

Meeting Minutes

City Plan Commission Minutes

Monday, May 3, 2004 - 4:00 P.M. PRESENT: Acting Chairman Dave Sowieja; Lois Feldman; Ann Shannon; Jeff Zabel; Karen Aldinger; Fred Steffen (Chairman Mayor Wescott excused)

ALSO PRESENT: Comm. Dev. Dir. John Gardner; Ald. Sevenich, Rackow, Stroik, & Barber; Mayors Assis. Jami Gebert; Lt. Brian Kudronowicz, St. Pt. Police Dept.; Po. Co. Emg. Mgmt. Dir. Sandra Curtis; Randy & Janene Trzebiatowski; Don Jankowski; Dave Medin; Stephanie Kontney; Steve Biga; Larry Lawrence; Kerry & Sue Romsa; Brian McIntyre; Bonnie Zawislan; Mike Yokers; James Kropidlowski; Kathryn Buatti; Chris Kluck; Jeffrey May; Bill Pritchard; Kim Delikowski; Gene Kemmeter, Po. Co. Gazette

NOTE: Ald. Dave Sowieja has been newly-elected to the Plan Commission and will be chairing the meeting in the absence of Chairman Wescott.

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1. APPROVAL OF THE MINUTES OF THE April 5, 2004 PLAN COMMISSION MEETING

Lois Feldman moved, seconded by Ann Shannon, to recommend approval of the April 5, 2004 minutes. Ayes all; Nays none; Motion carried.

2. CONDITIONAL USE - REPLACE COMMUNICATION TOWER - 1516 CHURCH ST.

John Gardner stated the request is to replace the existing 50+ year old tower (50' high) on top of the courthouse with two towers (one, 60' and one 40' high) that would divide the existing 18 antennas. He reviewed the memo and map provided by Sandra Curtis, Director of Emergency Management and recommended approval.

Fred Steffen moved, seconded by Jeff Zabel, to recommend approval of the conditional use to replace the communication tower at 1516 Church Street as shown on the attached plan. Ayes all; Nays none; Motion carried.

3. REZONING - 3609 STANLEY STREET FROM "R-2" SINGLE FAMILY TO "B-4" COMMERCIAL ZONING
4. CONDITIONAL USE - CAR WASH - 2609 STANLEY STREET

John Gardner stated this item was sent back to the Plan Commission at the March meeting of the Common Council because of a change in the site plan and some issues that need to be worked out. The rezoning request is consistent with the adopted Stanley Street Plan which projected this area for commercial use. If the property is rezoned to commercial and if, for any reason, the car wash is not built, all permitted uses in that zoning district would be allowed with no further review. Permitted uses in commercial zoning could include apartments, offices, any kind of retail use, fast food or drive-in restaurants, dry cleaners, and any other kind of commercial use.

Acting-Chairman Sowieja noted we will deal with the rezoning issue first and entertained discussions/questions from neighboring property owners that are present.

Ann Shannon questioned if there were neighborhood meetings during the reconstruction of Stanley St.

John Gardner responded there were a series of neighborhood meetings before the Stanley Street Plan was adopted which was before the reconstruction.

Karen Aldinger noted she is not comfortable voting on this without neighborhood input.

Jeff Zabel noted since none of the neighbors present have voiced opposition and the rezoning fits in with the long range plan, he would be in favor of the rezoning.

Jeff Zabel moved, seconded by Fred Steffen, to recommend approval of rezoning 3609 Stanley Street from "R-2" Single Family to "B-4" Commercial Zoning.
Ayes all; Nays none; Motion carried.

John Gardner stated the site plan has been amended to meet some of the concerns from the last meeting which includes moving the building forward on the lot, directing the cars to enter the car wash from the back of the lot, and a 6' high fence along the east and south property lines. There was a second mailing regarding noise decibel level readings prepared by the owner of the property. We also discussed limiting the hours of operation from 6:00 a.m. to 10:00 p.m. and look at preserving the trees on the east and west boundaries of the site. No drainage plans have been submitted. All drainage must be maintained on-site.

