

Meeting Minutes

City Plan Commission

Monday, January 2, 2006 PRESENT: Chairman Mayor Wescott; Lois Feldman; Ann Shannon; Ald. Jerry Moore; (Excused, Karen Aldinger and Jeff Zabel) (Absent, Fred Steffen)

ALSO PRESENT: Comm. Dev. Dir. John Gardner; Ald. Sevenich, Barr, Trzebiatowski, Molski, Stroik; Dan Toftum; Larry/Gerry/Jenny Stuczynski; Don Gunderson; Al Pascutti; Lance & Tammy Stampfli; Dale Tetzloff; Kyle Alexander; Patti Bella; Gladie Lila; Diana Orlikowski; John Ford; Bill Bayba; Jim Mendyke; Gene Kemmeter

Index of these Minutes:

1. Approval of the Minutes of the December 5, 2005 Plan Commission Meeting
  2. Harmony Village North - Dubai Ave. at Reserve St. Rezone to Planned Development District #3; Site Plan Review; Include 20 Acres Corner Dubai & Reserve in Sewer Service District
  3. Second Addition to Heffron Woods Subdivision Preliminary Plat Review; Rezone East Side of Plat to Two Family (4.8 Acres); Boundary Adjustment (Annexation); Authorize City to Include City-owned Land in Subdivision; Authorize Sale of City-owned Land; Approve Extension of Utilities
  4. Sewer Service Amendment - Section 1, T23N, R8E Bounded by Canadian National RR, Brilowski Rd, CTH. HH, and West Line of Town of Stockton
  5. Conditional Use Request to Construct Rest Home & Home for the Aged on Amber Ave.. Between Woodland St. and Sandpiper Dr. Including 5625 Sandpiper Dr.
  6. Amend B-2 CBD Transition District to Include Halfway Houses and Correctional Facilities as a Conditional Use
1. APPROVAL OF THE MINUTES OF THE DECEMBER 5, 2005 PLAN COMMISSION MEETING

Ann Shannon moved, seconded by Lois Feldman, to recommend approval of the minutes of the December 5, 2005 meeting. Ayes all; Nays none; Motion carried.

2. HARMONY VILLAGE NORTH - DUBAY AVE. AT RESERVE ST.

REZONE TO PLANNED DEVELOPMENT DISTRICT #3

SITE PLAN REVIEW

INCLUDE 20 ACRES CORNER DUBAY & RESERVE IN SEWER SERVICE DISTRICT

Chairman Wescott noted the owner is proposing an expansion of the Harmony Village Senior Housing complex to include 15.5 acres of land located across Dubai Ave. The proposal is for 23 single family units and 4 duplex buildings for a total of 31 living units for owners 55 years of age and older. This plan is an expansion of the existing Harmony Village located immediately to the south.

John Gardner presented aerial photos showing the site. The proposed project is intended to be condominiums where individual units are owned by the residents with the surrounding land being owned in common. The roads will be privately maintained. The roads line up with Harmony to the south. The site plan has been adjusted so the garages face the industrial land to the west of the site. He noted the setbacks are shallower and the owner does not propose sidewalks. The city does not require sidewalks in other residential subdivisions. He has raised the issue of sidewalks because 1) the proposed owners will be 55 years of age and over and may have ambulatory issues, and 2) the area across the road to the south does have sidewalks. He recommends approval of the site plan, rezoning to Planned Development District #3, and include the 17 conditions indicated in the staff report.

Larry Koopman, representing the owner, noted the reason for no sidewalks is that the sidewalks in the current Harmony Village complex are not being used very much. The cost to keep the sidewalks shoveled and de-iced exceeds the need for them. The developer is in agreement with the other 17 conditions indicated.

Ald. Molski stated she doesn't have sidewalks in her ward but likes to walk on them. She feels other older people would probably like the option and felt sidewalks should be on one side anyway.

Lois Feldman noted in her area, many times the streets are clearer than the sidewalks and people walk on the streets.

Ald. Stroik noted in his ward on West River Drive, the road is 3' wider with a white strip for a walkway. He has heard many compliments and it works well.

Larry Koopman stated the streets will be wider in the new complex than the original site and parking will be restricted to one side of the street to leave one side available for emergency services and walking.

