

TOWN OF GRAND CHUTE
1900 W. Grand Chute Blvd.
REGULAR MEETING OF PLAN COMMISSION
REGULAR MEETING MINUTES

June 21, 2011
6:00 pm, Tuesday

Although a quorum of the Town Board of Supervisors may have been present, no Town Board action was taken.

MEMBERS PRESENT: Chairman Dave Schowalter, Commissioners Bruce Sherman, Julie Hidde, Joe Malenofski, Bob Stadel, Vivian Huth, Pam Crosby

MEMBERS EXCUSED: none

ALSO PRESENT: Mark Heling, Road Superintendent; Tom Marquardt, Public Works Director; Jim March Town Administrator; Kevin Vonck, Special Project Coordinator/Grants Administrator; Tim Bantes, Fire Chief; Robert Buckingham, Community Development Director; other interested parties, (audience attendance = approx. 15) Supervisors Nooyen, Thyssen

1. ROLL CALL.

Chairman Schowalter called the meeting to order at 6:00 p.m.

2. PLEDGE OF ALLEGIANCE.

3. APPROVAL OF AGENDA.

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

4. APPROVAL OF MINUTES - REGULAR MEETING & PUBLIC HEARING OF JUNE 7, 2011.

Motion (Stadel/Malenofski) to approve the minutes as printed. Motion carried, all voting aye.

5. PUBLIC INPUT.

There was no public input.

6. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT.

(Community Development Director Buckingham's June 21, 2011 report is available upon request.)

7. **PUBLIC HEARING #1** – SPECIAL EXCEPTION APPLICATION (SE-11-11) REQUESTED BY NORBERT J. STEFFENS, FOR AN AUTOMOBILE REPAIR USE, LOCATED AT 4902 N. LYNNDALE DRIVE. **ISSUE:** HEAR TESTIMONY AND CLOSE PUBLIC HEARING.

Chairman Schowalter opened Public Hearing #1 at 6:04 p.m.

Glen Scherwinski, owner of White Hawk Meadows Subdivision, said he has a real estate interest in the Elaine Kohl farm adjacent to this property. He is seeking more information on the intent of the potential business operation, such as what type of auto repair it would be, if there are any plans to expand building or parking from what exists now.

Chairman Schowalter advised that the Special Exception Permit allows for an automobile repair business; staff is recommending approval conditions that there would be no parking or storage of inoperable junk vehicles allowed on the property, no form of automobile sales allowed on the property, and there must be Site Plan approval prior to the Special Exception use beginning operations.

Mr. Scherwinski asked what safeguards would be in place to keep the business from expanding, and if there are any guidelines that determine how this business could grow on the property.

Chairman Schowalter replied that if there were any expansion or changes to the use on the property, they would need to seek approval of a new Special Exception Permit.

Director Buckingham said that the current owner of the property has been winding down his electrical contracting business and has received interest from a prospective tenant who would like to operate the auto repair business from the existing commercial building. The approval of a Special Exception Permit is sought to establish the right of use of the property for automobile repair. If a lease is executed for this use, Site Plan approval would be required before the operation could be put in place. This approval process would address the concerns raised by Mr. Scherwinski, such as landscape screening, parking, signage, etc.

Mr. Scherwinski said right now the border has a nice tree line and he would want some sort of percentage of screening to be maintained, not only around the front, but along the back border as well.

Director Buckingham noted that this property would need to meet the requirements of the Town's newly adopted landscape and screening standards.

Motion (Huth/Stadel) to close Public Hearing #1 at 6:09 p.m. Motion carried, all voting aye.

