

REPORT OF CITY PLAN COMMISSION

Monday, December 5, 2011 – 6:00 PM
Lincoln Center

PRESENT: Chairperson Mayor Halverson, Alderperson Jerry Moore, Commissioner Tony Patton, Commissioner Anna Haines, Commissioner Shari Laskowski, and Commissioner Maurice Rice.

ALSO PRESENT: Community Development Director Michael Ostrowski, Alderperson Marge Molski, Alderperson Roger Trzebiatowski, Alderperson Randy Stroik, Alderperson Mary Stroik, Alderperson Brian Brooks, Alderperson Jeremy Slowinski, David Glodowski, B.C. Kowalski, Matthew Brown, Steve Winter, Teri Winter, Cathy Dugan, Bernard Landerman, David Enerson, Chris Meyer, John Baehr, Ross Rettler, and Jay Johnson.

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1. Persons wishing to address the Plan Commission on any Plan Commission agenda item(s) for up to an aggregate of five (5) minutes.

Discussion and possible action on the following:

2. Reports of the November 7, 2011 and November 16, 2011 Plan Commission meetings.
3. Request from NAPA for a parking lot review and a reduction in the required number of parking spaces for the NAPA Distribution Center project located at **5101 Coye Drive (Parcel ID 2308-02-2000-08)**.
4. Parking lot review for the Copps Food Center project located at **1440 Pinecrest Avenue (Parcel ID 2408-33-1019-46)**.
5. Request from the McDill Lake District, for a conditional use permit to dredge **portions of property of the South Channel of the McDill Pond lake bed south of Heffron Street and near Della Street. Parcel IDs 2308-04-4015-14, 2308-04-4020-01, and an unnumbered parcel.**
6. Request from Chris and Amy Meyer, for a conditional use permit to dredge **portions of property of the McDill Pond lake bed, near 3916 Bonnie Bay Court and Nebel Street. Parcel IDs 2308-03-3301-25, 2308-03-3301-28, and 2308-03-3200-15.**
7. Amending the City of Stevens Point Zoning Ordinance to allow parking lot landscape reviews, regardless of the number of parking spaces, to be reviewed and approved by Staff (modify Section 23.01(14)(f) of the Revised Municipal Code of the City of Stevens Point).
8. Holding public hearings at the Plan Commission meetings as opposed to the Common Council meetings.
9. Updating Chapter 23 (Zoning) of the Revised Municipal Code of the City of Stevens Point.
10. Adjourn.

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1. Persons wishing to address the Plan Commission on any Plan Commission agenda item(s) for up to an aggregate of five (5) minutes.

Mary Ann Laszewski, 1209 Wisconsin Street, stated she is not in favor of agenda item 8. She feels it would be best to hold the public hearings in front of elected officials, rather than appointed officials. The Plan Commission already has a lot to do, and there are a significant amount of absentees. The Alderpersons are required to attend the Common Council meetings. Ms. Laszewski feels that the minutes of the meetings are only a synopsis of what occurs, and the Common Council may not get

the full information. She feels it is different when constituents are able to look alderpersons in the eye and speak to them about the agenda item. Ms Laszewski believes that the public deserves a captive audience and the attention of their elected officials. The Plan Commission is only an advisory committee. By changing the public hearings, it is an attempt to weaken public involvement in city government, an attempt to shuffle issues, and to remove the citizen's voices.

Aldersperson Trzebiatowski, 7th District, stated that he is in favor of agenda item 4, the Copps Food Center parking lot review. He does have a concern for the area on Texas, by Algoma, with the hope that Copps or the City looks at the potential of a bus stop at this location. In addition, Aldersperson Trzebiatowski stated that this summer the storm did damage to many of the trees in the wooded area to the south. He hopes this area will be cleaned up. He has heard several comments in support for this project and the neighbors are optimistic.