Ann Shannon noted she lives in an area that has no sidewalks or street lights and likes the idea of wider streets with cars parking on one side. What is the lighting situation?

John Gardner responded there are street lights at both entrances of the original site on Reserve and Dubai. There are no interior street lights planned. Keep in mind this project is privately funded and operated.

Larry Stuczynski, owner of Eagle Point Subdivision, expressed concerns about the sewer that was installed by Eagle Point but is now being used by Harmony I and possibly Harmony II. Through an agreement with Jon Val Alstine, we were to be reimbursed a fair value for anyone that hooked up to the sewer in the future. He had a hard time working something out for Harmony I and wants to make sure something is done for Harmony II. He is also concerned with the size of the sewer. He questioned what would happen down the road if something fails and the capacity is exceeded. What would happen if he decided to purchase more land north of his subdivision and increase the size of his subdivision and he's told that there is no more capacity.

John Gardner responded as indicated in his memo, the engineering firm of Lampert Lee & Associates analyzed the sanitary lift station and trunk lines that serve this area of the city and they conclude that there is adequate capacity to handle all approved phases of Eagle Point, Harmony Village and North Harmony Village. Any additional requests beyond that would have to be analyzed again.

Larry Stuczynski noted the sewer needs more study. It is his understanding that the sewer is supposed to be a 4" main from Harmony to Sentry Insurance. They pumped the junction manhole that is 50' north of Eagle Summit and saw a 3" pipe. More study is needed.

Jim Mendyke, owner of assisted living facilities on Eagle Summit, questioned if they were to purchase Mr. Stuczynski's lots to the north, would they be able to put in 68 additional beds and still meet sewer capacity.

Larry Koopman responded his analysis did include the three undeveloped lots in Eagle Point developed assuming more elderly residential facilities.

Larry Stuczynski distributed a letter requesting confirmation that they are protected if something were to happen with the sewer.

Ch. Wescott responded the City Director of Public Works has accepted the report of Lampert Lee & Associates and when these minutes become official, you would have some documentation.

Larry Stuczynski stated regarding the adjacent industrially zoned land, we had it zoned to be able to recycle blacktop, concrete, and rock. We are limited to where we can put our crushing pile because of the wetlands to the north. The pile will be visible because so many of the trees have been removed to the lot line. He is concerned with dust, noise, and truck traffic and would like to see a fence to keep people out.

John Gardner noted he had recommended a larger buffer or separation.

Gerry Stuczynski stated she would like to see this tabled until you have time to see that the pipe sizes are right.

Ch. Wescott responded that he will have a discussion with the Director of Public Works. If there is a capacity issue, he will report that to the Common Council two weeks from today.

Jerry Moore moved, seconded by Ann Shannon, to recommend approval of the rezoning to "PD" Planned Development District #3, the proposed site plan without sidewalks, and expansion of the sewer service area for Harmony Village North with the following conditions:

