

REPORT OF CITY PLAN COMMISSION

Tuesday, September 6, 2011 – 6:00 PM

PRESENT: Chairperson Mayor Halverson, Commissioner Anna Haines, Commissioner Shari Laskowski, Commissioner Jack Curtis, and Commissioner Maurice Rice.

ALSO PRESENT: Community Development Director Michael Ostrowski, Alderperson M. Molski, Public Works Director Joel Lemke, Matthew Brown, Rob Konkol, Jo Seiser, Tom Brown, Juanita Keller, Art Oksuita, Ross Rettler, Dave Davis, Bonnie Foley, Robin Engum, Dave Eiden, Perry Piotrowski, Ryan Jeidy, Gerard Blakeslee, and Megan Christie.

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1. Approval of the report of the August 1, 2011 Plan Commission meeting.
2. Discussion and possible action on a request from NewPage, for an amendment to their conditional use permit for the purposes of constructing a courtyard dock addition to their building at **707 Arlington Place**, using insulated metal panels as opposed to brick. **Parcel ID 2408-32-3002-55.**
3. Discussion and possible action on a request from Partner's Pub & Grill, for a conditional use permit to operate a tavern with a temporary premise extension for the outdoor area for an event on October 8, 2011 at **2600 Stanley Street**. **Parcel ID 2408-28-3024-38.**
4. (a) Discussion and possible action on a request from the Stevens Point Brewery, to rezone the properties located at **2725 Water Street** and **the adjacent northwest parcel**, from "R-2" Single Family Residence District to "M-1" Light Industrial District. **Parcel IDs 2308-05-1018-11 and 2308-05-1018-10.**
or
(b) Discussion and possible action on a request from the Stevens Point Brewery, to rezone the property located at **2725 Water Street**, from "R-2" Single Family Residence District to "R-5" Multiple Family II Residence District, and **the adjacent northwest parcel**, from "R-2" Single Family Residence District to "M-1" Light Industrial District. **Parcel IDs 2308-05-1018-11 and 2308-05-1018-10.**
5. Discussion and possible action on a request from the Stevens Point Brewery, for a conditional use permit for the purposes of constructing a parking lot at the properties located at **2725 Water Street** and **the adjacent northwest parcel**. **Parcel IDs 2308-05-1018-11 and 2308-05-1018-10.**
6. Discussion and possible action on a request from Scaffidi Motors, for a site and landscape plan review for a parking lot, and a modification from the landscaping standards, for the properties located at **201 Green Avenue North**, **the adjacent northwest parcel**, and **the adjacent southeast parcel**. **Parcel IDs 2408-27-2100-01, 2408-27-2200-06 and 2408-27-2401-01.**
7. Discussion and possible action on a request from Don Scaffidi, to rezone the property located at **245 Green Ave North** from "R-3" Single and Two Family Residence District to "B-4" Commercial District. **Parcel ID 2408-27-2401-04.**
8. Discussion and possible action on a request from the City of Stevens Point to vacate and discontinue a portion of Green Avenue North (formerly known as C.T.H. YY and Green Avenue), between Green Avenue North, as relocated, and Interstate 39.
9. Discussion and possible action on a request from the City of Stevens Point to vacate and discontinue Mitchell Avenue, between Green Avenue North and Interstate 39.

10. Discussion and possible action on a request from the Robin Engum, for a conditional use permit for the purposes of constructing a 24 bedroom apartment complex on the property located just **east of 117, 125, and 133 Second Street North. Parcel ID 2408-29-2400-11.**
 11. Discussion and possible action on a request from the City of Stevens Point, for a conditional use permit for the purposes of constructing a brine shed at **100 Sixth Avenue. Parcel ID 2408-30-4008-07.**
 12. Discussion and possible action on a request from Larry Stuczynski, Gerry Stuczynski, and Ronald Feltz for the City of Stevens Point to vacate and discontinue an unnamed street between Lot 23 of Eagle Pointe Subdivision, also known as 2100 Falcons Cove, and Lot 22 of Eagle Pointe Subdivision, also known as 2116 Falcons Cove.
 13. Discussion and possible action on amending the City of Stevens Point Zoning Ordinance to allow temporary expansions to conditional uses without amending the conditional use permit (creation of Section 23.01(16)(b)(4)).
 14. Discussion and possible action on having the Plan Commission serve as the Zoning Rewrite Committee.
 15. Discussion on parking lot variances.
 16. Adjourn.
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1. Approval of the report of the August 1, 2011 Plan Commission meeting.

Motion by Commissioner Laskowski to approve the report; seconded by Commissioner Haines. Motion carried 4-0 (Commissioner Curtis was not present at time of vote).

