

Meeting Minutes

City Plan Commission

Monday, August 7, 2006

PRESENT: Ch. Mayor Wescott; Ald. Jerry Moore; Jeff Zabel; Karen Aldinger; Lois Feldman; Ann Shannon; Fred Steffen

ALSO PRESENT: Comm. Dev. Dir. John Gardner; City Attorney Louis Molepske; Ald. Molski, Barber, Wiza, Robinson, Stroik; Rick Rettler, Rettler Corp.; Reid Rocheleau; Eric Peterson; Rick Reinart; David Enerson; Marty Krebs; Ron Wiedeman; Andrew Enerson; Jay Niem Katie Rettler, Mildred Neville; Mary Ann Laszewski; Gene Kemmeter, Po. Co. Gazette; Heather Clark, St. Pt. Journal

Index of these Minutes:

1. Approval of the July 10, 2006 Plan Commission Minutes
2. Stevens Point Country Club Planned Development District and Annexation
3. Amendment to the Zoning Code: A. Exceptions to Setback Requirements B. Define Complete Application C. Conditional Use Standards
4. Conditional Use - Off-Premise Sign - 3709 Patch St.
5. Conditional Use - Off-Premise Sign - 3401 Patch St.
6. Two Buildings on One Lot - County Market - 1600 Academy Ave.

1. APPROVAL OF THE JULY 10, 2006 PLAN COMMISSION MINUTES

Karen Aldinger moved, seconded by Jeff Zabel, to approve the minutes of the July 10, 2006 meeting. Ayes all; Nays none; Motion carried.

2. STEVENS POINT COUNTRY CLUB PLANNED DEVELOPMENT DISTRICT AND ANNEXATION

Ch. Wescott noted Rick Rettler of Rettler Corporation will make a presentation, but this will not be a formal action item.

Rick Rettler, Rettler Corp., reviewed the history of the development plan and stated the Stevens Point Country Club membership approved the entire project. He provided drawings of the site plan and proposed buildings. In addition, the existing pro shop would be replaced and reconstructed, the swimming pool would be renovated, and the tennis courts would be relocated. The new construction would include high quality 2-story and 4-story buildings with some interior parking. The units would range between 1600-2200 sq. ft. The architectural style would be an old country club style of the 1880's-1920's. They anticipate 30 days before the formal annexation request with construction to begin after the first of the year.

The first phase would be 24 units to represent both types of structures for the market. We are looking at annexing approximately 9 acres.

John Gardner responded to commission questions: 1) he is not aware of any DOT plans for changing the existing the off-ramp to I-39, 2) there is adequate capacity for sewer and water, 3) the northerly entrance to the development will need to be resolved for adequate sight clearance, 4) because municipal sewer and water will be provided, there are no wellhead protection issues.

Reid Rocheleau, 408 Cedar St., expressed concern with only 5% of the 180 acres being annexed. He would like to see all of the property annexed.

Ch. Wescott responded the amount of land to be annexed is still to be discussed along with other issues. This is very much a work in progress. The costs of the development and infrastructure rest solely with the developer. The taxpayer will not be subsidizing the project.

3. AMENDMENT TO THE ZONING CODE:

A. EXCEPTIONS TO SETBACK REQUIREMENTS

B. DEFINE COMPLETE APPLICATION

C. CONDITIONAL USE STANDARDS

Ch. Wescott stated he had asked the city planner and the city attorney to review some of the points in Att. Formella's memo. This is a complex issue. Based on feedback from several commissioners, they would like it introduced today and then begin the process of study and analysis. His goal is to make a homework assignment today. When the Plan Commission has finished providing input to the planner, when the alderpersons and members of the public have had the opportunity to provide input to the planners office, he will then ask the planner to distribute any written comments to all members of the plan commission and council. No action will be taken today.

Jeff Zabel felt he needs more time and input to study this.

John Gardner stated this is a response to Mr. Formella's letter addressing technical issues such as the interpretation of setbacks and what is allowed in those setbacks. There are no substantive changes being proposed to the ordinance.

He reviewed his proposed amendments which are underlined in the attachments. The recommended changes are meant to clarify the setback interpretation and what is allowed in the setbacks and does not make any changes to the ordinance.

The amendment clarifies an application may be supplemented or amended prior to or at the public hearing. This is the way we have always handled things and try to expedite requests.

Louis Molepske stated if you recall, last time there was an argument whether the Conditional Use Application was completed prior to the public hearing. There is a court case which indicates that unless the municipality has specific language that allows it to be amended, changed, or added to prior to the public hearing, it can't be. Our ordinance was silent on that. There are three things that are required to make a complete application: 1) facade, 2) diagram of the layout, and 3) screening. As an example, if someone wants to change the layout, he could do that right up to the time of the public hearing and the council may amend the request at any time during the hearing.

John Gardner reviewed the proposed amendments to the Conditional Use Standards. Gardner stated there were two substantive changes in this text. The first dealt with allowing denial of a conditional use request. The current standard is the request must substantially reduce property value. That is a very high standard, almost impossible to prove. The proposed language gives the city more flexibility based upon compatibility not property value. The second deals the amount of facade covered with masonry. Past Plan Commissioners were reluctant to set a percentage because of the concern of raising the cost of construction in the city.

Ann Shannon questioned with regard to 23.01(16) whether the Plan Commission can also make amendments to an application as well as the Common Council.

Louis Molepske responded he didn't see why not. The wording could be changed to add "or Plan Commission".

Ch. Wescott noted this is an issue that warrants some review. At this point in time, he requests that people study the material that is provided, provide written feedback to the city planners office. We will come back in September or October with a more refined document with more specific recommendations.

