Our intention is to have in-person meetings going forward. For the time being, we will hold the City Committee Meetings, Plan Commission, Council and most others at the Community Room at 933 Michigan Avenue. This in-person location will meet the legal requirement for our open meetings.

We will have a virtual option available, but the technology for the hybrid style meeting may not be reliable all of the time.

Members

- Mayor Wiza
- Alderperson Kneebone
- Commissioner Arntsen
- Commissioner Cooper
- Commissioner Ilten
- Commissioner Rice
- Commissioner Schuler

AGENDA

CITY PLAN COMMISSION

Date and Time:	September 6, 2022 6:00 PM	**Location:**	Community Room 933 Michigan Avenue, Stevens Point, WI OR Zoom Teleconferencing Meeting ID: 821 0760 6694 Passcode: 366539 By Computer: https://us02web.zoom.us/j/82107606694?pwd=alNQVmM4WW1rNU9QYXVR By Phone: +1-312-626-6799 (US Chicago)

Opening Section:

1. Roll Call

Discussion and Possible Action on the Following:

2. Report of the August 1, 2022 meeting of the City Plan Commission.
3. Public Hearing and action on a request from Mark and Janice Klein to rezone the property located at 5410 Windy Drive (Parcel ID 281240835120208) from "R-LD" Low Density Residence District to "R-3" Single- and Two-Family Residence District, consistent with Ch. 23.01(12)(b)(8).
4. Public Hearing and action on a request from Doug Stingle, representing the Schmeeckle Reserve Visitors Center, for a conditional use permit to construct a ground-mounted solar array on an unaddressed parcel off of North Point Drive (Parcel ID 281240828210001), consistent with Ch. 23.02(1)(a)(5).

PLEASE TAKE NOTICE that any person who has special needs while attending these meetings or needs agenda materials for these meetings should contact the City Clerk as soon as possible to ensure that a reasonable accommodation can be made. The City Clerk can be reached by telephone at (715) 346-1569 or by mail at 1515 Strongs Avenue, Stevens Point, WI 54481.

Maps further defining the above area(s) may be obtained from the City of Stevens Point Department of Community Development, 1515 Strongs Avenue, Stevens Point, WI 54481, or by calling (715) 346-1567, during normal business hours.

PLEASE TAKE FURTHER NOTICE that a quorum of the Common Council may be in attendance at this meeting.

5. Public Hearing and action on a request from the City of Stevens Point to amend Chapter 23, Zoning Ordinance of the Revised Municipal Code of the City of Stevens Point. Said request amends Section 23.05 relating to the bylaws of the Zoning Board of Appeals in accordance with Wis. Stats. 62.23(7)(e).

6. Public Hearing and action on a request from the City of Stevens Point to amend Section 7.4 of the Historic Preservation / Design Review Commission Design Guidelines as it relates to required approvals to construct a new accessory structure.

7. Public Hearing and action on a request from the City of Stevens Point to amend Section 7.4 of the Historic Preservation Design Review Commission Design Guidelines as it relates to required approvals for the renewal of expired design review certificates.

8. Public Hearing and action on a request from the City of Stevens Point to amend Section 6.1.2.6 of the Historic Preservation Design Review Commission Design Guidelines as it relates to demolition review guidelines.

9. A request from Hannah Butkiewicz, representing the Golden Sands Resource Conservation and Redevelopment Council, for an exception to fencing standards to install perimeter fencing on an unaddressed parcel bounded by West Whitney Street and West Cornell Avenue (Parcel ID 281240831101201), consistent with Ch. 23.01(14)(g).

10. A request from the City of Stevens Point to grant an Electric Underground Easement to the Wisconsin Public Service Corporation for the property located at 931 Michigan Avenue (Parcel ID 281240833200107).

11. July 2022 Monthly Report.

12. Director's Report.

Closing Section:

13. Adjourn

REPORT OF CITY PLAN COMMISSION

August 01, 2022 – 6:00 PM
In-Person & Zoom Conference Call Meeting

PRESENT: Mayor Wiza, Alderperson Kneebone, Commissioner Arntsen, Commissioner Cooper, Commissioner Ilten, Commissioner Rice, and Commissioner Schuler.

ALSO PRESENT: Director Kernosky, Director Kremer, Associate Planner/Zoning Administrator Kuhn, Alderperson Keymer, Alderperson Fishler, Dean Shuda, and unidentified audience members via Virtual Zoom Meeting.

INDEX:

Opening Section:

1. Roll call.

Discussion and possible action on the following:

2. Report of the July 5, 2022 meeting of the City Plan Commission.
3. A request from Mark and Janice Klein for the purpose of annexing the property located at 5410 Windy Drive (Parcel ID 020240835-02.07) from the Town of Hull to the City of Stevens Point.
4. A request from Robert Opiola for a sign variance to install a freestanding sign on the property located at 100 Sixth Avenue (Parcel ID 281240830400807), consistent with Ch. 25.14.
5. Discussion on amendments to the City Sign Code.
6. June 2022 Monthly Reports.
7. Director's Report.

Closing Section:

8. Adjourn.

Opening Section:

1. Roll call.

   Present: Wiza, Kneebone, Arntsen, Cooper, Ilten, Rice, Schuler

Discussion and possible action on the following:

2. Report of the July 5, 2022 meeting of the City Plan Commission.

   Motion by Commissioner Cooper to approve the report of the July 5, 2022 Plan Commission meeting; seconded by Commissioner Schuler.

   Motion carried 7-0.

3. A request from Mark and Janice Klein for the purpose of annexing the property located at 5410 Windy Drive (Parcel ID 020240835-02.07) from the Town of Hull to the City of Stevens Point.

   Director Kernosky provided a summary for the request from the Kleins for the purpose of annexing the noted property from the Town of Hull to the City of Stevens Point, as well as the surrounding right-of-way. The detailed boundary of the proposed annexation was included within the staff packet. After review, staff held no concerns and recommended approval as outlined in the staff report. He lastly noted that the Common Council would only be able to act after the Department of Administration acted, which would hopefully occur prior to the Common Council meeting on August 15th, 2022.

Commissioners made the following comments:

1. Inquiry as to whether a property could not connect to City utilities if they were adjacent to the municipality, but not within it, to which staff further clarified and provided a back-and-forth discussion on the requirements of connecting to City utilities.
2. Noted that annexation requests were largely driven by the property owner.
3. Clarification on the ownership of the surrounding properties to the North and East of the noted parcel, to which staff clarified that while not owned by the City themselves, they were within the City's municipal boundary.
4. Inquiry as to whether the noted property received garbage services by the Town of Hull, to which that was confirmed accurate, adding that the City would take on those services after the annexation.
5. The noted property was welcomed into District Seven within the City.

Mayor Wiza asked for comments from the audience to which there were none.

Motion by Commissioner Cooper to approv the request from Mark and Janice Klein for the purpose of annexing the property located at 5410 Windy Drive (Parcel ID 020240835-02.07) from the Town of Hull to the City of Stevens Point; seconded by Commissioner Iltan.

Motion carried 7-0.

4. A request from Robert Opiola for a sign variance to install a freestanding sign on the property located at 100 Sixth Avenue (Parcel ID 281240830400807), consistent with Ch. 25.14.

Associate Planner/Zoning Administrator Kuhn provided a summary of the request from Robert Opiola for a sign variance to install a freestanding sign at the noted property, specifically to be used for advertisements of outside organizations. The subject property was zoned Conservancy. After review, staff recommended approval as presented.

Commissioners made the following comments:

1. Confirmation to the direction the sign would be facing to which North facing was confirmed.
2. Inquiry as to whether there would be any tree trimming occurring to which staff confirmed that the City Forester would be involved in the process if there were.
3. Inquiry as to whether the surrounding trees exceed the height of the sign, to which staff confirmed that most of them would still be higher and act as additional screening to the residential properties to the South.
4. Inquiry as to what the back of the sign would look like.
5. Inquiry as to any benefit or disadvantage of the sign being located anywhere between the 25 feet between the proposed location and fence.
6. Inquiry as to the sign meeting structural safety standards, to which staff confirmed it would meet wind load requirements and any additional requirements needed.
7. Inquiry as to whether the signage would be lit.

Robert Opiola, applicant, provided the following information:

1. Noted the back of the sign would be as neutral as possible. There was an openness to paint it a specific color if staff deemed it necessary.
2. Noted that they wanted to keep the sign as close to the fence as possible while still meeting setback requirements.
3. The sign itself would not be lit, but there would be a light shining towards it, and only when the field was in use.

Motion by Commissioner Cooper to approve a request from Robert Opiola for a sign variance to install a freestanding sign on the property located at 100 Sixth Avenue (Parcel ID 281240830400807), consistent with Ch. 25.14 with the following;

1. **The sign shall be set back at least five feet from the property line.**
2. **A building permit shall be obtained prior to installing the sign.**

seconded by Commissioner Rice.

Motion carried 7-0.

5. Discussion on amendments to the City Sign Code.

   Associate Planner/Zoning Administrator Kuhn provided the following details:

   1. Legal background on how municipalities must administer sign regulations.
   2. City has not had a significant revision to the sign code since 2015.
   3. Proposed changes to the City sign code which would highlight content-neutral based restrictions, such as location, duration, size, and quantity.

   Commissioners made the following comments:

   1. Inquiry as to whether all signage would require permitting, to which staff pointed to page 56 and 43 of the agenda packets for a list of signs not requiring permits.
   2. Inquiry as to the sizing and timeline allowance for political signage, noting that there should be more latitude.
   3. Inquiry as to the hardest section of rewriting the sign code, to which staff noted yard signage was the most difficult as most municipalities administered them differently, and they wanted to be fair to residents without also having them be too prolific.
   4. Clarification requested between content-based and content-neutral, to which staff provided several examples, highlighting that they shouldn't have to read the sign itself to administer the code.

   It was asked that comments or concerns for the rewrite be forwarded to the Community Development Department.

   No action was taken.

6. June 2022 Monthly Reports.

   Director Kernosky summarized the highlighted June projects, noting a month with year-to-date valuation and issued permits that trended higher than the previous year. August was also projected to look even better.

7. Director's Report

   Director Kernosky provided brief updates on:

   a. Developmental Updates

   b. Special Project Updates

   c. Public Policy Updates

   d. Economic Development Updates

Closing Section:

8. Adjourn.

Meeting adjourned at 7:36 PM.

A recording of this meeting can be viewed/heard at: https://stevenspoint.com/365/AgendasMinutesVideos

Administrative Staff Report

Rezone from R-LD to R-3

5410 Windy Drive

September 6, 2022

Department of Community Development

Applicant(s):

- Mark and Janice Klein

Staff:

- Ryan Kernosky, Director
  rkernosky@stevenspoint.com
- Adam Kuhn, Associate Planner
  akuhn@stevenspoint.com

Parcel Number(s):

- 281240835120208

Zone(s):

- "R-LD" Low Density Residence District

Master Plan:

- Residential

Council District:

- District 7 | Ald. Kneebone

Lot Information:

- Lot Size: 24,960 sq. ft. (0.573 ac.)

Current Use:

- Single-family residential

Applicable Regulations:

- Ch. 23.01(12)(b)(8)

Request

A request from Mark and Janice Klein to rezone the property located at 5410 Windy Drive (Parcel ID 281240835120208) from "R-LD" Low Density Residence District to "R-3" Single- and Two-Family Residence District, consistent with Ch. 23.01(12)(b)(8).

Attachment(s)

- Application

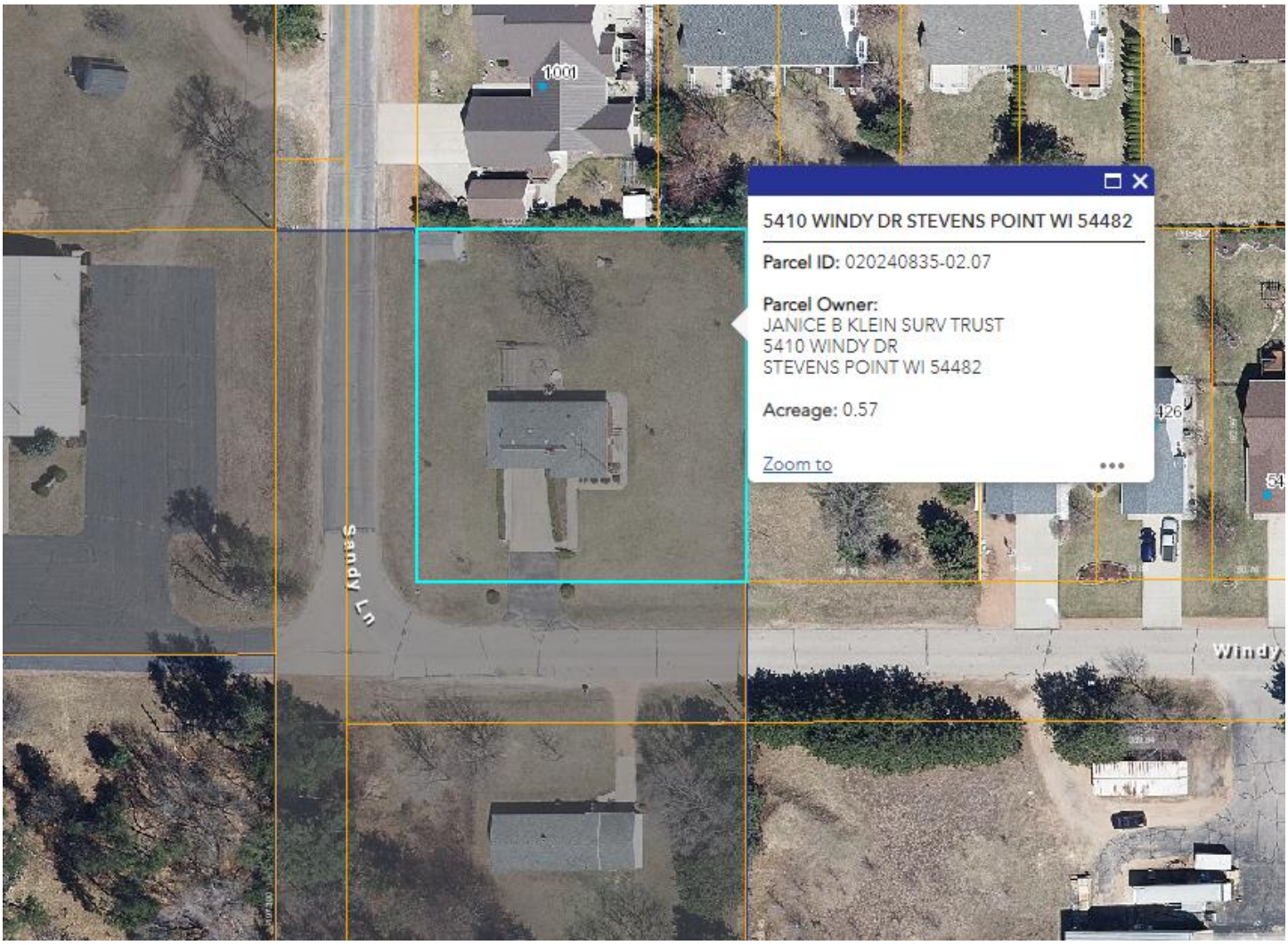
Findings of Fact

- The subject property is utilized as a one-unit residence.
- Last month, the subject property was annexed into the City of Stevens Point from the Town of Hull.
- The City's Zoning Code states that all territory annexed into the City shall automatically be zoned "R-LD" Low Density Residential until a definite zoning district is approved. A final zoning classification shall be adopted no later than 90 days from the date of annexation.
- Surrounding properties are zoned "R-3" Single- and Two-Family Residential. Given the use and lot size of the subject property, staff is requesting to adopt a permanent zoning classification of "R-3" Single- and Two-Family Residential.