Acting-Chairman Sowieja questioned how far the car wash would be from the rear property line.

Randy Trzebiatowski responded there would be approximately 130' to the rear lot line.

Jeff Zabel questioned if the developer agrees with limited hours of operation.

Randy Trzebiatowski noted this is a substantial investment and extra business from a 24-hour operation would help pay the bills. He wouldn't mind limiting the hours until midnight and leave the self-service and vacuums open. It would be hard to shut everything down.

Bonnie Zawislan, owner of property at 3616 Doolittle located directly behind this property, expressed concern with the lights and noise from the car wash for her tenants. The vacuums would be facing her tenants and all of the patios would face the proposed car wash. The trees and fence

aren't enough of a buffer.

Florian Klasinski, 3627 Stanley St., stated he lives in the single family home to the east of this property. He is opposed to the car wash because of the noise and lights. If it is approved, he would want the privacy fence installed to protect him as much as possible.

Mike Yokers, owner of vacant land south of this property, stated the car wash would hinder development of his vacant land into multiple family. A car wash would be noisy and there would be complaints. He would hesitate to develop his land with a car wash there.

Jeff May, owner of vacant land adjacent to this property, stated he agrees with Bonnie Zawislak and is opposed to the car wash because of the noise. There is not a lot of land left in the city and he purchased his land 10 years ago for multiple family development. The city has emphasized how much time they have spent on noise complaints and this use would produce a lot of noise. Regardless of the hours, there will be noise.

Ald. Sevenich questioned if there were complaints when the Mobile car wash/gas station was built at Stanley/Minnesota Ave. which is right next to single family.

John Gardner responded there were noise complaints from the house next door about the loudness of the car wash blowers and all night operation at Stanley/Minnesota. That is one of the reasons that we made car washes conditional uses.

Ald. Sevenich felt restricting the hours would be a big help and maybe some extra fencing along the trees would help to buffer the noise.

Randy Trzebiatowski noted passing semi trucks are louder than the blowers would be at the car wash.

Jeff Zabel noted because this is a conditional use, what happens if there are complaints and a lot of noise.

John Gardner responded it would depend on the conditions that are placed on the approval. In some cases, conditional uses are granted for a fixed period of time and are then reviewed again when the time limit expires. The applicant would have to apply again. In theory, if permission is not granted, they would have to discontinue the use. That works when the request is more for a use than for a structure. A structure that is built for a car wash is hard to make into something else if approval is not granted.

Lois Feldman noted with so many places having air conditioning now, the windows would be closed during the summer. The Stanley Street Land Use Plan was adopted eleven years ago, and these people should know what the zoning was.

Florian Klasinski responded we were under the illusion that we were zoned commercial. We were told that it was never adopted by the city, so we are not commercially zoned.

John Gardner responded the Plan was adopted with the intent to show future commercial use. We don't rezone it until we have an actual request. In this case, it took eleven years.

Jeff Zabel noted he has mixed emotions on this. Based on the long range plan of commercial zoning, he is more apt to go along with it, but include staff conditions.

Jeff Zabel moved, seconded by Fred Steffen, to recommend approval of the Conditional Use request for a car wash at 3609 Stanley Street with the following conditions: 1) a solid 6' high fence be constructed along the south and east property lines to screen vehicle lights and noise from the adjacent property, 2) storm water drainage be retained on-site, 3) the hours of operation be limited to 6:00 a.m. to 10:00 p.m., 4) the owner develop construction techniques to preserve the existing trees on the east and west property lines.

Ayes, Zabel, Steffen, Feldman, & Sowieja; Nays, Aldinger; Abstained, Shannon. Motion carried.

