

REPORT OF CITY PLAN COMMISSION

Tuesday, January 3, 2012 – 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 Roger Trzebiatowski, Alderperson Marge Molski, Alderperson Randy Stroik, Alderperson Joanne Suomi, Alderperson Mary Stroik, Director of Public Works Joel Lemke, Matthew Brown, Chris Northwood, Fritz Schierl, Barb Jacob, Reid Rocheleau, Mike Johnson, and Alan Alden.

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  3. Request from Save-A-Lot, for a sign variance to allow a second free standing sign without removing an existing nonconforming sign at **3260-3274 Church Street (Parcel ID 2308-04-3008-06)**.
  4. Request from Save-A-Lot, for a sign variance to allow an additional wall sign of approximately 115 square feet in area at **3260-3274 Church Street (Parcel ID 2308-04-3008-06)**.
  5. Request from the City of Stevens Point, for a conditional use permit and project review for the construction of a Municipal Transit Center to be located at **2700 Week Street (Parcel ID 2308-01-2200-04)**.
  6. Request from the City of Stevens Point, for the conveyance of rights of land near the intersection of CTH HH and Hoover Avenue.
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  9. Adjourn.
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1. Report of the December 5, 2011 Plan Commission meeting.

**Motion by Commissioner Patton to approve the report of the December 5, 2011 as presented; seconded by Commissioner Moore.**

Commissioner Rice stated he cannot participate in items 2, 3, and 4 due to conflict of interests.

**Motion carried 6-0.**

2. Request from Schierl, Inc., for a sign variance to allow a free standing sign that exceeds 20 feet in height and 150 square feet in area to be located at **3423-3425 Main Street (Parcel ID 2408-33-1019-18)**.

Director Ostrowski stated Mr. Schierl is planning to replace the existing 27' high, 250 square feet in area freestanding sign with a new 25' high, 187.92 square feet sign in the existing location. The sign

code allows freestanding signs up to 20' in height and 150 square feet in area for multiple tenant establishments. Any requests to exceed the requirements within the sign code require a variance from the Plan Commission. The proposed sign would have three separate faces, one for Schierl Tire & Service, an electronic readerboard, and one tenant space:

- Schierl Tire & Service: 7'-1 ½" x 18' = 128.25 square feet
- Electronic Readerboard: 40" x 96" = 26.67 square feet
- Tenant Space: 49.5" x 96" = 33 square feet (please note, second tenant sign has been eliminated)
- TOTAL = 187.92 square feet

Director Ostrowski indicated that our sign code allows for a sign owner to replace the sign inserts on existing signs, or make modifications to nonconforming signs that do not exceed 50% of the value of the sign. If the sign variance is denied, the applicant does have the ability to change out the inserts and the old sign could likely remain. One benefit of allowing the new sign is that the sign comes closer to conformity. The height would be reduced by 2' and the area would be reduced from 250 square feet to 190 square feet. In addition, the property would have a new sign that is likely to be more aesthetically pleasing. While this is a great benefit, staff does not see a hardship or unique property characteristic that would warrant such a variance. While sign variances do not follow the same stringent requirements that zoning code variances follow, staff believes that there should be some unique reason to grant such a variance.

However, if the sign variance is granted, staff would recommend the following conditions:

- The furthest portion of the sign edge is setback at least 5'.
- The sign shall not cause any vision obstructions, either removed from the vision triangle, or have poles that are smaller than 12" in diameter and have a clearance of 10'.
- No other freestanding signs are allowed on the property.
- A landscape base shall be submitted and approved by staff prior to the installation of the sign.

Fritz Schierl, 2201 Madison Street, stated that this is something they would like to do, to change the image of Schierl Tire and Service, to enhance the aesthetics of the sign, and to move forward with a sign that is closer to the existing ordinance than what we currently have. The current sign was built in 1972, and we don't have to take it down. It is fine as is, but we believe that by replacing the sign it will aesthetically improve the overall image of Highway 10 East. The hardship, if you are looking for a hardship, look at the state economy. Find a way to let business try to improve, flourish, and create employment. Lets not try to find a way to stifle a business that wants to reinvest into our community. We will be hiring a local sign company, employ a local electrician, stimulate the economy by increasing the personal property tax base, all this is good. The sign we are requesting is closer to the ordinance than the existing one. All that we are asking is for the council to find a way to approve this request.

