

REPORT OF CITY PLAN COMMISSION

Tuesday, July 5, 2011 – 6:00 PM

PRESENT: Chairperson Mayor Halverson, Ald. Jerry Moore, Tony Patton, Anna Haines, Shari Laskowski, Jack Curtis, and Maurice Rice.

ALSO PRESENT: Community Dev. Dir. Michael Ostrowski, Ald. Trzebiatowski, Ald. Suomi, Ald. M. Stroik, Hank Gempeler, Barb Jacob, Jay Wolf, Jason Glisczynski, Cathy Dugan, and Chris Northwood.

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1. Approval of the report of the June 6, 2011 Plan Commission meeting.
2. Discussion and possible action on certified survey maps for Consolidated Water Power Company and NewPage Wisconsin System Inc.
3. Discussion and possible action on a request from Jennifer Nagorski, for a conditional use permit for the purposes of operating a large group day care at **3808 Robert Street. Parcel ID 2408-27-3013-18.**
4. Discussion and possible action on a request from Save-A-Lot, for a conditional use permit for the purposes constructing a covered loading dock with a reduced street yard setback at **3264 Church Street. Parcel ID 2308-04-3008-06.**
5. Discussion and possible action on a request from Jay Wolf, to rezone the property located at **1600 Michigan Avenue** from "R-2" Single Family Residence District to "R-3" Single and Two Family Residence District. **Parcel ID 2408-33-2020-01.**
6. Discussion and possible action on a request from Jay Wolf, for a conditional use permit for the purposes of constructing an attached garage using the "R-TND" Traditional Neighborhood Development Overlay District minimum setback requirements at **1600 Michigan Avenue. Parcel ID 2408-33-2020-01.**
7. Discussion and possible action on a request from Jason Glisczynski of Player's Lounge, for a conditional use permit to operate a tavern with (1) hours of operation to be 11:00 AM to 2:30 AM seven days per week; (2) a temporary premise extension for the sports area for six events to be held on July 23, 2011, September 10, 2011, October 1, 2011, October 15, 2011, October 22, 2011, and November 11, 2011; and (3) a temporary premise extension for the outdoor area for an event on August 20, 2011 at **2124 Rice Street and the adjacent western lot. Parcel IDs 2308-04-2006-03 & 2308-04-2006-04.**
8. Discussion and possible action on updating and/or rewriting of the City of Stevens Point Zoning Ordinance, and the possibility of forming a Zoning Ordinance Update Committee.
9. Adjourn.

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1. Approval of the report of the June 6, 2011 Plan Commission meeting.

Commissioner Rice requested an amendment to the report. He indicated that he was not present for agenda item number 11, so the vote should have been 5-0.

Motion by Ald. Moore to approve the report with the amendment of the vote for agenda item 11 to show motion carried 5-0; seconded by Commissioner Patton. Motion carried 7-0.

2. Discussion and possible action on certified survey maps for Consolidated Water Power Company and NewPage Wisconsin System Inc.

Hank Gempeler from Foley and Lardner, representing Consolidated Water Power Company and NewPage Wisconsin System Inc., provided background on the item, saying that the current owner of these properties is looking at selling off certain assets and the potential owners will want title to the assets and land. He said that these assets being sold are not only in Stevens Point, but also in Whiting, Wisconsin Rapids, Biron, and Linwood. He indicated that the assets would be sold to Great Lakes Utilities (GLU).

Commissioner Rice ask for further explanation of who were the Great Lakes Utilities. Mr. Gempeler said they are a cooperative utility with several local governmental units in this area that have been operating electrical facilities for quite some time.

Commissioner Rice asked what the purpose was for outlot #3. Mr. Gempeler stated the purpose was to give access to the river if NewPage would ever need it. There will also be separate access agreements that will need to be put into place to give access to these sites.

Commissioner Rice showed concern for the setbacks and if there would be a need to amend the ordinance. Director Ostrowski stated that this was a very unique request and that since these are outlots, and will not be built on, the Plan Commission has been the body who has historically approved CSMs that may not meet all aspects of the ordinance.

