

REPORT OF CITY PLAN COMMISSION

Monday, June 4, 2012 – 6:00 PM

Lincoln Center

PRESENT: Mayor Andrew Halverson, Alderperson Jerry Moore, Commissioner Anna Haines, Commissioner Sarah O'Donnell, and Commissioner David Cooper.

ALSO PRESENT: Community Development Director Michael Ostrowski, Economic Development Specialist Kyle Kearns, Alderperson Logan Beveridge, Alderperson Joanne Suomi, Alderperson Mary Stroik, Alderperson Michael Phillips, Alderperson Jeremy Slowinski, Chief of Police Kevin Ruder, Assistant Chief of Police Tom Zenner, Brian Kowalski, Barb Jacob, Ward Wolff, Jason Glisczynski, Clair Goetsch, Steve Smith, Larry Cihlar, Tom Jakusz, Gary Hintz, Krystle Amble, Amanda Frausto, Tim Schertz, Damon Kozicki, Tim Zacher, LeRoy Cordy, Jordan Wojtalewicz, Brandon Wojtalewicz, Jim Billings, Attorney Maris Rushevics, Adolfo Melendez, Victor Cerone, Jose Muarillo, and Matthew Brown.

INDEX:

1. Reports of the May 7, 2012 and May 22, 2012 Plan Commission meetings.
 2. Conditional use permit renewal to operate taverns at the following:
 - 1009 Clark Street – Club Steel
 - 2525 Dixon Street – Point Bowl
 - 1324 Second Street – Lucky's Pub
 - 916 Maria Drive – Jimmy B's Parrot Club
 3. Conditional use permit renewal to operate a recycling center at **2608 Water Street – Express Recycling LLC. (Parcel ID 2308-05-1012-22).**
 4. Request from Jordan Wojtalewicz for a conditional use permit for the purposes of constructing a covered porch using the "R-TND" Traditional Neighborhood Development Overlay District minimum setback requirements at **1716 Oak Street (Parcel ID 2408-32-4003-09).**
 5. Request from Thomas Jakusz and Gary Hintz for a conditional use permit to operate an indoor archery range at **3260-74 Church Street (Parcel ID 2308-04-3008-06).**
 6. Request from Mid-State Technical College for a conditional use permit to operate a technical college on a portion of the property at **1201 Third Court (Parcel ID 2408-32-2029-51).**
 7. Request from the City of Stevens Point to rename the road known as Third Court to Third Street, and to name the portion of the remaining road from the end of Third Court north to Centerpoint Drive, Third Street.
 8. Conditional use permit renewal to operate a tavern at **2124 Rice Street – Players' Lounge (Parcel ID 2308-04-2006-03).**
 9. Adjourn.
-

1. Report of the May 7, 2012 and May 22, 2012 Plan Commission meeting.
Motion by Alderperson Moore to approve the reports of the May 7, 2012 and May 22, 2012 meetings as presented; seconded by Commissioner Haines. Motion carried 5-0.
2. Conditional use permit renewals to operate taverns for the following:
 - 1009 Clark Street – Club Steel

- 2525 Dixon Street – Point Bowl
- 1324 Second Street – Lucky’s Pub
- 9156 Maria Drive – Jimmy B’s Parrot Club

Mayor Halverson stated that we would address these conditional use renewals separately.

Director Ostrowski stated that the Steel Night Club is no longer operational and the building has been vacant for over a year. More importantly, the Steel Night Club has had several issues relating to legal violations, including: numerous noise complaints, disorderly conduct, thefts, and the sale/manufacturing of drugs. Given that the facility has not been operational for over a year and that the number of legal concerns with the former facility, staff would recommend not renewing the conditional use permit to operate a tavern at this time. If the current owners or new owners wish to seek a renewal at a later date, staff would recommend that a new plan for operation be submitted by the owners at that time.

