

REPORT OF CITY PLAN COMMISSION

December 7, 2020 – 6:00 PM
Zoom Conference Call Meeting

PRESENT: Mayor Wiza, Alderperson Kneebone, Commissioner Cooper, Commissioner Haines, Commissioner Hoppe, Commissioner Rice, and Commissioner Arntsen.

ALSO PRESENT: Director Kernosky, Associate Planner/Zoning Administrator Kuhn, City Attorney Beveridge, Alderperson Nebel, Alderperson Slowinski, Alderperson Morrow, Charles Glodowski, and unidentified audience members via Virtual Zoom Meeting.

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1. Roll call.

Discussion and possible action on the following:

2. Report of the November 16, 2020 Special City Plan Commission meeting
 3. Public Hearing and action on a request from Mark Erwin for a conditional use permit to construct multiple storage buildings consistent with Ch. 23.01(13)(f) and 23.02(4)(e)(3.4)(1) at an unaddressed lot on Heffron Street (Parcel ID 281230802230112).
 4. Public Hearing and action on a request from Jeff Disher, representing Disher Properties LLC, to rezone the property at 4912 County Road HH (Parcel ID 281230803400213) from “B-1” Neighborhood Business to “B-4” Commercial.
 5. Public Hearing and action on a request from Jeff Disher, representing Disher Properties LLC, for a conditional use permit to construct an office addition consistent with Ch. 23.01(13)(f) and Ch. 23.02(2)(d)(3)(i) at 4912 County Road HH (Parcel ID 281230803400213).
 6. Public Hearing and action on a request from William Yudchitz for a conditional use permit to construct a storage facility consistent with Ch. 23.01(13)(f) at 1309 Dubai Avenue (Parcel ID 28124020200009).
 7. Request from Holy Spirit Parish for a sign variance to construct a second freestanding sign at 838 Fremont Street (Parcel ID 281240828300801).
 8. Request from the City of Stevens Point to purchase 17.35 acres in East Park Commerce Center (PID 281230801120001).
 9. Request from the City of Stevens Point to sell 15.6 acres of land in East Park Commerce Center (PID 281230801120001).
 10. Request from Lineage Logistics for a Site Plan Review to construct a processing plant, freezer, office, and loading dock addition to an existing cold-storage facility at 5700 EM Copps Drive.
 11. Request from the City of Stevens Point & Lineage Logistics for the dedication of a Sanitary Sewer easement adjacent to the EM Copps Drive Right of Way (PID 281230801120003)
 12. October & November 2020 Monthly Reports
 13. Director's Report
 14. Adjourn
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1. Roll call.

Present: Wiza, Kneebone, Cooper, Rice, Haines, Hoppe, Arntsen

Discussion and possible action on the following:

2. Report of the November 16, 2020 Special City Plan Commission meeting

Motion by Commissioner Cooper to approve the report of the November 16, 2020 Plan Commission meeting; seconded by Commissioner Hoppe.

Motion carried 7-0.

3. Public Hearing and action on a request from Mark Erwin for a conditional use permit to construct multiple storage buildings consistent with Ch. 23.01(13)(f) and 23.02(4)(e)(3.4)(1) at an unaddressed lot on Heffron Street (Parcel ID 281230802230112).

Associate Planner/Zoning Administrator Kuhn reviewed the request to construct four self-service storage buildings at the unaddressed lot. The development would include a total of 49 units, be broken into four phases, and was expected to be completed within 3-5 years. He reviewed the proposed concept plan, phase overview, and recommended approval

Mayor Wiza declared the public hearing open.

Charles Glodowski (5276 Howard Ave) adjacent land owner, inquired on whether the applicant planned on asphalt or gravel use, and what would be in place to shield neighbors from an influx of persons coming to and from the rental units.

Alder Slowinski (District Six), alder for the district, stated that he supported the request so long as light pollution was contained, and if all wellhead protections requirements had been met. He had not heard of concerns from constituents.

Mayor Wiza read a prepared statement by the applicants Mark and Bobbie Erwin who could not attend due to schedule conflicts.

Mayor Wiza declared the public hearing closed.

Commissioner Arntsen stated concern with stormwater management based on the amount of proposed impervious surface.

