

Meeting Minutes

REPORT OF CITY PLAN COMMISSION

Monday, April 3, 2000 - 4:00 P.M.

PRESENT: Chairman Mayor Wescott; Jeff Zabel; Bud Flood; Fred Steffen; Elbert Rackow (Excused, Lois Feldman and Art Davy)

ALSO PRESENT: Comm. Dev. Dir. John Gardner; Po. Co. Senior Planner Jeff Schuler; Village of Whiting President Chuck Kell; Po. Co. Water Quality Specialist Ray Schmidt; Paul Rogers; Ted Hakala; Dave Kramer; Bill Pritchard; Jeff Kurszewski; Ald. Kedrowski, Phillips; Nealis; Alan Bartlett; Brian Nickle; Att. Scott Roberts; Margaret West; Anton Janowski; Jaime Klasinski; Michael Feltz; Ed & Muriel Grasamkee; Susan Kampmeier; Scott Krueger; Gene Kemmeter

INDEX:

1. APPROVAL OF THE MARCH 6 , 2000 PLAN COMMISSION MINUTES
2. DISCUSSION - AMENDMENT TO PROHIBITED USES IN RECHARGE B ZONE - GROUNDWATER ORDINANCE
3. AMENDMENT TO CITY SUBDIVISION CODE - DEVELOPMENT STANDARDS, GROUNDWATER PROTECTION OVERLAY DISTRICT
4. EXTRATERRITORIAL PLAT REVIEW - BERARD SUBDIVISION LOCATED IN SECTIONS 11 & 14, T24N, R8E, TOWN OF HULL
5. SIGN VARIANCE - YMCA - 1000 DIVISION ST
6. REQUEST FOR OFF-SITE PARKING - ROGERS CINEMA - 2725 CHURCH ST.
7. CONDITIONAL USE - MULTIPLE FAMILY - SANDPIPER/AMBER LA. AND AMEND CONDITIONAL USE - MULTIPLE FAMILY - SANDPIPER/BRILOWSKI
8. AMENDMENT TO JACKSON WOODS SUBDIVISION RELEASE OF DRAINAGE EASEMENT
9. REZONING - 4516 HERITAGE DRIVE - FROM "R-1" SUBURBAN SINGLE FAMILY TO "R-2" SINGLE FAMILY ZONING
10. CONDITIONAL USE - COMMUNITY BASED RESIDENTIAL FACILITY - 639 SECOND STREET NORTH
11. ANNEXATION AND ESTABLISH "R-2" SINGLE FAMILY ZONING - 3517 STANLEY ST. - RUTTA
12. UTILITY EXTENSION - BOYINGTON AVE. FROM EAST AVE. TO RESERVE ST.
13. ENHANCEMENT GRANTS DOT

1. Sidewalk Project - Highway 10 East between Maple Dr. and Amber Ave.
2. Gateway Gazebo - Business 51 at North Point Dr.
3. Pedestrian & Bicycle Tunnel - Business 51 at Wis. Central Railroad Tracks
4. Renovation of Steam Engine along Business 51
5. Acquire abandoned properties along US 10 in downtown
6. Patch Street sidewalk
14. CITY PLAN UPDATE

1. APPROVAL OF THE MARCH 6 , 2000 PLAN COMMISSION MINUTES

Elbert Rackow moved, seconded by Bud Flood, to approve the minutes of the March 6, 2000 meeting. Ayes all; Nays none; Motion carried.
Back to Index

2. DISCUSSION - AMENDMENT TO PROHIBITED USES IN RECHARGE B ZONE - GROUNDWATER ORDINANCE

Ray Schmidt, Po. Co. Water Quality Specialist, distributed the attached memo and described the recommended changes which he said would provide a higher degree of protection within the Po. Co. Business Park. The proposed changes would require management and containment within buildings in the Business Park, both within the 5-year time of travel and outside that area. At this time, no Wisconsin municipalities currently do this as a wellhead protection type of approach. There is one municipality, the City of Eau Claire, that does it as a hazardous materials ordinance not in the well recharge district and any new industries within their municipal boundaries have to meet the criteria of zero discharge to the environment before they can be constructed. The Po. Co. Business Park is in the Whiting well recharge area. The Village of Whiting has passed a resolution in favor of the proposed changes. He hopes to bring a formal ordinance back to the Plan Commission in May

Chairman Mayor Wescott noted this is something that the County has asked of the City and he has asked that it be sent to the Village of Whiting first for review by their officials. It is his judgment that it is a significant shift in philosophy from prohibition to one of management. If we as a community are comfortable with that shift, then we are also shifting to one of management and on-going inspection. He requested that the Village of Whiting President forward to him any Village minutes relevant to this. No action is required today on this item.

