

Meeting Minutes

City Plan Commission

Monday, April 4, 2005 - 4:00 p.m. PRESENT: Chm. Mayor Wescott; Dave Sowieja; Ann Shannon; Fred Steffen; Karen Aldinger; (Excused, Jeff Zabel and Lois Feldman)

ALSO PRESENT: Comm. Dev. Dir. John Gardner; Ald. Moore, Molski, Rackow, Sevenich, Barber and Stroik; Robert Bernas; Dave & Donna Suchon; Reid Rocheleau; Mary Ann Laszewski; Jim Billings; Gene Kemmeter

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 5. Conditional Use to Permit Consumption of Alcohol at Exterior Volley Ball Court - 916 Maria Drive
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 7. Accept Green Circle Trail Dedication - West Zinda Drive
 8. Accept Land Dedication from Sroda Family Located on West River Drive Between CTH. HH and West McDonald Dr.
 9. Set Public Hearing Date for Proposed Division Street Tax Increment District
1. APPROVAL OF PLAN COMMISSION MINUTES OF MARCH 7, 2005

Dave Sowieja moved, seconded by Fred Steffen, to recommend approval of the March 7, 2005 Plan Commission minutes. Ayes all; Nays none; Motion carried.

2. REZONE APPROXIMATELY 0.5 ACRES OF LAND (548 SECOND ST. NORTH) FROM "B-4" COMMERCIAL ZONING TO "R-2" SINGLE FAMILY ZONING - 445 FEET NORTH OF NORTH POINT DRIVE
3. REQUEST TO CONSTRUCT A STORAGE BUILDING AS A CONDITIONAL USE - 540 SECOND ST. NORTH - 350' NORTH OF NORTH POINT DRIVE

John Gardner stated the first request is to build a single family home on property which is located in commercial zoning. They would like to rezone the northern half of the property to single family to allow them to build a house toward the front of the property. The back portion of the property is zoned Single Family. Without rezoning, they would have to push the house way to the rear of the property which would be about 200' off the street and would require a long driveway and sewer lateral.

The second request is to construct a storage building on the southern half of the property. The storage building would be larger than the 900 sq. ft. allowed in residential zoning, but would be permitted as a conditional use in commercial zoning. The proposed larger storage building would be appropriate as a conditional use because the parcel is already zoned commercial and there is a mixture of land uses in the area.

Staff recommends approval of: 1) rezoning the north half of the property to single family and 2) the conditional use request for a storage building on the commercially-zoned portion of the property.

Dave Sowieja expressed concern with rezoning half the lot to allow for a single family home but keeping half of the lot commercial to allow a larger storage building. This seems to be a prime example of the reason we came up with the storage building size requirements. What is the size of the proposed storage building?

John Gardner responded the proposed storage building would be approximately 46' x 65'.

Dave Suchon agreed and noted he would have a 12' x 12' door to allow for his motor home. He would also have a two-car attached garage on the house. He wants the extra storage building for his boats, cars, and motor home so everything is neat and out of sight. If it would be a problem rezoning the other lot, he could leave it all commercial and build his house in the back portion that is zoned single family and have a 200' driveway.

Dave Sowieja questioned if there is any reason we wouldn't look at rezoning that entire side of the street all at once and get away from the "B-4" zoning.

John Gardner responded the conversations with property owners has been they are against downzoning. They feel there is a value to the commercial zoning and Mr. Bernas operates a commercial business out of the building on the northwest corner of Second St./North Point Dr.

Robert Bernas, 800 North Point Drive, stated he owns the property west and south of the Suchon property. He distributed a letter and stated they have no objection to the Suchons building on their property, but opposes any downzoning of further properties.

Chm. Mayor Wescott clarified Mr. Bernas testimony. You are comfortable with rezoning the one-half acre to single family and the conditional use for the storage building, but you would not be in favor of downzoning beyond that. Is that a fair summary of your position.

Robert Bernas responded yes, it is.

Fred Steffen moved, seconded by Ann Shannon, to recommend approval of the request to rezone approximately 0.5 acres of land (548 Second St. North) from "B-4" Commercial Zoning to "R-2" Single Family Zoning - 445' north of North Point Dr. Ayes all; Nays none; Motion carried.