Associate Planner/Zoning Administrator Kuhn stated that the site would be paved with asphalt. As part of the conditions, a buffer would be required between the development and residents in the form of perimeter landscaping. Regarding stormwater concerns, staff was working with Utilities to make sure facilities were adequate for management.

Commissioner Arntsen noted continued wellhead protection concerns, stating that it wasn't just a quantity issue, but a quality issue. He asked that these items be considered during staff review.

Mayor Wiza stated confidence in the Water Department to assure the submitted plans met requirements, but also asked that Commissioner Arntsen contact the department considering his expertise in the hopes of dispelling concerns.

Alderperson Kneebone, while not concerned with the current request, noted an overarching question on what the City was doing to protect areas that should perhaps not be developed at all.

Commissioner Haines stated that a map of the area would have been helpful as the unaddressed parcel could not be located.

Mayor Wiza confirmed that maps would be included for all unaddressed parcels in the future.

There was a brief discussion for the location of surrounding wellhead protection areas of Plover and Whiting, to which staff confirmed that the area in question was within the City of Stevens Point. Staff would connect with the Water Department to request and distribute maps of the wellhead protection zones to all commissioners.

Aldersperson Kneebone asked that there be enough vegetative barrier for the property owners to the south, with Commissioner Arntsen asking that staff consider the type of vegetation in the wellhead carefully.

Mayor Wiza confirmed that the City's forester would be involved in making sure vegetation used would be appropriate for the wellhead protection area.

Motion by Commissioner Arntsen to approve the request from Mark Erwin for a conditional use permit to construct multiple storage buildings consistent with Ch. 23.01(13)(f) and 23.02(4)(e)(3.4)(1) at an unaddressed lot on Heffron Street (Parcel ID 281230802230112) with the following:

1. **The applicant shall submit a stormwater plan, subject to the review and approval by Utilities Department staff.**
2. **The applicant shall install landscaping along southern perimeter of the property, subject to the review and approval by Community Development staff meeting applicable landscaping requirements.**
3. **The applicant shall obtain an erosion control permit through the Utilities Department prior to any soil grading occurring on the property, meeting applicable erosion control guidelines.**
4. **The applicant shall obtain a right-of-way permit through the Public Works Department prior to installing the driveway, meeting applicable design requirements.**
5. **A curb stop shall exist for the required parking stall as it directly abuts a proposed storage building.**
6. **The applicant shall meet applicable parking stall requirements, subject to the review and approval of Community Development staff meeting Zoning Code standards.**
7. **Proposed signage shall meeting applicable Sign Code regulations, subject to the review and approval of Community Development staff.**
8. **Staff shall have the authority to approve minor changes to the site plan.**
9. **All applicable building permits shall be applied for an obtained prior to commencement of construction.**

seconded by Commissioner Haines.

Motion carried 7-0.

4. Public Hearing and action on a request from Jeff Disher, representing Disher Properties LLC, to rezone the property at 4912 County Road HH (Parcel ID 281230803400213) from "B-1" Neighborhood Business to "B-4" Commercial.

Associate Planner/Zoning Administrator Kuhn reviewed the request to construct a 1,200 square foot office addition onto an existing office and storage building. Due to the legal non-conforming use, any major alteration would require the property to meet present Zoning Code standards. Since Electrical Contracting offices were neither permitted of conditional within the B-1 District, the request had come forward for a rezoning to B-4 Commercial, in which the use was permitted.

Mayor Wiza declared the public hearing open.

Aldersperson Nebel (District Three) stated concerns with potential corner traffic issues to the amount of uses and buildings already on the property, to which staff confirmed that all clear view requirements would still need to be met.

Mayor Wiza declared the public hearing closed.

Motion by Commissioner Hoppe to approve the request from Jeff Disher, representing Disher Properties LLC, to rezone the property at 4912 County Road HH (Parcel ID 281230803400213) from “B-1” Neighborhood Business to “B-4” Commercial; seconded by Alderperson Kneebone.

Motion carried 7-0.

