

Meeting Minutes

REPORT OF CITY PLAN COMMISSION

Monday, May 1, 2000 - 4:00 P.M.

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

ALSO PRESENT: Comm. Dev. Dir. John Gardner; Clerk Vickie Zdroik; Mayors Assis. Rocky Bumgarner; Ald. Phillips, Seiser, Molski, Sevenich, Kedrowski, & Nealis; Janice Vinopal; Joan Freed; Norm and Darlene Klitzman; Jim Noonan; David Cramer; Chuck Erickson; Ted Hakala; Larry Koopman; Mark Nordbeck; Margery Aber; Pat D Ercole; Bill Bayba; Jim Clark; Warren Kluck; Emily Kluck; Fumi Saito; Alan Schroeder; Bill Pritchard; Pat Cassidy; Susan Kampmeier; Scott Krueger; Gene Kemmeter

INDEX:

1. APPROVAL OF THE APRIL 3, 2000 PLAN COMMISSION MINUTES
2. FAIRVIEW VILLAGE - TORUN ROAD
 - A. REZONE FROM "R-1" SUBURBAN SINGLE FAMILY TO "R-5" MULTIPLE FAMILY II RESIDENCE DISTRICT
 - B. CONDITIONAL USE TO OPERATE A MOBILE HOME PARK
3. REZONE VACANT LOT NORTH OF 110 INDIANA AVE. N. FROM "R-2" SINGLE FAMILY TO "R-3" SINGLE AND TWO FAMILY ZONING
4. CONDITIONAL USE - ZERO LOT LINE SPLIT - 3516-3518 REGENT STREET
5. CONDITIONAL USE - MULTIPLE FAMILY - AMBER /SANDPIPER AND AMEND CONDITIONAL USE - MULTIPLE FAMILY - SANDPIPER/BRILOWSKI
6. JACKSON WOODS SUBDIVISION - ELIMINATE DRAINAGE EASEMENT

1. APPROVAL OF THE APRIL 3, 2000 PLAN COMMISSION MINUTES

Elbert Rackow moved, seconded by Art Davy, to approve the minutes of the April 3, 2000 Plan Commission meeting. Ayes all; Nays none; Motion carried.

Back to Index

2. FAIRVIEW VILLAGE - TORUN ROAD

- A. REZONE FROM "R-1" SUBURBAN SINGLE FAMILY TO "R-5" MULTIPLE FAMILY II RESIDENCE DISTRICT
- B. CONDITIONAL USE TO OPERATE A MOBILE HOME PARK

Back to Index

John Gardner stated the property was annexed as single family zoning which allowed the mobile home park to continue as a nonconforming use but could not be expanded. A mobile home park would be a conditional use in the proposed multiple family zoning. He reviewed his attached memo and noted the owner proposes to reduce the number of structures because they are too long for the sites that are there. In doing so, he wants to replace some of the lost sites with two new structures along Torun Road. The distance between the proposed units and Torun Rd. is greater than the residential setbacks required in that zoning and greater than the setbacks of existing buildings across the street. He recommended approval with the setbacks as shown and the conditions in his memo.

Att. James Noonan, representing the owners, stated the proposed expansion is part of bigger upgrade of the entire park. Currently, most of the units in this park are the steel trailer-type units. The proposed units and many of the units being replaced within the park are larger, nicer units with vinyl siding and are considered manufactured housing. Eventually, we will be coming back asking for consideration of expansion into the vacant 10 acre property to the north.

Elbert Rackow noted we should include in the motion that the sites not exceed 97 units.

Elbert Rackow moved, seconded by Art Davy, to recommend approval of the request for "R-5" Multiple Family II zoning for the area currently occupied by mobile homes, with the understanding that the rezoning does not include the open space area that has not been developed north and west of the mobile home park which should remain "R-1" Suburban Single Family. He also moved approval of the conditional use as shown on the attached site plan to operate a mobile home park for Fairview Village with the following conditions: 1) access not be allowed from Torun Rd. or Wojcik Memorial Dr.; 2) parking areas be on the west side of the mobile homes facing Torun Rd. and the north side of the garage; 3) landscaping be provided at the foundation (or base) of the proposed structures facing Torun Rd. at the rate of one plant for each 30 inches of building facing the street; 4) the owner be allowed to combine structure sites along Wojcik Memorial Dr. with the understanding that as existing homes are replaced with larger homes, they be placed parallel with Wojcik Dr. and not perpendicular, that the driveway access to the newly-combined sites be from the internal street system and the driveway access to Wojcik Memorial Drive be vacated when the sites are combined; and 5) the total living sites not exceed 97 units. Ayes all; Nays none; Motion carried.