8. SPECIAL EXCEPTION APPLICATION (SE-11-11) REQUESTED BY NORBERT J. STEFFENS, FOR AN AUTOMOBILE REPAIR USE, LOCATED AT 4902 N. LYNNDALE DRIVE. **ISSUE:** SHALL THE PLAN COMMISSION RECOMMEND APPROVAL/DENIAL OF SE-11-2011. (TOWN BOARD ACTION 7/7/2011)

Motion (Sherman/Huth) to recommend approval of Special Exception request (SE-11-11) of Norbert J. Steffens, to allow an automobile repair use of the property at 4902 N. Lynndale Drive, with the following conditions: 1. Site Plan approval required prior to Special Exception Use beginning operations; 2. No form of automobile sales allowed at the property with this Special Exception approval; and, 3. No parking/storage of inoperable/junk vehicles or outdoor parts storage allowed at the property. Motion carried, all voting aye.

9. **PUBLIC HEARING #2** – REZONING APPLICATION (Z-16-11) BY GAROT LAND DEVELOPMENT LLC, TO REZONE THE PROPERTY LOCATED AT 1026-1078 W. WILLIS WAY FROM RSF SINGLE-FAMILY RESIDENTIAL DISTRICT TO R-3 SINGLE-FAMILY ATTACHED RESIDENCE DISTRICT. **ISSUE:** HEAR TESTIMONY AND CLOSE PUBLIC HEARING.

Chairman Schowalter opened Public Hearing #2 at 6:10 p.m.

Carl Romenesko, owner of Starview Heights Subdivision, said that he owns 80% of the frontage along the north side of the property being discussed. He said he is in favor of the rezoning request, but has some concerns and was not sure if they should be addressed now or later in the meeting.

Chairman Schowalter said it could be addressed at this time.

Mr. Romenesko said that he met with Keith Garot, developer/owner of the subject property. He noted that he was pleased to see the site plan showing the location of the private road to the north, with the rear yards of the townhomes facing south towards the adjoining wetlands. He said he would have preferred the project consist of all ranch-style homes rather than the planned 2-story buildings. He noted that he thinks the planned density of 24 residences on the lot is reasonable. He addressed his request of Mr. Garot that a 10' high berm be placed along the full extent of the north property line of the townhome development as a visual buffer for the single family properties in Starview Heights. Mr. Garot has agreed to provide that type of landscape improvement. Mr. Romenesko requested that the Town include the berm installation as part of future approvals for this project. Lastly, he asked that the

Condominium Association bylaws be written to ensure that the developer has operating authority throughout the project development phases.

Motion (Hidde/Malenofski) to close Public Hearing #2 at 6:16 p.m. Motion carried, all voting aye.

10. REZONING APPLICATION (Z-16-11) BY GAROT LAND DEVELOPMENT LLC, TO REZONE THE PROPERTY LOCATED AT 1026-1078 W. WILLIS WAY FROM RSF SINGLE-FAMILY RESIDENTIAL DISTRICT TO R-3 SINGLE-FAMILY ATTACHED RESIDENCE DISTRICT. **ISSUE:** SHALL THE PLAN COMMISSION RECOMMEND APPROVAL/DENIAL OF Z-16-11. (TOWN BOARD ACTION 7/7/2011)

Motion (Hidde/Malenofski) to recommend approval of Rezoning request (Z-16-11) by Garot Land Development LLC, to rezone the property at 1026-1078 W. Willis Way from RSF Single-Family Residential District to R-3 Single-Family Attached Residence District. Motion carried, all voting aye.

11. **PUBLIC HEARING #3** – SPECIAL EXCEPTION APPLICATION (SE-12-11) REQUESTED BY GAROT LAND DEVELOPMENT LLC, FOR APPROVAL OF A PLANNED UNIT DEVELOPMENT DESIGNATION FOR THE BUTTERFLY FIELDS NO. 3 CONDOMINIUM PROJECT, LOCATED AT 1026-1078 W. WILLIS WAY. **ISSUE:** HEAR TESTIMONY AND CLOSE PUBLIC HEARING.

Chairman Schowalter opened Public Hearing #3 at 6:16 p.m.

There was no public input.

Motion (Malenofski/Stadel) to close Public Hearing #3 at 6:17 p.m. Motion carried. All voting aye.