2. Discussion and possible action on a request from NewPage, for an amendment to their conditional use permit for the purposes of constructing a courtyard dock addition to their building at **707 Arlington Place**, using insulated metal panels as opposed to brick. **Parcel ID 2408-32-3002-55.**

Director Ostrowski reported that this request was presented at the last Plan Commission meeting on August 1, 2011 and was approved; however, NewPage is now requesting an amendment to their conditional use permit to allow insulated metal panels, as opposed to the required brick for the main exterior material. Given that the location of the dock will be between two portions of the existing building, and that it will not be that viewable from the street, staff does not feel that the change from brick to insulated panels will be detrimental to the area. Therefore, staff would recommend approval of the request.

Motion by Commissioner Rice to approve; seconded by Commissioner Haines. Motion carried 4-0 (Commissioner Curtis was not present at time of vote).

Commissioner Rice stated that he cannot participate, nor take any action on items 3-10 and 12 because his firm has done work for, or represents these individuals.

3. Discussion and possible action on a request from Partner's Pub & Grill, for a conditional use permit to operate a tavern with a temporary premise extension for the outdoor area for an event on October 8, 2011 at **2600 Stanley Street. Parcel ID 2408-28-3024-38.**

Director Ostrowski reported Partner's Pub & Grill is requesting a one day temporary expansion of the premises on Saturday, October 8, 2011 for its 34th annual Homecoming celebration. The event

will be from 11:00 AM - 7:30 PM with a DJ from 12:00 PM – 6:30 PM. The owners have indicated that there will be ten security personnel, plus two uniformed Stevens Point police officers. The area will be fenced and only two ingress/egress points will be present, and staffed by security. The current conditional use permit for Partner's Pub has the following conditions:

- Approval to include the porch, volleyball court, and picnic table areas located 8 ft. from south fence and 8ft. from east fence as shown on the attached map,
- No amplified music allowed on the deck or the volleyball courts,
- Security be present outdoors at all times that alcoholic beverages are either served or consumed outdoors in permitted area,
- Conditional Use Approval to expire June 30, 2012.

The Plan Commission would need to modify the original conditional use permit for this one day event, to allow for the extension of premise to the property lines, as well as to allow for amplified music. Staff recommends the approval of the conditional use permit, subject to the following conditions:

- The Public Protection Committee must review this event request.
- Adequate security shall monitor the event, including two uniformed Stevens Point police officers.
- DJ can operate with amplified music at a reasonable volume during the hours of 12:00 PM – 6:30 PM for the event.
- The event is concluded by 7:30 PM.
- The premise area must be fenced and there shall be adequate security monitoring each entrance for the event.
- Any garbage or trash shall be removed from the property within 24 hours following the event.
- No cups or garbage shall leave the site. If it does, Partner's Pub shall be responsible for cleanup of these materials.
- Fencing must be removed within 48 hours following the event.
- All alcohol must be consumed within the legally defined premise area.
- Refuse containers shall be screened from neighboring properties with a trash enclosure or the containers shall be neatly placed behind the building.
- Previous conditions still remain.
- The conditional use permit shall expire June 30, 2012.

Commissioner Laskowski asked if the event would have the same conditions as in the past. Director Ostrowski stated for the most part, but there are some additional requirements.

Motion by Commissioner Haines to approve; seconded by Commissioner Laskowski. Motion carried 3-0, with Commissioner Rice recusing (Commissioner Curtis not present at time of vote).

4. (a) Discussion and possible action on a request from the Stevens Point Brewery, to rezone the properties located at **2725 Water Street** and **the adjacent northwest parcel**, from "R-2" Single Family Residence District to "M-1" Light Industrial District. **Parcel IDs 2308-05-1018-11 and 2308-05-1018-10.**

or

(b) Discussion and possible action on a request from the Stevens Point Brewery, to rezone the property located at **2725 Water Street**, from "R-2" Single Family Residence District to "R-5" Multiple Family II Residence District, and **the adjacent northwest parcel**, from "R-2" Single Family Residence District to "M-1" Light Industrial District. **Parcel IDs 2308-05-1018-11 and 2308-05-1018-10.**

Director Ostrowski reported the Stevens Point Brewery recently purchased the vacant dwelling located at 2725 Water Street. They wish to rezone this parcel and the adjacent northwest parcel from "R-2" Single Family Residence District to "M-1" Light Industrial District. Their intent is to use the northwest parcel for potential expansion area, and to use the parcel at 2725 Water Street for a parking lot for customer parking. However, if there is concern regarding the rezoning of the property located at 2725 Water Street to M-1, they would be willing to rezone the property to a less intense zoning classification, such as R-5. In the R-5 zoning district, parking lots serving any commercial use and not exceeding 50 spaces, can be allowed as a conditional use. Director Ostrowski stated staff recommends approving the rezoning of Parcel 2308-05-1018-10 from R-2 to M-1 and Parcel 2308-05-1018-11 from R-2 to R-5.

