

GRAND CHUTE PLAN COMMISSION MINUTES

June 21, 2016

Members Present: Chairman Dave Schowalter, Commissioners Bruce Sherman, Robert Stadel, Julie Hidde, Vivian Huth, Pam Crosby, Duane Boeckers,

Members Absent: Commissioner John Weber

Also Present: James March, Town Administrator; Thomas Marquardt, Public Works Director; Karen Heyrman, Deputy Public Works Director; Bob Heimann, IT Director; Michael Patza, Town Planner; other interested parties (audience attendance = approx. 13)

1. **ROLL CALL**

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

2. **PLEDGE OF ALLEGIANCE**

3. **APPROVAL OF AGENDA.**

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

4. **APPROVAL OF MINUTES** – JUNE 7, 2016 MEETING.

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

5. **PUBLIC INPUT**

Alex Hendrickson, 4187 N. Prairie Rose Lane and Pintu Patel, 4165 N. Prairie Rose Lane stated they are having drainage issues at their properties. Mr. Patel provided a picture showing stormwater runoff from the field to the west draining into and ponding in their backyards after a recent major rainfall event. Mr. Hendrickson stated the stormwater outlet frequently becomes blocked by debris causing their properties and a large portion of the neighborhood to flood. In the past Mr. Hendrickson has periodically cleared the debris but will not be doing that anymore and would like a long term solution to this issue.

Mr. Patel stated that they had recently moved into their home and the seller did not disclose the prior flooding issues at the residence. His property is substantially lower than the adjacent properties, which makes it prone to flooding. He would like the drainage issue to be corrected because he is unable to finish their landscaping until the issue is resolved.

Chairman Schowalter said it is not an item on the agenda so it cannot be directly addressed tonight. He also shared information from the Town Engineer that the recent major rainfall was slightly greater than a 25-year storm event.

Public Works Director Marquardt stated that there has been a plan developed by the adjacent property owners to the west to construct a berm to correct the drainage issue. Director Marquardt and Community Development Director Buckingham met with the property owners a few weeks ago, and were told that it is their intent to complete the ditch work later this year.

Mr. Steve Zich, 4404 N. Orion Lane, stated he wanted to address Municipal Code 463-19, regarding wetland setbacks. He stated the current code prohibits any type of structure within 50' of a delineated wetland. They would like to construct a 4' fence in their backyard, but this is not possible with the 50' wetland setback. Mr. Zich asked the Plan Commission to consider revising this section of the code as believes we are the only municipality in the Valley with such strict enforcement regarding fencing. He has no intention of encroaching into the wetland area but would like to put his fence within the setback area. The type of fence he is looking at does not require concrete, just posts driven into the ground.

Chairman Schowalter noted that he and Planner Patza had discussed this issue and that staff would further review these code provisions. Planner Patza advised that the code does provide a variance procedure in

the case of a hardship. He noted however that in this particular instance, since the requested fence location would be a self-created hardship, a variance could not be granted.

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT – No report.

6. **NEIGHBORHOOD INFORMATION MEETING** – CONDITIONAL USE PERMIT (CUP-05-16) REQUESTED BY 1401 APPLETON LLC, DBA ANYTIME FITNESS, 1401 N. CASALOMA DRIVE, TO ALLOW GRADING AND FILLING FOR A BUILDING ADDITION AND PARKING LOT EXPANSION.

Chairman Schowalter opened the Neighborhood Information Meeting at 6:13 p.m.

Kevin Virobic, 1010 S. Timmers Lane, stated that he was not necessarily opposed to the project, but since this was a non-traditional stormwater management solution had several questions. Mr. Virobic wanted assurance that the quality and quantity of stormwater would meet Town requirements and that the porous asphalt would be properly maintained. He also questioned what would happen with the Operation and Maintenance Agreement if there was a change in ownership.

Planner Patza responded that each of these questions will be addressed at length during the Site Plan report, which thoroughly explains the stormwater management aspects of this project.

Motion (Hidde/Huth) to close the Neighborhood Information Meeting at 6:15 p.m. Motion carried, all voting aye.

7. **CONDITIONAL USE PERMIT (CUP-05-16)** – REQUEST BY 1401 APPLETON LLC, DBA ANYTIME FITNESS, 1401 N. CASALOMA DRIVE, TO ALLOW GRADING AND FILLING FOR A BUILDING ADDITION AND PARKING LOT EXPANSION.

Planner Patza provided details on the project that will result in the excavation of 368 cubic yards of material to be replaced by clear stone, which will function as part of the stormwater management system. He explained that the final approval letter from the Town Engineer has been received for the Stormwater Management Plan. He also explained that the Operation and Maintenance Plan would stay with the property in perpetuity.

Motion (Stadel/Huth) to recommend approval of the Conditional Use Permit (CUP-05-16) requested by 1401 Appleton LLC, dba Anytime Fitness, 1401 N. Casaloma Drive, to allow grading and filling for a building addition and parking lot expansion within the Shoreland Zoning District.

Commissioner Sherman clarified the intent of the Town's Stormwater Ordinance as it relates to new development. Turning green space into impervious surface does generate additional stormwater, but this stormwater is captured and treated in detention facilities, then slowly released from the site. The Stormwater Ordinance dictates that runoff rates after development must be less than or equal to predevelopment rates.