Ald. Trzebiatowski had a concern with outlot #4 and the large storm drain. He was wondering why the CSM did not show the storm drain. Mayor Halverson stated that the storm drain is 30-50 feet south of outlot #4. Mr. Gempeler stated that if there was a need for an easement for the city, there would be one worked out at that time.

Director Ostrowski stated that the CSM would have an amendment relating to the name, as the official name should be NewPage Wisconsin Systems Inc.

Motion by Commissioner Haines to approve the certified survey maps for Consolidated Water Power Company and NewPage Wisconsin System Inc.; seconded by Commissioner Patton. Motion carried 7-0.

3. Discussion and possible action on a request from Jennifer Nagorski, for a conditional use permit for the purposes of operating a large group day care at **3808 Robert Street. Parcel ID 2408-27-3013-18.**

Director Ostrowski stated that the applicant has withdrawn this request.

4. Discussion and possible action on a request from Save-A-Lot, for a conditional use permit for the purposes constructing a covered loading dock with a reduced street yard setback at **3264 Church Street. Parcel ID 2308-04-3008-06.**

Director Ostrowski reminded the commission of an amendment to the Zoning Ordinance from a previous meeting that would allow for internal lots that front on two streets to have a reduced setback of one of the streets but not less than 10 feet. Any request would need to go through the

conditional use process. Save-A-Lot is requesting to build a 14'x14' covered loading dock on the rear portion of the building.

After review of the request, staff feels that the request meets the standards of review with the following conditions:

- The rear portion of the building shall be screened with landscaping, using the landscape standards outlined in section 23.01(14)(f) of the City's Zoning Ordinance, with appropriate adjustments to be made by staff. The landscaping shall not cause any vision obstructions, and it shall be maintained in perpetuity. The landscaping shall be located within the area between the back of the curb and existing asphalt drive area.
- The drive area around the loading dock shall not be less than 10 feet.
- The exterior materials shall be of masonry type materials, and not metal panels. The brick or block should match the existing materials style and color.
- All containers for the complex shall be appropriately screened from view with trash enclosures to be approved by staff.
- No materials or equipment, such as pallets, trash, boxes, etc. shall be stored in the open behind the building. These items should be properly screened from view.
- The landscaping shall be maintained in perpetuity.

Commissioner Patton asked what kind of landscaping would be available to put there due to the plowing of snow that may damage the landscaping. Director Ostrowski stated that appropriate landscaping could be installed with the protection of a fence or berm.

Commissioner Rice asked for clarification on what the rear portion was of the building. Director Ostrowski stated the entire portion along Water Street.

Commissioner Patton pointed out the requirement indicated in that staff report that all dumpsters would need to be screened.

Reid Rocheleau, 408 Cedar Street, Whiting WI - Was pleased that the Plan Commission is considering the screening for the area. Mr. Rocheleau is hoping that there will be a very detailed plan for landscaping, and that the commission takes into consideration that the area may be considered the backside of the building, but it is also the front side of Water Street. In regards to the dumpsters, the smell issue that can arise from food disposed in the dumpsters, and the issue of drainage for the dock area should be addressed.

Motion by Commissioner Rice to approve the request with the following conditions:

- **The rear portion of the building shall be screened with landscaping, using the landscape standards outlined in section 23.01(14)(f) of the City's Zoning Ordinance, with appropriate adjustments to be made by staff. The landscaping shall not cause any vision obstructions, and it shall be maintained in perpetuity. The landscaping shall be located within the area between the back of the curb and existing asphalt drive area.**
- **The drive area around the loading dock shall not be less than 10 feet.**
- **The exterior materials shall be of masonry type materials, and not metal panels. The brick or block should match the existing materials style and color.**

- **All containers for the complex shall be appropriately screened from view with trash enclosures to be approved by staff.**
- **No materials or equipment, such as pallets, trash, boxes, etc. shall be stored in the open behind the building. These items should be properly screened from view.**
- **The landscaping shall be maintained in perpetuity;**

seconded by Commissioner Laskowski.