Maris Rushevics, Attorney for the Steel Night Club, stated that Victor Cerone was unable to appear at the meeting on May 14, 2012 due to being in a car accident in April, which had him hospitalized and home bound while recovering. He stated that the business is not open at this time, but the owners do have plans for the business and building in the future. There are two issues, the conditional use permit and the liquor license. The owners are currently trying to sell the business and change the business format. The owners have made substantial renovations and have invested substantial money into the business since its purchase. They are here for the long haul and are residents of the community. Attorney Rushevics stated the owners are established businessmen in the area and they want to promote Central Wisconsin, and want to promote Stevens Point. He stated he did meet with Chief Ruder some time ago, and had a good meeting with the City regarding the activities that were going on outside of the business. The owners recognize that this congregating caused concerns and the owners wanted to do what they could to help with those issues. Attorney Rushevics said that the owners have a concern regarding the letter received and the recommendation that is being made by staff, specifically the legal concerns. He pointed out that the business was closed January 2011 and the violations are not recent. In addition, the liquor license was renewed unconditionally last summer. Attorney Rushevics said at the time of the meeting with Chief Ruder, all legal concerns were addressed, and there were never any issues of anybody manufacturing drugs or selling drugs. He also wanted to point out that the business closed for legitimate business reasons, and the owners are here to address why.

Ward Wolff, realtor of the property, stated that he has had the business up for sale for a year or so and the owners are being very aggressive in the sale as well as willing to take a large loss to have the property sold. There has been substantial interior restoration including the electrical and ADA bathrooms. The original business model didn’t quite work as planned and the owners are looking for a new entrepreneur to take over the business.

Adolfo Melendez, owner of business, stated that the letter stating manufacturing of drugs hurt his family deeply. He did address issues with the Police Department every time there was an issue and would take the recommendations that were given. He stated at this point they have taken a big loss on the property and is currently working on the property himself because of not being able to afford contractors. Mr. Melendez stated that they are trying to sell the business, but without a liquor license, he does not think it will be worth it. He stated that the rumors of drugs have hurt the business, but that the issues with the noise have been addressed.

Police Chief Ruder stated that he had met with the owners many times and they have been cooperative with the Police Department. The problem is that when they first came up with this business in 2008 they took the occasion to talk with him, and had spoke about a fine dining establishment, unfortunately their business plan changed dramatically. They ended up having all you can drink specials toward the end of their operation. We had lots of fights, and the climate was a night club with lots and lots of people. In reference to the sale or manufacturing of drugs, Chief Ruder stated that on a number of occasions officers spoke with persons who were loitering outside of the building, and talking with the people who were involved in these disturbances and many were from Rockford and Milwaukee. An officer asked as to why they come up to Stevens Point, one of the thoughts was maybe there was the selling of drugs inside the place. On September 12, 2010 an undercover officer purchased two tablets of Ecstasy in the facility. Chief Ruder stated that he could go on about the number of assaults they have had, but the most serious in his opinion was September 5, 2010 where an officer was assaulted with a large crowd. In a quote read from an officers email sent to Chief Ruder "The Steel is turning into a butcher shop, it's basically they have huge crowds of people there that are either kicked out or emptied out into the street and either the fight began inside the place or finished on the outside of the place."

Jose Muarillo stated that he knows Victor and Adolfo personally and is here to speak on their character. He stated that they are extremely hard working and are respectful of the laws. Mr. Muarillo stated that alleged circumstances of the items in the staff report about the manufacturing of drugs and the fights are out of the owners' control, and if they did happen, then why weren't they addressed before. He said the owners' are hard working and are working on a better business model. Holding a building without the liquor license would be a great detriment to them and the community as a whole.

Mayor Halverson asked Chief Ruder of the exact day of when the purchase of the Ecstasy occurred, to which Chief Ruder replied September 12, 2010. Mayor Halverson then asked when Steel Night Club closed operation. Chief Ruder said January 1, 2011.

Attorney Rushevics clarified that there is a conflict in the dates. The owners stated that the Steel Night Club closed March 30, 2011.

Commissioner Haines asked for clarification on how the conditional use permit is related to the liquor license. Director Ostrowski stated that the conditional use and liquor license are separate. The liquor license is under the review of the Public Protection Committee and as well as the Common Council. The conditional use permit is going to deal with impacts to the surrounding neighborhood, adjacent businesses and that is what we are dealing with tonight. The liquor license will be another matter. Taverns require a conditional use to operate within the City of Stevens Point, and you also need a liquor license to operate as well.

