

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

Tuesday, November 1, 2011

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, Pamela Crosby, Vivian Huth

MEMBERS EXCUSED: none

ALSO PRESENT: Tim Bantes, Fire Chief; Mark Heling, Road Superintendent; Mary Baxter, Executive Secretary; Kevin Vonck, Special Project Coordinator/Grants Administrator; Tom Marquardt, Public Works Director; Robert Buckingham, Community Development Director; other interested parties, (audience attendance = approx. 24, Supervisors Nooyen, Pleuss entered at 6:12 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 (Sherman/Huth) to approve the agenda as printed. Motion carried, all voting aye.

4. APPROVAL OF MINUTES - REGULAR MEETING & PUBLIC HEARING OF OCTOBER 18, 2011.

Motion (Sherman/Hidde) to approve the minutes as distributed at the meeting. Motion carried, all voting aye.

5. PUBLIC INPUT.

There was no public input.

6. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT.

Community Development Director Buckingham's report available upon request.

Director Buckingham alerted the Commissioners to a memo placed at their desks, which provides revised recommendations for agenda items #13 and #14.

7. **PUBLIC HEARING #1** – REZONING APPROVAL (Z-20-11) REQUESTED BY STEVE AND KAREN CLASSON, DBA SKB MANAGEMENT, INC., TO REZONE THE PROPERTY AT 1600 TRI-

PARK WAY FROM CP PLANNED COMMERCIAL DISTRICT TO R-4 MULTI-FAMILY DISTRICT. ISSUE: HEAR TESTIMONY AND CLOSE PUBLIC HEARING.

Chairman Schowalter opened Public Hearing #1 at 6:03 p.m.

Steve Classon discussed his intended plans for constructing 24 apartment units on the subject property. The units would have attached garages, eat-in kitchens, and in-unit laundry facilities. He reviewed the other projects he has developed/managed in the Town, including units immediately to the south of the subject property, along with larger developments on Michael's Drive and Mayflower Drive. The proposed project will be an upgrade in quality and amenities from the adjoining units.

Greg Reed, 4010 N. Gillett Street said he was concerned with adding more multi-family. He stated that 10 years ago he was assured by the Chairman and Board supervisors that multi-family housing development would be limited. He stated that he was opposed to having more multi-family in his own neighborhood, but more are being built there.

Katie Ellsen-Doe, 1509 N. Lilas Drive noted that she was in attendance with other residents from Patriot Park Condominiums. She noted that when she purchased her home, she was told the property to the west would remain business zoned. Portions of the property to the west were subsequently rezoned to multi-family. She personally does not want more apartments built near her home.

Patti Trochil, 1625 N. Lilas Drive said that she agree with the previous speaker, and added that the subject property is a nice, wooded piece of land and it would be a shame to build on it as it adds to the attractiveness of the entire neighborhood.

Motion (Huth/Stadel) to close Public Hearing #1 for Z-20-11 at 6:08 p.m. Motion carried, all voting aye.

8. REZONING APPROVAL (Z-20-11) REQUESTED BY STEVE AND KAREN CLASSON, DBA SKB MANAGEMENT, INC., TO REZONE THE PROPERTY AT 1600 TRI-PARK WAY FROM CP PLANNED COMMERCIAL DISTRICT TO R-4 MULTI-FAMILY DISTRICT. **ISSUE:** SHALL THE PLAN COMMISSION RECOMMEND APPROVAL//DENIAL OF Z-20-11. (TOWN BOARD ACTION 11/15/2011)

Commissioner Sherman stated that approximately 10 years ago, the Town established a long range plan to limit the amount of acreage to be zoned and developed for multi-family. This effort was later supplemented by the adoption of the Comprehensive Plan in 2009. He noted that it has been the practice of the Town to work with the supply of vacant multi-family zoned land by adding new development areas by way of transferring zoning from other parcels. He asked staff to research the current status of land developed for multi-family over the past 10 years, along with an inventory of land zoned for multi-family that is vacant and available at this time. He concluded that unless the Town would choose to re-think the planning decision that was made 10 years ago, he would support continuing to rely on the long-range plan, just as property owners have done when making real estate purchase decisions.

Motion (Sherman/Huth) to defer until the November 15, 2011 meeting, the rezoning request (Z-20-11) by Steve and Karen Classon to amend the Comprehensive Plan to reflect residential development for the property at 1600 Tri-Park Way, and to rezone the property from CP Planned Commercial District to R-4 Multi-Family District. Motion to approve carried, all voting aye.