5. REQUEST TO INCREASE SIZE OF ACCESSORY BUILDING ALLOWED IN RESIDENTIAL ZONES

John Gardner stated there has been a request to construct a 30' x 48' (1,440 sq. ft.) pole storage building in a residentially-zoned area in the boundary adjustment area. City ordinance allows one accessory building up to 900 sq. ft. The reason for the ordinance was to make an accessory building subordinate to the main house and it was felt that 900 sq. ft. was sufficient for a 4-stall garage. The city restriction is in proportion with surrounding towns and villages. He noted that larger accessory buildings tend to attract non-residential uses and are used for warehousing, car repair, and other non-residential uses. The ordinance allows a 3' setback from the property line for an accessory building and a larger pole building that close to the lot line would be overpowering in a residential area. Increasing the size of accessory buildings would allow space for owners to store their large vehicles rather than outside where they are visible.

He recommends against changing the ordinance.

Lois Feldman noted there are spaces to rent in the city for extra vehicles she is unwilling to change the ordinance.

Jeff Zabel noted he walked this property and it is quite good sized. Has there been any thought to increasing square footage of an accessory as the lot gets bigger?

John Gardner responded staff has talked about a sliding scale or making them conditional uses. Staff would have to work something out and bring it back next month.

Kevin Lutz, petitioner and owner of 3333 Feltz Ave., distributed pictures of other accessory buildings in the area that are 900 sq. ft. or larger. There is already a precedence for it.

Bill Pritchard, 1801 West Zinda Drive, stated he lost a home sale because of the 900 sq. ft. accessory building requirement - the potential owner wanted 1,200 sq. ft. Now days, many people have lots of toys and they want them on their own property. He felt the ordinance should be updated with a sliding scale and insisting that the building materials be consistent with the primary building on the lot.

Lois Feldman noted this person owns 1 ½ lots and if the lots were split in the future, there would be a more crowded situation.

Fred Steffen noted he has mixed emotions. There are other buildings in the neighborhood that are close in size to what he proposes but they are not in the city so they are okay. Because he is putting it up too close to being annexed to the city, he can't do it. He would much rather see snowmobiles, boats and trailers, etc. inside a building, even a pole building, than sitting outside.

He is in favor of the sliding scale.

Ann Shannon noted she liked Mr. Pritchard's comments about consistency of building materials between the accessory building and the main building.

Fred Steffen moved, seconded by Karen Aldinger, to deny the request to increase the size of accessory buildings in residential zones, and recommend staff prepare a sliding scale based on the size of the property. Ayes all; Nays none; Motion carried.

6. WHITETAIL TRAIL SUBDIVISION - PRELIMINARY PLAT

A. UTILITY INSTALLATION

B. PERMISSION TO SELL LAND

7. REZONING - 80 ACRES LOCATED AT NORWAY PINE DR AND TORUN RD. FROM "R-LD" LOW DENSITY TO "R-1" SUBURBAN SINGLE FAMILY

John Gardner reviewed the history of the land and noted the intent is to do more of the same type of subdivision from Whitetail Subdivision south to Norway Pine Dr. Approximately 1/4 of the 80 acres would be for park purposes. There would be approximately 60 lots in the proposed subdivision. Sewer and water would be offered to property owners on Norway Pine Drive but they would not be forced to connect until they annex. The actions required today are to rezone the property, approve the preliminary plat, give the city permission to sell the lots, and to allow the installation of utilities. He noted the Finance Committee will deal with how the lots are to be sold.

Larry Lawrence, 4709 Norway Pine Dr., requested more information on the utility installation.

John Gardner noted sewer comes up Stanley Street and then goes up Torun Road to the mobile home park. When we do a utility installation, we do deferred assessments which means the houses along the way that annex to the city would have to connect to sewer and water and they would pay the rate of the cost to install the utility when it was installed. The rate is frozen once the utilities are installed.

Kim Delikowski, 5115 Norway Pine Dr., when the utilities were extended out to the mobile home park, we were given an amount to hook-up. Will there be a new assessment now?

John Gardner responded you don't have sewer and water in front of your property now, so he thinks you might be looking at a new assessment. He suggested she come in to the office tomorrow and they would check it out.

