred Steffen moved, seconded by Jeff Zabel, to recommend approval of option #3 to allow only corner lots at the intersections of Main, Clark, Division, Church, Michigan, and Stanley Streets to have 6' high fences with no setback along the portion of the rear yard adjoining the streets.

Gardner questioned how this would help an owner on a side street such as Ellis St. protect their backyard from Division St.?

Karen Aldinger offered an amendment to the motion to require at least a 2' setback on lots at the intersections of Main, Clark, Division, Church, Michigan and Stanley. (Fred Steffen and Jeff Zabel agreed to include the amendment in their motion)

Final motion with amendment:

Fred Steffen moved, seconded by Jeff Zabel, to recommend approval of option #3 to allow only corner lots at the intersections of Main, Clark, Division, Church, Michigan, and Stanley to have a 6' high fence with at least a 2' setback along the portion of the rear yard adjoining the street. Ayes all; Nays none; Motion carried.

John Gardner noted other changes to consider: whether a fence should be 3' or 4' at the sidewalk and should it apply to all fences or just those that are 50% or more solid? Should a 10' high fence be allowed in the back yard? Should we require permits?

Jerry Moore felt 4' is appropriate as long as it stays 50% open.

Jeff Zabel noted a 6' fence is allowed at the sidewalk if it is 50% open.

Fred Steffen noted he does not want to see 6' high solid fences in front yards. He also does not want to see 10' high fences in rear yards, however, if you have an above ground pool that is 4' above grade and you have a 6' fence on it, you have 10'.

Louis Molepske stated there are 10' fences in certain areas but they are expensive. He doesn't feel 10' fences are a problem. The 10' high fences were allowed years ago where residential properties abutted industrial or commercial properties.

Jerry Moore noted the ordinance states fences can be as high as they want as long as they are 50% open so that would take care of the swimming pool issue.

Chm. Halverson stated the things you need to consider are is this a salient issue to address and if it is, how you address it will become part of this motion.

John Gardner responded typically we have said no to barbed wire fences, especially in residential areas. The ordinance does not say anything about it so now is the time to prevent harm. He showed some slides of existing fences made of different materials. He reviewed the language suggested in the staff report with an appeal process to the council. We also need to talk about moving this from the Zoning Code to the Building Code. The reasons for this is you don't have to publish it, and the standards for a variance from the building code are not as strict as a variance from the zoning code. The Building Code is not quite as literal interpretation. If the Commission decides to require a building permit for fence construction, there is a \$20.00 minimum building permit charge.

Jerry Moore noted some industrial places have barbed wire along the top of their fences for security. He does not agree with removing barbed wire fences because they can be used as a tool to keep deer out of your yard. Barbed wire can also be used for ranches with horses. We just gave approval for horses on HH.

Chm. Halverson noted as you define this, and include a building permit, use it as a stipulation and give staff the possibility of looking at material, making a determination, and bringing it back to you if it is something very off the wall. The building permit needs to be included in the motion because it will be extremely important.

Jeff Zabel moved, seconded by Ann Shannon, to recommend 1) a fence in the front yard shall be 50% open; 2) a maximum solid fence height of 7' in the rear yard; 3) no barbed wire fences; 4) permits be required; 5) the fence ordinance should be moved to the Building Code; 6) fence materials - "Walls and fences must be sound and well maintained. Broken materials, peeling paint, rotted wood are not permitted. Use of scrap or salvaged materials or materials that are not uniform or homogeneous are not allowed. The applicant may appeal to the council if there is a disagreement about the quality of the fence"; 7) a 10' solid fence is allowed if a residential property abuts a commercial or industrial property; 8) existing fences be grandfathered.

Ald. Barber suggested including something in the motion about grandfathering existing fences.