Back to Index

3. REZONE VACANT LOT NORTH OF 110 INDIANA AVE. N. FROM "R-2" SINGLE FAMILY TO "R-3" SINGLE AND TWO FAMILY ZONING

John Gardner reviewed the history of the area. The property at 110 Indiana Ave. N. was annexed to the city in 1988 with Two Family zoning and a duplex was moved there. In 1993, the city embarked on a land use plan for the area from Michigan Ave. to the interstate. Following a number of neighborhood meetings, it was recommended that this particular area be "single family use". In 1994, there was a request to rezone six vacant lots at Indiana/Vine, and Indiana/Fourth which was denied based on the adopted Land Use Plan. In 1996, lots 7 & 8 along Indiana Ave. N. were annexed with single family zoning. He has met with the applicants and feel they have a very good plan. Unfortunately, staff recommendation must be based upon the Land Use Plan for the entire area. Based on that plan, he has no other choice than to recommend denial. He suggested the land use should blend the multiple family apartments to the west with single family east of Indiana Ave. N. Within the last year, he has had requests from two owners along Stanley St. asking for rezoning to something other than single family. He has encouraged the owner of the larger parcel to the west to develop an overall plan for that area. He anticipates that if this request is approved, the Plan Commission will see additional two family zoning requests, lot by lot. He has four recommendations for commissioners: 1) deny based on the adopted Land Use Plan, 2) approve the request, 3) table the request and redo the Land Use Plan, and 4) approve, but not accept any annexation petitions in that area without some overall development plan for the entire area. Approval of this request may result in neighboring properties that are already in the city to request a similar rezoning.

Jeff Zabel noted he likes the idea of looking at a big plan before making an exception in the Land Use Plan and making a decision on one property.

Chairman Wescott stated he is hearing from staff that this proposal is a nice development and a very significant investment on a small parcel, but

the real concern rests with no larger plan for the whole un-annexed area. There is concern with what precedent will be set. Could the Plan Commission take the position that they are comfortable with this request, but will approve no further requests until this master plan is developed.

John Gardner noted he is also concerned with what could be built or moved in on adjacent properties that are already in the city.

Warren Kluck, owner of two vacant lots east of Indiana Ave. N., stated in 1994, his family petitioned for Two Family zoning to allow a duplex on their corner lot using both lots for one duplex. At that time, he was told this whole area was to be single family and we were denied, along with the **Stoltz and Checks**. **Since that time, Stoltz and Check have sold their lots for the houses moved from the hospital. If this is approved, we will be back trying to develop our land for two family.**

Pat D Ercole, petitioner, responded one of the differences in the requests is that this is a zero lot line owner-occupied duplex.

Emily Kluck, 3304 Fourth Ave., noted their request would have been owner-occupied too.

Pat Cassidy, representing the petitioners, stated they have been unable to find an existing property that would work for them, so they started looking at vacant land. He noted if a very nice owner-occupied unit such as this is put up, it could set a positive tone in the neighborhood.

Ald. Molski requested the Plan Commission consider rezoning this one lot. They have a very nice plan. With student housing to the west and single family to the east, two family zoning would be a logical divider.

Ald. Seiser noted she doesn't feel the owner-occupied nature of this building should be considered as an advantage. Owners can sell their home any time.

Ald. Phillips questioned whether this is spot zoning?

John Gardner responded not necessarily, because of the adjacent duplex and the funeral home being multiple family zoning. He noted the petition presented indicates support for this particular duplex. The neighbors might not have signed the petition if they knew this rezoning may result in the neighborhood becoming a two family area. Approving this request will result in other requests to change the neighborhood to single and two family, which is not necessarily bad but is different than what the neighborhood is expecting.

