

Meeting Minutes

REPORT OF CITY PLAN COMMISSION

Monday, April 5, 1999 - 4:00 p.m.

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

ALSO PRESENT: Comm. Dev. Dir. John Gardner; Po. Co. Senior Planner Jeff Schuler; City Clerk Vickie Zdroik; Sewer & Water Dir. Greg Disher; Ald. Kedrowski, Sevenich, Nealis, Phillips, Aldinger & Barr; Ron & Kathy Schwarz; Jay Johnson; Dan Newhouse; Clarence & Mary Jane Trzebiatowski; John McAuley; Russell Trzebiatowski; Clarence & Marge Laszinski; Virginia Clark; Gary Flugaur;

INDEX:

1. APPROVAL OF THE FEBRUARY 1, 1999 PLAN COMMISSION MINUTES
2. CONDITIONAL USE - YMCA
3. REZONE - 1249 PORTAGE STREET - FROM "M-1" LIGHT INDUSTRIAL DISTRICT TO "R-3" SINGLE AND TWO FAMILY RESIDENCE DISTRICT
4. TIRES PLUS - CONDITIONAL USE - AUTO REPAIR BUSINESS - 5398 HWY 10 E
5. CONDITIONAL USE - BED AND BREAKFAST - 2141 MAIN STREET
6. AMENDMENT TO PARKING STANDARDS FOR BED AND BREAKFAST ESTABLISHMENTS
7. CLASSIFY ELEMENTARY SCHOOLS AND CHURCHES AS A CONDITIONAL USE IN ALL RESIDENTIAL DISTRICTS
8. CITY DEVELOPMENT GUIDE

---

1. APPROVAL OF THE FEBRUARY 1, 1999 PLAN COMMISSION MINUTES

Elbert Rackow moved, seconded by Bud Flood, to recommend approval of the minutes with the corrections as noted. Ayes all; Nays none; Motion carried.

Lois Feldman questioned if there was anything further regarding any changes in meeting days for the Plan Commission.

Chairman Wescott noted we want to look at our entire meeting structure in 1999. On occasion, an issue that develops at one of the other committee meetings goes to the Council before it has come before the Plan Commission. He would like the Commissioners to be thinking about what other days of the week would be convenient for them.

2. CONDITIONAL USE - YMCA

John Gardner reviewed his attached memo and noted the original plans were reviewed in October of 1998 and the property was rezoned to accommodate the expansion project. Several issues were to be brought back for conditional use review. The circulation, parking, materials, lighting, and landscaping issues have been reviewed and any issues resolved. Staff recommends approval of the conditional use request.

Lois Feldman questioned if the green fence is still included along Prentice Street.

John Gardner responded because the gymnastics expansion is not being included, they don't need as much parking and the athletic fields can be shifted more toward the center which would eliminate the need for the fence.

Bud Flood questioned if there is any schedule for the future gymnastic expansion.

Dan Newhouse responded there is nothing scheduled at this point in time. We would hope that in 5 years or so there might be a possibility.

Ald. Kedrowski noted the street ordinance was changed so that up to 33' could be required, would that requirement apply here along Division Street? He would like the Engineering Dept. to address this at the Council meeting.

Elbert Rackow moved, seconded by Jeff Zabel, to recommend approval of the conditional use request as submitted. Ayes all; Nays none; Motion carried.

3. REZONE - 1249 PORTAGE STREET - FROM "M-1" LIGHT INDUSTRIAL DISTRICT TO "R-3" SINGLE AND TWO FAMILY RESIDENCE DISTRICT

Chairman Wescott noted Jeff Schuler received a letter from the Stevens Point Housing Authority expressing their support of the request.

Jeff Schuler reviewed the existing zoning for the surrounding area. The Development Guide shows the northern one-half of this block as high density residential with the southern one-half scheduled at some point to be part of the Central Business District. This request fits in with the adopted Land Use Plan. With very few exceptions, the area north of Portage Street is generally single and two family in use. He reviewed his staff report with respect to parking, surrounding uses, drainage, etc. and overall, the request is worthy of support.

In reviewing this request, we found that two adjacent properties to the west also have the Light Industrial Zoning and possibly consideration should be given to rezoning those properties as well. Rezoning these properties would help preserve the residential nature of the street and solidify the existing buffer.