Back to Index

3. AMENDMENT TO CITY SUBDIVISION CODE - DEVELOPMENT STANDARDS, GROUNDWATER PROTECTION OVERLAY DISTRICT

Chairman Wescott reviewed the staff report and noted there are no changes being suggested that would weaken the groundwater protection ordinance.

Jeff Zabel moved, seconded by Bud Flood, to recommend approval of the proposed amendment to the City Subdivision Code. Ayes all; Nays none; Motion carried.

Back to Index

4. EXTRATERRITORIAL PLAT REVIEW - BERARD SUBDIVISION LOCATED IN SECTIONS 11 & 14, T24N, R8E, TOWN OF HULL

John Gardner reviewed his attached memo and noted there are two options. Option 1 is to divide the site into 25, 2-acre lots. Option 2 is to divide the site into 25 lots ranging in size from 1 to 1.5 acres and retaining 26.3 acres of land in commonly-owned open space. Option 2 is preferable because the lot frontages are smaller so that in the event utilities are desired, it would be financially feasible to extend them. If the world were perfect, an Option 3 would be developed that would allow all the land to become developed into 50 lots and consume less land. Option 2 does not provide for that. Staff would prefer Option 3, with Option 2 being the second choice. He applauds Mr. Berard for working with staff on this and trying something new.

Elbert Rackow moved, seconded by Jeff Zabel, to recommend approval of the proposed extraterritorial plat review as presented for the Berard Subdivision.

Ayes all; Nays none; Motion carried.

Back to Index

5. SIGN VARIANCE - YMCA - 1000 DIVISION ST

John Gardner noted the property is located in the "R-5" Multiple Family II district which is pretty restrictive as far as signage goes. Their signs are **proposed to be 180' back from Franklin and 280' back from Division. Because of the size of their lot, he doesn't feel this will serve as a precedent** because there should be very few requests with buildings and lots this large with so few immediate residential neighbors, and with the setbacks as large as proposed.

Fred Steffen moved, seconded by Bud Flood to recommend approval of the sign variance as presented for the YMCA building at 1000 Division Street, based on: 1) there will be very few requests with buildings this large, 2) there will be very few requests with so few immediate residential neighbors, and 3) there will be very few buildings with the size of this lot and setback this far from the streets in "R-5" Multiple Family II Zoning District.

Ayes all; Nays none; Motion carried.

Back to Index

6. REQUEST FOR OFF-SITE PARKING - ROGERS CINEMA - 2725 CHURCH ST.

John Gardner stated the original plans have changed and the plans are now to build the new theaters north of the existing building, relocate the proposed lobby to the south end of the building, and purchase the home at 1324 Matilda St. and rent it out for residential use. The request today is to locate 136 of their total 177 parking spaces across Matilda Street. Another change from the original plan is to provide a sidewalk along the entrance drive from Matilda St. If off-site parking is allowed, staff would recommend approval with the conditions as stated in the attached staff report with regard to signs, lighting, connection to storm sewer, landscaping, moving theaters #7 & #8 5' to the east, and the fencing as proposed for the off-site parking lot.

Fred Steffen questioned whether there is a way to have the parking lot lighting automatically shut off ½ hour after the movie is over so they do go 24 hours a day into neighbors yards.

Paul Rogers, President of Rogers Cinemas, responded he would be glad to do that. He has no object to moving theaters #7 and #8 back 5'. He thanked the commissioners for turning down his last plan which allowed us to come up with a much better plan. He noted the parking lot should be done by July/August with building construction to begin in October with completion in early February.

Ald. Phillips expressed concern with drainage from the off-site parking lot causing further problems on Water St.

John Gardner noted the City Engineer has reviewed the drainage plans and indicated there is adequate capacity.