Commissioner O'Donnell asked if this property currently holds a liquor license, to which Director Ostrowski stated yes they do, but it is up for review this year.

Mayor Halverson stated that the liquor license process is handled through the Public Protection Committee but most of the administration of the license itself relates to state law and how it is regulated by the state. The conditional use process is ultimately a municipally-centric process for us to determine what the impact will or will not be of an establishment on the adjacent properties. The conditional use standards that are laid out need to be met in order for the conditional use

process to move forward. So we are looking at issues such as noise, traffic, and disturbances. This is where you see the Police Department on both sides of those issues with the license and/or with the conditional use. Obviously, there is a great deal of information that says while this facility was in operation there was a lot of concern from the Police Department in terms of reports that are of grave concern to us in what happened before, and more than likely what either could have already changed in the amount of time that they have had the license and the conditional use permit. There becomes a period of time that the City has to decide based on what we know had existed and they had a great deal of time to also re-write their overall business model. If history is any indication of what will or will not go on, either nothing will go on because there has been a great deal of time where nothing has happened either in terms of a sale, or in terms of a new business model that hopefully would have a lot less impact than what we have experienced in the past.

Commissioner Haines asked if the conditional use permit is for specifically to operate a tavern, and did we have any conditions on it in the past. Mayor Halverson answered that to operate a tavern in that zoning jurisdiction you need a conditional use permit. Director Ostrowski stated that no there were no conditions, and that is why in the staff report he recommended that at such time if a new tavern is proposed that we take a look at it at that time and place the appropriate conditions on it to address these types of concerns.

Mayor Halverson stated that one of the things we have seen is that issues may have very well happened, but they take care of them inside. The very existence of the nightclub is what sparks the issues that have poured on to the street and that we have had to deal with multiple times, such as the large amounts of people engaged in very questionable activity. That then puts a huge strain on law enforcement as well as the entire area for its overall safety and well-being.

Commissioner O'Donnell stated that if the business is not operating, it is a mute point. She stated that the property is not operating, it is for sale, and that she understands it may be more marketable if the liquor license is currently held with it, but there would be nothing preventing a potential future owner from coming before this body and asking the same thing.

Chief Ruder stated that we have expended lots of resources to deal with the Steel Night Club in the last three or four months of its operation. We have had to have manpower that was specifically stationed outside of the building at bar time, just do to deal with the traffic and the problems that we had. Chief Ruder stated that Mr. Melendez was very cooperative as far as doing the best that he could, he did have a music place come in to correct loud music issue, but it was just out of control at the end.

Commissioner Haines asked if the conditional use could be extended with conditions such as if the name changes, if it reopens, or if it is sold, and then the new owner can come in for a new conditional use. Mayor Halverson stated no, because given where we are right now, that would be a transfer of ownership process that really can't be assumed. Director Ostrowski clarified that the conditional use goes with the property, not the owner, so if a new owner comes in they take over that conditional use and continue to operate under those conditions. He stated he recommends non-renewal at this time and in the future if a new owner does come in and they want to open a tavern, they then would apply for a conditional use at that time.

Commissioner Cooper asked if we don't renew the conditional use, the liquor license is up for renewal next month, to which Mayor Halverson stated that there will be a hearing in front of the

Common Council at a special meeting immediately after the Public Protection Committee meeting next Monday. Commissioner Cooper stated that in theory they revoke the liquor license because there is no conditional use, to which Mayor Halverson stated correct, but the liquor license is a separate act and would have to be dealt with separately. Mayor Halverson clarified that you can hold a liquor license and not have the ability to operate as a tavern if you don't have a conditional use. You can have one without the other, but generally they go together, but that is not necessarily the case. Director Ostrowski stated that there are businesses that have liquor licenses, but do not have a conditional use, for example a restaurant.

Attorney Rushevics clarified that if there was a new owner they would have to come before this body and ask for approval of the conditional use, but would that also apply to these current owners if they submitted a new business plan. Mayor Halverson answered that there are many permitted uses allowed within that zoning jurisdiction, as well as many conditional uses. If the proposed use was a conditional use under the zoning code, they could apply at that time. Mayor Halverson stated the question would then be the model, and what they are looking to do. If it is a tavern then that would automatically be a conditional use, of course as the agents and the owners, we would also look at the track record of what they have or haven't done in relationship to a tavern, but there would be a variety of other uses that could go on in that property the way it is zoned.

