

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

Tuesday, December 6, 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: Jim March, Town Administrator; 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. 43, Supervisors Nooyen, Pleuss, 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/Malenofski) to approve the agenda, with a change to the order of business by moving up agenda items #19 and #20 to be conducted after item #6. Motion carried, all voting aye.

4. APPROVAL OF MINUTES - REGULAR MEETING & PUBLIC HEARING OF NOVEMBER 15, 2011.

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

5. PUBLIC INPUT.

Director Marquardt responded to a question from the audience concerning special assessments for 2012 road work on McCarthy Road

6. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT.

Community Development Director Buckingham's report available upon request.

7. TOWN BOARD REFERRAL: Z-21-11 REZONING APPROVAL REQUESTED BY HARRIET WIERICHS AND JEFF WIERICHS TO REZONE VACANT PROPERTY LOCATED IN THE 4200 BLOCK OF N. GILLETT STREET FROM AGD GENERAL AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL SINGLE-FAMILY ATTACHED DISTRICT (PLAN COMMISSION RECOMMENDED APPROVAL AT ITS 11/1/11 MEETING)

Director Buckingham provided detailed background on both the rezoning and special exception requests; the process by which the Town has considered these requests to date; and, responses to questions and statements from the public concerning the proposed development. Both the rezoning and the special exception permit applications were filed with the Town of Grand Chute on October 10, 2011. During the weeks of October 17 and 24, notifications of public hearings for these requests were published in the local newspaper and mailed to neighboring properties. The Plan Commission conducted public hearings on November 1 and recommended approval of the requests, with conditions, to the Town Board. On November 15, the Town Board referred the requests back to tonight's Plan Commission meeting for further discussion. He noted this area has been projected for low or medium density single-family housing, attached or detached, since long-range planning for this area was begun in the 1990's. All comprehensive plans since that time have projected the same density and type of single-family development. By placing zoning restrictions on property, the Town regulates the construction of single-family attached residences to prevent an outcome comparable to multi-family housing. Requiring lower densities comparable to single-family detached residences, and instituting architectural design and landscaping controls provides protections for the neighborhood and the Town. The condo homes in the north pod of the development would be built at a density comparable to the single-family detached residences along Skyway and Orion (3-4 dwelling units/acre). The condo homes in the south pod of the development would be built at a density comparable to similar condo homes already approved for construction on Beau Ryan Ct.(5-6 dwelling units/acre). By comparison, multi-family housing densities in the Town vary from 10-20 dwelling units/acre. As an example, the newly developing Evergreen Lake Apartments at the corner of Orion and Evergreen are being built at a density of just fewer than 10 dwelling units/acre. He noted that there are wetland, navigable stream, and floodplain boundaries on the property, all of which have been delineated and approved by local, state or federal regulatory agencies. Protective measures are in place to preserve these resources once development is undertaken. He stated that at this time there are no building permits being sought. Instead, Town approvals are requested to secure the right of use for single-family attached condo homes so that the property can be marketed for sale. In the future, when a project developer is identified the Town would have to approve detailed site plans, land subdivisions, a Condominium Plat and Declaration, and a Planned Unit Development Agreement.

Director Buckingham concluded by recommending that the Plan Commission consider deferring further review of the rezoning and special exception requests to a meeting in January, and that a Neighborhood Meeting be conducted, so that additional public comment can be received concerning development plans for the property.

Motion (Sherman/Hidde) to table further discussion of the request to rezone the Wierichs property from AGD General Agricultural District to R-3 Residential Single-Family Attached District to a meeting in January 2012, at which time a Neighborhood Meeting will be conducted. Motion carried, all voting aye.

8. TOWN BOARD REFERRAL: SE-22-11 SPECIAL EXCEPTION PERMIT REQUESTED BY HARRIET WIERICHS AND JEFF WIERICHS FOR APPROVAL OF A PLANNED UNIT DEVELOPMENT DESIGNATION FOR CONDO DEVELOPMENT ON PROPERTY LOCATED IN THE 4200 BLOCK OF N. GILLETT STREET. (PLAN COMMISSION RECOMMENDED APPROVAL AT ITS 11/1/11 MEETING)

Motion (Sherman/Hidde) to table further discussion of the request for a Special Exception Permit for the Wierichs property to a meeting in January 2012, at which time a Neighborhood Meeting will be conducted. Motion carried, all voting aye.

9. **PUBLIC HEARING #1** – AMENDMENTS TO THE TOWN OF GRAND CHUTE OFFICIAL MAP DATED JANUARY 10, 2011.

Chairman Schowalter opened Public Hearing #1 at 6:15 p.m.

