

Meeting Minutes

City Plan Commission

Monday, October 2, 2006

PRESENT: Acting-Chm. Jerry Moore; Karen Aldinger; Lois Feldman; Ann Shannon; Fred Steffen; (Excused Mayor Wescott and Jeff Zabel)

ALSO PRESENT: Comm. Dev. Dir. John Gardner; Ald. Sevenich, Molski, Stroik & Barber; Reid Rocheleau; Marilyn Worth; Robert Yuleas; Matthew Kovazaske; Kerry Mann; Joe & Regina Misiewicz; Gloria Gazam; Angelo Milano; Frank Sciarrone; Mary Ann Laszewski; John "Trapper" Schultz; Chris Fish; Charles Schommer Jr.; Agnes Katzmark; Bill Yudchitz; Casmir & Eileen Danczyk; Gene Kemmeter

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1. Approval of the September 5, 2006 Plan Commission Minutes

Fred Steffen moved, seconded by Karen Aldinger, to recommend approval of the September 5, 2006 minutes including the Council correction in Item #4 of changing the reference of Pat Kitowski from "he" to "she".

Acting-Chm. Moore noted a constituent requested the language referring to comments omitted from the Plan Commission minutes on pages 2 & 3 of John Gardner's memo in today's packet regarding the minutes be included in the minutes.

Acting-Chm. Moore moved to amend the minutes to include the language that was previously omitted as noted on the memo. Fred Steffen seconded the motion for discussion.

Ann Shannon asked if the City Attorney had a chance to look at this.

John Gardner responded he had talked with the City Attorney on it and he gave the opinion at the council meeting that minutes are not transcripts but merely a summary of the discussion. Acting Chair Moore's motion is to include Ald. Stroik's reference to "R-1" instead of just "residential", the comments by Ed Jurgella, response by John Gardner, comments by Ald. Trzebiatowski and Ald. Sevenich, and Gardner's response to Ald. Sevenich.

Vote on amendment to the original motion:

Ayes all; Nays none; Motion carried. (Lois Feldman abstained because she was not in attendance at the September 5, 2006 meeting)

Vote on final motion which states: to approve the September 5, 2006 minutes with the following amendments: 1) Council correction in Item #4 of changing Pat Kitowski from "he" to "she", 2) Ald. Stroik's reference to "R-1" instead of just residential, and 3) include the comments by Ed Jurgella and response of John Gardner, and comments by Ald. Trzebiatowski and Ald. Sevenich, and responses by John Gardner.

Ayes Steffen, Aldinger, and Moore; Nays, Shannon; Motion carried. (Lois Feldman abstained because she was not in attendance at the September 5, 2006 meeting)

2. Schmeeckle Trails - Indiana at Fourth Ave.

Final Plat

Developer Agreement

Zoning Classification - "C" Conservancy, "R-2" Single Family - "R-3" Two Family

John Gardner stated nothing has changed since the last time this came before the commission. The plat is only the portion within the city limits. The zoning classifications include Conservancy, Single Family, Two Family and maybe a Planned Development District in the future to accomplish some of the small lots facing Stanley St. The church is not included at this time because it is not annexed.

Fred Steffen moved, seconded by Ann Shannon to recommend approval of the final plat for Schmeeckle Trails as presented, the developer agreement, the conditional use to allow construction of zero lot line homes on the property line, and the zoning classifications of conservancy, single family, and two family. Ayes all; Nays none; Motion carried.

3. Sign Request Appeal - Portage County Business Park Small Office Complex

John Gardner reviewed the background and noted our Sign Ordinance does not provide for separate signs for multiple buildings on a single site. Staff noted because this site is unique, approval be given so that each of these buildings would have an identity sign at each driveway entrance and one sign for each building as shown on the attachment.

Lois Feldman moved, seconded by Fred Steffen, to recommend approval of the sign request appeal for the Portage County Business Park Small Office Complex to include one sign at each driveway entrance and one identity sign for each building as shown on the attachment.

Ayes all; Nays none; Motion carried.

4. Conditional Use to Amend Multiple Dwelling License Occupancy - Pine Haven Apartments - 3900-32 and 3901-41 Doolittle Dr.

John Gardner stated apartments are a conditional use. The City approved this conditional use some years back and gave them an occupancy of one family per unit or a maximum of two unrelated persons per unit. The standards for occupancy require two parking spaces per apartment building or one parking space for each licensed adult. The request today is to increase the occupancy limit to allow more than two unrelated persons in some of their units up to the number of parking spaces they have. At this particular time, 41% of the total 112 units are occupied by single adults.

The units north of Doolittle have one parking space in the garage, one space immediately behind the garage, and 13 independent spaces. Staff recommends increasing the occupancy limit by 13 persons.

The units south of Doolittle have 174 independent parking spaces for 72 units for an average of 2.4 spaces per unit. Staff recommends increasing the occupancy limit by 30 persons.

Staff further requires on-site management maintain records to indicate the total number of unrelated persons living in the units to ensure overall occupancy is not exceeded.