12. SPECIAL EXCEPTION APPLICATION (SE-12-11) REQUESTED BY GAROT LAND DEVELOPMENT LLC, FOR APPROVAL OF A PLANNED UNIT DEVELOPMENT DESIGNATION FOR THE BUTTERFLY FIELDS NO. 3 CONDOMINIUM PROJECT, LOCATED AT 1026-1078 W. WILLIS WAY. **ISSUE:** SHALL THE PLAN COMMISSION RECOMMEND APPROVAL/DENIAL OS SE-12-11. (TOWN BOARD ACTION 7/7/2011)

Director Buckingham addressed items raised earlier by Mr. Romenesko as they relate to the approval steps required for this project. He stated that tonight's action would recommend Town Board approval for rezoning the property and granting a Special Exception Permit to place it in a Planned Unit Development (PUD) designation. Future approvals would be needed to approve Preliminary and Final Plats, a Condominium Plat and Declaration, and a Site Plan. Many of Mr. Romenesko's comments or requests will be taken up at one or more of these future approvals. Director Buckingham noted that once R-3 zoning is established, there

would be architectural standards in place that require at least 70% of the exterior walls to be finished in brick, stone, or masonry. The Site Plan will include a landscape plan, at which time the requested berm can be considered. The other items that Mr. Romenesko mentioned would be addressed in the PUD Agreement, Restrictions and Covenants, and Condominium Declaration. Combined, these documents would deal with issues such as owner-occupancy, creation of an Association and its transition from the master developer to the homeowners, property and use restrictions, etc. Finally, Director Buckingham noted that his recommendation for approval already included a condition for the installation of a landscaped berm along the north property line.

Motion (Hidde/Sherman) to recommend approval of Special Exception (SE-12-11) request of Garot Land Development LLC, to create a Planned Unit Development designation for the Butterfly Fields No. 3 Condominium Project, 1026-1078 W. Willis Way, with the following conditions: 1. A landscaped berm be provided across the full extent of the north property line, and along the abutting property lines with Outlot 10, Lot 39, and Lot 37 of the Butterfly Fields Plat, and that the berm be landscaped in accordance with the Town's Landscape and Screening Standards; and, 2. Future approval of a Preliminary and Final Plat, a Condominium Plat and Declaration, and a Site Plan must be obtained from the Town before the project can be undertaken.

Commissioner Huth asked if they will be providing a condominium association for the development and management of the project.

Director Buckingham stated that a Condominium Association would be formed.

Motion to approve carried, all voting aye.

13. **PUBLIC HEARING #4** – REZONING APPLICATION (Z-17-11) REQUESTED BY GAROT LAND DEVELOPMENT LLC, TO REZONE THE PROPERTIES LOCATED AT 1275-1327 W. BEAU RYAN COURT FROM R-2 TWO-FAMILY RESIDENCE DISTRICT TO R-3 SINGLE-FAMILY ATTACHED RESIDENCE DISTRICT, AND TO REZONE THE PROPERTIES AT 1339-1351 W. BEAU RYAN COURT FROM RSF SINGLE-FAMILY RESIDENTIAL DISTRICT TO R-3 SINGLE-FAMILY ATTACHED RESIDENCE DISTRICT. **ISSUE:** HEAR TESTIMONY AND CLOSE PUBLIC HEARING.

Chairman Schowalter opened Public Hearing #4 at 6:21 p.m.

Maria Wierichs spoke on behalf of her mother, Harriet Wierichs, who owns vacant property directly north of the proposed development. She expressed several concerns and asked that the same conditions stipulated for the Willis Way project be put into effect for this development. She also asked if a Condominium Association would be created.

Director Buckingham replied that an Association would be created.

Ms. Wierichs asked what the purchase price would be for these units.

Keith Garot, project developer, stated that the price of each unit would be \$140,000.

Ms. Wierichs asked if a site plan has been developed and made available for viewing.

Director Buckingham noted that the Site Plan would be considered under the next agenda item.

Ms. Wierichs asked if there were measures or conditions in place that restricts these to being owner-occupied units versus renter-occupied.

Director Buckingham stated that this would be addressed in the PUD Agreement, Restrictions and Covenants, and Condominium Declaration.