Commissioner Patton asked how long it would take to put a landscaping plan together. Chris Northwood stated it is just a matter of finding a landscaper, and then there was a 60 day timeframe to complete the project.

Commissioner Patton stated that he thought the staff could handle the approval of the landscaping plans. Mayor Halverson agreed.

Motion carried 7-0.

5. Discussion and possible action on a request from Jay Wolf, to rezone the property located at **1600 Michigan Avenue** from "R-2" Single Family Residence District to "R-3" Single and Two Family Residence District. **Parcel ID 2408-33-2020-01.**

Director Ostrowski presented the staff report and stated that the majority of the surrounding properties in the area are zoned "R-2" Single Family Residence District. He indicated that Michigan Avenue was the main dividing point between the zoning classifications of R-2 and R-3. Director Ostrowski said that given the area is predominantly single family and that the lot only meets the required lot size with the modification for existing lots, staff would recommend to deny this request.

Commissioner Laskowski asked that if we deny the rezoning, would that put an end to the apartment above the garage. Director Ostrowski indicated that he could not have another dwelling unit above the garage, but the denial of the rezoning does not necessarily mean he could not construct the garage.

Commissioner Rice asked if we had heard anything from any of the neighbors. Director Ostrowski stated he has not received any.

Jay Wolf, 1600 Michigan Avenue - Stated that he has signatures from the neighbors stating they have no opposition to what he is requesting. Mr. Wolf stated that the rezoning is a way for him to make money to pay for the home, and would increase the taxes on the home, which would mean more revenue for the City. The attached garage and apartment will not change the look of the area, and if parking is a concern, the garage will have parking for four vehicles and still have two parking spaces outside.

Commissioner Haines asked how the garage would have parking for four cars. Mr. Wolf stated that the garage would be two stalls wide and two stalls deep. He is not planning to park six cars in his garage and driveway, but there would be room enough for them. The apartment would have two bedrooms, two bathrooms, and full living quarters.

Commissioner Haines asked if we have any zoning requirements or definitions for accessory dwelling unit. Director Ostrowski stated if the garage is attached to the main dwelling, then it is considered part of the main dwelling and would fall under those regulations. We do not have any size requirements for an attached garage, it just needs to meet the minimum setbacks.

Commissioner Rice asked Mr. Wolf for his reasons for a four car garage, and if he plans on residing at this location. Mr. Wolf stated his plan is to build a garage, regardless if he gets approval for the rezoning. He would like to have enough room to store stuff and work on vehicles. Yes, he does reside there.

Mayor Halverson stated that we do have a similar example of a large garage on the north side, and as long as it meets the setback and zoning requirements, it can be built.

Commissioner Rice asked why would we want to vary from the 7 ½ foot requirement if we have concerns about the size. Director Ostrowski stated that staff is recommending that there is only a maximum of a 24 foot wide garage, which is standard for a two stall garage and that would put him at a six foot setback from the side yard. There are no requirements for the depth of the garage; we don't have control over that unless we deny the request.

Mr. Wolf stated that at no point will a passerby be able to know the size of the garage. You will see the face of it, then from Michigan Avenue it will be blocked by the residence. On Algoma, it is blocked by the neighbor's residence.

Mayor Halverson stated that we need to consider that if a property fronting on Michigan Avenue is something that may warrant a rezoning, or do we want to maintain and insulate the remainder of the neighborhood.

Mr. Wolf explained that the access to his home is on Algoma Street so it won't slow traffic on Michigan Avenue.

Barb Jacob, 1616 Depot Street - Stated that you can put on an extension over the garage, and add on for a loft and not call it an apartment. She said Mr. Wolf is not trying to change the lot, but just trying to put an apartment over the garage and change the zoning. Mayor Halverson stated he is requesting a zoning to allow an apartment from a previous zoning that does not allow it.

Barb Jacob, 1616 Depot Street - Stated that Mr. Wolf is just trying to generate income by adding the apartment and is in support of his project.

Ald. Roger Trzebiatowski - Stated that of the houses along Michigan Avenue, there is a duplex south of Jefferson and duplex type homes on the east side of Michigan Avenue. There have been no complaints from the neighbors, and he has stopped by to look at the project and does see progress and is in favor of it.