Motion by Commissioner O'Donnell to deny the conditional use permit renewal for the Steel Night Club, 1009 Clark Street; seconded by Mayor Halverson. Motion carried 5-0.

Mayor Halverson stated moving on to:

-2525 Dixon Street Point Bowl and

-1324 Second Street Lucky's Pub

Director Ostrowski stated that the next two, both Point Bowl and Lucky's Pub are both operating under a conditional use, they have both met their conditions and staff does not have any concerns with them, and would recommend renewal for a two year period.

Motion by Alderperson Moore to approve the renewal for conditional use permits for Point Bowl, 2525 Dixon Street, and Lucky's Pub, 1324 Second Street; seconded by Commissioner Cooper. Motion carried 5-0.

Mayor Halverson stated in reference to Jimmy B's 916 Maria Drive.

Director Ostrowski stated he had a conversation with the owner and he has indicated that he is no longer going to be using the exterior volleyball courts, so therefore, they no longer need a conditional use for that area, and there is no need to act on this at this time.

3. **Conditional use permit renewal to operate a recycling center at 2608 Water Street – Express Recycling LLC. (Parcel ID 2308-05-1012-22).**

Economic Development Specialist Kyle Kearns stated that the property is zoned M-2 Heavy Industrial, and they need a conditional use to operate a solid waste transfer facility in that zoning district. They have been in operation at that facility since 2008 and their prior location was on Francis Street. Staff has inspected the property to make sure they have met all the current conditions. The semi-truck trailer visible in the pictures was approved in 2007 with a screening plan

approved for the metal refuse containers. Additionally, the aluminum can collection donation enclosure was allowed to exist with no screening. The facility is very clean and quiet after close, which illustrates professionalism and commitment to maintaining a very successful operation. Lastly, there have been no complaints in relation to the property or business in the last several years. For reasons mention above, staff would recommend approval of the renewal with the following conditions:

- Existing screening for exterior storage and refuse containers shall remain,
- Hours of operation would be from 10:00am to 4:00pm Monday – Friday and 9:00am to 1:00pm on Saturdays, and
- Conditional use to expire on June 30, 2014.

Damon Kozicki, 3320 Yvonne Drive, stated that he would like to modify the condition of renewal to every four or five years as opposed to every two years.

Barb Jacob, 1616 Depot Street, requested to have the conditional use renewed. She stated she lived in the area and at the time of their first request, she was very hesitant on having a recycling center in her neighborhood, but thinks it is fantastic and helpful in the neighborhood.

LeRoy Cordy, 2157 Rice Street, stated he has dealt with the business numerous times and feels they are an asset to the community and that they do a fantastic job.

Aldersperson Moore asked if there was any reason not to extend them for four years, to which Director Ostrowski stated that it would be up to the Plan Commission and the Common Council, and it has been typically done for administrative purposes.

Mayor Halverson stated that the business track record has been extremely positive. He stated we were concerned at first, as it is an aggressive use in the M-2 Heavy Industrial, but was a holdover from years before. It is a great example of where good basic conditions that you can put on a property that is adhered to can really insulate the impact to the neighborhood.

Motion by Mayor Halverson to approve the Conditional Use permit renewal to operate a recycling center at 2608 Water Street – Express Recycling LLC with the conditions:

- **Screening of all storage on the exterior of the building.**
- **The roll-off container for scrap metal not be visible from Water Street.**
- **Existing screening for exterior storage and refuse containers shall remain.**
- **Hours of operation would be from 10:00 am to 4:00 pm Monday-Friday and 9:00 am to 1:00 pm on Saturdays.**
- **This Conditional Use shall expire on June 30, 2015.**

seconded by Commissioner O’Donnell. Motion carried 5-0.

