

Meeting Minutes

City Plan Commission Minutes

Monday, October 6, 2003 - 4:00 P.M. PRESENT: Chairman Mayor Wescott; Bud Flood; Lois Feldman; Karen Aldinger; Ann Shannon; Mike Phillips, Fred Steffen

ALSO PRESENT: Comm. Dev. Dir. John Gardner; City Clerk Victoria Zdroik; Water Dept. Dir. Greg Disher; Kim Halverson; Ald. Sevenich, Markham, Rackow, Molski, & Stroik; Rev. Matthew Mallek; Gary & Jessica Oliver; Bev Mancl; Val Omernick; Shane Swiderski; Brian Doudna; Chuck Kell, Village of Whiting Pres.; Neal Nealis; Kent Worzalla; Joan Lodzinski; Ray Schmidt, Po. Co. Water Specialist; Jerry Walters, Village of Whiting Trustee; Kate Garsombke, Stevens Point Journal

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 2. Sale of City Property - Southwest Corner of Maria Dr./Second St.
 3. Rezoning - 641 Second Street North from "B-4" Commercial to "R-3" Two Family Zoning
 4. Conditional Use Request - Construction of Storage Buildings - 530 West River Drive - Kent Worzalla
 5. Conditional Use Request - Apartment Buildings - 1200 Block - Riverview Ave.
 6. Amendment to Wellhead Protection Overlay District - 23.02(4)(E)
1. APPROVAL OF THE MINUTES OF THE SEPTEMBER 2, 2003 PLAN COMMISSION MEETING

Lois Feldman moved, seconded by Mike Phillips, to approve the minutes of the September 2, 2003 meeting. Ayes all; Nays none; Motion carried.

2. SALE OF CITY PROPERTY - SOUTHWEST CORNER OF MARIA DR./SECOND ST.

Chairman Wescott reviewed the attached memo from John Gardner and noted that the Engineering Dept. has also reviewed it and recommends approval of selling approximately 12' to Mrs. Lodzinski.

John Gardner noted that history shows this property was purchased to extend Maria Dr. and to provide parking for businesses in the area.

Bud Flood moved, seconded by Fred Steffen, to recommend approval of the sale of excess city owned property at the southwest corner of Maria Dr./Second St.

Ayes all; Nays none; Motion carried.

3. REZONING - 641 SECOND STREET NORTH FROM "B-4" COMMERCIAL TO "R-3" TWO FAMILY ZONING

Chairman Wescott reviewed the memo from Brent Curless and noted the operative section is the third paragraph that says all recent construction in this area has been residential in nature. The recommendation is to approve the rezoning request.

Bud Flood questioned if the house behind the foundation is a residence, and noted it looks like construction has stopped on the foundation. Are the setbacks met?

John Gardner responded the house behind is a residence. We have not seen the site plan for the proposed duplex yet. It is his understanding that the contractor requested to put footings in the ground prior to frost.

Mike Phillips moved, seconded by Karen Aldinger, to recommend approval of rezoning 641 Second Street North from "B-4" Commercial to "R-3" Two Family Zoning.

Ayes all; Nays none; Motion carried.

4. COND. USE REQUEST - CONSTRUCTION OF STORAGE BUILDINGS - 530 WEST RIVER DRIVE - KENT WORZALLA

John Gardner reviewed the surrounding land uses and noted there are currently two existing buildings on the site. The original plan included four buildings. The four buildings originally approved were not completed within the one year time limit, the conditional use permit expired, and that is why the request is back. The proposal is to construct an addition to an existing building and construct one new building. There are two existing driveways on the site.

Bud Flood moved, seconded by Mike Phillips, to recommend approval of the conditional use request from Kent Worzalla to construct storage buildings at 530 West River Drive.

Pastor Matthew Mallek, Good News Fellowship Church, read a letter on behalf of approximately 300 families representing the day care and church. They expressed concern for the safety and well being of the children they serve. Their soccer field is immediately south of Mr. Worzalla's storage buildings and there is no safety fencing. They have a private drive on their property that goes from West River Drive through to Hwy. 10 East and the day care teachers take children for walks and children ride their bikes along there going to and from school. They request the Plan Commission deny the request to expand the storage units or delay action to allow the church time to get further input from clients and parents.

Fred Steffen suggested fencing the storage facility.

Mike Phillips noted if the storage area was fenced and a soccer ball was kicked over the fence, the kids couldn't get it out. He suggested decorative boulders around the property.