Commissioner Haines asked why not zone both parcels to R-5, and would an M-1 zoning meet the setbacks. Director Ostrowski stated that the Stevens Point Brewery plans to expand in the future, and this would put the zoning consistent with the future plans. In regards to M-1 zoning, any expansion would require them to meet the required setbacks, as well as amend their conditional use permit. Art Oksuita, Stevens Point Brewery - Stated that the M-1 zoning gives options for future expansion. In regards to the property located at 2725, the brewery had an opportunity to purchase the property after a foreclosure.

Commissioner Haines questioned the current parking situation. Mr. Oksuita stated that, currently, the parking is across the street from the brewery, but the new lot would be the primary lot, with the old lot being the overflow area.

Director Ostrowski indicated that while this request may not be exactly what the Future Land Use Map indicates for these specific parcels, he does feel that this change is consistent with the overall Comprehensive Plan goals and objectives. The reason being is that we are helping to reduce land use conflicts between an industrial use and a low intensity residential use. By introducing a buffer zone with the parking lot, it helps mitigate some of the negative impacts that typically come from industrial uses, and ultimately furthers the goals and objectives our Comprehensive Plan.

Mayor Halverson stated he likes the idea of insulating from the residential area and the industrial area with the parking lot.

Motion by Commissioner Laskowski to approve rezoning the property located at 2725 Water Street from "R-2" Single Family Residence District to "R-5" Multiple Family II Residence District, and the adjacent northwest parcel from "R-2" Single Family Residence District to "M-1" Light Industrial District; seconded by Commissioner Haines. Motion carried 3-0, with Commissioner Rice recusing (Commissioner Curtis was not present at time of vote).

5. Discussion and possible action on a request from the Stevens Point Brewery, for a conditional use permit for the purposes of constructing a parking lot at the properties located at **2725 Water Street** and **the adjacent northwest parcel. Parcel IDs 2308-05-1018-11 and 2308-05-1018-10.**

Director Ostrowski presented the proposed plan for the parking lot, indicating that the parking lot would have a 5 foot tall vinyl fence around three sides, and appropriate screening in the front yard setback area. Director Ostrowski stated that staff would recommend approval of the conditional use, subject to the following condition(s):

- The parking lot shall be screened from view using the following standards:
 - An opaque decorative type fence, at least five feet in height, shall be installed along the property lines where the parking lot borders any residentially used properties.
 - The entire parking lot, including the northwest side, 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.
 - Where the parking lot is not screened with an opaque decorative type fence at least five feet in height, it shall have solid, non-deciduous type shrubs at least three feet in height.
- A lighting plan shall be submitted for review and approval by staff.
 - The maximum permitted illumination in footcandles shall not exceed 0.05 footcandles measured at the property line.
 - The light fixture shall be a cut-off type luminaire with a maximum height of 12 feet if within 50 feet of a residential property line or 15 feet if a greater distance.
- The parking lot must be setback at least 10 feet from the street yard property line and 10 feet from the side and rear property lines.
- Any mechanical equipment or refuse storage shall be screened from view from neighboring properties.
- Snow shall be removed from the site, or stored in a location that it will not negatively impact adjacent properties.
- A stormwater plan for the parking lot must be approved by the Department or Public Works.
- Either curb or wheel stops shall be installed for each space.
- Construction shall be completed within one year after final approval.

Commissioner Haines asked what is meant by the stormwater plan, and is the fenced placed right on the property line. Director Ostrowski stated that a stormwater plan would be needed for them to show where the water runoff would go. This could include a pond on the north, overflow into the storm sewer, or both. The fence would be up to the property line, with green area inside the fence.

Dave Eiden, 1008 Matilda Street - Asked for clarification on the 10 foot setbacks, the fence location, and information on the lighting. Director Ostrowski indicated that the fence would be up to the property line and there would be 10 feet of green area between the property line and the parking lot. In regards to lighting, a plan would need to be supplied for staff to review and approve based on the conditions indicated earlier.

Juanita Keller, 309 Fifth Avenue - Asked if there is only one entry and exit for the lot and is it on Water Street. Mayor Halverson indicated that there is only one ingress/egress point and that will be on Water Street.

Motion by Commissioner Laskowski to approve; seconded by Commissioner Haines. Motion carried 3-0, with Commissioner Rice recusing (Commissioner Curtis was not present at time of vote).

