

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

Tuesday, January 17, 2012
6:00 p.m.

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, Joe Malenofski, Bob Stadel, Pamela Crosby, Vivian Huth

MEMBERS EXCUSED: Commissioner Julie Hidde

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. 28), 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 as printed. Motion carried, all voting aye.

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

Motion (Stadel/Sherman) 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 report available upon request.

7. **PUBLIC HEARING #1** – (CONTINUATION OF PUBLIC HEARING OPENED AT DECEMBER 20, 2011 PLAN COMMISSION MEETING) – SPECIAL EXCEPTION PERMIT APPLICATION (SE-24-11) REQUESTED BY VISION HOSPITALITY LLC, DBA BEST WESTERN FOX VALLEY INN, 3033 W. COLLEGE AVENUE, FOR OPERATION OF AN ELECTRONIC MESSAGE UNIT SIGN.

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

There was no public input.

Motion (Sherman/Stadel) to close Public Hearing #1 at 6:05 p.m. Motion carried, all voting aye.

8. SPECIAL EXCEPTION PERMIT APPLICATION (SE-24-11) REQUESTED BY VISION HOSPITALITY LLC, DBA BEST WESTERN FOX VALLEY INN, 3033 W. COLLEGE AVENUE, FOR OPERATION OF AN ELECTRONIC MESSAGE UNIT SIGN.

Director Buckingham advised that subsequent to the December 20, 2011 meeting, the applicant requested a variance for the amount of signage at this property. In the process of deliberations by the Board of Appeals, the applicant presented an amended signage plan that reduces the number of signs on the existing pylon from 3 to 2, and reduces the total size of signage from 280 s.f. to 198 s.f. The Board of Appeals granted this variance. In doing research on this property, staff has found no prior approvals for this sign pylon or any of the sign cabinets, therefore at this point the action is to establish it as a legal non-conforming sign and then consider the EMU request. The reduction in the number and size of signs at this location is a favorable outcome for the Town and staff recommends approval of the Special Exception Permit.

Motion (Malenofski/Stadel) to recommend approval of Special Exception Permit (SE-24-11) to allow the addition of a 72 square foot electronic message unit (EMU) at the Best Western Fox Valley Inn, 3033 W. College Avenue. Motion carried, all voting aye except Commissioner Sherman voting no.

9. SITE PLAN AMENDMENT APPROVAL (SPA1-00-91) REQUESTED BY VISION HOSPITALITY LLC, DBA BEST WESTERN FOX VALLEY INN, 3033 W. COLLEGE AVENUE, TO ALLOW THE ADDITION OF AN ELECTRONIC MESSAGE UNIT ON AN EXISTING SIGN PYLON.

Motion (Stadel/Huth) approve Site Plan Amendment (SPA1-00-91) to allow the addition of a 72 square foot electronic message unit (EMU) on the existing sign pylon at the Best Western Fox Valley Inn, 3033 W. College Avenue, subject to Town Board approval of a Special Exception Permit (SE-24-11) for this project. Motion carried, all voting aye except Commissioner Sherman voting no.

10. SITE PLAN APPROVAL (SP-02-12) REQUESTED BY FOX VALLEY TECHNICAL COLLEGE, 1825 N. BLUEMOUND DRIVE FOR A CULINARY ARTS THEATER BUILDING ADDITION.

Director Buckingham noted that this is a 7,600 square foot addition on the west side of the main campus building. This will be a theater style venue to be used primarily for instructional and educational purposes, and secondarily for general lecture space and occasional community events. The theater will feature a presentation kitchen, seating for 150 persons, a gathering space, restrooms and corridors to connect this new addition to the existing main building. Extensive use of glass, masonry and brick will integrate this addition into the existing building and will also give it a prominent entrance of its own. Construction work is expected to start in April, with occupancy by the end of 2012. Area and dimensional standards of the Zoning Code are met. A recent inventory of parking supply finds that there is sufficient parking to absorb the added demand from the theater. Stormwater management for the theater addition will be reviewed/approved as a separate project and incorporated into a new detention pond in the southwest corner of the campus near the transportation center. The pond would be designed with the capacity to serve runoff from the culinary arts addition and other existing or future impervious surfaces in that area of the campus. Director Buckingham advised that the condition on approval for a site lighting plan can be removed since this plan has now been approved by staff.