4. Request from Jordan Wojtalewicz for a conditional use permit for the purposes of constructing a covered porch using the “R-TND” Traditional Neighborhood Development Overlay District minimum setback requirements at **1716 Oak Street (Parcel ID 2408-32-4003-09).**

Director Ostrowski stated that Mr. Wojtalewicz is proposing to add a covered porch to the front, (south side) of his home facing Oak Street. The minimum street yard setback requirement is 25 feet in the R-3 district. However, Mr. Wojtalewicz is located within the Traditional Neighborhood Development (TND) Overlay District. The minimum street yard setback in the overlay district is 12 feet, as a conditional use. Mr. Wojtalewicz is requesting a conditional use to allow for a setback of 12'6". The porch will extend approximately 6'10" from the current home. The current home is setback approximately 19'4". The steps for the porch will extend from the front of the porch, towards the sidewalk. Staff would recommend approval with the following conditions:

- All necessary building permits shall be obtained for the proposed work.
- All R-TND setback requirements shall be met.

Motion by Mayor Halverson to approve the request for a conditional use permit for the purposes of constructing a covered porch using the "R-TND" Traditional Neighborhood Development Overlay District minimum setback requirements at 1716 Oak Street with the following conditions:

- **All necessary building permits shall be obtained for the proposed work.**
- **All R-TND setback requirements shall be met.**

Seconded by Alderperson Moore. Motion carried 5-0.

5. Request from Thomas Jakusz and Gary Hintz for a conditional use permit to operate an indoor archery range at **3260-74 Church Street (Parcel ID 2308-04-3008-06)**.

Director Ostrowski stated that Thomas Jakusz and Gary Hintz are requesting a conditional use permit for the purposes of operating an indoor archery range in a suite located in the shopping center at 3260-74 Church Street. The business will offer repair, maintenance, sale, training, and target practice associated with archery. Two archery ranges are proposed to occupy much of the rear, along with storage and bathrooms. Walls will divide the two archery ranges, of which one will be used only for blunt tipped arrows and the other for broad heads. The blunt tip range will display a projection at the far end to which a computer will accurately score shots. Furthermore, it will simulate dusk and dawn periods with low light. The broad head range will use synthetic targets backed by netting to safely catch missed arrows. Each range will be 60 feet in length. Staff will supervise archers using the ranges. Staff would recommend approval with the following conditions:

- All buildings codes shall be met.
- Outdoor shooting shall be prohibited.
- The handling of bows shall adhere to all local, state, and federal regulations.
- The licensee shall require that all exterior doors be kept closed so as to fully confine the archery range.
- All refuse containers shall be screened from view.
- All shooting within the proposed ranges shall be monitored and supervised at all times by an instructor or staff member.
- Clear separation must be maintained between the archery ranges and sales floor and service desk in the form of rope, curtains, tape, floor markings, or similar.
- The conditional use permit shall be renewed prior to June 30, 2014.

Alderson Moore asked if there was really a need for the condition that stated no shooting outdoors, because it seems redundant to other city ordinances. Director Ostrowski stated that with this condition, if it is not followed, then the conditional use could be revoked if needed.

Motion by Alderson Moore to approve the request for a conditional use permit to operate an indoor archery range at 3260-74 Church Street with the following conditions:

- All buildings codes shall be met.
- Outdoor shooting shall be prohibited.
- The handling of bows shall adhere to all local, state, and federal regulations.
- The licensee shall require that all exterior doors be kept closed so as to fully confine the archery range.
- All refuse containers shall be screened from view.
- All shooting within the proposed ranges shall be monitored and supervised at all times by an instructor or staff member.
- Clear separation must be maintained between the archery ranges and sales floor and service desk in the form of rope, curtains, tape, floor markings, or similar.
- The conditional use permit shall be renewed prior to June 30, 2014.

Seconded by Commissioner Haines. Motion carried 5-0.

6. Request from Mid-State Technical College for a conditional use permit to operate a technical college on a portion of the property at **1201 Third Court (Parcel ID 2408-32-2029-51)**.