Fred Steffen offered an amendment to the motion to include that a 10' solid fence is allowed if a residential property abuts a commercial or industrial property and that existing fences be grandfathered. (Jeff Zabel and Ann Shannon agreed to include the amendment)

Final motion with amendments:

Jeff Zabel moved, seconded by Ann Shannon, to recommend 1) a fence in the front yard shall be 50% open; 2) a maximum solid fence height of 7' in the rear yard; 3) no barbed wire fences; 4) permits be required; 5) the fence ordinance should be moved to the Building Code; 6) fence materials - "Walls and fences must be sound and well maintained. Broken materials, peeling paint, rotted wood are not permitted. Use of scrap or salvaged materials or materials that are not uniform or homogeneous are not allowed. The applicant may appeal to the council if there is a disagreement about the quality of the fence"; 7) a 10' solid fence is allowed if a residential property abuts a commercial or industrial property; 8) existing fences be grandfathered.

Ayes, Zabel, Shannon, Aldinger, and Steffen; Nays, Moore; Motion carried.

5. Conditional Use - Cell Tower Request - 5348 Highway 10 East; Amend setback requirement in "B-5" Highway Commercial Zoning District

Jim Weinmann, representing U. S. Cellular, distributed drawings and stated the proposal is to locate a 130' monopole tower with flush mounted antennas. If the commission considers the proposed tower with flush mounted antennas and reduced tower profile a stealth application, it would be within the ability of the Plan Commission to approve the project. If the commission does not consider it a stealth application, an alternative could be an ordinance change that would allow a 2:1 (height:setback) setback in the "B-5" zone.

In response to questions, Weinmann responded as follows:

- the proposed tower is considered a non-standard, slim-line monopole. The proposed diameter is 32" at the base (36-38" at the base is standard pole) and 14" at the top (18-20" at the top is standard pole). The antennas range from 4' to 7' long, 6" wide, 2"-3" deep. This tower is designed to have U.S. Cellular at the top and two other antenna mounted further down the pole.

- needs to check the FAA regulations regarding a light on the top, but if a light is required, the most it would be is a slow flashing red strobe.

Ann Shannon noted previously she was interested in the flag poles and trying to disguise the towers. As technology is moving along and there will

be more and more of them, she is not sure we want flag poles all over. She feels this pole looks stealth.

John Gardner provided slides of various towers and read the ordinance definition of "stealth". He did not feel this tower met the current definition of stealth. He reviewed the height restrictions in other communities and noted we are rather liberal in comparison. The options today are: Is it stealth? If it is stealth, then the proposed 2:1 ratio would meet the ordinance. If it is not stealth, and you want to allow this tower location, you may want to change the ordinance to allow a tower like this in this District and others like it.

Jeff Zabel noted we could make a case that this is stealth because it does obscure the antennas somewhat.

Jim Weinmann felt the slim line pole and flush mounted antenna meet the definition of stealth. You won't know your looking at a tower until your right on top of it,

Ald. Stroik noted every commission and council could have a different opinion on whether this is stealth or not. We should just proceed as if it is not stealth and make the changes necessary.

Chm. Halverson noted more than likely at this height, it is going to need a light of some sort. Therefore, he would imagine it is not going to be stealth.

Ann Shannon moved, seconded by Jerry Moore, to recommend changing the tower setback restriction in "B-5" zoning from the height of the tower to a 2:1 (height:horizontal setback) setback ratio. Ayes all; Nays none; Motion carried.

Fred Steffen moved, seconded by Karen Aldinger, to recommend approval of the conditional use request for this monopole cell tower with flush mounted antennas with a setback ratio of 2:1 (height:setback) at 5348 Highway 10 East on the basis of a positive finding on all conditional use standards.

Ayes all; Nays none; Motion carried.

#### 6. Conditional Use to Construct an 8-Unit Apartment Bldg. - 3700 Doolittle Dr.

Jackson Case, architect, appeared representing the owner.

John Gardner reviewed the surrounding uses and noted the proposed project includes 6, 5-bedroom units and 2, 6-bedroom units, for a total of 8 units with 42 occupants. The plan meets the ordinance. They will add landscaping because most of the trees will be removed. Staff recommends approval if they complete the plan as required by the ordinance, 8 trees and 22 foundation plantings be provided, the parking areas be screened as required by the ordinance, the dumpster must be contained in an opaque fence with the opening facing east only, two handicap parking spaces be identified, the lawn in front of the building not be depressed any lower than 2.5 feet below existing grade to accommodate on-site drainage.