Motion (Sherman/Huth) to approve Site Plan (SP-02-12) for the Culinary Arts Theater addition at Fox Valley Technical College, 1825 N. Bluemound Drive, subject to the Town Engineer's approval of the Erosion Control Plan and Plan Commission approval of a Site Plan for a new stormwater detention pond. Motion carried, all voting aye.

11. FINAL PLAT APPROVAL (FP-04-11/12) REQUESTED BY RUBBLE DEVELOPMENT, LLC FOR WHITE HAWK MEADOWS III.

Director Buckingham explained that this addition to the residential development directly north of the Town Hall property would provide for the extension of Barley Way and the addition of 12 single-family residential lots. The Preliminary Plat was approved, with four conditions, in August 2011. To date, three of the four conditions have been met. Approval of a Conditional Use Permit by Outagamie County is in process and is a condition of Final Plat approval.

Motion (Stadel/Malenofski) to recommend approval of the Final Plat (FP-04-11/12) for White Hawk Meadows III, subject to approval by Outagamie County of a Conditional Use Permit. Motion carried, all voting aye.

12. **NEIGHBORHOOD INFORMATION MEETING** – REZONING APPLICATION (Z-21-11) 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 SINGLE-FAMILY ATTACHED RESIDENCE DISTRICT.

Chairman Schowalter opened the Neighborhood Information Meeting at 6:13 p.m. and asked Director Buckingham to provide background on this request.

Director Buckingham explained that subsequent to the Public Hearing for this rezoning request, the Town heard additional concerns and comments from surrounding neighbors. It was decided to conduct this Neighborhood Meeting so that additional public comment could be received before action is taken on this request. He noted that since the Public Hearing was held, the property owner/applicant withdrew their request for a Special Exception Permit to create a PUD for a condominium development. The only action requested of the Town is to rezone the property to R-3 Single-Family Attached Residence District, which if approved would provide the owner the opportunity to market the property for sale. There are no plans for development of the property at this time. In the future, a prospective purchaser/developer would need to seek a number of approvals from the Town before construction could occur on the property.

Jeff Wierichs advised that he is representing his mother in preparing this property for sale. He said he would be happy to answer any questions that neighbors may have and that he was hopeful this could be a productive and informative meeting, so the Plan Commission would have all the information it needs to act on the rezoning request.

Diane Lytton, 4317 N. Orion Lane, said she has many concerns about this rezoning request and the general pattern of development in the neighborhood. She stated her opinion she has been misled by developers who have provided misinformation, or by the Town in lack of information and notifying residents of pending projects. She said she just found out a few weeks ago that multi-family units were being constructed on Willis Way. She read a written statement from another neighborhood, which expressed concern over the proposed rezoning of a property that purchasers of adjoining single-family lots were told would be off-limits for building because of the wetlands on the property. She stated her opinion that homes are being built one on top of the other, pressing the legal limits of setbacks and wetland zoning. She said she has observed the creek behind her house steadily rise in elevation each time new development is undertaken on land south of her property, to the point that they experienced flooding in their backyard last summer. Sump pumps are running constantly and several neighbors have experienced basement flooding. The property in question is currently zoned agriculture, and after several conversations with the Town, Outagamie Zoning, FEMA, and developers, she and her husband were given the impression it would stay agricultural and it would be hard to build on it because of wetlands. She noted that this is the only wooded land left from the three adjoining residential subdivisions. She asked the Plan Commission to think long and hard on the impact of developing that land and the added impact on Mud Creek drainage if

all of the trees are cleared. The original plan for the development of condominium units begs the question how many more of those are needed in the Town of Grand Chute. She said she's seen calculations done by some of the neighbors that indicate the original plans for the Town have now been far exceeded. She also questioned what rezoning this property would do to surrounding home values. She noted that her real estate agent was aghast at the multi-unit apartments being built down the block. The opinion of the real estate agent was that without a doubt the property values in the area have declined because of these apartments. She stated that she would like the Town of Grand Chute to purchase this land, or at least give homeowners in the area some time to pursue the option of buying it and to also explore the option to use the property as a park. She noted that there are three residential neighborhoods growing without any parkland nearby. She said in an earlier meeting with the Director of Public Works, he noted that the land set aside for a neighborhood park was basically a swamp and not useable for active park use. She closed by stating she believes a lot more research should be done on the impact this rezoning action would have on residential unit density, on the water table, and on flooding in the back yards and basements.