A tenant has indicated that some of the garage units are being used for storage and are taken off the inventory for parking which makes for insufficient parking at this time to support the parking demand they have now let alone increasing the occupancy.

Karen Aldinger questioned whether the single tenants would have the option of keeping their two parking spaces. They should have the right to those two spaces.

Charles Schommer, Jr., assistant regional manager for the property, stated that the single tenants do have that option, however we are finding that they usually park in the garage which leaves an extra parking space open.

Ald. Molski noted her constituents do not feel there is enough parking. They say later in the day when people are home from work, the parking lot is completely full. She drove by the apartments at two different times today and found that in spite of there being lots of empty parking spaces, cars were parking in spaces that were not designated alongside the garages and 4 cars parked in the main drive. If people are using the garages for storage, we don't have all that extra parking that they are talking about. If every single space is assigned to someone and a tenant has company, where are they going to park.

Gloria Gazam, 3941 Doolittle Dr., stated when she moved in, she asked if they were going to have designated parking and they told me yes, and they don't. There are no numbers beside your garage as to where you park. Whoever comes first, gets whatever is there. She parks here grandsons car alongside the garage to allow other people to park closer up to the building. She provided letters and the resident guide from management regarding parking. They don't enforce the parking.

Regina Misiewicz, 135 Green Ave. N., stated because of a broken promise on the first agreement to leave a bunker of trees, we have to look at parked cars, and have lights shining into our home from parking lot lights and headlights. Every parking space is full and they park on the grass or in the ditches along Green Avenue. She is against this request.

Ald. Sevenich questioned how often staff would check on the records maintained by the on-site management. She noted it is easy for a tenant to sneak in someone else after they rent it.

John Gardner responded we try to inspect multiple family rental properties once every 2-3 years or more often if we receive complaints. We try to inspect those that need maintenance more often than newer properties like this.

Charles Schommer Jr. stated their leases include that if we find extra people in units, there is a \$100 a month per person penalty. We want to know who is there and want them on the lease. He is in direct contact with the on-site managers and can just about tell you who is living in every apartment.

Reid Rocheleau, 408 Cedar St. in Whiting, stated he sympathizes with the residents of the area and agrees with Ald. Molski. You have an ordinance that allows one car per person that seems to be working. It is just an opportunity shove in more people. Vote this down and keep the ordinance you have.

John Gardner stated Mr. Rocheleau is a landlord and has one occupant per parking space which is exactly what this request is. One tenant per each parking space they have available. If the commission and alderpersons feel that one tenant per parking spot is not sufficient, then we ought to look at changing the ordinance requirement to require more paving and more parking to allow for guests and storage of things in garages. He is not for or against this request, but he is for making it clear that this request is for exactly the same benefits that you enjoy as a landlord.

Charles Schommer stated the ends of garages provide parking except for where the dumpsters are. There is ample space for emergency vehicles. These units do not have basements, they are built on slabs.

Karen Aldinger moved, seconded by Lois Feldman, to deny the request to amend the multiple dwelling license occupancy at 3900-02 and 3901-41 Doolittle Dr. based on the fact that the following conditional use standards have not been met: #1 that the establishment, maintenance, or operation of the use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare, #2 that the use will not be injurious to the use and for the purpose already permitted, nor substantially diminish and impair the property values within the neighborhood, #9 the proposal will not result in an over-concentration of high density living facilities in one area so as to result in a substantial and undue adverse effect on the neighborhood, on the school system, and the social and protective services systems of the community, and #10 b. that the parking should be visually screened from street view and from neighboring properties.

Ald. Molski noted we are trying to allow more people in the units and we are getting all hung up on parking. When you have two unrelated people in a unit that is fine, but when you start putting four unrelated in a unit, your asking for party time. I'm not sure we want more.

Ayes all; Nays none; Motion carried.

5. Conditional Use to Construct Canopy - UW Credit Union - 809 Division St.

John Gardner stated the request to erect a canopy over existing drive-up windows. Staff is not aware of any problems on the site and recommends approval.

Ann Shannon moved, seconded by Fred Steffen, to recommend approval of the conditional use request to construct a canopy at 809 Division St. on the basis that the request meets the conditional use standards. Ayes all; Nays none; Motion carried.

6. Amend Accessory Building Size Limitation in "R-LD" Zoning District - Sec. 30.04(2)

John Gardner stated we currently have a 900 sq. ft. accessory building size limitation city-wide. We have a request to construct a second accessory building the combined total of which would exceed 900 sq. ft. The property is located in "R-LD" zoning which requires 2 acre lots and the home is set back more than 400 feet from the road and 700 feet from the nearest home. There are other 2-acre Low Density parcels off West River Drive, Pine Bluff Subdivision, and along Brilowski and Torun Roads. Because this parcel is more than 5 acres in size, he felt the commission may want to consider whether we want to allow larger garages on larger properties. This proposed ordinance amendment would allow anyone in "R-LD" Low Density Zoning to construct up to a 1500 sq. ft. detached garage.