Marcella Janisewski, 2531 Warner St., noted her driveway is right across from the theater driveway on Warner St. and expressed concern with **additional traffic onto Warner St. from two additional theaters. Why isn't there a fence/screening shown along the parking lot on Warner St.?**

John Gardner responded that the parking lot is existing and the ordinance states we can require landscaping/screening to new lots but not to existing lots. Staff felt there might be less through traffic onto Warner St. because the lot opposite Janisewski's home will only have 30 spaces as opposed to previously handling all of the parking. There will be more traffic in the area because there are more seats.

Elbert Rackow moved, seconded by Jeff Zabel to approve the request for off-site parking for Rogers Cinema at 2725 Church St. with the following conditions: 1) lighted signs be required at lot entrances on Matilda St. and Church St.; 2) adequate lighting of the lot using cut-off light fixtures to **minimize glare into adjacent properties with some type of automatic shut-off for parking lot lighting ½ hour after the movies are over;** 3) **the off-site parking lot be connected to storm sewer;** 4) the area between the drive aisle and the sidewalk be landscaped and that adequate measures are installed (like a curb) to prevent vehicles from driving between the building and the sidewalk; 5) theaters #7 and #8 be moved 5' east from the location shown on the attached map; 6) the remote parking lot fence be a solid fence (chain link with fillers is permitted) along the north boundary of the parking lot adjoining residential uses. No fence is required along Business 51 in order to maintain clear vision at the entrance point. Optional fencing along the east, south, and west boundaries. Ayes all; Nays none; Motion carried.

Back to Index

7. CONDITIONAL USE - MULTIPLE FAMILY - SANDPIPER/AMBER LA. AND AMEND CONDITIONAL USE - MULTIPLE FAMILY - SANDPIPER/BRILOWSKI

Jeff Schuler stated the Plan Commission previously approved seven 6-unit apartment buildings on this site. The proposed plan would reduce the number of 6-unit building to the two buildings currently under construction. A new 3-story, 56-unit apartment building would be constructed on the rest of the property located within the Parkdale development at the southwest corner of Sandpiper St. and Amber Ave.

This request requires two approvals 1) modify the previous conditional use approval for the 6-unit buildings, and 2) review the new proposal. He reviewed his attached case report. The new proposal for the 6-unit building should meet all the previous conditions with regard to landscaping, lighting, and exterior materials. The previous driveway connecting Sandpiper St. and Amber Ave. has been eliminated and replaced with a single 30' access point.

He suggested that the drive be reduced from 30' to 22'-24' in width to add more green to the central courtyard area, and that the landscaping plan specifically address the areas between the northern building and entry drive, between the two buildings, and along the southern boundary.

With regard to the 56-unit building, there seemed to be insufficient land area included to support the 56, 1 and 2 bedroom units. Staff had considered the "1 bedroom plus den" units as 2 bedroom units for land area calculations. There is sufficient area in the proposed 6-unit parcel to redraw the boundary to give the 56-unit parcel proper acreage. The parking requirements for 50, 1-bedroom units and 6, 2-bedroom units would be 87 stalls. The site plan shows 60 stalls (40 stalls in the building basement and 20 surface stalls) A future parking area is also shown for 27 cars should they be needed. The proposed project meets most of the 14 conditional use standards and staff recommends approval of the revised 6-unit proposal and the 56-unit proposal with the conditions/restrictions as stated in the staff report.

Ted Hakala, Lutheran Social Services, stated they intend to provide affordable housing for senior couples or senior individuals. The den area shown on one of the maps are not bedrooms and will be reduced in size and eliminate the proposed closet, which should help us with regard to land area and/or parking requirements.

Dave Cramer, Architect, reviewed the building design and noted they are proposing vinyl siding on the north (front) elevation with brick on the gabled projections. The east and west ends would have brick for the bottom 8-9' of the stair projections. They are also looking at a 12" band of contrasting vinyl at the head of the windows. The south elevation and the back portion of the east and west elevations would have balconies with some type of architectural railings in a contrasting color.

Jeff Schuler questioned whether the commissioners felt the brick would be better served on the south elevation which is very visible coming up Amber Lane, as opposed to the west elevation which is more tucked away. He also suggested a brick band along the base to tie the brick

columns together.

Jeff Zabel stated he was comfortable with the brick columns without the brick band.

Ted Hakala stated the site would be tax exempt.