Staff Recommendation

Approve the request to rezone the property located at 5410 Windy Drive (Parcel ID 281240835120208) from "R-LD" Low Density Residence District to "R-3" Single- and Two-Family Residence District.

Vicinity Map



Background

Overview: Last month, the Common Council approved an annexation by unanimous approval to annex the property located at 5410 Windy Drive from the Town of Hull to the City of Stevens Point. According to the City's Zoning Code, territory annexed into City limits are automatically zoned "R-LD" Low Density Residential until a definite zoning classification is adopted. Please note that this "R-LD" zoning designation is only temporary – a permanent zoning classification must be adopted within 90 days from the date of the annexation. Said requirement is outlined below.

Ch. 23.01(12) Classification of Districts.

b) District Boundaries

8) All territory annexed to the City of Stevens Point shall automatically become a part of the "R-LD" Low Density Residence District until definite boundaries and zoning districts are recommended by the City Plan Commission and adopted by the Common Council; provided, however, that the Common Council shall adopt definite boundaries and district regulations within 90 days from the date of the annexation. The Plan Commission may

recommend definite zoning districts and boundaries to the City Council prior to or at the time the Council acts on a proposed annexation, and may adopt definite boundaries at the time of annexation provided the public notice procedure is followed.

The subject property occupies a single-family residence and is surrounded by properties zoned "R-3" Single- and Two-Family Residential (within City limits) and a scattering of single-family uses within the Town of Hull. Based on the use of the subject property and the built environment surrounding it, staff is recommending that the property be rezoned from "R-LD" Low Density Residential to "R-3" Single- and Two-Family Residential. Further information on the proposed zoning of the property is identified below.

Standards of Review

1. **Minimum performance standards are met with the proposed district.**

   Analysis: Performance standards for the "R-3" Single- and Two-Family Residence District are identified below.

"R-3" SINGLE AND TWO FAMILY RESIDENCE DISTRICT:

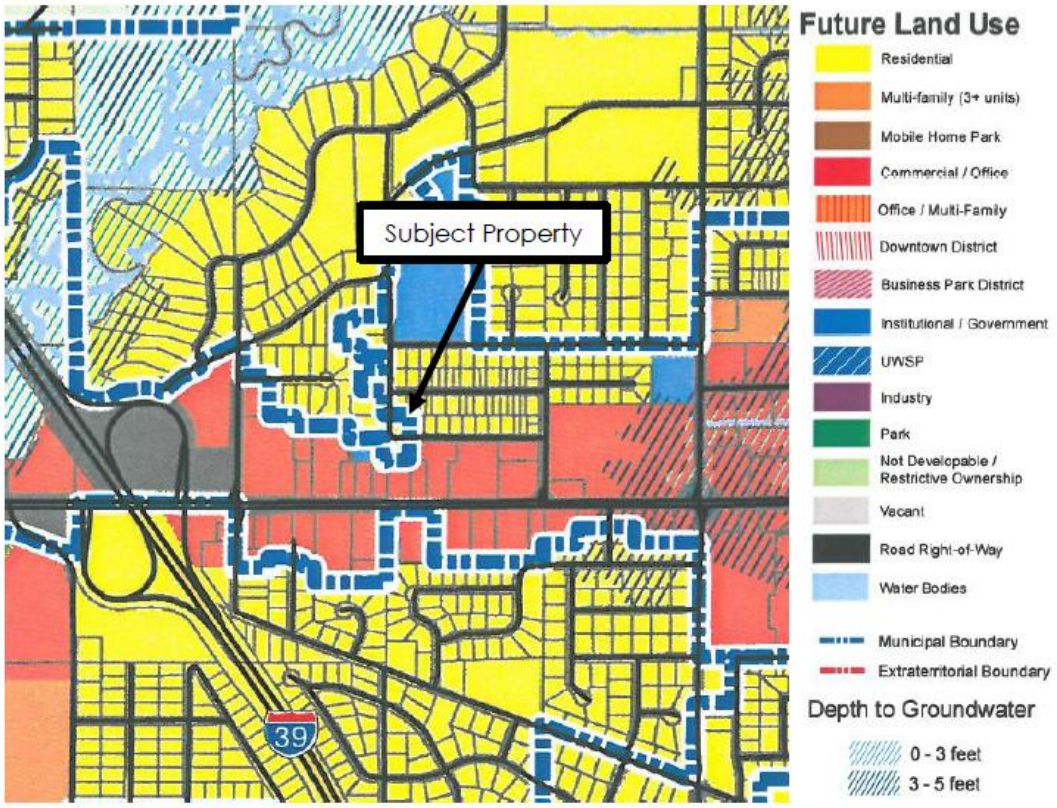
USE	LOT AREA AND DENSITY	LOT WIDTH	HEIGHT OF STRUCTURE	SIDE YARD	STREET SETBACK	REAR YARD	PARKING	AREA OF STRUCTURE	MIN. BLDG. WIDTH
Permitted Uses Single Family Dwellings Two Family Dwellings	1 family/lot 1 unit/lot, provided lot is 5,000 sq. ft. 2 attached units per lot provided lot is 10,000 sq. ft.	45 ft.	Not over 35 ft. Nor over 2 ½ stories	Minimum of 7 ½' on each side for buildings not over 2 ½ stories	25 ft. On corner lots with 50' of frontage and less, street setback 25' and 20'	Not less than 20% of lot depth, but not less than 15 ft. And need not exceed 30 ft.	Per 23.01(14)'	900 sq. Ft.	18 ft.
Zero Lot Line - Common wall	1 family/lot 1 unit/lot provided lot is 5,000 sq. ft.								
All other permitted uses	5,000 sq. Ft.		35 ft.	15 ft.		30 ft.		0	
Conditional Uses: Single Family Zero Lot Line Dwellings	1 family/lot 1 unit/lot provided lot is 5,000 sq. ft.	45 ft	Not over 35 ft. Nor over 2 ½ stories	Per. 23.02(e)4.a.		Not less than 20% of lot depth, but not less than 15 ft. And need not exceed 30 ft.			
All other conditional uses	As set by Plan Commission and City Council								

Findings: The subject property is 24,960 square feet in size and 153 feet in width, exceeding minimum lot size and width requirements for a single-family use. The single-family residence meets minimum setback, building height and building size requirements of the "R-3 District.

Lot Line	R-3 District Minimum Setback Requirements	Existing Setbacks (Findings)
Street	25 ft	33 ft off of Sandy Lane, 49 feet off of Windy Drive
Side	7 ft 6 in	65 ft
Rear	20% of lot depth (minimum of 15 ft and a maximum of 30 ft)	80 ft

2. The change in zoning is consistent with the City's Comprehensive Plan.

Analysis: As the subject property originated within the Town of Hull, it is not represented within the City's Future Land Use Map. However, as part of the City's extraterritorial jurisdiction, the Comprehensive Plan designates the subject property for residential use within the Extraterritorial Future Land Use Map. Please note that a 'residential' designation encapsulates both single- and two-family residential uses.



Findings: Given the adjacent single-family residential uses that are zoned "R-3," staff does not have concerns about the proposed zoning change and believes it is consistent with the City's Comprehensive Plan.

3. The change in zoning will not create adjacent incompatible uses.

Analysis: Properties north and east of the subject property are zoned “R-3” Single- and Two-Family Residential. Properties south of the subject property are zoned "B-5” Highway Commercial and have direct access off of Highway 10 East. Properties west of the subject property are located within the Town of Hull and are used for single-family residential purposes.

“R-2” Single Family Residential District:

This district is intended to provide population density and used primarily for single family living, which is expected to accommodate the numerous residential developments already at the density of the R-2 District. This district also should accommodate housing not on City sewer.

“R-3” Single- and Two-Family Residential District:

This district is established to provide for both single family residences and two family residences intended particularly to act as a transition district between lower intensity uses such as permitted in "C", "R-1" and "R-2" districts and higher intensity districts, consistent with the City's Comprehensive Plan. This district is intended to be provided for all lands where sewer and water is or will be required.

“B-5” Highway Commercial District:

This district is established to provide for larger retail, commercial, office, and service uses which depend upon access to major highways. This district is primarily intended to accommodate regional commercial uses requiring larger land areas than the "B-4" Commercial District and which depend upon region-wide usage and region-wide access. It is the intent of this district to provide for open space, to prevent congestion, to protect the highway corridor, to protect the safety of the users of the adjacent highway and the users of the commercial sites of this district, to protect property values, and to create a convenient and safe commercial area.

Findings: Given the intent of the “R-3” District, surrounding uses, lots and other land use features, a rezoning to “R-3” Single- and Two-Family Residential does not interfere with the existing land uses and future land use planning of the area.

Photos

City of Stevens Point
Community Development Department

1515 Strongs Avenue, Stevens Point, WI 54481
P: (715) 346-1567 F: (715) 346-1498
communitydevelopment@stevenspoint.com
http://stevenspoint.com

APPLICATION FOR A ZONING MAP AMENDMENT - REZONING

(Pre-Application Conference Required)

ADMINISTRATIVE SUMMARY (Staff Use Only)

Application #		**Date Submitted**		**Fee Required**		**Fee Paid**	
Associated Applications if Any				**Assigned Case Manager**	kuhn		
Pre-Application Conference Date							

APPLICANT/CONTACT INFORMATION

APPLICANT INFORMATION		CONTACT INFORMATION (Same as Applicant? ■)	
Applicant Name	Janice Klein & Mark Klein	**Contact Name**	
Address	5473 Walter Street	**Address**	
City, State, Zip	Stevens Point, WI 54482	**City, State, Zip**	
Telephone	715-252-1656	**Telephone**	
Fax		**Fax**	
Email	janklein32@hotmail.com	**Email**	

OWNERSHIP INFORMATION

PROPERTY OWNER 1 INFORMATION (Same as Applicant? ☐)		PROPERTY OWNER 2 INFORMATION (If Needed)	
Owner's Name	Janice B Klein Surv Trust	**Owner's Name**	
Address	5410 Windy Drive	**Address**	
City, State, Zip	Stevens Point, WI 54482	**City, State, Zip**	
Telephone	715-252-1656	**Telephone**	
Fax		**Fax**	
Email	janklein32@hotmail.com	**Email**	

PROJECT SUMMARY

Subject Property Location [Please Include Address and Assessor's Identification Number(s)]

Parcel 1	Parcel 2	Parcel 3
020240835-02.07		

Legal Description of Subject Property

LOT 1 CSM #748- 3-106 BNG PT NW NE & BNG A PRCL 153'X 163' S35 T24 R08

Area of Subject Property (Acres/Sq Ft)	Area of Requested Rezoning (Acres/Sq Ft)
.573	.573

Designated Future Land Use Category	Current Use of Property	Proposed Use of Property
Residential	SFR	SFR

Current Zone District	Proposed Zone District
R-LD* Annexation	R-3 Single and Two-Family

Reason for the zone change request
Property was annexed in fall of 2022. Per City zoning ordinance, the property was brought in under the "R-LD" zoning classification. The rezoning is being proposed to provide consistency with the surrounding properties that are zoned R-3 "Single and Two-Family Residential"

Land use and the development proposed for the subject property. Include the time schedule (if any) for development. (Use additional pages if necessary)
Property is currently single-family and will remain single-family.

Current Zoning Surrounding Subject Property			
North:	CITY/ R-3	South:	HULL/ R-2
East:	CITY/ R-3	West:	HULL/ R-2
Current Land Use Surrounding Subject Property			
North:	Two-Family	South:	Single-Family
East:	Vacant/Two-Family	West:	Church/INST.

Is the proposed zoning map amendment consistent with the Comprehensive Plan? If so how?

