

Meeting Minutes

REPORT OF CITY PLAN COMMISSION

Monday, December 4, 2000 - 4:00 P.M.

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

ALSO PRESENT: Comm. Dev. Dir. John Gardner; Po. Co. Senior Planner Jeff Schuler; Ald. Molski, Sevenich, Kedrowski, Moore, and Phillips; City Clerk Victoria Zdroik; Mayors Assis. Neil Marciniak; Ron Firkus; Archie Hansen; Douglas Wolfe; Dave/Nancy Sowieja; Tom Ludwig; Patricia Arnold; Ron/Sandy Aufdermauer; Reid Rocheleau; Jim Howley; Todd Grunwaldt; Gene Kemmeter, Po. Co. Gazette; Scott Krueger, WIZD; Charlie Shaw, Journal

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

Elbert Rackow moved, seconded by Art Davy, to approve the minutes of the November 6, 2000 meeting. Ayes all; Nays none; Motion carried.

2. CONDITIONAL USE REQUEST - TELECOMMUNICATION ANTENNAS

a. Water Tower b. 51-10 Motel

Chairman Wescott reviewed the request (see staff report) to place an antenna set on the Water Tower on Water Street and noted we currently have two antennas on the water tower and questioned how many more antennas can be placed on there. The second request is for second antenna on the existing telecommunications tower behind the 51-10 motel. That tower was designed to accommodate up to 3 antennas. Gardner stated that denial of this request would result in the need for an additional tower somewhere in the area.

Lois Feldman questioned if technology changes in the future and these antennas are no longer needed, are there any provisions for removing them.

Greg Disher responded he is not sure how many antennas could be accommodated on the water tower. He felt there was a provision in the contract that the contractor would be responsible for removing the antenna. John Gardner noted the ordinance states that if an antenna is not operated for a period of 180 days, the owner shall remove it.

Art Davy moved, seconded by Bud Flood, to recommend approval of the conditional use request for a telecommunication antenna on the City water tower.

Ayes all; Nays none; Motion carried.

Elbert Rackow moved, seconded by Jeff Zabel, to recommend approval of the conditional use request for a telecommunication antenna on an existing tower behind the 5110 Motel. Ayes all; Nays none; Motion carried.

3. CERTIFIED SURVEY MAP - SW SW SEC. 24 - TOWN OF HULL - BRILOWSKI RD.

John Gardner stated Lots 2, 3, & 4 are in the city and the remaining lots on the north side of Brilowski Road are in the Town of Hull. He has met with county staff and recommends approval of the survey with the conditions listed in the attached memo.

Ron Firkus responded that he and his family own all the lots and are comfortable with the conditions. He noted the water from the creek was diverted out to the ditches about 10 years ago.

Art Davy moved, seconded by Lois Feldman, to accept the certified survey map for Ron Firkus with the following conditions: 1) increase the proposed access width west of Lot 1 from 33 feet to 66 feet wide, 2) reserve 33 feet on the north property line of Lots 2, 3, & 4 south of the north 40-line for part of a future east-west road, and 3) identify Lost Creek on the certified survey map. Ayes all; Nays none; Motion carried.

4. CONDITIONAL USE - ARCHIES BAR - 2317 DIVISION STREET

John Gardner stated the conditional use for this property was granted until Dec. 31, 2000 and is here for review. The Police Dept. and our office have had no problems and recommend approval of the conditional use for two years with the conditions listed in the staff memo. He distributed a site plan indicating the paved and grass areas on the site. He noted vehicles are parking on the grass area and on the property owned by the city. If they are going to continue parking on the privately-owned grass area, it should be paved. If they are not going to park on the grass area, it should be put into grass or cordoned off so that people can't park there.

Craig Hansen, owner of Archie's Bar, stated he wants to pave the grass area, but wants to hold off until the highway plans are completed. The plans have changed a number of times and he doesn't want to go to the expense to pave it and then have it ripped up for the highway realignment. He noted when the building was torn down (where the deck is now) there was a paved area and that area was torn up at the same time as the building. He distributed pictures.

Chairman Wescott responded the State is now looking toward 2004-05 highway construction at the earliest.

John Gardner noted it appears from the pictures as though there was a building there with a concrete floor where the garage used to be. If Mr. Hansen or the Schierls feel they have a claim against the city for the concrete that was torn out, they should make that claim. He further noted he had the same conversation with Archie one year ago and he told him it should be paved by the end of the year. Mr. Hansen requested waiting one year and see what happens with the road and that sounded reasonable. Now we know road realignment is at least 4 years away and that is too long to wait for conformance with the ordinance. The ordinance requires hard surface for parking.

Jeff Zabel noted it seems pretty simple. If you want to use the land for parking, you pave it. If you're concerned about paving and having it torn up, you don't use the property for parking, you plant grass, and wait to see what happens with the road project.