Discussion and possible action on the following:

2. Reports of the November 7, 2011 and November 16, 2011 Plan Commission meetings.

Commissioner Rice stated he will not take part in agenda items 4, 5, and 6, due to a conflict of interest.

Motion by Commissioner Patton to approve the reports of the November 7, 2011 and November 16, 2011 as presented; seconded by Commissioner Rice. Motion carried 6-0.

3. Request from NAPA for a parking lot review and a reduction in the required number of parking spaces for the NAPA Distribution Center project located at **5101 Coye Drive (Parcel ID 2308-02-2000-08)**.

Director Ostrowski reported that our zoning ordinance requires any new parking lot or an addition to an existing parking lot that is over 49 spaces to be reviewed and approved by the Plan Commission. The NAPA distribution center parking lot will have a 78 stalled parking lot. NAPA will be eliminating its current parking lot on the south part of the lot and replacing it with a new lot on the northeast corner of the property. In addition, NAPA is also requesting a modification of the number of stalls required for an industrial type use. NAPA is planning for an approximate 25,000 sq.ft. addition to their distribution center. With that addition, they will have approximately 89,526 sq.ft. of warehouse space and 8,234 sq.ft. of office space; requiring 110 spaces. The spaces on the property with the new parking lot will have approximately 105 spaces. NAPA has indicated that they will likely not have more than 75 employees at the facility at any given time, and would not expect more than 30 customers at the same time. Director Ostrowski stated that the new parking lot does meet all the landscape requirements and recommends approval of this request. As for the request of reducing the stalls for this use by 5, staff recommends approval.

Motion to approve by Commissioner Patton; seconded by Commissioner Moore. Motion carried 6-0.

4. Parking lot review for the Copps Food Center project located at **1440 Pincrest Avenue (Parcel ID 2408-33-1019-46)**.

Director Ostrowski stated that our zoning ordinance requires any new parking lot or an addition to an existing parking lot that is over 49 spaces to be reviewed and approved by the Plan Commission.

Copps is going to be building a 70,000 sq.ft. store at this location, with a 385 stall parking lot. The attached landscaping shows dense screening of the parking lot to the west end where it abuts a residential area. The plan also provides sufficient screening to the east side of the lot and building. The proposed plan meets the standards of review and staff would recommend approval. In addition, Copps is looking at possibly modifying the northern portion of the parking area to allow for access from the properties to the north. Staff would recommend that the Plan Commission allow staff to make minor modifications if this occurs.

Commissioner Haines asked what is the difference in the requirements for NAPA versus Copps, and what does the diagrammed possible retention areas mean.

Director Ostrowski stated that the NAPA parking requirement is determined by 1 space per 1,000 square feet, where Copps is 1 space per 200 square feet for the first 25,000 square feet, and then 1 space for every 250 square feet after that. They are proposing 385 spaces, when only required to provide 305 spaces. Our code does not have a maximum amount allowed. The Copps store will be located on 8 of the 11 acres, so there will be about 3 acres of woods remaining. The retention areas for stormwater will still need to be determined by the Public Works Department.

Mayor Halverson stated that the current Church Street store has 280-300 parking stalls now, and that he appreciated the landscaping along the west and Texas Avenue areas. It is a good choice of species and with the density of the landscaping.

Commissioner Moore stated it is nice what they did with the landscaping, making it look like a road, instead of a parking lot. He stated he believes that this project is going to be a nice addition to the area.

Motion by Commissioner Moore to approve the plan and give permission to staff to make minor modifications for the areas to the north; seconded by Commissioner Patton. Motion carried 5-0, with Commissioner Rice recusing.