Jackson Case noted they would like to change the plan by omitting the sidewalk around the building. There would still sidewalks to each unit and a concrete slab for grills and bicycles. They don't feel the sidewalk is beneficial to the project.

Jeff Zabel moved, seconded by Ann Shannon, to recommend approval of the conditional use request to construct an 8-unit, 42 occupant apartment building at 3700 Doolittle Drive as shown on the attached drawings on the basis of a positive finding on all conditional use standards with further conditions that the building be built as shown, 8 trees and 22 foundation plantings be provided, parking areas be screened as required by ordinance, the dumpster be contained in an opaque fence with the opening facing east only, two handicap spaces be provided, and the lawn in front of the building not be depressed any lower than 2.5 ft. below existing grade to accommodate on-site drainage.

Mildred Neville, 1409 Franklin St., questioned why you would go forward on this without having the screening specified. Why isn't this definite before you approve it?

Jackson Case responded we have not done a complete design on this project because we wanted to make sure the use is approved before the owners spend money on finish design process. We were much further along with it on a first submission and had to make some changes. We understand what needs to be done and all the details will be finalized with the approval of the city before we can start any work on the project.

Mildred Neville stated the commission is approving something that is in an interim state.

A previous project by this same owner was not completed. You are approving things and then you turn it loose. She referred to the case of Weber vs. The Town of Saukville - 1997 - Case # 942336 which required a conditional use application to be complete prior to action.

Jeff Zabel noted his motion includes all of the conditions recommended by staff.

Mary Ann Laszewski, 1209 Wisconsin St., suggested a temporary permit or application and keep records of the discussion and not give a final permit until we have a final application. When all plans are final, then the Plan Commission would review it and it would be published in the newspaper. Then no further changes would be allowed unless by the council.

Cathy Dugan, 615 Sommers St., questioned whether it is possible to incorporate some swails. She expressed concern with loss of trees, traffic, noise, and excessive occupancy.

Jackson Case responded swails are a good idea. The more swails you can incorporate to get the water to the holding area the less holding area you need.

Ald. Stroik expressed concern with the density of 6 people per unit.

Mary Ann Laszewski felt this will be off-campus, unsupervised, dormitory-type living. Approving 6-bedroom units will set a precedent. Mr. May owns vacant property directly across the street on Doolittle. She suggested denying the request or only approving 3-bedroom apartments which would give some semblance of normal residential living.

Jackson Case noted we, as a community, need to look at density and how we want to design density into our city. If we require less-dense areas, we force people to go further from our city center. This site is walkable and bicyclable to the university. He doesn't feel the density on this site is a negative thing.

John Gardner noted there are quite a number of units built elsewhere in the city with 5-6 bedrooms so this would not be precedent-setting.

Vote on motion: Ayes all; Nays none; Motion carried.

#### 7. Amendment to Zoning Ordinance Text Relating to Setbacks, Conditional Use Standards, Submittal Requirement, Allowed Uses

John Gardner provided slides and reviewed the proposed technical amendments to setback provisions and Conditional Use Standards.

Fred Steffen moved, seconded by Karen Aldinger, to recommend approval of the proposed changes to the setback provisions (pages 3 and 4 of the staff memo - structures allowed in a setback) and include approval of other structures in a setback on a case by case basis.

Mildred Neville felt many of the things listed people have been having in their yards for years and nobody worried about it. When you are talking about allowing accessory buildings and parking in setbacks, she wonders if the city is going to have any yards anymore. These are significant changes and need to be considered very seriously.

John Gardner responded the zoning ordinance allows parking and accessory structures now in the setbacks. These proposed changes are for clarity to the ordinance. If the Plan Commission wishes to make changes, they can discuss structures in the setback under a different agenda item.