Melissa Reinke, 5515 W. Edgewood Drive, stated that she was part of a group of property owners that have attended numerous Town and County meetings concerning the County's proposal to extend CTH CB north of STH 15, along a route commonly called Alternate 2C. She noted that many of the reasons the County Highway Commissioner gave for 2C being the best route was because of flat topography and fewer hills. She stated that she has reviewed topographic maps that show elevation changes on 2C and Mayflower Drive are the same. She noted that a reason Mayflower Drive was not pursued by the County was the number of driveways. In her opinion, this is a double standard if there are limits on one roadway and not the other. She has spoken to a DNR official who is well aware of the water management issues in the area and the challenges that could be encountered in building a new roadway. She also expressed concern over the disruption to farming operations if a road is built along 2C. She urged the Town to choose Mayflower Drive for the CB extension.

Cindi Cousineau, 5475 W. Edgewood Drive, stated that she and other neighbors were not even notified in advance of the first County information meeting. She noted that she viewed a map at the Greenville Town Hall, produced by East Central Wisconsin Regional Planning Commission (ECWRPC), which shows the extension of CB north of STH15 continuing all the way down Mayflower Drive. She said it is her understanding that ECWRPC does big picture planning and the Town of Grand Chute should be reviewing those plans and implementing them. She said she really does not understand the need for increasing the size of Mayflower Drive to accommodate present or future traffic.

Aaron Schneidewendt, 5535 W. Edgewood Drive, said that he doesn't understand the value of building a new road that curves away from and then back to Mayflower Drive. He views this as the County spending our money where we don't need to spend it. He said he understands the mapping needs to be done, but the route should be Mayflower Drive.

Larry Loos stated that he owns a farm in the area that the 2C route would go through. He questioned how he would access parts of the farm that are separated by a four-lane road. He urged the Town to approve Mayflower Drive as the route for the new road.

Jan Krahn, Edgewood Drive, said she has lived at her property since 1977. Before they built their home, she sought the Town's input on future plans for the area. She was told that the entire area was zoned for agriculture, and that if the land developed in the future it would be for residential growth. She stated that in her opinion, building a road along the 2C route would

restrict how future residential would develop. She urged the Town to do some long-range planning for the area.

Robert Spuber, a homeowner in the Town of Greenville, expressed concern that the 2C route would result in Mayflower Drive being terminated in dead-ends, which would add to commute times and delays in emergency vehicle response.

Motion (Sherman/Huth) to close Public Hearing #1 at 6:34 p.m. Motion carried, all voting aye.

10. AMENDMENTS TO THE TOWN OF GRAND CHUTE OFFICIAL MAP DATED JANUARY 10, 2011.

Director Buckingham said that even though most of the focus of the proposed Official Map Amendments was centered on amendment A1, the CTH CB reservation, there are six other amendments that are also up for consideration. He noted that concerning the CB extension, 33-35 property owners were notified of this hearing. He stated that in his opinion, due to the County's decision-making path on this matter the process was done backwards. The roadway reservation should have been requested of the County for both Grand Chute and Greenville to act on. The decisions on how the matter was to be handled were out of the Town's hands. He noted that Outagamie County has subsequently dropped the CB extension from its program of work and from the 2012 budget. Despite the missteps taken by the County, and the apparent lack of justification for the acquisition of right-of-way or actual construction of the roadway, the Town still has an obligation to carry out good long-range planning for future roadways. He acknowledged that for property owners in the area of the proposed reservation, it is difficult to separate the possible construction of the CB extension from the Town's intent to just map a reservation so that this corridor remains available in the future if a road is needed. Whether the proposed roadway reservation would be built as a County project or as a local road to serve future growth in the area, the 2C route is the right location for a future north-south roadway. By proposing the mapping of a roadway reservation, the Town is not endorsing this as the future CB route or preparing for construction of the road. At some point, if the Ag land in this area is marketed for residential development, a new road will be needed to access the area. The proposed reservation is an equal distance between Mayflower Drive and McCarthy Road, and there are already two mapped east-west road reservations in the same area. He related a conversation he recently had with Ron Schroeder, who is a land owner in this part of the Town. They discussed the fact that no one alive today may ever see a road built there, but the fact remains that sooner or later, Ag land owners will make decisions about selling acreage for development. When that happens, a road will be needed in this area. Whether the road would be built as CB or a local street, it is the right location for a roadway, and that is why it is important to do the reservation mapping now. He assured property owners in the corridor that all existing uses of land can be continued without restriction indefinitely until, or if they would be approached about right-of-way acquisition.

Director Buckingham urged Commissioners to maintain a long-term view of this area's future roadway needs and preserve a roadway corridor now. He also reminded Commissioners that it is common for a mapped reservation to be altered as development patterns change or plans are presented that justify removing or altering a reservation in favor of a better roadway location. Mapping road reservations like this one keeps the Town's options open for the future, and frankly keeps some nearby property owners' options open for development opportunities in the future.

Chairman Schowalter asked what the possible ramifications would be to the Town for not doing this mapping now.