5. Request from the McDill Lake District, for a conditional use permit to dredge **portions of property of the South Channel of the McDill Pond lake bed south of Heffron Street and near Della Street. Parcel IDs 2308-04-4015-14, 2308-04-4020-01, and an unnumbered parcel.**

Director Ostrowski stated that the McDill Lake District is proposing to have several areas of the south part of the Heffron Street channel dredged in order to improve water quality and the flow throughout the channel. Our zoning ordinance considers all dredging a conditional use. With the current drawdown of the pond, it gives the McDill Lake District a unique opportunity to remove sediment material. The group will only be dredging three areas. The two areas by the Heffron Street culvert will not be dredged at this time. The area to the south of the Heffron Street culvert is proposed to be dredged by the City when work is being done in that area. The proposed project would begin early next year and the fill material would be hauled off-site. A concern that staff has is that the dredge material will be taken from areas owned by private property owner and the City of Stevens Point. Staff would like to see a hold harmless agreement signed between the City, McDill Lake District, and the individual of where the dredge material will be placed. The concern is that with all the chemical treatments to the pond, the city should not be held liable if it causes damage to properties where the dredge material will be placed. Staff would recommend approval with the following conditions:

- Applicants shall determine and take the necessary precautions for the protection against Blastomycosis.
- Applicants must receive approval from all other regulating agencies (e.g. Wisconsin DNR and FEMA).
- Applicants must receive approval from the City Parks Department and Public Works Department.
- Dredging must occur in areas owned by the McDill Lake District, unless written permission is granted from the other property owners.
- A hold harmless agreement is signed between the City, applicants, and the individuals where the dredge fill material will be placed stating that the City shall not be held liable for any portions of this project, or for any adverse conditions resulting from this project.

Commissioner Patton asked how long the dredging would last before it fills up again. Mayor Halverson indicated that this would be difficult to determine.

Commissioner Haines asked what the timeframe would be to begin and complete the dredging. Director Ostrowski stated that the Lake District was looking to start in January or February of 2012.

Commissioner Haines asked if there was a path designated for the large trucks to haul the material out of the area. Mayor Halverson stated that there is a public easement for recreational services along Della Street, and currently it is a light trail that the trucks would use.

David Enerson, 3325 Della Street, stated that with the drawdown, it makes it easier and most cost effective to do the dredging project. They plan to start the project as soon as they receive the proper authorizations, and it would be completed before the ground thaws.

Commissioner Patton asked what would happen to the loose sediment upon the refilling of the pond. Mayor Halverson stated that it would be a slow process in refilling and that the sediment would likely just settle back to where it came from.

Commissioner Haines asked about the path and if it would remain the same, and expressed concern that it would remain wide for vehicles to drive down to that area, and if the Parks Department is ok with this use.

Mayor Halverson stated that the path would have to receive the Parks Department approval for the removal or trimming of trees for the trucks to access the area, and yes they are aware and ok with this use. The path will be more visible for the public, but it will not be a boat landing.

Motion to approve by Commissioner Haines with the following conditions:

- **Applicants shall determine and take the necessary precautions for the protection against Blastomycosis;**
- **Applicants must receive approval from all other regulating agencies (e.g. Wisconsin DNR and FEMA);**
- **Applicants must receive approval from the City Parks Department and Public Works Department;**

- Dredging must occur in areas owned by the McDill Lake District, unless written permission is granted from the other property owners;
- A hold harmless agreement is signed between the City, applicants, and the individuals where the dredge fill material will be placed stating that the City shall not be held liable for any portions of this project, or for any adverse conditions resulting from this project; and
- The pathway be returned to a walkway that is no wider than 8 feet;

seconded by Commissioner Laskowski. Motion carried 5-0, with Commissioner Rice recusing.

