

REPORT OF CITY PLAN COMMISSION

Monday, February 6, 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, Economic Development Specialist Kyle Kearns, Alderperson Logan Beveridge, Alderperson Joanne Suomi, Alderperson Michael O’Meara, Alderperson Mary Stroik, Alderperson Roger Trzebiatowski, Alderperson March Molski, Alderperson Randal Stroik, Alderperson Brian Brooks, Public Works Director Joel Lemke, City Assessor Jim Siebers, Matthew Brown, Henry Kroger, Cathy Dugan, Barb Jacob, Reid Rocheleau, Tim Carlson, Rod Fisk, James Mendyke, Mary Ann Laszewski, Strong, Edith Pankowski, Bob Cyran, Kevin Spaay, Rick Whipp, Cindy Nebel, Armin Nebel, John Mosey, Catherine Mosey, Kurt Zimdars, Hans Walther, Mike Phillips, Mike Wimme, Andrew Crow, Jaime Klasinski, Shirley Maulthauf, Paul Wachowiak, Lee Gostomski, David Brandt, Jeffrey May, Dave Pias, Dave Eschenbauch, Noah Eschenbauch, James Groshek, Santha Bickford, David Holborn, LuAnne Knoke, John Knoke, Robert Wierzba, Leonard Szymkowiak, Mildred Neville, Joe Pogorzelski, Lee Beveridge, Rich Sommer, Nancy Schmidt, Randy Bradley, James Groshek, and Virginia Groshek.

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3. Request from Development Partners, LLC for a conditional use permit for the purposes of constructing a 29-unit apartment complex, along with two retail/office buildings located at **532 Division Street and the adjacent southern lot (Parcel IDs 2408-29-4010-25 and 2408-29-4010-24)**.
4. Request from Development Partners, LLC for a conditional use permit for the purposes of constructing a senior housing development project, consisting of a 100-unit apartment building with three detached garages, and four 3-family patios homes located at **1017 Third Street (Parcel ID 2408-32-2003-01)**.
5. Request from the City of Stevens Point for a conditional use permit to dredge **portions of property of the South Channel of the McDill Pond lake bed south of Heffron Street located at 3201 Channel Drive and 3209 Channel Drive (Parcel IDs 2308-04-4004-23, 2308-04-4004-22, and an unnumbered parcel)**.
6. Request from the City of Stevens Point to amend the Height Limitation Zoning Ordinance (HLZO) to change the maximum elevation height from 1155 feet to 1253 feet of a portion of the property located at **4204 Highway 66 (Parcel ID 2408-22-3400-17)**.
7. Request from Ron Kurszewski for a conditional use permit for the purposes of operating a tavern at **929 Main Street (Parcel ID 2408-32-2018-03)**.
8. Amending Chapter 25 of the Revised Municipal Code as it relates to the number and size of signs on a property.
9. Zoning rewrite timeline.
10. Adjourn.

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1. Reports of the January 3 and 10, 2012 Plan Commission meetings.

**Motion by Commissioner Patton to approve the reports of the January 3 and 10, 2012 as presented; seconded by Commissioner Laskowski.**

Commissioner Rice stated he cannot participate in items 4, 5, and 8 due to conflicts of interest.

Aldersperson Moore stated he cannot participate in item 7 due to a conflict of interest.

**Motion carried 6-0.**

Mayor Halverson introduced Kyle Kearns as the new Economic Development Specialist / Associate Planner for the Community Development Department.

2. All Hazards Mitigation Planning.

Sarah Wallace from Portage County Planning and Zoning stated that Portage County Planning and Zoning and Portage County Emergency Management started the first hazard mitigation plan project back in 2004 and 2005 as a result of information received from FEMA. In order to be eligible for funding every community had to participate and have an adopted mitigation plan on file. She stated that they are also required to update these plans every five years. FEMA has changed the requirements so that every municipality has to participate in the plan. With the City of Stevens Point being the largest in Portage County, they City has numerous people involved at all different levels of the planning process. She would like to get everyone involved in the planning process. The memo in the plan commission packet highlights the categories that are being addressed for planning. For the City of Stevens Point, drought, agricultural, and wild fires are not going to be of the highest concerns. The presentation was an overview of the all hazards mitigation planning process and what is occurring. Currently, they are close to completing the first draft of the project. It will go out to the entire work group and be available on the Portage County website for public information and comment until approximately May.

3. Request from Development Partners, LLC for a conditional use permit for the purposes of constructing a 29-unit apartment complex, along with two retail/office buildings located at **532 Division Street and the adjacent southern lot (Parcel IDs 2408-29-4010-25 and 2408-29-4010-24).**

Director Ostrowski stated Development Partners is proposing to construct a 3 story, 29-unit apartment complex on the former Cooper Motors site. One of the units on the first floor will be for the property manager. In addition, they plan to construct two retail/office buildings on the same property, making this a mixed use development. There will be 52 covered and 90 surface parking spaces. The retail/office uses will front on Division Street, with the apartment complex being set back behind the two retail/office buildings. The property is currently zoned B-4 and multi-family developments are a conditional use within the B-4 zoning district. The development will be a phased development with the student housing building being completed first, and then the retail/office building being completed second. Director Ostrowski stated he would recommend approval with the following conditions:

- 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 the adjacent properties.

- A stormwater plan will need to be reviewed and approved by the Department of Public Works.
- Design, size, and location of retail/office buildings are allowed to change with the approval by staff.