Director Buckingham said the ramifications for not doing it now would be to eliminate this as an area that would be reserved for a roadway. If it was not mapped now and construction was allowed to occur in the corridor, the cost the public pays for right-of-way for a road could be considerably higher. The mapping just preserves the roadway and keeps the corridor free of new construction.

Commissioner Malenofski asked if Outagamie County had agreed to Alternate 2C as the preferred location for the CB extension.

Buckingham said that is what the County Highway Committee agreed to.

Town Administrator March said that he favors mapping of this roadway reservation. By doing so, the Town would be taking a preemptive stance against the County's philosophy that there was no other way for them to control what happened in the corridor without physically acquiring the right-of-way. He stated that once the County would own the right-of-way, it's a virtual certainty that the roadway would get built, whether it was justified or not.

Director Buckingham noted that the Town of Greenville map that Mrs. Cousineau mentioned was produced in 2007 before the County took any interest in the CB extension. In 2003, the Town of Greenville mapped a portion of Mayflower Drive as the route for a future extension of CB. Later, in 2007, a group of residents in the newly developing neighborhood west of Mayflower Drive asked the Town to better define how nearby industrial development might impact future traffic patterns. The Town and ECWRPC worked with residents in developing a neighborhood plan, which resulted in the production of the map now on display at the Greenville Town Hall. He emphasized that this plan was produced long before the County began its efforts of the past two years.

Responding to a question from the audience, Director Buckingham said we do not need to map Mayflower Drive because it is an existing road. He again emphasized that at this time, the Town is considering the mapping of a road reservation. The Town is not acting on behalf of the County in preparation for the construction of CB, but rather is considering the mapping of a corridor that is a logical location for a future roadway, and for which the timeline when it may be built is not known.

Responding to a question from the audience, Director Buckingham stated the one residence that would be in the pathway of the road reservation could continue to be occupied and maintained. With regard to the ability to sell the home, that would be a matter of how an interested buyer might perceive the mapping. From the seller's perspective, it would be necessary to disclose the roadway reservation.

Regarding the other proposed Official Map amendments, Director Buckingham said that most of them are minor in nature. The removal of the Sophia Lane extension to CTH A is staff initiated and has the support of the two affected property owners.

Motion (Stadel/Malenofski) to recommend Town Board approval of the Town of Grand Chute Official Map dated January 10, 2011.

Commissioner Sherman said he could not support mapping of A1, the Alt 2C corridor, at this time. He would prefer to take a wait and see approach and depending what kind of development comes in, the mapping could occur sometime in the future. He said he could support all of the other amendments, A2 – A7.

Commissioner Huth stated her concurrence with Commissioner Sherman's statement.

Commissioner Malenofski said he supports the mapping of A1 as a way to prevent other buildings from being constructed in a logical future roadway corridor. He asked Director Buckingham if there would be anything the Town could do to stop somebody from building a house in the roadway corridor if it is not a mapped reservation on the Official Map.

Director Buckingham replied that if a planned roadway corridor is not listed and reserved on the Official Map, the Town has no ability to deny a permit for a building, assuming all other code requirements are met. One of the purposes for officially mapping roadway reservations is to prevent construction within future road corridors and to minimize the public cost of right-of-way acquisition.

Commissioner Hidde suggested that the Commission take a separate vote on the A1 amendment, and consider the other map amendments, A2 – A7, in another motion.

Commissioners Stadel and Malenofski withdrew their support of the motion on the floor.

Motion (Sherman/Huth) to recommend approval of amendments to the Town of Grand Chute Official Map as depicted on Exhibit "A", with the exception of removing amendment "A-1", the reservation for the extension of CTH CB north of STH Hwy 15. (Ordinance 31-2011) Motion carried, all voting aye.

11. **PUBLIC HEARING #2** – SPECIAL EXCEPTION APPROVAL (SE-26-11) REQUESTED BY COLLEGE CIRCUIT, LLC, FOR AN OFF-PREMISE SIGN LOCATED AT 4601 W. COLLEGE AVENUE.

Chairman Schowalter opened Public Hearing #2 at 6:51 p.m.

No one spoke at the hearing.

Motion (Malenofski/Huth) to close Public Hearing #2 at 6:51 p.m. Motion carried, all voting aye.

12. SPECIAL EXCEPTION APPROVAL (SE-26-11) REQUESTED BY COLLEGE CIRCUIT, LLC, FOR AN OFF-PREMISE SIGN LOCATED AT 4601 W. COLLEGE AVENUE.

Motion (Huth/Sherman) to recommend approval of Special Exception SE-26-11 requested by College Circuit, LLC for an off-premise sign located at 4601 W. College Avenue. Motion carried, all voting aye.