Fred Steffen moved, seconded by Dave Sowieja, to recommend approval of the request to construct a storage building as a conditional use at 540 Second St. North - 350' north of North Point Drive. Ayes all; Nays none; Motion carried.

4. CONDITIONAL USE TO PERMIT CONSUMPTION OF ALCOHOL AT EXTERIOR VOLLEY BALL COURT - 916 MARIA DRIVE

Chairman Wescott noted an amendment to the last paragraph of the attached memo - it should be May 31, 2007.

John Gardner stated staff is recommending the same conditions that were on the original conditional use permit in 2003. The owner would like to extend the hours to 11 p.m. The Police Department recommends a 10:00 p.m. closing time because of the close proximity of neighboring residential properties.

Dave Sowieja moved, seconded by Karen Aldinger, to recommend approval of the conditional use to permit consumption of alcohol at the exterior volley ball court until 10:00 p.m. with the approval to expire May 31, 2007. Ayes all; Nays none; Motion carried.

5. ACCEPT ROAD DEDICATION AND MODIFY ACCESS RESTRICTION - PORTAGE COUNTY BUSINESS PARK - BRILOWSKI ROAD

Chm. Mayor Wescott noted the engineering department has reviewed the plan and recommends approval of the new road and access restrictions as shown. A new median break will be constructed in Brilowski Road.

John Gardner noted the county feels the proposed road would provide better access to the property and provide more direct access from the interior to Brilowski Road. He further noted one of the things that goes along with accepting road dedications is naming the road. The other names in the industrial park relate to economic development activities in the county. A name that has been suggested is Dunnegan, for the man that was once a clerk at the First National Bank when it first opened and spent the last 28 years as president of that bank.

Ann Shannon felt the new road will make walking much easier, and thought it would be nice if we recognized a female and suggested the name of Carrie Frost, who was connected with fly fishing and tackle, for a street name.

Chairman Wescott recommended adding that name to the list for future consideration.

John Gardner noted he is open to names and we don't have to make a decision today.

Fred Steffen moved to approve the street being put in with the Dunnegan name only because it is a 200' street and reserve the Carrie Frost name for a bigger street.

John Gardner noted some day, development is going to go east of Brilowski Road and this road would be a logical one to align and continue. It may be 200' now, but has the potential to be more substantial.

Fred Steffen moved, seconded by Ann Shannon, to accept the road dedication and modify the access restriction in the Portage County Business Park. He dropped the name and would bring the question of the road name back for future consideration.
Ayes all; Nays none; Motion carried.

6. ACCEPT GREEN CIRCLE TRAIL DEDICATION - WEST ZINDA DRIVE

Chm. Mayor Wescott reviewed the staff memo and noted the Park Director recommends approval.

Karen Aldinger moved, seconded by Ann Shannon, to accept the dedication of land along West Zinda Drive for Green Circle Trail. Ayes all; Nays none; Motion carried.

7. ACCEPT LAND DEDICATION FROM SRODA FAMILY LOCATED ON WEST RIVER DRIVE BETWEEN CTH. HH AND WEST MCDONALD DR.

John Gardner reviewed his memo noted the land consists of 71 acres and a large portion of the property is under water or in wetlands.

Ald. Stroik questioned if the west side was storm sewer, would that change the opportunity for this land at all.

John Gardner responded it would not because the area is subject to intermittent Wisconsin River flooding and you can't storm sewer the Wisconsin River.

Chm. Mayor Wescott moved, seconded by Fred Steffen, to accept the dedication of land from the Sroda family located on West River Drive between CTH. HH and West McDonald Drive. Ayes all; Nays none; Motion carried.

8. SET PUBLIC HEARING DATE FOR PROPOSED DIVISION STREET TAX INCREMENT DISTRICT

John Gardner suggested the next regular meeting on May 2, 2005 at 4:00 p.m. Following the public hearing, possible review by the Finance Committee, recommendation to Common Council, action by Common Council, and then Joint Review Board.

Chm. Mayor Wescott moved, seconded by Dave Sowieja, to set Monday, May 2, 2005 at 4:00 p.m. at this location for public hearing for the proposed Division Street Tax Increment District. Ayes all; Nays none; Motion carried.

