



PLAN COMMISSION AGENDA
Tuesday, October 15, 2019 - 6:00 pm
Town Hall - 1900 W. Grand Chute Blvd.

1. Roll Call.
2. Pledge of Allegiance.
3. Approval of Agenda.
4. Approval of Minutes – October 1, 2019 meeting.
5. Public Input.
6. Community Development Director's Report.
7. **Public Hearing #1** – Rezoning (Z-02-19) requested by Yorkshire Properties, LLC for properties at the southeast corner of N. Waldoch Drive and W. Michaels Drive, to rezone from CL Local Commercial District to R-4 Multifamily Residence District. **Action:** Hear testimony/close hearing.
8. **Rezoning (Z-02-19)** – Request by Yorkshire Properties, LLC for properties at the southeast corner of N. Waldoch Drive and W. Michaels Drive, to rezone from CL Local Commercial District to R-4 Multifamily Residence District.. **Action:** Recommend approval/denial of Z-02-19. (TOWN BOARD ACTION 11/5/2019, *Ordinance O-09-2019*).
9. **Public Hearing #2** – Rezoning (Z-03-19) requested by North Shore Bank FSB for properties on W. Michaels Drive, N. Altenhofen Drive, and W. Grande Market Drive, to rezone from CL Local Commercial District to R-4 Multifamily Residence District. **Action:** Hear testimony/close hearing.
10. **Rezoning (Z-03-19)** – Request by North Shore Bank FSB for properties on W. Michaels Drive, N. Altenhofen Drive, and W. Grande Market Drive, to rezone from CL Local Commercial District to R-4 Multifamily Residence District. **Action:** Recommend approval/denial of Z-03-19. (TOWN BOARD ACTION 11/5/2019, *Ordinance O-10-2019*).
11. Adjournment.

Public Notice: Agendas are posted in the following locations: Town Hall bulletin boards & Town website www.grandchute.net 2015 Wisconsin Act 79 allows the publication of certain legal notices on an Internet site maintained by a municipality. This law allows these types of legal notices to be posted in one physical location in the jurisdiction (instead of three) if also placed on an Internet site maintained by the local government.

Special Accommodations: Requests from persons with disabilities who need assistance to participate in this meeting should be made to the Clerk's Office at (920-832-5644) with at least 24-hour notice.

Notice of Possible Quorum: A quorum of the Town Board, Sanitary Districts, Board of Review, Community Development Authority, Licensing Committee, Parks Commission, Joint Review Board, Zoning Board of Appeals and/or Police and Fire Commission may be present at this meeting for the purpose of gathering information and possible discussion on items listed on this agenda. However, unless otherwise noted in this agenda, no official action by the Town Board, Sanitary Districts, Board of Review, Community Development Authority, Licensing Committee, Parks Commission, Joint Review Board, Zoning Board of Appeals and/or Police and Fire Commission will be taken at this meeting.

GRAND CHUTE PLAN COMMISSION MINUTES

October 1, 2019

Members Present: Chairman Dave Schowalter, Commissioners Robert Stadel, Bruce Sherman, Julie Hidde, John Weber, Duane Boeckers, Pam Crosby, Cheryl Ulrich.

Also Present: James March, Town Administrator; Eric Davidson, Town Board Supervisor; Brent Braun, IT Director; Katie Schwartz, Public Works Director; Karen Heyrman, Deputy Public Works Director; Robert Buckingham, Community Development Director; Michael Patza, Town Planner; Tracy Olejniczak, Administrative Assistant; interested parties (audience attendance = 5)

1. **ROLL CALL**

Chairman Schowalter opened the meeting at 6:00 p.m.

2. **PLEDGE OF ALLEGIANCE**

3. **APPROVAL OF AGENDA**

Motion (Hidde/Crosby) to approve the agenda. Motion carried, all voting aye.

4. **APPROVAL OF MINUTES** – SEPTEMBER 17, 2019 MEETING.

Motion (Stadel/Boeckers) to approve the minutes. Motion carried, all voting aye.

5. **PUBLIC INPUT** – There was no public input.

6. **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

Director Buckingham informed the Commission of pending rezoning requests that would be heard at the October 15 meeting.

7. **PUBLIC HEARING #1** – PROPOSED PASSAGE OF RESOLUTION TBR-15-2019, VACATING AND DISCONTINUING A PORTION OF W. EVERGREEN DRIVE LOCATED WEST OF N. GILLETT STREET (CUL-DE-SAC TERMINUS).

Chairman Schowalter opened Public Hearing #1 at 6:03 p.m. There was no public input.