6. Request from Chris and Amy Meyer, for a conditional use permit to dredge **portions of property of the McDill Pond lake bed, near 3916 Bonnie Bay Court and Nebel Street. Parcel IDs 2308-03-3301-25, 2308-03-3301-28, and 2308-03-3200-15.**

Director Ostrowski stated that the Meyers are proposing to dredge sections of McDill Pond in order to remove accumulated silt around the islands near the east side of the pond. The dredge area will be approximately 3 to 4 acres in size below the ordinary high water mark. The average dredge excavation depth will be between 8" to 24". The placement of the dredge material will be spread over the island owned by the Meyers. The proposed timeframe for the project is from January 2012 to March 2012. The Meyers have indicated that silt fence will be placed around the disposal area until the area is stabilized. They will then plant trees in and outside the disposal area. Staff would recommend approval with the following conditions:

- Applicants shall determine and take the necessary precautions for the protection against Blastomycosis.
- Applicants must receive approval from all other regulating agencies (e.g. Wisconsin DNR and FEMA).
- Applicants must receive approval from the City Parks Department and Public Works Department.
- Dredging must occur in areas owned by the Meyers, unless written permission is granted from the other property owners.

Chris Meyer, 3916 Bonnie Bay Court, stated he is putting together a hold harmless agreement for the benefit of the other property owner, the Katz family, who own some of the lake bed area that he will be dredging. He stated that he had contacted all the agencies and got their recommendations on erosion control and plantings. The environmental impact will be relatively small since the ATC (American Transmission Corporation) who owns the power line easement on the island want to keep the woody vegetation down as well. So they have given permission in writing to bring the dredge material up to 4 feet high, and the excavator who has been hired feels confident that he can keep that elevation, taper it, and place a silt fence around it, which was recommended from the Wisconsin DNR and the Army Corp of Engineers.

Commissioner Moore asked what would be the access point for the dredging. Mr. Meyer stated it will be from his property. Mr. Meyer stated that in the conversations with the Katz family, they just want the Meyers to be responsible for any bog materials and equipment, but all access would be strictly from the Meyer's property. The reasons that they are moving forward with this is due to the cost savings of getting the project completed while the pond is still down.

Motion to approve by Commissioner Patton with the following conditions:

- **Applicants shall determine and take the necessary precautions for the protection against Blastomycosis;**
- **Applicants must receive approval from all other regulating agencies (e.g. Wisconsin DNR and FEMA);**
- **Applicants must receive approval from the City Parks Department and Public Works Department; and**
- **Dredging must occur in areas owned by the Meyers, unless written permission is granted from the other property owners;**

seconded by Commissioner Moore. Motion carried 5-0, with Commissioner Rice recusing.

7. Amending the City of Stevens Point Zoning Ordinance to allow parking lot landscape reviews, regardless of the number of parking spaces, to be reviewed and approved by Staff (modify Section 23.01(14)(f) of the Revised Municipal Code of the City of Stevens Point).

Director Ostrowski stated currently, landscaping for new or additions to existing parking lots greater than 49 spaces must be reviewed by the Plan Commission for approval, even if they meet all zoning ordinance requirements. Staff feels that this creates an unnecessary review, and it extends the time it takes to get an approval for a development. Staff would recommend that the landscape review for parking lots, regardless of size, only have to be reviewed by staff for approval. If the applicant is requesting a modification to any of the requirements, then the applicant would still need to get approval from the Plan Commission.

Commissioner Patton asked that if staff approved of the landscaping/parking lot plans, would they still have to go before the Common Council. Director Ostrowski indicated that no, they would be approved by staff.

Mayor Halverson stated that if all the requirements were met, then staff could approve them. This will save time for staff, the applicant, and the Plan Commission.

Commissioner Rice stated he is in favor, but that there should be some recording of staff approval for the Plan Commission.

Commissioner Haines stated she is in agreement with Commissioner Rice, but because we are changing the entire zoning code, would this be necessary in the interim. Mayor Halverson stated from our perspective it is, until we get to that section of the zoning code that we will end up changing. The key is that if we want to have a threshold of size that we would want review over, or if we write the zoning code in a way that the requirements are very clear that the parking lot meets the requirements that it does get approved. He stated that in the interim that the Plan Commission will not get to a change for several months, and this would make the process much more efficient.