Jeff Zabel questioned why we aren't considering "R-4" Multiple Family zoning which would be consistent with the properties on either side.

John Gardner noted some years ago, the alderperson and some of the residents requested downzoning properties from multiple family to single and two family because of the number of conversions of single family homes to student rentals. The Plan Commission recommended a blanket downzoning. The Common Council ultimately voted to downzone all of the properties except those that were already used as multiple family. That is the reason for the difference in zonings in the area. Since then, the minimum lot size requirement for multiple family has been changed to 10,000 sq. ft. which prohibits many conversions. For these reasons he supports the single and two family zoning request which is consistent with their current use.

Marge Laszinski, 1325 Portage St., stated two family zoning would allow for more students and there are too many students and related problems in this area now. These are all single family homes.

Jeff Schuler stated while the Zoning Ordinance says it would allow for two family use, the lot size requirement would not allow it.

Chairman Wescott noted as he understands this, the properties could be zoned two family, however because their lot size is less than the required 10,000 sq. ft. required for multiple family use, they could not be converted to multiple family use. Is this correct?

Jeff Schuler responded that is correct.

Jeff Zabel questioned if someone were to buy two lots and meet the 10,000 lot size requirement, could they build a duplex and put students in it?.

John Gardner responded two family zoning would allow for a duplex, provided the lot size is met, with a maximum occupancy of two unrelated persons per unit.

Lois Feldman moved, seconded by Jeff Zabel, to recommend approval of the rezoning of 1249 Portage Street from Light Industrial to Single and Two Family Zoning.

Ayes all; Nays none; Motion carried.

Elbert Rackow suggested staff look into rezoning the adjacent properties.

#### 4. TIRES PLUS - CONDITIONAL USE - AUTO REPAIR BUSINESS - 5398 HWY 10 E

John Gardner stated he would like to amend the staff report that was mailed earlier. The amendment is based upon input from other city staff and further review of the ordinances. The request of Tires Plus is to construct a new building on land owned by Mr. Trzebiatowski for their tire operation which includes one bay for oil changes. Mark Motors changed oil on an adjacent property owned by Mr. Trzebiatowski. The proposed site is approximately 150 feet east of the former Mark Motors site. The site is in the Groundwater Recharge Overlay District. Oil change operations are prohibited in this district. The District allows for the upgrading of existing facilities to enhance groundwater protection, but does not allow the expansion of a prohibited use. Tires Plus would upgrade the storage and handling of waste oil as compared to Mark Motors. Oil would be stored in double-walled tanks. All filling of new oil and emptying of waste oil would be indoors over concrete floors draining to sanitary sewers. Any spills should be confined.

The question for the Plan Commission is whether it is permissible for this building, including the waste oil handling equipment, to be reconstructed on an adjacent property. The City Attorney and I have had discussions regarding the text of the ordinance. The ordinance states an owner "will be allowed to upgrade these facilities". The text seems to indicate that prohibited uses at the time of the ordinance will be allowed to upgrade these facilities and not allow the construction of new facilities at different locations.

The City allowed the construction of Scaffidi Motors in the same recharge district. At the time Scaffidi was reviewed, auto repair was a conditional use and gasoline stations were prohibited. Scaffidi's auto repair included an oil change operation. After the Scaffidi review, the ordinance was amended to include oil changing uses as a prohibited use. Because of this later change, the Scaffidi approval is not a precedent for this request.

Bud Flood questioned how much oil changes are a part of the Tires Plus business?

John Gardner responded an oil change operation isn't determined on how often you turn those gallons in the tank, the danger comes from the number of gallons stored on-site.

Jeff Zabel questioned if Tires Plus moved into the existing Mark Motors building, can they do that without upgrading?

John Gardner responded they could.

Lois Feldman noted she feels this is not a re-construction, it is construction of a new facility. The word precedent keeps coming back to her.

John McAuley, Wausau Tires Plus owner, stated they could go into Mark Motors without upgrading, but it would not be feasible not to upgrade. Oil changes are a major part of our business. Our current plans are for 155 gallons of oil in double-walled tanks.

John Gardner added that all of the filling and emptying of the tanks would be done inside of the building. That is important because any spillage would go into the sanitary sewer.