Motion (Sherman/Hidde) to close Public Hearing #1 at 6:03 p.m. Motion carried, all voting aye.

8. **RESOLUTION TBR-15-2019** – CONSIDERATION OF RESOLUTION TBR-15-2019, VACATING AND DISCONTINUING A PORTION OF W. EVERGREEN DRIVE LOCATED WEST OF N. GILLETT STREET (CUL-DE-SAC TERMINUS).

Director Buckingham explained that this cul-de-sac terminus will be vacated to allow the extension of Evergreen Drive further west, to a connection with Grand Chute Blvd

Motion (Stadel/Boeckers) to recommend approval of Resolution TBR-15-2019, authorizing vacation and discontinuance of a portion of W. Evergreen Drive west of N. Gillett Street (cul-de-sac terminus). Motion carried, all voting aye.

9. **PUBLIC HEARING #2** – SPECIAL EXCEPTION PERMIT (SE-17-19) REQUESTED BY THE COMMUNITY DEVELOPMENT AUTHORITY OF THE TOWN OF GRAND CHUTE, TO ALLOW INSTALLATION OF AN OFF-PREMISE SIGN LOCATED AT 5002 W. GREENVILLE DRIVE.

Chairman Schowalter opened Public Hearing #2 at 6:06 p.m. There was no public input.

Motion (Crosby/Weber) to close Public Hearing #2 at 6:06 p.m. Motion carried, all voting aye.

10. **SPECIAL EXCEPTION PERMIT (SE-17-19)** - REQUEST BY THE COMMUNITY DEVELOPMENT AUTHORITY OF THE TOWN OF GRAND CHUTE, TO ALLOW INSTALLATION OF AN OFF-PREMISE SIGN LOCATED AT 5002 W. GREENVILLE DRIVE.

Director Buckingham stated that the request is to allow a Champion Center monument sign to be located on excess right-of-way near the intersection of N. Silverspring Drive and W. Greenville Drive. The location of the sign is required to direct traffic from a main entry point to the Champion Center.

Motion (Sherman/Hidde) to recommend approval of the Special Exception Permit (SE-17-19) requested by the Community Development Authority of the Town of Grand Chute, to allow installation of an off-premised sign located at 5002 W. Greenville Drive. Motion carried, all voting aye.

11. **SITE PLAN (SP-23-19)** – REQUEST BY THE COMMUNITY DEVELOPMENT AUTHORITY OF THE TOWN OF GRAND CHUTE, FOR INSTALLATION OF A MONUMENT SIGN LOCATED AT 5002 W. GREENVILLE DRIVE.

Motion (Hidde/Crosby) to approve the Site Plan (SP-23-19) requested by the Community Development Authority of the Town of Grand Chute, for installation of a monument sign at 5002 W. Greenville Drive, subject to Town Board approval of Special Exception Permit SE-17-19. Motion carried, all voting aye.

12. **PROJECT PLAN APPROVAL (PDD3: PPA-01-19)** – REQUEST BY THE TOWN OF GRAND CHUTE AND THE COMMUNITY DEVELOPMENT AUTHORITY OF THE TOWN OF GRAND CHUTE, TO ALLOW INSTALLATION OF A MONUMENT SIGN LOCATED AT 5000 W. CHAMPION DRIVE.

Director Buckingham explained that this monument sign will be located on Champion Center property, near the intersection of W. Champion Drive and W. McCarthy Road.

Motion (Crosby/Boeckers) to recommend approval of PDD3: PPA-01-19, the Project Plan of the Town of Grand Chute and the Community Development Authority of the Town of Grand Chute, to allow installation of a monument sign located at 5000 W. Champion Drive. (Resolution TBR-12-2019). Motion carried, all voting aye.

13. **SITE PLAN (SP-22-19)** – REQUEST BY GORDON BUBOLZ NATURE PRESERVE, 4815 N. LYNNDALE DRIVE, FOR CONSTRUCTION OF A MAINTENANCE BUILDING AND ASSOCIATED SITE IMPROVEMENTS.

Planner Patza noted that the proposed building is for use as a maintenance shop and storage, and will be located near the northeast corner of the property

Motion (Stadel/Hidde) to approve the Site Plan (SP-22-19) requested by Gordon Bubolz Nature Preserve, 4815 N. Lynndale Drive, for construction of a maintenance building and associated site improvements. Motion carried, all voting aye.

14. **SITE PLAN AMENDMENT (SPA1-01-06)** – REQUEST BY MLSM HOLDINGS LLC, DBA APPLETON CAMPING CENTER, INC., 2100 N. MCCARTHY ROAD, TO MOVE AN EXISTING PYLON SIGN TO ANOTHER LOCATION ON THE PROPERTY.