EXHIBITS

Owner Information Sheet	☐	Additional Exhibits If Any:
Letter to District Alderperson	☐	
Maps (vicinity, zoning, floodplains, wetlands others as requested by staff)	☐	

CERTIFICATION AND SIGNATURE

By my signature below, I certify that the information contained in this application is true and correct to the best of my knowledge at the time of the application. I acknowledge that I understand and have complied with all of the submittal requirements and procedures and that this application is a complete application submittal. I further understand that an incomplete application submittal may cause my application to be deferred to the next posted deadline date.

Signature of Applicant	Date	Signature of Property Owner(s)	Date
Mark Klein	7/15/22	James Klein	7/15/22

Administrative Staff Report

Installation of Solar Arrays
Schmeeckle Reserve Visitors Center
North Point Drive
September 6, 2022

Department of Community Development

Applicant(s):

- Doug Stingle, representing the Schmeeckle Reserve Visitors Center

Staff:

- Ryan Kernosky, Director rkernosky@stevenspoint.com
- Adam Kuhn, Associate Planner akuhn@stevenspoint.com

Parcel Number(s):

- 281240828210001

Zone(s):

- "C" Conservancy

Master Plan:

- University

Council District:

- District 11 | Ald. Morrow

Lot Information:

- Frontage: 1,322 ft.
- Depth: 1,300 ft.
- Lot Size: 1,045,440 sq. ft. (24 ac.)

Current Use:

- Schmeeckle Reserve

Applicable Regulations:

- 23.02(1)(a)(5)

Request

1. Public Hearing and action on a request from Doug Stingle, representing the Schmeeckle Reserve Visitors Center, for a conditional use permit to construct a ground-mounted solar array on an unaddressed parcel off of North Point Drive (Parcel ID 281240828210001), consistent with Ch. 23.02(1)(a)(5).

Attachment(s)

1. Application
2. Plans

Findings of Fact

1. The applicant is requesting to construct a solar array that consists of 20 solar modules that will be mounted on a single pole.
2. The subject property is zoned "C" Conservancy.
3. The "C" Conservancy District requires a 50-foot street setback for all structures and mechanical equipment. The applicant is requesting a 35-foot setback from North Point Drive.
4. The solar array is considered an accessory use to the principal use of the property (i.e., Schmeeckle Visitors Center).
5. The City Plan Commission may recommend and the Common Council may approve reduced setbacks for accessory structures relating to a utility, pipeline, transmission line, substation, or generally similar use. The reduced setbacks shall be no less than half of the performance standard setbacks.

Staff Recommendation

Approve the conditional use request to construct a ground-mounted solar array on an unaddressed parcel off of North Point Drive (Parcel ID 281240828210001), subject to the following conditions:

1. A building permit shall be obtained prior to the start of development.
2. Minor modifications to the plan may be approved by City staff, including changes in setbacks not exceeding 10%.

Vicinity Map

Background

Overview: The Schmeeckle Nature Reserve Visitors Center is planning to install 20 solar modules on the north side of the existing parking lot. This project represents a second phase development of solar infrastructure which first occurred in 2019. The solar array is identified as an accessory structure in the City's Zoning Code and is considered a permitted use within the "C" Conservancy District. Although the solar array is accessory to the Schmeeckle Reserve Visitors Center, it is required to meet the principal structure setback requirements of the "C" Conservancy District. The "C" District requires a street yard setback of 50 feet, however the solar array is proposed to be setback approximately 35 feet from the street lot line. The applicant has indicated that the location was chosen due to two main factors. The first of which is the placement of this solar array in an unshaded location with close proximity to the Visitor's Center. Additionally, the south side of the parking lot is limited due to the existence of Zimmerman Prairie and its restriction from installing man-made items. Therefore, the north side of the Visitor Center parking lot is recommended.

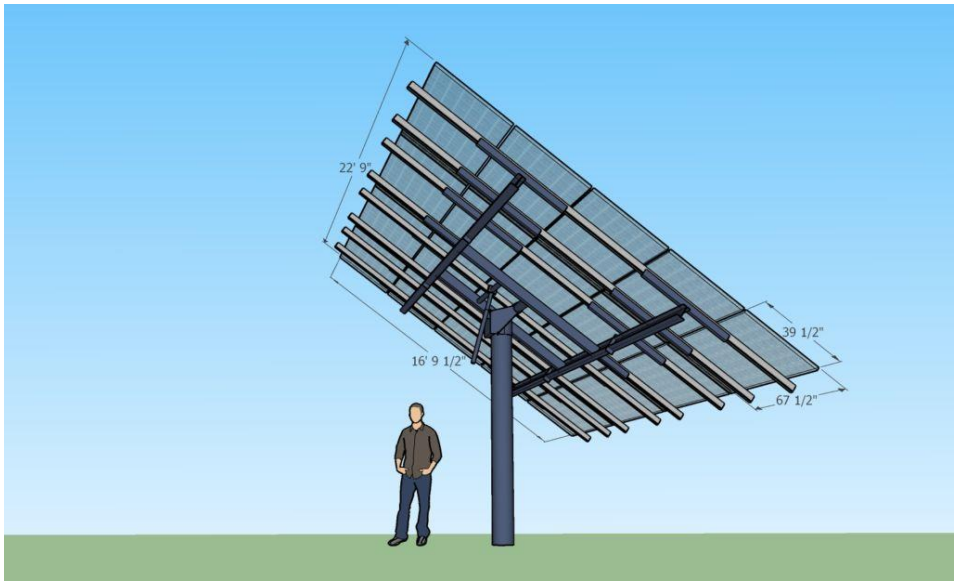
According to the City's Zoning Code, the Common Council may approve lesser setbacks for the proposed solar array by way of a conditional use permit. Said requirement is outlined below.

Ch. 23.02(1)(a) Conservancy District

5) The City Plan Commission may recommend and the Common Council may approve reduced setbacks for accessory structures relating to a utility, pipeline, transmission line, substation, or generally similar use. The reduced setbacks shall be no less than half of the performance standard setbacks in the table above.

An analysis of this request relative to the City's fourteen standards for reviewing a conditional use request are outlined below.

Standards of Review – Conditional Use Permit



Rendering of Proposed Solar Array

1. **The establishment, maintenance, or operation of the use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare.**

   Analysis: The lot size (24 acres) is appropriate for the use which is only occurring on less than an acre of the northern portion of the property. Further, the use is proposed near the existing parking lot for Schmeeckle Reserve. While this property is primarily utilized for recreation by the community, it is also a crucial resource to the University of Wisconsin-Stevens Point for educational purposes.

   Findings: Given the existing natural state of the surrounding area, the proposed improvement should not be detrimental.

2. **The use will not be injurious to the use and for the purpose already permitted, nor substantially diminish and impair property values.**

   Analysis: The SentryWorld Golf Course is located north of the property. The proposed solar collectors will be located near an existing parking lot off of North Point Drive, setback approximately 35 feet.

   Findings: The proposed solar array should not negatively impact the surrounding uses or diminish the neighborhood.

3. **The establishment of the use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.**

   Analysis: The respective area is in an established and developed area of the city. The City's Comprehensive Plan identifies this area as part of the University of Wisconsin-Stevens Point campus.

Findings: The location of the solar array on the property should not impact the right-of-way or negatively affect the improvement of the surrounding property. Furthermore, the low density of the area and large acreage of the adjacent uses creates an adequate buffer to the solar array.

4. **The exterior architectural appeal and function plan of any proposed structure will not be variance with either the exterior architectural appeal and function plan, and scale of the structures already constructed or in the course of construction in the immediate neighborhood or in the character of the applicable district so as to result in a substantial or undue adverse effect on the neighborhood.**

   Analysis: The applicant is proposing a freestanding ground mount solar array with 20 modules.

   Findings: The array is an accessory use on the property and does not match the exterior architectural appeal of existing facilities because of its photovoltaic function.

5. **Adequate utilities, access roads, drainage and/or facilities have been, or are being, provided.**

   Analysis: The property is accessed via driveway on North Point Drive, which leads to a parking lot for the Schmeeckle Reserve. The impervious surface created from the solar array will increase stormwater runoff, however the site is graded into swales which currently exist around the parking lot.

   Findings: Adequate roads and proposed drainage will exist to serve the improvement.

6. **Adequate measures have been, or will be taken, to provide ingress and egress so designed to minimize traffic congestion in the public streets.**

   Analysis: Uses of the site will continue and will continue to use the existing parking lot. Access to the site also occur via other means, such as the trail system within the reserve.

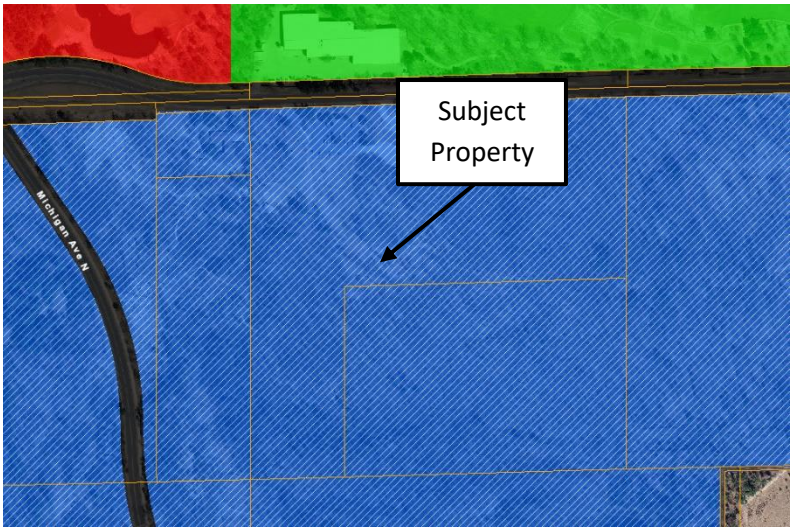
   Findings: An influx of traffic is not expected with this proposed improvement.

7. **The proposed use is not contrary to the objectives of any duly adopted land use plan for the City of Stevens Point and any of its components.**

   Analysis: The City's 2005 Comprehensive Plan Future Land Use Map has identified this property has identified the subject property as part of the University of Wisconsin-Stevens Point. The subject property is zoned "C" Conservancy. According to the City's Zoning Code, the "C" Conservancy District is established "to provide protection to environmentally-sensitive lands such as flood plains, wetlands, shorelands, well fields, airport fringe lands and fringe lands remote from City services and access. The district is also intended to be applied as a means of regulating the timing and direction of land development in accordance with the City's Comprehensive Plan."

Findings: The proposed development is consistent with the Comprehensive Plan and the "C" Conservancy District as the solar array is intended to reduce the use of fuels for the existing facility and offer visitors a place to charge electric vehicles.

8. **The use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission.**



Analysis: The request is to reduce the street front yard setback for a solar array from the required 50 feet to approximately 35 feet. The City Plan Commission may recommend and the Common Council may approve reduced setbacks for accessory structures relating to a utility, pipeline, transmission line, substation, or generally similar use. The reduced setbacks shall be no less than half of the performance standard setbacks.

Findings: Staff have determined that the solar array is a similar use to those listed above and thus, the Common Council could reduce the street front yard setback to 25 feet.

9. **The proposal will not result in result in an over-concentration of high-density living facilities in one area so as to result in a substantial or undue adverse effect on the neighborhood, on the school system, and the social and protective systems of the community.**

Analysis: N/A

Findings: N/A

10. **Principal – Applications for exclusive multi-family residential uses: The view from the street should maintain a residential character. The view should not be dominated by the building and not by garages, parking, mechanical equipment, garbage containers, or other storage.**

Analysis: N/A

Findings: N/A

11. **Access to the site shall be safe.**

    Analysis: Vehicular access exists off of North Point Drive. A significant amount of traffic is not anticipated as part of this proposed improvement.

    Findings: This standard is met.

12. **There shall be adequate utilities to serve the site.**

    a. **The Public Works Director, Police Chief and Fire Chief shall determine whether there is adequate sanitary sewer, portable water, storm drainage, street capacity, emergency access, public protection services, and other utilities to serve the proposed development. They shall review the plan to ensure safety and access for safety vehicles.**

       Analysis: Electrical connections exist to support the installation of the proposed solar array. Access into the site is not proposed to change as part of this proposed improvement.

       Findings: This standard is met.

13. **The privacy of the neighboring development and the proposed development shall be maintained as much as practical. Guidelines:**

    a. **Mechanical equipment including refuse storage shall be screened from neighboring properties.**

       Analysis: Outdoor storage and refuse is not proposed.

       Findings: This standard is met.

    b. Lighting **shall be located to minimize intrusion onto the neighboring properties.**

       Analysis: A lighting plan has not been submitted.

       Findings: Any lights should not intrude on adjacent properties. Lighting will likely not intrude onto adjacent properties due to the proposed use.

    c. **Sources of noise shall be located in a manner that minimizes impact to neighboring properties.**

       Analysis: No sources of noise should occur during the normal operation of the solar array.

       Findings: This standard is met.

14. **Principal – Applications for exclusive multi-family residential uses. Landscaping shall be provided, or existing landscape elements shall be preserved to maintain a sense of residential character, define boundaries, and to enhance the sense of enclosure and privacy.**

    Analysis: N/A

    Findings: N/A

Based on the findings above, staff would recommend approval of the conditional use permit with the conditions outlined on page one. Please keep in mind that recent State legislation has placed limitations on local jurisdictions regarding the denial of conditional use permits. Conditional use permits shall be reviewed by a means to permit a use under certain conditions applied to the use or property. For example, if a concern is raised regarding to a standard above, a condition can be applied to the permit to address the concern and grant the permit.