Director Ostrowski stated that Mid-State Technical College is requesting a conditional use permit to operate an educational facility in a portion of the former Centerpoint Marketplace. Mid-State will occupy the western half of the former mall from Third Court to the west. Demolition of a portion of the mall will occur to reconnect Third Street and create separation. Once demolished, Mid-State Technical College will re-construct their portion of the wall to become an eastern entrance to their facility. Additional exterior reconstruction will occur to the northern and southern entrances, as well as, additional architectural features along the building façade, including the installation of windows. Interior renovations will also occur with the creation of classrooms, labs, and offices. Staff would recommend approval with the following conditions:

- Exterior improvements must be reviewed and approved by the Historic Preservation / Design Review Commission (HP/DRC), with any changes to exterior design subject to staff and HP/DRC review.
- Refuse containers shall be screened from view.
- Parking for the facility shall not be less than 1 space for every 250 square feet of floor area.

Commissioner Haines clarified that the parking could be reduced by 40 spaces. Director Ostrowski said that given their proposed square footage of 54,726, they would need 219 stalls. There are approximately 259 stalls on the property, so yes, they could reduce the number of stalls by 40 if their square footage stays the same.

Motion by Mayor Halverson to approve the conditional use permit to operate a technical college on a portion of the property at 1201 Third Court with the following conditions:

- **Exterior improvements must be reviewed and approved by the Historic Preservation / Design Review Commission (HP/DRC), with any changes to exterior design subject to staff and HP/DRC review.**
- **Refuse containers shall be screened from view.**
- **Parking for the facility shall not be less than 1 space for every 250 square feet of floor area.**

seconded by Alderperson Moore. Motion carried 5-0.

7. Request from the City of Stevens Point to rename the road known as Third Court to Third Street, and to name the portion of the remaining road from the end of Third Court north to Centerpoint Drive, Third Street.

Motion by Alderperson Moore to approve the renaming of the road known as Third Court to Third Street, and to name the portion of the remaining road from the end of Third Court north to Centerpoint Drive, Third Street; seconded by Mayor Halverson. Motion carried 5-0.

8. Conditional use permit renewal to operate a tavern at **2124 Rice Street – Players’ Lounge (Parcel ID 2308-04-2006-03).**

Director Ostrowski stated at the Plan Commission meeting in May a 30 day extension of the conditional use permit was granted to Players’ Lounge with the condition that the item would return to the Commission in June for further consideration. The staff report outlines the complaints that have been received, with the two most recent noise complaints being April 14, and 15 2012 from a loud band at 12:30 am, the second complaint was shortly after, and the officer did not witness any excessive noise level. Furthermore, complaints via phone and email have been made to the Community Development Department in regards to Players’ Lounge. Complaints pertain to the increase in noise especially during early morning hours, as well as, the increase in trash and refuse fund throughout the neighborhood, specifically on a neighbor’s lawn. He stated there also has been some use violations regarding gambling, and because of that incident there was a person breaking into vehicles the following day because of losing some money at the gambling event. There were citations issued to the owners of Players’ Lounge and the organizer of the event. Most recently on April 26, 2012 Players’ Lounge received a citation for a liquor law violation, providing alcoholic beverage to an underage person. Director Ostrowski stated that in trying to gather statistics to see if crime increased in the neighborhood, it was difficult and hard to determine if the crimes originated because of Players’ Lounge. There has been some vandalism, but it was on the Players’ Lounge facility. With that information, staff would recommend approving the conditional use but only extending it until January 31, 2013 with the same conditions that are currently placed upon it. However, if additional complaints are received and validated, or if additional violations are incurred, the City reserves the right to attached additional conditions to the conditional use permit to address such concerns, and/or not renew such conditional use permit.

Commissioner O’Donnell asked when the conditional use was originally placed on Players’ Lounge, to which Director Ostrowski stated 2008. She also asked how many times they have requested conditional use, to which Director Ostrowski stated that at first it came up a lot due to every time

they wanted an extension for an event, they would have to amend their conditional use. He then stated that since then, we have modified the zoning requirements for a temporary extension of premises to be approved by staff as long as it does not exceed four times a year. Commissioner O'Donnell clarified so it was not necessarily for violations. Mayor Halverson answered no. Initially there was a great deal of conversation about the length of time allowed for meeting the original conditions that were first put on that establishment, which were never met, and ultimately we modified the conditions with the landscaping plan that was submitted by Mr. Glisczynski to eventually be able to work through the conditions. Now the concerns that are being raised specifically by Mr. Cordy are more of the noise issues and a lot of other impacts to the single family homes being that close. Mayor Halverson also stated that the city had received an email correspondence that had been distributed to the commission prior to the meeting today, regarding to a meeting between Mr. Glisczynski and the neighbors on Rice Street.