13. **PUBLIC HEARING #3** – SPECIAL EXCEPTION (SE-23-11) REQUESTED BY BUFFALO WILD WINGS, 4601 W. COLLEGE AVENUE, FOR A SECOND SIGN ON A PROPERTY ZONED CP PLANNED COMMERCIAL DISTRICT.

Chairman Schowalter opened Public Hearing #3 at 6:53 p.m.

No one spoke at the hearing.

Motion (Huth/Sherman) to close Public Hearing #3 at 6:53 p.m. Motion carried, all voting aye.

14. SPECIAL EXCEPTION (SE-23-11) REQUESTED BY BUFFALO WILD WINGS, 4601 W. COLLEGE AVENUE, FOR A SECOND SIGN ON A PROPERTY ZONED CP PLANNED COMMERCIAL DISTRICT.

Motion (Hidde/Huth) to recommend approval of Special Exception SE-23-11 requested by Buffalo Wild Wings, 4601 W. College Avenue, for a second sign on a property zoned CP Planned Commercial District. Motion carried, all voting aye.

15. SITE PLAN AMENDMENT APPROVAL (SPA1-06-11) REQUESTED BY BUFFALO WILD WINGS, 4601 W. COLLEGE AVENUE, FOR A NEW MONUMENT SIGN AND A SIGN CABINET TO BE PLACED ON AN EXISTING SIGN PYLON.

Motion (Hidde/Huth) to approve Site Plan Amendment (SPA1-06-11) requested by Buffalo Wild Wings, 4601 W. College Avenue for installation of a sign cabinet on an existing pylon and installation of a ground-mount monument sign. Motion carried, all voting aye.

16. **PUBLIC HEARING #4** – SPECIAL EXCEPTION APPROVAL (SE-25-11) REQUESTED BY ASSOCIATED BANK, 1501 N. CASALOMA DRIVE, FOR AN ELECTRONIC MESSAGE UNIT SIGN.

Chairman Schowalter opened Public Hearing #4 at 6:54 p.m.

Ross Manich, Poblocki Sign Company, offered a formal apology to the Commission for the confusion created over this new sign. Poor communication between his company and their client caused the Town to initially approve a sign without an EMU. The client understood all along that the EMU was part of the sign they would purchase. He also apologized for the fact that the requested sign, including the EMU, was installed prior to this hearing and prior to receiving a sign permit. On the directive of Town staff, the EMU has remained unlit, pending approval of the Special Exception Permit.

Motion (Hidde/Huth) to close Public Hearing #4 at 6:55 p.m. Motion carried, all voting aye.

17. SPECIAL EXCEPTION APPROVAL (SE-25-11) REQUESTED BY ASSOCIATED BANK, 1501 N. CASALOMA DRIVE, FOR AN ELECTRONIC MESSAGE UNIT SIGN.

Motion (Hidde/Huth) to recommend approval of Special Exception SE-25-11 requested by Associated Bank, 1501 N. Casaloma Drive, for an electronic message unit sign. Motion carried on a vote of 5 – 2 (Sherman and Hidde voting no)

18. SITE PLAN AMENDMENT APPROVAL (SPA2-00-84) REQUESTED BY ASSOCIATED BANK, 1501 N. CASALOMA DRIVE, FOR A NEW PYLON SIGN WITH AN ELECTRONIC MESSAGE UNIT.

Motion (Stadel/Huth) to approve (SPA2-00-84) for the placement of an illuminated pylon sign, with an electronic message unit, at Associated Bank, 1501 N. Casaloma Drive.
Motion carried on vote of 5 - 2 (Sherman and Hidde voting no)

19. CERTIFIED SURVEY MAP APPROVAL (CSM-14-11) REQUESTED BY ANCHOR BANK/TEAM DEVELOPMENT, FOR A 2-LOT DIVISION OF PROPERTY ON THE NORTHWEST CORNER OF W. EVERGREEN DRIVE AND N. RICHMOND STREET.

Motion (Hidde/Sherman) to recommend approval of Certified Survey Map (CSM-14-11) requested by Anchor Bank/Team Development, for a 2-lot division of property on the northwest corner of W. Evergreen Drive and N. Richmond Street. Motion carried, all voting aye.

20. SITE PLAN AMENDMENT APPROVAL (SPA1-15-10) REQUESTED BY LYNNDALE VILLAGE SENIOR LIVING COMMUNITY, 3755 N. WHITE HAWK DRIVE, FOR AN IDENTIFICATION SIGN.

Motion (Sherman/Huth) to approve Site Plan Amendment (SPA1-15-10) requested by Lynndale Village Senior Living Community, 3755 N. White Hawk Drive for an identification sign. Motion carried, all voting aye.

21. ADJOURNMENT.

Motion (Malenofski/Crosby) to adjourn the meeting at 6:59 p.m. Motion carried, all voting aye.

Respectfully Submitted,

Tracy Olejniczak
Community Development Secretary