

REPORT OF THE CITY PLAN COMMISSION

Monday, June 6, 2011 – 6:00 PM

PRESENT: Mayor Halverson, Ald. Jerry Moore, Tony Patton, Shari Laskowski, Jack Curtis, and Maurice Rice

ALSO PRESENT: Community Dev. Dir. Michael Ostrowski, Ald. Roger Trzebiatowski, Ald. Mary Stroik, Ald. Jeremy Slowinski, Ald. Marge Molski, Matthew Brown, Mary Fehrenbach, Jay Wolf, Ward Wolff, Sandra Kryshak, Barb Jacob, Bernard Landerman, Cathy Dugan, and Mary Ann Laszewski

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 3. Discussion and possible action on a request from William and Mary Fehrenbach, 1408 Wisconsin Street, for a conditional use permit for the purposes of constructing a porch using the "R-TND" Traditional Neighborhood Development Overlay District minimum setback requirements. Parcel ID 2408-32-1012-11.
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 8. Discussion and possible action on a request from Christine Scharrer and Lisa Bishop, to rezone the property located at 1416 Main Street from "R-5" Multiple Family II Residence District to "B-2" Central Business Transition District (CBD Transition) or "B-3" Central Business District (CBD). Parcel ID 2408-32-1005-07.
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 10. Discussion and possible action on a request from Christine Scharrer and Lisa Bishop, for the City of Stevens Point to vacate a portion of the property located at the southeast quadrant of Centerpoint Drive and Smith Street. Parcel ID 2408-32-1005-09.
 11. Discussion and possible action on the Lake Management Plan for McDill Pond.
 12. Adjourn.
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1. Approval of the report of the May 2, 2011 Plan Commission meeting.

Motion by Moore to approve the report as presented; seconded by Patton. Motion carried 6-0.

2. Discussion and possible action on a request from Rand Erbach for a site plan review for the property located at 823 Main Street (Parcel ID 2408-32-2017-01) and 800 Clark Street (Parcel ID 2408-32-2017-02).

Director Ostrowski reported that at the May 2, 2011 Plan Commission meeting, the Plan Commission approved a conditional use permit for the construction of two, five-bedroom apartment units at 823 Main Street. At that meeting, the Plan Commission placed the following conditions upon the request:

- 1) Shall parking ever become unavailable, the conditional must cease within 60 days, or another parking location must be approved.
- 2) Applicant must secure a multi-family license prior to occupying the unit.
- 3) The interior work for the apartment shall be completed within one (1) year after final approval, and may be granted a six month extension with approval by staff.
- 4) Exterior improvements must be reviewed by the Historic Preservation / Design Review Commission.
- 5) The dumpster must be screened.
- 6) Landscaping shall be installed along Clark Street and Water Street, or at the corner per staff approval.

Since then, Mr. Erbach has received approval for the design by the Historic Preservation / Design Review Commission. In addition, the Common Council approved the conditional use request, with the exception of sending the landscaping requirement (number 6 above), back to the Plan Commission for further consideration.

The concern is that with the installation of landscaping along the parking lot, or at the corner of Clark Street and Water Street, Mr. Erbach may see a reduction in the number of parking stalls. The current parking layout has parking stalls that are immediately adjacent to the sidewalk. Since parking stalls are at a premium in the downtown, Mr. Erbach has asked the City to reconsider its position on requiring him to install the landscaping.

Director Ostrowski stated that if this was a permitted use, Mr. Erbach would not be required to install landscaping throughout the parking lot, because the lot currently exists. The City's Zoning Ordinance requires parking lots to meet the current standards when more than 50% of the lot is reconstructed.

Director Ostrowski stated that while landscaping would help with the aesthetics, he would recommend that the Plan Commission remove this condition, until the parking lot is reconstructed, or if the freestanding sign at the corner of Clark and Water is used. At that time, Mr. Erbach would need to comply with the current ordinance requirements.

Rand Erbach, 823 Main Street – said the cost of landscaping is not a cost issue, but rather a loss of parking for the business and tenants. In regards to the Historical Preservation and Design

Review Commission stipulation for the sign post, Mr. Erbach said he is working with Bushman Signs and he is planning to meet the landscaping requirement at that time.