Jeff Zabel noted while he likes to see a new building with new technology, can we even consider this following the City Attorney's comments.

John Gardner responded that he doesn't feel we can.

Fred Steffen expressed concern with leaks. It is better to have the oil stored in double-walled tanks. If he can get rid of the Mark Motors building and put a double-sealed tank in, he would feel more protected.

Chairman Wescott stated there is no argument that this makes sense environmentally and also makes more sense than the antiquated system that exists on the Mark Motors site. The City Attorney has advised me as the Mayor of the city that it is a prohibited use and cannot be allowed under the existing Zoning Code. We apparently don't have any legal right to approve this. Maybe we need to redefine the Wellhead Ordinance.

Jeff Zabel felt we need more time to look at all of our options with regard to this request.

Bud Flood moved, seconded by Lois Feldman, to postpone action on this item but to continue to review the ordinance.  
Ayes all; Nays none; Motion carried.

#### 5. CONDITIONAL USE - BED AND BREAKFAST - 2141 MAIN STREET

#### 6. AMENDMENT TO PARKING STANDARDS FOR BED AND BREAKFAST ESTABLISHMENTS

John Gardner stated a bed and breakfast establishment is a conditional use and requires approval by the Plan Commission and Common Council. The principal use remains residential and requires 6 parking spaces. The proposed parking plan is not allowed because it shows parking between the building and the street. He reviewed the three recommendations in his memo. Because bed and breakfast establishments are owner-occupied,

a different standard for up to 6 cars in a driveway could be applied to bed and breakfast establishments only. The neighbor to the south called and said they had no object to this

Ron Schwarz noted they are not converting the third floor at this time as proposed. He has talked with the neighbors to the south, and they do not object.

Lois Feldman noted because this is located so close to the university, it may well be used for persons who are visiting that don't have a car, such as candidates for interviews, etc.

Elbert Rackow moved, seconded by Lois Feldman, to recommend approval of 1) the conditional use request for a bed and breakfast establishment at 2141 Main street, and 2) amending the parking standards to allow up to 6 cars in a driveway for bed and breakfast establishments only.

Ayes all; Nays none; Motion carried.

#### 7. CLASSIFY ELEMENTARY SCHOOLS AND CHURCHES AS A CONDITIONAL USE IN ALL RESIDENTIAL DISTRICTS

John Gardner stated we have had several cases where expansion of existing schools or churches in the older part of town are limited because of the 25 ft. street setback requirement. The procedure has been to apply for a variance to the setback requirement. Recent court cases have made it clear these type of variances should not be granted. To address this problem staff is suggesting two changes to the ordinance.

Churches are a permitted use in residential zones, but all new construction must meet established setback requirements. Staff is suggesting that churches remain permitted. The ordinance would be changed to allow the council to review, as a conditional use, any church expansion which would not meet the established setback requirements. Setbacks could be decreased to as little as 10 feet from right-of-way with justification.

Elementary schools are permitted in residential zones. Junior and senior high schools are conditional uses in residential zones. Staff is recommending that all schools be made conditional in their current zones and that right-of-way setbacks could be reduced from the overlying district to as little as 10 feet with justification.

Fred Steffen moved, seconded by Elbert Rackow, to classify elementary schools and churches as a conditional use in all residential districts. Ayes all; Nays none; Motion carried.

#### 8. CITY DEVELOPMENT GUIDE

John Gardner stated we have talked about this for a long time. We need to look at goals and objectives for our community with regard to where we want to go and how we want to get there. We want to address such issues as land use, transportation, community facilities, housing, economic development, the university, financial planning, etc. We will need to decide who will lead this project. He would like to see the Plan Commission lead this project because you have a pragmatic approach and realize that when you set lofty goals, you have to determine how to get there. It will require additional work and meetings. There can be special task forces that report back to this commission.

Chairman Wescott noted as we approach the new millennium, this is a wonderful time to embark on a project of this magnitude. It is incredible detail work and he has every confidence in the current city council, staff, and plan commission. This will be a huge undertaking and will require special meetings.

Elbert Rackow moved, seconded by Fred Steffen, to approve the concept of reviewing the City Development Guide under the lead of the City Plan Commission.

Ayes all; Nays none; Motion carried.

Meeting adjourned at 5:40 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.

Bottom of Form