Motion (Hidde/Huth) to close Public Hearing #4 at 6:24 p.m. Motion carried, all voting aye.

14. REZONING APPLICATION (Z-17-11) REQUESTED BY GAROT LAND DEVELOPMENT LLC, TO REZONE THE PROPERTIES LOCATED AT 1275-1327 W. BEAU RYAN COURT FROM R-2 TWO-FAMILY RESIDENCE DISTRICT TO R-3 SINGLE-FAMILY ATTACHED RESIDENCE DISTRICT, AND TO REZONE THE PROPERTIES AT 1339-1351 W. BEAU RYAN COURT FROM RSF SINGLE-FAMILY RESIDENTIAL DISTRICT TO R-3 SINGLE-FAMILY ATTACHED RESIDENCE DISTRICT. **ISSUE:** SHALL THE PLAN COMMISSION RECOMMEND APPROVAL/DENIAL OF Z-17-11. (TOWN BOARD ACTION 7/7/2011)

Motion (Malenofski/Stadel) to recommend approval of Rezoning request (Z-17-11) of Garot Land Development LLC, to rezone the properties located at 1275-1327 W. Beau Ryan Court from R-2 Two-Family Residence District to R-3 Single-Family Attached Residence District, and to rezone the properties at 1339-1351 W. Beau Ryan Court from RSF Single-Family Residential District to R-3 Single-Family Attached Residence District. Motion carried, all voting aye.

15. **PUBLIC HEARING #5** – SPECIAL EXCEPTION APPLICATION (SE-13-11) REQUESTED BY GAROT LAND DEVELOPMENT LLC, FOR APPROVAL OF A PLANNED UNIT DEVELOPMENT DESIGNATION FOR THE BUTTERFLY FIELDS NO. 2 CONDOMINIUM PROJECT, LOCATED AT 1275-1351 W. BEAU RYAN COURT. **ISSUE:** HEAR TESTIMONY AND CLOSE PUBLIC HEARING.

Chairman Schowalter opened Public Hearing #5 at 6:25 p.m.

There was no public input.

Motion (Sherman/Huth) to close Public Hearing #5 at 6:25 p.m. Motion carried, all voting aye.

16. SPECIAL EXCEPTION APPLICATION (SE-13-11) REQUESTED BY GAROT LAND DEVELOPMENT LLC, FOR APPROVAL OF A PLANNED UNIT DEVELOPMENT DESIGNATION FOR THE BUTTERFLY FIELDS NO. 2 CONDOMINIUM PROJECT, LOCATED AT 1275-1351 W. BEAU RYAN COURT. **ISSUE:** SHALL THE PLAN COMMISSION RECOMMEND APPROVAL/DENIAL OF SE-13-11.

Motion (Stadel/Sherman) to recommend approval of Special Exception request (SE-13-11) of Garot Land Development LLC, to create a Planned Unit Development designation for the Butterfly Fields No. 2 Condominium Project, 1275-1351 W. Beau Ryan Court, with the condition that the approval of a Condominium Plat and Declaration must be obtained from the Town before the project can be undertaken. Motion carried, all voting aye.

17. PRELIMINARY AND FINAL PLAT APPROVAL FOR BUTTERFLY FIELDS NO. 2 (PP-03-11/FP-02-11), REQUESTED BY GAROT LAND DEVELOPMENT LLC. **ISSUE:** SHALL THE PLAN COMMISSION RECOMMEND APPROVAL/DENIAL OF THE PRELIMINARY PLAT (PP-03-11) AND FINAL PLAT (FP-02-11) FOR BUTTERFLY FIELDS NO. 2. (TOWN BOARD ACTION 7/7/2011)

Director Buckingham said that the requested plat would re-divide the original six (6) lots that were platted on this portion of Beau Ryan into five (5) lots. The action is being taken to attain the proper placement of each townhome building on a separate lot. Each building will be a separate project and will be converted to a Condominium Plat upon completion.