Randy Stroik, 9<sup>th</sup> District Alderperson, does agree with Mr. Schierl, but we are not talking about that big of a difference to making this meet this current code. When looking at the sign that is 18' x 7.5', how much would that have to shrink to have it fit into code, and then it is not an issue. Does the sign become so small that you can't see it, or does it have to be that size because that is the way it

comes out of the box, how difficult would it be to shrink it down to make it within the ordinance requirements.

Director Ostrowski stated that he had run some numbers, and you would have to reduce the top sign to 4.5 'in height and 16' in width, as well as having the 3' in height and 8' in width readerboard, and the two tenant signs that are 2' in height and 8' in width. This would get you into compliance.

Fritz Schierl stated that the challenge is for us to justify the expenditure. This is what we feel we need. We are willing to lower the sign and reduce the overall square footage, but for us to justify a \$65,000 expenditure, this is what we feel we need to drive their business. If this request is denied, chances are we will do nothing; we will just replace the faces of the existing sign and move forward.

Mayor Halverson stated that the practicality in what exists today is that the sign is very dated and not very aesthetically pleasing, compared to what the new sign would look like. There is a great deal of relevance in the update of the sign, and he does like the conditions put forth by the Director, specifically the landscape bottom on the sign. Given the fact that the new sign is reducing the nonconformity and given the amount of investment he is in support of the sign. He believes it makes sense for what is going to be going on for that site, the improvements that they have made for their building facade now, and for the Copps Food Center that is going to be built directly behind it.

**Motion by Commissioner Patton to approve the request from Schierl with following conditions:**

- **The furthest portion of the sign edge is setback at least 5'.**
- **The sign shall not cause any vision obstructions, either removed from the vision triangle, or have poles that are smaller than 12" in diameter and have a clearance of 10'.**
- **No other freestanding signs are allowed on the property.**
- **A landscape base shall be submitted and approved by staff prior to the installation of the sign.**

**seconded by Mayor Halverson.**

Commissioner Haines asked for clarification about the electric readerboard and how bright it would be. Director Ostrowski stated that he had no plans for illumination levels for the sign, all that is controlled by the owner. Our current sign ordinance does not prohibit electronic readerboards, but if it is a concern to public safety, then we can address it that way. Mayor Halverson stated that the readerboard would be similar to the one at the Schierl Company has installed at The Store on the corner of Fourth Avenue and Division Street. Fritz Schierl stated that it would be identical to the readerboard as the one at the Crossroads store location.

Commissioner Haines asked clarification on the landscaping. Director Ostrowski stated that the conditions would require a landscape base that would be approved by staff.

Aldersperson Stroik asked what would be the hardship that Commissioner Patton has in his motion. He would rather see the city abolish the sign ordinance and make it all a conditional use, then to create a fake hardship.

Mayor Halverson stated that the hardship is language that is out of the statute for very specific variances, this would be an exception from the sign ordinance, which is two very different things. In terms of what we are doing here, this is an exception, which is allowed by Plan Commission and Common Council approval.

Director Ostrowski stated that it is a requirement under the Sign Code that a hardship and unique property characteristic be present.

Mayor Halverson stated then the more appropriate action would be to decide to fast pace the zoning rewrite to the sign ordinance and change it to be on a case-by-case basis, or create dimensions that are more favorable to businesses. We should look at the comparables from other communities and change our sign requirements to be more flexible or have conditional uses for signs that exceed "x" square feet and "x" height.

Director Ostrowski stated that if this is the way the Plan Commission wants to proceed, whether on this corridor or other major corridors, that the sign code needs to be reviewed appropriately to have uniformity.

