

# GRAND CHUTE PLAN COMMISSION MINUTES

March 1, 2016

Members Present: Chairman Dave Schowalter, Commissioners Bruce Sherman, Vivian Huth, Pam Crosby.

Members Absent: Commissioners Julie Hidde, Robert Stadel, Duane Boeckers, John Weber.

Also Present: James March, Town Administrator; Mary Baxter, Executive Secretary, Thomas Marquardt, Public Works Director; Bob Heimann, IT Director; Julie Wahlen, Finance Director/Town Treasurer; Timothy Bantes, Fire Chief; Michael Patza, Town Planner; Robert Buckingham, Community Development Director; other interested parties (audience attendance = approx. 40), Supervisors Nooyen and Pleuss.

1. **ROLL CALL.**

Chairman Schowalter opened the meeting at 6:00 p.m.

2. **PLEDGE OF ALLEGIANCE.**

3. **APPROVAL OF AGENDA.**

**Motion (Huth/Sherman) to approve the agenda.** Motion carried, all voting aye.

4. **APPROVAL OF MINUTES** – FEBRUARY 18, 2016 MEETING.

**Motion (Sherman/Crosby) to approve the minutes.** Motion carried, all voting aye.

5. **PUBLIC INPUT** - NONE

6. **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT** – NO REPORT

7. **PUBLIC HEARING #1** – SPECIAL EXCEPTION (SE-04-16) REQUESTED BY EAST WISCONSIN SAVINGS BANK S.A., DBA EAST WISCONSIN SAVINGS BANK, 1501 N. CASALOMA DRIVE, FOR OPERATION OF AN ELECTRONIC MESSAGE CENTER SIGN.

Chairman Schowalter opened Public Hearing #1 at 6:02 p.m.

There was no public input.

**Motion (Crosby/Huth) to close Public Hearing #1 at 6:02 p.m.** Motion carried, all voting aye.

8. **SPECIAL EXCEPTION (SE-04-16)** – REQUEST BY EAST WISCONSIN SAVINGS BANK S.A., DBA EAST WISCONSIN SAVINGS BANK, 1501 N. CASALOMA DRIVE, FOR OPERATION OF AN ELECTRONIC MESSAGE CENTER SIGN.

**Motion (Sherman/Crosby) to recommend approval of the Special Exception Permit (SE-04-16) requested by East Wisconsin Savings Bank, S.A., dba East Wisconsin Savings Bank, 1501 N. Casaloma Drive, to allow operation of an electronic message center sign, subject to Plan Commission approval of Site Plan Amendment SPA3-00-84.** Motion carried, all voting aye.

9. **SITE PLAN AMENDMENT (SPA3-00-84)** – REQUEST BY EAST WISCONSIN SAVINGS BANK S.A., DBA EAST WISCONSIN SAVINGS BANK, 1501 N. CASALOMA DRIVE, TO INSTALL A NEW PYLON SIGN, INCLUDING AN ELECTRONIC MESSAGE CENTER.

**Motion (Sherman/Crosby) to approve the Site Plan Amendment (SPA3-00-84) requested by East Wisconsin Savings Bank S.A., dba East Wisconsin Savings Bank, 1501 N. Casaloma Drive, for a new pylon sign, including an electronic message center.** Motion carried, all voting aye.

10. **PUBLIC HEARING #2** – REZONING (Z-03-16) REQUESTED BY THE WISCO HOTEL GROUP, ON BEHALF OF DENNIS W. DIETZEN AND KELSEY DIETZEN, ETAL, TO REZONE PROPERTY AT 215 S.

## MAPLE HILL DRIVE FROM C-2 OFFICE COMMERCIAL DISTRICT TO CP PLANNED COMMERCIAL DISTRICT.

Chairman Schowalter asked Director Buckingham to summarize the request.

