

Meeting Minutes
REPORT OF CITY PLAN COMMISSION
Monday, June 7, 1999 - 4:00 P.M.

PRESENT: Chairman Mayor Wescott; Elbert Rackow; Art Davy; Jeff Zabel; Bud Flood; Fred Steffen; (Excused, Lois Feldman)
ALSO PRESENT: Comm. Div. Dir. John Gardner; Op. Co. Senior Planner Jeff Schuler; Ald. Barr, Sevenich, Phillips and Aldinger; Clerk Vicki Zdroik; Mayor's Assns. Rocky Bumgarner; Police Capped Linda Daubert; Steven/Susan Canter; Mark Ilten; Clarence Trzebiatowski; Edith Pankowski; Chris Piotrowski; Michael Plaza; Scott/Kim Cramer; John Ford; Rudy Ottersen; Jeff Moffat; Gary Dreier; Steve Cigelski; Kim Miller; Susan Kampmeier, Journal; Scott Krueger, WIZD

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1) APPROVAL OF THE MAY 3, 1999 PLAN COMMISSION MINUTES

Elbert Rackow moved, seconded by Bud Flood, to approve the May 3, 1999 minutes. Ayes all; Nays none; Motion carried.

2) TIRE PLUS - 5398 HWY 10 E. - INSTALLATION OF NEW OIL HANDLING FACILITIES

John Gardner stated this request is to upgrade the current building. He reviewed his attached memo and noted this is an improvement over the existing facilities. Staff feels comfortable recommending approval if they meet all the conditions as stated in his memo.

Att. Mark Ilten, representing Clarence Trzebiatowski, noted the correct address is 5382 Hwy. 10 E. He assumes that the other request about can we ever change the building, is remaining on the table.

Chairman Wescott responded it will remain on the table. Once we have communication from the League of Municipalities and the City Attorney, we will share that with you.

Art Davy moved, seconded by Elbert Rackow, to recommend approval of the request to upgrade the oil handling facilities at 5398 Hwy. 10 E. with the following conditions: 1) store all oil indoors in double-walled above grade tanks. Tanks that are at grade and are susceptible to being struck by vehicles shall be protected by crash protection. 2) Oil be provided to the car by overhead piping. 3) To decrease the changes of leaks to the environment, the connections from the delivery/removal vehicles to the interior storage tanks shall be coupled indoors (not permitted outdoors) over floors that have floor drains connected to the sanitary sewer. The loading and unloading of oil shall be observed by the driver or a staff person. No connections shall be made outdoors.
Ayes all; Nays none; Motion carried.

3) REZONING - 800 WHITING AVE. - FROM "R-2" SINGLE FAMILY TO "M-1" LIGHT INDUSTRIAL

Jeff Schubert stated the applicant owns two lots and this request is to rezone the western-most of the two lots from residential to industrial zoning. The owner proposes to construct a 2,700 sq. ft. building for storage of materials and vehicles with no outside storage. The proposal meets the zoning area requirements for the "M-1" district. This area was identified for future industrial use in the 1982 Land Use Plan. This request would buffer the existing apartments from the "M-2" district. On the negative side, the proposed "M-1" zoning opens the area up for other "M-1" uses and there is certainly a case to be made in maintaining this as a residential use. With regard to factors to be considered for reviewing rezoning requests and because the request conforms with the adopted Land Use Plan, meets the minimum area requirements for the "M-1" district, and would serve as a buffer between "M-2" and residential uses, staff recommends approval.

Edith Pankowski, owner of the adjacent apartment complex, expressed concern with this being a classic case of spot zoning and setting a precedent for future industrial uses. This property is surrounded by residential use. She reviewed the Plan Commission minutes of 1980 where they requested a change from "R-2" zoning to "MF" zoning which shows that the property was not industrial at that time, nor has it been since. She expressed concern that if this request is approved, what would stop them from tearing down the house and putting up another industrial building. They are proposing to construct the equivalent of a 10-stall garage. She noted recurring problems with Mr. Piotrowski with regard to vehicles with flat tires, storing equipment on her property, using her land as access to their property, etc. What landscaping and drainage is planned for this site. There is sufficient industrial land available for this type of use without rezoning residential land. Is it possible to give this a conditional use with controls attached.

Jeff Schuler responded Mrs. Pankowski presented valid points to be discussed. He noted his report referenced the 1982 Land Use Plan and not the actual zoning. On one hand, you have a person who has a piece of property that they own and, through the course of their business, would like to develop to assist them. On the other hand, you have the chance that it might expand which could be incompatible with neighbors..