Kathy Buatti, 5008 Whitetail Dr., asked if the covenants for the new subdivision will be the same as for Whitetail Subdivision? If you look at Whitetail Subdivision as it is now, you will see that the lawn covenants are not being carried out.

John Gardner responded the covenants will probably be the same.

Fred Steffen stated he doesn't like to see the city in private enterprise and prefers the subdivision not be developed by the municipality. Why would any developer want to compete with the city. Whoever develops the land needs to be very careful about standing water in the spring.

Ald. Rackow stated his recollection of extending water and sewer to the mobile home park was connected to the idea that when the city sold the lots, the proceeds would help offset the cost of running the utilities up there.

Jeff Zabel moved, seconded by Lois Feldman, to recommend approval of the preliminary plat for Whitetail Trail Subdivision, installation of utilities, and permission to sell the land.

Ayes, Zabel, Feldman, Shannon, & Aldinger; Nays, Steffen & Sowieja; Motion carried.

Ann Shannon moved, seconded by Karen Aldinger, to recommend approval of rezoning the 80-acre parcel located at Norway Pine Dr. And Torun Rd. To "R-1" Suburban Single Family.

Ayes, Shannon, Aldinger, Zabel, Feldman, & Sowieja; Nays, Steffen.

Motion Carried.

8. PORTAGE COUNTY SPACE STUDY

John Gardner stated Portage County has hired DLR Architects to do a study of the health care center, jail building, courtrooms, and the Human Services building. The Portage County Space and Properties Committee is charged with taking the recommendations and doing something with them. He reviewed the attached report and noted the city has been invited to participate in the study.

Don Jankowski stated the study suggests strongly that the jail and the courthouse be in the same facility to avoid transportation and security issues. **We will be planning a new jail to include the courthouse as a campus-type setting. The first phase (in the next 3-5 years) we will need 4 ½ acres of property. The second phase (in 20 years) would need 3 additional acres. The third phase (in 50 years) possibly another 7 acres.** If this doesn't fit within the city's downtown area, we will have to look at another site within the city. We cannot expand the existing jail. It will cost us over \$1 million/year to transport people to other jails over the next couple of years.

The PONI study is a federal grant that helps us understand our needs for the jail and how we should build it. We need to work as a team with the city to find out where the building can best fit the needs of the community.

Dave Sowieja noted when you are looking at 7-14 acres within the city limits, your asking a lot for the city to supply that kind of acreage. We need to consolidate rather than spread it out.

Lois Feldman stated one solution might be to change the laws in terms of who has to be incarcerated. The bottom line cannot always be the dollar sign.

Fred Steffen noted the problem with moving the facility out of downtown is you lose the services for those that are employed downtown. Maybe it is time to build a ramp and quit taking up land.

No action required today.

9. COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

John Gardner stated he suggests that our application use the entire city and not apply by census tract only and recommended approval of

submitting the application.

Karen Aldinger moved, seconded by Ann Shannon, to recommend the City submit an application for a Community Development Block Grant for housing assistance with staff to recommend to the Council the exact boundaries of the application.
Ayes all; Nays none; Motion carried.

10. REZONING - 2009 MADISON STREET FROM "M 2" HEAVY INDUSTRIAL TO "R-3" TWO FAMILY ZONING

John Gardner stated we have done this type of rezoning on Patch and Koch Streets. The owner needs to re-finance and the loan company will not re-finance a residential loan under the current nonconforming status. Several of the neighbors have called in support of the rezoning. He recommends rezoning this property to Two Family and suggests staff meet with the neighboring property owners east of East Avenue, in addition to the neighbors on Koch Street, to determine their interest in rezoning from Heavy Industrial to Two Family Zoning.

Fred Steffen moved, seconded by Jeff Zabel, to recommend approval of rezoning 2009 Madison Street to "R-3" Two Family Zoning. Ayes all; Nays none; Motion carried.

Meeting adjourned at 6:00 p.m.

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