

Meeting Minutes
REPORT OF CITY PLAN COMMISSION
Monday, May 3, 1999 - 4:00 P.M.

PRESENT: Chairman Mayor Wescott; Lois Feldman; Fred Steffen; Bud Flood; Jeff Zabel; Art Davy; (Excused, Elbert Rackow)
ALSO PRESENT: Comm. Dev. Dir. John Gardner; City Clerk Vickie Zdroik; City Attorney Louis J. Molepske; Sewer & Water Dir. Greg Disher; Ald. Barr, Aldinger, Sevenich, & Phillips; Jim Cooper; Jim Guzman; Mark Hartjes; Clarence Trzebiatowski; Mark Ilten; Chuck Kell, Po. Co. Planning & Zoning; John Ford; Bill Bayba; John McAuley; Tom Ludwig; Larry Koopman; Scott Krueger, WIZD; Susan Kampmeier, Journal
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 - c. Subdivision Review/Utility Extension
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1. APPROVAL OF THE APRIL 5, 1999 PLAN COMMISSION MINUTES

Jeff Zabel moved, seconded by Art Davy, to recommend approval of the April 5 Plan Commission minutes. Ayes all; Nays none; Motion carried.

2. REQUEST FOR MORE THAN ONE BUILDING ON A LOT - BUSINESS PARK DR.

John Gardner stated the intent is to subdivide some of the larger lots and to accommodate smaller office buildings. Parking requirements will have to be met for each building as it is constructed. Staff recommends approval of the request.

Chuck Kell stated originally this was approximately 10 ½ acres (6 sites). They are proposing a condominium-type approach with each building being owned by private investors.
Each building will be approximately 3,500-6,500 sq. ft. in size.

Bud Flood moved, seconded by Fred Steffen, to recommend approval of the request of Portage County for more than one building on a lot on Business Park Drive in the Portage County Business Park. Ayes all; Nays none; Motion carried.

3. REZONE 1233 AND 1241 PORTAGE STREET FROM "M-1" LIGHT INDUSTRIAL TO "R-3" SINGLE AND TWO FAMILY ZONING

John Gardner stated these two lots were discussed at last months' meeting. The owners have been notified. Staff recommends approval.

Lois Feldman questioned whether this was requested by the owners or is it something the city can do.

John Gardner responded it is something the city can do but was also requested by the owner of 1241 and 1249 Portage Street.

Fred Steffen moved, seconded by Lois Feldman, to recommend approval of rezoning 1233 and 1241 Portage Street from "M-1" Light Industrial Zoning to "R-3" Single and Two Family Zoning. Ayes all; Nays none; Motion carried.

4. ORDINANCE AMENDMENT TO INCLUDE CANOPIES AS A CONDITIONAL USE IN "M-1" AND "M-2" ZONING DISTRICTS

John Gardner stated we have previously discussed the changes of state law and how the Zoning Board of Appeals have always handled requests for canopies by gas stations, banks, etc. There have been several court cases that have limited the review possibilities of the Board of Appeals. We have discussed canopies in commercial districts but not in industrial districts. The next item is a request for a canopy in industrial zoning with a setback less than the building. Because canopies are so open, he would not have a problem with changing the ordinance to allow canopies to be closer to the right-of-way than a structure, however there is concern that canopies not be used for storage. He is proposing that canopies be a conditional use in both commercial and industrial zoning and that the canopy setback in commercial zoning be no less than 10 feet with no walls or space under the canopy being used for storage, and the setback in industrial zoning be no less than 15 feet with no walls or space under the canopy being used for storage.

Fred Steffen moved, seconded by Jeff Zabel, recommend approval of the ordinance amendment to include canopies as a conditional use in "M-1" and "M-2" zoning districts.
Ayes all; Nays none; Motion carried.

5. CANOPY REQUEST - COOPER OIL - 2172 PRAIRIE STREET

John Gardner stated the request is to construct a canopy over the proposed fueling stations. The canopy would be located on the Wood St. side of the property and setback more than 20'. Staff recommends approval of the request with the conditions indicated in the staff report with regard to lighting, etc.

Bud Flood moved, seconded by Lois Feldman, to recommend approval of the request of Cooper Oil for a canopy over the proposed fueling stations at 2172 Prairie Street with the following conditions: 1) canopy lighting be in cut-off fixtures and that the lighting intensity be negligible at the property line, 2) the owner agree to move the structure at their cost if the street needs to be widened greater than 20 feet, 3) no storage be allowed under the canopy, 4) the fueling areas be paved with asphalt, and 5) the only access to the street be the two paved driveways, with

access between the two driveways prevented by slopes, fence, or other means. Ayes all; Nays none; Motion carried.

6. SIGN VARIANCE REQUEST - 1216 WILDWOOD DRIVE - FARM CREDIT SERVICES

John Gardner stated the ordinance requires a 34.5' setback from the curb line. Farm Credit Services is requesting a 10' setback from the curb line for their 20' high sign. The Plan Commission has rejected similar requests such as Auto Glass Specialists and Community Bank. The request for Courtesy Motors was allowed because the sign was only 12' high and existing improvements would have blocked the sign. The Auto Glass Specialist sign across the street is setback 34.5' from the curb line. There is no obstruction for the Farm Credit Services sign and staff feels approval of the request would set a precedent.