Chris Piotrowski, petitioner, stated his home and extra lot was previously owned by the owners of Koch Asphalt and his home was actually an office building. He purchased it in 1983. His intention is to improve this lot, not to just put up a building and run a business out of it. He needs a place for his materials and vehicles. We plan to plant shrubs and trees on the property.
If his request is denied, he will have to sell and leave the city.

Bud Flood questioned whether there is a height restriction for this proposed building.

John Gardner responded the height restriction is 50' in industrial zoning districts.

Bud Flood noted it would be an improvement to get the equipment under cover, but felt the neighbors need to get together and discuss these issues before we make a decision.

Bud Flood moved, seconded by Fred Steffen, to delay action on this item for 30 days to encourage discussion between affected property owners to resolve unanswered issues.

Ayes all; Nays none; Motion carried.

4) CONDITIONAL USE - TAVERNS - PARTNERS PUB - 2600 STANLEY ST.
- ROUTE 66 - 3726 NORTH POINT DR.
- FORMER AMERICAN LEGION - 1009 CLARK ST.

John Gardner stated Partners Pub is requesting permission to include outdoor areas for serving alcohol. Alcohol has been served outside by the volleyball courts for several years and there has not been a problem. The owners of Partners Pub own adjoining residential properties, however that may not always be the case. Negative factors would be potential noise and the parking areas are not paved. He recommends approval of the conditional use request with the conditions as indicated in his staff report.

Jeff Zabel noted in traveling around, he has found that most businesses that serve alcohol outside on decks, etc. are usually fenced to secure activities.

Capped. Linda Daubert of the Police Dept., responded some locations need a fence and others do not. They should be looked at case by case.

Partners Pub - Elbert Rackow moved, seconded by Fred Steffen, to recommend approval of the conditional use request of Partners Pub for a 12-month period with the following conditions: 1) no amplified music be allowed on the deck or the volleyball courts, 2) the bar parking area be paved, and 3) the screening on the adjacent apartment building be completed, and 4) city review of conditional use at the time of their annual license renewal. Ayes all; Nays none; Motion carried.

John Gardner noted Route 66 owners have been serving alcoholic beverages outside for some time. The owners indicate they are present during outdoor use and will continue to provide their own security. Staff recommends approval with the conditions in his memo.

Route 66 Tap & Grill - Bud Flood moved, seconded by Fred Steffen, to recommend approval of the conditional use request of Route 66 for a 12-month period with the following conditions: 1) no amplified music be allowed outdoors, 2) security be present at all times alcoholic beverages are served or consumed outside, and 3) city review of conditional use at the time of their annual license renewal.

Ayes all; Nays none; Motion carried.

John Gardner stated the former American Legion Club has been purchased by the former manager. The new owner proposes to continue the bar and restaurant use. Taverns are a conditional use in the Central Business District and approval is required because of the change from a fraternal organization to a tavern. The police have no major concerns with this request and recommends approval for a 12-month period with the conditions in his memo.

The Underground - Bud Flood moved, seconded by Fred Steffen, to recommend approval of the conditional use request of The Underground to operate a tavern for a 12-month period with city review of conditional use at the time of the annual license renewal.

Ayes all; Nays none; Motion carried.

5) MODIFICATION TO CONDITIONAL USE PERMIT - 5375 HWY 10 E - BEHIND GOODWILL STORE

John Gardner noted the owner has proposed a modification to the previously approved conditional use permit. The owner requests that the setback of the fence to be installed along the east property line be modified from the previously-approved 20' to a 10' setback. The owner has indicated the current location of the fence is not sufficient for large vehicles, and leaves no room to store snow. A plan was submitted to the Plan Commission and Council which reflected the compromise between the neighbors and the owner. Following approval by the city and the council the conditional use permit was granted with the 20' setback. The original building plans were not amended by the owner to show that 20' setback. Staff feels there are no new facts since the original decision and, therefore, sees no reason to change the original decision.

Steve Kantner, adjacent property owner, stated the original site plan showed only 3 rows of buildings, however the owner actually constructed 4 rows of buildings which was not the way the original plans were approved. He distributed pictures taken of the fence during the winter months which show the fence to be destroyed and it has not yet been repaired. He distributed copies of the staff reports, minutes, and the ordinance dealing with the original approval. He feels his property is being devalued. To remedy the drive aisle problem, he suggested they remove the 10' section on the east end of the two buildings in the center and the owner will have his additional 10' for his drive aisle. He feels it is clear that this request should be denied.

Att. Gary Dreier, representing petitioner, reviewed his attached letter and noted the request is to amend the fence setback from 20' to 10'.

