

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

May 17, 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

MEMBERS EXCUSED: none

ALSO PRESENT: Tim Bantes, Fire Chief, Mark Heling, Road Superintendent; Tom Marquardt, Public Works Director; Jim March Town Administrator; Mary Baxter, Executive Secretary; Karen Weinschrott, Town Clerk, exited at 6:06 p.m.; Robert Buckingham, Community Development Director; other interested parties, (audience attendance = approx. 8) Supervisors Nooyen, Thyssen, Supervisor Pleuss entered at 6:02 p.m.

1. ROLL CALL.

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

2. PLEDGE OF ALLEGIANCE.

3. APPROVAL OF AGENDA.

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

4. APPROVAL OF MINUTES - REGULAR MEETING & PUBLIC HEARING OF MAY 3, 2011.

Motion (Stadel/Huth) 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 May 17, 2011 report available upon request.

7. **PUBLIC HEARING #1** – REZONING APPLICATION (Z-10-11) REQUESTED BY TEAM DEVELOPMENT, TO REZONE THE PROPERTY LOCATED ON W. EVERGREEN DRIVE AT N. RICHMOND STREET FROM CP PLANNED COMMERCIAL DISTRICT TO CL LOCAL COMMERCIAL DISTRICT. **ISSUE:** HEAR TESTIMONY AND CLOSE NEIGHBORHOOD MEETING.

Chairman Schowalter opened the Public Hearing #1 at 6:05 p.m.

There was no public input.

Motion (Hidde/Huth) to close the Public Hearing #1 Rezoning application (Z-10-11) at 6:06 p.m. Motion carried, all voting aye.

8. REZONING APPLICATION (Z-10-11) REQUESTED BY TEAM DEVELOPMENT, TO REZONE THE PROPERTY LOCATED ON W. EVERGREEN DRIVE AT N. RICHMOND STREET FROM CP PLANNED COMMERCIAL DISTRICT TO CL LOCAL COMMERCIAL DISTRICT. **ISSUE:** SHALL THE PLAN COMMISSION RECOMMEND APPROVAL/DENIAL OF THE REZONING APPLICATION (Z-10-11) REQUEST. (TOWN BOARD ACTION 5/17/11)

Motion (Huth/Sherman) to approve rezoning application (Z-10-11) requested by Team Development, to rezone the property located on W. Evergreen Drive at N. Richmond Street from CP Planned Commercial District to CL Local Commercial District. Motion carried, all voting aye.

9. **NEIGHBORHOOD INFORMATIONAL MEETING** – CONDITIONAL USE PERMIT REQUEST OF APPLETON ALLIANCE CHURCH, 2693 W. GRAND CHUTE BOULEVARD, TO ALLOW FILLING, GRADING, AND POND CONSTRUCTION WITHIN 300 FEET OF A NAVIGABLE STREAM. **ISSUE:** HEAR TESTIMONY AND CLOSE PUBLIC HEARING.

Chairman Schowalter opened the Neighborhood Informational meeting at 6:07 p.m.

There was no public input.

Motion (Huth/Sherman) to close Neighborhood Informational meeting at 6:08 p.m. Motion carried, all voting aye.

10. CONDITIONAL USE PERMIT REQUEST OF APPLETON ALLIANCE CHURCH, 2693 W. GRAND CHUTE BOULEVARD, TO ALLOW FILLING, GRADING, AND POND CONSTRUCTION WITHIN 300 FEET OF A NAVIGABLE STREAM. **ISSUE:**

SHALL THE PLAN COMMISSION RECOMMEND APPROVAL/DENIAL OF CONDITIONAL USE PERMIT REQUEST OF APPLETON ALLIANCE CHURCH. (TOWN BOARD ACTION 6/7/11)

Motion (Malenofski/Huth) to recommend approval of the Conditional Use Permit request of Appleton Alliance Church, 2693 W. Grand Chute Boulevard, to allow filling, grading, and pond construction within 300 feet of a navigable stream. Motion carried, all voting aye.