Rod Fisk, Development Partners LLC, stated the facility would be an L-shaped building at the back of the property with one end of the building facing Division Street. There will also be two buildings placed on the Division Street side for commercial use. The apartments will consist of apartment style living, single bedroom occupancy, 4-bedroom and 2-bedroom units, and be fully equipped with kitchens and living spaces. There will be twenty-two 4-bedroom apartments and six 2-bedroom apartments with a 2-bedroom apartment for the full time resident facility director. This position would be similar to a facility director/program director at the university residence halls. There will be two central lounges on the second and third floors. Furthermore, the main floor will consist of the main entryway, director's apartment, mechanical rooms, elevator and two laundry rooms. Parking will occupy the majority of the basement with 52 covered parking spaces. Mr. Fisk also stated Wi-Fi will be made available throughout the building, and innovative mechanical heating/cooling and water systems will be installed to minimize energy consumption and environmental impact.

Mr. Fisk went on to say that the retail/office buildings will be approximately 10,000 square feet. There will be thirty-two parking spaces for the commercial buildings with fifty-one open and fifty-two covered parking spaces dedicated to the student housing facility. Mr. Fisk indicated that UWSP was established back in 1894 as a teachers college, and currently has a student population of about 9,500 students. 3,100 of those students live on campus within 13 residence halls. The newest residence hall called Suites @ 201 is the only hall that offers apartment style living.

Mr. Fisk explained the construction technologies that will be utilized to create an energy efficient facility with little environmental impact, both during construction and while the facility is open. Exterior walls will be constructed with a structurally insulated panel with a R40 insulating value that will be factory produced, generating virtually no job site waste. Attic insulation will be cellulose R50 that is fire resistant and made from 75%-85% recycled newsprint. The domestic hot water will be a cluster of four intelligent gas fired tankless water heaters, small insulated storage tanks, and recirculation pumps to provide truly instant hot water. Heating and air conditioning will be independent units with an all in one system having no separate outdoor compressor. Electric heat will be utilized to supplement the independent heat. The ventilation will be a series of powered energy recovery ventilators and will supply a constant flow of pre-heated fresh outdoor air to the entire facility. Paints and finishes will be only zero Volatile Organic Compounds (VOCs).

Mr. Fisk said the assessed value of the property will be about \$4,000,000, with a gross tax of approximately \$98,500, using the current mill rate.

Commissioner Patton asked what was the timeline for the commercial development. Mr. Fisk stated that it would be regulated by the city development agreement, but projected it to be in the first or second quarter of 2013.

Commissioner Patton asked what would be in place of the commercial buildings until they are built. Mr. Fisk stated that the area would be grass.

Commissioner Laskowski asked if they had other similar developments. Mr. Fisk indicated that they are working on one in Menasha.

Commissioner Patton asked if the parking requirements were met. Director Ostrowski stated that there were met.

Reid Rocheleau, 408 Cedar Street, stated he is opposed to granting the conditional use permit for the reasons that the applicant does not own the property, they are an out of town developer with an out of town architect, and bringing in out of town contractors which will not be good for the community. Furthermore, Mr. Rocheleau believes the rental market is currently saturated and the current rental properties will not be able to compete, and if it was not a depressed area then current commercial developers would come in.

Cindy Nebel, 1100 Phillips Street, stated that not all landlords are bad and that this may make landlords do more to their properties. Her concerns are that the single family homes in the area have been losing their value, and views this development as a possible positive thing. Ms. Nebel is concerned with the ingress/egress driveways on Division and Vincent. She is also concerned with the high density of students living in such a small area and feels that the city can't afford to have a high transient population who do not have a stake in the city.

Mary Ann Laszewski, 1209 Wisconsin Street, does not support the development because of the detrimental impact that the residential rentals will make on the current landlords. She compared the increase in rentals to supporting unemployment of the small landlords. Ms. Laszewski also expressed the concern of non-local contractors being used in the development and mentioned several apartment complexes that currently have a number of vacancies.

Aldersperson Beveridge is in support of the development 100% and is surprised to hear such negative comments. He believes that having the students in one area, out of houses in the Old Main neighborhood, will improve the challenges of that area. Aldersperson Beveridge stated that it is the roll of the city to bring in new development and create new value to the city; if this is a referendum on TIF then this is not the place for this conversation.

Paul Wachowiak, 1620 Meadow View Lane, is not in favor of the development and believes it is detrimental to the community. Mr. Wachowiak thinks the site will have potential environmental issues and the city cannot afford to commit to cleaning it up and being liable for the unknown in the cleanup process. Furthermore, Mr. Wachowiak believes that the safety of motorists will be an issue due to the increased pedestrian crossings on Division Street. Mr. Wachowiak feels the matter should be tabled for further discussion until more information can be presented.

Edith Pankowski, 1301 Sixth Avenue, is not in support of the development and feels it is detrimental to the housing market and to taxpayers. She also stated that the university is also facing severe cut backs and there has been no market study to determine the need of more rentals in the area. This development will be taking tenants from existing rentals and will affect every property owner. Ms. Pankowski feels that this is contributing to an already weak housing market and the commission should vote no.

Dave Eschenbauch, 10353 Krogwold Road, is not in support of the development and believes the Plan Commission is in violation of the Zoning Code 23.01(4); "The establishment, maintenance, or operation of the use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare." He encouraged the Plan Commission to vote no.