Art Davy stated the storage units are located too close to the fence. There is very little room to drive through there, but that is simply because they put in more storage units. The damaged fence is still down and degrades the property.

Jeff Zabel noted approval of this project was based on all parties coming to a compromise, he has a problem with them requesting to move the fence.

Bud Flood stated a logical solution is to remove the storage units and then they could make their turns. He doesn't see changing any fence location.

Fred Steffen noted if the snow is removed, there wouldn't be a problem.

Art Davy moved, seconded by Jeff Zabel, to recommend denial of the request to modify the conditional use permit at 5375 Hwy. 10 E. behind the Goodwill Store.

Ayes all; Nays none; Motion carried.

6) SIGN VARIANCE REQUEST - 5474 HWY 10 E - SHIPPY SHOES

John Gardner stated Mr. Shippy is proposing to occupy 3 bays. The sign ordinance states that a sign for a multi-tenant shopping center should not exceed 100 sq. ft. per tenant and a tenants' request for more than one wall sign requires Plan Commission approval. The intent of their proposed sign is to identify that they are occupying all three bays and includes the logo and the two shoes. The question is whether the two logos and shoes should be included in the total square footage and, if so, would you include just the square footage of the logos themselves or would you include everything. He reviewed the criteria for granting a variance request and felt this request does not appear to meet the criteria and approval would set a precedent.

Jeff Zabel noted Rogans Shoes has a 13,000 sq. ft. store with 50 sq. ft. of signage compared with Shippy's 5,400 sq. ft. store with a request for 300 sq. ft. of signage.

Steve Cigelski, Mid-Point Sign and Graphics, the square footage indicated by the commissioner is floor space and not fascia area. They are only asking for an additional 45 sq. ft.

Bud Flood stated he really doesn't have a problem if the sign goes all the way across the total facade. Its not an obnoxious sign with a lot of lettering etc. It fits in well with the area.

Art Davy stated the Sign Ordinance is constantly under attack and every time we allow a variation we are weakening it and leaving ourselves open for the same problem over and over again. He prefers to enforce the ordinance strictly.

Jeff Zabel moved, seconded by Art Davy, to deny the sign variance request for Shippy Shoes. Ayes, Zabel, Davy, Steffen, Rackow and Ch. Wescott. Nays, Flood. Motion carried.

7) CONDITIONAL USE - 20-BED CBRF - 2301 EAGLE SUMMIT (EAGLE POINTE SUBD.)

Jeff Schuler stated the building permit was issued last fall for a 15-bed facility which is a permitted use with the understanding that a 20-bed facility would require conditional use approval. The proposal meets or exceeds the setback and parking requirements. The request meets most of the conditional use standards with the exception of the landscaping plans and exterior materials for the north elevation. Landscaping, grading, and lighting plans are especially important to maintain a sense of residential character. With regard to exterior materials, the proposal is for horizontal vinyl siding with a brick band along the east elevation. Vinyl siding is proposed for the north elevation. However, the north elevation will be a prominent feature along the road and staff feels the brick band should continue along that elevation. Staff recommends approval for the 20-bed facility subject to landscaping, grading and lighting plans be submitted for approval.

John Ford, Developer, stated the representative for North Haven Inc. has requested the change to a 20-bed facility. There are no changes to the dimensions of the building, she is just taking 4-5 larger rooms and would like the ability in the future to make those double occupancy when the clientele changes. They will submit landscaping, grading, and lighting plans. Before decisions are made for the north elevation, this is only phase I. The long term plan is to have a mirrored building on the west side which would be the first building you see.

Jeff Zabel moved, seconded by Art Davy, to recommend approval of the conditional use for a 20-bed CBRF at 2301 Eagle Summit subject to: 1) submittal of detailed landscaping, exterior lighting and grading plans, drafted per requirements contained within Section 23.01(14)(f)7. of the Stevens Point Zoning Code. Lighting information should include style, height, and intensity of lighting fixtures as well as location. The landscaping plan as approved, particularly the trees to the north between the building and the street, should be required to be maintained by the owner of the facility in perpetuity. Approval by staff of brick or stone banding on building. Ayes all; Nays none; Motion carried.

8) AMENDMENT TO ZONING ORDINANCE - GARAGE SETBACKS

John Gardner stated he has received a request to construct a 2-car garage on an existing 50 foot lot. The Zoning Ordinance allows a 3' setback if the garage is more than 10' from the house. If the garage is attached to the house the setback is 6'. There is not enough space on a 50' lot to construct a two-car garage and meet the 6' setback. Staff has had some discussions as to whether 2-stall garages should be considered the norm as opposed to the exception and maybe some accommodation should be made to change the ordinance. He reviewed requirements of other cities. While allowing owners to construct garages 3' from property to improve their existing homes and allow them to stay there longer, you are possibly impacting the neighboring property negatively by placing a wall 3' from the property line.