Mary Ann Laszewski, 1209 Wisconsin Street – was disappointed that the Commission would consider lifting the landscaping requirement. She pointed out that it was the Plan Commission that suggested and added it as a stipulation and the Common Council referred it back. Ms. Laszewski pointed out that the parking lot in question is the entrance to the downtown, and that this area deserves consideration and no compromising. There is parking on the street and in the square area. In the small parking lot behind Play ‘N Learn there are only nine stalls; they have provided landscaping there. If this were a new lot it would be required, even though this is not a new lot, it is a new use for this building.

Cathy Dugan, 615 Sommers Street - is sorry that the restoration is not accurate to the original design of the building by including more windows and the removal of the paint. She would urge Mr. Erbach to think of the possibility of painting his building like the buildings that Tim Schertz had redone on the northwest part of the square. Ms. Dugan agrees that parking is limited by the store, but the city has double the average number of parking as other downtowns. She does not think there is a need to be that generous with parking and pointed out that he has owned the building for some time and there should be landscaping the area.

Commissioner Rice stated he is not persuaded by the elimination of parking stalls as a valid issue as to why the lot could not be landscaped. However, he does believe that there is a legal issue, as the lot is not being reconstructed. Commissioner Rice would like to rescind the condition of landscaping. He also is concerned about lots like Starbucks, where vehicles pull right up to and block part of the sidewalk.

Motion by Rice to eliminate condition number six relating to landscaping, until such time the Municipal Code calls for it; seconded by Laskowski. Motion carried 6-0.

3. Discussion and possible action on a request from William and Mary Fehrenbach, 1408 Wisconsin Street, for a conditional use permit for the purposes of constructing a porch using the “R-TND” Traditional Neighborhood Development Overlay District minimum setback requirements. Parcel ID 2408-32-1012-11.

Director Ostrowski reported that Mr. and Mrs. Fehrenbach wish to remove the existing stoop and reconstruct an open porch on the front/street side of their home using the R-TND setback requirements. The front setback will be 13 feet and the side will meet the existing side yard setback. The porch will extend out 7 feet and be 19 feet wide. The steps for the porch will extend 3 feet from the proposed porch.

Motion by Moore to approve the request as presented with the condition that the project be completed within one year of final approval; seconded by Patton. Motion carried 6-0

4. Discussion and possible action on a request from Sandra Kryshak of Pa Joe’s Bar, 233 Division Street, for a conditional use permit for a premise extension to an exterior seating area. Parcel ID 2408-29-4002-04.

Director Ostrowski reported that Ms. Kryshak is requesting a conditional use permit for the purposes of extending the premise to an exterior seating area in front of Pa Joe's Bar. The seating area will be surrounded by a 4 feet high wrought iron fence. Director Ostrowski stated that staff would recommend approval with the following conditions:

- Refuse containers shall be relocated behind the building or an enclosure shall be constructed to keep them hidden from view from Division Street and the surrounding properties.
- No food service, drinking, or music is allowed on the exterior seating area after 11:00 PM.
- Public Protection Committee shall review the plans for the fencing.
- A landscaping buffer, which does not impede visibility, is encouraged around the exterior seating area to create some additional perception of separation between the outdoor seating area and the parking lot and sidewalk.
- Seating area is separated from the sidewalk by at least 5 feet.
- Due to safety concerns, no parking shall be allowed in front of the bar, or immediately adjacent to the exterior seating area. A physical barrier is encouraged around the exterior seating area for the protection of patrons.
- The patio area should not create any visibility obstructions.
- The number of parking spaces should not be reduced below the amount required for the property.
- Conditional use to expire June 30, 2013.

Sandra Kryshak, 2350 Magnolia Drive, Plover WI - asked about the dumpsters being screened or moved, and stated she would have them moved.

Commissioner Rice wanted a physical barrier required for the purpose of beer or beverages being passed back and forth to persons on the sidewalk and to prevent a car from parking in that area.

Director Ostrowski stated that the concern that staff has is that a physical barrier be installed to prevent a vehicle from entering this area. For example, if a car would go off of Division Street and crash into this area, there really is no protection for patrons.

Sandra Kryshak stated that the area from the deck to the sidewalk is 12 feet and the slab would be 14 inches high.