5. Public Hearing and action on a request from Jeff Disher, representing Disher Properties LLC, for a conditional use permit to construct an office addition consistent with Ch. 23.01(13)(f) and Ch. 23.02(2)(d)(3)(i) at 4912 County Road HH (Parcel ID 281230803400213).

Associate Planner/Zoning Administrator Kuhn reiterated that since a legal non-conforming status of the office use was also proposed, a conditional use permit was required to allow more than one principal use on one lot.

Mayor Wiza declared the public hearing open.

Mayor Wiza declared the public hearing closed.

Commissioner Hoppe inquired on any additional parking stall installation, to which staff confirmed that while there were existing stalls, the addition would trigger additional stalls subject to review. Staff would continue to work with the applicant to make sure standards were being met.

Motion by Commissioner Hoppe to approve the request from Jeff Disher, representing Disher Properties LLC, for a conditional use permit to construct an office addition consistent with Ch. 23.01(13)(f) and Ch. 23.02(2)(d)(3)(i) at 4912 County Road HH (Parcel ID 281230803400213) with the following:

1. The applicant shall provide eleven parking stalls, meeting applicable parking stall design and ADA parking requirements. Such parking stalls shall be subject to the review and approval of Community Development staff.
2. The applicant shall submit a stormwater management plan, subject to the review and approval by Utilities Department staff meeting applicable stormwater management codes.
3. The applicant shall submit a landscaping plan, subject to the review and approval by Community Development staff meeting applicable Zoning Code guidelines.
4. The applicant shall submit and receive approvals for any future additions or alterations to the property, consistent with City Zoning Code requirements.
5. Staff shall have the ability to approve minor changes to the site plan.
6. All applicable building and erosion control permits shall be applied for and obtained prior to commencement of construction.

seconded by Commissioner Cooper

Motion carried 7-0.

6. Public Hearing and action on a request from William Yudchitz for a conditional use permit to construct a storage facility consistent with Ch. 23.01(13)(f) at 1309 Dubai Avenue (Parcel ID 28124020200009).

Associate Planner/Zoning Administrator Kuhn reviewed the request to construct a 2,120 square foot storage facility intended to be utilized for retail. He reviewed the site plan, which included three existing buildings, two of which were utilized for storage and warehouse purposes, and another for office use. Due to having more than one principal building or use, the lot required a conditional use permit.

Commissioner Arntsen inquired on whether there were concerns from the Fire Department due to the number of buildings already on the property when the nearest fire hydrant was so far.

There was a brief discussion in which it was explained that the City had mutual aid by surrounding municipalities for fire emergency, and that their equipment could address a fire. However, any additional fire suppression would be required if additional buildings were pursued. While there were long term plans to bring water connections down DuBay Avenue, the plan was several years off. The Fire Department was supportive of the request with the conditions outlined in the staff report.

Mayor Wiza opened the public hearing.

Alderperson Morrow (District Eleven), alder for the area, confirmed that they had spoken with the applicant about the project. He had heard no additional concerns from local constituents and urged approval of the request.

Director Kernosky read a prepared statement by Richard Lila, on behalf of Gladys Lila, into the record, citing property line disputes between them and the applicant.

Staff explained that property line disputes were considered a civil matter and did not impact the Conditional Use Permit request.

Mayor Wiza declared the public hearing closed.

Motion by Commissioner Cooper to approve the request from William Yudchitz for a conditional use permit to construct a storage facility consistent with Ch. 23.01(13)(f) at 1309 Dubay Avenue (Parcel ID 28124020200009) with the following:

1. **The applicant shall submit a stormwater management plan to determine if proposed and existing stormwater retention areas can support the proposed building and if additional stormwater techniques are required, subject to the review and approval of the Utilities Department meeting applicable stormwater management codes.**
2. **The applicant shall enter into agreement or memorandum of understanding that no additional buildings shall be constructed on the property without the extension of fire protection (hydrants) or proper fire suppression system being installed consistent with Fire Department and Community Development Department approval.**
3. **Staff shall have the authority to approve minor changes to the site plan.**
4. **The applicant shall obtain an erosion control permit.**
5. **The applicant shall obtain a right-of-way permit for the proposed driveway, subject to the review and approval of Public Works and Community Development Department staff meeting applicable right-of-way and Zoning Code standards.**
6. **All applicable building permits shall be applied for and obtained prior to commencement of construction.**

seconded by Commissioner Haines

Motion carried 7-0.