Mayor Halverson expressed that one of the difficult situations that the city faces is that you have a not very aesthetic sign and the Schierls' do not need to change the sign. It can stay the way it is, so it comes down to the commission to decide to keep it the way it is now, or go to the sign proposed, or specifically reexamine the entire sign ordinance as far as what we require as a community. The motion on the floor is to approve with a second, so we will either have to pass that motion, or withdraw the motion if Commissioner Patton wants to do that, or we can vote it down or approve it.

Commissioner Patton asked if the fact that it was built in 1972 could be considered as a reasonable hardship, and as far as technology upgrades. Mayor Halverson stated normally when it comes to variances; financial hardship is not a key indicator.

Commissioner Patton clarified that financial hardship would not be the reason; just that it is old and can't find parts for it, just for the practicality of continued maintenance.

Director Ostrowski stated that a valid hardship would be such things as topography of a site that blocks the sign. You might grant a reduced setback to make the sign visible.

Aldersperson Moore stated that he would really like to see the sign updated, but we have to follow the variance criteria. He is disappointed that there is a business that is looking to improve itself and improve the look of the city on one of the busiest corridors coming into town and it is the way we have the sign ordinance written that prevents it. Aldersperson Moore would like to see the new sign, but what is the hardship.

Commissioner Haines asked if there is the option to table this item and bring it back after reviewing the sign ordinance. Mayor Halverson explained that the current motion could be denied, and a new motion could be brought forth and acted on at that point. The broader questions relating to this issue are how many signs we want and what we want them to look like. We have to figure out what the practical mechanism would be and perhaps not act on either of the signs tonight, and go back and redo the ordinance, or grant the variance and allow them to proceed and take them on a case-by-case basis. He thinks that the conditional use process may be more applicable in this case.

Aldersperson Stroik said he did not bring this up to stifle the improvements by the Schierls, but just does not see the hardship in the law as it is stated. It is our job as the city to fix this. However, if we change this ordinance just enough to make this sign conforming, within the next few months there will be someone requesting permission for a bigger sign, and we are back at the same place. He suggests making it a conditional use, and any sign over "x" amount of square feet or more than two signs, you make it a case-by-case basis, and make it a conditional use. We should take it and make the law good for business. To pass this today and say that there is a fake hardship, he would not be able to vote for it at council.

Commissioner Patton asked how long it would take to change the ordinance. Mayor Halverson stated we already have a separate scheduled meeting for zoning rewrite matters next week Tuesday, so we could take it up at that meeting, and then forward it to council, giving us enough time to have it approved. Director Ostrowski indicated that there would need to be a public hearing on the ordinance change and we do not have enough time to notice it prior to the council meeting. The earliest we could amend the ordinance would be for February.

**Commissioner Patton withdrew his motion.**

**Motion by Commissioner Haines to table this request until the sign ordinance is amended; seconded by Commissioner Patton.**

Director Ostrowski stated that another option is to create an alternative sign permit process for signs that do not quite fit the ordinance, but fit the general intent. They are not conditional uses, but alternative sign permits. They need to be reviewed and approved by the Plan Commission. However, they do need to meet certain criteria.

Aldersperson Moore asked if the commission was going to postpone any actions on agenda items 2, 3, and 4 until after the sign ordinance was reviewed. Mayor Halverson stated that would be his suggestion. He mentioned that the commission could deny the request for the variances, or they would stand not acted upon until the ordinance amendment is done.

Aldersperson Moore asked if the postponement would be a hardship for the Schierls'. Fritz Schierl answered that if the city going to look at this and create a policy that is better for businesses then he is fine with that.

Mike Johnson, Graphic House stated that it is virtually impossible to prove hardship under the state guidelines for hardship in any sign situation, there is always a way to comply with the intent of the law. You may have a useless sign or one that does not look like it belongs in an area. He doesn't disagree about the procedure to be reviewed; he doesn't want his item to get tabled, as his situation is different.

Barb Jacob, 1616 Depot Street, asked that the commission have a representative from a sign company assist in the rewrite to get their ideas and what is practical.