Mildred Neville, 1409 Franklin St., stated we don't feel we are being listened to. We ultimately got an attorney that did some homework which resulted in a letter with attachments requesting review and a written analysis of Attorney Formella's from the City Attorney and Mr. Gardner. The Plan Commission is being given information and told it is accurate. It appears the Plan Commission is being turned into a rubber stamp. The first

homework that should be done is a response to the points Att. Formella's letter.

Ch. Wescott responded that under State law, he does not have the authority to direct the City Attorney to respond. The City Attorney is an officer elected by the people of Stevens Point. He thought the City Attorney covered that at the July council meeting..

John Gardner noted the City Attorney is gone now, but it is his opinion that the City Attorney indicated at the July meeting that he does not represent the advocates or the opponents. He represents the Common Council and is not in a position to negotiate or debate the lawyer who has been retained by an advocate in a particular situation. We are listening to you and the reason we are discussing this matter today is, in part, in response to some of the issues that were raised by you and Mr. Formella.

Mary Ann Laszewski, Wisconsin St., feels some very significant changes need to be made to the Zoning Code: a site review ordinance, a lot area coverage ratio, and a green space ordinance. She feels time should be taken now to address our needs for lot area coverage and green space ordinances.

Ch. Wescott invited anyone to make comments in writing to him or the city planner because there should be a formal record of your thoughts and recommendations.

4. CONDITIONAL USE - OFF-PREMISE SIGN - 3709 PATCH ST.

John Gardner reviewed his attached memo and presented slides showing the size of the proposed sign at the proposed locations. In addition to the reasons stated in his memo recommending denial, staff feels the sign would be obstructed by the building for travelers going west to east, and is too close to the residential area to the south.

Rich Reiner, LaMar Advertising, distributed packets and stated there is a real need for these signs. This area is mostly industrial and any residential area to the south has tree coverage so there shouldn't be any concern. The proposed sign would fit very nicely with the redevelopment plan for Patch St. We do a lot of things to fit in such as landscaping with planters around the sign and painting the sign to match the surroundings.

Marty Krebs, 3709 Patch St., wanted to note that the city will gain personal property taxes on the value of the signs. He objects to some of the reasons for denial in the memo and feels that outdoor advertising is a plus and noted several locations in the city that have these signs, the sign will not have a detrimental effect on neighboring properties - any possible additional lighting would be a benefit, and the sign meets the setbacks.

Jeff Zabel noted this is an area that we need to look at for beautification and he feels a billboard goes against what we are trying to do in the city. This is not an area for a billboard.

Rich Reiner noted this is an industrial area and there is a rail yard 50' to the north of this site. We meet the requirements.

Eric Peterson, LaMar Adv., stated he has about 40 clients here and he is constantly looking for places to put their advertising. This is a nice corridor to the business parks.

Fred Steffen noted there is definitely a need for advertising space but feels this is not the place for it. We need to find other places for billboards.

Ann Shannon agreed. She is not sure if this is the area but is concerned about alternatives for small business owners.

Karen Aldinger feels this road is treated as a 4-lane road and signs can be a traffic issue because they are distracting for drivers.

Ald. Stroik feels advertising is a private business sector enterprise and doesn't feel we should be involved. Does this request meet all size and setback requirements?

John Gardner responded there are no size requirements and the Sign Ordinance does not speak to off-premise signs. This is strictly a conditional use and is a judgment call of the Plan Commission and Common Council.

Lois Feldman moved, seconded by Karen Aldinger, to deny the conditional use request for an off-premise sign at 3709 Patch St. on the basis of: 1) the request is inconsistent with the goal of redeveloping this industrial strip, 2) the request would have a detrimental effect on the neighboring residentially zoned and residentially occupied properties, 3) the request is inconsistent with the highway redevelopment project, one goal being to assist with the visual redevelopment of Patch St., 4) the request is inconsistent with the purpose of the zoning ordinance because it does not protect neighboring residential properties or promote the beauty of the community, or implement the community's comprehensive plan, 5) too many signs can be a traffic hazard, and 6) we have enough billboards in town.

Ayes, Feldman, Aldinger, and Zabel.

Nays, Shannon, Steffen, Moore, and Ch. Wescott. Motion failed.

5. CONDITIONAL USE - OFF-PREMISE SIGN - 3401 PATCH ST.

John Gardner reviewed his memo and provided slides of the proposed sign. The issues and recommendations are the same as the previous item.

Jerry Moore moved, seconded by Fred Steffen, to recommend approval of the conditional use request for an off-premise sign for 3401 Patch St. Ayes, Moore, Steffen, Shannon and Wescott.

Nays, Aldinger, Feldman, and Zabel. Motion carried.

6. TWO BUILDINGS ON ONE LOT - COUNTY MARKET - 1600 ACADEMY AVE.

John Gardner stated the request is to construct a gas station as a second building on the lot. They would use the same driveway. The request meets the setback and parking requirements. Lights should not shine onto the neighbors. Staff recommends approval.

Andrew Enerson, Dietz Builders, provided a packet with pictures of a similar existing site. We are trying to better service the customers. We will also be doing some interior remodeling.

Jerry Moore stated his only concern traffic at the intersection of Academy and Division Street. Left turns are confusing and hazardous. We are waiting for numbers from the Police Department. Chairman Wescott said they would be provided prior to Council action.

Lois Feldman questioned if there are any landscaping requirements? John Gardner responded they have landscaping between the parking lot and Academy Ave. now which meets the ordinance

Jeff Zabel moved, seconded by Lois Feldman, to recommend approval of the request for two buildings on one lot at 1600 Academy Avenue. Ayes all (Shannon abstained); Nays none; Motion carried.

Meeting adjourned at 6:20 p.m.

The next meeting will be Tuesday, September 5, 2006.

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