- 1) the road shall be constructed by the developer as shown on the plans and specifications (8 inches compacted base with 3-inch asphalt pavement bounded by concrete curb and gutter). Phasing of the road construction may be accomplished only with permission of the Director of Public Works. Phasing shall consider at least protective services access to buildings under construction. The city shall not issue final housing unit inspection until the street, including pavement, is complete in that approved phase (See attached Developer's Agreement). The road widths and construction do not meet city standards and will not be accepted by the city as public streets in the future.
  - 2) no parking is allowed on one side of the street. The developer may choose which side to restrict parking;
  - 3) an agreement between the city and the developer and future property owners must be in place that provides the city may enforce the "no parking" provision.
  - 4) the city will rely upon the proposed fire hydrants as shown on the site plan for fire protection. These hydrants must be constructed to city standards and provisions that are binding on future owners must be made for ongoing city maintenance of these hydrants. Property owners must reimburse the city (Water Department) for maintenance.
  - 5) the city requires that wetlands be identified on the condominium map and marked "no filling of wetlands" and further they should be identified on the site so there is no confusion as to their location.
  - 6) storm water plans will have to be completed by competent engineers demonstrating to the satisfaction of the Director of Public Works the storm water discharge meets the city engineering standards.
  - 7) require an engineer to certify the project has been constructed as proposed and approved. Occupancy will not be allowed until an engineer's certification has been received.
  - 8) the lift station and emergency power must be made compatible as a condition of approval and the improvements must be complete prior to occupancy of any Harmony Village North units.
  - 9) street names which meet the city standards must be placed on the private streets and street number which conform to city standards must be established.
  - 10) a fee in lieu of park land dedication must be paid to the city at the time of recording. The park fee is \$250/single family x 23 units, plus \$400/duplex unit x 4 duplex units, or \$7,350 total.
  - 11) review of articles of condominium prior to recording to ensure the above conditions are included.
  - 12) stop signs are placed at the intersection of the two access roads as they enter Dubai Ave. and at the intersection of the cul-de-sac with the interior loop road.
  - 13) owner is responsible for all required permits from other agencies including DNR and Army Corps of Engineers.
  - 14) the engineer has recommended no basements be constructed on the property. A "no basement" provision should be listed on the site plan.
  - 15) require landscaping including mounds and trees between the duplex units and Dubai Ave. which would help define the backyards and help create an outdoor sitting area.
  - 16) a copy of this resolution and site plan shall be recorded with the Register of Deeds. No changes to the site plan will be allowed without Common Council approval.
- Ann Shannon and Ald. Stroik suggested three additions to the motion: address adequate internal lighting, a fence or screening along the property line, and a pedestrian line be included along the outside of the street. Jerry Moore accepted the additions to his motion.
- 17) address adequate internal lighting, 18) a fence or screening along the property line, and 19) a pedestrian line be included along the outside of the street.

Ayes all; Nays none; Motion carried.

3. SECOND ADDITION TO HEFFRON WOODS SUBDIVISION  
PRELIMINARY PLAT REVIEW  
REZONE EAST SIDE OF PLAT TO TWO FAMILY (4.8 ACRES)  
BOUNDARY ADJUSTMENT (ANNEXATION)  
AUTHORIZE CITY TO INCLUDE CITY-OWNED LAND IN SUBDIVISION  
AUTHORIZE SALE OF CITY-OWNED LAND  
APPROVE EXTENSION OF UTILITIES

John Gardner noted the property is in the Boundary Adjustment Area and any development requires attaching the land to the city prior to development. A portion of the property (5 lots) is actually owned by the city and would be included. Mr. Feltz proposes single family on the west with two family zoning for the lots on the east which abut industrial zoning.

He feels the two family zoning would be an adequate buffer, noting that hopefully the uses along Hoover Rd. would be more office or commercial grade. Staff recommends approval with the conditions indicated in his memo.

Dan Toftum, surveyor for Mr. Feltz, stated this would be a smooth transition from single family to the industrial lots. He thought single family abutting industrial would be too harsh.

Lance Stampfli, 4617 Heffron St., stated he owns three properties and purchased them primarily because it would be single family. The new SPASH houses abut industrial. He is opposed to the two family zoning.

Al Pascutti, 2908 Lampman Dr., stated when they built their home they were under the impression that it would all be single family. He is strongly

opposed to the two family zoning.

Patti Bella, 3016 Lampman Dr., feels that duplexes would downgrade the value of their homes. As a group, the neighbors opposed two family zoning in 2001, 2003, and now are again.

Diana Orlikowski, 4609 Heffron St., feels two family zoning will increase traffic and effect the safety and traffic along Heffron St.,

Dale Tetzloff, 3109 Lampman Dr., expressed the same concerns and is opposed to the two family zoning.

Joe Ogle, 3101 Lampman Dr., also expressed opposition to the two family zoning.

Ald. Barr stated he strongly supports the concept of single family homes in this area.

Kyle Alexander, 3116 Lampman Dr., stated that Mr. Feltz has never prepared a plan for the area for us to see. Our concern is that some of the transitional areas in the city have degraded over time where there are vehicles parked outside.

Lois Feldman noted if the industrial development would be comparable with the law office or even what is on the east side of Hoover, she doesn't see any problem with single family backing up to that.

Ald. Barr stated he prefers single family dwellings.

John Gardner noted right now, Mr. Feltz could get permits for any industrial uses along Hoover Road.