Site Photos

City of Stevens Point
Community Development Department

1515 Strongs Avenue, Stevens Point, WI 54481
P: (715) 346-1567 F: (715) 346-1498
communitydevelopment@stevenspoint.com
http://stevenspoint.com

APPLICATION FOR A CONDITIONAL USE PERMIT

(Pre-Application Conference Required)

ADMINISTRATIVE SUMMARY (Staff Use Only)

Application #		**Date Submitted**		**Fee Required**		**Fee Paid**	
Associated Applications if Any				**Assigned Case Manager**			
Pre-Application Conference Date				**Conditional Use Permit Request**	**Use** ☐ **Amend** ☐		

APPLICANT/CONTACT INFORMATION

APPLICANT INFORMATION		**CONTACT INFORMATION (Same as Applicant? ☐)**	
Applicant Name	Schmeeckle Reserve Visitors Center	**Contact Name**	Doug Stingle
Address	2419 Northpoint Dr.	**Address**	578 Allen St
City, State, Zip	Stevens Point, WI 54481	**City, State, Zip**	Amherst, WI 54406
Telephone	715-346-4992	**Telephone**	715-600-4742
Fax		**Fax**	
Email	i	**Email**	doug@northwindre.com

OWNERSHIP INFORMATION

PROPERTY OWNER 1 INFORMATION (Same as Applicant? ☐)		**PROPERTY OWNER 2 INFORMATION (If Needed)**	
Owner's Name	Board of Regents	**Owner's Name**	
Address	PO Box 8010	**Address**	
City, State, Zip	Madison, WI 53708	**City, State, Zip**	
Telephone		**Telephone**	
Fax		**Fax**	
Email		**Email**	

PROJECT SUMMARY

Subject Property Location [Please Include Address and Assessor's Identification Number(s)]

Parcel 1	**Parcel 2**	**Parcel 3**
281240828210001		

Legal Description of Subject Property

Designated Future Land Use Category	**Current Use of Property**
	Conservancy- Schmeeckle Reserve Vistors Center Parking Lot

Explain the land use and the development proposed for the subject property. Include the time schedule (if any) for development. (Use additional pages if necessary)

Schmeeckle Reserve Visitors Center is planning on Installing a second pole mounted solar array on north edge of existing parking lot. The solar array will consist of 20 solar modules and be mounted on a single pole. The new solar array will be the same as the existing one that was installed in 2019. The array will be approximately 35-40 ft from the property line.

How will the proposed development reinforce the existing or planned character of the neighborhood? (Use additional pages if necessary)

Outline steps that will be taken to reduce any negative impacts on adjacent property. (Use additional pages if necessary)
The neighborhood is a mix of nature preserve, Sentry buildings and golf course. Adjacent property to the east is the Schmeeckle Reserve Visitors Center. Adjeacent parcels to the west and south are part of the Schmeeckle Reserve. Parcel to the north (across Northpoint Dr.) is SentryWorld golf course.

Current Zoning Surrounding Subject Property			
North:	C Conservancy, B4 Commercial, Split Zone	South:	Conservancy
East:	Conservancy	West:	RLD Low Density
Current Land Use Surrounding Subject Property			
North:	Golf course, maintenance buildings	South:	Nature reserve
East:	Nature Reserve	West:	Nature reserve visitors center

EXHIBITS

Owner Information Sheet	☐	Additional Exhibits If Any:
Letter to District Alderperson	☐	
Maps (vicinity, zoning, floodplains, wetlands others as requested by staff)	☐	
Site Plan (designating primary, side, and service street frontages)	☐	
Building Elevations	☐	
Parking Plan (Location, number of spaces, reductions, and design and landscaping)	☐	
Street Plan with Cross-sections	☐	
Utility Plan	☐	
Landscape Plan (including any equivalent alternative landscaping requests)	☐	
Stormwater Plan	☐	
Outdoor Lighting Plan (location of fixtures, illumination levels)	☐	

CERTIFICATION AND SIGNATURE

By my signature below, I certify that the information contained in this application is true and correct to the best of my knowledge at the time of the application. I acknowledge that I understand and have complied with all of the submittal requirements and procedures and that this application is a complete application submittal. I further understand that an incomplete application submittal may cause my application to be deferred to the next posted deadline date.

Signature of Applicant	Date	Signature of Property Owner(s)	Date
Douglas J. Straff	8/3/22		

From:	Doug Stingle
To:	District 11
Cc:	Adam Kuhn
Subject:	[External] Schmeeckle Reserve Solar Array Conditional Use
Date:	Wednesday, August 3, 2022 2:17:09 PM
Attachments:	Schmeeckle Site Plan.pdf

Hello Alderman Morrow,

I am writing to let you know about a planned solar array for Schmeeckle Reserve at 2419 Northpoint Dr that requires a conditional use permit. The planned solar array will be sited on the north edge of the Reserve's parking lot just to the east of the existing solar array that was installed in 2019. The new solar array will be the same in size and appearance as the existing solar array that was installed in 2019. I have attached a site plan showing the location of the new solar array for your reference.

Please feel free to contact me with any questions or if you need additional information.

Thank you,
Doug

--
Shine ON!

Doug Stingle
Northwind Solar
Cell: 715-600-4742 Office:715-630-6451
northwindre.com

This email has been scanned for spam and viruses by Proofpoint Essentials. Click here to report this email as spam.

Photovoltaic System Site Plan
Scale:NTS

Site Plan Notes:

Ground Mounted Photovoltaic Electric system
2. System is interconnected to the utility via a supply side interconnection in the main panel
3. Per NEC requirements all equipment will be labeled

578 Allen St.
Amherst, WI 54406

Client: Schmeeckle Reserve
2419 Northpoint Dr
Stevens Point, WI 54481

powered by Q.ANTUM DUO Z

PRELIMINARY

Q.PEAK DUO BLK-G10+
350-370

ENDURING HIGH PERFORMANCE

TÜVRheinland CERTIFIED
Quality Controlled PV
www.tuv.com ID 1111232615

ntv GERMANY'S MOST POPULAR PROVIDER Life & Living Award 2021 1st Place Solar Technology Customer rating from 11 brands www.disq.de DEUTSCHES INSTITUT FÜR SERVICE-QUALITÄT GmbH & Co. KG

25 YR Warranty Product & Performance

EUPD RESEARCH TOP BRAND PV MODULES EUROPE 2021

Q CELLS Yield Security

BREAKING THE 20 % EFFICIENCY BARRIER
Q.ANTUM DUO Z Technology with zero gap cell layout boosts module efficiency up to 20.9 %.

THE MOST THOROUGH TESTING PROGRAMME IN THE INDUSTRY
Q CELLS is the first solar module manufacturer to pass the most comprehensive quality programme in the industry: The new "Quality Controlled PV" of the independent certification institute TÜV Rheinland.

INNOVATIVE ALL-WEATHER TECHNOLOGY
Optimal yields, whatever the weather with excellent low-light and temperature behaviour.

ENDURING HIGH PERFORMANCE
Long-term yield security with Anti LID Technology, Anti PID Technology[1], Hot-Spot Protect and Traceable Quality Tra.Q™.

EXTREME WEATHER RATING
High-tech aluminium alloy frame, certified for high snow (5400 Pa) and wind loads (4000 Pa).

A RELIABLE INVESTMENT
Inclusive 25-year product warranty and 25-year linear performance warranty[2].

[1] APT test conditions according to IEC / TS 62804-1:2015, method A (–1500 V, 96 h)
[2] See data sheet on rear for further information.

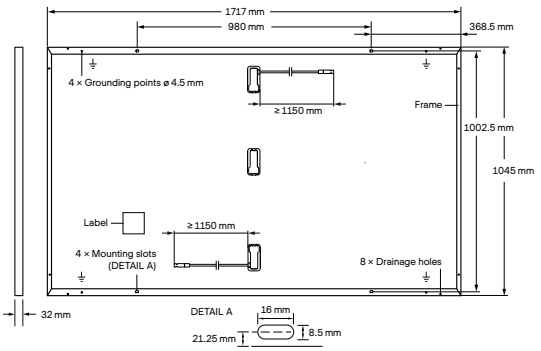
THE IDEAL SOLUTION FOR:
Rooftop arrays on residential buildings

Engineered in Germany

Q CELLS

MECHANICAL SPECIFICATION

Format	1717 mm × 1045 mm × 32 mm (including frame)
Weight	19.9 kg
Front Cover	3.2 mm thermally pre-stressed glass with anti-reflection technology
Back Cover	Composite film
Frame	Black anodised aluminium
Cell	6 × 20 monocrystalline Q.ANTUM solar half cells
Junction box	53-101 mm × 32-60 mm × 15-18 mm Protection class IP67, with bypass diodes
Cable	4 mm² Solar cable; (+) ≥1150 mm, (–) ≥1150 mm
Connector	Stäubli MC4; IP68

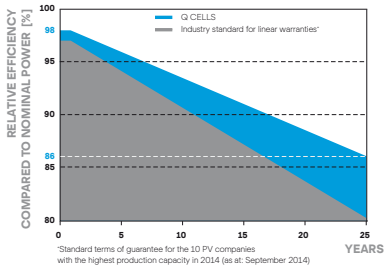


ELECTRICAL CHARACTERISTICS

POWER CLASS				350	355	360	365	370
MINIMUM PERFORMANCE AT STANDARD TEST CONDITIONS, STC[1] (POWER TOLERANCE +5 W / –0 W)								
Minimum	Power at MPP[1]	P_{MPP}	[W]	350	355	360	365	370
	Short Circuit Current[1]	I_{SC}	[A]	10.97	11.00	11.04	11.07	11.10
	Open Circuit Voltage[1]	V_{OC}	[V]	41.11	41.14	41.18	41.21	41.24
	Current at MPP	I_{MPP}	[A]	10.37	10.43	10.49	10.56	10.62
	Voltage at MPP	V_{MPP}	[V]	33.76	34.03	34.31	34.58	34.84
	Efficiency[1]	η	[%]	≥19.5	≥19.8	≥20.1	≥20.3	≥20.6
MINIMUM PERFORMANCE AT NORMAL OPERATING CONDITIONS, NMOT[2]								
Minimum	Power at MPP	P_{MPP}	[W]	262.6	266.3	270.1	273.8	277.6
	Short Circuit Current	I_{SC}	[A]	8.84	8.87	8.89	8.92	8.95
	Open Circuit Voltage	V_{OC}	[V]	38.77	38.80	38.83	38.86	38.90
	Current at MPP	I_{MPP}	[A]	8.14	8.20	8.26	8.31	8.37
	Voltage at MPP	V_{MPP}	[V]	32.24	32.48	32.71	32.94	33.17

[1]Measurement tolerances P_{MPP} ±3%; I_{SC}; V_{OC} ±5% at STC: 1000 W/m², 25±2 °C, AM 1.5 according to IEC 60904-3 • [2]800 W/m², NMOT, spectrum AM 1.5

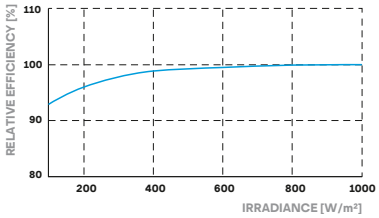
Q CELLS PERFORMANCE WARRANTY



At least 98 % of nominal power during first year. Thereafter max. 0.5 % degradation per year. At least 93.5 % of nominal power up to 10 years. At least 86 % of nominal power up to 25 years.

All data within measurement tolerances. Full warranties in accordance with the warranty terms of the Q CELLS sales organisation of your respective country.

PERFORMANCE AT LOW IRRADIANCE



Typical module performance under low irradiance conditions in comparison to STC conditions (25 °C, 1000 W/m²).

TEMPERATURE COEFFICIENTS							
Temperature Coefficient of I_{SC}	α	[%/K]	+0.04	Temperature Coefficient of V_{OC}	β	[%/K]	–0.27
Temperature Coefficient of P_{MPP}	γ	[%/K]	–0.34	Nominal Module Operating Temperature	NMOT	[°C]	43±3

PROPERTIES FOR SYSTEM DESIGN

Maximum System Voltage	V_{SYS}	[V]	1000	PV module classification		Class II
Maximum Reverse Current	I_R	[A]	20	Fire Rating based on ANSI / UL 61730		C / TYPE 2
Max. Design Load, Push / Pull		[Pa]	3600 / 2660	Permitted Module Temperature on Continuous Duty		–40 °C - +85 °C
Max. Test Load, Push / Pull		[Pa]	5400 / 4000			

QUALIFICATIONS AND CERTIFICATES

Quality Controlled PV - TÜV Rheinland;
IEC 61215:2016; IEC 61730:2016.
This data sheet complies with DIN EN 50380.
QCPV Certification ongoing.

TÜVRheinland CERTIFIED
www.tuv.com
ID 1111220277

CE

Note: Installation instructions must be followed. See the installation and operating manual or contact our technical service department for further information on approved installation and use of this product.

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Sonnenallee 17-21, 06766 Bitterfeld-Wolfen, Germany | **TEL** +49 (0)3494 66 99-23444 | **FAX** +49 (0)3494 66 99-23000 | **EMAIL** sales@q-cells.com | **WEB** www.q-cells.com

Specifications subject to technical changes © **Q CELLS** Q.PEAK DUO BLK-G10+_350-370_2021-08_Rev01_EN

Engineered in Germany

City of Stevens Point
1515 Strongs Avenue
Stevens Point, WI 54481-3594

Department of Community Development
Adam Kuhn
Associate Planner
Zoning Administrator
Ph: (715) 346-1567
Fax: (715) 346-1498

MEMORANDUM

To: Plan Commission

From: Adam Kuhn, Associate Planner / Zoning Administrator

Date: September 6, 2022

RE: Proposed Amendment to Ch. 23.05 of the Zoning Code

Background: Decades earlier when the City first adopted a zoning ordinance, it was required through State Statute 62.23(7)(e) to establish a Zoning Board of Appeals for the purposes of reviewing variance and administrative appeal requests. Within §62.23(7)(e), it establishes rules as to the composition of the Board, what type of requests are brought before the Board, and how meetings function. Excerpts from §62.23(7)(e) are carried over it its entirety and placed into Ch. 23.05 of the City's Zoning Code.

