

Meeting Minutes

City Plan Commission

Monday, October 1, 2007

PRESENT: Chairman Mayor Halverson; Ald. Jerry Moore; Karen Aldinger; Lois Feldman; Fred Steffen; Ann Shannon

ALSO PRESENT: Comm. Dev. Dir. John Gardner; Ald. Hanson, Wiza, Heart, Slowinski, Trzebiatowski, Stroik; Gary Hawley; John Dolan; Karen Dunham; Ron MacDonald; Dan Menzel; Mildred Neville; Jeff Harte; Robert Bernas; Derek Prust; Sarah Whitman; Cathy Dugan; Gene Kemmeter, Po. Co. Gazette

Index of these Minutes:

- 1) Approval of the minutes of the August 6 and September 4, 2007 Plan Commission minutes.
- 2) Variance from lot frontage - 3325 Della Street.
- 3) Conditional use to construct new club house - Isaac Walton League - 5297 Highway 66.
- 4) Rezone - 600, 612, and 624 Second Street North from "B-4" commercial to "R-2" single family.
- 5) Sign ordinance amendment - creating maximum size for political sign in residential zones.
- 6) Amend zoning code - board of appeals majority vote.
- 7) Define complete application for conditional use.
- 8) Fence construction standards.

1) APPROVAL OF THE MINUTES OF THE AUGUST 6 AND SEPTEMBER 4, 2007 PLAN COMMISSION MEETINGS

Jerry Moore moved, seconded by Fred Steffen, to approve the minutes of the August 6, 2007 and September 4, 2007 meetings. Ayes all; Nays none; Motion carried.

2) VARIANCE FROM LOT FRONTAGE - 3325 DELLA STREET

John Gardner stated the owners want to create a lot, Lot #1, which would have proper frontage but the remaining lot would not. There is plenty of land on the remaining lot and staff recommends approval.

Karen Aldinger moved, seconded by Fred Steffen to recommend approval of the lot split and variance from lot frontage at 3325 Della Street with the requirement that no filling of wetlands is allowed. Ayes all; Nays none; Motion carried.

3) CONDITIONAL USE TO CONSTRUCT NEW CLUB HOUSE - ISAAC WALTON LEAGUE - 5297 HIGHWAY 66

John Dolan, representing the Isaac Walton League, stated they plan to replace their existing 100- year old club house with a new 40' x 80' club house which will be used for club functions and education. Construction will be done by local contractors and members. They also plan a new septic system which will allow for indoor plumbing which they have not had. They have had discussions about the existing building and some would like to save it. It is in very bad condition and if it is to remain, they will have to strip the electrical out of it. The new building is designed as a conservation/education center and would only be opened up to the public if it would be for a conservation/education group.

Karen Aldinger moved, seconded by Jerry Moore, to recommend approval of the conditional use request to construct a new club house at 5297 Highway 66 and include Conditional Use Standards 1, 2, 3, 5, & 7, contingent on approval of the septic system. Ayes all; Nays none; (Fred Steffen abstained) Motion carried.

4) REZONE - 600, 612, and 624 SECOND STREET NORTH FROM "B-4" COMMERCIAL TO "R-2" SINGLE FAMILY

John Gardner reviewed the surrounding zonings and stated the three properties are existing single family homes currently zoned commercial. One of the owners tried to get financing and was unable to do so because it was a nonconforming use. Single family zoning would be consistent with the current use, neighboring properties, and the comprehensive plan and staff recommends approval.

Fred Steffen moved, seconded by Lois Feldman, to recommend approval of the request to rezone 600, 612, and 624 Second Street North from "B-4" Commercial Zoning to "R-2" Single Family Zoning. Ayes all; Nays none; Motion carried.

5) SIGN ORDINANCE AMENDMENT - CREATING MAXIMUM SIZE FOR POLITICAL SIGN IN RESIDENTIAL ZONES

Chm. Halverson noted the proposed amendment would limit the overall square footage of any political yard sign in any residential zoning district to 16 sq. ft. This was a request by several alderpersons as well as conversations with citizens to eliminate the 8'x4' signs from residential neighborhoods.

Betty Barnes, 5292 Forest Circle South, questioned why only political signs?

John Gardner noted the size of signs are regulated in all zoning districts. In residential districts, the size of signs are regulated to two square feet. Political signs have not been regulated. The proposal is to regulate something that is not currently regulated. There are no signs in residential areas that are larger than 16 sq. ft. other than political signs.

Gary Hawley, 2415 Christian St., asked about the democratic party picnic sign (banner), is that political and could it be put on a lawn? If the senators make signs for the whole state that are larger than 16 sq. ft., would they be allowed?

Chm. Halverson responded banners that are hung over the streets would still be allowed but they could not be put on the lawn. If signs exceed 16 sq. ft., they would not be allowed in residential areas.

Ron MacDonald, 1909 Main St., noted signs are a blight on the community and why not do away with all signs in residential areas and make it fair for everyone.

Chm. Halverson responded that would be challenged under the freedom of speech clause of the U.S. Constitution.