Motion by Patton for approval with the conditions as follows:

- **Refuse containers shall be relocated behind the building or an enclosure shall be constructed to keep them hidden from view from Division Street and the surrounding properties.**
- **No food service, drinking, or music is allowed on the exterior seating area after 11:00 PM.**
- **Public Protection Committee shall review the plans for the fencing.**

- **A landscaping buffer, which does not impede visibility, is encouraged around the exterior seating area to create some additional perception of separation between the outdoor seating area and the parking lot and sidewalk.**
- **Seating area is separated from the sidewalk by at least 5 feet.**
- **Due to safety concerns, no parking shall be allowed in front of the bar, or immediately adjacent to the exterior seating area. A physical barrier is encouraged around the exterior seating area for the protection of patrons.**
- **The patio area should not create any visibility obstructions.**
- **The number of parking spaces should not be reduced below the amount required for the property.**
- **Conditional use to expire June 30, 2013.**

seconded by Rice. Motion carried 6-0.

5. Discussion and possible action on a request from Jay Wolf, to rezone the property located at 1600 Michigan Avenue from "R-2" Single Family Residence District to "R-3" Single and Two Family Residence District. Parcel ID 2408-33-2020-01.

Motion by Mayor Halverson to postpone action on agenda items 5 and 6 until the siding is installed on the dwelling and the property is brought up to standards.

Mayor Halverson stated that the house needs to be brought up to standards, sided and appropriately maintained before the Plan Commission will even consider a rezoning or conditional use on the property.

Jay Wolf, 1600 Michigan Avenue – stated the house sat vacant for two to three years when it was owned by a finance company out of Texas. Since purchasing the property he has removed the shrubs, the deteriorated porch, and the garage, as well as done extensive renovations. The house still does have the original siding on it, which was acceptable prior to his purchasing the property. Mr. Wolf stated that he added a house wrap to protect the multiple interior upgrades that he has done. In the process, Mr. Wolf stated that he has increased the value of the corner lot. Mr. Wolf said the siding has currently been delivered and should be done shortly. He wants to start the process on the next project so that when the current siding is completed, he can then start on the garage and have footings poured and the garage constructed prior to winter.

Mayor Halverson stated that the house has sat in its current condition for a long period of time and needs to be brought up to standards. He applauded the efforts of Mr. Wolf and the work that has already been completed, but prior to any rezoning or conditional uses, the siding will have to be completed. The street look is not acceptable.

Jay Wolf questioned what the current standard was for the home, and expressed that it might take him three weeks to get the siding done, which puts him into the August meetings for approval. Mr. Wolf did go around to the neighbors and received signatures saying they are in support of this request. Mr. Wolf expressed that he just wants approval for the future developments and would meet the conditions placed upon him if he could get these approvals.

Mayor Halverson stated that it would need the siding complete on all sides except the side that would have the attached garage. Mayor Halverson indicated that if Mr. Wolf wanted to come

back to the Plan Commission when the siding was done, there would be no additional charges for the rezoning and conditional use requests.

Commissioner Moore stated that a second was need.

Patton seconded the motion.

Mayor Halverson stated that this property has been sitting for quite some time and that the city should have been more aggressive in the orders for this home.

Commissioner Rice asked when the next Plan Commission would be due to the July 4th holiday. Director Ostrowski indicated Tuesday July 5th. He recommended postponing the items by one month and see what kind of progress can be made and if a person really got going on it, the siding could be done by the July 5th meeting.

Jay Wolf pointed out that it would be easy for a crew of five to six guys to complete the project in a week or two, but since he is doing this himself after work and in his free time, it does move slower. Postponing the requests will cut into his time for pouring the cement and closing up the building in time for winter.

Mayor Halverson pointed out that the leniency of the building inspectors in not giving orders more frequently has taken into consideration Mr. Wolf's situation. Mr. Wolf took over the property October 17, 2008 and that the photo online from the assessor's office was from December 17, 2009, which shows no change in the property condition as of today. The siding is still not done the way the ordinance needs it to be and the speed in which it is getting done needs to increase.

Commissioner Patton asked for clarification that if the Plan Commission would approve the plan it would give Mr. Wolf two weeks until the Common Council meeting to complete the siding. If he does not the Common Council could deny the request.

Jay Wolf stated that within the last two weekends he has been working on it and that he has made drastic improvements on the house and would be very willing to work on it with contingencies.