Bruce Pankau, 4285 N. Orion Lane, stated that he was one of the first homebuyers in the Butterfly Fields portion of Orion Lane. His property backs up to the Wierichs land. He was told by his builder that the Wierichs property was all wetlands, but for a few acres that were buildable. He was told that is why a private road would extend from Orion Lane to that property. He said he does not understand the Town's desire to keep putting in all the multi-family housing. He thought he was moving into a nice little quiet neighborhood. He said when he first saw the apartment buildings being built on Evergreen Drive, the builder told him there would be a few duplexes built as a buffer between the apartments and single-family homes. Now it has been rezoned to put up quads. Mr. Pankau said he would much rather see a duplex than a quad not just because it doubles the amount of people living there, but also because a duplex looks more like a residential area. He asked that if the Town is considering putting in multi-family to buffer areas of commercial and apartment buildings, then why are we talking about rezoning an entire wooded area into another multi-family area. He stated his opinion that the single-family portion of Butterfly Fields will be surrounded by multi-family. He stated his opinion that multi-family is not selling right now and if it is to be considered condos, a bank won't even lend on a single-family condo and they will end up being rental properties. He said the Town should develop a plan for what a good percentage mix of multi-family housing should be. He said that in Outagamie County's 30 year projection, they are looking at 30% need of multi-family housing and 70% need for single-family housing. In Grand Chute, all he sees is a desire to cram as much housing as possible in as small an area as possible. He said he would not have bought his house if he had known the Wierichs property was going to be zoned for more multi-family. He feels he was deceived by his builder and un-backed by the Town. He said he has gone back though two years of planning and zoning changes in the Town and has not seen any decisions that went the way of neighborhoods and property owners. He stated his opinion that it always goes the way of the developer. He concluded by stating he did not see the need for this rezoning action to be done so quickly. He would like the Town to wait at least a year and see what the water table is going to do, and to see if the new houses under construction are going to sell.

Tom Fritz, 4317 N. Orion Lane, said that in his career as a pastor he has witnessed what happens when communities don't adequately plan for how they disperse housing. When they have too much density and not enough green space, communities have had to buy land back for park development because they did not think ahead to create open space. He said if you look at a one square mile radius around the Wierichs property, you will find that this is one of the last pieces of nature land available. If it is turned into a residential area, whether it is single-family or multi-family, we are losing a real gem. He stated his opinion that he is certain that what is going to happen is that this neighborhood will continue to have too much population density, too many rental properties, and not enough owner-occupied properties. He stated his opinion that the Town is already beyond what Outagamie County thinks is an ideal housing mix, which will lead to a rise in crime and all kinds of difficulties that happen when people don't have an ownership interest in their home. He asked the Town to be forward-thinking and designate at least half of the Wierichs property for a neighborhood park. Having a park in that setting would be ideal. He reiterated what his wife

said about changes to the water table and how things are being disturbed because an area that used to be a natural sponge is now becoming hard concrete. He said that trees absorb water and then put it back in the air. When trees are removed, the water stays in the ground and does not evaporate like it is meant to. He encouraged the Town to preserve the woods and provide profit to the Wierichs by buying the land at a reasonable price and turning it into a park.

Kathy Jurewicz, 970 W. Polaris Court, said she was one of the first residents of Starview Heights First Addition. One of the things that attracted them to this neighborhood was the wildlife and greenspace in the area. They moved here from Florida to get away from a very urban area. She said she agrees with everything the other speakers have brought up. She stated her opinion that there is already too much multi-family housing and if the rezoning is approved, many of the vacant single-family lots in the neighborhood will not be sold. She said that if she had known what was going to happen in the area she would not have bought her house, and that if they were looking to build a home now it would not be in this neighborhood. She stated her opinion that banks will not lend money for the purchase of condos so these units will become rentals. She urged the Commission to stop this rezoning, as this would ruin three residential areas.

Paul Miller, 1119 W. Willis Way, said that he was one of the first homebuyers on W. Willis Way. He has discovered that most of the buyers are young couples like he and his wife are. He stated his opinion that nothing would benefit this neighborhood more than having a park on the land that is being proposed for rezoning. He said he thinks that rezoning the land would only discourage people from buying and building on available single-family lots in the area. He said he understands that the decision to develop a park is not what this meeting is about but it is of importance to the neighborhood and should be kept in mind before rezoning the last piece of property suitable for a park.