9. **PUBLIC HEARING #2** – SPECIAL EXCEPTION APPROVAL (Z-21-11) REQUESTED BY HARRIET WIERICHS AND JEFF WIERICHS TO REZONE VACANT PROPERTY LOCATED IN THE 4200 BLOCK N. GILLETT STREET FROM AGD GENERAL AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL SINGLE-FAMILY ATTACHED DISTRICT. **ISSUE:** HEAR TESTIMONY AND CLOSE PUBLIC HEARING.

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

Jeff Wierichs, representing the family who owns the property, noted that his parents have owned the land since the mid-1990's. With residential development now surrounding the property on 3 sides, the family believes it is the right time to put a plan in place for future land use. He noted that he had worked closely with Town staff to develop a reasonable plan.

Ken Lederer, 4342 Skyway Lane, said when they purchased their property they were told that the area behind them to the south was in a 100-year wetlands and that no one could build on it. He expressed concern over the potential for compromising the natural habitat that exists now. He also noted that in 2009, there was considerable discussion on floodplain designations and he was able to confirm then that there was a wetland and not a floodplain situation on the Wierichs property. He asked for clarification on the extent of wetlands on the subject property; verification on the distance of the wetlands from Mud Creek; confirmation that the wetlands setback is only 75' in any direction of the stream; an explanation on what granting of a Special Exception Permit would allow for development; and, a description of the extent of the property that will be developed. He expressed his overall concern for development on the property destroying a wonderful natural habitat. He noted some adjoining property owners share the same concern, but many were unable to attend this hearing.

Greg Reed, 4010 Gillett Street stated that he lived near the subject property and is concerned with its development and how the wetlands could be negatively impacted.

Heather Tews, 4358 Skyway Lane, stated she shares the concerns expressed by Mr. Lederer, and added the concern over the impact to high water tables in the area.

Jeff Wierichs said that he appreciates the neighbors' comments, but that those in attendance may not be aware that all the wetlands have been delineated and there are regulations in place to protect this natural resource.

Director Buckingham confirmed that the wetlands boundaries have been identified and delineated, and that both the DNR and the Army Corps of Engineers have issued concurrence letters in agreement with the delineation. Local regulations require a 50' setback from the wetlands and a 75' setback from Mud Creek. These are protective restrictions that ensure development will not impact these natural resource areas. He referenced the overhead image that depicts the developable areas on the property, and their relationship to wetlands and creek boundaries.

Motion (Sherman/Stadel) to close Public Hearing #2 at 6:17p.m. Motion carried, all voting aye.

10. REZONING APPROVAL (Z-21-11) REQUESTED BY HARRIET WIERICHS AND JEFF WIERICHS TO REZONE VACANT PROPERTY LOCATED IN THE 4200 BLOCK N. GILLETT STREET FROM AGD GENERAL AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL SINGLE-FAMILY ATTACHED DISTRICT. **ISSUE:** SHALL THE PLAN COMMISSION RECOMMEND APPROVAL/DENIAL OF THE Z-21-11. (TOWN BOARD 11/15/2011)

Director Buckingham explained that the rezoning request is the first step in the development planning for the property. The Special Exception Permit is requested to establish the right of use for the property, so that it can be marketed for sale and development in accordance with Town standards and plans. He acknowledged that planning for this property has involved attention to the environmental features of the site. Floodplain and wetlands boundaries define the two limited areas that can be developed for the intended use of single-family attached condos. The entire 16 acres would be rezoned at this time, but the Special Exception Permit would only be applicable to the portion of the property to the east of the creek. Development of the land west of the creek would be subject to a future Town approval. He explained that two pods have been identified for development. The southern pod would be accessed by a public road extension of Beau Ryan Court. The northern pod would be accessed by a private roadway extending west from Orion Lane. The spacing of the buildings that are being proposed would be somewhat comparable in scale to traditional single-family development. The northern pod is anticipated to develop with attached two-unit single-family condo homes. The southern pod is anticipated to develop with attached four-unit single family condo homes, similar to what is being built to the south on Beau Ryan Court. This development pattern is consistent with the long-range plans for the area and staff recommends approval of the rezoning.