Henry Kroger, 3200 Water Street, believes the City should not subsidize this development, and doesn't care if they build the developments without subsidized money from the City. Mr. Kroger stated that apartments do not bring workers to this area. He urged the Plan Commission to hold off and have a study done to see if the apartments are the best for the community.

Cathy Dugan, 615 Sommers Street, tentatively supports the development if it will get rid of the bad landlords. She said the City should certify landlords who have taken good care of their properties. Her concerns regard the need for more rental housing, traffic at the intersection of Fourth Avenue and Division Street, massive size of the building, and the moral and general welfare of the other landlords who rely on the rental income.

Rick Whip, 2016 Main Street, does not care for the design. He believes the area should be developed for businesses first and housing second. Mr. Whip does not see it as being a pleasant property 10-15 years from now. His suggestion is placing business on the ground floor and apartments above them. He also has a concern for businesses not wanting to occupy the retail locations with all the students right behind them.

Lenard Szymkowiak, 3119 Marthas Lane, does not support the development and feels that the city should have a study done for the need of housing in the area. He feels this development is nothing new, with his rentals having the same amenities as this development and he still has vacancies.

Mike Wimme, Klasinski Clinic, stated that when Klasinski Clinic expanded, they presented plans to the neighboring property owners prior to bringing it to the Plan Commission. He feels that the development would bring spot zoning and change the dynamics of the district. Mr. Wimme also expressed the concern for high density residential and the future planning of parcels along Division Street. Lastly, he feels that the development will stand out giving a residential flare to a commercial district, as well as, safety issues for persons crossing Division Street.

Randy Bradley, 2133 Wyatt Avenue, is concerned with the safety issues at Fourth and Division Street intersection. He feels that TIF money should be used to bring in jobs to the area.

Noah Eschenbauch, 2324 Ellis Street, is concerned with taking 100 beds out the existing neighborhoods that are already somewhat deteriorated. Essentially taking the property value out of those neighborhoods and put it in one small area of town.

Dave Brandt, 3001 Lampman, does not support the development and has concerns for the increase of traffic, the reduction of property values in the area that he owns, and that his tax money is funding this project. He urges the Plan Commission to vote no.

Andrew Crow, 508-A Vincent Street, is not in support of the development and has concerns for the large size, the blocking off of Division Street, and for the possibility of hindering future developments in that corridor.

Nancy Schmitt, 1249 Maria Drive, does not support the residential development and would like to see it remain a commercial area. She has concerns for the large concentration of students. She does support the two small buildings for commercial use.

Barb Jacob, 1616 Depot Street, does not support this development and feels that the Plan Commission needs to think about the needs of our community first. Her concerns are that there has not been a study to see if more rentals are needed, the developer being from out of town, and the segregation of students.

Armin Nebel, 1100 Phillips Street, expressed concern for the rush to get this development acted upon. There has not been enough information presented relating to the need of additional student housing, the amount of authority of the facilities director would have, or the rent costs. He feels TIF money should be used to revitalize properties we currently have.

Rich Sommer, 4224 Janick Circle, pointed out that we are talking about conditions on a conditional use request, and that there should be a condition of approval to have a comparative market study

done to find out what are the occupancy and rental rates. Mr. Sommer stated that the development plans look good, but there is nothing in this development that is not readily available at this time. He also has a concern on where the development money is coming from.

Mildred Neville, 1709 Jefferson Street, does not support the development and feels it is detrimental to the general welfare of the community. She is concerned that this huge project will affect current landlords and businesses and wants the Plan Commission to be more involved in the planning process of the development.

Jeff May, 21 Oakcrest, said that the best system for the general welfare of the city is the free enterprise system. He said that the city is losing money by some of the policies that they are trying to push through. His concerns are that a three story building does not blend with a single family neighborhood only a block away, that the DNR does not sign off unconditionally on the removal, there will be parking in the front yard, and how will it be determined who the tenant cars, guest cars, and commercial cars. The density of students will also be an issue.

Bob Wierzba, Neslsonville, WI, stated that his tenants live in our neighborhoods, why do we want them living in a box, they are part of our community.

Virginia Groshek, 1524 Fourth Avenue, opposes the development. She feels that the development will affect the developments within the commercial area, and that we should be creating more jobs. Mrs. Groshek is concerned that this development is too big and will mess up the whole look of the street. In addition, she is concerned about the concentration of persons in the area and the traffic flow.

Commissioner Rice has a concern over the commercial aspect of this project. He feels that there needs to be commitments that the commercial buildings will be built. The mixed use seems appropriate, but Division Street is primarily commercial and that has to be emphasized. This property has been vacant for at least 3-4 years and no one has wanted to do anything with it. Commissioner Rice is aware of the pedestrians in the area cutting across the street and it is a considerable issue that the city needs to address. He has difficulty with the context of the developer being over in Neenah and does not think this should be a concern. We should not discriminate because they are from out of town.

Commissioner Laskowski would like further discussion about the number of cars, the ingress/egress, and its location to the intersection. Director Ostrowski stated that the plan is to take the two driveways along Division Street and turn them into one so we don't have the issue of cars coming out of the development in opposite directions. He indicated that there are permitted uses that could locate on this site that would have a significantly higher degree of traffic. He said that with this development being so close to the university, it should cut down on the vehicular traffic.

Commissioner Haines agrees that traffic will be an issue and to maybe only make it a right-in, right-out drive. She would also like to see some form of housing market study.