Commissioner Rice stated that he is not persuaded about the hardships, considering Mr. Wolf has owned the building for over two years. Since the building had been vacant the purchase price would have reflected that.

Jay Wolf wanted clarification that the requirement would be to reside all sides except for the area where the garage would be attached to the house.

Commissioner Moore said that this is on a very busy street and is seen by the public heavily. Commission Moore asked Alderperson Mary Stroik if she had received any complaints. Alderperson Stroik responded she had not received any complaints, but had heard comments that people are pleased that the property is coming around.

Aldersperson Trzebiatowski stated that it would be a sizable expense to require the west side of the building where the garage was going to go to be sided.

Mayor Halverson clarified that the three remaining sides must be sided prior to any approval.

Motion carried 6-0.

6. Discussion and possible action on a request from Jay Wolf, 1600 Michigan Avenue, for a conditional use permit for the purposes of constructing an attached garage using the "R-TND" Traditional Neighborhood Development Overlay District minimum setback requirements. Parcel ID 2408-33-2020-01.

Motion by Mayor Halverson to postpone action on agenda items 5 and 6 until the siding on the north, east, and south sides is completed; seconded by Moore. Motion carried 6-0.

7. Discussion and possible action on amending the City of Stevens Point Zoning Ordinance to add an "Inn" as a conditional use in the "R-4" Multiple Family I Residence District.

Director Ostrowski reported that there is a request to allow the property located at 1416 Main Street (the Castle) to be used as an Inn. Currently, the Zoning Ordinance does not make any mention of Inns, but only refers to bed & breakfasts and hotel/motel uses. Therefore, the applicants have made a request to amend the Zoning Ordinance to allow inns.

After reviewing the code, and the intent of each district, Director Ostrowski believes the appropriate district to allow an inn would be in the "R-4" Multiple Family I Residence District. The intent of this district is to provide a medium density, mixed residential district intended to provide a transition between lower density detached housing areas and more intense non-residential land usage consistent with the City's Comprehensive Plan. However, similar to a bed and breakfast, Director Ostrowski would consider them to be a conditional use. In addition, since the zoning ordinance builds off of each district, meaning, the conditional uses allowed in R-4 are allowed in R-5, this use would be allowed in the higher intensity districts as well.

The following are the definitions for each type of use:

- **BED AND BREAKFAST ESTABLISHMENT** - is any place of lodging that provides 4 or fewer rooms for rent, is the owners personal residence and is occupied by the owner at the time of rental and in which the only meal served to guests is breakfast. Guests shall not exceed seven consecutive days of occupancy.
- **HOTEL** - is an establishment which is open to transient guest, as compared to a boarding rooming, or lodging house, and is commonly known as a hotel in the community in which it is located; and which provides customary hotel services such as maid service, the furnishing and laundering of linens, telephone and secretarial or desk service.
- **MOTEL** - a combination or group of two (2) or more detached, semi detached or connected permanent dwellings occupying a building site integrally owned and used as a unit to furnish overnight transient living accommodations.

Given this, Director Ostrowski would recommend the following definition for an inn: A lodging type that may or may not be owner-occupied, offering 5 to 12 bedrooms, permitted to serve breakfast in the morning to guests. Guests shall not exceed seven consecutive days of occupancy.

Commissioner Laskowski did want clarification on the fact that the developers would fix up units and then rent them out, and if that would have a conflict with the definition of the Inn.

Director Ostrowski explained that the current use is as a rooming house and since it is grandfathered in, the location would be able to do both uses unless there was no long term renter for over a 12 month period, then the rooming house use would expire.

Commissioner Moore pointed out that some traveling business persons stay in an area for two – three weeks at a time and the seven day maximum stay would cause a conflict for that purpose.

Director Ostrowski responded that the seven day clause is in there so the establishment does not become a multiple family dwelling, you could change it to a fourteen day maximum.

Mayor Halverson clarified that we are just defining the Inn and the length of stay to differentiate between a Bed and Breakfast, an Inn, and a Hotel/Motel.

Motion by Rice to approve the ordinance change to add an Inn as a conditional use within the "R-4" Multiple Family I Residence District, with the following definition:

A lodging type that may or may not be owner-occupied, offering 5 to 12 bedrooms, permitted to serve breakfast in the morning to guests. Guests shall not exceed fourteen consecutive days of occupancy;

seconded by Patton. Motion carried 6-0.