Cara Lee Barker, 1351 W Starview Drive, said she has lived in the neighborhood for almost two years and she concurs with the other speakers concerning drainage issues, the lack of parks and the value of maintaining trees. She has noticed that most of the new homes that have been built in the area have resulted in most of the mature trees being removed. She expressed concern for the impact of more young children in the neighborhood and the possibility of creating overcrowding in schools. She asked if there are plans for any new schools in the area. She also said that hers was one of the basements that experienced flooding last year.

Jeff Wierichs spoke again and addressed the issues presented so far. He said that his family should not be punished for what developers or real estate agents may have said about their property. The drainage issues existed prior to this rezoning request. He said that every regulation will be followed if this land is ever developed, and all they are asking for is rezoning so they can market the property for sale. He stated his opinion that the rezoning action has nothing to do with the development of the land for a park. If the neighbors wish to band together and work on a plan with the Town to purchase the land for a park, that could all occur after the rezoning is approved. He stated that it seems many of the issues brought up are issues for a future developer of the land. He noted that he has heard from no one in the neighborhood about the issues being raised. He said the Wierichs are willing to talk to anyone.

Kathy Jurewicz spoke again and asked for confirmation that the proposed R-3 zoning allows single-family attached housing.

Director Buckingham replied that R-3 allows single-family attached, traditional single-family detached and two-family residences.

Ms. Jurewicz stated her opinion that this leaves the door open for multi-family housing in R-3.

Director Buckingham replied that R-3 does not allow multi-family housing. It only allows one or two family residences. He further explained that this is controlled by the number of units allowed per acre. By example, the portion of the Wierichs property that was originally discussed as a possible area for single-family attached residences would have produced 12 to 14 housing units. If this same land area was developed in traditional detached single-family residences it would also produce 12 to 14 housing units. In this case the densities would be the same for single-family attached or single-family detached housing types.

Ms. Jurewicz expressed concern that a condo unit could be rented, turning a single-family homeowner position into a rental position.

Bruce Pankau spoke again and said he feels sorry for Mr. Wierichs, because he had planned all along to turn this into multi-family development. He reiterated that he feels like the facts were hidden from them when they were making their decision to buy their property. He said he doesn't blame the Wierichs but is of the opinion that it's the Town's fault and they should have been responsible for letting them know what was going on. He said a simple sign placed near the property, showing the entire area as future multi-family would have been enough for him to avoid buying a lot that abuts multi-family. He said if he had wanted to buy a home in the middle of multi-family he could have made a purchase in another community for less money than he actually paid. He said that he'd like to be able to think of future plans for the Wierichs land as single-family but as someone who looked at houses for six months before making this purchase, he did not look at this type of development as single-family. Anytime he saw attached family residences near a property he was considering, those homes were listed cheaper. He stated his opinion that there is no reason why the property has to be changed to R-3. He stated his opinion that since Mr. Wierichs bought it as agricultural, it can stay agricultural for the rest of his life and he hasn't lost any value on the land. He questioned why, if Mr. Wierichs bought it for development, did he buy it 15 years ago and let it sit until everything else got developed around it. He stated his opinion that others who have developed the adjoining subdivisions have made his property more valuable, but if the private road off Orion Lane wasn't put in he would have no way to develop the land because he'd have to provide access from Gillett Street. He said he sees no reason this rezoning action cannot wait for one year, until Orion Lane is built up with more single-family homes. After that time, there will be a much better chance of trying to get together as a group to purchase this land from Mr. Wierichs for a park or to just maintain it in its natural state. He acknowledged the need for a park for children in the area but also realizes the Town has no money to purchase and develop park land, even though developers are charged fees for future park development. He noted that there are plenty of people here today who feel like they would be more than happy to put money into a park fund to purchase this land because it will appreciate their property value. He questioned the statement that single-family attached density would be the same as single-family detached density; if that were the case, then why not put single-family in there. He answered that by saying it is because the Town can't put a road into the development. He stated the opinion that the land is already low and would have to be built up for development to be possible. He said that every time he reads minutes from Town meetings concerning development in this area of the Town, homeowners in the area complain about the water table. He stated the opinion that instead of fixing the problem once and for all by making drainage better than it was before development, the Town settles for making drainage the same as it was before. He stated his opinion that this doesn't seem to be very intelligent planning, but rather it is maximizing development area. He believes it's simply land grabbing for as much multi-family housing as possible.