John Gardner noted, and Ald. Kedrowski (DOT employee) agreed, that if the D.O.T. appraises your property and sees a parking area that is not paved, they may conclude it is not legal parking and may not be bound to compensate for it. If it is paved and they have to acquire it, then they have to compensate the owner for it.

Chairman Wescott stated the ordinance requires that 10 parking spaces or more have to be paved. The question before the Commission today is whether or not you wish to renew the conditional use. He is in favor of renewing the conditional use. If Archie has a legitimate claim against the city for replacing concrete, that is a separate action and the Plan Commission does not have the authority to act on that.

Elbert Rackow moved, seconded by Jeff Zabel, to approve the conditional use for Archie's Bar with the following conditions: 1) the owner make provisions for paving the parking area by next summer, or construct barriers to prevent vehicles from parking on the unpaved area; 2) the owner make provisions to physically prevent vehicles from parking on city land (not a sign only); 3) approval expires on December 31, 2002 and the owner may apply for a new permit at that time; and 4) a decorative fence that is less than 50% solid be maintained on the three sides of the patio area. The fence is to be constructed at least 2 feet from the sidewalk with landscaping placed between the fence and the sidewalk. Ayes all; Nays none; Motion carried.

5. REQUEST TO DEVELOP SENIOR HOUSING - SW CORNER OF DUBAY AVE. AND RESERVE ST. NORTH

1. Amend Development Guide 2. Amend Sewer Service Area

John Gardner stated we are not acting on the development itself, we are reviewing whether this is an appropriate area for this use and, secondly, if it is an appropriate area, then we would need to amend the Development Guide to provide for this type of use and include it in the sewer service area. The land is located between industrial, commercial, and suburban residential zoning. These are intensive uses next to residential uses. It is time to look at this area and decide whether it should be more commercial/industrial or residential in use. Typically, a residential use would not be placed so close to an industrial use because of noise, odors, and traffic. Multiple family zoning would make sense because there would be some sort of gradation of uses. In order to amend the Development Guide, you need to look at how it would blend in with adjoining properties and is it a logical extension to the city itself in providing services.

Jeff Schuler noted piecemeal is not a good way to amend the Development Guide, but then projects like this come up that don't fit into the timeline. The county recently approved a rock crushing operation across the road which is a classic example of a conflict that should be taken into consideration. All of the surroundings need to be taken into account.

Lois Feldman questioned who is responsible for amending the sewer service area?

John Gardner responded the DNR approves it based upon recommendations from County Planning & Zoning. County Planning will hold a public hearing and make their recommendations based on that hearing.

Jeff Zabel stated there are potential conflicts between commercial and industrial. Sentry owns the property to the south and uses it for nursery and materials. Does Mr. Ludwig accept the existing commercial and industrial uses surrounding this property as they are?

Tom Ludwig responded that he doesn't really notice it that much. He grew up in this neighborhood and has been there for 30 years. It hasn't been an eyesore or a conflict with anybody.

Jeff Zabel questioned if, as a condition of his development, Mr. Ludwig accepts the current commercial and industrial uses as they are.

Tom Ludwig responded that is correct. The industrial rock crushing operation would not be a full time operation but would be very occasional. Larry Stuczynski is the owner of the rock crushing operation and is looking at crushing once a year for a week at a time. He and Larry have an agreement that if the operation becomes an issue because of noise, etc. they would build a landscaping berm around the property.

John Gardner noted the proposed site plan shows garages along the southern boundary. The current developer says he accepts the surrounding commercial and industrial uses, but when those properties are sold off and Mr. Ludwig is no longer the owner and you have a tenants association that represents the interest of the property owners, they have been known to call his office with complaints of noise, odors, etc. Even though the current owner says he might accept those sorts of things, we have to look at it from a planning point of view and look at the whole range of uses because owners don't stay the same forever.

Chairman Wescott noted the primary issue today is whether or not the commission wants to consider to amend the city's development guide. It is only logical that the appropriate parties would continue to pursue working with the county on the sewer service area. He identified the two major issues - the relative isolation of the property from the rest of the city and blending of the proposed use with the industrial zoning northwest of the property. He intends to support amending the Development Guide.

Bud Flood noted it makes sense to establish multifamily next to commercial before you get into the lower density area. The piecemeal avenue that we are taking probably isn't the best, but he would not have a problem supporting the amendment.

Lois Feldman moved, seconded by Bud Flood, to A. amend the Development Guide for the property located at the southwest corner of Dubay Ave. and Reserve St. N. from low density use to multiple family zoning, and B. to pursue the amendment of the sewer service district including the Ludwig parcel and two 1-acre parcels along Reserve St. N. Ayes all; Nays none; Motion carried.