6. Discussion and possible action on a request from Scaffidi Motors, for a site and landscape plan review for a parking lot, and a modification from the landscaping standards, for the properties located at **201 Green Avenue North, the adjacent northwest parcel, and the adjacent southeast parcel. Parcel IDs 2408-27-2100-01, 2408-27-2200-06 and 2408-27-2401-01.**

Director Ostrowski stated Scaffidi is looking to pave a majority of the existing parking area for its truck center. This request is a little more unique than a standard parking lot request, as the some of the area in which they are paving serves as the sales area for the vehicles. The parking lot will be constructed with 4.5" asphalt pavement, except for an area approximately 20,000 square feet that will be used as a staging area. This area will be gravel/recycled asphalt. An item that will be discussed later on the agenda will include the vacation of the right-of-way of the former Green Avenue. When Green Avenue North was redirected, a portion of the right-of-way was never vacated to the abutting property owners. Given this, the City has introduced a resolution to vacate this portion of the former Green Avenue to the abutting property owners. In addition, Scaffidi will need to acquire the left over right-of-way from the Wisconsin Department of Transportation, or enter into an agreement with them for the use of this property. Staff does recommend approval with the following conditions:

- Stormwater requirements must be met as per Public Works department standards.
- Scaffidi must receive approval to construct this parking lot over the areas in which they do not currently own. This may include a lease agreement, receiving ownership of the property, or similar.
- Curb or wheel stops will need to be installed where the parking lot abuts landscaping strips.

Motion by Commissioner Haines to approve the landscaping plan as presented; seconded by Commissioner Laskowski. Motion carried 3-0, with Commissioner Rice recusing (Commissioner Curtis was not present at time of vote).

7. Discussion and possible action on a request from Don Scaffidi, to rezone the property located at **245 Green Ave North** from "R-3" Single and Two Family Residence District to "B-4" Commercial District. **Parcel ID 2408-27-2401-04.**

Director Ostrowski reported Scaffidi is looking to rezone the above described property from R-3 to B-4. The reason for the request is that Scaffidi may plan to expand their operations into this area if business warrants the expansion. At this time, the current use of the property is a single family home, and it fronts on Green Avenue North. Staff recommends approving the rezoning as it will create a contiguous zoning district north of Mitchell Drive, and it will help alleviate immediately adjacent incompatible uses. Director Ostrowski stated that as noted with the brewery item, our Future Land Use Map of the Comprehensive Plan indicates that this specific parcel should be a residential use. However, this is another instance where by rezoning this parcel, we are reducing a

land use conflict between this parcel and the other surrounding commercial properties, which is a major element of our Comprehensive Plan. Mitchell Drive or the vacated Mitchell Drive would now serve as the dividing point between the commercial and residential parcels.

Commissioner Haines asked what is allowed in B-4 Commercial District. Director Ostrowski stated a variety of commercial uses, including many that you see on Church Street and Division Street.

Mayor Halverson stated that more than likely there will be an expansion of the current services to this lot.

Commissioner Haines asked what is to the east of the lot. Director Ostrowski stated that this is the only lot not owned by Scaffidi. It is a greeting card factory.

Bonnie Faley, 237 Green Avenue North - Asked if there would be a barrier between the commercial area and the residential area, as she has concerns with the trucks on this drive. Director Ostrowski stated that the intent is to vacate Mitchell Drive for private driveway for Scaffidi, and depending on the use in that area, we may be able to require screening, but that is not certain. Mayor Halverson stated that if they decided to expand their parking lot to this area, we could then require screening.

Gerard Blakeslee, 4016 Kennedy Drive – Is concerned about the noise pollution, the trucks running all night, and the compressors used for repairs. Mayor Halverson stated that if possible, screening may occur, but it would be difficult to screen the noise.

Commissioner Haines asked why the B-4 Commercial District is the intended zoning, and is there an eminent project as this point. Director Ostrowski stated that a rezoning to B-4 would create a contiguous zoning district for this area. At this point, there is no eminent project for this property.

Commissioner Laskowski asked if Scaffidi was already using Mitchell Drive. Director Ostrowski indicated that they do use Mitchell Drive to access their properties.

Commissioner Haines asked if Mitchell Drive would be completely removed, including any private drive. Mayor Halverson stated that a complete removal is going to be difficult because of the need to maintain access to the other business (Biga) on Mitchell Drive.

Director Ostrowski stated that Scaffidi has indicated that there is a plan to build a storage shed on the east end of Mitchell Drive.

Commissioner Haines asked if it is possible to make the private driveway smaller. Mayor Halverson stated that the driveway would still be the same width as Mitchell Drive.

Director Ostrowski stated that the typical process when vacating a street is for the land to revert from the property in which it was taken from. In this case, all of the property was taken from the north, so that is where it would revert back. Director Ostrowski indicated that a cross access easement agreement would need to be made with the Scaffidi's and the Biga's, so the vacation does not create and landlocked parcels.