Director Ostrowski stated that he did have a conversation with Mr. Glisczynski regarding the concerns related to noise and the bass levels, where he did indicate that since the complaints, the owner has had the bands and employees turn down the bass, and he has hired people to do traffic control to keep the parking in his lot instead of on the street.

Jason Glisczynski, 2124 Rice Street, stated that he had a meeting with the neighbors the week prior to Plan Commission and with that conversation with the neighbors the largest issues were when they have large scale events, specifically bands. He stated that the last noise complaints that they did have was on April 14 and 15, 2012, and that is where we had the parking issues and the bass levels at an unacceptable level. Since then, they have reduced the bass levels, and they have not had another complaint regarding the noise levels, even after another band. Mr. Glisczynski stated that in regards to the trash complaint that was emailed, that came from the day after the motorcycle rally, and they had sustained 20 mph winds throughout the day of the event and they had served lunch to about 500 people outside. There were three pieces of trash in a neighbor's yard, and she brought those items to us. Two of the items were not even items that they sell, but they did take care of the issue. The same neighbor called Mr. Glisczynski about a year ago about trash in her yard, where he gave her his personal cell phone number as well as the personal cell phone number of the onsite manager, and told her that if it ever happened again to immediately call either person to come over and remove whatever ended up in her yard. Mr. Glisczynski stated that back in 2008 when the original business plan was proposed, there had been a question if a liquor license was needed to survive, to which he stated yes, for the cash flow. Also in the business plan, it was outlined that they would be doing events at this location with crowds of 200-500 people, and that was part of the reason why the conditional use permit was structured as such that when they did have those events they would then have to come back and ask for approval from the Common Council for each event. He pointed out that they have not strayed from their original business plan, and still do a lot of sporting activities with over 350 people that participate in volleyball leagues, and they run from 15-18 tournaments a year. Mr. Glisczynski stated that he had also met with the Police Department and they did not see any issues.

LeRoy Cordy, 2157 Rice Street, stated that Mr. Glisczynski did meet with the neighbors, a group of four to five people, and did assure them that if there were problems, to call himself or the manager. He stated that the neighbors were told this when the business first started, and that the noise has just gotten out of hand. Mr. Cordy stated that Mr. Glisczynski had assured the noise problems would not take place again, but it has happened once, who says it won't happen again. He stated that he does not want to see anyone go out of business, but when there is a conflict with a residential neighborhood it needs to be addressed, which Mr. Glisczynski has made an effort.

Barb Jacob, 1616 Depot Street, stated she had spoken with a few people that were at this meeting, with Mr. Glisczynski, and the problem is mostly the bass. She feels that the neighbors don't want to see the business close or a vacant building, and that if the Players' Lounge would follow everything that was put in the conditional use, the neighbors would like to see the business stay open. She stated that no one wants to see them close, and people think it is a nice facility, but there are just a few issues. Ms. Jacob stated that she knows there are issues with owning a tavern, and complaints that have been received could happen to almost any bar in town at anytime.

Aldersperson Suomi asked for clarification of why the conditional use was extended only to January 2013. Director Ostrowski said that given the complaints that have been received, he feels that it was appropriate to allow the operation for an additional six months to see if additional complaints or violations occur. If they do, the Plan Commission can address them at that time. Given the concerns we have heard for the last few years, he stated that he did not think it was appropriate to wait another two years before we would review it again.

Mayor Halverson asked if any of the Cleveland Avenue neighbors attended, to which Mr. Glisczynski stated that he had knocked on doors, but no one was home. However, he was able to speak with the owner of the property at the corner of Rice and Cleveland on the northeast corner, and they said they had no issues or complaints.

Aldersperson Moore stated he was disappointed that music is to be done at 11:00 pm and there was a band causing noise at 12:30 am, to which Director Ostrowski stated that was approved from the last extension of premise.