Commissioner Haines asked that if we approve the rezoning, does the applicant have to come back for approval for the second dwelling. Director Ostrowski stated that as a two-family unit it would be a permitted use in the R-3 zoning district and therefore would not need separate approval.

Commissioner Rice believed that a more thought out way as far as where we are going with Michigan Avenue is needed. He was under the understanding that the west side of Michigan Avenue did not have any duplexes, and that would affect his vote. Director Ostrowski clarified that the current duplex could be there, but would have been grandfathered. Director Ostrowski indicated that this area consists mainly of single family, and is zoned such from Ellis Street, south to Wayne Street.

Commissioner Patton stated that this is a very unique corner and larger lot, and the duplex would not be noticed.

Motion by Patton to approve the rezoning of the property located at 1600 Michigan Avenue from “R-2 “ Single Family Residence District to “R-3” Single and Two Family Residence District; seconded by Ald. Moore. Motion carried 6-2, with Rice and Halverson voting in the negative.

6. Discussion and possible action on a request from Jay Wolf, for a conditional use permit for the purposes of constructing an attached garage using the “R-TND” Traditional Neighborhood Development Overlay District minimum setback requirements at **1600 Michigan Avenue. Parcel ID 2408-33-2020-01.**

Director Ostrowski stated that in the R-TND zoning district you are allowed to, with a conditional use, reduce the side yard setback to no less than four feet. Mr. Wolf is requesting the 4 foot setback. Staff feels that it would meet those standards, but with conditions as follows:

- Allow for a maximum of a 24 foot wide garage to be constructed (setback from the side yard would be 6 feet).
- Existing home must be sided prior to the issuance of a building permit for the addition.
- Gutters should be installed on the west side of the addition and the stormwater should be diverted away from the adjacent property.
- The siding on the garage should match the siding on the home.
- All work must be completed no later than one year after final approval.

Motion by Patton to approve the conditional use permit for the purposes of constructing an attached garage using the “R-TND” Traditional Neighborhood Development Overlay District minimum set back requirements at 1600 Michigan Avenue with the following conditions:

- **Allow for a maximum of a 24 foot wide garage to be constructed (setback from the side yard would be 6 feet).**
- **Existing home must be sided prior to the issuance of a building permit for the addition.**
- **Gutters should be installed on the west side of the addition and the stormwater should be diverted away from the adjacent property.**
- **The siding on the garage should match the siding on the home.**
- **All work must be completed no later than one year after final approval;**

seconded by Rice.

Reid Rocheleau, 408 Cedar Street, Whiting, WI - Believes the R-TND is done for challenged properties and persons with challenged lots. This issue is self imposed and appears to be spot zoning, which may set a precedent for others. He wishes the commission would take a better look at this request due to lot coverage and water runoff issues.

Cathy Dugan, 615 Sommers Street - Does not agree with the garage. She feels there needs to be a consideration of the larger view for rewriting the zoning code. The house is only half complete and Ms. Dugan referred back to June Plan Commission meeting where there would be no consideration for these requests until the siding was complete. Ms. Dugan stopped in at the property to the west side of 1600 Michigan Avenue that would be directly affected by the large garage, and she was unable to speak with any adults. Ms. Dugan stated that in her observation, the building will affect the light, air flow, and view of the adjacent property. There currently is screening with trees, and she requests that the building does not take out those trees. She believes the lot coverage should be addressed, and that there will be a negative effect of the comfort of the neighbor. She also believes that the R-TND was created for new construction.

Mr. Wolf stated he did not get signatures from the neighbors to the west, due to the fact that their schedules did not work out. He did speak in person with them, and they are ok with the building as long as there is no water draining onto their property. Mr. Wolf has gutters in his plans to direct the water to a more appropriate draining area, and there is still more than enough yard space.