7. Request from Holy Spirit Parish for a sign variance to construct a second freestanding sign at 838 Fremont Street (Parcel ID 281240828300801).

Associate Planner/Zoning Administrator Kuhn reviewed the request for a sign variance to install an approximately five-foot tall, 20 square feet freestanding sign at 838 Fremont Street. A maximum of one freestanding sign was allowed in the R-2 District, thus the request. Staff reviewed sign renderings, location of existing and proposed signage, and recommended approval with conditions outlined in the staff report.

Mayor Wiza asked for comments from the audience.

Aldersperson Nebel agreed in granting the variance as not doing so could pose a practical difficulty or unnecessary hardship.

Motion by Aldersperson Kneebone to approve the request from Holy Spirit Parish for a sign variance to construct a second freestanding sign at 838 Fremont Street (Parcel ID 281240828300801) with the following:

1. **The brightness of said color display shall be reduced during dusk-to-dawn hours to reduce any obstructions to commuters, subject to the review and approval of Community Development staff.**
2. **The freestanding sign shall be set back at least five feet from the property line.**
3. **The freestanding sign shall be set back at least ten feet from the parking lot entrance/exit to meet clearview requirements.**
4. **The sign shall conform to all other applicable requirements within the sign ordinance.**
5. **Applicable building permits shall be obtained.**
6. **Minor modifications to the proposed sign may be approved by staff.**

seconded by Commissioner Hoppe

Motion carried 7-0.

8. Request from the City of Stevens Point to purchase 17.35 acres in East Park Commerce Center (PID 281230801120001).

Mayor Wiza explained that the next following items and requests were all related.

Director Kernosky provided the following summarized details:

1. Working with Lineage Logistics for another rapid expansion, or Phase Six. Part of that process would be to acquire land in East Park Commerce Center, the sale of land to Lineage, a Site Plan Review, and an easement approval.
 - a. Phases 1-3 were previously completed.
 - b. Phase 4 was completed in the summer.
 - c. Phase 5 was currently under construction
 - d. Phase 6 would be a 263,070 square foot addition to the existing facility and contain freezer space and packaging processing plant, office space, and additional dock areas.
2. Reviewed conditions of approval for each request, confirmed that they had met all requirements, and recommended approval with conditions.
3. Noted that the proposed expansion was expected to be their final expansion eastward due to the future planned rail spur.

Mayor Wiza commended Lineage Logistics success and dedication to the City.

Mayor Wiza asked for comments from the audience.

Aldersperson Nebel (District Three) expressed concern over additional financial assistance to the applicant for additional expansions, to which staff noted that there would be no assistance with the sale of land, and any additional assistance for expansions would fall under the purview of the Finance Committee. The requests for construction were separate.

Motion by Commissioner Hoppe to approve the request from the City of Stevens Point to purchase 17.35 acres in East Park Commerce Center (PID 281230801120001); seconded by Commissioner Haines

Motion carried 7-0.

9. Request from the City of Stevens Point to sell 15.6 acres of land in East Park Commerce Center (PID 281230801120001).

Mayor Wiza reiterated that any land acquisition or disposition needed Plan Commission approval.

Mayor Wiza asked for comments from the audience.

Aldersperson Nebel (District Three) expressed continued concern for the purchase of property only to resell it to Lineage for a loss.

Staff confirmed that the funds would come from the TID District, but all costs had been previously negotiated through the East Park Commerce Center. The return to the tax payer would come in the form of property taxes and community benefits.

Motion by Commissioner Cooper to approve the request from the City of Stevens Point to sell 15.6 acres of land in East Park Commerce Center (PID 281230801120001); seconded by Aldersperson Kneebone

Motion carried 7-0.

10. Request from Lineage Logistics for a Site Plan Review to construct a processing plant, freezer, office, and loading dock addition to an existing cold-storage facility at 5700 EM Copps Drive.

Mayor Wiza reiterated that the property was located within the Planned Industrial Development District, which required a Site Plan Review.