Motion (Huth/Stadel) to recommend approval of the Preliminary and Final Plats for Butterfly Fields No. 2 (PP-03-11/FP-02-11) requested by Garot Land Development LLC. Motion carried, all voting aye.

18. SITE PLAN APPLICATION (SP-02-11) REQUESTED BY GAROT LAND DEVELOPMENT LLC, FOR BUTTERFLY FIELDS NO. 2 CONDOMINIUM PROJECT, CONSISTING OF FIVE 4-UNIT SINGLE-FAMILY ATTACHED TOWNHOME BUILDINGS AT 1275-1351 W. BEAU RYAN COURT. **ISSUE:** SHALL THE PLAN COMMISSION RECOMMEND APPROVAL/DENIAL OF SP-02-11.

Director Buckingham noted that the project meets the density, area and dimensional requirements of the R-3 classification. Among conditions for approval are future staff review and approval of building exteriors, and landscape plans. Stormwater from this project will drain directly to the adjoining regional detention pond, and the

Site Plan submittal is in compliance with the previously approved stormwater management plan for the development.

Motion (Hidde/Sherman) to approve Site Plan (SP-02-11) for Butterfly Fields No. 2 Condominium Project, conditioned on staff approval of code-complying building exteriors, and landscape plans in compliance with the Town's Landscape and Screening Standards. Motion carried, all voting aye.

19. PRELIMINARY/FINAL PLAT APPROVAL FOR MICHAELS AND MCCARTHY SUBDIVISION (PP-02-11/FP-01-11), REQUESTED BY MCMI, LLC. **ISSUE:** SHALL THE PLAN COMMISSION RECOMMEND APPROVAL/DENIAL OF PRELIMINARY PLAT (PP-02-11) AND FINAL PLAT (FP-01-11) FOR MICHAELS AND MCCARTHY SUBDIVISION. (TOWN BOARD ACTION 6/21/2011)

Director Buckingham said the property owner has a sale pending on Lot 1 of the proposed plat. This land was originally subdivided as part of a Certified Survey Map (CSM). County rules prohibit the division of more than 4 lots by CSM. Since the original CSM created 4 lots, any further subdivision of the property now requires a Plat to be approved. Lots 2 and 3 of the proposed Plat will contain large acreage that could be further subdivided, via CSM, in the future. The Plats meet all standards for subdivision creation. Recorded drainage easements are included to ensure that all stormwater from these lots is directed to the existing stormwater pond at the far southeast corner of this development. Due to time-sensitivity for approvals, this item is also on tonight's Town Board's agenda.

Motion (Stadel/Sherman) to recommend approval of the Preliminary Plat and Final Plat (PP-02-11/FP-01-11) of Michaels and McCarthy Subdivision. Motion carried, all voting aye.

20. SITE PLAN AMENDMENT APPLICATION (SPA3-00-77) REQUESTED BY GUSTMAN SUBARU, 310 S. LYNNDALE DRIVE. **ISSUE:** SHALL THE PLAN COMMISSION APPROVE/DENY SPA3-00-77.

Director Buckingham said this is the third site plan amendment related to the conversion of this property from the former Lincoln Mercury dealership to Gustman Subaru. This project involves a 2,800 square foot addition to the northwest corner of the existing building for service and write-up space. In addition, the owner will be adding some column and retaining wall features along the Lynndale Drive side of the building. He noted that the submitted plan meets all code requirements, with a condition that 12 shade trees be planted for compliance with Town landscape and screening standards. There is no change to parking on-site, and the existing stormwater management plan applies for this project since it is being built on what is now paved surface.

Motion (Huth/Hidde) to approve the Site Plan Amendment (SPA3-00-77) for a building addition at Gustman Subaru, 310 S. Lynndale Drive, conditioned on

staff approval of a landscape plan for the addition of 12 shade trees on the property. Motion carried, all voting aye.

21. SITE PLAN AMENDMENT APPLICATION (SPA1-02-10) REQUESTED BY FIVE GUYS BURGERS AND FRIES, 137 MALL DRIVE, FOR AN OUTDOOR DINING PATIO. **ISSUE:** SHALL THE PLAN COMMISSION APPROVE/DENY SPA1-02-10.