Commissioner Haines wanted it to be clarified that if he builds a garage, would he be able to build one without the conditional use permit. Director Ostrowski stated that he can build a garage, but if he wants to attach it to the home, he has to be 7 ½ feet away from the property line. If he builds a detached garage, it could be built up to three feet from the property line, but could only be 900 square feet. With lot coverage, he is about 25% coverage, which is not that excessive for the area.

Commissioner Rice stated that we should allow Mr. Wolf to build since there isn't anything we can do about it, but then, there should be a comprehensive plan for Michigan Avenue. Mayor Halverson stated that yes we can deny it if there are findings where health, safety, morals, or impacts to adjacent properties are negative enough for us to warrant a denial.

Commissioner Rice does not think that there are any of those cases available, and no neighbors are here to voice an objection of the building of the garage.

Commission Haines asked for clarification of setbacks based on the zoning. Director Ostrowski indicated that the side yard setback of 7 ½ feet is the same in both the R-2 and R-3 zoning district.

Motion carried 6-2, with Commissioner Haines and Mayor Halverson voting in the negative.

7. Discussion and possible action on a request from Jason Glisczynski of Player's Lounge, for a conditional use permit to operate a tavern with (1) hours of operation to be 11:00 AM to 2:30 AM seven days per week; (2) a temporary premise extension for the sports area for six events to be held on July 23, 2011, September 10, 2011, October 1, 2011, October 15, 2011, October 22, 2011, and November 11, 2011; and (3) a temporary premise extension for the outdoor area for an event on August 20, 2011 at **2124 Rice Street and the adjacent western lot. Parcel IDs 2308-04-2006-03 & 2308-04-2006-04.**

Director Ostrowski stated that the following conditions in the 6/21/10 resolution have not been met:

- Screening in the form of berms shall be installed on the Rice St. and Cleveland Ave. sides of the lot – berms to be at least 5 ft. in height and must be finished with grass or landscaping.

The landscaping plan that was approved showed the berm at +/- 2 feet, not the 5 feet indicated in the original conditional use permit. The Plan Commission should make a determination if they feel the existing berm and landscaping is adequate on the site.

- Close the south driveway closest to the building and curb it off at the owners expense.

The driveway has been closed, but curb has not been installed. The owner shall be required to install curb at this location or the Plan Commission shall make a determination whether this meets their requirement. If curb shall be installed, it should be done prior to any of the request taking place.

In regards to noise complaints on the property, there have not been any reported noise concerns since October 1, 2010. Director Ostrowski would recommend approval of the requests with the following conditions:

- The Public Protection Committee must review and approve these requests.
- Curb is installed at the ingress/egress section on Rice Street before any of the requests can proceed, unless the commission feels the current situation is adequate.
- Event on August 20, 2011 to be subject to the following conditions:
 - Mr. Glisczynski must provide to the City a written, binding agreement between Player's Lounge and the property owner of the adjacent lot where the event is going to be held prior to the event. This agreement must be approved by the City Attorney.
 - Event is concluded by 10:00 PM.
 - Premise area shall be at least 25 feet from property lines.
 - Any garbage or trash shall be removed from the property within 24 hours following the event.
 - Snow fencing must be removed within 48 hours following the event.
 - Event must be monitored by staff.
 - All alcohol must be consumed within fenced area.
- The conditional use permit shall expire June 30, 2012.
- Previous conditions still remain.

If approved, the following hours of operation would now apply:

- Live band concerts held on the premises shall be limited to an 11 PM ending of the music performance.
- DJ or band activity shall cease at 10 PM on Sunday through Thursday, and 11 PM on Friday and Saturday nights.
- The tavern/lounge shall have hours of operation from 11:00 AM to 2:00 AM on Monday – Friday and 11:00 AM to 2:30 AM on Saturday – Sunday (or legally allowed hours).

Commissioner Rice asked why an agreement is needed for him to use the adjacent parcel. Director Ostrowski stated that it is a liability issue. We don't have the authority to grant someone permission to use another's property. It is a state law.