Ald. Stroik felt a 2'x3' sign in a residential neighborhood is all you really need for name recognition. The size of the sign doesn't make the candidate any better than the next person.

Ald. Trzebiatowski noted the proposed change allows for a 4'x4' sign and he would like to see it even smaller. He would like to see restrictions of one large sign per yard.

Dan Menzel, 901 Union St., agreed with the alderperson and felt 4'x4' is too large. What is to keep people from having more than one 4'x4' sign and strategically placing it so it looks like a 4'x8' sign. If a 4'x4' sign is chosen, limits should be put on dimension and height.

Karen Dunham felt this is just putting another law on the books. She encouraged the commission to give this a lot of thought.

Ald. Stroik responded he heard people making comments about the 4'x8' signs during the Portage County executive race. He heard more during the mayoral race.

Ald. Trzebiatowski noted he had recommended a 32"x48" sign which would allow for three signs from a 4'x8' plywood sheet.

Karen Aldinger noted she wasn't aware of problems and asked if other communities are grappling with this as well.

Ald. Wiza noted he and his opponent were very careful about being sure their signs were set back farther in the yard so they didn't obstruct the view. He would be interested to know if there were complaints to the police department.

Ron MacDonald noted signs are a distraction to driving and he suggests banning any signs. We could be spending our time talking about more important things.

Lois Feldman moved, seconded by Fred Steffen, to recommend approval of the language proposed but to add to #2 - limit of one sign not to exceed 16 sq. ft./candidate/lot.

Ann Shannon asked about double-sided signs.

Chm. Halverson responded double-sided signs would be considered one sign.

Ald. Stroik noted if we were looking at 2'x3' or 3'x4' signs, it wouldn't be a problem putting two smaller signs on one corner lot not to exceed 16 sq. ft.

Jerry Moore felt there are too many variables that we have not thought of. We need to postpone this for more information.

Ayes, none; Nays, all; Motion fails.

Lois Feldman moved, seconded by Fred Steffen, to postpone this item until the November Plan Commission meeting to allow staff to do more research on the concerns expressed. Ayes all; Nays none; Motion carried.

6) AMEND ZONING CODE - BOARD OF APPEALS MAJORITY VOTE

John Gardner noted the State law has changed the voting requirements for the Zoning Board of Appeals from four of five members, to a simple majority of all members present. He has no problem amending the ordinance.

Mildred Neville expressed concern with a variance request and the possibility of only three members being present. A simple majority would be only two persons.

John Gardner responded it would be similar to an eleven member council with only six of the eleven present. Four of the six would be a simple majority.

Karen Aldinger noted she is on the Board of Appeals and they have had only one meeting in several years. If there is an appeal, there would probably be a lot of the board present because they don't meet very often.

Ald. Heart questioned why would we need to change it?

John Gardner responded he is not arguing for or against. It is simply something that the State has changed and he felt it was his responsibility to bring it to your attention. Our Zoning Board of Appeals probably only has one request per year.

Ald. Stroik noted if we had a regular monthly Board of Appeals meeting scheduled like our other meetings and there was a controversial issue and we wanted to get away with something, we could schedule the meeting in such a way that certain people on the board would not be available. There could be a misuse of appeal power which would be unfortunate.

Ald. Heart noted more minds together are better and she is in favor of keeping the super majority.

Ann Shannon moved, seconded by Jerry Moore, to keep the super majority voting requirement for the Zoning Board of Appeals. Ayes all; Nays none; Motion carried.

7) DEFINE COMPLETE APPLICATION FOR CONDITIONAL USE

John Gardner reviewed the language drafted by the city attorney which was reflective of what was stated at the council meeting. One argument to the language is no change between Plan Commission and Common Council so that everyone knows what is happening. The other side is, as an example, if the people at Isaac Walton decided to enlarge the deck, they couldn't do that without coming back to Plan Commission. They would have to wait another month. The question is does it have to be perfect and not change at all, or can minor non-substantial changes be allowed. He and the city attorney debated the definition of substantial. The bottom line is we trust the council to decide what is substantial and what isn't. If there is any question if it is substantial, the council will send it back.

Lois Feldman noted quite often the commission has allowed the two week period before the council meeting to refine something. She would trust the council to make the determination.

Fred Steffen moved, seconded by Lois Feldman, to recommend approval of the language prepared by the city attorney defining a complete application for a conditional use as follows: 1. The application may be supplemented or amended at any time prior to or at the public hearing

provided the proposed amendment does not substantially expand or change the proposed use or scale of the project on the application. 2. The Common Council may amend the conditional use request at any time during the proceeding without referring the project to a secondary public hearing unless the amendment(s) would substantially expand or change the proposed use or scale of the project.

Mildred Neville, 1409 Franklin St., noted the city has operated a long time with the ordinance as it is and now this has come up. She feels the city should continue operating the way it is. The mayor indicated at the July meeting that "we should be as flexible as possible with developers before and during the Plan Commission meeting. Once the Plan Commission approves a plan, it should be considered complete." and she feels that language is critical. The Plan Commission is delegated to review plans and they should have a complete plan to review. The plan goes to the Common Council with Plan Commission recommendation and it would be a real mistake to have changes at the council meeting. It seems we are taking a step backward by the proposed change. Substantial is open to interpretation

John Gardner responded to leave the language the way it is, is significant action which means no amendments are allowed.