Mayor Halverson stated that studies are left up to each individual project as they have to prove the need to their financial institution in order to secure financing. The more general housing needs, the city can do. However, when you use that information to approve or deny projects it becomes very selective. This commission needs to review the project on whether or not it meets the standards of review, as opposed to a housing availability or vacancy perspective. This area is ripe for a mixed use development that is significantly denser than what we have previously experienced in this community. We need to look at new urbanism and specifically a more dense land use approach, as the comprehensive plan encourages. This is one of the more thought provoking developments in

terms of their use of parking and how they deal with our ratio, which may be more than what we need to have as a community. We were not going to be involved in any type of development agreement that would be forwarded to the Finance Committee that did not have a commercial component to it on that corridor. That concern is valid and we want to be able to encourage commercial businesses, but the key is to encourage as much of a natural residence to that area. We do not have any specific analysis of housing needs. What we are doing through the Community Development Authority is looking at the needs for low and moderate income housing needs.

Commissioner Haines asked what are all the possible uses in the B-4 zoning district. Director Ostrowski stated that pretty much any retail or commercial is allowed within that district. It is one of our most general commercial districts.

Alderperson Moore stated that when he first heard about this project he was excited about it. He is disappointed with the limited amount of commercial development, and that it is in phase two. Alderperson Moore stated that a number of students cross Division Street at various times of the day. This project may make it worse.

Commissioner Patton is concerned for the size and height of the development. He is concerned that there are too many apartments. The commercial buildings are nice, but it is not enough. He feels the apartment building is too tall and just too big for the area.

Commissioner Haines asked the developers to talk more about the commercial part of this development.

Rod Fisk, Development Partners LLC, stated that they are not commercial developers; they are mainly student housing developers. They included the commercial component, to help move the project forward. The nature and scope of the buildings are limited by the parking requirements of the city. They cannot increase the commercial area without significantly reducing the other component.

Alderperson Moore indicated that only one dumpster is located on the property, which is the size of two parking spaces. Director Ostrowski stated that there is also a dumpster in the covered parking area for the residents.

Commissioner Haines asked for clarification about the commercial component of the development. Director Ostrowski stated that the commercial component is part of the development agreement, and if that doesn't get built, then the city could recoup the funds that it used to make this development happen. One of the main goals in our comprehensive plan is to have mixed use development, especially in redevelopment areas; Division Street is a redevelopment area. Division Street is largely commercial; however, a strictly commercial corridor model is outdated and has its challenges, thus the need for additional mixed use development. Mixed use development allows you to get people in the area at all different times of the day to help support the businesses located within the area. The students will support the commercial component on this property, as well as the other commercial establishments in the area.

Commissioner Haines asked what happens to the development after the Plan Commission. Director Ostrowski stated the Plan Commission only deals with the multi-family portion, as that is the portion considered a conditional use. Mayor Halverson stated that anything meeting the site requirements and the zoning regulations can proceed. The financial aspects of it will be dealt with by the Finance Committee and the Common Council.

Mayor Halverson indicated that the commercial component will have a certain date in which it needs to be built. The financial incentive will be used to help offset the costs associated with getting this site up and running again, including site demolition and environmental remediation. Due to the past history of this site, there will be a natural concern regardless of what type of project is moving forward. This site is going to require added detail, added review, and added cost for it to redevelop. A large misunderstanding about TIF districts is that they were exclusively started as job creation mechanisms. They were actually started with the urban revitalization processes of the 70's to specifically redo urban slums and decay. TIF districts were then created for slum clearance along with the added powers of redevelopment authority to harness that increment and reinvest it back into the district. At the same time, the industrial and greenfield component of TIFs started as well. Most recently, that law has been expanded to allow for very different uses of harnessing the tax dollars that these particular developers will be paying to invest back in offsetting the additional costs of their development. In this case, the amount of money we are talking about is \$50,000 to offset added environmental concerns to a site that will need it regardless. The \$50,000 is one half of one year's added increment at \$4 million off of this site. The City of Stevens Point could borrow \$1 million tomorrow off of this particular project and the increment that it would generate over the remaining 22 years in the district. The financial windfall from this injection into the North Division Street TIF district is almost incalculable in terms of the revenue that we get. If there are pedestrian issues, or if turn lanes are needed at Fourth, this project can pay for it. It could probably offset more than three fourths of the debt service to repave Division Street from Fourth Avenue to Maria Drive. This is the same mistake that we made when the Swiderski multiple-family development was proposed. When we start dwelling too often in this community on residential development in TIF districts, developers like Shane Swiderski invest \$13 million in the Village of Plover. That decision made us lose out on the great possibility to create a grade separation along Country Club Drive. We don't disrespect the fact that every one of the landlords is a small business owner, however, we need to start looking at this community as a whole. We need to find ways to start leveraging financial capabilities to work for all the different needs that we have. This is one project that very easily could do that, and not only adheres to the principles that are in our comprehensive plan, but adhere to the processes of walk-ability and the density that we want to try to encourage along this corridor. The amount of money that we are investing in this project is minimal, but it is enough to have it move forward.

Commissioner Patton questioned if the commercial component does not get done, how much the developers will need to pay back. Mayor Halverson stated \$50,000.

Commissioner Patton then asked how much it would cost for them to build the commercial portion. Director Ostrowski stated \$750,000 to \$1,000,000.