Commissioner Haines asked what is the B-1 district. Mayor Halverson stated that B-1 is the neighborhood business district. This is typically used for smaller commercial areas that are on corners in residential areas.

Thomas Brown, 317 Sixth Avenue - Asked if Scaffidi's operation is a permitted or conditional use. Director Ostrowski indicated that it is permitted.

Mr. Brown suggested a short sound wall be included as a condition. Mr. Brown also asked for clarification that if the property is rezoned to B-4, then most of the uses would not come back to the Plan Commission. However, if the property is rezoned to R-5, then many of the uses would have to be brought back to the Plan Commission. Mayor Halverson indicated that we cannot put conditions on a rezoning. In regards to the zoning classification, most commercial uses would not come back to the Plan Commission to review in the B-4 district. If rezoned to R-5, the current use of the Scaffidi Truck Center would not be allowed on this property.

Motion by Commissioner Laskowski to approve; seconded by Mayor Halverson. Motion carried 3-1, with Commissioner Haines voting in the negative, and Commissioner Rice recusing.

8. Discussion and possible action on a request from the City of Stevens Point to vacate and discontinue a portion of Green Avenue North (formerly known as C.T.H. YY and Green Avenue), between Green Avenue North, as relocated, and Interstate 39.

Director Ostrowski reported when Green Avenue North was redirected, a portion of the former right-of-way was never vacated to the adjacent land owners. The right-of-way goes through Scaffidi's Truck Center parking lot, as well as a portion of the Courtesy Motors building. The portion of area to be vacated is between Green Avenue North, as relocated, and Interstate 39. On August 15, 2011, the Common Council introduced a resolution, ordering to vacate this right-of-way to the abutting property owners. Given that the public way is no longer active, it serves no foreseeable benefit for the access of other potential lots, nor will it create any landlocked parcels. With that said, staff would recommend approval of this vacation.

Motion by Commissioner Haines to approve; seconded by Commissioner Laskowski. Motion carried 4-0, with Commissioner Rice abstaining.

9. Discussion and possible action on a request from the City of Stevens Point to vacate and discontinue Mitchell Avenue, between Green Avenue North and Interstate 39.

Director Ostrowski reported Mitchell Drive between Green Avenue North and Interstate 39 was given to the City of Stevens Point from the Town of Hull. The road serves as access to properties owned by Scaffidi, as well as one other property owned by Richard and Steven Biga (4026 Mitchell Drive). The road is a dead-end road, and provides little if any benefit to the City of Stevens Point. All of the dwellings on the south part of Mitchell Drive have access onto Kennedy Drive. Since the property for the public way was taken from the northern properties on Mitchell Drive, the vacated public way would return to those property owners. All but one parcel is owned by Scaffidi. Scaffidi has indicated that they would work out an easement agreement between the property owned by Richard and Steven Biga, so that they would not be landlocked. The property owners would then be responsible for the maintenance of this drive. Given that the road serves little to no benefit to the public, other than to Scaffidi and Richard and Steven Biga, staff would recommend approval to

vacate the public way, with the condition that an agreement is made between Scaffidi and the Biga's allowing access between the properties.

Juanita Keller, 309 Fifth Avenue - Asked if the street is vacated, can the property owners move the buildings further back. Mayor Halverson explained that not as long as the drive serves as the primary access to other properties.

Commissioner Haines asked how the parcel would work, would this be a separate parcel, and would it be assigned a zone. Mayor Halverson stated that it would have to be certified survey map, and be recorded. Director Ostrowski explained that the zoning would revert to the zoning of the adjacent property, which would be B-4 Commercial.

Motion by Commissioner Laskowski to approve the vacation of Mitchell Drive, with the condition that an agreement is made between the property owners to allow access; seconded by Commissioner Haines. Motion carried 4-0, with Commissioner Rice recusing.

10. Discussion and possible action on a request from the Robin Engum, for a conditional use permit for the purposes of constructing a 24 bedroom apartment complex on the property located just **east of 117, 125, and 133 Second Street North. Parcel ID 2408-29-2400-11.**

Director Ostrowski reported that Mr. Engum is proposing to construct a 24-bedroom (7 or 8 units) apartment complex on a vacant parcel north of Maria Drive and east of Second Street North. Mr. Engum constructed the apartment complex located at 925 Maria, which this proposal will be similar in design. Currently, this property does not have street access, however, access will be provided by a private drive off of Maria. In addition, the property is directly adjacent to the future mapped Third Street. Staff would recommend approval with the following conditions:

- A new architectural/elevation plan shall be resubmitted for approval by the Plan Commission. The new plan shall include architectural features that help distinguish the building, such as increased masonry, stoops, varying roof lines, jogs in the building, increased doors and windows, shutters, etc.
- The natural vegetation areas within the minimum setback area for the rear yard and the south property line shall be maintained in their natural state, with adjustments to be made for proper maintenance.
- Additional landscaping to match the proposed landscaping, shall be installed along the western bend in the driveway and along the foundation, between the walkways on the west side of the building.
- The maximum number of units shall be 8, with a maximum number of 24 beds.
- The dumpster enclosure shall be constructed out of finished wood or masonry materials (except for unfinished concrete block).
- Street trees shall be installed along Third Street at the owner's expense when Third Street is installed. This requirement shall be done within one year after completion of Third Street.
- Walkways (from the building to Third Street sidewalk) shall be installed to connect with the sidewalks on Third Street, at the owner's expense when Third Street is installed. This requirement shall be done within one year after completion of Third Street.
- The ingress/egress to the property shall be relocated to Third Street within one year after Third Street is installed.

- An easement agreement with the land owner(s) to the south will need to be recorded to allow access to the site.
- A lighting plan shall be submitted for review and approval by staff. The lighting shall not negatively impact the adjacent properties.
- Snow shall be removed from the site, or stored in a location that it will not negatively impact adjacent properties.
- A stormwater plan will need to be reviewed and approved by the Department of Public Works.
- Curb or wheel stops will need to be installed for the parking lot.
- A minimum of a six foot high solid vinyl fence shall be installed along the north (starting at the rear of the building) and west property lines.

Mayor Halverson stated that ultimately it makes sense, but the building does need more architectural design.

Commissioner Haines asked what is the ratio for bedrooms and units. Robin Engum, 3038 Campsite Drive – Stated that the complex would have 8, 3-bedroom units, or 7 units with a different layout for the units.

Mr. Engum indicated that he will be submitting a new architectural plan with staggering on the proposed Third Street side.

Mr. Engum asked when Third Street would be installed. Mayor Halverson stated that a discussion would have to include the owners of the convent property, and the willingness to sell and develop that area. There is no definite timeframe at this point.

Megan Christie, 120 Second Street North – Expressed concern for possible access from Second Street North and the possible drainage issue onto surrounding properties. In addition, Ms. Christie has concerns of reducing the parking for the Final Score tavern because of the drive. This may cause additional street parking. Director Ostrowski stated that if the access comes from Second Street North, then there would need to be a rezoning of that lot to a Multi-Family zoning, which he would not be in favor of doing. In regards to the draining, they will need to keep the drainage on their property and not have it run onto adjacent properties.

Ryan Jeidy, 141 Second Street North - Has concerns with the lot being in his back yard, and issues with noise, screening of headlights, as well as water issues. Mr. Jeidy already has water pooling in his yard until June. He is concerned that the water issue will worsen, as well as a decrease in his property value. He does not feel the landscaping is an adequate screening.

Juanita Keller, 309 Fifth Avenue - Asked how far would Third Street would extend, and why not build single family homes in this area instead of more apartments. Mayor Halverson stated that the construction of Third Street really depends on the development of the area. At this time, the City is attempting to find ways to financially assist in the conversion of single-family homes that have been turned into multi-family, back to single-family.

Director Ostrowski stated the complex would be required to have 24 parking stalls.

Mr. Engum stated that he is concerned for the safety of parking and the water runoff, and the plans address both issues as well as to take out the vacant building and clean up the area.

Director Ostrowski stated that with noise concerns, there is the requirement of the multi-family dwelling license, and it can be revoked if there are repeated violations. In addition, it would be within the Plan Commission's right to require fencing around the property.

Mayor Halverson indicated that Commissioner Rice (because his firm has done work for, or represents these individuals) and Commissioner Laskowski (because her firm will be bidding on the project) will be abstaining.

Motion by Mayor Halverson to approve the request with the conditions recommended by staff, as well as the condition to install a 6 foot high vinyl solid vinyl fence adjacent to the north and west property lines, starting at the rear of the building; seconded by Commissioner Haines.

Commissioner Haines asked for clarification of the easement, and would it run with the deed. Director Ostrowski stated that it would be recorded with the Register of Deeds.

Motion carried 3-0, with Commissioners Rice and Laskowski recusing.

11. Discussion and possible action on a request from the City of Stevens Point, for a conditional use permit for the purposes of constructing a brine shed at **100 Sixth Avenue. Parcel ID 2408-30-4008-07.**

Director Ostrowski stated that the City of Stevens Point is looking to construct a brine storage shed on the Municipal Garage property. A brine mixture will be used to control snow and ice in the winter. The storage shed is approximately 40' x 40', and will be constructed using metal panels. Staff would recommend approval with the following conditions:

- Lighting for the proposed building shall not negatively impact the adjacent properties.
- The existing vegetation shall remain on Sixth Avenue and Old Wausau Road to provide proper screening for the adjacent properties, except for proper maintenance.
- The project shall be completed within one year after final approval.