Chairman Wescott noted that while the city will not entertain annexation petitions without a plan, there is existing land within the boundaries of the city that would qualify to petition the Comm. Dev. office for similar treatment.

Lois Feldman noted she sees Indiana Ave. as sort of a dividing line between single family to the east and whatever else.

Fred Steffen noted duplexes east of Indiana are not automatically approved just because a duplex is built west of Indiana.

Lois Feldman moved, seconded by Art Davy, to approve the "R-3" Single and Two Family Zoning, but not accept any more requests until the Land Use Plan for this area is reviewed for the area between Lindbergh Ave. and Indiana Ave.

Ayes, Feldman, Davy, Steffen, and Rackow and Ch. Wescott. Nays, Zabel.

Motion carried.

Back to Index

4. CONDITIONAL USE - ZERO LOT LINE SPLIT - 3516-3518 REGENT STREET

John Gardner stated the owners are petitioning to split their property into two zero lot line dwellings. The duplex is there and the property is currently owned jointly. The lot is 10,450 sq. ft. A zero lot line dwelling is a conditional use if the lot is less than 15,000 sq. ft. Staff recommends approval because the lot was conforming at the time of construction and the use will not change.

Fred Steffen moved, seconded by Jeff Zabel, to recommend approval of the request for a conditional use zero lot line split for 3516-18 Regent Street.

Ayes all; Nays none; Motion carried.

Back to Index

5. CONDITIONAL USE - MULTIPLE FAMILY - AMBER/SANDPIPER AND AMEND CONDITIONAL USE - MULTIPLE FAMILY - SANDPIPER/BRILLOWSKI

John Gardner stated the developers have addressed commissioners' concerns of adequate parking, they clarified the second bedroom issue, reduced the width of the proposed entry driveway thereby increasing the width of the landscaping, and they have added brick to the exterior of the building. The taxable status of the property is not a criteria to be considered by the Plan Commission. Staff recommends approval.

Elbert Rackow stated his inclination at this time as a Plan Commission member is not to consider the taxable status, however as an alderman when it comes to the Council, he is quite likely to vote no.

Lois Feldman questioned what the surface will be for the walking path and whether the 55 and older age limit is legitimate. Is the chapel still included in the current plans?

Ted Hakala, representing Lutheran Social Services, noted at this time, they are still considering the surface for the walk path. He noted a recommendation was made about extending the path out to Brillowski Rd. If it were extended, it may offer general use onto the property by the public and he has concerns about liability with regard to bicyclists and skateboarders. The chapel is still included although it may not be labeled on the plan. The age of 55 and older is standard language for senior housing. We feel we have addressed the Plan Commission requests from the last meeting. They will have a total of 87 parking spaces, under and above ground. We chose this area because it is not a high traffic area and is convenient to churches and shopping. We are a non-profit organization and are providing beneficial services to senior citizens.

Ald. Phillips stated he is very sensitive to not collecting taxes and feels it is unfair to all the other landlords in the city. It is taking valuable property that could have been sold to someone else who would be paying taxes.

Ald. Nealis stated he would hope when it comes time to debate the taxable status issue, the city would contest it vigorously.

Janice Vinopal, Comptroller for Lutheran Social Services, stated the seniors that would be moving into this facility are at the point where they are not able afford to have health services come into their homes. By putting them together in a project like this, they can get those services. Many of these people come from within the community but others are here because they have family in the area.

Chairman Wescott stated the Plan Commission, by State Law, has very specific areas of review such as plans, landscaping, lighting, parking, and **review of floor plans. If you follow Jeff Schulers narrative, the petitioner has complied with all stipulations set up by the Plan Commission last month.** The tax exempt status is an issue and it is not going to go away. In consultation with the City Attorney and the City Assessor, the city does not recognize their claim that they are tax exempt. That is still subject to review. It is fair to state that any development is a user of city utilities. There would be 60 some units out there and they would be users of municipal services such as police, emergency medical systems, city street department, and more. Your role today as Plan Commissioners is to vote on the merits of the plan proposed today. He is going to vote for it.

