

Meeting Minutes

CITY PLAN COMMISSION

Monday, November 4, 2002 - 4:00 P.M. PRESENT: Acting Chm. Elbert Rackow; Karen Aldinger; Jeff Zabel; Bud Flood; Fred Steffen; (Excused, Ch. Mayor Wescott and Lois Feldman)

ALSO PRESENT: Comm. Dev. Dir. John Gardner; City Clerk Victoria Zdroik; Water & Sewer Dir. Greg Disher; Parks & Recreation Dir. Tom Schrader; Ald. Sevenich, Seiser, Sowieja, Barr, Molski, and Phillips; Larry Koopman; Jay Erickson; Robert Metzger; David & Pam Enerson; Dennis Saari; Gary & Amy Oudenhoven; Brody Rice; Jim & Wendy Miller; Jim & Debbie Billings; Mark & Annette Houck; Carol & Dick Berry; Jim Madson; Jon & Adeline Austin; JD Manville; Mike Fisher; Paul & Patty Adamski; Susan Kampmeier, Stevens Point Journal; Gene Kemmeter, Po. Co. Gazette
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1. APPROVAL OF THE OCTOBER 7, 2002 PLAN COMMISSION MINUTES

Karen Aldinger moved, seconded by Jeff Zabel, to approve the minutes of the October 7, 2002 meeting. Ayes all; Nays none; Motion carried.

2. CONDITIONAL USE - UTILITY STRUCTURE - WILSHIRE DR. NORTH @ I-39 IN CONSERVANCY ZONING

John Gardner reviewed the staff report and stated the request is to demolish the existing structure and replace it with a new one. Staff recommends approval.

Fred Steffen moved, seconded by Jeff Zabel, to recommend approval of the conditional use request of Wisconsin Public Service to erect a utility structure on their property at Wilshire Dr. and I-39 as presented. Ayes all; Nays none; Motion carried

3. PRELIMINARY PLAT - MAYBELLE ERICKSON - DELLA ST.

John Gardner stated the property is zoned AR-2" Single Family. The proposal is to divide the parcel into 13 lots with 4 access points for public access to the water. The Parks Commission will review the proposed access points at their meeting next week. The city has the option to accept land for park purposes or take money in lieu of land. In this case we are taking the land for the access points, with the reservation that acceptance of wetlands for public access is not regarded as a precedent for future park acceptance. The public access in this proposed subdivision serve as access for ice fishing.

The size of the proposed lots are consistent with other lots along Della Street and with the zoning regulations. None of the buildable sites are in the wetlands area and he suggests if the preliminary plat is approved, the condition be included that the wetlands be noted on the map as non-buildable areas that are subject to DNR and Army Corps of Engineers regulations. The owner has indicated that no occupied or permanent dwelling would be allowed on the peninsula (part of lot 9), but would allow for a gazebo or storage building. The plat is being developed with a 30' water setback which is consistent with other setbacks along McDill Pond south of Patch St. Staff notes newly-annexed land must be developed with the 100' setback as adopted by the county.

The developer has proposed a private cul-de-sac to serve lots 10, 11 & 12 which will require a variance from the Subdivision Ordinance because all lots must front on a public street. If the variance were granted and the private cul-de-sac were constructed, maintenance and utility issues would be the responsibility of the lot owners and they should determine how to apportion those costs when the lots are sold. If the variance is not granted and the lots must front on a public street, lots 10, 11 & 12 would likely be reduced to possibly two lots depending on the width of the street frontage. City staff is recommending this not be a public cul-de-sac because it would extend the Della St. cul-de-sac which already exceeds the 500 ft. maximum length for a cul-de-sac.

He reminded Commissioners that if the preliminary plat is approved by the Plan Commission and Council, the final plat is entitled to approval. No additional conditions may be added on the final plat later.

Larry Koopman of Lampert-Lee and Assoc., stated that because of some of the issues raised regarding the private cul-de-sac, the owner has indicated he wants the final submittal to show Osprey Court as a public street to be built to public standards with public sewer and water.