Several years ago, the State Legislature approved several amendments to §62.23(7)(e). Such amendments are as follows:

- Providing a definition of an area variance and use variance;
- Acknowledging that the burden of proof to prove that an unnecessary hardship exists is placed on the property owner requesting a variance; and
- Outlining the process to appeal a decision made by the Zoning Board of Appeals.

Although the Zoning Board of Appeals, through their legal counsel, has been operating in accordance with these amendments, the City's Zoning Code was not updated years ago to reflect these changes. Please note that the proposed ordinance amendments will not change how the Zoning Board of Appeals have been functioning since the amendment to §62.23(7)(e) – this request is merely a housekeeping item to ensure that the City's Zoning Code includes the most up-to-date excerpt of State Statute within the ordinance.

Open Records Rider: The City of Stevens Point is subject to Wisconsin Statutes relating to public records. Communication, such as this document, sent or received by City employees are subject to these laws. Unless otherwise exempted from the public records law, senders and receivers of City communication should presume that the communications are subject to release upon request, and to state record retention requirements.

ORDINANCE AMENDING THE REVISED MUNICIPAL CODE OF THE CITY OF STEVENS POINT, WISCONSIN

[Chapter 23 of the Revised Municipal Code – Zoning Ordinance – Board of Appeals]

The Common Council of the City of Stevens Point, Portage County, Wisconsin, do ordain as follows:

SECTION I: That Section 23.05 of the Zoning Ordinance of the Revised Municipal Code of the City of Stevens Point shall be amended as follows:

> A Board of Appeals is hereby established. It shall hold meetings and have power provided by law. Appeals shall be accompanied by a fee in the amount indicated in the most recently adopted Department of Community Development Fee Schedule. A copy of all Flood Plain decisions by the Board of Appeals shall be mailed to the appropriate district office of the Department of Natural Resources.
>
> The Board of Appeals shall not permit any change in established flood elevation or profiles; shall not grant flood plain variances for a use that is common to a group of adjacent lots or premises (in such case, the Zoning Ordinance would have to be amended through proper procedures); shall not grant a variance unless it is consistent with the spirit and intent of the ordinance and will not be contrary to the public interest or damaging to the rights of other persons or property values in the area; shall not grant a variance for an action which requires an amendment to the flood plain regulations; shall not grant a variance which would have the effect of allowing or expanding a use or structure which is prohibited in that zoning district; shall not grant a variance for a self-created hardship.
>
> The Board of Appeals may permit modification or additions to structures which are not conforming with the flood fringe standards when the standards would result in unnecessary hardship and the structure will not be used for human habitation; the structure will not be associated with a high flood damage potential; human lives are not endangered; public facilities such as water or

sewer, are not to be installed; flood depths will not exceed four feet; flood velocities will not exceed two feet per second and the structure will not be used for storage of materials that are buoyant, flammable, explosive, or which in time of flooding could be injurious to human, animal, or plant life. If a variance is granted, the community shall notify the property owner that increased flood insurance premiums may result.

Wis. State Statute 62.23(7)(e):

1) The council which enacts zoning regulations pursuant to this section, shall by ordinance provide for the appointment of a Board of Appeals, and shall provide in such regulations that said Board of Appeals may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained. Nothing in this subdivision shall preclude the granting of special exceptions by the City Plan Commission or the Common Council in accordance with zoning regulations adopted pursuant to this section which were in effect on July 7, 1973 or adopted after that date.

2) The Board of Appeals shall consist of 5 members appointed by the Mayor subject to confirmation by the Common Council for terms of 3 years, except that of those first appointed, one shall serve for one year, 2 for 2 years, and 2 for 3 years. The members of the Board shall serve at such compensation to be fixed by ordinance, and shall be removable by the Mayor for cause upon written charges and after public hearing. The Mayor shall designate one of the members chairman. The Board may employ a secretary and other employees. Vacancies shall be filled by the unexpired terms of members whose terms become vacant. The Mayor may appoint, for staggered terms of 3 years, 2 alternate members of such Board, in addition to the 5 members above provided for. Annually, the Mayor shall designate one of the alternate members as 1st alternate and the other as 2nd alternate. The 1st alternate shall act with full power, only when a member of the Board refuses to vote because of interest or when a member is absent. The above provisions, with regard to removal and the filling of vacancies, shall apply to such alternates.

3) The Board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this section. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. **If a quorum is present, the board of appeals may take action by a majority vote of the members present.**

4) Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the city, affected by any decisions of the administrative officer. Such appeal may be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board of Appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

5) An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Appeals after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, such proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record which may be granted by the Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

6) The Board of Appeals shall fix a reasonable time for the hearing for the appeal or other matter referred to it, and give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. **In any action involving a listed property, as defined in Wis. Stats. 44.31(4), the board shall consider any suggested alternatives or recommended decision submitted by the historic preservation commission or the planning commission.**

7) **An "area variance" means a modification to a dimensional, physical, or locational requirement such as a setback, frontage, height, bulk, or density restriction for a structure that is granted by the board of appeals under this paragraph. A "use variance" means an authorization by the board of appeals under this paragraph for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance.**

8) The Board of Appeals shall have the following powers: to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this section or of any ordinance adopted pursuant thereto; to hear and decide special exception to the terms of the ordinance upon which such Board is required to pass under such ordinance; to authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the ordinance will result in a practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. The Board may permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of the ordinance, a building or premise to be erected or used for such public utility purposes in any location

which is reasonably necessary for the public convenience and welfare.

9) **A property owner bears the burden of proving "unnecessary hardship," as that term is used in this subdivision, for an area variance, by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome or, for a use variance, by demonstrating that strict compliance with a zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a variance. In all circumstances, a property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.**

10) **The council of a city may enact an ordinance specifying an expiration date for a variance granted under this subdivision if that date relates to a specific date by which the action authorized by the variance must be commenced or completed. If no such ordinance is in effect at the time a variance is granted, or if the board of appeals does not specify an expiration date for the variance, a variance granted under this subdivision does not expire unless, at the time it is granted, the board of appeals specifies in the variance a specific date by which the action authorized by the variance must be commenced or completed. An ordinance enacted after April 5, 2012, may not specify an expiration date for a variance that was granted before April 5, 2012. A variance granted shall run with the land.**

11) In exercising the above-mentioned powers such Board may, in conformity with the provisions of such section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made, and to that end shall have all of the powers of the officer from whom the Board is taken, and may issue or direct the issue of a permit.

12) A majority of the members present shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance. The grounds of every such determination shall be stated.

13) Any person or persons, jointly or severally aggrieved by any decision of the Board of Appeals, or any taxpayer, or any officer, department, board or bureau of the municipality, may**, within 30 days after the filing of the decision in the office of the board of appeals, commence an action seeking the remedy available by certiorari. The court shall not stay proceedings upon the decision appealed from, but may, on application, on notice to the board of appeals and on due cause shown, grant a restraining order. The board of appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof. If necessary for the proper disposition of the matter, the court may take evidence, or appoint a referee to take evidence and**

report findings of fact and conclusions of law as it directs, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify, the decision brought up for review.

~~present to a court of record a petition, duly verified, setting forth that such decision is illegal in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Board of Appeals.~~

~~14) Upon the presentation of such petition, the court may allow a writ of certiorari directed to the Board of Appeals in order to review such decision of the Board of Appeals, and shall prescribe therein the time within which a return thereto must be made and served upon the realtors attorney, which shall not be less than 10 days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board of Appeals, and on due cause shown, grant a restraining order.~~

~~15) The Board of Appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from, and shall be verified.~~

~~16) If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence, or appoint a referee to take such evidence as it may direct and to report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.~~

17) Costs shall not be allowed against the Board unless it shall appear to the court that the Board acted with gross negligence or in bad faith, or with malice, in making the decision appealed from.

18) All issues in any proceedings under this section shall have preference over all other civil actions and proceedings.

SECTION III: That this ordinance shall take effect upon passage and publication.

Approved: _____
Mike Wiza, Mayor

Attest: _____
Kari Yenter, City Clerk

Dated: September 6, 2022
Adopted:

Drafted By: Adam Kuhn
Return To: City Clerk

City of Stevens Point
1515 Strongs Avenue
Stevens Point, WI 54481-3594

Department of Community Development
Adam Kuhn
Associate Planner
Zoning Administrator
Ph: (715) 346-1567
Fax: (715) 346-1498

MEMORANDUM

To: City Plan Commission

From: Adam Kuhn, Associate Planner / Zoning Administrator

Date: September 6, 2022

RE: Proposed Amendments to the Historic Preservation / Design Review Commission's Design Review Guidelines

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Background: For several weeks, the Historic Preservation / Design Review Commission have expressed an interest in amending sections of their design guidelines as it relates to required approvals and demolition review requirements. Although a comprehensive review of these design and demolition requirements will take place later this year, before you all are three proposed amendments for your consideration.

1. Required approvals for new accessory structures.

   Currently, the Commission's Design Guidelines outlines the "construction of new accessory structures" as a 'major work.' A 'major work' is defined as "significant projects, such as new construction and additions, which potentially alter the existing appearance of the historic district." Improvements classified as major works requires the review and approval of the Historic Preservation / Design Review Commission.

   Last month, the Historic Preservation / Design Review Commission conducted a design review of a proposed 24 square foot accessory structure to be built within the Downtown Design Review District. Although the applicant did not need to obtain a building permit to construct the 24 square foot structure (as accessory structures under 25 square feet in size do not require a building permit), a design review was needed.

   As part of this agenda item, I am proposing to amend Section 7.4 of the Commission's Design Guidelines to set a threshold for when a new accessory structure requires Commission review. New accessory structures of 25 square feet in

Open Records Rider: The City of Stevens Point is subject to Wisconsin Statutes relating to public records. Communication, such as this document, sent or received by City employees are subject to these laws. Unless otherwise exempted from the public records law, senders and receivers of City communication should presume that the communications are subject to release upon request, and to state record retention requirements.

size or greater would still require the Commission's review (and classified as a 'major work'), but new accessory structures under 25 square feet in size would be classified as a 'minor work.' A 'minor work' is defined as "projects including general maintenance and simple projects that does not alter the appearance and character of the property." Improvements considered a 'minor work' can be reviewed and approved by the Zoning Administrator. It is my belief that if an accessory structure is small enough to not require a building permit, staff should have the ability to conduct an administrative design review of the request to better streamline the approval process.

The proposed amendment is outlined as follows:

Sec. 7.4: Major and Minor Works

Sec. 7.4.1: Major Works (HPDRC Approval)

f. Construction of new accessory structures ***at or greater than 25 square feet in size***

Sec. 7.4.2: Minor Works (Staff Approval)

w. Construction of new accessory structures under 25 square feet in size

2. Required approvals for renewing expired design review certificates.

Chapter 22.05(2)(1) of the City's Revised Municipal Code states that design review certificates shall expire after twelve months from the date that the certificate is issued. Applicants wishing to renew an expired design review certificate are required to obtain Commission approval for projects "of substantial proportion." Please note that projects "of substantial proportion" are not further defined within the Commission's Design Guidelines. With that said, this proposed amendment aims to make the renewal of expired design review certificates be a 'minor work' provided that there were no significant amendments to the approved project.

The likelihood of completing a significant project within one year is quite low due to several factors. Such factors include the length of time that plan reviewers within the Wisconsin Department of Safety and Professional Services takes to review a plan submittal (roughly one to three months), labor shortages and supply shortages. Knowing that these roadblocks exist, staff believes that it is appropriate to temporarily transfer the ability to renew expired design review certificates from the Commission to City staff.

The proposed amendment is outlined as follows:

Sec. 7.4: Major and Minor Works

Sec. 7.4.1: Major Works (HPDRC Approval)

r. ~~Renewal of an expired design review certificate on projects of substantial proportion~~

Sec. 7.4.2: Minor Works (Staff Approval)

x. Renewal of an expired design review certificate

3. Amendment to demolition review guidelines.

Last month, the Historic Preservation / Design Review Commission discussed one demolition review guideline as it relates to a self-claimed hardship. This guideline is as follows:

> *"Whether the building or structure is in such a deteriorated condition that it is not structurally or economically feasible to preserve or restore it, provided that any hardship-or difficulty claimed by the owner which is the result of any failure to maintain the property in good repair cannot qualify as a basis for the issuance of an approval to demolish."*

Under a literal interpretation of the above guideline, it states that if a current property owner fails to maintain their property in good repair, it is not a valid claim of hardship due to it being self-created. However, it fails to mention the disrepair of a structure that may occur from a previous owner. For example, a property owner that willfully or unwilfully causes a structure to go into disrepair may sell this property to a new party. This new property owner, under a literal interpretation of the above guideline, may claim to meet this requirement as the failure to maintain the property and/or structure was not due to the current owner but rather a previous owner.

It is commonplace in zoning and land use administration for a deficiency/non-conformity to run with the property and not expire in the event of a real estate transaction. For example, a non-conforming structure is not made conforming with a real estate transaction – this situation is transferred over and becomes the responsibility of the new owner. Therefore, it is my belief that this proposed amendment would close a loophole in the Commission's demolition guidelines and further promote the purpose and intent of such a review.

The proposed amendment is as follows:

Sec. 6.1 Demolition

Sec. 6.1.2 Demolition Guidelines

6. Whether the building or structure is in such a deteriorated condition that it is not structurally or economically feasible to preserve or restore it. ***Any hardship or difficulty claimed by the owner may not come as a result of any failure to maintain the property in good repair by the current property owner or previous property owners.*** ~~*, provided that any hardship-or difficulty claimed by the owner which is the result of any failure to maintain the property in good repair cannot qualify as a basis for the issuance of an approval to demolish.*~~

Plan Commission Review: On August 10th, the Historic Preservation / Design Review Commission recommended approval of these three amendments. As the Historic

Preservation / Design Review Commission is advisory to the Plan Commission, the Plan Commission must take action on these requests.