Director Buckingham stated that this business will be located in the same retail plaza as Bennigan's and Time Warner Cable. The applicant will be adding outdoor seating. Some of the seating will be located along the service walk near the entry to the building. The requested Site Plan Amendment is to allow placement of two additional tables on a current parking stall near the front door. The development in total provides more parking spaces than is required by Code, so the loss of one space is not an issue. The enclosure consists of construction strength steel and meets all requirements. There will be no alcohol service at this restaurant.

Motion (Sherman/Huth) to approve the Site Plan Amendment (SPA1-02-10) request of Five Guys Burgers and Fries, 137 N. Mall Drive, for the removal of one parking stall to be used for outdoor dining, with seating enclosure per submitted plan. Motion carried, all voting aye.

22. SITE PLAN AMENDMENT APPLICATION (SPA1-45-01) REQUESTED BY APPLETON, AREA STORAGE, LLC, 3300 N. MAYFLOWER ROAD, FOR CONSTRUCTION OF TWO MINI-WAREHOUSE STORAGE BUILDINGS. **ISSUE:** SHALL THE PLAN COMMISSION APPROVE/DENY SPA1-45-01.

Director Buckingham stated that the property is located at the corner of Mayflower Road and Capitol Drive. The owner plans to build two storage buildings on the undeveloped portions of the site. The proposed Site Plan indicates future expansion for two additional buildings. In the meantime, this expansion area will be gravel storage for RVs and large campers. Area and dimensional code requirements are met with this request. Director Buckingham noted the landscape improvements that are being added as a result of the Town's new landscape and screening standards.

Motion (Hidde/Huth) to approve Site Plan Amendment Application (SPA1-45-01) for two new buildings and gravel storage area at Appleton Area Storage, 3300 N. Mayflower Drive. Motion carried, all voting aye.

23. SITE PLAN AMENDMENT (SPA2-22-05) REQUESTED BY WILD TRUFFLE ARTISAN PIZZERIA, 5120 W. MICHAELS DRIVE, FOR PLACEMENT OF AN OUTSIDE STORAGE UNIT. **ISSUE:** SHALL THE PLAN COMMISSION APPROVE/DENY SPA2-22-05.

Director Buckingham stated the Town has been in discussion with the business owner for a number of months in an effort to receive a plan that provides for improvements required to bring an existing outside storage into code compliance.

The storage unit was placed on the property after the original Site Plan was approved. The proposed plan requires that the unit be enclosed on two sides by masonry block walls to match the building exterior. The addition of the two walls will shield the storage unit from public view along Michaels Drive. The storage unit sits on an existing paved surface so there no changes to the approved drainage plan for the property. Director Buckingham advised that improvement of this storage unit is one of two outstanding code compliance issues that the Town Board will be considering later tonight with regard to the establishment's liquor license renewal.

Motion (Stadel/Huth) to approve Site Plan Amendment Application (SPA2-22-05) for an exterior storage unit at Wild Truffle Artisan Pizzeria, 5120 W. Michaels Drive, conditioned on the enclosure being completed and approved by the Town no later than August 30, 2011.

Chairman Schowalter asked Marc Waltzer, owner of the business, if he was aware of the required improvements to the storage unit that need to be completed, and that he is aware of the timeframe for completion of the project in accordance with the Site Plan as presented.

Mr. Waltzer said he was aware of these conditions and requirements, and that is why he was present at the meeting, to make sure he is in complete compliance.

Chairman Schowalter said that he just wanted to confirm with Mr. Waltzer that he was aware of all the conditions and requirements being placed on the project.

Mr. Waltzer nodded in agreement.

Motion to approve carried, all voting aye.

24. ADJOURNMENT.

Motion (Huth/Malenofski) to adjourn the meeting at 6:42 p.m.

Motion carried, all voting aye.

Respectfully Submitted,

Tracy Olejniczak
Community Development Secretary