6. REZONE 2 ACRES- RESERVE ST.. N. BETWEEN DUBAY AVE. & I-39 - FROM "M-1" LIGHT INDUSTRIAL TO "R-1" SUBURBAN SINGLE FAMILY ZONING

John Gardner noted there are four parcels in the residential subdivision that will face these two one-acre parcels, one of which has a semi truck trailer that has been sitting there for at least 5 years. His attached memo, dated May 23, 2000, indicates that this issue had come up before the senior housing proposal as a conflict between residential and industrial uses. At the time of Mr. Aufdermauer's request for a contractor's yard on the two-acre parcel, the land to the east was vacant and zoned commercial and the proposed contractor's business fit into the area. There have been no improvements built on the two-acre parcel since the rezoning to industrial. Since that time, sewer and water have been extended to the area, the property to the east has been downzoned to Suburban Single Family and a residential subdivision has been developed, with additional residential development proposed to the north and west. Mr. Aufdermauer's industrial zoning is inconsistent with residential development in the area. An argument against the proposed downzoning would be possible reduction of property values. Mr. Aufdermauer's property is assessed \$2,200 per acre and extending the sewer service area would probably make the land more valuable. He recommends downzoning the two, one-acre parcels from the current "M-1" Light Industrial Zoning to "R-1" Suburban Single Family Zoning.

Dave Sowieja owner of one of the one-acre parcels, stated they originally purchased the property as an investment. We knew it was industrial. He personally cleared the lot himself and added \$10,000 of fill. The rezoning would take value away from his land. We do have plans for this property but don't have the money to do it right now. Our plans would fit in perfectly with what Mr. Ludwig is proposing for his land. Why would the city initiate downzoning?

John Gardner responded the downzoning was initiated because of the conflict between zones. A semi trailer that has been sitting there for 5 years.

That is an example of the type of conflict that happens with industrial on one side of the street and single family on the other side of the street.

Ron Aufdermauer stated he supports Tom Ludwig's plan. He noted he, and Larry and Bill Zenoff, were the team of investors that brought this area into the city with the intention of developing a retirement community. He supports Tom Ludwig's plan. He noted when he and the Zenoffs were in the planning stages of the retirement community, John Gardner firmly rejected any residential development on the west side of Reserve Street North because a precedence had already been set in the area with uses such as Sentry Insurances landscaping and gravel yard, Revelation construction company and their construction yard, Security fence, and Mid-Point Sign Co. At that time, Mr. Gardner indicated that he would support bringing our two acres in as light industrial. Now he wants to downzone it which will affect the value of his property.

John Gardner responded ten years ago, the land where Eagle Summit sits was mostly commercial zoning. The Eagle Summit property has since been downzoned and a subdivision was developed. Nothing has been done to Mr. Aufdermauer/Mr. Sowieja's property in ten years with the exception of fill on one parcel and a semi-trailer on the other.

Ald. Kedrowski noted he would like to see the property stay the way it is, but if there were any downzoning at all, he would support "B-4" Commercial Zoning, if it meets the use of what these people have planned for it. He doesn't feel it is fair to these people to go from industrial a way down to residential when you already have commercial property around a good share of it.

Nancy Sowieja stated she wants to get this straight. Mr. Ludwig has indicated he has no problem with things zoned as they are around his property. It seems as though the conflict is across the street with Eagle Summit. When those people purchased their land I would assume they would be aware of what is around them.

John Gardner responded they would not necessarily know what the zoning is around them. Most people buy property without knowing what the zoning is around them.

Sandy Aufdermauer stated we are in favor of Mr. Ludwig's plans. If our property were downzoned to Suburban Single Family, a house built on property would be right next to commercial property and would be looking right at the overpass. The property is not suitable for residential use.

Bud Flood stated he would like to see a little more activity in pursuing the commercial zoning. We have to leave them their options.

Art Davy noted city-initiated downzoning should only be attempted on the basis of the general welfare and it seems pretty hard to make that case in this situation.

Jeff Zabel stated he is against downzoning to residential but felt commercial or multiple family would be more appropriate with regard to the use of the land.

Lois Feldman moved, seconded by Jeff Zabel, to postpone any action on this item.
Ayes, Feldman, Zabel, Rackow, Davy and Chairman Wescott.
Nays, Flood. Motion carried.

7. PURCHASE OF LAND - SW CORNER OF TAMARAC ST.. @ RAILROAD TRACKS

Chairman Wescott noted the County has acquired the property due to back taxes. The City has an interest in acquiring the property.

Reid Rocheleau stated he is in favor of tying this in with the closing of Tamarac Street and the railroad quiet zone. He felt the city should approach the railroad, because it is in the Railroad's best interest to close Tamarac Street. The railroad could help pay for this property and work together to make it one big project.

Elbert Rackow moved, seconded by Lois Feldman, to recommend approval of purchasing the land at the southwest corner of Tamarac St. @ the railroad tracks.
Ayes all; Nays none; Motion carried.

Meeting adjourned at 5:50 p.m.

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