ARTICLE 6. 0 DEMOLITION AND RELOCATION

Sec. 6.1 Demolition

Demolishing a historic structure within a district has the potential to irreversibly change the character of the district and can compromise the quality and sense of place of the entire district. Historic structures represent a tangible link to a community's past. They are physical expressions of architectural style, building technology, and personal taste. Demolition of a historic structure is strongly discouraged, and any time a demolition is proposed, alternatives should be carefully explored. Design Review guidelines and procedures are further described in Chapter 22 of the City of Stevens Point revised municipal code.

6.1.1 Review for Demolition

The HP/DRC will review demolition requests, taking into consideration the property's significance, and guidelines below. A delay period of 365 days exists, allowing for alternatives to be explored prior to the demolition. If the Commission determines that the building in question has no historic significance or value, the demolition request can be approved without delay.

6.1.2 Demolition Guidelines

1. Whether the building or structure is of such architectural or historic significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the city or state.

2. Whether the building or structure, although not itself a historic structure, contributes to the distinctive architectural or historic character of the historic district as a whole, and therefore, should be preserved for the benefit of the people of the city or the state.

3. Whether demolition of the subject property would be contrary to the objectives of the historic preservation plan for the applicable district as duly adopted.

4. Whether the building or structure is of such old, unusual or uncommon design, texture, and/or material, that it could be reproduced only with great difficulty and/or expense.

5. Whether retention of the building or structure would promote the general welfare of the people of the city or the state, by encouraging study of American history, architecture and design, or by developing an understanding of American culture and heritage.

6. Whether the building or structure is in such a deteriorated condition that it is not structurally or economically feasible to preserve or restore it, provided that any hardship-or difficulty claimed by the owner which is the result of any failure to maintain the property in good repair cannot qualify as a basis for the issuance of an approval to demolish.

7. Whether demolition of the building or structure would promote conformance with other criteria as designated in the City of Stevens Point Historic Design guidelines.

8. Prior to undertaking demolition work, the property owner should approach the HP/DRC to determine the historic significance of the structure and its relationship to the district.

9. If the HP/DRC determines that the structure is historically significant, it should delay the demolition for an appropriate time in order for staff and the Commission to work with the property owner to seek viable alternatives to demolition. Alternatives to demolition include, among other things:

    a. If a building is in disrepair, working with the property owner to develop a rehabilitation plan and identify funding assistance such as rehabilitation tax credits that would allow the building to be rehabilitated.

    b. If a building does not fit the owner's required needs, determining if the structure could be adaptively reused.

    c. Working with the -property owner to locate a buyer who will use the property without demolishing the structure.

    d. As a last resort, finding a suitable location within the district for the historic building to be moved and working with the property owner to develop a plan for relocation.

10. If all alternatives for preservation have been exhausted, the HP/DRC should work with the owner to make a permanent record of the historic resource including photography, an architectural description of the building, chain of title, floor and site plans, or collection of other historic documentation that is available. Since Stevens Point is a Certified Local Government, it must fill out an annual survey to the State's Historical Preservation Office that includes a list of all demolitions and provide historic data on the demolished properties.

11. When a demolition is proposed, the applicant should submit a landscaping plan illustrating proposed landscaping and other site development to be completed within six (6) months after demolition.

Sec. 6.2 Relocation

Removing a contributing structure from its historic setting can compromise the integrity of the building and the district as a whole. Often, however, relocation is the only method to preserve a structure that is faced with demolition. Relocation should be considered only when all other preservation alternatives have been eliminated. Occasionally, a structure may be moved into historic districts.

In planning the move of a structure, consideration should be given for how the relocated building will impact surrounding structures and fit into its new setting. Often, architectural features are compromised when moving a structure. Only an experienced house mover should be used so that damage to the historic building itself, significant vegetation, or buildings along the route is minimized. Prior to moving a structure, the property owner is advised to contact the State Historic Preservation Office to determine what measures need to be taken to ensure that the contributing status of the building is not jeopardized.

Relocation can be looked at in much the same way as new construction in that the building being introduced into a new environment should complement the character of its surroundings in architectural style, size, scale, orientation, and landscaping.

Much like new construction, the applicant should submit a plan for relocation including a site plan and drawings of the building in its new environment.

Relocation Guidelines

1. Relocation of a building within a historic district should only be considered as an alternative to demolition when all other preservation options have been exhausted.

2. Prior to the act of relocation, the HP/DRC should work with the owner to document through photography, drawings, and other means the existing location and environment of the historic structure. Measured drawings should be made particularly if there is to be

Tongue-and- groove: An edge joint of two boards consisting of a continuous raised fillet or tongue on one edge that fits into a corresponding rectangular groove cut into the edge of the other board.

Transom: A narrow, typically rectangular window located above a door or larger window. Transom windows are usually hinged, allowing the window to be opened to improve ventilation.

Turret: A small tower usually located at the corner of a building.

Veneer: A decorative facing applied to an exterior wall, typically either made of or made to look like brick or stone.

Wood Shingles: Thin tapered rectangular pieces of wood installed in overlapping rows to cover walls or roofs; the butt of the shingles can be cut in a variety of shapes to give a distinctive pattern to a wall surface.

Sec. 7.4 Major and Minor Works

7.4.1 Major Works (HP/DRC Approval)

a. New Construction or additions to primary building
b. Exterior alterations to principal elevations of buildings
c. Demolition of any structure
d. Relocation of any structure
e. Removal of accessory structures
f. Construction of new accessory structures
g. Construction or removal of chimneys when made of brick
h. Alteration, addition, or removal of existing decks
i. Construction of new decks
j. Construction of new driveways
k. New or expanded parking areas
l. Construction, addition, or removal of porches or steps
m. Changes to historic roof features
n. Construction, addition or removal of swimming pools
o. Installation of new windows and doors
p. Alteration of exterior surfaces
q. Substantial changes to a design review certificate
r. Renewal of an expired design review certificate on projects of substantial proportion
s. Removal of character defining landscaping and trees
t. Painting using colors not adopted by the Historic Preservation Design Review Commission.

7.4.2 Minor Works (Staff Approval)

a. Addition, or repair of existing accessory structures
b. Replacement of synthetic siding
c. Addition, or repair of existing awnings & shutters
d. Installation of new awnings and shutters when appropriate
e. Repair or replace existing siding, windows, doors, (no change)
f. Construction of appropriate fences, walls, or hedges
g. Repair or replacement of exposed foundations (no change)
h. Installation or replacement of gutters
i. Emergency removal of dead, diseased, or dangerous trees
j. Removal of deteriorated accessory buildings (non¬contributing)
k. Repair of existing masonry
l. Installation or removal of HVAC or mech. equipment (rear yard)
m. Repair or replacement of existing porches (no change)
n. Installation of appropriate signs
o. Installation of satellite dishes & TV antennas (rear yard)
p. Repair of existing stairs and steps
q. Repair, replacement, or construction of walkways
r. Installation of storm windows and doors
s. Replacement of existing roof coverings (no change)
t. Removal of non-character defining landscaping and trees
u. Painting using colors adopted by the Historic Preservation Design Review Commission

7.4.3 Maintenance (No Approval)

a. Repair or replacement of existing driveways & walks (no change)
b. Repair or replacement of existing fences or walls (no change)
c. Repair or replacement of existing gutters or downspouts (no change)
d. Minor plantings or clearing of overgrown bushes & shrubs
e. Repair or replacement of exterior lighting fixtures (no change)
f. Repairs, including repointing, to existing masonry
g. Repair or replacement of existing parking lots (no change)
h. Repair of existing roof coverings (no change)
i. Repair or replacement of existing signs (no change)
j. Repair to existing swimming pools
k. Construction of wooden trellises in rear yard
l. Repair or replacement of existing sidewalks
m. Window air conditioners at rear elevations

Sec. 7.5 Tax Credits

Currently, the federal tax code allows for a 20% tax credit for qualifying rehabilitations on income producing properties (such as commercial or residential buildings that are rented for profit). Therefore, an owner could recoup 20% of the total cost of a rehabilitation project in the form of tax credits. In Wisconsin, there is an additional state tax credit creating the potential for the property owner to recoup a total greater than 20% (state and federal) of the total cost of rehabilitation. Owners of non-income producing properties (single-family residences) are eligible for a state tax credit in Wisconsin.

To obtain local tax credit information, please refer to the City of Stevens Point's Community Development Department, or the State of Wisconsin Historical Society.

Sec. 7.6 Bibliography & Preservation Resources

7.6.1 Bibliography

1. Morton lll, W. Brown, Gary L. Hume, Kay D. Weeks and H Ward Jandl.: The Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings. Washington D.C.: U.S. Department of the Interior, National Park Service. 1997

2. Anne E. Grimmers, Jo Ellen Hensley, Liz Petrella and Audrey T. Tepper.: The Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines on Sustainability for Rehabilitating Historic Buildings. Washington D.C.: U.S. Department of the Interior, National Park Service. 2011

3. National Park service. Illustrated Guidelines for Rehabilitationg Historic Buildings. Washington D.C.: Historic Preservation Services, 1992.

4. National Park Service. *The Secretary of the Interior's Standards for Rehabilitation.* Washington, DC 1990.

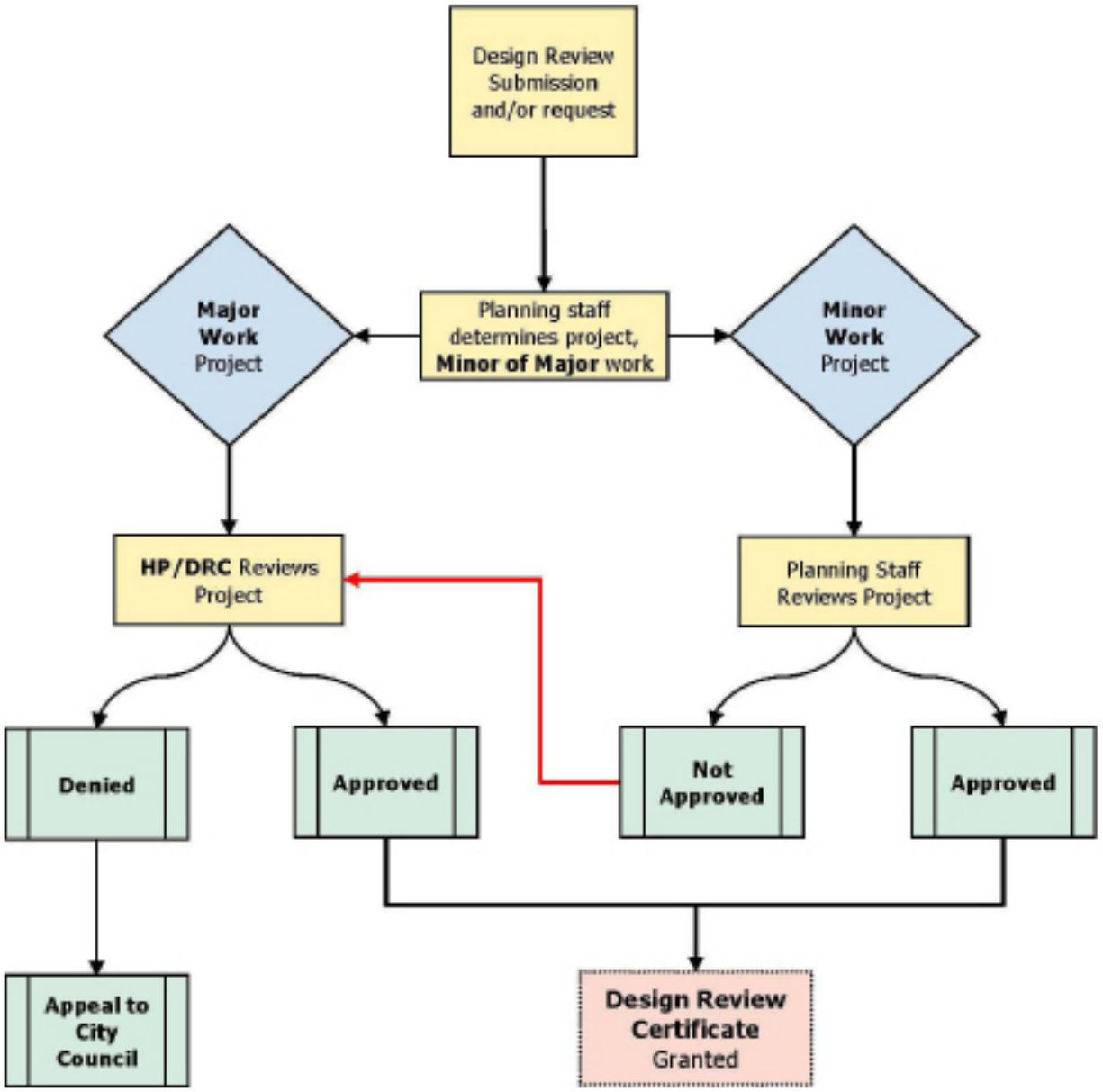
5. National Park Service. *Historic Preservation Tax Incentives.* Washington, DC 2012.

6. City of Washington North Carolina. Historic Preservation Design Guidelines, Washington, North Carolina. Washington, North Carolina. 2010

7. Wisconsin Historical Society. Historic Preservation. Historic Home Owners' Tax Credits. http://www.wisconsinhistory.org/hp/architecture/tax_credit.asp

8. Wisconsin Historical Society. Historic Preservation. Historic Home Owners' Tax Credits for Income-Producing Historic Buildings. http://www.wisconsinhistory.org/hp/architecture/iptax_credit.asp

Sec. 7.7 Design Review Flow Chart



Administrative Staff Report

Fence Exception

Mead Park Neighborhood Garden

September 6, 2022

Department of Community Development

Applicant(s):

- Hannah Butkiewicz, representing the Golden Sands Resource Conservation and Redevelopment Council

Staff:

- Ryan Kernosky, Director rkernosky@stevenspoint.com
- Adam Kuhn, Associate Planner akuhn@stevenspoint.com

Parcel Number(s):

- 281240831101201

Zone(s):

- "R-2" Single-Family Residential

Master Plan:

- Not Developable

Council District:

- District 9 | Ald. Dalton

Lot Information:

- Width: 54 ft.
- Depth: 120 ft.
- Lot Size: 6,540 sq. ft. (0.150 ac.)