Commissioner Haines asked if the brine shed would be a replacement of the salt shed, and how would the salt be moved on site. Mayor Halverson stated no, the new building would be a brine mixing shed that would mix the salt with water and be loaded onto the plows that would then spray and activate the salt prior to spreading. With this brine mix, there would be a reduction in the amount of overall salt used. Director Lemke explained that the purpose of the brine is to pre-wet, which makes operations more effective. The salt would be transported on site from the salt shed to the brine shed.

Commissioner Rice asked if this would be used in winter only, and could the building be placed right up to the salt shed. Director Lemke stated that the brine would be used for ice and snow, it could also be used for deicing and pre-wetting prior to a storm, but this is a winter time only usage. Due to travel paths, and drainage paths, the brine shed could not be placed next to the salt shed.

Commissioner Rice stated that he does not believe a municipal facility such as this fits into the conservancy zoning, and that being next to the river and the park does not seem to be the best location for this facility. Mayor Halverson stated that the municipal garage was built in the 1960's. Unless the community can purchase and construct a new facility in a new location, we have no choice but to work with what we have and to insulate the situation through the conditional use process.

Commissioner Rice brought to the attention of the Commission, a letter (see Attachment A) from John & Penny Quirk of 325 Front Street, expressing concerns with the facility. Commissioner Rice asked where Front Street is in relation to this facility. Mayor Halverson stated that they live directly east of the facility, and their front yard faces the facility.

Director Lemke stated that the area at the driveway opening of the salt shed has been the topic of recent discussions, and states that there are plans to green up the area with additional landscaping.

Commissioner Haines questioned the drainage issues and where does the run-off go. Mayor Halverson indicated that drainage goes into the stormwater system, and then into the Wisconsin River.

Tom Brown, 317 6th Avenue – is against locating the brine shed to this location. He feels that the Plan Commission should place significant conditions on this facility, as well as the entire complex. His concerns relate to the exterior lighting for the complex, as well as the inadequate screening. Please see attachment B for the entire statement.

Jo Seiser, 317 6th Avenue – Does not believe the addition of this facility is consistent with the Park Plan for the City. The long range plan for this area is to remove the industrial uses from Bukolt Park. Portage County is doing brine at their facilities station and the City should look at using that facility. She believes this is a waste and is against the project.

Juanita Keller, 309 Fifth Avenue –Indicated that she moved to this area because of the parks and greenspace. She commends the department for using brine, as it is more effective and environmentally effective, but believes this facility should be located next to the new transit facility. She feels the area is a blight on the parks.

Commissioner Rice said he agrees that this location is not ideal, but it is a necessary decision. He believes that a new site for these types of functions should be explored. He believes that the lighting issue is a concern and that there should be shields placed on these fixtures to minimize the impacts.

Commissioner Haines agrees with Commissioner Rice that this is not a good idea to have municipal services in a conservancy area. She feels that there should be a more detailed lighting, landscaping, and stormwater plan. She indicated that she is very uncomfortable with the draining into the river.

Motion by Commissioner Rice to approve the conditional use permit for the construction of the brine shed with the following conditions:

- **Lighting for the site shall be shielded and directed away from adjacent properties, so it does not negatively impact the adjacent properties.**

- **The existing vegetation shall remain on Sixth Avenue and Old Wausau Road to provide proper screening for the adjacent properties, except for proper maintenance.**
- **Additional landscaping shall be installed at the entrances to better screen the property.**
- **The project shall be completed within one year after final approval.**

seconded by Laskowski.

Commissioner Haines feels that additional plans should be submitted before moving forward.

Motion by Commissioner Haines to amend the motion to require a lighting, landscaping, and stormwater plan for the entire site prior to acting on the conditional use; seconded by Commissioner Laskowski.

Mayor Halverson indicated that to place significant conditions on the entire site for this type of request would be treating the City differently than a private request. To his knowledge, the Plan Commission has not required any private development to go to this extent.

Amended motion failed 1-4, with Commissioner Laskowski, Rice, Curtis, and Mayor Halverson voting in the negative.

Commissioner Rice said he would like to see the Plan Commission develop a plan for the removal of these facilities out of this area to a more proper location.

Original motion by Commissioner Rice carried 4-2, with Commissioner Haines and Mayor Halverson voting in the negative.