**Motion by Commissioner Haines to table this request until the sign ordinance is amended; seconded by Commissioner Patton. Motion carried 5-0, with Commissioner Rice recusing.**

3. Request from Save-A-Lot, for a sign variance to allow a second free standing sign without removing an existing nonconforming sign at **3260-3274 Church Street (Parcel ID 2308-04-3008-06)**.

Mayor Halverson stated that if we are going to rewrite the code to deal with variances and how they are exercised, the difficulty for us is we are going to look at the sign code in its entirety, and the use of the word variance in these requests. So this is just the way it will have to be dealt with.

Director Ostrowski stated the issue that is vastly different with this request is that the sign they are proposing, the freestanding sign, meets all the ordinance requirements. The only ordinance requirement that it doesn't meet is that when you place a second freestanding sign on the lot, which they have already, all other nonconforming freestanding signs must be removed. On this lot there are 2 free standing signs along Church Street, one is near Michigan and Church, the other is near Heffron and Church. What Save-A -Lot is requesting to do is take down the nonconforming sign at Michigan and Church and replace it with a conforming sign, which he believes is appropriate and meets the intent of the ordinance.

Mayor Halverson asked why there is the use of the word variance then. Director Ostrowski stated that it is a variance because there is another nonconforming sign on that property. Commissioner Moore asked if they had one of their signs on the other sign. Director Ostrowski answered yes they do. He then stated that there is language in the ordinance that allows the zoning administrator to approve requests that would bring a project more in to conformity.

Mayor Halverson wanted clarification as to why that was not used with the Schierl sign. Director Ostrowski stated that when you take down a sign and replace the sign, it is a new sign and needs to meet the new requirements, which Mr. Schierl's sign did not meet, as it was too high and too large of an area. Save A Lot is taking down a nonconforming sign and replacing it with a conforming sign, other than the fact that they still have the other sign on the property that is going to remain.

Mayor Halverson clarified there would still be more than two signs for that particular company on the site, right. Director Ostrowski stated there will be two freestanding signs on that property, which there currently are there are now. Both of the signs on the property are nonconforming.

Commissioner Haines asked the way the sign ordinance is written, that if there are two nonconforming signs, they both need to be removed, to which Director Ostrowski answered correct.

Mayor Halverson clarified that those signs will not both be removed, correct. Director Ostrowski stated that they are replacing a nonconforming sign with a conforming one, just not taking down the other nonconforming sign.

**Motion by Commissioner Haines to postpone the action until the sign ordinance can be amended; seconded by Mayor Halverson. Motion carried 5-0, with Commissioner Rice recusing.**

4. Request from Save-A-Lot, for a sign variance to allow an additional wall sign of approximately 115 square feet in area at **3260-3274 Church Street (Parcel ID 2308-04-3008-06)**.

**Motion by Alderperson Moore to postpone the action until the sign ordinance can be amended; seconded by Commissioner Patton. Motion carried 5-0, with Commissioner Rice recusing.**

5. Request from the City of Stevens Point, for a conditional use permit and project review for the construction of a Municipal Transit Center to be located at **2700 Week Street (Parcel ID 2308-01-2200-04)**.

Director Ostrowski stated that the City of Stevens Point is requesting to construct an approximate 35,070 square feet transit center on the eastern half of the above described parcel. The transit center will have approximately 57 parking stalls. This type of use is a conditional use within the M-2 zoning district as well as the wellhead protection district. The conditions placed would revolve around the well head protection; staff would recommend approval with the following:

- Any hazardous substances that are used or stored onsite shall be within a proper containment area to prevent any leakage into the groundwater. The containment area shall be approved by the staff and the Department of Water/Sewer.
- Testing requirements for wellhead protection shall be met as per the Department of Water/Sewer requirements.
- A spill containment plan shall be developed by the property owner and the plan shall be approved by the Director of Water/Sewer. The plan shall develop procedures to prevent spills and the negative impacts.
- The owner shall provide the Director of Water/Sewer with a continuous updated listing of all chemicals or hazardous substances located onsite, including petroleum products.
- The owner shall provide the Director of Water/Sewer with information regarding any change to current practices that result in a change of use of hazardous substances used in business operations. The City reserves the right to impose additional restriction or to deny permission to new or different business practices.
- A photometric plan shall be submitted and approved by staff.
- If any refuse containers are located outside of the building, they should be located with an enclosure that matches the architectural design of the building.
- Stormwater and drainage requirements shall be met as per the Department of Public Works standards.