John Gardner stated the Zoning Code states the applicant must provide parking. In this case, the parking spaces provided do not meet the code requirements. In talking with their attorney, we agreed that in order to do this, the council would have to make a provision in the code that states in the event that someone is going to rent to a specific target audience, the Plan Commission and Council would have the ability set a different parking standard and if the owner goes away from that specific target audience, parking would need to be added.

Chairman Wescott noted we have questions about our latitude with the parking, the den versus one bedroom parking issue, questions about the tax exempt status of the property. He would like to see some color drawings for clarification and suggested postponing action on this item for 30 days.

Jeff Zabel moved, seconded by Bud Flood, to table this item for 30 days.

Ayes all; Nays none; Motion carried.

Back to Index

8. AMENDMENT TO JACKSON WOODS SUBDIVISION RELEASE OF DRAINAGE EASEMENT

Chairman Wescott referred to the attached memo which indicates that apparently there is no more need for the drainage easement.

Bud Flood noted when this easement was required, it was quite an issue back then. He doesn't understand why it can be eliminated now when it couldn't before.

Bill Pritchard responded he doesn't feel it was established that there ever was a problem with groundwater draining to the south properties, but was an objection that the property owners to the south were concerned with. Mr. Van Alstine checked the drainage easement a couple of weeks ago and it was dry. He has never seen water running through the ditch. We are building larger homes in there and there just isn't room with the drainage ditch.

Ald. Nealis noted Mr. Pritchard is developing this area very nicely. He received this notice on Friday and has not had enough time to research the issue. The former alderperson indicated some concerns and he did not have time to talk with her about them. He requests this item be denied or tabled until next month.

Fred Steffen moved, seconded by Jeff Zabel, to table this item until next month.

Ayes all; Nays none; Motion carried.

Chairman Wescott requested the minutes be pulled from the relevant 1994-95 Plan Commission and Council meetings regarding this issue and provide them to neighbors, alderpersons and Plan Commission.

Back to Index

9. REZONING - 4516 HERITAGE DRIVE - FROM "R-1" SUBURBAN SINGLE FAMILY TO "R-2" SINGLE FAMILY ZONING

John Gardner stated we have a situation where the property owner put in the basement, footings, foundation and the walls of the basement. **We did a routine check and found that the building is 3' too close to Leahy Ave. Normally we wouldn't, but because the property is adjacent to multi-family and manufacturing, we could justify it because it would be a transition for a buffer between the higher uses to the north and the residential uses to the south. He is recommending this only because it is in this location. If it were in the middle of a block surrounded by "R-2", he couldn't recommend it. He recommended approval of the rezoning with a condition that the owner put a restriction on his lot that the lot not be subdivided at any future time.**

Fred Steffen noted that Heritage Drive is a 60' right-of-way instead of 66'. If the owner would have used the same measurement for the right side, he would be within the limits.

Jeff Zabel questioned whether this would be caught when the building permit was taken out and secondly, should there be a penalty charged to someone who violates the code.

John Gardner responded the site plan was modified in the field for some reason. Because of it only being 3' and located where it is, the \$90 rezoning fee will take care of it.

Jeff Kurszewski, owner of the lot, stated generally the right-of-way is 60' and he was not aware that it was 66'.

Ald. Kedrowski stated that a friend of his near Madison did this and had to move the foundation. He doesn't feel it would be out of line to require that.

Ald. Phillips questioned whether this is spot zoning.

John Gardner responded it is not spot zoning because it is not commercial zoning in the middle of residential zoning. It is considered a transition. He reviewed the setback requirements for Alan Bartlett, who is an adjacent neighbor at 4508 Heritage Drive.

Fred Steffen moved, seconded by Jeff Zabel, to recommend approval of the rezoning of 4516 Heritage Drive from "R-1" Suburban Single Family to "R-2" Single Family Zoning with the condition that the owner put a restriction on the deed that the lot cannot be subdivided. Ayes all; Nays none; Motion carried.

Back to Index

10. CONDITIONAL USE - COMMUNITY BASED RESIDENTIAL FACILITY - 639 SECOND STREET NORTH

Chairman Wescott reminded the commissioners that they recently approved the community based residential facility and the owner is asking to amend the site plan to relocate the parking lot and entrance drive.

John Gardner reviewed the issues that have come up between the developer and the property owner at 633 Second St. N. with regard to the location and use of the driveway. The new driveway location will have more of an impact to the property owner at 633 Second St. N. than the original design. The developer has indicated he would keep the parking lot 30' away from the north property line of the properties along Edgewood Ave. Staff had hoped the adjacent property owners would have worked out some compromises between them. To his knowledge, that has not happened and staff does not have a recommendation at this time.