Motion (Stadel/Huth) to recommend approval of the rezoning (Z-21-11) requested by Harriet Wierichs and Jeff Wierichs to rezone vacant property located in the 4200 block in N. Gillett Street (Tax Key Parcel #101036500) from AGD General Agricultural District to R-3 Residential Single-Family Attached District.

Commissioner Sherman asked for a further explanation of the proposed reduction in density on the southern pod.

Director Buckingham explained that by code, the maximum allowed density on the southern pod would be 40 units. After reviewing the conceptual layout at this density level, it is staff recommendation to lower the maximum approved density to 32 units.

Commissioner Sherman asked how the property is designated in the Comprehensive Plan.

Director Buckingham stated that the area is planned for single family/two-family use.

Commissioner Sherman asked for confirmation that the proposed layout of the two development pods would not alter the delineated wetlands, as approved by the DNR and the Army Corp of Engineers.

Director Buckingham confirmed that this would be the case at this property.

Motion carried, with all voting aye, except Commissioner Hidde voting nay.

11. **PUBLIC HEARING #3** – SPECIAL EXCEPTION PERMIT (SE-22-11) REQUESTED BY HARRIET WIERICHS AND JEFF WIERICHS FOR APPROVAL OF A PLANNED UNIT DEVELOPMENT DESIGNATION FOR CONDOMINIUM DEVELOPMENT ON PROPERTY LOCATED IN THE 4200 BLOCK OF N. GILLETT STREET. **ISSUE:** HEAR TESTIMONY AND CLOSE PUBLIC HEARING.

Chairman Schowalter opened Public Hearing #3 at 6:21 p.m.

Heather Tews, 4358 Skyway Lane expressed concerns such as the water table, attached homes rather than single-family homes, and potential impact to property values in the neighborhood.

Motion (Sherman/Hidde) to close Public Hearing #3 at 6:24 p.m. Motion carried, all voting aye.

12. SPECIAL EXCEPTION PERMIT (SE-22-11) REQUESTED BY HARRIET WIERICHS AND JEFF WIERICHS FOR APPROVAL OF A PLANNED UNIT DEVELOPMENT DESIGNATION FOR CONDOMINIUM DEVELOPMENT ON PROPERTY LOCATED IN THE 4200 BLOCK OF N. GILLETT STREET. **ISSUE:** SHALL THE PLAN COMMISSION RECOMMEND APPROVAL/DENIAL OF SE-22-11. (TOWN BOARD ACTION 11/15/11)

Commissioner Sherman suggested that this item be deferred so that some of the recommended approval conditions could be worked through and removed before approval is granted.

Director Buckingham explained that all of the conditions listed are intended to provide regulatory guidance as part of the right-of-use approval. None of the conditions require action now as part of the Special Exception Permit approval. These conditions would be incorporated in a Site Plan approval request by whoever develops this property.

Commissioner Sherman stated that with that explanation, he would support approval, with adding a condition that the cost for construction of public trails in the development be the developer's responsibility.

Motion (Sherman/Huth) to recommend approval of Special Exception Permit (SE-22-11) requested by Harriet Wierichs and Jeff Wierichs for approval of a Planned Unit Development designation for condominium development on property located in the 4200 block of N. Gillett Street (Tax Key Parcel #101036500) with the following conditions:

1. Town approval to rezone this property from AGD General Agricultural District to R-3 Single-Family Attached Residence District.
2. The PUD designation is granted only for the portion of the property east of the creek, as shown on the "Site Plan" for the property, dated 10/25/11.
3. Allowable density of the northern "pod" is 12 units maximum.
4. Allowable density of the southern "pod" is 32 units maximum.
5. Access to the northern "pod" will be a private road extending east from Orion Lane, to be funded in full and developed by the project/property owner.
6. Access to the southern "pod" will consist of an extension of Beau Ryan Ct and an internal private road, both to be funded in full and developed by the project/property owner.
7. The following future Town approvals will be required before development of this property can begin:
 - Plat or Certified Survey Map to subdivide the PUD designated area (east of the creek) from the remainder to the property (west of the creek).
 - Site Plans for the development of the condominiums.
 - Condominium Plat and Declaration.
 - Planned Unit Development Agreement executed by the Town and the developer/property owner and recorded as a restrictive covenant and easement on the property.
8. Public trails in the PUD to be funded in full and developed by the project/property owner.

Motion carried, with all voting aye, except Commissioner Hidde voting nay.