Director Ostrowski commented that if the use would be a conditional use, it would still be required to come before the Plan Commission.

Motion to approve by Commissioner Patton, with the condition that staff inform the Plan Commission on a regular basis of approvals; seconded by Commissioner Rice. Motion carried 6-0.

8. Holding public hearings at the Plan Commission meetings as opposed to the Common Council meetings.

Director Ostrowski stated that currently, public hearings for requests such as conditional uses or rezoning are held at the Common Council meetings, as opposed to at the Plan Commission meetings. While this provides the ability for individuals to speak at both the Plan Commission and Common Council meetings, he feels it does not allow the Plan Commission to always analyze all the public input. Many times, the public only shows up at the public hearings at the Common Council meeting, after the Plan Commission has made their recommendations. This is because only the public hearings are typically published in the paper, not the Plan Commission meetings agendas. With the Plan Commission meetings now being held in the evenings, he feels that it would be more appropriate for the public hearings to be held at the Plan Commission meeting as opposed to the Common Council meetings. This will allow the Plan Commission to receive most, if not all of the public input before making a recommendation. If individuals would still like to speak at the Common Council meetings, they have the ability to do so under the appropriate agenda item, or can be recognized by an alderperson. If the Plan Commission approves this request, it will go to the Common Council for consideration. If the Common Council approves, then the appropriate ordinance amendments will be drafted. The earliest this change would occur would be for the February meetings.

Commissioner Haines asked that if the public hearings were held at the Plan Commission, would the same persons be able to speak at the Common Council meetings. Mayor Halverson indicated that this was correct, under the appropriate agenda item.

Commissioner Laskowski clarified that this was not a limitation for anyone to express their concerns.

Commissioner Rice stated he remembered in the past when the hearings were held at the Plan Commission meetings and they worked quite well. It is a legal requirement to have the hearings, but there is no requirement to hold them at a certain committee. He stated this would be a benefit to the Common Council as to the length of the meetings, and sees this as a benefit.

Director Ostrowski stated all the meetings are video recorded and the public as well as the alderpersons could view the videos.

Commissioner Moore stated he is mixed on this, but thinks it would be better for the public having the public notification earlier. This gives them another chance for an opportunity to speak to us as well as to us the Common Council, and they are better informed. It is a change, and not everyone will be happy with it, but it could be a positive.

Mayor Halverson stated he agrees, and it allows the Plan Commission to receive more input. This would be a more open and notorious way to make sure that everyone is very aware of the public hearing. Having is being held at the Plan Commission allows for a more educated and well versed recommendation to be sent to the Common Council. Bringing the hearings here makes a lot of sense.

Commissioner Patton asked that even though there would not be a public hearing at the Common Council, would they still be able to speak for 3 minutes at those meetings. Mayor Halverson stated that yes, persons will still be able to speak on agenda items at the Common Council.

Commissioner Rice asked if the public hearings would be listed in the minutes for the Common Council for their approval. Mayor Halverson stated that yes, that is correct.

Commissioner Haines asked how the public hearings would be run. Director Ostrowski stated the hearings will be held right before the appropriate agenda item. Individuals will have up to five minutes to speak at the public hearing.

Motion to approve by Commissioner Rice; seconded by Commissioner Laskowski. Motion carried 6-0.

9. Updating Chapter 23 (Zoning) of the Revised Municipal Code of the City of Stevens Point.

Director Ostrowski wanted to schedule another meeting for the zoning rewrite, and was looking at the second week of January. Due to an already scheduled meeting, Tuesday January 10, 2011 at 4:30 PM was chosen and agreed upon by the Commissioners. Director Ostrowski stated that future meetings would be scheduled regularly on the second Wednesday of the month at 4:30 PM and packets would be mailed and emailed as in the past.

10. Adjourn.

Motion to adjourn by Commissioner Patton; seconded by Commissioner Laskowski. Motion carried 6-0.

Meeting adjourned at 6:40 PM.