Current Use:

- Neighborhood Garden

Applicable Regulations:

- Ch. 23.01(14)(g)

Request

A request from Hannah Butkiewicz, representing the Golden Sands Resource Conversation and Redevelopment Council, for an exception to fencing standards to install perimeter fencing on an unaddressed parcel bounded by West Whitney Street and West Cornell Avenue (Parcel ID 281240831101201), consistent with Ch. 23.01(14)(g).

Attachment(s)

- Application

Findings of Fact

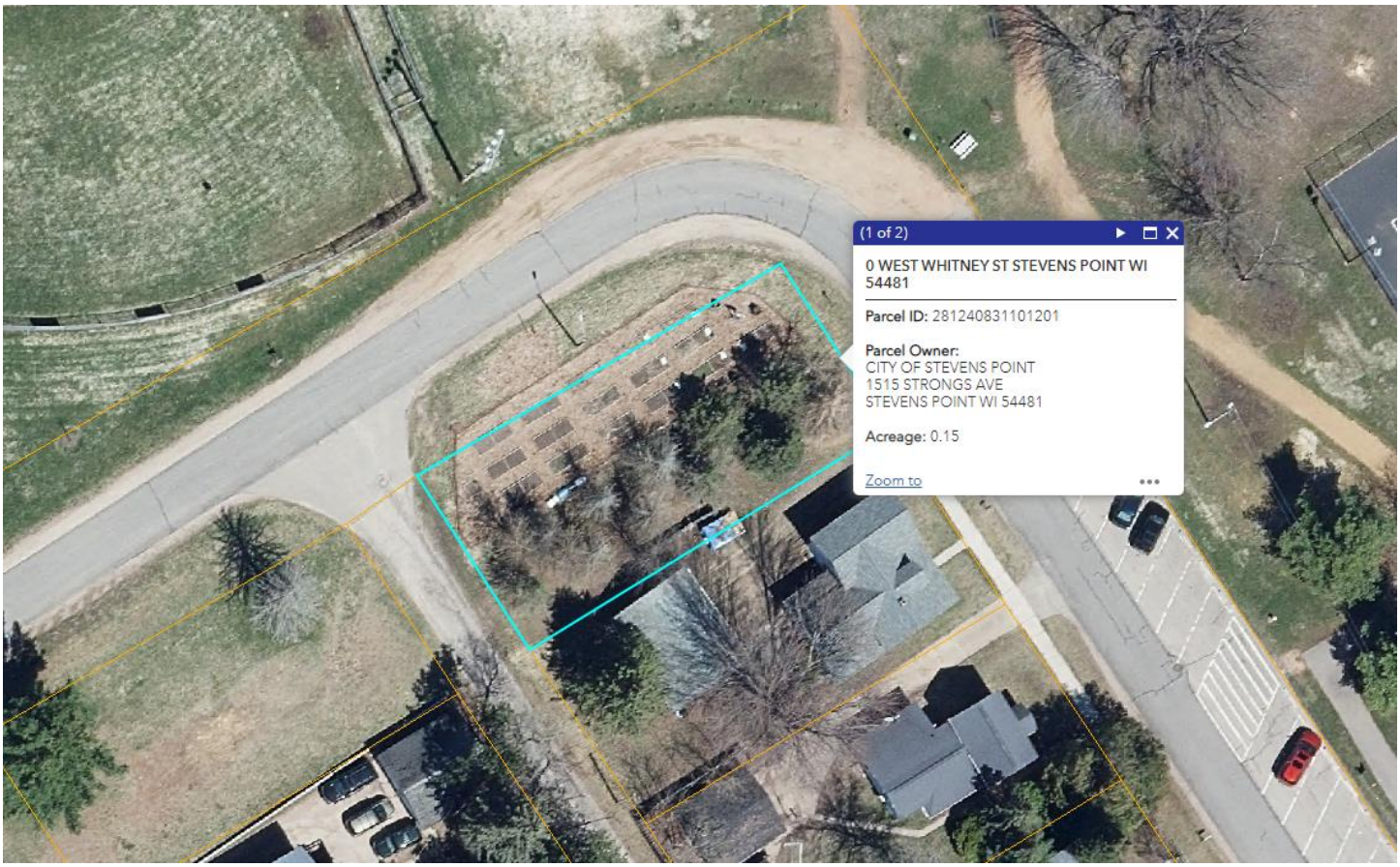
- The applicant is requesting to install eight-foot-tall perimeter privacy fencing on the subject property.
- The proposed fencing is intended to enclose the neighborhood garden to protect it from deer and other animals.
- If approved, the fencing is anticipated to be installed later this year.
- According to the City's Zoning Code, privacy fencing may not exceed three feet in height when placed within ten feet of any street and alley right-of-way.
- On corner lots, privacy fencing is permitted up to six feet in height within the rear yard street setback provided that a two-foot setback is provided from the street.
- Exceptions from City fencing standards are reviewed by the Plan Commission and Common Council.

Staff Recommendation

Deny the request for an exception to fencing standards to install perimeter fencing on an unaddressed parcel bounded by West Whitney Street and West Cornell Avenue (Parcel ID 281240831101201) due to the following reason:

1. Strict compliance with the City's Zoning Code would not unreasonably prevent the applicant from using the subject property for a permitted purpose.

Vicinity Map



Background

Overview: The applicant is requesting to install eight-foot-tall perimeter privacy fencing on an unaddressed parcel located at the intersection of West Whitney Street and West Cornell Avenue. Adherence to vision clearance requirements is incorporated as part of the submitted. The subject property is utilized as a neighborhood garden for residents surrounding Mead Park.

According to the City's Zoning Code, privacy fencing may not exceed three feet in height when placed within ten feet of any street and alley right-of-way. As shown in the submitted site plan, eight-foot-tall privacy fencing is proposed to be situated up to the property line abutting West Whitney Street, West Cornell Avenue and along the west lot line (alley right-of-way line). Please note that as the subject property is a corner lot, privacy fencing is permitted up to six feet in height within the rear yard street setback provided that a two-foot setback is provided from the street. Said code provisions are outlined below.

Ch. 23.01(14) Fencing Standards

a) No fence shall rise over two feet in height above the level of the public sidewalk or land surface within 20 feet of any two or more adjoining streets and ten feet parallel and perpendicular to a driveway so as to interfere with traffic visibility across from any corner. Fences shall not be permitted within ten feet of any street or alley right-of-way in such manner as to interfere with traffic visibility. In no case shall a fence with less than 50 percent of its surface uniformly open and unobstructed in any area exceed three feet in height in that part of a yard within ten feet of a street or alley right-of-way.

b) *A maximum fence height of ten feet in the rear yard. On corner lots, a maximum six-foot-high fence in the rear yard street setback shall be permitted with at least a two-foot setback along the portion of the rear yard adjoining the street. Clear vision triangles along streets, alleys, and driveways must be adhered to.*

With the request exceeding maximum height restrictions along the public right-of-way, the applicant is requesting an exception to the above fencing standards. The City's Zoning Code permits the Plan Commission and Common Council to review fence variance requests using the standards as outlined below.

Ch. 23.01(14) Fencing Standards

g) *Exceptions from this section shall be permitted upon approval of a site plan review by the Plan Commission and the Common Council. Review shall include site characteristics including ingress/egress, parking lot design and configuration, building location, property use, and other factors that the Plan Commission and Common Council deem necessary. The Plan Commission and Common Council may attach conditions to the approval.*

An analysis of the applicant's request relative to the above standards are included below.

Standards of Review – Fence Waiver

Analysis: The fencing guidelines were amended several years ago to include the code language referenced above that allows the Plan Commission to review exceptions to fencing requirements. The applicant is seeking a fence waiver to allow for eight-foot-high privacy fencing to be situated up to all lot lines. As mentioned above, the applicant will be angling the proposed fencing along the northeast and northwest corner of the property to abide by the City's clearview requirements.

Findings: The applicant is seeking a deviation from City fencing standards to allow for the following:

- Eight-foot-tall privacy fencing set back zero feet from the West Whitney Street Right-of-Way;
- Eight-foot-tall privacy fencing set back zero feet from the West Cornell Avenue Right-of-Way; and
- Eight-foot-tall privacy fencing set back zero feet from the adjacent alley right-of way.

According to the applicant, the requirement to meet adopted fencing standards would not restrict deer and other wildlife from gaining access into the garden. From a staff perspective, the use of the property is not a reasonable argument to claim that deviations from fencing standards should be granted. Gardens are commonplace within residential neighborhoods and allowing garden fencing to exceed adopted standards would set a precedent that could arguably impugn the justification for height restrictions. Likewise, there are other neighborhood gardens located within the city where a garden use is the sole use of the property. Allowing for this exception as presented could spur similar requests for other neighborhood gardens.

Additionally, the subject property is not unique in that it abuts two street frontages and one alley. While the City's development standards for most zoning districts allow for an applicant to apply for lesser street setbacks if it abuts two or more streets (via a conditional use permit), a similar exception for fencing does not exist. With that said, there are a few dozen lots in addition to the subject property that abuts more than two public right-of-ways. The intent of a unique site characteristic is that it is not a commonplace occurrence within the city, and that a site characteristic would pose a significant challenge in meeting fencing requirements. It is staff's belief that a property abutting three public right-of-ways does not rise to the level of a unique site characteristic that would warrant approval of an exception to fencing standards.

Based on the above findings, staff would recommend denial of the applicant's request.

Photos

City of Stevens Point
Community Development Department

1515 Strongs Avenue, Stevens Point, WI 54481
P: (715) 346-1567 F: (715) 346-1498
communitydevelopment@stevenspoint.com
http://stevenspoint.com

APPLICATION FOR A SITE PLAN REVIEW

(Pre-Application Conference is Required for Major and Minor Site Plan Reviews)

ADMINISTRATIVE SUMMARY (Staff Use Only)

Application #		Date Submitted		Fee Required		Fee Paid	
Associated Applications (If any)				Assigned Case Manager			
Pre-Application Conference Date				Minor Site Plan ☐		Major Site Plan ☐	

APPLICANT/CONTACT INFORMATION

APPLICANT INFORMATION		CONTACT INFORMATION (Same as Applicant? ☐)	
Applicant Name	Golden Sands Resource Conservation & Development Council	Contact Name	Hannah Butkiewicz
Address	1100 Main St #150	Address	1100 Main st #150
City, State, Zip	Stevens Point, WI 54481	City, State, Zip	Stevens Point, WI 54481
Telephone	(715) 343-6215	Telephone	(715) 343-6215 ext 701
Fax	-	Fax	-
Email	info@goldensandsrcd.org	Email	hannah.butkiewicz@goldensandsrcd.org

OWNERSHIP INFORMATION

PROPERTY OWNER OF RECORD 1 INFORMATION (Same as Applicant? ☐)		PROPERTY OWNER OF RECORD 2 INFORMATION (If Needed)	
Owner's Name	City of Stevens Point	Owner's Name	
Address	1515 Strongs Ave	Address	
City, State, Zip	Stevens Point, WI 54481	City, State, Zip	
Telephone	(715) 346-1569	Telephone	
Fax	-	Fax	
Email	-	Email	

PROJECT SUMMARY

Subject Property Location [Please Include Address and Assessor's Identification Number(s)]		
Parcel 1	Parcel 2	Parcel 3
2812408311012001; 0 West Whitney St		

Legal Description of Subject Property

0 West Whitney St, corner of West Lowell ave and west whitney st.

SW NE, Sect. 31, T24N R8E
Lot 20 BLK 1 Avery ADD 589/261

Area of Subject Property (Acres/Sq Ft)

0.15

Current Zoning District(s)

R2

Designated Future Land Use Category	Current Use of Property	Proposed Use of Property
Residential	Community Garden	Community Garden

Describe land use and the development proposed for the subject property. Include the time schedule (if any) for development. (Use additional pages if necessary)

As pictured, Mead Park Garden would receive a fence upgrade to an 8-foot perimeter fence with proper gates. Fence would be installed per right of way and vision triangle requirements. Fence will be installed before summer of 2023, ideally by fall 2022. Sign replaced in existing location in 2022

Current Zoning Surrounding Subject Property			
North:	Park / Public	South:	R2
East:	Park / Public	West:	R2
Current Land Use Surrounding Subject Property			
North:	Park	South:	Residential
East:	Park	West:	Vacant

EXHIBITS

Owner Information Sheet	☐	Additional Exhibits If Any (List):
Letter to District Alderperson	☒	
Maps (vicinity, zoning, floodplains, wetlands others as requested by staff)	☐	
Site Plan (designating primary, side, and service street frontages)	☒	
Building Elevations	☒	
Parking Plan (Location, number of spaces, reductions, and design and landscaping)	☐	
Street Plan with Cross-sections	☐	
Utility Plan	☐	
Landscape Plan (including any equivalent alternative landscaping requests)	☐	
Stormwater Plan	☐	
Outdoor Lighting Plan (location of fixtures, illumination levels)	☐	

CERTIFICATION AND SIGNATURE

By my signature below, I certify that the information contained in this application is true and correct to the best of my knowledge at the time of the application. I acknowledge that I understand and have complied with all of the submittal requirements and procedures and that this application is a complete application submittal. I further understand that an incomplete application submittal may cause my application to be deferred to the next posted deadline date.