Director Buckingham explained that the Commission will be conducting 2 hearings related to this property. The first is to consider rezoning. The second is to consider a special exception permit for hotel use at the property. He explained the purpose for a special exception permit is to provide a more thorough review of certain uses before being approved. The property has been zoned office commercial for 15-20 years. The current property owner has stated that since 2002 they have tried to market the property for office/medical use to no avail, due to an oversupply of existing office space in the Fox Cities. The current owner had even considered the option of reverting to multi-family zoning. The proposed rezoning to Planned Commercial District would regulate land use in a more effective manner than under the current zoning. It provides more opportunity for the Town, the developer and neighboring property owners to work together in addressing issues and concerns. Some of the standards of the proposed district are more restrictive than what the current zoning provides. Setbacks from property lines have to be greater, building density cannot be as great, and all uses but office would require a special exception permit. While there is not a maximum building height regulation, setbacks have to expand as building height increases. Architectural standards are the same in both districts. Landscaping requirements of the proposed district are equal to or greater than under the current zoning. Specific to the proposed hotel use of the property, the amount of landscaping and greenspace provided will be significantly greater than the standards for either zoning district. Director Buckingham then provided information on the requested special exception permit. The proposed site plan provides for two 4-story hotels. The difference in height of each building relates to the distance measured from ground level to the highest point of the structure. Both buildings would have flat roofs with parapet walls extending above the roofline. The terms of approval on the permit would provide larger setbacks, lower density, and opportunity to optimize the landscaping buffer from adjoining properties. If the special exception permit for hotel use of the property is approved, a detailed site plan approval would be required before any construction could begin. Director Buckingham noted the proposed building and parking setbacks shown on the conceptual site plan, and stated that all business traffic would be restricted to using Lawrence Street to College Avenue. A secondary, gated access on S. Maple Hill Drive would be restricted for emergency response vehicles.

Chairman Schowalter opened Public Hearing #2 at 6:12 p.m.

Todd Winkler, President of the WISCO Hotel Group, stated that his company has been in the hotel business for 42 years. They have never sold a property and own 12 hotels in Wisconsin. They own and operate the Comfort Suites Appleton, which was opened in 1990. Chuck Gifford is the General Manager and has been with the company 22 years. Mr. Winkler stated that he wants neighbors to know that his company is conscious of their concerns, will provide appropriate screening, and will work to minimize disruption to nearby residents. The company would plan to start construction of the Holiday Inn in 2017, followed by construction of the Holiday Inn Express. The new Holiday Inn Express in Fond du Lac is the exact structure planned for the Grand Chute site. He encouraged the public to visit the company website for more information.

James Treiber, 134 S. Maple Hill Drive, stated his opinion that the houses being affected by this project extend from Casaloma Drive to Mayflower Drive, north from Spencer Street. He stated that when most of the homes were built, College Avenue was not yet extended this far west. He said the property in question was rezoned from single-family to commercial office in 2001, and he provided the Commission with copies of the September 4, 2001 Town Board minutes.

Bob Ritchie, 5300 Long Court, expressed his doubts whether this project provide will provide greenspace and whether the owner will work with the neighbors. He said he has significant concern over the impact a

4-story building will have on his property value. He also mentioned that the parking on the periphery means people coming and going all hours of the night with car lights, and also building lighting casting in his direction. He stated that this use would impede on their privacy and he is not in favor of the rezoning.

Michelle Wroblewski, 5222 Long Court, stated that she opposes the rezoning and that in her opinion, the current C-2 zoning is more appropriate. She quoted portions of Town Municipal Code regarding C-2 regulations and the intent of providing a buffer or visual barrier between residential and commercial/industrial, particularly by regulating maximum building height at 2 stories or 36 feet. She noted that the property in question has many tall, mature trees that would shield a 2-story building. She quoted portions of Town Municipal Code regarding CP regulations and the purpose of providing for large-scale commercial projects with no maximum height standards. She said that she did not understand how the plans for the hotel buildings show 2 different heights for buildings that are each to be 4 stories. She noted that the property in question is surrounded by homes on 3 sides and the public interest of residents has to be considered, not just the financial benefit from this hotel project. Ms Wroblewski stated her opinion that a hotel, which would bring transient clientele 24 hours per day, would mean a loss of privacy to her and her neighbors. She stated her opinion that there is plenty of land available north of College Avenue that is more suitable for large hotels, and that the only difference is that these areas have higher values and asking prices. She provided background on the history of buying their wooded lot in 1995, and subsequent rezoning requests by the owner of the property in question. In 1998, the property owner requested to rezone for residential multi-family with a purposed multi-story apartment complex. Residents attended Town meetings to give their input. In 2001, the property was rezoned to C-2, which seemed like a reasonable request in that offices would only be open weekdays and could only be 2 story buildings. She stated her opinion that the current property owner purchased the site knowing it was zoned C-2, and whatever return on investment they were attempting to accomplish may or may not be met. Ms. Wroblewski went on to say that for most of the residents in the area, they enjoy the wooded feel of the neighborhood, and any benefit from replacing a mature stand of trees with new landscaping would not be realized in their lifetimes. She stated her opinion that this project would have a negative effect on her property value and she knows of no one who would like to live in the shadow of a major hotel complex. She is not in favor of the rezoning.