8. Discussion and possible action on a request from Christine Scharrer and Lisa Bishop, to rezone the property located at 1416 Main Street from "R-5" Multiple Family II Residence District to "B-2" Central Business Transition District (CBD Transition) or "B-3" Central Business District (CBD). Parcel ID 2408-32-1005-07.

Director Ostrowski gave an overview Ms. Scharrer and Ms. Bishop are planning to purchase the above described property and restore it to a 10 unit inn, small café, and possibly a single unit residential living quarters. To do so, the property will need to be rezoned and a conditional use will need to be granted. They are requesting a rezoning to either "B-2" Central Business Transition District (CBD Transition) or "B-3" Central Business District (CBD). The reason in which they are requesting a rezoning to B-3 is because the property has limited parking availability. Under B-3 zoning, properties are not required to provide onsite parking. During the time in which Centerpoint Drive was being constructed, a mitigation plan was established and the property was granted 8 spaces in the parking lot to the west of the existing building. Therefore, the current number of stalls for the site would be approximately 14.

Motioned by Rice to rezone the property located at 1416 Main Street from "R-5" Multiple Family II Residence District to "B-3" Central Business District; seconded by Moore.

Director Ostrowski indicated that the current owner has asked that if the property is not sold, the existing zoning of R-5 remain.

Amendment to the motion to accept the condition that if the property does not sell then the current zoning would remain R-5 Multi Family II Residence District. Motion carried 6-0.

9. Discussion and possible action on a request from Christine Scharrer and Lisa Bishop, 1416 Main Street, for a conditional use permit for the purposes of operating an Inn. Parcel ID 2408-32-1005-07.

Director Ostrowski presented the staff report and indicated that staff would recommend approval with the following conditions:

- The maximum number of rooms should not exceed 10.
- Refuse containers shall be screened from view.
- All exterior changes must be reviewed by the Historic Preservation / Design Review Commission.
- Allow for the garage to be removed and a new garage to be added with the review by the Historic Preservation / Design Review Commission.

Mayor Halverson agrees with the conditions, and asked the applicants about their plans for the garage.

Christine Scharrer and Lisa Bishop answered that they would place a single stall garage next to the house by reusing the bricks from the old garage and then a carport in the area where the rest of the existing garage is located.

Commissioner Rice stated that a contingency should be added that if the sale does not go through then the establishment would not be awarded the conditional use to operate as an Inn.

Motion by Rice to approve the Conditional Use Permit to operate an Inn at 1416 Main Street with the following conditions:

- **The maximum number of rooms should not exceed 10.**
- **Refuse containers shall be screened from view.**
- **All exterior changes must be reviewed by the Historic Preservation / Design Review Commission.**
- **Allow for the garage to be removed and a new garage to be added with the review by the Historic Preservation / Design Review Commission.**
- **This resolution shall take effect upon passage and the transfer of the real estate from the current owner to the petitioner.**

seconded by Moore. Motion carried 6-0.

10. Discussion and possible action on a request from Christine Scharrer and Lisa Bishop, for the City of Stevens Point to vacate a portion of the property located at the southeast quadrant of Centerpoint Drive and Smith Street. Parcel ID 2408-32-1005-09.

Director Ostrowski had spoken with the title officer and with the Assessor's Office. After further review, there is no indication that the property was ever transferred to the City. Therefore, the property is likely owned by the owner of the Castle property. Given this, Director Ostrowski recommends having the city deed over this property triangle to the current property owner of the Castle, so there is no question over this property.

Mayor Halverson agrees with this recommendation.

Commissioner Rice asked if this would be properly described and surveyed at the city's expense. Mayor Halverson agreed.

Motion by Rice to approve the dedication of the triangle piece to the owner of 1416 Main Street; seconded by Laskowski. Motion carried 6-0.

11. Discussion and possible action on the Lake Management Plan for McDill Pond.

A presentation was given by Linda Stoll on the Lake Management Plan for the McDill Pond, with the request to recognize that there is an active plan for the management of the McDill Pond.

Motion by Mayor Halverson to place the plan on file in the Community Development Department; seconded by Laskowski. Motion carried 5-0, with Rice not present.

12. Adjourned at 7:43pm