Mary Ann Laszewski recommended that sidewalks be pulled because a setback is designed to provide space between two properties without people walking there.

Vote on original motion: Ayes all; Nays none; Motion carried.

John Gardner noted staff is suggesting that we 1) allow the Commission and the Council to consider something that is not a complete application, and 2) allow amendments to be made up to the time of the public hearing.

Fred Steffen moved, seconded by Ann Shannon, to recommend approval of the proposed language "the application may be supplemented or amended at any time prior to or at the public hearing. The Common Council may amend the conditional use request at any time during the proceeding."

Mildred Neville stated that this would allow changes to be made even at the public hearing. The Plan Commission will not have had time to look at it and approve it and no one else who is interested will have time to review it if a change comes in at the public hearing. She read from a case report from the Court of Appeals of the Wisconsin Supreme Court - Weber vs. the Town of Saukville, 1997, (Case #942336) which speaks to this directly. She cannot imagine why we would want to have something that would allow changes at the hearing to a proposal that will impact this community.

John Gardner responded he and the City Attorney discussed the Weber case. The case states "unless the Zoning Ordinance allows to the contrary". He agrees that the commission and the public should have adequate information prior to consideration, and that adequacy and completeness of applications is something that should be taken seriously. If the Commission feels there is insufficient information in any application, then table the request or deny it. The reason for the amendment is to allow flexibility to the applicant, the Commission, or the Council to make changes during the review process and not allow a challenge after the decision if changes were made. We are trying to be accommodating to the public and the applicant at the same time.

Karen Aldinger noted she interpreted it as when more definition is needed, the developer would design it and the Common Council would decide.

Vote on original motion: Ayes all; Nays none; Motion carried.

John Gardner reviewed the proposed amendments to language for Conditional Use Permits. As an example, if someone wanted to put a conditional use next to his house, in order for this commission to deny the request under current language, the Commission would have to prove that the request would "diminishes his property value". The proposed change does not require the Commission to prove the request diminishes his property value, they only have to find the request is not consistent with the design of his house. He proposes to eliminate the "diminish property value" from (standard 2), "that the use will not be injurious to uses already permitted" and (standard 4)"so at variance as to result in a substantial or undue adverse effect on the neighborhood".

Fred Steffen moved, seconded by Ann Shannon, to recommend approval of eliminating the "diminish property values" from Standard #2, "that the use will not be injurious to uses already permitted" and eliminate "diminish property values" from Standard #4 and replace with "so at variance as to result in a substantial or undue adverse effect on the neighborhood"; Standards #10 and #14 are limited to exclusive residential applications only; add the following to Standard #10 - e. Building facades facing the street shall include detailing using different ridge lines, gables, roof construction, and other architectural techniques to make the facade compatible with the neighboring structures, if any, and to make the project have intrinsic architectural interest and value. Plain facades are not normally acceptable, and f. a minimum of 25% of the facade shall be covered with masonry or decorative block. Exterior insulation and finish systems (EIFS) may be considered to satisfy this requirement if part of an overall architectural design scheme.

Ayes all; Nays none; Motion carried.

#### 8. Future On-site Plan Commission Visits

Chm. Halverson stated I would ask you to strongly consider this request. We want to make it official that we have on-site visits to properties when we are making decisions about them. There will be things that come that we don't need to visit. We would like to create an open meeting environment where the entire commission is at a site. There will definitely be properties where this commission should see the unique property characteristics. He anticipates 10-15 minutes per site. Transportation will be provided by the City Transit Dept. in the form of a van. To be able to debate and converse on-site is a very good thing. We need to decide when we will do these visits. He suggested considering this and let John know what works for you.

We also need to talk about the time of this meeting. Several alderpersons are concerned about this being a 4:00 meeting. They work and have a difficult time attending. He noted 6:00 p.m. seems to work best for the alderpersons that were most concerned. We will try to schedule our meeting for 6:00 p.m. next month if he doesn't hear major objections.

Meeting adjourned at 6:45 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.

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