Tom Spalding, 5301 Long Court, stated that he just learned about this project yesterday. He has lived at this property since 2004. He recalled that when he constructed a garage addition, there was a height limitation he had to follow. He stated that he does not mind seeing the Town water tower to the east. He commented on the natural pitch of the neighborhood and how surface water discharges, and he stated his opinion that the hotel project would cause water to run into the residential properties, especially if fill is needed. He stated his opinion that Grand Chute does not need another hotel, and certainly not one located in his neighborhood. He is not in favor of the rezoning.

Marlene Cops, 5321 Long Court, presented a petition signed by residents opposed to the rezoning and a letter from one resident in opposition who was unable to attend the meeting.

Peter McVey, 200 S. Maple Hill Drive, stated that residents should not suffer just because the owner of the property in question made a bad investment. He stated his opinion that any promises made by the developer will not come to pass. He expressed concern about light pollution from the buildings, parking lot and vehicles. He questioned how many existing trees could be saved. He is opposed to the rezoning.

James Treiber spoke again and stated that C-2 zoning was intended to be a buffer between residential and commercial. The site plan presented for the 2001 rezoning request indicated 3 low density offices. He stated his opinion that if the Town was serious about protecting the residents, this project would need to provide more than a 10' setback of the whole project, building and parking lot. He noted the buffer that

was provided for residents near the Werner Electric project. He stated his opinion that this plan lacks detail and he is concerned about runoff from the property after the site is developed.

Brad Steffen, 310 S. Maple Hill Drive, stated that he purchased his property prior to the last time the property was rezoned in 2001. He was opposed to the rezoning then and is opposed to the current rezoning request. He recounted comments made by Town officials at that time. He expressed concern about the number of trucks and semis that the current Holiday Inn has in its parking lot. He said he loves living where he does but is disappointed that another commercial rezoning attempt is underway.

David Wright, 304 S. Maple Hill Drive, stated his opinion that the emergency access from his street means ambulances, fire trucks and police vehicles would be in and out at all hours of the day and night.

Dave Mischler, 5130 W. Spencer Street, stated that his home was built 1.5 years ago. They had to blast to build and because of high water table they have had to pump ever since. He is opposed to the rezoning, does not want a hotel next to him, and said he will sell his house if it happens.

Al Crawford, 5116 W. Spencer Street, stated that his sump pump has run nonstop since the Mischler's blasted for their house. He stated his opinion that hotels attract drugs and crime and he is opposed to the rezoning.

Jason Steinbach, 5228 Long Court, also expressed water concerns. His lawn is already saturated in the springtime. He stated that he plans to sell his house in the next couple of years. He expressed his opinion that he would lose thousands of dollars on the sale with a hotel in his back yard. He is not in favor of the rezoning.

William Wroblewski, 5222 Long Court, quoted from the 2<sup>nd</sup> Addition of the Wisconsin Plan Commission Handbook – 2012, regarding factors to consider in the review process for zoning changes. He stated that from his travel experience over 25 years as a professional pilot, he does not recall seeing homes on 1 side of a hotel, let alone 3 sides as is proposed with the property in question. He recounted his own experiences of crimes committed at hotels he was staying at. He stated his opinion that approving a transient use opens up his neighborhood to these possibilities and he finds that unacceptable. He stated his opinion that if the owner of the property in question is have difficulty selling it, perhaps the price has to be adjusted to match market. He is not in favor of the rezoning.

Denise Knott, 5621 W. Long Court, stated that she just bought this home and has yet to move in. She stated her opinion that the commercial zoning is more about the owner of the property in question making money than it is about the neighborhood.