Chairman Wescott noted the Plan Commission and Council granted a conditional use in 1992. A day care center and soccer fields have been added since that time that warrant some type of consideration and protection. What is the best way to provide for the safety of the children.

Kent Worzalla, owner of the property, stated the proposed addition and new building will not have doors toward the south and will be accessed only from West River Drive. There is no need for public access toward the soccer fields.

Bud Flood noted he likes the idea of decorative boulders. He further noted this property is zoned commercial which would allow for some type of use with more traffic than the proposed use.

Fred Steffen moved, seconded by Mike Phillips, to amend the motion to include that Mr. Worzalla place protective boulders 2' in diameter between his property and the soccer fields and along the private drive, and that the boulders be spaced close enough together so that cars cannot drive between them (original sponsors of motion agreed to a friendly amendment).

(Vote on original motion and amendment) Ayes all; Nays none; Motion carried.

5. COND. USE REQUEST - APARTMENT BUILDINGS - 1200 BLOCK - RIVERVIEW AVE.

John Gardner stated the proposal is to construct 10, 16-unit buildings with two driveways on Riverview Avenue. The major frontages of the buildings face the street which is what we like, however, the garages are closer to the street than the principle facade of the buildings. He would recommend approval of the proposed design, pending public input, with the conditions that brick be added to the garage facades facing the street and also to the two-bedroom units as well as another column of brick be added from the ground to the eaves in the middle of the building between the windows, the garages be moved further away from the street than the buildings, drainage be approved by the Engineering Dept., two driveways, 600' apart be approved by the Street Dept., and that the proposed construction not encroach on the wetlands to the north. The site currently has a stand of pines and he suggests approximately thirty feet of pines be preserved along Riverview Avenue.

Val Omernick, 424 Riverview Avenue, stated within 3 square blocks of where he lives, there are already 134 units in this area. There have been layoffs with possibly more to come, we don't need 160 more units. He feels this project would be over-concentration. When HH was constructed, several landowners wanted to put in second driveways and they were told there would not be any more driveways on HH. He sees there are one-stall garages with these proposed apartments and with most families having two cars, that means cars would be sitting outside. Do they have to dedicate parkland?

John Gardner responded the requirement is for a park or a fee in lieu of parkland. In this case, we recommend a fee in lieu of park land. The fee goes to the Parks Dept. for park improvements.

Bev Mancl stated she has 24 units along Riverview and expressed concern with 160 more units. This project feels very high density. There are a lot of single family and condos in this area with landscaping. If this is approved, she hopes the city would require brick and landscaping and that parking would blend with the neighborhood.

Neal Nealis stated the proposal is not to develop the full 20 acres, only 12.1 acres. The back portion is in wetlands and conservancy and won't be developed.

Ald. Rackow noted with regard to the parkland fees, the director always attempts to put the improvements in the district or area that the fees come from.

Chairman Wescott noted questions have surfaced that suggest assessing whether we really need more apartments. Is there criteria for approval or denial by the city.

John Gardner responded traditionally, cities approach density through zoning. We have a minimum square footage per unit, which is a sliding scale, that determines how many units can be placed on a given parcel. The total number of units in the City is controlled by how much acreage in the entire community is zoned multiple family. This property and the land across the street has been zoned multiple family and industrial for decades.

Bud Flood felt that approximately 300 units in this area is saturation. He questioned the applicability of standard #9.

John Gardner responded that #9 of the standards states that "the proposal will not result in a substantial or undue adverse effect on the neighborhood....". Someone would have to make a finding that this number of units in this area would have an adverse effect. This finding should include adjacent properties as well.

Neal Nealis noted when you put multiple family development in a community, vacancy rates may increase within the interior sections of the community where we don't want multiple family density. Those vacant rentals in the interior would more than likely be converted back to single family.

Mike Phillips feels this area is really concentrated with multiple family that needs to be spread out throughout the city. If this is approved, he would like a motion to include minimizing the amount of trees cut down on this site.

Chairman Wescott felt the key question seems to be whether there is a need for 160 more units. It's not a bad idea to have Mr. Gardner prepare aerial photographs to give us a better overview of this area. He doesn't have a problem holding up on this.

Lois Feldman felt we also need some type of summary of how much vacant land is still zoned multiple family in the city.

Mike Phillips moved, seconded by Ann Shannon, to postpone this item for one month to allow time for further information. Ayes all; Nays none; Motion carried.