Ch. Mayor Wescott noted he is generally receptive to the notion that something other than single family should be a buffer to industrial, but he has also heard today that a number of folks that live there have testified that they would prefer to see single family residential up to the industrial buffer. He is prepared to make a motion for single family zoning on both sides of the proposed street based on neighborhood input and testimony from the alderperson representing the district.

John Gardner noted if we approve single family for both sides of the proposed street, and if Mr. Feltz would be acceptable to it at all, he anticipates that Mr. Feltz will want the lots to be of equal size on both sides of the proposed street.

Chairman Mayor Wescott moved, seconded by Ann Shannon, to recommend approval of the annexation, and the preliminary plat with the following conditions: 1) Single Family zoning on both sides of the proposed street 2) a fee of \$400/lot in lieu of land dedication for each duplex lot and \$250/lot in lieu of land dedication for each single family lot; 3) approval of the boundary adjustment attaching this land to the city as required by the Boundary Adjustment Agreement, 4) authorize the Mayor to enter into an agreement to have the land subdivided by the private surveyor as shown, 5) approve the sale of city-owned land, and 6) the utility extensions. Ayes all; Nays none; Motion carried.

#### 4. SEWER SERVICE AMENDMENT - SECTION 1, T23N, R8E BOUNDED BY CANADIAN NATIONAL RR, BRILOWSKI RD, CTH. HH, AND WEST LINE OF TOWN OF STOCKTON

John Gardner reviewed the area to be added to the sewer service area to allow us to begin planning so that some sewer extensions could be done in 2006. It is a lengthy process.

Ann Shannon moved, seconded by Jerry Moore, to recommend amending the Sewer Service Plan to include Section 1, T23N, R8E, Bounded by Canadian National Railroad, Brilowski Rd, County Highway HH, and west line of Town of Stockton.  
Ayes all; Nays none; Motion carried.

#### 5. CONDITIONAL USE REQUEST TO CONSTRUCT REST HOME & HOME FOR THE AGED ON AMBER AVE.. BETWEEN WOODLAND ST. AND SANDPIPER DR. INCLUDING 5625 SANDPIPER DR.

John Gardner reviewed the attached memo and provided aerial photos of the property. The request is to remodel the existing units, add two units to the existing building, add a common dining/media/craft space, and construct 75 single-room units plus 8 memory-care units. Under previous ownership, the property was non-taxable, it will now become taxable. Previous drainage problems have been resolved. Staff recommends against adding two apartments to the existing building because the addition would push the occupancy above the density standards for this zoning district. We are approving this for a limited type of occupancy. It is not a full apartment complex and any changes to what is approved today will have to come back for review and approval.

Chairman Mayor Wescott moved, seconded by Jerry Moore, to recommend approval of the request to construct a rest home and home for the aged on Amber Ave. Between Woodland St. And Sandpiper Dr. (Including 5625 Sandpiper Dr.) with the following conditions: 1) site drainage plans be approved by the Public Works Director, 2) the owner is required to present a statement from an engineer finding the site has been constructed consistent with the approved plans and specifically drainage plans. 3) the conditional use permit is approved only for a "rest home" and "home for the aged". Any change to that occupancy, for example a change to general apartment living, must be reviewed and approved by the Common Council. Additional parking requirements may be imposed if the use is changed from this conditional use. 4) fire protection access is approved by the Fire Chief. The Fire Chief will review the ability of his apparatus to maneuver around the building and the location of fire hydrants. 5) the approved plans include 56 units in the existing building, 75 new assisted living units, and 8 new memory room units.  
Ayes all; Nays none; Motion carried.

#### 6. AMEND B-2 CBD TRANSITION DISTRICT TO INCLUDE HALFWAY HOUSES AND CORRECTIONAL FACILITIES AS A CONDITIONAL USE

John Gardner reviewed the boundaries of the central business district and stated this amendment would allow justice centers to be located in the central business district and the CDB Transition district.

Jerry Moore moved, seconded by Lois Feldman, to recommend approval of including halfway houses and correctional facilities as conditional uses in "B-2" CBD Transition District. Ayes all; Nays none; Motion carried.

Meeting adjourned at 5:30 p.m.

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