Ken Lederer, 4342 N. Skyway Lane, said he has several concerns about the long term affects of issuing a rezoning for the Wierichs property. He stated the opinion that with regard to the impact on the wetlands, while technically not infringing on the land within 75' of the stream, development will affect the water tables in the area. Regarding the water table, he said personally experiences a significant rise in the water table at his property in the spring and during heavy rains, with the water raising 32"-48" above the floor of the stream. This brings the stream 20' up on his property from the mid-line of the stream as it is now. He

stated that in the Plan Commission minutes of April 8, 2010, Linda Noi 3808 Gillett Street, expressed concern "that with more building there will be more water. The water cannot get under Highway 41 and fears flooding. The invasive canary grass has killed the wetlands therefore making the wetlands smaller." He stated the opinion that with nothing to catch the water from the flooding that would occur with the anticipated development of the Edgewood Acres Subdivision, there is additional concern. He stated that at the Plan Commission meeting of February 17, 2011, Jeff Ings 4650 N. Gillett Street, asked "where will the water from the subdivision drain." At that meeting, Director Buckingham said that the drainage will extend southwesterly through Starview Heights towards Gillett Street and Capitol Drive. Mr. Ings asked if that stormwater drainage will flow south passing through a culvert by Elsner Road. Director Buckingham confirmed that information as being correct and noted that some time in the next four or five years, Elsner Road will be reconstructed to urban standards. Mr. Lederer said that in the minutes from the March 1, 2011 meeting, Mr. Ings again reiterated the same concerns. Mr. Lederer said his point is that those who reside along the Mud Creek area that will be impacted by the Edgewood Acres development will now be impacted by the development of the Wierichs property. He stated the opinion that the mere fact that there will be more roads and rooftops in the neighborhood causes concern that the water table will continue to rise. He asked that with the number of homes for sale in Grand Chute, is there a need for further development. He said he was unaware of any answers or guarantees to property owners in the Serenity Acres, Starview Heights, and Butterfly Fields neighborhood that abut Mud Creek as to what will happen when the water exceeds its potential high levels. He said he would like to know what precautions have been put into place with this rezoning proposal with regard to stormwater drainage. He noted that in a public workshop on September 9, 2009, it was written under the category of natural resources that in order "to protect those natural features that enhance the area's quality of life which is an important aspect of attracting new business and a quality workforce, development of wetlands, floodplains, high water table and similar environmental sensitive lands should be restricted". He said that in the Town of Grand Chute Park, Trail and Open Space Recreational Plan of January 2007 it stated under future parks that in the "Gillett Street neighborhood north of USH 41 development is progressing and that the neighborhood and subdivisions on the east side of the stream should be required to dedicate park land to serve the neighborhood." He noted that in the 2006 - 2012 Open Space Plan, page 26, it stated that "there are very few undeveloped wooded areas remaining in the Town. Preservation of nature areas is the key component of this plan. The remaining natural drainage ways in the Town should be protected to enhance stormwater flow in the Town. In addition, water detention areas should be preserved to minimize future flood hazards." He asked if the zoning change being requested would accomplish the objectives stated two years ago or was that just giving lip service. He asked if the Town's judgment has been clouded by tax dollars first and citizens a far distant second. He stated his opinion that multi-family units will substantially devalue the current single-family homes in all three surrounding subdivisions. He stated that the prospect of the rezoning change making it easier for a developer is unacceptable. He said he has already heard from banks that money is not available for loans to purchase condos, so if the zoning is changed and condos are built, there is a strong possibility they will become rental properties. He said he understood that today the only action to be considered is the rezoning request, however having observed the ease with which the Plan Commission makes special exemptions, it is his opinion that the Town seems more concerned for developers than existing property owners. He stated that he respectfully requests that the Plan Commission and Town Board reconsider the long-range implication of allowing the construction of multi-family housing units in this area. He supports other neighbors in requesting time to explore ways to consider using this property as park space. He said perhaps it is a good time to consider allocating collected park impact fees for the purchase of this land, thus fulfilling the Town's stated goals. He quoted from an unidentified document that a "10 acre park located within a half mile of residential neighborhoods" is what the Town is trying to achieve. He said that perhaps by delaying the zoning change, abutting property owners can work with the Town to put together a plan for the purchase this ideal, pristine area.