Commissioner Hoppe asked for confirmation that this request was related to the stormwater and additional landscaping conditions, to which that was confirmed accurate.

Motion by Commissioner Hoppe to approve the request from Lineage Logistics for a Site Plan Review to construct a processing plant, freezer, office, and loading dock addition to an existing cold-storage facility at 5700 EM Copps Drive with the following:

1. Lineage Logistics shall acquire the land for the proposed expansion. If the land is not acquired, or if the applicant fails to perform the improvements outlined within this staff report within 12 months of approval, this approval shall be void.
2. A landscaping plan shall be submitted to be reviewed and approved by the community development department. The landscaping plan shall include and identify an extension of the existing landscaping in relation to the proposed addition. The landscaping plan should incorporate and continue previous requirements to the extent applicable with the project which include:
 - a. Landscaping and screening shall be installed to screen additional new parking within 6 months of the completion of any addition or expansion.
 - b. The southern trailer parking area shall be screened with a decorative fence of at least 6 feet tall or a berm (minimum of 6 feet) with landscaping.
 - c. Additional landscape screening, to be approved by staff, shall be installed along the southern and western property lines, as well as along the sides of the parking areas.
 - d. Street trees shall be installed along the street at a rate of 1 per every 75 lineal feet.
 - e. Landscaping shall be irrigated and maintained in perpetuity.
 - f. Stormwater detention areas shall be maintained.
3. The applicant shall provide a fire sprinkler plan, subject to the review and approval of the Fire Marshal meeting applicable fire code standards.
4. The applicant shall provide a fire hydrant plan, subject to the review and approval of the Fire Marshal meeting applicable fire code standards.

5. **A sampling manhole shall be constructed near the EM Copps Drive Right of Way for wastewater sampling of the packaging processing plant, subject to the review and approval of Utilities Department staff meeting applicable wastewater standards.**
6. **The applicant shall enter into a revocable occupancy easement agreement to allow stormwater management facilities to be located in the E M Copps Drive Right-of-Way.**
7. **Proposed driveways shall be separated by a distance not less than 150' measured centerline to centerline of the proposed driveways, subject to the review of Public Works and Community Development staff meeting applicable Zoning Code and right-of-way standards.**
8. **Occupancy standards shall be met for the proposed packaging processing plan, subject to the review and administration of the Building Inspections Division of the Community Development Department meeting applicable Commercial Building Code requirements.**
9. **Minimum standards of the proposed parking lots, including ADA parking stalls, proper landscaping, and others, shall be provided meeting applicable design standards subject to the review and approval of Community Development staff.**
10. **Staff shall have the authority to approve minor changes to the site plan.**

seconded by Commissioner Arntsen.

Motion carried 7-0.

11. Request from the City of Stevens Point & Lineage Logistics for the dedication of a Sanitary Sewer easement adjacent to the EM Copps Drive Right of Way (PID 281230801120003)

Mayor Wiza reiterated that the public easement required Plan Commission and Common Council approval.

Mayor asked for comments from the audience.

Aldersperson Nebel (District Three) inquired on the expansion of the road that had already occurred for Phase 4 and 5, to which Director Kernosky clarified that at the time of recording the Certified Survey Map in 2019, it stated that they were to enter into an easement for construction of deep sewer. Since the recording of that easement had never occurred, staff was working with Lineage to complete that requirement now.

Aldersperson Nebel (District Three) asked if Lineage would be paying for the installation of the deep sewer, to which Director Kernosky stated that the extensions would be paid through the TID, but Lineage was indirectly paying for them.

Aldersperson Nebel (District Three) expressed concern that Lineage was not directly paying for these extensions instead of it coming through the TID.

Mayor Wiza understood the Aldersperson's concern and added that incentives provided would never exceeded the capacity of the City to collect revenue to maintain that infrastructure. He further confirmed that the additional increment generated would go back into paying for any extensions installed and perpetual maintenance of those expansions.

Motion by Aldersperson Kneebone to approve the request from the City of Stevens Point & Lineage Logistics for the dedication of a Sanitary Sewer easement adjacent to the EM Copps Drive Right of Way (PID 281230801120003); seconded by Commissioner Cooper

Motion carried 7-0.