12. Discussion and possible action on a request from Larry Stuczynski, Gerry Stuczynski, and Ronald Feltz for the City of Stevens Point to vacate and discontinue an unnamed street between Lot 23 of Eagle Pointe Subdivision, also known as 2100 Falcons Cove, and Lot 22 of Eagle Pointe Subdivision, also known as 2116 Falcons Cove.

Director Ostrowski stated that back in March of this year, Mr. Stuczynski requested the vacation of an unnamed street in the Eagle Pointe Subdivision. At that time, the Plan Commission granted approval of this vacation, however, a resolution was never presented to the Common Council for final action. Since then, Mr. Stuczynski has sold the eastern most lot that abuts this street to Ronald Feltz. Since State Statutes require a petition to be signed by all abutting landowners, a new petition is needed.

Motion by Commissioner Haines to approve; seconded by Commissioner Laskowski. Motion carried 4-0, with Commissioner Rice recusing.

13. Discussion and possible action on amending the City of Stevens Point Zoning Ordinance to allow temporary expansions to conditional uses without amending the conditional use permit (creation of Section 23.01(16)(b)(4)).

Director Ostrowski reported that our current Zoning Ordinance requires any change in a conditional use permit, including temporary expansions, for the owner to receive an amendment to the original conditional use permit. This requirement is creating a cumbersome process for businesses that want

to have a temporary or special event for a very limited time. For example, if a tavern wants to expand the premises for a single day event, they must receive approval through the conditional use process (Plan Commission and Common Council), as well as through the premise expansion process (Public Protection Committee and Common Council). While staff feels that it is important for the Plan Commission and Common Council to review requests that will have a permanent impact on the surrounding properties, staff believes that this process is burdensome and can be addressed more efficiently. This would relate to the Partner's Pub request that we addressed earlier.

Therefore, staff would recommend the following change to our conditional use requirements in the Zoning Ordinance:

A temporary expansion a conditional use shall not constitute a change in the conditional use permit. Temporary expansions of the use shall not exceed two consecutive days, and not more than four temporary expansions in a twelve month calendar year. All temporary expansions shall meet the intent and purpose of the original conditional use permit, as well as the standards outlined in section 23.01(16)(c). Temporary expansions shall be approved by the Zoning Administrator, or designee. Denials by the Zoning Administrator, or designee, may be appealed to the Plan Commission.

This will allow requests to be reviewed more efficiently and increase opportunities for businesses within the City of Stevens Point. If however, valid complaints or concerns are generated from the temporary expansion, the Zoning Administrator would require the next future event to go through the standard conditional use permit process.

Motion by Commissioner Rice to approve; seconded by Commissioner Haines. Motion carried 5-0.

14. Discussion and possible action on having the Plan Commission serve as the Zoning Rewrite Committee.

Mayor Halverson stated when originally planning the zoning rewrite, it was deemed appropriate to have a subcommittee, but on further review, Director Ostrowski and himself feel it is the job of the Plan Commission to deal with zoning changes, and it is more appropriate to have the Commission make these changes.

Director Ostrowski agrees that the Plan Commission should serve as the committee. Given the amount of concerns that we have seen over the years with our zoning code, it may be best for the Plan Commission to serve as the actual body for the zoning code rewrite. The Plan Commission has firsthand knowledge of some of the concerns, and may be best suited for this task. In addition, they are the body who are most familiar with the goals of the comprehensive plan.

Commissioner Haines agreed and questioned how the meetings would operate. Mayor Halverson stated that we may have a regular agenda with zoning rewrite items at the end, or there may be separate meetings. Director Ostrowski indicated that it would really depend on the amount of agenda items per meeting.

Commissioner Rice agreed, stating it would be the right body to review the zoning, and would be an educational component to the Plan Commission as well.

Motion by Commissioner Rice to have the Plan Commission serve as the body to review the rewrite of the zoning ordinance; seconded by Commissioner Laskowski. Motion carried 5-0.

15. Discussion on parking lot variances.

Commissioner Rice indicated that he has received some concerns relating to variances for parking lots. He would like this to be clarified for the Commission and general public.

Director Ostrowski indicated that variances for parking lots should really not be called variances, they are more of a modification or special exception. These variances are not held to the same standard as variances relating to size or bulk standards, for example, setbacks. Under State law, variances relating to size, bulk, or use standards are held to a much higher standard. Those variances must demonstrate that they meet a three part test: (1) a unnecessary hardship exists, (2) there are unique property limitations, and (3) no harm to public interests will occur with granting the variance. Parking lot variances are granted through local policymaking, which is more of a special exception. Ultimately, the Plan Commission is the approving body, as it is given that power through our Zoning Ordinance.

Mayor Halverson and Commissioner Haines inputted that in the future we should not call them variances to cause less confusion.

16. Adjourn.

Motion to adjourn. Meeting adjourned at 8:15 PM.