9. FEBRUARY 7, 2005 PLAN COMMISSION MINUTES

John Gardner noted Mr. Rocheleau appeared at the last council meeting and indicated that the minutes of the Plan Commission meeting were not correct. We reviewed the video tape and prepared a verbatim transcript of the motion. He attempted to talk with Mr. Rocheleau this afternoon but Mr. Rocheleau preferred to speak at the Plan Commission public meeting instead. Gardner thinks the concern is that the motion in the minutes said to sell the property, when in fact, the motion said to recommend per staff recommendation approving for commercial. The staff recommendation was to sell the property. He developed two options for Plan Commission consideration: 1) no change to the minutes, or 2) repeat the motion from the transcript.

Chm. Mayor Wescott noted the staff memo states that amending the minutes will not change or invalidate the land sale advertisements. The City Finance Committee reviewed this issue on February 14 and adopted a motion to authorize advertising for development proposals. The recommendation in the staff report clearly spells out in black and white recommending approval of the sale of land for commercial development.

Ann Shannon stated she seconded the motion at the February 7 meeting and that was certainly her intent that we were approving the sale of the land for commercial use.

Dave Sowieja noted the staff report states the city will critically review the quality of the development prior to the sale. He is unsure if the city means the Plan Commission or planning department. There are certain things that he would like to see done there that might not be a concern of the planning department. There was discussion that road construction equipment would be using the property for storing equipment during the construction period.

Chm. Mayor Wescott responded the Water Department does not believe the property will be needed for staging area. D.O.T. is meeting with its

contractors Thursday for a pre-construction meeting and we will have a more final answer following that meeting. Any of the aspects of the project that would be under the domain of the Plan Commission would be returned to the Plan Commission. He is comfortable reviewing the action, but this isn't really an agenda item today. Financial elements will go to the Finance Committee meeting next week. The actual quality of the project would be elements that come back to Plan Commission in the future. After reviewing the staff report and hearing from the person who made/seconded the motion at the February 7 meeting, he doesn't feel there is any action required.

Karen Aldinger stated she understood that we were voting on selling the property.

Reid Rocheleau stated motions are very important. To allow someone to interpret or embellish after the meeting is not proper. The motion said recommendation - keep in mind there were other recommendations made. We don't know which recommendation. The facts do not bear Mr. Gardner's position that he was innocently trying to accommodate your intent. Mr. Gardner stood up at the council meeting and said they gave me permission to sell it, they forgot to put in about further review. He has advanced this to the Attorney General's Office for an opinion on whether you can be amending or interpreting motions long after the fact. Did the Finance Committee have the idea that this sale was going to happen in 3 weeks? Were they aware that Mr. Guzman has been talking with John Gardner for 3 months before you even gave him permission to sell the property? That is unfair to anyone that wants to bid on that property. Mr. Schlice has refused to give me the bid information. This commission is responsible to the public, not to the city staff, that is why we have checks and balances in this government. He doesn't think there was a misunderstanding, he feels it was purposeful manipulation.

Chm. Mayor Wescott noted Mr. Rocheleau is entitled to his opinion and he will always respect Mr. Rocheleau's opinion. We may disagree more than we agree, but I will respect your right to have positions. There has been no manipulation. He talked with the City Attorney today and was told by him that this is still a matter for negotiation between the Finance Committee in executive session. At this point it is not a record that is open or available to the public. Once the council acts on it, information is available. We are not amending anything. He put the item on the agenda to ask the commission if they were comfortable with the action as reported. We have no motion to amend anything.

John Gardner noted there have been no special privileges. We published in the newspaper 6 times and it has been covered by both medias. We sent letters to all the major builders and realtors in the area informing them of the land being for sale. We wanted this to be open, above board, and transparent. No special privileges. Mr. Rocheleau stated that the commission did not know that people were talking to us about the property. That is not true. The Mayor indicated at the February Plan Commission meeting that we have been contacted by persons interested in purchasing the property. That is why we brought the issue up in February. It will be back to Plan Commission and Finance Committee.

Elbert Rackow it was his understanding that at the Plan Commission and Common Council meetings, the question was not whether it should be sold, it was when the potential buyer could take possession of the property.

Meeting adjourned at 5:00 p.m.

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