12. October & November 2020 Monthly Reports

Director Kernosky briefly explained that end of year valuation had continued to increase year after year, highlighting the issuance of the North Side Yard project for 23 million, for a year-to-date of approximately 153 million.

Mayor Wiza commended Community Development staff for their efforts.

Motion by Commissioner Hoppe to approve the October & November 2020 Monthly Reports and place them on file; seconded by Commissioner Arntsen.

Motion carried 7-0.

13. Director's Report

Director Kernosky summarized updates from his memorandum, which had been included in the Agenda Packet:

- a. Developmental Updates
- b. Special Project Updates
- c. Public Policy Updates
- d. Economic Development Updates

Mayor Wiza asked for an update on the Belke property, to which the Director confirmed that the house had been razed, and staff continued to work with the developer for a 2021 project groundbreaking. Mayor Wiza also added that there were several groups that worked on salvaging as much as they could from the house that had been razed.

Aldersperson Nebel (District Three) asked when the Traditional Neighborhood Overlay Code Amendment had been completed and adopted, and if a copy could be provided. Director Kernosky confirmed that approval had occurred in the past month, and a copy would be provided.

Motion by Mayor Wiza to approve the December 2020 Director's Report and place it on file; seconded by Commissioner Arntsen.

Motion carried 7-0.

14. Adjourn.

Meeting adjourned at 7:26 PM.

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

Attachment relating to agenda Item 3: Mark Erwin Conditional Use Permit

From: erwinsrentals@charter.net [mailto:erwinsrentals@charter.net]
Sent: Sunday, December 6, 2020 12:05 PM
To: Adam Kuhn <akuhn@stevenspoint.com>; Ryan Kernosky <rkernosky@stevenspoint.com>
Cc: 'merwin5054@aol.com' <merwin5054@aol.com>
Subject: Statement for Monday Plan Commission Meeting

Ryan and Adam,

Unfortunately, due to work schedules, we will not be able to join you for the meeting on Monday, December 7.
The following is the requested statement:

Regarding the proposed project, we look forward to continuing to work with your office to ensure all is in order.
Thanks to Adam Kuhn and Eric Southworth for taking the time to meet with us 2 weeks ago at the land to walk through and talk through the project development.

We have completed multiple successful building development projects within the city in the past and are familiar with the process to bring projects to a favorable end to fit into the city's development plan.

Thank you for your time,
Mark and Bobbie Erwin

Attachment relating to agenda Item 6: William Yudchitz Conditional Use Permit

From: ralila@charter.net [mailto:ralila@charter.net]
Sent: Monday, December 7, 2020 3:26 PM
To: Adam Kuhn <akuhn@stevenspoint.com>
Subject: Update RE: Public Hearing 1309 Dubay Ave

Adam,

Just wanted to update you before tonight's meeting about my family's efforts to verify the possible property line controversy at 1309 Dubay Ave. An inquiry to the Register of Deeds was unsuccessful. We now have a request in to the Clerk of Courts, but that may take as long as 10 days.

My brother, John Lila, has spoken to Mr. Yudchitz and he seems open to an amicable settlement based upon our findings. We'll be in touch with Mr. Yudchitz when we get further information from the Clerk of Courts.

Richard Lila

From: ralila@charter.net
To: "akuhn@stevenspoint.com"
Cc:
Sent: Thursday December 3 2020 5:55:17PM
Subject: Public Hearing 1309 Dubay Ave

Adam,

This email is a followup to our conversation on Dec 3rd about a Plan Commission hearing scheduled for Dec 7, 2020 about the William Yudchitz property at 1309 Dubay Ave Stevens Point.

I am writing on behalf of my mother, Gladys Lila, for which I am the POA. Our concern stems from the newly placed property boundary stakes between her property and the property of Mr. Yudchitz. My parents went to court in the early 70's over that boundary and won their case in court. At that time the adjacent property was owned by a Mr. Zuenoff. The newly placed property boundary stakes appear to put the contested property back to Mr. Yudchitz, and we wish to dispute the location of those stakes.

Thank you.

Richard Lila
W8795 Niblick Rd
Beaver Dam WI 53916
920 887 1652