Motion to recommend approval of CUP-05-16 carried, all voting aye.

8. **SITE PLAN (SP-10-16)** – REQUEST BY 1401 APPLETON LLC, DBA ANYTIME FITNESS, 1401 N. CASALOMA DRIVE, FOR APPROVAL OF BUILDING ADDITION, PARKING LOT EXPANSION AND ASSOCIATED SITE IMPROVEMENTS.

Planner Patza provided project details that include a 2,700 sq. ft. building addition and 26 new parking spaces. Porous asphalt will be used for the new parking area due to the environmental and dimensional constraints that exist. Planner Patza provided details on the use of porous asphalt and the Operations and

Maintenance (O & M) Plan that was developed. The property owner will retain services of a private engineering firm and the Town will receive inspection reports on a regular basis to ensure the porous asphalt is functioning properly. He noted that staff worked closely with the development team to assure the Town that this would be a successful stormwater treatment solution.

Planner Patza stated that a delineated wetland exists on the west and north ends of the property and the applicant is requesting a variance to reduce the wetland setback from 50' to 25' for the new parking area. Several alternatives were explored to avoid impacting the wetland setback area, but none of the alternatives were found to be economically or technically feasible. Staff has reviewed the variance request and agrees it is the minimum necessary to afford relief.

Motion (Stadel/Boeckers) to grant a variance from Chapter 463-19 (D)(3) of the Grand Chute Municipal Code to 1401 Appleton LLC, dba Anytime Fitness, 1401 N. Casaloma Drive, allowing a wetlands setback of 25' feet for additional parking area. In granting this variance, the Plan Commission has determined that the variance is not contrary to the public interest and that such variance will be in general harmony with the purposes and intent of the Town's Stormwater Management and Zoning Codes; the variance will not permit the establishment of a use which is not permitted or permissible in the district; special conditions and circumstances exist which are peculiar to the land involved and which are not applicable to other lands in the same district; the literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district; the hardship is not shared generally by other land or buildings in the area; and, the hardship results from the strict interpretation of this ordinance and is not the result of self-created or self-imposed circumstances. Motion carried on a vote of 5 – 2, with Commissioners Sherman and Hidde voting nay.

Motion (Crosby/Huth) to approve the Site Plan (SP-10-16) requested by 1401 Appleton LLC, dba Anytime Fitness, 1401 N. Casaloma Drive, for a building addition and associates site improvements, subject to Town Board approval of Conditional Use Permit (CUP-05-16).

In response to questions from Commissioner Hidde, Planner Patza stated the property owner and their contracted consultant are responsible to provide periodic inspection reports to the Town to ensure the porous asphalt is functioning properly. If it is not meeting the standards of the Town's Stormwater Ordinance, the Town has the authority to fix the issue and charge the costs back to the property owner. He also stated that staff and the Town Engineer have worked closely with the development team to complete the O & M Plan, and all parties believe this will be a successful stormwater management option

In response to questions from Commissioner Sherman, Planner Patza stated the porous pavement has to be cleaned two times per year. He also noted that this and other maintenance requirements are all part of the approved O & M Plan for the project.

Motion to approve SP-10-16 carried, all voting aye.

9. **SITE PLAN AMENDMENT (SPA1-11-99)** – REQUEST BY RONALD G. WOLFF, JR., DBA LAKE SHORE CLEANERS, INC., 4623 N. RICHMOND STREET, FOR APPROVAL OF BUILDING ADDITION FOR SHOP/STORAGE USE.

Motion (Hidde/Sherman) to approve the Site Plan Amendment (SPA1-11-99) requested by Ronald G. Wolff, Jr., dba Lake Shore Cleaners, Inc., 4623 N. Richmond Street, for a building addition and associated site improvements. Motion carried, all voting aye.

10. **CONDOMINIUM PLAT AMENDMENT (CPA1-01-12)** – GEORGETOWN SQUARE CONDOMINIUM, 5400/5404 PENNSYLVANIA AVENUE, FOR AN AMENDMENT TO THE CONDOMINIUM PLAT FOR NEW FLOOR PLANS THAT INCLUDE FULL BASEMENTS.

Motion (Sherman/Boeckers) to recommend approval of the Georgetown Square Condominium Plat Amendment (CPA-01-12). Motion carried, all voting aye.

11. **SITE PLAN AMENDMENT (SPA1-07-12)** – APPLETON VALLEY HOMES, LLC, DBA GEORGETOWN SQUARE CONDOMINIUMS, 5400/5404 PENNSYLVANIA AVENUE, FOR NEW FLOOR PLANS THAT INCLUDE FULL BASEMENTS FOR NEW CONDO UNITS.

Motion (Sherman/Hidde) to approve Site Plan Amendment (SPA1-07-12) requested by Appleton Valley Homes LLC, dba Georgetown Square Condominiums, 5400/5404 Pennsylvania Avenue, for new floor plans that include full basements for new condo units, subject to Town Board approval of an amendment to the Condominium Plat (CPA1-01-12). Motion carried, all voting aye

12. **ADJOURNMENT.**

Motion (Sherman/Boeckers) to adjourn at 6:33 p.m. Motion carried, all voting aye.

Respectfully Submitted,

Tracy Olejniczak-MP/BB
Community Development Secretary