Director Ostrowski stated that one of the big issues that we hear is the concern for parking at the university. This development puts 100 students adjacent to the university so that they do not need to take their cars and park on the street. This development lessens the congestion around the university.

Commissioner Patton stated that it does not seem fair that the developer will only lose \$50,000 and save \$750,000.

Commissioner Rice stated they will also lose the income from the commercial component as well. No developer wants to be in violation of a development agreement, as they won't have much credibility with the city on any other project.

Commissioner Laskowski asked if they failed to build the commercial buildings, would it affect their multiple-family dwelling license. Director Ostrowski stated no. If they fail to build the commercial development then they are out \$50,000, and they will not receive any financial support from the city.

Commissioner Patton asked if they will pay the full taxes for the development. Director Ostrowski stated that yes they would. Director Ostrowski stated that this is also a misconception with TIF districts. Just because they are located within a TIF district they do not get reduced taxes. The full amount of their taxes gets paid and can be used on other projects within the district. So if they don't build the commercial component, they will build the student housing facility with their own money and receive no financial support from the city.

**Motion by Commissioner Patton to approve the conditional permit for the purposes of constructing a 29-unit apartment complex, along with the two retail/office buildings with the following conditions:**

- **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.**
- **Design, size, and location of retail/office buildings are allowed to change with the approval by staff.**
- **Fire hydrants shall be installed as per Fire Department approval.**

**seconded by Commissioner Rice. Motion carried 6-0.**

4. Request from Development Partners, LLC for a conditional use permit for the purposes of constructing a senior housing development project, consisting of a 100-unit apartment building with three detached garages, and four 3-family patios homes located at **1017 Third Street (Parcel ID 2408-32-2003-01)**.

Director Ostrowski reported that Development Partners is proposing to construct senior living complex on the former Lullabye Furniture property. The complex will include a 100-unit apartment building with three detached garages, and four 3-family patios homes. The parking garages include 40 parking spaces, there will be 40 surface parking spaces, and 24 spaces for the detached units. There will also be a garden/patio area in the center of the lot. The development will take place in two phases. Phase 1 will include the patio homes on the north side of the lot, and phase 2 will include the senior apartments and covered garages. This property is currently zoned B-2 and multi-family developments are a conditional use within the B-2 zoning district. Director Ostrowski stated he would recommend approval with the following conditions:

- 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.

- Additional stone or brick veneer to be used on the buildings as indicated within the staff report.

Rod Fisk, Development Partners LLC, said this development will be in the heart of Stevens Point and in the middle of Centerpoint Drive, Third Street, Portage Street, and Union Street. The development is only a block away from the mall and only at block or two from the river. The main entrance will be on the interior of the 3-story complex. The interior portion will have about a half-acre park and some detached garages for the residents of the apartment building. The four 3-family will have about a car and one-half attached garage. In looking at the potential for this facility, the web research indicated that there are about 25 facilities in the Stevens Point and Plover area, but most are substantially or completely assisted living and/or memory care. Only a couple are retirement living, like this facility. Centerpoint Gardens will be exclusively an independent retirement living community. It will have four 3-family patio homes without a basement and an attached garage. There will also be a 100 2-bedroom apartment complex with surface and covered parking. The site plan shows a large garden on the inside. The ingress/egress will not be off of Centerpoint Drive, but rather Union Street and Third Street. All of the garages and access to the patio homes will be from the interior of the development with the back yards of the patio homes facing Portage Street, which will be heavily landscaped.

Commissioner Haines asked what was meant by a patio home. Mr. Fisk stated it is a house without a basement. Mr. Fisk said that all the patio homes will have two bedrooms, one and a half baths, a three season room in the back, a concrete patio, laundry, a large living and dining area, and one and a half car garage, and about 1,100 square feet of living space. The construction will be similar to the construction technologies as Pointer Lodge, creating high performance with a low environmental impact, while still making it affordable.

Mr. Fisk said they are estimating the total value of the development to between \$6 - \$7 million. With a current mill rate of \$24.65 per \$1,000 the potential tax revenue is approximately \$147,900.

Commissioner Haines asked if this will be limited to 55 and older. Mr. Fisk stated yes.

Commissioner Patton asked how you would limit the age of the residents. Mayor Halverson stated the parking ratios would make it impossible to make it any other type of housing on this lot. In addition the mix of the type of units being 1 and 2 bedroom apartments would be a limiting factor. Commissioner Patton then asked if the person was single and below 55 would you still rent to them. Mr. Fisk stated no.

Director Ostrowski stated that the parking ratio is 0.6 for an attached dwelling unit for a senior development, where it would be 1 for a standard development.

Mayor Halverson stated the City's financial involvement is for the land and environmental cleanup. This is very different from the Cooper property, where we do not own the Cooper property and will never own the Cooper property. Here we have different levels of responsibility, which we need to have as a community given the history of this site. The other concerns were no student housing as well as no high elevation towards the single family homes on Portage Street. Mayor indicated that this plan addresses both of those concerns. The Historic Preservation / Design Review Commission had some concerns and will be working with the Community Development department and the developers addressing the aesthetics. Mayor Halverson stated that in conversations with the

assessor, he feels that the value will be closer to \$8 - \$9 million, with a 20-percent vacancy. The developer must guarantee a \$5.5 million value to obtain the land, but if the value reaches \$8.0 million they will get 100% of the increment above \$5.5 million for ten years. At \$9 million it would be a 59% reduction in debt service payment for the mall borrowing with just this project alone. This is a great opportunity for the City. It matches our plans for downtown and also encourages more people to live downtown. Much like the Pioneer Park Place their constituency is very positive for downtown.