Ald. Trzebiatowski felt if a developer is coming with a project there may be changes that need to be made and should be made at the Plan Commission meeting.

Chm. Halverson noted we need to be as flexible as we can, but we also have to be responsible to the people coming before us and know exactly what they are testifying about. Once a plan leaves this organization, people should have done their homework and been able to testify that this is what the plan is. Is that too restrictive? What is substantial and what is not.

Jerry Moore noted we have seen applications come through here and we have said yes go ahead but you need to make these changes, only to find out at the council meeting there might be something that they are unable to do because of some DNR law or something where it is different than what was approved by the Plan Commission. It is still an acceptable project which needs council approval or be delayed 30 days. That is what we are trying to avoid.

Ald. Hanson noted his concern is the plan that was approved by Plan Commission may not necessarily be the same as the one at the council meeting.

Ald. Wiza noted he had been in favor of changing this. His understanding of substantial may not be the same as someone else's. His problem has been getting these plans without enough time to go and talk with the people before the meeting.

Ald. Stroik stated we, as alderpersons, are the elected representatives that have to make the final decision. He feels it is his obligation to be prepared for any changes. We need to be flexible enough so that we can adapt to any changes if necessary. If he is not comfortable with something and feels a change is substantial, he will vote to send it back to the Plan Commission.

Mildred Neville noted there are standards to be met for conditional use request. There will be middle ground changes. If developers see that they don't have to have complete plans but can make changes at the council meeting, there will be more changes coming to the council.

John Gardner noted this is one of the few communities that treats multiple family as a conditional use. In most cases, you get a permit if you are zoned multiple family and you meet the standards. This community is harder on developers than any other community when it comes to multiple family. If we don't allow minor changes, you can add on a month and they could miss the construction season. In some cases, the first time a developer has heard neighborhood reaction is when they come to Plan Commission. Many times the developer had not thought of the input received from the neighbors and want to make the change. We currently are not allowing the developers to respond to public input provided at Plan Commission.

Ald. Wiza felt in order to keep the alderpersons and public (listed on sign up sheet at Plan Commission) informed of changes made between the Plan Commission meeting and the Common Council meeting, they could be notified of any upcoming changes. We could tack on an amendment fee to the developer for mailing the amendments.

Ald. Heart noted she is leaning toward no amendments between Plan Commission and Common Council. She agreed with a charge for the mailing to neighbors.

Ald. Trzebiatowski felt a lot of the issue boils down to the time it takes to get the information. Possibly the alderpersons could receive changes made at the Plan Commission meeting by the night of committee meetings to allow them time for review.

Mildred Neville reviewed the language proposed in the second paragraph regarding a second public hearing. She doesn't see the necessity of the second sentence at all.

Chm. Halverson responded the sentence is saying that when it goes to the Common Council for a public hearing, it is done. It would not have to be subjected to a second hearing.

Ald. Trzebiatowski noted if we felt it was a substantial difference or that a second public hearing was needed, we would be able to send it back to the Plan Commission.

Ayes all; Nays none; Motion carried.

8) FENCE CONSTRUCTION STANDARDS

John Gardner reviewed slides showing fence heights and setbacks. He has been asked to bring some of the fence issues back to Plan Commission for clarification. Issues include allowing rear yard fences on all corner lot and the height of rear yard fences.

Ald. Wiza noted he is in favor of changing the ordinance to all corner lots which would allow the owners of these properties to have some kind of privacy in their back yard. Put yourself in the position of someone that truly does not have privacy.

Cathy Dugan distributed pictures of fences on corner lots around town which are in violation. We need some restrictions and not allow real tall fences in the rear yards right along the sidewalk. We have to think about the neighbors and the community.

John Gardner reviewed the eight items in the May motion and noted the limit of 10' high in the rear yard. The first floor of some houses in the older

parts of town are 4'-5' off the ground and they can look over the top of a 6' fence very easily. There have been requests to keep the 10' fence height in all rear yards, no barb wire fences, no permits required for fences.

Lois Feldman suggested #8 should have language that an exception be made if the fence does not match #6.

Ald. Trzebiatowski noted corner lots on alleys would have to maintain the vision triangle.

Fred Steffen moved, seconded by Jerry Moore, to recommend as follows: 1) a fence in the front yard shall be 50% open, 2) a maximum fence height of 10' in the rear yard - on corner lots only a maximum 6 ft high fences be permitted with at least a 2' setback along the portion of the rear yard adjoining the street, 3) no barbed wire fences, 4) no permits be required, 5) fence ordinance 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 homogenous are not allowed. The applicant may appeal to the council if there is a disagreement about the quality of the fence, 7) existing fences be grandfathered with the exception of materials or condition.

Ann Shannon expressed concern with the possibility of an entire block of fences.

John Gardner responded there will be times that could happen and the worst would probably be a few blocks along Division Street where the block is only 2 lots wide.

Ayes all; Nays none; Motion carried.

Meeting adjourned at 8:15 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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