Chairman Wescott noted he favors anything that will allow someone that owns a home in our inner city the opportunity to stay in the inner city. They have to live with their neighbors and he thinks most people will be conscientious enough to discuss it with their neighbors.

Bud Flood noted he would rather see a percentage of the lot than a fixed distance in feet because of the great variety of lot depths in town. Maybe 35% or something.

John Gardner noted staff will draft an ordinance based on commission input for submission in July.

Fred Steffen moved, seconded by Art Davy to recommend approval of amending the Zoning Ordinance for garage setbacks. Staff will draft an ordinance for submission at the July meeting. Ayes all; Nays none; Motion carried.

9) AMENDMENT TO ZONING ORDINANCE - SEXUAL ORIENTED BUSINESS

John Gardner reviewed his memo and noted the city has received concerns relating to the appropriateness of these types of businesses (SOB's) near residential areas and schools. Staff and the city attorney have researched the topic and studies indicate that property values are lowered and crime incidence increased where these types of businesses are located. Because of these negative sounding impacts documented by the enclosed studies, staff is recommending the location of SOB's be controlled. If the amendment is approved, any existing businesses would be grandfathered. Staff prepared a map which indicates the land available for SOB's if this ordinance is adopted. The map indicates that 7% of the total city land would be available for SOB's to locate. If the city airport were removed from consideration, the percentage of land available would be greater.

Staff recommends the following: 1) that SOB's not be located in the downtown area because of substantial pedestrian traffic and close proximity of taverns, 2) SOB's not be located in commercially-zoned areas because of their proximity to residential areas, 2) a separation of 500 feet (a typical

city block) between SOB's and residential areas and schools, and 3) SOB's be allowed in industrial zones because of the larger lot sizes, reduced pedestrian traffic, and distance from residential areas.

Chairman Wescott questioned how the 500' separation from residential districts was determined. There also needs to be some separation between these types of businesses themselves.

John Gardner responded 500' was a city setback and which seemed to be a reasonable separation.

Fred Steffen noted Farmer's Home Admin was interested in coming to town but did not wish to locate in the potentially high crime district of Stevens Point which is Water St. from the railroad tracks to Bank One, the Market Square, Second St., and St. Peter's. He did not want the Industrial Park to become a high crime area due to the SOB ordinance.

Elbert Rackow moved, seconded by Chairman Wescott, to recommend approval of the amendment to the Zoning Ordinance for sexually oriented businesses as proposed.

Ayes all; Nays none; Motion carried.

10) AMENDMENT TO BLOCK GRANT - PURCHASE 2164 ELK ST., 316 & 320 FIFTH AVE., 908 FIFTH AVE..

John Gardner stated the amendment would allow the use of Block Grant money to purchase and demolish dilapidated homes and reconstruct new homes. Staff recommends approval of the amendment to purchase the homes and provide housing for eligible applicants.

Elbert Rackow moved, seconded by Bud Flood, to recommend amending the Block Grant to allow the purchase of 2164 Elk St., 316 & 320 Fifth Ave., and 908 Fifth Ave. The sale of these homes be with deferred payment to an agency or individuals who would construct homes and supply housing to program-eligible applicants.

Ayes all; Nays none; Motion carried.

11) FINAL PLAT - EAST OAKS SUBD. (PARKDALE DEV.) - HWY 10 E/BRILOWSKI RD.

John Gardner stated the final plat is consistent with the preliminary plat. The city has proposed a recreational trail between Badger Ave. and Eastwood Dr. Neighbors have contacted him with concerns about the proposed trail being an access to the soccer fields. Staff is suggesting approval with the option of either the trail by Badger Road or through the combined park.

Bud Flood moved, seconded by Art Davy, to recommend approval of the final plat for East Oaks Subdivision at Hwy. 10 E/Brilowski Road with payment of park fees

Ayes all; Nays none; Motion carried.

12) LAND ACQUISITION - WILSHIRE BLVD. BETWEEN JEFFERSON/MAIN STS. CORNER OF JEFFERSON ST./MICHIGAN AVE..

John Gardner stated this approves what you approved in concept one year ago.

Elbert Rackow moved, seconded by Jeff Zabel, to recommend approval of acquiring the ROW for the Wilshire Boulevard Extension between Jefferson/Main Sts., and the ROW for Michigan Avenue at the Michigan Ave./Jefferson St. intersection.

Ayes all; Nays none; Motion carried.

Meeting adjourned at 6:20 p.m.

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