Scott Roberts, attorney representing Margaret West of 633 Second St. N., stated he was retained by Ms. West on Friday. He feels Ms. West would have a very actionable claim of adverse possession of the driveway. Ms. West has resided there since the early 1970's and has used that driveway and mowed the lawn ever since. He and Att. Molepske are working on some proposals and would hope to resolve their differences. He proposes the commissioners not take any action today to allow he and Att. Molepske time to work reach a compromise.

Anton Janowski, 641 Second St. N., stated the new property line takes away one-third of his driveway. He has lived there 45 years and there was never a problem with property lines.

Jaime Klasinski, developer of the property, stated the survey at 641 Second St. N. was done 5 years ago and does show Mr. Janowski s drive to be several feet on his land. He changed the original site plan to accommodate the issues that were brought up at the previous meeting.

Michael Feltz, 1208 Edgewood Ave, stated the new proposal shows the parking lot shifted closer to his property. He would rather see them use the original site plan.

Muriel Grasamkee, 609 Second St. N., stated the property north of the West home was deeded to them by her father in 1976 for access to the **back property. The Grasamkee s are the ones that made the improvements on the property , the sidewalk, driveway and gutters. She read from** paper, signed by Margaret West in 1994, which stated that Ed/Muriel Grasamkee are the legal owners of the 33' driveway at the north lot line of 633 Second St. N.

Chairman Wescott suggested a motion to table the request for 30 days to allow time for the attorneys and property owners to try on a compromise.

Jaime Klasinski questioned whether this could be approved subject to a mutual understanding between the neighbors so that it doesn t have t come back again.

Attorney Scott Roberts felt we should report back whether there is an agreement or not.

Bud Flood moved, seconded by Fred Steffen, to table the request for 30 days.

Ayes all; Nays none; Motion carried.

Back to Index

11. ANNEXATION AND ESTABLISH "R-2" SINGLE FAMILY ZONING - 3517 STANLEY ST. - RUTTA

John Gardner stated the property owners have requested annexation. The utilities have been installed and will be connected after annexation. The current use is single family and staff recommends approval of the annexation and Single Family Zoning.

Fred Steffen moved, seconded by Chairman Wescott, to recommend approval of annexation and Single Family Zoning for the property at 3517 Stanley Street.

Ayes all; Nays none; Motion carried.

Back to Index

12. UTILITY EXTENSION - BOYINGTON AVE. FROM EAST AVE. TO RESERVE ST.

John Gardner noted this is basically a housekeeping matter. The property owner contacted the Engineering Dept. to extend utilities to his vacant lot which is located in the middle of the block. The utilities run north-south and this would run an extension east-west to this parcel.

Fred Steffen moved, seconded by Elbert Rackow, to recommend approval of extending utilities to the property on Boyington Ave. between East Ave/Reserve St.

Ayes all; Nays none; Motion carried.

Back to Index

13. ENHANCEMENT GRANTS DOT

1. Sidewalk Project - Highway 10 East between Maple Dr. and Amber Ave.
2. Gateway Gazebo - Business 51 at North Point Dr.
3. Pedestrian & Bicycle Tunnel - Business 51 at Wis. Central Railroad Tracks
4. Renovation of Steam Engine along Business 51
5. Acquire abandoned properties along US 10 in downtown
6. Patch Street sidewalk

Chairman Wescott noted the attached memo is self-explanatory. The city did not receive funding in the round that just completed. Another round is upon us, and we are requesting permission to submit the six projects.

Elbert Rackow moved, seconded by Fred Steffen, to recommend approval of submitting grant applications to the DOT for the six projects as listed.

Ayes all; Nays none; Motion carried.

Back to Index

14. CITY PLAN UPDATE

Chairman Wescott noted he had an excellent meeting on March 29 with the regional chief execs and representatives from the Village and Town of Plover, Town of Hull, Village of Park Ridge, . They are eager to work in a cooperative nature for future planning. We have agreed to sit down with Jeff Schuler and John Gardner to chart out a timeline and course of action to involve not only the city, but regional towns and villages to work in a cooperative spirit.

Meeting adjourned at 6:17 p.m.

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