Lynn Kolbe, 4342 N. Skyway Lane, provided some additional data on housing mix in surrounding communities, based on 2009 Census reporting. She stated that Grand Chute has the lowest percentage of single-family detached housing in the area at 48%; Neenah is 95%, Greenville 78%, and Appleton 68%.

She stated that she does not see the need to rezone this property to R-3, which opens up the possibility of devaluing single-family detached homes in the neighborhood. She read from a short statement provided to her from Jean and Greg Reed of 4010 Gillett Street. They have been proponents for the sensible development of the area's wetlands since they moved here in 1994. They feel a lot of promises have been broken by the Plan Commission and they were involved in the Ad Hoc Committee for multi-family housing a number of years ago and sadly, an over-abundance of multi-family units were forced upon them in the Gillett Street neighborhood. This is causing more water and sewer issues and many of the neighbors feel the same as they do. They are still waiting for the development of the park that was on the original comprehensive plan. They do not understand why multi-family housing cannot be built closer to the highway where there is already light industrial development. If the land in question is rezoned and the woods are removed, we can't get it back once it is developed.

Tom Fritz spoke again and stated that he believes the bottom line is money. He said if the Wierichs' could sell this land, they could make more money as opposed to leaving it agricultural. Developers want to develop land, so they want to make some money. The Town is concerned with taxes and if Mr. Fritz's house value goes down, the Town is not going to lower the tax rate. He stated his opinion that he is still going to pay \$8,000 in taxes per year because the Town will increase the tax rate to make up for lost property values. He suggested that the Town delay action on the rezoning request and give those interested residents in the neighborhood some time to come up with money to buy all or some portion of the Wierichs' land at a rate that can be agreed upon, and then work something out to create a park. He stated his opinion that once the land is rezoned, its value will go up. He said if this occurred it would likely price the neighbors out of the opportunity purchase land for a park. He stated his opinion that if the Town changes the zoning it will deny residents the opportunity to try and save that natural land and create a park. He suggested giving neighbors six months of time to get organized. He said that this is a new neighborhood and many people in the area don't even know each other yet so they need to get organized. He said if they were given six or nine months to see if they can come up with money and buy the area for a natural park, it will benefit all of us.

Maria Wierichs said she was here on behalf of her mother and reiterated the fact that her mother is the owner of the land in question. She said regarding neighbor requests for more time before the Town acts on the rezoning request, the land has been in the family for just under 20 years. There has been ample time for discussions, yet no one from the neighborhood has ever contacted the family. She said that they are requesting nothing but the R-3 zoning classification for the land. She stated her opinion that if the property gets rezoned, it certainly does not prevent anyone from talking about a park.

Diane Lytton spoke again and said that she feels for the Wierichs, but the families in this area have been led to believe that this area would have more of a rural-look, a single-family look. She stated her opinion that homeowners have been misled not only by the developers, but they have not been informed by the Town. She said she only learned that multi-family units were going in on Willis Way two weeks ago. She said if the Town sent her any information about multi-family units, she could not interpret it. If last year or the year before, the Town sent her any information, she could not interpret it. She said she and her neighbors all have this paranoid sense that the developers are meeting with the Town without resident input or understanding what is going on. She asked why would she have spent a half million dollars on a house and then within a year, a bunch of eight unit apartments are being built. And then a year later, more are going up. She said people in the neighborhood bought these properties not anticipating they were going to be surrounded by multi-family buildings or even duplexes. She stated her opinion that anyone knows this devalues single-family property. She said no one has mentioned the wildlife in the area. There is a deer herd and sand hill cranes, wild turkey and one pheasant has been seen. She stated her opinion that this is a big reason homes have been purchased in this area. She said those will no longer be there if there is more development.

Motion (Huth/Malenofski) to close the Neighborhood Meeting at 7:01 p.m. Motion carried, all voting aye.

Chairman Schowalter asked Director Buckingham to address some of the issues raised during the Neighborhood Meeting.