Terry Bomier, Bomier Properties spoke on behalf of the owners of the property in question. He recalled that when the property was zoned C-2, a consensus was reached that commercial office use would be better than multi-family use. He reviewed some of the benefits for rezoning and approving the hotel use and noted that the approvals being sought are at the very beginning stage of what the developer needs to do in order to determine if this site will work for their project. He stated his opinion that there are ways to work with the neighbors to make this acceptable all parties. He stated that this is not a profit-driven site.

Brad Steffen spoke again and provided his estimate of the difference in people at the site if it is office use versus hotel use.

Michelle Wroblewski spoke again in response to Mr. Bomier's testimony. She stated her opinion that based on property information she found online, the sale of the property in question would be at a profit.

Tom Spalding spoke again and expressed his anger over the proposal. He stated his opinion that a hotel can bring a lot of bad things and he asked the Town to protect the neighborhood.

Sarah Much, 5040 W. Spencer Street, stated that she is opposed to the rezoning. She said they have 2 sump pumps that run constantly.

Sarah Bryner, 5204 W. Spencer Street, stated that she is opposed to the rezoning. She said they love their wooded lot and the wildlife in the area. She stated her opinion that if the hotels are built, it would not be that way anymore.

**Motion (Sherman/Huth) to close Public Hearing #2 at 6:59 p.m.** Motion carried, all voting aye.

11. **REZONING (Z-03-16)** - REQUEST BY THE WISCO HOTEL GROUP, ON BEHALF OF DENNIS W. DIETZEN AND KELSEY DIETZEN, ETAL, TO REZONE PROPERTY AT 215 S. MAPLE HILL DRIVE FROM C-2 OFFICE COMMERCIAL DISTRICT TO CP PLANNED COMMERCIAL DISTRICT.

Director Buckingham suggested that given the extent of testimony provided, it would be advisable for the Commission to defer this item to its next meeting.

**Motion (Schowalter/Sherman) to defer action on Z-03-16 to the March 15, 2016 Plan Commission meeting.** Motion carried, all voting aye.

12. **PUBLIC HEARING #3** – SPECIAL EXCEPTION (SE-05-16) REQUESTED BY THE WISCO HOTEL GROUP, 215 S. MAPLE HILL DRIVE, TO ALLOW HOTEL USE OF A PROPERTY ZONED CP PLANNED COMMERCIAL DISTRICT.

Chairman Schowalter opened Public Hearing #3 at 7:01 p.m. He informed those in attendance that testimony already provided during Public Hearing #2 will be taken into consideration; therefore, there is no need for anyone to restate their positions a second time. He asked if there was anyone wishing to provide new comments or questions.

Director Buckingham suggested that the hearing be left open for continuance at the March 15 Plan Commission meeting.

**Motion (Sherman/Crosby) to hold open and continue the Public Hearing for SE-05-16 at the March 15, 2016 Plan Commission meeting.** Motion carried, all voting aye.

13. **SPECIAL EXCEPTION (SE-05-16)** – REQUEST BY THE WISCO HOTEL GROUP, 215 S. MAPLE HILL DRIVE, TO ALLOW HOTEL USE OF A PROPERTY ZONED CP PLANNED COMMERCIAL DISTRICT.

**Motion (Sherman/Huth) to defer action on SE-05-16 to the March 15, 2016 Plan Commission meeting.** Motion carried, all voting aye.

14. **PUBLIC HEARING #4** – SPECIAL EXCEPTION (SE-06-16) REQUESTED BY M. BLANK PROPERTIES, LLC, 1120 S. BLUEMOUND DRIVE, FOR APPROVAL OF A PLANNED UNIT DEVELOPMENT FOR SINGLE-FAMILY CONDOMINIUM HOMES.

Chairman Schowalter opened Public Hearing #4 at 7:04 p.m.

Gloria Sevilla, 35 Meadowbrook Court, stated that this is the first time she has seen a plan for the property. She has concerns for traffic and the deer and other wildlife at this property. She also said she was concerned for her property value if this will be low-income housing.

Dave Pamperin, 1144 S. Bluemound Drive, stated that this is the first he's heard of development plans for the property in question. He stated that the property has environmentally sensitive areas that will limit

where homes can be built. He questioned if development would impact his property value and is concerned about added traffic from the new homes.