Aldersperson Moore stated that there is only one dumpster enclosure on the southeast corner of the development, would the patio homes qualify for curbside city garbage pickup. Director Ostrowski stated yes, they would qualify as single family curb side for city pickup.

Aldersperson Moore asked what happens if the dumpsters do not meet the needs of the tenants. Director Ostrowski stated that they will then need to provide additional dumpsters.

Reid Rocheleau, 408 Cedar Street, does not support this development and does not believe it is a development in the free market, but a subsidized market and feels the development does not support the general welfare of the community.

Aldersperson Beveridge stated that with regards to the general welfare provision in the standards of review, that pertains to the issues within the purview of the plan commission, mainly traffic, zoning, and utilities. He is in favor of the project, but would like to see the setbacks increased. With the current Centerpoint Drive setback it creates a tunnel effect. He suggests that an 8-10 foot setback on the south side and a 12-15 foot setback on the north side. Aldersperson Beveridge would also like to know the history of the area with regards to the environmental concerns.

Paul Wachowiak, 1620 Meadow View Lane, has concerns that other rental developments were constructed to not rent to students, but eventually turned into student rentals. He questioned how they are going to enforce the 55 plus requirement when they have large vacancies and no cash flow to support the project. He also feels that parking will be an issue, as most retired seniors have two vehicles.

Rich Sommer, 4224 Janick Circle, feels that the environmental concerns are larger than anticipated and will cost more to clean up. He commented on the current trend of multi-generational housing and with this economy and the possibility of one of a generation younger and one of a generation older and still complies with the city housing code.

Henry Korger, 3200 Water Street, stated that Holiday Park I was designed for retired residents, and now there are all ages living there. He feels that the Plan Commission is not listening to the community and asked why the developers can't use their own money.

Aldersperson O'Meara pointed out that the city owns the site and is responsible for the contamination. If we have a development opportunity, we need to get the remediation done. He feels that with advanced technologies, remediation has become less expensive. He indicated that the do nothing approach, still makes the City liable. He said that the contamination levels are not a reason to deny this project.

Jim Mendyke, 5538 Claret Court, stated that he is supportive of the free market approach, but having a subsidized development compete with him makes it tougher. He would feel better about the development if the city did not put money towards it.

Mary Ann Laszewski, 1209 Wisconsin Street, stated that the state requires who caused the contamination to clean it up. Ms. Laszewski has concerns for the narrow setbacks. She believes that the development is detrimental to the general welfare of the community, and stated that the development will happen on its own if the market warrants it.

Chris Strong, 631 Third Street, wants the Plan Commission to do its due diligence so we don't end up with another development like the mall. She stated that she is retired and would not live there, and has a concern for the prevention of student housing and low income housing in that location.

Jeff May, 21 Oakcrest, has the same concerns as Mr. Sommer for the environmental cleanup costs. He feels Stevens Point is fortunate to have the university students and believes it will be a challenge to keep students out of living in this new development. He is not opposed to competition, but prefers that they use their own money to develop.

Director Ostrowski stated that there are two elements that prevent this development from going to student housing. The first is the parking requirements, as there is a high requirement for student housing versus senior housing. Second, the city is working with them on a development agreement that would require this to be senior housing, so they would be going against that development agreement would have to face the penalties within the agreement.

Director Ostrowski stated that this development meets the current setbacks for that district. The homes along Portage Street will have the garage facing inside the development. He feels it is a cohesive development that screens the parking well. It is a nice transition from the high density retail core to the single-family neighborhood. The exterior is not simply vinyl siding, the materials that they are proposing are of high quality and fit well within the area.

Commissioner Patton asked what would be done with snow removal. Director Ostrowski stated that they are required to remove the snow from the site or store it in a proper location.

Commissioner Patton asked would the Plan Commission approve the signage for the site. Director Ostrowski stated that would be approved by staff and HP/DRC. They have indicated places for the signage, but the design would be approved by staff and HP/DRC.

Commissioner Laskowski asked if the sidewalks were included in the setbacks. Director Ostrowski stated the setback is determined from the property line which is behind the sidewalk about a foot. Commissioner Laskowski said the true distance would be further than the five feet. Director Ostrowski stated that would be correct.

Commissioner Laskowski asked what would be done for garbage pickup on Portage Street. Mayor Halverson stated it would be available for curb side pickup.

Mayor Halverson asked what where the concerns from the HP/DRC. Director Ostrowski stated the request was for the building to add more historical features. The HP/DRC gave the authority for the

chairperson of the HP/DRC and Director Ostrowski to make changes to the design. In addition, Director Ostrowski indicated that fire hydrants shall be installed in locations to meet code.