11. PROJECT PLAN APPROVAL (PDD1: PPA-01-11) REQUESTED BY APPLETON ALLIANCE CHURCH, 2693 W. GRAND CHUTE BOULEVARD, FOR EXPANSION OF CHURCH FACILITIES PER THE APPROVED MASTER PLAN. **ISSUE:** SHALL THE PLAN COMMISSION RECOMMEND APPROVAL/DENIAL OF PROJECT PLAN (PDD1: PPA-01-11) FOR APPLETON ALLIANCE CHURCH. (TOWN BOARD ACTION 6/7/11)

Commissioner Hidde asked Director Buckingham if he included all of the changes from the original master plan that were reviewed and approved by the Town.

Director Buckingham said they are all incorporated in this project plan approval.

Motion (Hidde/Sherman) to recommend approval of Project Plan PDD1: PPA-01-11, Appleton Alliance Church, 2693 W. Grand Chute Boulevard, conditioned on the following required approvals: 1) drainage, stormwater management and erosion control plans by the Town Engineer; 2) Conditional Use Permit from Outagamie County for filling, grading and pond excavation work within 300 feet of a navigable stream; 4) DNR Chapter 30 Permit for stormwater pond construction; 5) future Project Plan Approval from the Town of Grand Chute for site signage details and specifications. Motion carried, all voting aye.

12. DISCUSSION AND CONSIDERATION OF A ZONING CODE AMENDMENT REGARDING OFF-STREET PARKING REQUIREMENTS IN RESIDENTIAL DISTRICTS. **ISSUE:** SHALL THE PLAN COMMISSION SCHEDULE A PUBLIC HEARING FOR JUNE 21, 2011 TO CONSIDER A ZONING CODE AMENDMENT.

Commissioner Hidde asked for a summary from Director Buckingham.

Director Buckingham said the Town has encountered problems in regulating and enforcing off-street parking in single and two family zoning districts, especially in cases of chronic violations for either the condition or number of vehicles parked on a residential property. This would include vehicles that are parked on the front lawn and large commercial vehicles that are parked on grass or bare soil. He said that there are on average between 10-12 chronic violaters annually. It is not a pervasive problem, but in such cases, it is difficult to attain compliance. As a result, it becomes frustrating for neighbors, the Police Department, and other Town staff.

Director Buckingham introduced proposed code amendments: 1) definition of vehicles, such as an automobile, commercial vehicle or a recreational utility vehicle, and 2) off-street parking regulations for RSF, RTF, R-2 and property zoned AGD and used for single-family use not related to a farm operation. The proposed regulations would state the following: *“All automobiles or recreational/utility vehicles parked or stored outside must be parked or stored on a gravel or paved surface if located in the front yard or side yard of a property. Parking on grass or bare soil surfaces is prohibited. No more than four (4) vehicles shall be parked or stored in the front yard, of which no more than one (1) may be a recreational/utility vehicle. All automobiles or motorized commercial and recreational/utility vehicles parked or stored outside in the rear yard of a property must be parked or stored on gravel or paved surface. No commercial vehicle with a weight in excess of 8,000 pounds, or over 20 feet in length, or having a height of more than 8 feet, shall be parked or stored, except when rendering a service at the property on which it is parked. Any commercial vehicle must be parked or stored on a gravel or paved surface. A commercial vehicle parked or stored in the front yard would be counted toward the maximum limit of four (4) vehicles being allowed.”*

Director Buckingham noted that it is very difficult to define every type of commercial vehicle and which of those may be more offensive or inappropriate in residential district. The logic behind a restriction of 8,000 pounds is derived from the fact that some large SUV's and extended-cab pickup trucks weigh between 6,000-8,000 pounds, so those would be allowed as a personal residential-type vehicle. Once vehicle weight exceeds 8,000 pounds, you are in the category of panel trucks, double rear-axel delivery vehicles, dump trucks and construction-grade earth moving equipment. He noted that school buses would be included in the restriction.