Paul Adamski, 3117 Della St., representing himself and six other property owners on Della St., distributed a memo prepared by them indicating their questions and concerns. They are not opposed to the proposal, but would like additional information with regard to the quality of the development and how it relates to existing properties. In addition to some of the issues already raised, they are concerned with the 30' water setback and whether now is the time to increase it to the county's 100' setback. They feel 4 access points are excessive and that 2 would be adequate. He and his wife have lived here 16 years and haven't seen fishermen going to more than 2 access points. The sewer lift station was designed with 4 additional lots as originally proposed years ago. This proposal is for 12 additional lots. Lots 8 & 9 don't seem to meet the requirement of being perpendicular or at right angles to street lines. We would like information that would reassure us that there would not be so much additional storm water drainage so as to create a negative effect on the existing residences and wetlands as a result of putting in 12 new driveways and a large asphalt cul-de-sac. They are concerned with an existing storm water drainage problem getting worse.

Ald. Seiser appreciated the comments of the neighbors and included her concerns with run-off from this development, water setbacks, and keeping the shorelands in a natural state.

Gary Oudenhoven, 3100 Della St., noted the plan shows a transmission line and you cannot build under an electric power line easement.

Larry Koopman responded taking the transmission line into consideration, there is enough buildable area to construct a 4,000 sq. ft. single story home on each lot.

Dick Berry, 3016 Della St., noted the city put in the existing storm sewer, but it was his understanding that it could not be extended further. It is not a standard storm sewer, it is a perforated pipe and cannot handle the volume now.

John Gardner noted the City Engineering Dept. has reviewed this plat and not raised any significant concerns. He would make them aware of the technical issues raised today.

Jeff Zabel stated he is uncomfortable voting on this item at this point. There are a lot of unanswered questions.

Bud Flood felt maybe they are trying to get too many lots into this area. There are enough issues without answers.

Bud Flood moved, seconded by Jeff Zabel, to postpone this item for further information. Ayes all; Nays none; Motion carried.

4. CONDITIONAL USE - APARTMENT PROPOSAL - MARIA DR./SECOND ST. (900 Block of Maria Dr.)

John Gardner stated the request is to construct an apartment building in "B-4" Commercial zoning. The use is consistent with the zoning however apartments are a conditional use and require approval. The developer has prepared a new site plan which incorporates the conditions he had recommended in his staff report with respect to windows on the east and west ends of the building, gables of various sizes to extend over the sidewalk, and a privacy fence between the apartment building and the home to the south. He suggests extending the brick to the soffit line between apartment units as a vertical break between the units. The setback requirements are smaller in commercial zoning and parking is allowed in the front yard. Construction of the apartments will eliminate existing parking space commonly used by area businesses and we anticipate parking problems in the neighborhood. This loss of parking may result in cars parking on the streets and illegally parking on adjacent properties, or the attendance at some of the bars could go down due to lack of parking. Staff recommends approval of the request, subject to neighborhood input, with the changes as shown on the new site plan and work with the owners on the gables, and other design work.

Bud Flood questioned what the dashed line is east of this site.

John Gardner responded the dashed line indicates a future street. The lot immediately east of this site, (5), is owned by the city in anticipation of extending the street. All setbacks for this proposed development are from this proposed street.

Jim Billings, owner of the Final Score Tavern at 908 Maria Drive, expressed opposition to the request. He is the current tenant of the existing parking lot on this site. This lot is very important to his business as well as surrounding businesses that also use it for parking. When he purchased his property, he entered into a lease-to-purchase agreement which has since expired. However, he had communicated his intent to the current owner, approximately one month ago, to purchase the lot. At that point, the owner gave no intent of canceling the current arrangement that they have or to pursue other development. Currently, they have room on their property for 20-25 parking spaces. Because of the first three conditional use standards listed in the memo and the short notice, he would like to see this tabled to allow him more time for discussions with the owner to possibly purchase the property.

Jeff Zabel questioned if parking is such a problem for those businesses without this lot, does that mean these businesses do not meet the parking requirements.

John Gardner responded the businesses do not meet the parking requirements. He noted the ability to expand parking in this area is limited because of the proximity to residential uses along Second Street and because a lot of these buildings were constructed prior to the parking regulations.

Karen Aldinger questioned whether we could legally deny the owner of this property his right to development based on the need for parking in the area?

John Gardner responded he has discussed this with the city attorney and if there is no condition requiring off-site parking between the two properties, you cannot use that as a basis for denial.

Ald. Seiser expressed concern with lack of space for the city to plant trees between the sidewalk and the street.

J.D. Manville, co-owner of the property, stated the current parking situation could not generate enough money as a lease or sale to continue as a parking lot. Billings' had a one year option to purchase the property which expired in June. He contacted Billings one week before the expiration. At this point, we have to maximize the use of the land.