Jason Glisczynski, 1920 Adams Street, Plover, WI - Explained that staff had told him to get an agreement between himself and the adjacent landowner, but stated that the staff did not give an explanation as to why. In addition, he has had trouble getting in touch with the owner, as they live in California. Mr. Glisczynski stated that he would like the council to place the condition on him that he must have the agreement prior to the event, and not to have it denied just because he does not currently have a signed agreement. As to the curb condition, it is a financial issue. In addition, he has called the Engineering Department and they have not gotten back to him. In addition, there is a storm drain at this location and it will be an added expense if it has to be altered.

Commissioner Haines asked why you couldn't take out the concrete and re-grass the area. Mayor Halverson stated that the curb helps maintain the side of road area.

Commissioner Moore expressed the need to have this agreement be specific. Director Ostrowski stated that it will also have to be approved by the City Attorney.

Leroy Cordy, 2157 Rice Street - Stated that when they were first approached by Mr. Glisczynski the picture was positive. Neighbors were originally told that the south side building doors were not going to be used, and that has not been the case. There has been a trailer parked in the lot for months with lumber on it. Mr. Cordy also stated that noise is an issue, and in the last two years there have been complaints and an altercation with a neighbor and an employee. The neighborhood has seen an increase in vandalism and graffiti. He also asked the Plan Commission to take a closer look at the request and what if it was in your neighborhood.

Mr. Glisczynski stated that the temporary snow fence will be on two sides for the Bocce Ball tournament and they plan to serve concessions during daytime hours.

Commissioner Laskowski asked when was the last noise complaint. Director Ostrowski stated October 1, 2010.

Director Ostrowski stated that the condition of 25 feet from the lot line as a buffer could be removed since Mr. Glisczynski stated that he would be using the boundaries of the BMI fence and the cemetery fence.

Commissioner Rice wanted the events to conclude at dark, and in August, dark would be more appropriately defined at 9:00 PM not 10:00 PM.

Mayor Halverson stated that this was the first authorized new tavern in a new location, and is close to residences. The concern is that neighbors are not happy with the progression or the ancillary affects on the neighborhood.

Commissioner Patton said he was under the understanding that the whole business was to be volleyball court with beer available, now it is trying to be a bar with events.

Motion by Commissioner Patton to deny the conditional use permit; seconded by Mayor Halverson.

Director Ostrowski asked if it was the intent to deny all the requests. It was determined that this was the intent.

Commissioner Rice is concerned about having the outdoor event on another person's property and the event having detrimental impacts on the adjacent properties.

Commissioner Haines stated she is in support of the outdoor event, but not for the extension of hours.

Commissioner Curtis is uncomfortable when talking about the noise levels without a decibel reading. Some people are more sensitive to music than others, if you have a decibel reading there is a more concrete complaint.

Motion carried 5-2, with Commissioner Curtis and Commissioner Haines voting in the negative.

8. Discussion and possible action on updating and/or rewriting of the City of Stevens Point Zoning Ordinance, and the possibility of forming a Zoning Ordinance Update Committee.

Director Ostrowski said it is becoming apparent that the City of Stevens Point needs to take an in-depth look at its zoning ordinance and determine how it would like to proceed in updating and/or rewriting it to make it more efficient and effective for the planning of our community. In fact, this was one of the key recommendations in the City's Comprehensive Plan that was done in 2006.

Director Ostrowski feels that it would be wise to form a Zoning Ordinance Update Committee of no more than 5-7 members. These members would be charged with reviewing the current zoning ordinance and comparing it to the goals and objectives that were outlined in our comprehensive plan and with the more proven modern zoning techniques. Through this process, the committee will be able to recommend the appropriate action to take in the revision of our zoning ordinance. Director Ostrowski feels that it would be appropriate to have one member from the Plan Commission and one member from the Common Council on this committee.

Commissioner Moore agreed and was in support of the formation of a committee to review and update the City of Stevens Point Zoning Ordinance.

Motion by Mayor Halverson to approve the creation of a committee to review and update the City of Stevens Point Zoning Ordinance, with individuals to be appointed by the Mayor and confirmed by the Common Council; seconded by Patton. Motion carried 7-0

9. Adjourn.

Motion to adjourn. Meeting adjourned at 7:35 PM.