6. AMENDMENT TO WELLHEAD PROTECTION OVERLAY DISTRICT - 23.02(4)(E)

John Gardner stated he has received requests from the Portage County Business Council to clarify the ordinance by clearing up existing language, and the Village of Whiting to allow more uses than are currently allowed in the ordinance. He doesn't have the actual language ready yet because it will take some discussion. He indicated these requests came before the fuel leak at the airport.

He provided a slide presentation of the history behind the ordinance and reviewed the following:

- 1) Definitions of what is controlled by the ordinance. There are some things that can pollute drinking water, but are not hazardous to groundwater. There are some items that still are a danger to groundwater that are not toxic or hazardous, but we want to have control over them.
- 2) Permit application submittal requirements. A site plan, operational plan, operational safety plan, and a contingency plan. Costs for any consultant fees and technical review would be paid for by the applicant.
- 3) Design standards for storage areas. Define our expectations regarding secondary containment, design and control of storage areas, loading docks, storm water control, and groundwater monitoring.
- 4) Exemptions. Include a limited amount of cleaning products, fuel in vehicles, heating supplies, retail quantities of materials if not re-packaged.
- 5) Existing facility upgrade. Distinguishing between the handling and storage of controlled materials, not the building or use.

The current ordinance allows above-ground petroleum tanks up to 660 gallons. The request is to make hazardous and/or toxic materials storage above 660 gallons a conditional use rather than being prohibited as they are now. He compared our ordinance with several other ordinances and

finds that other ordinances allow 20 gallons or less of product, with any larger quantities requiring conditional use review.

Brian Doudna stated the Portage County Business Council deals with industries that are potentially interested in developing in the Business Park which is in the Groundwater Recharge Area. Any ambiguity in the groundwater ordinance makes it difficult for potential developers to make a decision. Clarification would help with marketing of the land.

Mike Phillips felt this should probably go to the Water and Sewage Commission.

Chuck Kell, County Planner & Village of Whiting President, stated that over the years, there have been several good businesses that have wanted to locate in the city, the existing industrial park, or in the new county industrial park but because of the ordinance, those businesses moved to other communities. Our village board felt that it was because of the protection that was put in place for our well fields that the community was losing businesses. We are more concerned about the transport of these chemicals via railcar through the community or on the highway system, than we are about storage of these chemicals in buildings that were designed properly and handled properly and the chemicals were in quantities less than what would be transported throughout the community. In light of things that have changed since the ordinance was created and better knowledge of how to deal with these issues, we feel changes should be made.

Jerry Walters, Whiting Utilities Committee, stated the owner of Judge's Cleaners came in well prepared with a wonderful design for a building with underground membranes but because of the ordinance, we could now allow it. Our committee would like to see a better description of design for new buildings and how to retrofit old buildings that would further benefit our community and wells, rather than having a more stringent ordinance. Clarification will go a long way.

Chairman Wescott questioned whether the Whiting board has adopted these changes.

Chuck Kell responded Mr. Schmidt prepared some ordinance amendments and the utilities committee reviewed them and the board approved them. The system that John Gardner is explaining is more restrictive. We support that as well. Each community seems to be doing a different thing. Clarification will go a long way.

Ray Schmidt, Po. Co. Water Quality Specialist, stated John's proposal is more restrictive than what he thought would be protective of the groundwater. With proper containment, the quantity is not an issue, it is a matter of management.

Ald. Rackow stated it seems we would want things standard in all three communities.

Ald. Markham agreed that transportation is a risk, but if we have a large spill, people know about it right away versus a slow leak from a tank that may not be detected right away.

Greg Disher, Water/Sewer Dept. Dir., felt clarification is great but that's where it stops. He is not in favor of allowing larger quantities as a conditional use.

Chairman Wescott noted everyone agrees that it makes sense to clarify the ordinance. When it comes to conditional use versus not allowed, he is uncomfortable with it. He doesn't think we want to put the city in the position to have two sets of rules. We don't want one set of rules for the Portage County Business Park and another set of rules for the rest of the city. We have to think long term about protection of our recharge area. His preference is to refer this to the Water and Sewage Commission because they were actively engaged before. He would be uncomfortable proceeding until he has received a recommendation from them regarding the additional uses.

Fred Steffen moved, seconded by Mike Phillips, to refer this item to the Water and Sewage Commission for review and, ultimately, a recommendation back to the Plan Commission. Ayes all; Nays none; Motion carried.

Meeting adjourned at 5:30 p.m.

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