Fred Steffen moved, seconded by Lois Feldman, to recommend approval of amending the accessory building size limitation in "R-LD" Zoning District to 1500 sq. ft.

Ann Shannon noted we have spent a lot of time talking about the 900 sq. ft. We could run into a situation where the 1500 sq. ft. garage could be bigger than the house.

Karen Aldinger noted it might affect neighbors and setbacks.

John Gardner responded you can address the issue of setbacks. He had felt comfortable bringing this to the commission because by definition, Low Density zoning has considerably larger lots.

Discussion followed on various setback scenarios.

Ald. Stroik noted because there are so few low density areas, wouldn't it be simpler to make it a conditional use in low density zoning. There won't be many and you can review them on a case-by-case basis.

Vote on original motion to approve amendment: Ayes none; Nays all; Motion defeated.

Fred Steffen moved, seconded by Ann Shannon, to require site plan review on a case-by-case basis for any accessory buildings larger than 900 sq. ft. in "R-LD" Low Density Zoning only. Ayes all; Nays none; Motion carried.

7. Right-of-way Acquisition - Patch St. at Michigan Ave.

John Gardner reviewed his memo and stated the engineer has indicated it is necessary to acquire a small portion of Patch St. right-of-way in order to implement the pedestrian sidewalk/bicycle path.

Ann Shannon moved, seconded by Karen Aldinger, to recommend approval of acquiring a portion of right of way for the pedestrian sidewalk/bicycle path along Patch St. at Michigan Avenue.

Ald. Barber stated the road is used as a 4-lane road. We are taking a 4-lane road and making it into a 2-lane road so that we can put bicycle paths on it. Wouldn't it be better to buy more land and keep this a 4-lane road. It doesn't make sense.

Acting-Chairman Moore stated this plan has been in the works for quite a while and has been approved by the council. The issue before us is the small section of land.

Ayes all; Nays none; Motion carried.

8. Amend Fence Height Regulation - Sec. 23.01(10)(b)3. and Sec. 30.09

John Gardner presented slides showing existing fences around town and Park Ridge and provided information on a request he had received to replace a 6' fence along a sidewalk property line which prompted this amendment proposal.

He reviewed the current Zoning Ordinance provisions with regard to fence locations, solid or open fences, and height requirements. Most backyards are behind the home and are shielded from the street by the structure. Corner lots do not have that screening and fences are not allowed at the sidewalk line. The intent is to prevent safety problems by increasing visibility while still allowing the corner property owner to create an area of privacy and noise relief. A variance from the ordinance requires Plan Commission review and Common Council approval. He is proposing to move the fence ordinance from the Zoning Code to the Building Code to help implement any changes sooner and change the review standard if variances are requested.

He provided the following alternatives for all fences regardless of openness: 1) do nothing, 2) allow any height up to 6', 3) allow up to 6' with no setback for corner lots and through-lots only except for driveways, and 4) allow up to 6' with a 5' setback for corner lots and through-lots only. If options 2, 3, or 4 are adopted, a 10' setback triangle at the driveway should be maintained as well as the corner vision triangle. Other issues he recommends for review are: 3' or 4' fence height at sidewalks, 10' in rear yard, clear vision triangles, and fencing materials.

Discussion followed regarding fences on various properties in town.

Ald. Sevenich received a letter from the people whose fence is in question. She can see where the vision triangle would be the best to use and still leave them privacy in their back yard while being able to back out of their driveway safely.

Ald. Molski noted she does not like to see a solid fence along a sidewalk. Its not inviting or friendly. An open fence would be better.

Marilyn Worth, representing the property owners, stated the original fence was a basket weave fence and was damaged by a wind storm and has also been subject to vandalism. This is one of the busiest intersections in town and they deserve privacy and noise control. They started to put up a picket fence to replace the basket weave section that was damaged while keeping the rest of the basket weave fence.

Karen Aldinger questioned the difference between the Zoning Code and Building Code.

John Gardner responded staff is trying to listen to a citizen and the best way to get this done quickly is to move the fence regulation to an ordinance that doesn't require pre-publication and allows for variances with more discretion without having to meet state-mandated hardship criteria as must be done in the zoning ordinance.

Fred Steffen moved, seconded by Ann Shannon, to postpone action on the amendment of the fence height regulation until next month.

Ayes all; Nays none; Motion carried.

9. Conditional Use to Construct Front Porch Within the 25' Setback - "R-TND" - 1700 Water St.

John Gardner presented slides of the property and proposal and stated the owner wants to replace his existing porch as shown on the attached drawing. As a conditional use we can look at this on a case-by-case basis. We can allow this on the condition that it has to look like the drawing with the finials and that the wood be painted out.

Karen Aldinger moved, seconded by Ann Shannon, to recommend approval of the conditional use request to construct a front porch within the 25' setback as presented on the attached drawing with the condition that all wood materials to be painted or finished (no treated wood to remain unpainted), on the basis that the request meets the conditional use standards. Ayes all; Nays none; Motion carried.

Meeting adjourned at 5:50 p.m.

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