13. SITE PLAN APPROVAL (SP-10-11) REQUESTED BY GAROT LAND DEVELOPMENT LLC/COACH BUILDERS, FOR BUTTERFLY FIELDS NO. 3 CONDOMINIUM PROJECT, CONSISTING OF SIX 4-UNIT SINGLE-FAMILY ATTACHED TOWNHOME BUILDINGS AT 1026-1078 WILLIS WAY.

Director Buckingham informed the Commission that Mr. Garot and Mr. Romenesko (developer of the adjoining Starview Heights Subdivision) have reached an agreement on the landscaped berm to be installed as a buffer along the north side of this condominium parcel. The berm will be planted with a dense screen of spruce and cedar trees, minimum 5' feet in height at planting. Staff has reviewed and approved a concept landscape plan, but a final, detailed plan is yet to be submitted. Staff approval of that plan is a condition on approval of the Site Plan. The site lighting plan has been given preliminary approval, but staff approval of a final lighting plan is a condition on approval of the Site Plan. The developer's plan for project construction is to pour concrete for the building at the west end of the site nearest Willis Way before freezing season, with build-out through the winter months. Subsequent construction on the remaining 5 structures will depend on market response to the townhomes. The private roadway will be constructed far enough to serve the first building, and will include a temporary fire apparatus turnaround. The remainder of the road and the permanent turnaround will likely be constructed in one future phase.

Motion (Stadel/Huth) to approve Site Plan (SP-10-11) requested by Garot Land Development LLC/Coach Builders, for Butterfly Fields No. 3 Condominium Project – Monarch Ridge, consisting of six 4-unit single-family attached townhome buildings at 1026-1078 Willis Way, with the condition that final site lighting and landscape plans will be approved by staff prior to occupancy permits being issued for any of the buildings in the project.

Commissioner Sherman noted that a public trail easement is located between Lots 37 and 36, which are single family lots directly west and south of the Monarch Ridge project. He suggested that to prevent any misunderstandings in the future, the developer should at least grade and gravel this trailhead before homes are built and occupied on the 2 adjoining lots.

Director Buckingham advised that he would discuss this work with Mr. Garot.

Amended motion (Stadel/Huth) to approve Site Plan (SP-10-11) requested by Garot Land Development LLC/Coach Builders, for Butterfly Fields No. 3 Condominium Project – Monarch Ridge, consisting of six 4-unit single-family attached townhome buildings at 1026-1078 Willis Way, with the condition that final site lighting and landscape plans will be approved by staff prior to occupancy permits being issued for any of the buildings in the project, and that the future trailhead between Lots 37 and 36 of the Butterfly Fields Plat be clearly marked/identified. Motion carried, all voting aye.

14. SITE PLAN APPROVAL (SP-11-11) REQUESTED BY CLEAN CUT MAINTENANCE, 1700 W. NORTHLAND AVENUE, FOR CONSTRUCTION OF A MAINTENANCE AND STORAGE SHOP.

Director Buckingham stated that the property is located immediately east of The Plant Station on Northland Avenue. It is a narrow and deep property and staff has worked with the owner to identify how the property could develop and meet setback and stormwater management requirements. The proposed site plan meets code requirements in this regard, including provision for a wet pond at the rear of the property. The property abuts the City of Appleton along the east property line. Existing dense landscaping satisfies code requirements, with the addition of dense evergreen plantings in 3 open gaps along this property line.

Motion (Hidde/Malenofski) to approve Site Plan (SP-11-11) requested by Clean Cut Maintenance, 1700 W. Northland Avenue for construction of a maintenance and storage shop, subject to the execution and recording of a cross-access agreement for the benefit of the properties at 1700 and 1746 W. Northland Avenue. Motion carried, all voting aye.

15. SITE PLAN AMENDMENT APPROVAL (SPA1-15-02) REQUESTED BY BERGSTROM PREMIER MOTOR CARS – LAND ROVER, 3030 N. VICTORY LAND, FOR CONSTRUCTION OF A PYLON SIGN.

Motion (Malenofski/Sherman) to approve Site Plan Amendment (SPA2-15-02) requested by Bergstrom Premier Motor Cars – Land Rover, 3030 N. Victory Lane, for the change-out of the Land Rover pylon sign. Motion carried, all voting aye.

16. ADJOURNMENT.

Motion (Sherman/Hidde) to adjourn the meeting at 6:35 p.m.

Motion carried, all voting aye.

Respectfully Submitted,

Tracy Olejniczak
Community Development Secretary