**Motion by Mayor Halverson to approve the conditional use permit for the purposes of constructing a senior housing development project, consisting of a 100-unit apartment building with three detached garages, and four 3-family patios homes with the conditions:**

- **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.**
- **Additional stone veneer shall be used on the faces of the buildings that front a public street, as well as on the garages.**
- **Allow the Community Development Director and the Chairperson of the Historical Preservation and Design Review Commission (HP/DRC) to make exterior changes as per the HP/DRC's approval.**
- **Fire hydrants shall be installed as per Fire Department approval.**
- **If spacing allows, increase the Portage Street setback of the patios homes to at least 8 feet.**

**seconded by Commissioner Laskowski.**

Aldersperson Beveridge asked if the environmental contamination on the site could be addressed. Mayor Halverson said that the old Lullabye factor was in the southwest corner of the property and a plume towards the center of the lot has migrated south. There has been degrading and self-remediation, so over time the concentration levels have reduced. There is also some lead on the site that may require some excavation and disposal of the soil. The estimate is about \$50,000.

**Motion carried 5-0, with Commissioner Rice recusing.**

5. **Request from the City of Stevens Point for a conditional use permit to dredge portions of property of the South Channel of the McDill Pond lake bed south of Heffron Street located at 3201 Channel Drive and 3209 Channel Drive (Parcel IDs 2308-04-4004-23, 2308-04-4004-22, and an unnumbered parcel).**

Director Ostrowski stated the City of Stevens Point is requesting to remove dredge material from the channel immediately south of Heffron Street. A portion of this removal is of eroded sediments from the storm outfall.

**Motion by Commissioner Patton to approve the conditional use permit for dredging 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).

- **Dredging must occur in areas owned by the City, unless written permission is granted from the other property owners.**

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

6. Request from the City of Stevens Point to amend the Height Limitation Zoning Ordinance (HLZO) to change the maximum elevation height from 1155 feet to 1253 feet of a portion of the property located at **4204 Highway 66 (Parcel ID 2408-22-3400-17)**.

Director Ostrowski stated Marshfield Clinic is looking to build a new clinic at 4204 Highway 66. This property is located within the boundary of the Height Limitation Zoning Ordinance (HLZO). A portion of the property is limited to 1155 feet, while the remainder of the property is limited to 1253 feet. At 1155 feet, it would limit the height of the proposed clinic to approximately 50 feet, while at 1253 feet; the building could be built an additional 100 feet in height without affecting the flight pattern for the airport. An analysis has been done to show that while the HLZO is at 1155 feet in one area of the property, it could be increased to 1253 feet without affecting the flight pattern for the airport. Staff would recommend approval with the conditions set forth by the Director of Public Works.

Commissioner Rice noticed that there would also be a need for state and federal approvals. Mayor Halverson stated that we have that.

**Motion by Commission Patton to approve the amendment to the Height Limitation Zoning Ordinance (HLZO) to change the maximum elevation height from 1155 feet to 1253 feet of a portion of the property located at 4204 Highway 66 with the following conditions:**

- **Current and future owners recognize that the construction of and facility, including facilities that are sensitive to noise and lighting will not be cause for any consideration on the part of the City to modify Municipal Airport operations. Appropriate measures should be taken to mitigate the effects of current and future noise and light potentials created from the unobstructed operation of the Municipal Airport.**
- **The City requires review authority over anything that could be considered a limiting factor to pilot visibility or a hazard to aircraft. These items include, but are not limited to, construction elements related to: bright lights, object glare, creation of dust, emission of smoke, emission of steam, height of objects, and items that may potentially attract hazardous wildlife such as ponds and vegetation.**
- **All development still has to undergo the required studies and approvals through the State Bureau of Aeronautics and/or the Federal Aviation Administration.**

**seconded by Commissioner Laskowski. Motion carried 6-0.**

7. Request from Ron Kurszewski for a conditional use permit for the purposes of operating a tavern at **929 Main Street (Parcel ID 2408-32-2018-03)**.

Director Ostrowski stated Mr. Kurszewski is requesting a conditional use permit for the purposes of operating a tavern that would serve beer and wine only at 929 Main Street. Staff would recommend approval with the following conditions:

- The licensee shall maintain order and peace in the licensed premises.
- Any licensed premise established, operated, or maintained in violation of any of the provisions or requirements of this conditional use permit shall be grounds for suspension or revocation of this conditional use permit and/or declared to be unlawful and a public nuisance, the City may, in addition to or in lieu of, any other remedies set forth in the Stevens Point Municipal Code Chapter 12 of the City's Revised Municipal Code, commence an action to enjoin, remove, or abate such nuisance in the manner provided by law and shall take such other steps and apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such public nuisances, and restrain and enjoin any person(s) from establishing, operating, or maintaining said conditional use contrary to the provisions of this conditional use permit.
- The business must be operated in a manner that music heard from outside the building does not unreasonably disturb the peace and enjoyment of the surrounding properties.
- The licensee shall require that all exterior doors be kept closed so that noise does not unreasonably disturb the peace and enjoyment of the surrounding properties.
- The licensee shall require that the area surrounding the premises be kept clean and orderly. All cups, bottles, cans, garbage, rubbish, cigarettes, etc. shall be properly disposed of at the end of each day, and not left on the property or public right-of-way.
- All refuse containers shall be screened from view.
- A sidewalk café license may be issued without amending this conditional use.
- The conditional use permit shall expire June 30, 2014.

Commissioner Rice asked if the city would be able to determine what the decibel level would be coming from outside an establishment. Director Ostrowski stated the city does not have a meter to measure that, so noise violations would be based on complaints received.

Jerry Moore, 317 Division Street North, stated that he would be running the club as a Jazz club with occasional live music.

Commissioner Haines asked if there are apartments upstairs, and if the music would affect the tenants. Mr. Moore stated yes there are apartments above, but there will be insulation in the floor/ceiling that will address those issues.