Director Buckingham explained the provisions of the code that provide for densities of both single-family attached and traditional single-family detached homes to be comparable. The Town created this zoning classification to recognize development challenges on properties such as the subject property, while ensuring that the number of units per acre would be comparable to traditional single-family neighborhoods. He re-emphasized that there is no plan for development of the property to review at this time. R-3 zoning would allow traditional single-family residential, duplexes, and attached single-family residential. Any future developer of this property would have to seek further Town approvals before anything could be built on the land. At that time, it would be possible to better direct what type of residential units would be appropriate and feasible for this land. The uses allowed in R-3 are consistent with the Town Comprehensive Plan, which forecasted low density residential use for this land. He also clarified that there have been no multi-family housing plans presented for this land, and the R-3 zoning would not allow this use of the land. He summarized a recent review of the multi-family housing study completed in 2000, which established standards to limit the numbers and location of future apartments consistent with the Town Comprehensive Plan. At the halfway point of the 2000 – 2020 planning period, the Town is right on pace with multi-family housing development targets. He stated that the Town is aware of the need for parkland development in this part of the community and is reviewing how to address that need. He confirmed that the Wierichs property is not designated for parkland development in the Town Comprehensive Plan.

13. REZONING APPROVAL (Z-21-11) REQUESTED BY HARRIET WIERICHS AND JEFF WIERICHS TO REZONE VACANT PROPERTY LOCATED IN THE 4200 BLOCK OF N. GILLETT STREET FROM AGD GENERAL DISTRICT TO R-3 SINGLE-FAMILY ATTACHED RESIDENCE DISTRICT

Commissioner Stadel said that it seems to him that when people move into an area and they find exactly what they want, they also hope that nothing else ever occurs in the neighborhood. If there is an area that is wooded, their thoughts are let's keep it wooded, let's not ever let it develop and let's have the local community buy it for a park. He stated that development occurs and progresses in areas that were previously undeveloped and that is a fact, and to move into a neighborhood and expect it to be forever as it was when you moved in is not very realistic.

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

Commissioner Sherman stated that as a member of the Plan Commission through the entire development of that whole part of the Town, it is clear to him that the residents who spoke today would not be living there if the people on Gillett Street who arrived before them would have had their way. They did not want any development there; the three new subdivisions east of Gillett Street would not be there; and, nothing but vacant land would be there. The Town has laid out a long-range plan and the property in question was designated for uses allowed in the zoning classification the Wierichs are requesting. He said it is his belief that the Commission cannot deny the rezoning request for a development type that matches the Town plans. He stated his opinion that to deny the request would be akin to a taking of an owner's development rights. He said he put together some numbers on the cost to develop a park on this property, based upon his long tenure as a Park Board member. To develop that piece of property into a park would cost in the neighborhood of \$760,000, which includes a tennis court, a parking lot, trails, lights and a pavilion. He stated his opinion that while everyone would love to see a park there, it is unrealistic to expect the landowner to sell this property for \$40,000-\$50,000 when she is sitting on property that is likely worth over

\$250,000. He noted that the Town often hears from residents that their developer or realtor lied to them. He said that whether true or not, the Town cannot control what others say. He stated that what the Town can and does do is provide long-range neighborhood planning information to anyone who seeks it out. He noted that if any of tonight's speakers would have come to Town Hall or gone on the Town website, they would have had full access to the Town's long-range plans, which would have shown them that the property in question has been planned since the mid-1990's for the use to which the requested zoning change would ensure.

Commissioner Huth said that she too has been on the Commission since the inception of the Town's long-range plan and she lives in Starview Heights. She said she firmly believes that the Wierichs have every right to do with their property as they see fit, since their plans support the Town's long-range plan.

Commissioner Malenofski said that he appreciates all the comments and he believes it would not be right for the Wierichs to be punished for being the last vacant landowner in the area. They have the same rights to sell and develop their property as all other past landowners were allowed to do. With that being said, he encourages Director Buckingham, Mr. Wierichs, and the residents to have an open conversation on the type of development to take place on the property

Motion carried, all voting aye.

14. ADJOURNMENT.

Motion (Sheman/Malenofski) to adjourn the meeting at 7:17 p.m. Motion carried, all voting aye.

Respectfully Submitted,

Tracy Olejniczak
Community Development Secretary