Commissioner Laskowski asked what the general intent of the facility is. Director Joel Lemke stated that it is to give the Transit Department more room. Transit is currently co-located at the City Garage with the Streets Department and the Parks maintenance area. By removing transit, it will make more room for all departments. There currently is federal funding for 80% of the project already. In looking at the location, it is great, there is connection with the bike/pedestrian trails, and gives potential for a park and ride location, and would be able to work in a rail interface. Currently, phase one of this facility is to move the transit maintenance and administrative offices out of Bukolt Park.

Commissioner Haines asked if it was designed for expansion. Director Lemke said that it was able to be expanded.

Commissioner Rice asked what a photometric plan was. Director Ostrowski indicated that it was an illumination plan for the lighting on the site.

Commissioner Laskowski asked what was the zoning north of the tracks. Mayor Halverson stated that it is currently in the Town of Hull, and it is zoned agriculture.

**Motion to approve by Commissioner Moore with the following conditions:**

- Any hazardous substances that are used or stored onsite shall be within a proper containment area to prevent any leakage into the groundwater. The containment area shall be approved by the staff and the Department of Water/Sewer.
- Testing requirements for wellhead protection shall be met as per the Department of Water/Sewer requirements.
- A spill containment plan shall be developed by the property owner and the plan shall be approved by the Director of Water/Sewer. The plan shall develop procedures to prevent spills and the negative impacts.
- The owner shall provide the Director of Water/Sewer with a continuous updated listing of all chemicals or hazardous substances located onsite, including petroleum products.
- The owner shall provide the Director of Water/Sewer with information regarding any change to current practices that result in a change of use of hazardous substances used in business operations. The City reserves the right to impose additional restriction or to deny permission to new or different business practices.
- A photometric plan shall be submitted and approved by staff.
- If any refuse containers are located outside of the building, they should be located with an enclosure that matches the architectural design of the building.
- Stormwater and drainage requirements shall be met as per the Department of Public Works standards.

**seconded by Commissioner Patton.**

Cathy Dugan, 615 Sommers Street, asked what would the 20% cost to the city be. She also asked how much would need to be built now in hopes of the future, or could a smaller facility be built now and build on it later. Mayor Halverson indicated the cost would be subject to the Finance Committee review, not the Plan Commission.

**Motion carried 6-0.**

6. Request from the City of Stevens Point, for the conveyance of rights of land near the intersection of CTH HH and Hoover Avenue.

Director Ostrowski stated the intersection of HH and Hoover is planned to be reconstructed. With the reconstruction, additional property will need to be acquired by the Village of Plover as the lead agency. There is a portion of property, which the City of Stevens Point has rights to. In order for the project to continue, the City will need to convey these rights. In order to convey these rights, the Plan Commission needs to provide a recommendation to the Common Council. Staff would recommend approval.

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

7. Submission of a Community Development Block Grant application for housing rehabilitation and related activities.

Director Ostrowski stated the City had been notified that they had been selected to proceed with the final application for a Community Development Block Grant (CDBG) for housing, based on the pre application that was submitted earlier. The amount would be for up to \$550,000. There will be

a public hearing on the submission of the grant application at the common council meeting on January 16, 2012. We are looking for approval to apply for this grant.

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

8. Other business.

Director Ostrowski stated that the next plan commission meeting will be on January 10, 2012 at 4:30 PM in the City Conference Room to discuss the zoning rewrite. Also, the Historic Preservation / Design Review Commission will be meeting to on January 11, 2012 at 4:30 PM at the Portage County Library to receive a presentation of the historical survey results.

9. Adjourn.

**Meeting adjourned at 6:42 PM.**