Art Davy moved, seconded by Fred Steffen, to recommend approval of :

1) the conditional use request for a 56-unit senior housing development at Amber Ave./Sandpiper Dr. as proposed subject to the following: a) installation of parking stalls (95 or 87) as directed by Plan Commission; b) brick shall be installed on all gabled portions of the north elevation, as illustrated in the submitted rendering. The brick should closely match the color of that being used on the adjacent 6-unit buildings; c) brick shall be installed on the west elevation, from ground to top of first floor, as illustrated on the submitted rendering. This brick treatment shall be repeated on the similar east and south end elevations; d) the support posts for the decks on floors 2 and 3 shall be faced with brick matching the other elevations; e) installation of the landscaping per the submitted plan, including a walking path with a connection to the commercial development located at the corner of Brilowski Road/Woodland Street.

2) the conditional use request for the 6-unit multiple family development at Sandpiper Dr./Brilowski Rd. as proposed subject to the following: a) installation of landscaping per the submitted plan, b) all exterior lighting shall use cut-off fixtures. Light bulbs or lighting lenses shall not be directly visible from adjacent properties. Lighting shall not exceed 0.5 foot candles at the property line, and c) submittal of plans and material for the proposed dumpster enclosures. Material should match the main structures.

Ayes all; Nays none; Motion carried.

Back to Index

6. JACKSON WOODS SUBDIVISION - ELIMINATE DRAINAGE EASEMENT

Chairman Wescott noted the City Engineer recommends removal of the easement.

Ald. Nealis questioned what is the liability for the city if this ditch is removed.

Chairman Wescott responded he has talked with the City Attorney, and there is no liability to the city. This item goes to Public Works next week.

Allan Schroeder, 2049 W. Zinda Dr., stated his property is adjacent to Lot 9. We have had extremely dry conditions, but what happens with a normal situation? He has no problem with moving the ditch, but what if we go back to the same problems as when the ditch was put in.

Elbert Rackow noted he has talked with Jon Van Alstine and Mr. Van Alstine indicated the bedrock is down 2'-4' and when the water and sewer were put in the street, they had to punch through the bedrock and when they refill it, they fill it with sand. Mr. Van Alstine feels that the excess water seeps through the soil on top of the bedrock and goes through and down to the river.

Bill Pritchard stated Jon Van Alstine has been out there twice, and he was out there today at 1:30 with an alderman to look at the site. We picked up the drain tile to look at it and there was no moisture. The ditch has not served a function in 5 years. This ditch was meant to intercept surface water, it was never meant to do anything for groundwater from down below.

Ald. Seiser expressed concern that easements can be granted and then taken away.

Allan Schroeder stated he is at a lower elevation than the adjoining lot and once a finely-manicured lawn in, that will produce additional run-off. He cited other problems that several neighboring property owners have had to instal sump pumps, and one instance where a basement wall collapsed because of excess moisture.

Fred Steffen noted there is another house that was going to put in reinforced I-beams to hold the basement wall up and ended up asphaltting their entire back yard to run the water away from the house.

Ald. Nealis stated the west side is notorious for water problems and feels we should move cautiously.

Chairman Wescott noted we have had a professional civil engineer inspect the property, and repeated this item will be going to Public Works next Monday.

Art Davy moved, seconded by Jeff Zabel, to recommend approval of eliminating the drainage easement in Jackson Woods Subdivision.

Ayes, Davy, Zabel, Rackow, and Wescott. Nays, Steffen and Feldman.

Motion carried.

Meeting adjourned at 5:25 P.M.

The meeting minutes reproduced on this website are derived from the computer files used to produce the official minutes for the City of Stevens Point, but are unofficial. The minutes on this web site cannot be certified under s. 889.08, Wis. Stats., and cannot be considered prima facie evidence under s. 889.04, Wis. Stats. Certain tables, maps, and other documents that are a part of the official minutes are not included in the files reproduced on this website. Please consult the printed minutes, available in the City Clerk's Office, for the official text. The decisions made by City of Stevens Point boards, committees, and commissions (other than the Police & Fire Commission) are advisory only and are not binding on the city until affirmed at a meeting of the Common Council. Some of the minutes on this web site might not be approved by the Common Council as of today.