Ron Green, 39 Meadowbrook Court, said that they enjoy the view of this wooded property from the back of their home. He noted the abundance of wildlife in the area. He stated his opinion that the proposed development will have a negative effect on the value of homes along Meadowbrook Court. He stated his opinion that for the sake of neighbors and wildlife, there may be a location more appropriate for this development.

**Motion (Crosby/Huth) to close Public Hearing #4 at 7:11 p.m.** Motion carried, all voting aye.

15. **SPECIAL EXCEPTION (SE-06-16)** – REQUEST BY M. BLANK PROPERTIES, LLC, 1120 S. BLUEMOUND DRIVE, FOR APPROVAL OF A PLANNED UNIT DEVELOPMENT FOR SINGLE-FAMILY CONDOMINIUM HOMES.

Director Buckingham stated that this property has remained vacant for many years and that in his opinion, there may not be a more compatible development plan than the one being presented. It is planned for 12 single story detached condominiums on a 10 acre site. All of the environmentally sensitive areas will be preserved. He noted that the property is zoned for multi-family housing and could be developed at a much greater density than 12 homes. He noted that 6 homes will be at the west end of the site, with access to Bluemound Drive, and 6 homes will be at the east end of the site, with access to Lilas Drive and Everett Street. Future approvals are required from the Town, County and WDNR before construction can begin.

Commissioner Sherman agreed with Director Buckingham's assessment that the proposed development is the least intrusive residential project for the neighborhood.

**Motion (Sherman/Huth) to recommend approval of the Special Exception Permit (SE-06-16) requested by M. Blank Properties, LLC, 1120 S. Bluemound Drive, for a Planned Unit Development designation of the Forestbrook Condominiums, subject to the following conditions: (1) Approval of a Condominium Plat and Declaration of Condominium; (2) Approval of a Site Plan for the development; (3) County approval of a Conditional Use Permit; and, (4) Execution of a PUD Agreement for the development.** Motion carried, all voting aye.

16. **SITE PLAN (SP-03-16)** – REQUESTED BY THE CITY OF APPLETON, 1850 W. NORTHLAND AVENUE, FOR CONSTRUCTION OF A STORMWATER DETENTION POND, LOW FLOW OUTLET LIFT STATION AND ASSOCIATED SITE IMPROVEMENTS.

**Motion (Huth/Crosby) to approve the Site Plan (SP-03-16) requested by the City of Appleton, 1850 W. Northland Avenue, for the construction of a stormwater detention pond, low-flow outlet lift station, and associated site improvements, subject to Town Board approval of Conditional Use Permit CUP-01-16.** Motion carried, all voting aye.

17. **CERTIFIED SURVEY MAP (CSM-05-16)** – REQUEST BY THE D&D ENTERPRISES FAMILY LIMITED PARTNERSHIP, 2585 & 2601 N. MCCARTHY ROAD FOR A LOT CONSOLIDATION CSM WITH ROADWAY DEDICATION.

**Motion (Crosby/Huth) to recommend approval of the Certified Survey Map (CSM-05-16) requested by The D & D Enterprises Family Limited Partnership, 2595 & 2601 N. McCarthy Road.** Motion carried, all voting aye.

18. **AFFIDAVIT OF CORRECTION – GRAND CHUTE WEST BUSINESS PARK** – CORRECTION TO THE PLAT OF GRAND CHUTE WEST BUSINESS PARK, REDUCING THE LENGTH OF AN ACCESS RESTRICTION ALONG N. MAYFLOWER DRIVE.

Director Buckingham noted that the Mayflower Drive access restriction recorded with the plat exceeds the actual length of access restriction purchased and reserved by the WisDOT. The affidavit of correction will adjust the access restriction on the plat to equal what the WisDOT has reserved.

**Motion (Sherman/Crosby) to recommend approval of the Affidavit of Correction to the Plat of Grand Chute West Business Park, reducing the length of an access restriction along N. Mayflower Drive to 323.39 feet north from the STH 15/Mayflower Drive intersection.** Motion carried, all voting aye.

19. ADJOURNMENT.

**Motion (Sherman/Crosby) to adjourn at 7:22 p.m.** Motion carried, all voting aye.

Respectfully Submitted,

Tracy Olejniczak  
Community Development Secretary