Chairman Schowalter said that the main reason for this code amendment is to put some regulatory teeth into our code so that when a citation is written, offenders can be fined.

Director Buckingham said the problem has been that when this type of violation gets to court, the case is often dismissed because of inadequate code language.

Commissioner Sherman said he assumed the commercial vehicle weight limit would be actual vehicle weight not gross carrying load weight. Sherman said he would like the word *actual* to be added.

Director Buckingham confirmed that the intent is to describe actual vehicle weight, and he noted that this change would be made to the proposed ordinance.

Commissioner Sherman said that he has a very large family from all over the country and very easily, for the weekend, he could have more than four vehicles parked in his driveway. He does not know if we need to put some sort of time element on the “over four vehicles” provision, because if someone comes in for a family event, you could very well have five vehicles parked in your driveway for the weekend.

Chairman Schowalter said that perhaps we could just look at this as only for overnight parking.

Sherman said possibly 2 or 3 nights, but would hate for people to have to come and take out a permit, since for much of the year, they are allowed to park on the street except during the winter.

Commissioner Huth noted that in Appleton, residents can call in to ask permission for extra vehicle parking.

Director Buckingham said from an enforcement perspective, we could maybe put some wording or a phrase such as "casual use". However, the main intent of this ordinance is to have adequate provisions for enforcement action against habitual offenders and not to respond to occasional complaints about excess parking due to family gatherings or special events.

Commissioner Huth asked what about people constantly parking on the street rather than their driveway.

Director Buckingham said if parking is allowed on the street, then there is no restriction other than what would be specified for snow removal purposes.

Commissioner Malenofski asked with regard to vehicles being parked in the driveway, would that be considered as part of the front yard or is the front yard just being considered the grassed area.

Director Buckingham said that driveways would be part of the definition of parking in the front yard. The amendment would require any parking in front of the house to be on gravel or paved surface.

Motion (Hidde/Huth) to schedule a public hearing for June 7, 2011 for consideration of a Zoning Code Amendment regarding off-street parking in residential districts. Motion carried, all voting aye.

13. CONTINUED DISCUSSION OF OUTAGAMIE COUNTY AIRPORT OVERLAY ORDINANCE UPDATE.

Director Buckingham advised that the Committee is nearing completion of its task. Among the last issues being considered is the creation of a program for purchase of development rights (PDR's). The program would provide the means for the County to compensate agricultural landowners in the overlay zone in exchange for a permanent restriction on any development beyond current Ag use. The program would ensure that farmlands near runways be kept out of conflict with airport operations. This is not a recommended action by the FAA. Federal regulators prefer outright land purchases. There are only 3 known PDR's in Wisconsin, and

none of them are related to airports. Two members of the AdHoc committee are advocating implementation of this program. A final Committee decision on this issue is expected at the May 25 meeting.

Director Buckingham noted that the Committee has reviewed stormwater ordinances among the affected jurisdictions, to ensure compatibility with the airport overlay restrictions.

For the first time, airport overlay zones will extend south into Winnebago County. Buckingham said that portions of the Town of Menasha and Town of Clayton will be in an overlay district for an Outagamie County facility, so there is a fair amount of integration that has to occur to ensure uniform administration between two county units of government. The Town of Clayton has a small portion of land in the overlay zone, but it happens to include some prime development property in the Hwy 76 and Hwy 10 corridor.

Final details on the respective roles of the County Zoning Department and local municipalities with regard to issuing permits for projects in the overlay zone are being wrapped up. Town staff will be deputized to issue routine permits, and then report those to the County. Grand Chute, Greenville and Town of Menasha support this action. Clayton does not want deputy powers.

The Committee's report will be advanced to the County Board when completed. Public hearings will be held before adoption of the new Airport Overlay Ordinance.

14. ADJOURNMENT.

Motion (Sherman/Malenofski) to adjourn the meeting at 6:25 p.m. Motion carried, all voting aye.

Respectfully Submitted,

Tracy Olejniczak
Community Development Secretary