Signature of Applicant	Date	Signature of Property Owner(s)	Date
Hannah Butkiewicz	07/21/2022		

Golden Sands Resource Conservation & Development Council, Inc.

Butkiewicz, Hannah <hannah.butkiewicz@goldensandsrcd.org>

Mead Park Garden Improvements

Chris Klesmith <ch.klesmith@gmail.com> Wed, Jul 20, 2022 at 5:13 PM
To: Polly Dalton <daltopol@gmail.com>
Cc: Hannah Butkiewicz <hannah.butkiewicz@goldensandsrcd.org>

Hi Alder Dalton -

I wanted to reach out to inform you that Golden Sands Resource Conservation and Development Council and I as site captain of the Mead Park Gardens are submitting a building permit and site plan review for an upgraded fence and signage at the Mead Park Garden. Gardeners are in need of an improved fence to protect against deer pressure, which is deterring many gardeners from returning to the site. We have secured grant dollars to support the project and are expecting one more grant to finalize our funding to improve this amenity in your district. If you would like to discuss the garden and why this improvement is will benefit gardeners and your district, please email me and Hannah Butkiewicz, director of the Golden Sands RC&DC, so that we can discuss!

We look forward to contributing more growing space, food security, and specialness to your district as the garden grows.

Cheers,
Chris

Proposed fence line

Gates

City of Stevens Point
1515 Strongs Avenue
Stevens Point, WI 54481-3594

Department of Community Development
Adam Kuhn
Associate Planner
Zoning Administrator
Ph: (715) 346-1567
Fax: (715) 346-1498

MEMORANDUM

To: Plan Commission

From: Adam Kuhn, Associate Planner / Zoning Administrator

Date: September 6, 2022

RE: Request to Grant an Electric Underground Easement to WPS at Goerke Field

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Background: The City is requesting to grant an Electric Underground Easement to Wisconsin Public Service within Goerke Field (2442 Sims Avenue). The purpose of the easement coincides to the ongoing stadium improvements to Community Field and the K.B. Willett Ice Arena.

As the request entails the City granting an easement to the Wisconsin Public Service Corporation, it must be reviewed by the Plan Commission with a recommendation made to the Common Council.

Staff Recommendation: Staff recommends **APPROVAL** as presented.

Open Records Rider: The City of Stevens Point is subject to Wisconsin Statutes relating to public records. Communication, such as this document, sent or received by City employees are subject to these laws. Unless otherwise exempted from the public records law, senders and receivers of City communication should presume that the communications are subject to release upon request, and to state record retention requirements.

Proposed Easement Location

Wisconsin Public Service Corporation
P.O. Box 19001
Green Bay, WI 54307-9001
www.wisconsinpublicservice.com

8/9/2022

ROW
CITY OF STEVENS POINT-GOERKE FIELD
STEVENS POINT WI 54481

Dear Customer:

You or your agent recently worked with a Wisconsin Public Service Corporation (WPSC) representative to define the location of an easement at ***2442 SIMS AVE, Goerke Field, in the City of Stevens Point, County of Portage, State of Wisconsin.***

I have attached a copy of the easement for your review. The exhibit is only temporary until the final one can be completed. When the final exhibit is complete we will send it along with a copy of the easement for your review. After you review the exhibit, the document will be recorded with the Office of the Register of Deeds. Signing this document will allow WPSC to install facilities on your property in the location described in the easement.

Please note that the Public Service Commission entitles you to a minimum of five days to examine the materials provided. However, you have the option to waive the five-day review period and sign and return the easement at any time.

*You will note that the documents **require** you to sign them in the presence of a **Notary Public**.* Please make the necessary arrangements to meet with a Notary Public in your vicinity and have the Notary sign the documents where indicated. All signatures and blanks filled in must be completed in **BLACK INK** to be accepted by the Register of Deeds for recording.

Please return the signed and notarized document to me at your earliest convenience. Installation cannot be scheduled until the completed document has been received.

Please contact me if you have any questions regarding the easement. Please refer to Work Request **3330011.**

Thank you.

Sincerely,

Donald J. Schmoll - Right of Way Agent
Wisconsin Public Service Corporation
(920) 433-1591
Donald.Schmoll@wisconsinpublicservice.com

Enclosure

3301469 WSPS

DOCUMENT NUMBER

ELECTRIC UNDERGROUND EASEMENT

THIS INDENTURE is made this _____ day of _____, _____, by and between **CITY OF STEVENS POINT-GOERKE FIELD,** ("Grantor") and **WISCONSIN PUBLIC SERVICE CORPORATION**, a Wisconsin Corporation, along with its successors and assigns (collectively, "Grantee") for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor, owner of land, hereby grants and warrants to, Grantee, a permanent easement upon, within, beneath, over and across a part of Grantor's land hereinafter referred to as "easement area" more particularly described as follows:

Part of the Parcel described in Portage County Register of Deeds, recorded as Document Number 134307, being part of the Northeast Quarter of the Northwest Quarter (NE1/4-NW1/4) of Section 33, Township 24 North, Range 8 East, **City of Stevens Point, County of Portage, State of Wisconsin**,

as shown on the ***attached Exhibit "A".***

Return to:
Wisconsin Public Service Corp.
Real Estate Dept.
P.O. Box 19001
Green Bay, WI 54307-9001

Parcel Identification Number (PIN)
281-24-0833200107

1. **Purpose: ELECTRIC UNDERGROUND** - The purpose of this easement is to construct, install, operate, maintain, repair, replace and extend underground utility facilities, conduit and cables, electric pad-mounted transformers, manhole, electric pad-mounted switch-fuse units, electric pad-mounted vacuum fault interrupter, concrete slabs, power pedestals, riser equipment, terminals and markers, together with all necessary and appurtenant equipment under and above ground as deemed necessary by Grantee, all to transmit electric energy, signals, television and telecommunication services, including the customary growth and replacement thereof. Trees, bushes, branches and roots may be trimmed or removed so as not to interfere with Grantee's use of the easement area.

2. **Access:** Grantee shall have the right to enter on and across any of the Grantor's property outside of the easement area as may be reasonably necessary to gain access to the easement area and as may be reasonably necessary for the construction, installation, operation, maintenance, inspection, removal or replacement of the Grantee's facilities.

3. **Buildings or Other Structures:** Grantor agrees that no structures will be erected in the easement area or in such close proximity to Grantee's facilities as to create a violation of all applicable State of Wisconsin electric and gas codes or any amendments thereto.

4. **Elevation:** Grantor agrees that the elevation of the ground surface existing as of the date of the initial installation of Grantee's facilities within the easement area will not be altered by more than 4 inches without the written consent of Grantee.

5. **Restoration:** Grantee agrees to restore or cause to have restored Grantor's land, as nearly as is reasonably possible, to the condition existing prior to such entry by Grantee or its agents. This restoration, however, does not apply to any trees, bushes, branches or roots which may interfere with Grantee's use of the easement area.

6. **Exercise of Rights:** It is agreed that the complete exercise of the rights herein conveyed may be gradual and not fully exercised until sometime in the future, and that none of the rights herein granted shall be lost by non-use.

7. **Binding on Future Parties:** This grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

8. **Easement Review**: Grantor acknowledges receipt of materials which describe Grantor's rights and options in the easement negotiation process and furthermore acknowledges that Grantor has had at least 5 days to review this easement document *or* voluntarily waives the five day review period.

[REMAINDER OF PAGE LEFT BLANK]

WITNESS the hand and seal of the Grantor the day and year first above written.

CITY OF STEVENS POINT-GOERKE FIELD
Corporate Name

Sign Name _____
Print name & title

Sign Name _____
Print name & title

STATE OF _____)
)SS
COUNTY OF _____)

This instrument was acknowledged before me this _____ day of _____, _____, by the above-named _____
CITY OF STEVENS POINT-GOERKE FIELD, to me known to be the Grantor(s) who executed the foregoing instrument on behalf of said Grantor(s) and acknowledged the same

Sign Name _____
Print Name _____

Notary Public, State of _____
My Commission expires: _____

This instrument drafted by: Donald Schmoll
Wisconsin Public Service Corporation

Date	County	Municipality	Site Address	Parcel Identification Number
August 9, 2022	Portage	City of Stevens Point	2442 SIMS AVE	281-24-0833200107
Real Estate No.	WPSC District	WR#	WR Type	I/O
3301469	Stevens Point-64	3330011	ECA	6000272

TEMPORARY EXHIBIT "A"

NOT TO SCALE
FOR REFERENCE ONLY

Community Development Report, July 2022

Construction Report

New Construction	# of Permits	Location	Declared Valuation	Fees
Single Family	1	3308 Minnesota Ave, #4	$11,570.00	$883.00
	1	3308 Minnesota Ave, #5	$13,920.00	$1,283.00
Two-Family	1	419/421 Georgia St N	$295,000.00	$1,335.50
	1	423/425 Georgia St N	$305,000.00	$1,549.00
	1	427/429 Georgia St N	$295,000.00	$1,335.50
	1	433/435 Georgia St N	$305,000.00	$1,549.00
	1	515/517 North Point Dr	$295,000.00	$1,335.50
Multi-Family	-	-	-	-
Commercial/Industrial	1	Tommy's Car Wash (ELE) 117 Division st N	$259,710.00	$376.46

Additions or Alterations	# of Permits	Declared Valuation	Fees	
Residential	100	$734,056.50	$6,046.38	
Commercial	26	$2,613,239.13	$12,517.26	*

Monthly Permits	Monthly Valuation	Monthly Fees	YTD Permits	YTD Valuation	YTD Fees
134	**$5,127,495.63**	**$28,210.60**	**956**	**$70,547,038.64**	**$285,228.64**

2021	**894**	**$22,628,960.10**	**$140,770.35**
2020	**834**	**$91,299,520.51**	**$233,006.13**
2019	**815**	**$69,481,334.40**	**$289,136.56**

** (PLB) THE GROVE: Renovation of existing convent and chapel in to 95 residential units = 1.4 million*

Violation Report

New Code Cases		
Abandoned Vehicle on Property	1	
Bulk Waste at Curb	17	
Construction Work Without Permits	2	
Debris on Property	5	
Exterior Violations on House	0	
Heating equipment not installed properly	0	
Illegal Use of Occupancy	0	
Improper Signage	0	
Infestation	0	
Interior Housing Violations	0	
Public Works Violation	0	
Snow & Ice Removal - Sidewalk	0	
Tall Grass or Noxious Weeds	8	
Trash Containers Improperly Stored	0	
Trash/Litter	0	
Unsanitary/Unsafe Conditions	0	
Vacant Building/Home	0	
Vehicle Parked on Grass	1	
Vision Obstruction in Roadway or Intersection	2	
Zoning Violations	3	
Total Violations / Total Service Fees Billed	39	$2,000
Voluntary Compliance Rate for Tagged/Verbal	12/17	71%

\+ *Referred to another department*

City of Stevens Point
1515 Strongs Avenue
Stevens Point, WI 54481-3594

Department of Community Development
Ryan J. Kernosky, Director
Ph: (715) 346-1567
Fax: (715) 346-1498

MEMORANDUM

To: Plan Commission

From: Ryan Kernosky, Director of Community Development

Date: September 6, 2022

RE: Monthly Director's Report

Development Updates:

Great Northern Distilling: Project broke ground on June 17th. Underground plumbing is completed and the concrete floor is poured. Steel framing and some exterior elements are being installed.

Bantr Mixed-Use Building (Former Point Motel): Underground plumbing is complete. The 4th floor is being framed in.

Northside Yard (1017 Third St): Both buildings are occupiable with the exception of the commercial units on the first floor. Those will remain unoccupiable until a development occurs in those units. The third building should begin work in late September, State approvals for the third building have been reviewed and approved.

Doolittle Drive Duplex Development: One duplex remains on the north side of Doolittle Drive. Developer has not started the project on the south side of Doolittle Drive.

Igantowski Duplex Development (Georgia St N): Underground plumbing is completed, foundation work will begin later this week.

The Grove (Convent Development): Interior demolition work is being complete, and some interior framing work has commenced. Union Street extension pre-construction is schedule so work can begin on the extension. Framing in the 1965 addition is being completed.

Opera House (Fox Theatre): Demo permit has been issued for interior demo. The Marquee has been removed. This project is ongoing.

Forest Creek Subdivision: Project is currently on hold as City staff work on a possible boundary agreement with the Town of Hull.

GI Associates Clinic: Project has final occupancy, a ribbon cutting was held on September 1, 2022.

Caribou Coffee Drive Thru: Project has final occupancy. Ribbon cutting was held on September 2, 2022.

Tommy's Carwash: Underground plumbing is completed and the foundation has been poured. This project is ongoing.

Cousin's Subs: Underground plumbing is completed and the foundation has been poured. This project is ongoing.

Special Projects Updates:

Downtown Business Improvement District: Staff had been working on this project with the Downtown Business Alliance. Discussions are back in motion.

City Comprehensive Plan & Zoning Code Update: The Washington/Goerke neighborhood block party is scheduled for September 18th. Neighborhood surveys closed on August 31, 2022.

Housing Taskforce: Taskforce has identified three main goals and will be presenting those in the fall/early winter for consideration.

Public Policy Updates:

Principal Structure Housing Size Minimums: Staff has researched what other communities have as housing minimums in similar zoning codes. We will likely have a document for consideration/discussion in a 2022 Plan Commission meeting.

Other Updates:

Edgewater Manor: Asbestos abatement began on September 6, 2022. This will take a few weeks before demolition will begin.

In Memoriam:

Sharon Patoka, who worked in the Community Development/Assessing Office as our Assistant City Assessor, passed away on August 29, 2022. Sharon worked for the City for 23 years, and had worked for Portage County prior. Sharon retired on September 24, 2021. Our hearts and thoughts are with her two sons, Kyle and Kolin, and their families as they work though this difficult time.