Mayor Halverson stated the difference between this conditional use and the exact amounts of complaints, and when you look at the amount of Police calls around this establishment, and the other (Steel Night Club) there actually is not as many. There are some aggressive issues that are here, like the gambling issue, which is a concern and obviously it going on knowingly by the owner is extreme concern to us. The impacts that it has on the neighborhood, Mr. Glisczynski is making as many efforts as possible for some type of mechanism to try and find a way to address the concerns as quickly as possible. He stated he is not comfortable with a period of time longer than six months, and we know that there is a situation that revolves around this particular establishment that we have to be very careful. There are only certain aspects of this that we have to concern ourselves with, the most aggressive here is the impact on the neighborhood, the back taxes issue and the liquor license issue are separate city issues revolving around Public Protection, and that will have to

be addressed with the Common Council. He stated that in terms of the conditional use, there is progress and clear direction in minimizing the amount of citizen concerns. Mayor Halverson stated that if there was a more severe situation, he would expect to hear from more people, which he hasn't.

Motion by Mayor Halverson to approve conditional use permit renewal for Player's Lounge 2124 Rice Street for six months from July 31, 2012 to January 31, 2013 with the following conditions:

- 1) The building must be modified with materials specifically designed to muffle or contain noise/music inside the building.
- 2) Screening in the form of berms shall be installed on the Rice St. and Cleveland Ave. sides of the lot.
- 3) Entrances shall be arranged in a manner that patrons under the age of 21 will not be admitted to the bar area.
- 4) The hours of operation shall be limited to the following:
 - a. Live band concerts held on the premises shall be limited to an 11 PM ending of the music performance.
 - b. DJ or band activity shall cease at 10 PM on Sunday through Thursday, and 11 PM on Friday and Saturday nights.
 - c. The tavern/lounge shall have hours of operation from 11:00 AM to 2:00 AM on Monday – Friday (or legally allowed hours, whichever is earlier) and 11:00 AM to 2:30 AM on Saturday – Sunday (or legally allowed hours, whichever is earlier).
- 5) 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 residential neighborhood.
- 6) The business must be operated in a manner that patrons must be prevented from congregating outdoors in a manner that would unreasonably disturb the peace and enjoyment of the residential neighborhood.
- 7) The doors shall be kept closed so that noise does not unreasonably disturb the peace and enjoyment of the residential neighborhood.
- 8) The exterior of the building, including the tavern expansion, shall be improved as shown on the attached plans.
- 9) No alcohol or fermented malt beverage may be served or consumed in the volleyball and basketball area.
- 10) The building plan layout as presented on the attachment is approved and shall not be modified without city approval.
- 11) Alcohol may be served and consumed only in the following places: 90 days from date of passage of this conditional use resolution or when the "bar area" opens whichever occurs first: 19 ft x 54 ft area designated "temporary bar area" as shown on attached map; after 90 days from passage of this conditional use resolution: 41 ft x 96 ft building addition designated as "bar area" as shown on the attached map.
- 12) It is the intent of the City to require completion of the exterior portions of the project by the end of April, 2009. However, given that exterior work may be difficult to complete by the end of April due to poor weather conditions, the Inspection Department is given the discretion to allow the business to operate the tavern as provided above with an extension of time to complete the exterior portion of the project as shown on the attached drawings until June 30, 2009.

- 13) A complete site plan/landscaping plan be submitted to the Community Development Department by February 22, 2010 that would include that the 5 planting areas be enhanced and redesigned with raised mulch beds with increased plantings of year round foliage, and a new raised mulch bed be installed across the entire entry south driveway with plantings to match the requirements for the other planting areas.
- 14) Dumpsters be screened with fencing that matches the building color.
- 15) Paint, or other materials, on the south side of the building to replace the area currently painted blue and wrap around the building to the north (not to include the area above the blue) with consistency in the gray colors of the building to be approved by the Community Development Department.
- 16) Year round foliage on the south side of the building.
- 17) Close the south driveway closest to the building and curb it off at the owners expense.
- 18) Remove the hvac units along the south elevation.
- 19) Repair the deck and paint the rusty doors and posts on the south elevation.
- 20) This Conditional Use Permit shall expire January 31, 2013.

seconded by Commissioner Cooper. Motion carried 5-0.

9. Adjourn.

Meeting adjourned at 7:14 pm.