Barb Jacob, of 1616 Depot Street, stated she has the same type of business with apartments above and with the proper insulation the noise is not heard.

Commissioner Patton asked if the establishment would be serving beer and wine only. Mayor Halverson stated that is correct.

**Motion by Commission Patton to approve the conditional use permit for the purpose of operating a tavern with the following conditions:**

- **The licensee shall maintain order and peace in the licensed premises.**
- **Any licensed premise established, operated, or maintained in violation of any of the provisions or requirements of this conditional use permit shall be grounds for suspension or revocation of this conditional use permit**

and/or declared to be unlawful and a public nuisance, the City may, in addition to or in lieu of, any other remedies set forth in the Stevens Point Municipal Code Chapter 12 of the City's Revised Municipal Code, commence an action to enjoin, remove, or abate such nuisance in the manner provided by law and shall take such other steps and apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such public nuisances, and restrain and enjoin any person(s) from establishing, operating, or maintaining said conditional use contrary to the provisions of this conditional use permit.

- The business must be operated in a manner that music heard from outside the building does not unreasonably disturb the peace and enjoyment of the surrounding properties.
- The licensee shall require that all exterior doors be kept closed so that noise does not unreasonably disturb the peace and enjoyment of the surrounding properties.
- The licensee shall require that the area surrounding the premises be kept clean and orderly. All cups, bottles, cans, garbage, rubbish, cigarettes, etc. shall be properly disposed of at the end of each day, and not left on the property or public right-of-way.
- All refuse containers shall be screened from view.
- A sidewalk café license may be issued without amending this conditional use.
- The conditional use permit shall expire June 30, 2014.

**seconded by Commissioner Haines. Motion carried 5-0, with Alderperson Moore recusing.**

8. Amending Chapter 25 of the Revised Municipal Code as it relates to the number and size of signs on a property.

Director Ostrowski stated at the last plan commission meeting members expressed an interest to examine our sign code requirements as it relates to the number and size of signs on a property. Specifically, the Commission directed Staff to review the current code to determine whether changes could be made to allow for "variances" in special circumstances, whereby the typical stringent requirements of a standard zoning variance, such as a hardship, unique property condition, and not harming the public interest, would not be applied. There also was a directive to consider the prospect of revising the ordinance to allow for larger signs than the current code allows.

Director Ostrowski indicated that some communities have done in similar circumstances has been to allow for an "alternative sign permit" to be granted. The alternative sign permit process would require plan commission review and approval, as opposed to staff review and approval. However, the proposal would need to be reviewed against a set of criteria or standards, similar to our conditional use process. Director Ostrowski indicated that this can lead to discretionary decision making, which could cause legal challenges when a sign is denied.

Director Ostrowski stated that the Plan Commission also inquired about changing the current code requirements to be more lenient by allowing larger signs. He indicated that he understands that one of the intents of the sign code is to help business succeed, especially in difficult economic times; however, changes or amendments to the requirements within the current sign code would alter

standards that have been in effect for years, and which many businesses have already followed. He indicated that when the sign code was created, one of the stated purposes was to establish a uniform sign code between the City of Stevens Point, the Village of Plover, and Portage County. He said changing the requirements now would remove the uniformity between the communities.

Director Ostrowski indicated that our sign code has worked, but there are some amendments that he would recommend. He recommended the following amendments:

- Allow for a second free standing sign to be erected without having to remove all existing non-conforming signs on the property, only if the entity is removing an existing non-conforming sign. This is the example of the Save-A-Lot request. With this request, you would achieve the goal of eliminating non-conforming signs, as you would be transitioning from two non-conforming signs on the property to one non-conforming sign on the property.
- Allow for larger free standing signs only for larger, planned developments that hold more than one business. For example, Crossroads Commons in Plover has three large signs that advertise the development as a whole, as well as the individual businesses, on the same sign surface.
- Allow for larger building signs for buildings that are larger, so that the sign is more proportionate to the building. For example, if you have a building that spans over 300 lineal feet, it may warrant a larger wall sign.
- Allow for additional wall signs for businesses that front on two or more highly traveled streets.

Director Ostrowski said the first amendment could be done immediately, but he would bring back the others for review by the plan commission.

Commissioner Patton asked if there was a need to make a motion to allow staff to amend the sign code and to bring it back. Director Ostrowski stated he would like to do the first suggested amendment.

Mayor Halverson stated based on the agenda, you could amend Chapter 25. This is one of those things that we want to be as flexible as we can to work with businesses.

Director Ostrowski stated that the nonconforming section of our sign code says when you take down a sign and put up another sign, that sign must meet all sign code requirements, because it is considered a new sign. It does not say that just because you have a nonconforming sign that you can replace it with a lesser nonconforming sign.

Director Ostrowski stated that the Save A Lot sign request is different. You are going from two nonconforming signs to one nonconforming sign. This gets after the intent of our ordinance.

**Motion by Commissioner Patton to amend Chapter 25 of the revised Municipal code to allow the erection of an additional freestanding sign without having to remove all other nonconforming signs; seconded by Alderperson Moore. Motion carried 5-0, with Commissioner Rice recusing.**

9. Zoning rewrite timeline.

Director Ostrowski stated that with several persons leaving the Plan Commission over the next few months that it would be wise to postpone the zoning re-write until the new members joined the commission.

10. Adjourn.

**Meeting adjourned at 9:35 PM.**