Mark Hartjes, Graphic House Sign Co., stated the required 34' setback puts the sign in the landscaped ditch. He noted a setback of 19 ½' would get them out of the ditch, but then other signs would block this one. Farm Credit Services has indicated that they would remove the sign at their cost if the site were needed for street purposes.

Lois Feldman questioned if it is possible to put the sign in the ditch and allow for the additional needed height.

Mark Hartjes responded placing the sign in the ditch would cost an extra \$500-1,000 and would not look as good.

John Gardner responded the city would allow the height of the sign to be 20' high.

Lois Feldman moved, seconded by Art Davy, to deny the request of Farm Credit Services for a sign variance at 1216 Wildwood Drive and suggest staff continue to work with the owner on a solution. Ayes all; Nays none; Motion carried.

7. TIRE PLUS - 5398 HWY 10 E

a. Amendment to Groundwater Protection Ordinance - Non-Conforming Section

b. Conditional Use - Auto Repair Business

c. Site Plan Review

City Attorney, Louis J. Molepske, stated the groundwater ordinance is in the Zoning Ordinance and the rules on nonconforming uses are very strict. Without a text change, you can't do anything. The normal purpose of the nonconforming status is to get rid of it. By amending the ordinance, we would basically be allowing nonconforming uses to perpetuate the nonconforming use. He would like to explore this further and write a letter to the League of Municipalities for their legal opinion before making a decision on this.

Chuck Kell noted in working on the groundwater ordinance, he never felt the intent of the ordinance was to allow a nonconforming building to be torn down and someone else rebuild a new one. As an example, if Mark Motors were there and wanted to improve their existing facility and enhance groundwater protection through technology, we would allow that. He never felt that it would allow the facility to be torn down and reconstruct a whole new business that is not permitted by the ordinance.

Lois Feldman noted if Tires Plus wants to come into the City of Stevens Point, there are places outside of the recharge area where they could build. Mr. Trzebiatowski could surely find another business that would be conforming.

Att. Mark Ilten, representing Clarence Trzebiatowski, stated it is Mr. Trzebiatowski's goal to work with the city and not create problems. By the same token, Mr. Trzebiatowski is a business man and has an economic interest in his property. Mr. Molepske's comments are well taken. Tires Plus has indicated this is where they want to come. What is Mr. Trzebiatowski to do with his property. What can we do together to make this work?

Fred Steffen moved, seconded by Jeff Zabel, to postpone this item until the June meeting to allow the city attorney to contact the League of Municipalities for their opinion, and direct staff to continue to work with Mr. Trzebiatowski on this issue. Ayes all; Nays none; Motion carried.

8. PARKDALE DEVELOPMENT - HWY 10 E/BRILOWSKI ROAD

a. Annexation

b. Permanent zoning

c. Subdivision Review/Utility Extension

d. Preliminary Plat

a. Annexation. John Gardner reviewed his attached memo and noted the annexation consists of 147 acres subject to agreement of the attached annexation agreement which includes the land use plan and development standards for the proposed development. The wetland area is not included in the annexation. He reviewed goals which the annexation would accomplish (see attached staff reports).

b. Permanent zoning. John Gardner recommended approval of the zonings as shown on the map. The proposed soccer complex is in an area recommended for residential use. Sports complexes are a conditional use in residential zones and the proposed complex will have to be approved as a conditional use when the land is annexed.

c. & d. Preliminary Plat/Utility Extension/Subdivision Review. John Gardner recommended approval of the proposed 73-lot subdivision plat as shown with the conditions listed in his memo.

Staff has suggested, and the owners have agreed, to connect the subdivision to the north with a recreational trail (not a street) that would parallel the proposed ditch line. Staff also suggests reserving the option to extend a street south of the hockey building to the east. Land should be set aside for an easterly road connection south of the hockey building. This connection does not need to be constructed now but the corridor should be preserved for any future connection to the proposed soccer area and land to the east.

Larry Koopman, Lampert Lee & Assoc., stated sewer and water will be installed in the new 23 ft. of ROW on the east side of existing Brilowski Road. A lift station will be installed about 2/3 of the way down as you go east toward the hockey facility.

a. Art Davy moved, seconded by Lois Feldman to recommend approval of the request for annexation of 147 acres with the condition that the city and the developer agree to the attached annexation agreement. Ayes all; Nays none; Motion carried.

b. Bud Flood moved, seconded by Jeff Zabel, to recommend approval of the zoning as indicated on the attached map. Ayes all; Nays none; Motion carried.

c. & d. Jeff Zabel moved, seconded by Fred Steffen, to recommend approval of the utility extension, subdivision review, and preliminary plat with

the following conditions: 1) park dedication of 59,437 sq. ft. and \$13,639 in lieu of parkland dedication; 2) a recreational trail be set aside to connect Eastwood Dr. to Badger Ave. along the ditch ROW. This trail will require some way of getting over the ditch. This would be a recreational trail only and not a street for vehicles. The engineer has stated the ditch easement would include a roadway for service purposes. The recreational easement could be over this service road; 3) relocation of the ditch from its current location traversing the subdivision to the proposed location along the eastern and southern edge of the subdivision. The relocation of the ditch is contingent upon the developers demonstrating to the Engineering Dept. that the proposed location has sufficient capacity to accept the projected drainage volumes; 4) Amber Lane and Badger Lane, between the proposed preliminary plat and Highway 10, be dedicated to the city prior to the recording of the final plat.
Ayes all; Nays none; Motion carried.

Meeting adjourned at 5:10 p.m.

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