Bob Metzger, adjacent property owner to the south, expressed concern with setbacks and the drainage from a building 10' away from his property, ownership of the existing trees, and why the property isn't rezoned for its intended use.

John Gardner responded the setback from any street is 25' in both commercial and multiple family zoning. The rear yard setback is 10' in commercial zoning and 20' in multiple family zoning. The sideyard setback is 0' in commercial zoning and 10' in multiple family zoning. The reason the owners are not requesting rezoning is that they want to maximize the use of the property and they can accomplish that by having the smaller setbacks. The owners are not allowed to increase storm water drainage to your property.

J.D. Manville stated there will not be any doors on the back of the building and they will provide a privacy fence between the properties. He is not sure of the ownership of the trees, but they will have a survey done. We want to leave as many trees as possible.

Ald. Sevenich expressed concern with the parking issue for the businesses. This lot is filled on Thursday, Friday and Saturday nights. Without this lot and if they are not allowed to parking on Maria Drive, they will be parking in residential neighborhoods on Meadow St. and Second St.

J.D. Manville stated it will not remain a parking lot because it is not the highest and best use for the property.

Jeff Zabel noted he hates to see businesses suffer because we are taking parking away from them. Although he understands the best use of the property, he would like to give Mr. Billings a chance to deal with the owners.

Jeff Zabel moved, seconded by Bud Flood, to table this request until the December Plan Commission meeting. Ayes all; Nays none; Motion carried.

5. CONDITIONAL USE - WATER TANK IN TWO FAMILY ZONING - CYPRESS/BLISS/MAPLE

John Gardner stated the request is to construct a second water tower in the city. The engineers have indicated that the best location is near the existing water tower, near larger water transmission lines, and at the same elevation as the existing water tower. The request is a conditional use under the zoning district and staff recommends approval of the proposed site, which is owned by the city, with certification that the site is not located in the wetlands.

Greg Disher, Dir. of Sewage and Water Dept., stated they had looked at 16 sites and this is the most suitable and is located on land already owned by the city.

Ald. Seiser felt this is a good site and encouraged keeping the trees.

Jim Miller, 401 Bliss Ave., stated his property is right across from the proposed driveway to this tower. He is concerned about drainage onto his property. When it rains, water from Bliss Ave. runs onto that property and into his yard. His land is a wetlands for 3 months out of the year and so is the lot across from him. He is concerned about this being in wetlands, decreasing his property value, and destroying existing wildlife habitat and requests denial of this request.

Greg Disher responded he contacted DNR about wetlands and is waiting for an answer.

John Gardner stated city ordinance states additional storm water cannot be made to drain onto neighboring properties. This project cannot flood the neighbor's property nor can it block natural drainage that would result in flooding neighboring properties.

Ald. Sevenich noted their son lived on the north side across from the other water tower and they sold their house for \$20,000 more than what they bought it for.

Michael Hafeman, 1913 Cypress St., stated this is a wetlands. Every spring when the river rises, the wooded area floods and creates a mosquito problem, so this would be an improvement. He felt another site would be the Stock Lumber site.

Greg Disher responded the asking price for the Stock Lumber site is \$450,000. We already own the proposed site.

Bud Flood suggested moving the tower directly northwest along Cypress St. which would be a higher elevation and out of the lower area. He doesn't have a problem with it being located in this general area if we can address Mr. Miller's concerns and look at other locations on this site.

Dennis Nash, Earth Tech, responded this specific location was selected to stay out of the future roadway.

Bud Flood moved, seconded by Elbert Rackow, to recommend approval of the request to construct a water tank as a conditional use in the general area as indicated on the attached map with the understanding that it not be located in the wetlands, and if it is constructed in a wooded area, only those trees necessary for construction be removed.

Ayes all; Nays none; Motion carried.

6. AMENDMENT TO WIRELESS COMMUNICATION TOWER ORDINANCE - PERMITTING SMALLER TOWERS

John Gardner stated this amendment allows towers 55' in height or less, if constructed using an open weave tower no larger than 12" x 12" x 12" galvanized metal without guy wires and no more than 2 antennas of less than 2.5 feet in diameter, to be approved without review. We would continue to review larger, more visually conspicuous towers.

Bud Flood moved, seconded by Jeff Zabel, to recommend approval of the amendment to the Wireless Communication Tower Ordinance as presented.

Ayes all; Nays none; Motion carried.

Meeting adjourned at 6:00 p.m.

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