Motion (Hidde/Crosby) to approve the Site Plan Amendment (SPA1-01-06) requested by MLSM Holdings LLC, dba Appleton Camping Center, Inc., to relocate an existing pylon sign at 2100 N. McCarthy Road. Motion carried, all voting aye

15. **SITE PLAN REVISION (SP-15-19)** – REQUEST BY PR APPLETON WEST, INC., DBA PIZZA RANCH, 5450 W. INTEGRITY WAY, TO APPROVE THE REVISED SITE PLAN FOR CONSTRUCTION OF A RESTAURANT BUILDING AND ASSOCIATED SITE IMPROVEMENTS.

Planner Patza reviewed the revisions that have been made to the previously approved site plan.

Motion (Sherman/Crosby) to approve the Site Plan Revision (SP-15-19) requested by PR Appleton West, Inc., dba Pizza Ranch, 5450 W. Integrity Way, for construction of a restaurant building and associated site improvements. Motion carried, all voting aye.

16. ADJOURNMENT.

Motion (Sherman/Boeckers) to adjourn the meeting at 6:15 p.m. Motion carried, all voting aye.

Respectfully Submitted,

Tracy Olejniczak/BB
Com. Dev. Admin. Asst.

Town of Grand Chute Rezoning Request Yorkshire Properties, LLC

To: Plan Commission

From: Robert Buckingham, Community Development Director

Date: October 10, 2019

Address: Southeast corner N. Waldoch Dr. & W. Michaels Dr. **App. #: Z-02-19**

REQUEST

Applicant owns two vacant parcels (2 acres in total size) at this location (See attached Exhibit "A"). A request has been made to rezone the properties from **CL Local Commercial District to R-4 Multifamily Residence District**. If the rezoning request was approved, the intended use would be attached townhomes, similar to what the applicant built across the street at property on the west side of N. Waldoch Dr. The applicant has provided information in support of this rezoning request (See attached Exhibit "B").

ANALYSIS

The subject property is part of a large block of land zoned CL Local Commercial District. The block is bordered by N. McCarthy Rd, W. Michaels Dr, W. Grande Market Dr, N. Altenhofen Dr, and N. Waldoch Dr. The Comprehensive Plan calls for this entire block to be developed with Commercial/Office uses. Currently, there are five (5) commercial/office buildings developed on this block. While development of the remainder of the land on the block has experienced fits and starts, including a bank eventually taking back ownership of the majority of the vacant land, the area remains important in the inventory of available sites for commercial development. Staff was in communication with the applicant before they purchased the subject property, at which time they were informed that a request to rezone to R-4 Multifamily Residence District would not be favorably recommended by staff.

Staff recommendation is to deny the rezoning request on the following grounds:

1. **Options for Use/Highest & Best Use:** The subject property, and adjoining lands requested for rezoning to R-4 classification (Z-03-19), are important to the inventory of vacant commercial development land in Grand Chute. Our community is developing at a moderately rapid pace, and we could be fully built-out in 20–25 years. The McCarthy–Mayflower corridor between College Avenue and Wisconsin Avenue is a key commercial growth area that needs to be preserved for expansion of our office/retail/service base.
2. **Impact to Surrounding Properties:** Despite sporadic commercial development within this block, the fact remains that five office buildings are in place, establishing a land use pattern that matches the Comprehensive Plan and Zoning Map. One of the office sites adjoins the subject property to the south. While introducing residential development may be expeditious for the property owner, it is not necessarily in the best interests of surrounding properties, nor in the best interests of the community as

a whole while we are trying to manage growth in the latter stages of Grand Chute's development life-cycle.

3. Conformance to the Comprehensive Plan: The Comprehensive Plan calls for Commercial/Office uses at subject properties and the entire block they are part of. The current zoning classification of CL Local Commercial aligns with that land use plan. While the McCarthy–Mayflower corridor has a mix of uses, including some residential development north and west of subject property, it is important to preserve land that is available for commercial development as designated in the Comprehensive Plan.

It is also worth noting that Grand Chute has a much greater concentration of multifamily units when compared to neighboring municipalities. While 42% of our total housing stock is multifamily, bordering communities (Appleton, Fox Crossing, Greenville) range from 7% - 26% multifamily. There are a variety of market factors that have driven that outcome over many decades. At this point in time, it is important to consider that Grand Chute has a large amount of multifamily housing and there will be more in the future. However, it is not in the Town's best interests to designate land in this commercial growth area for more multifamily development. There are other areas of the community that can better support this type of land use.

By recommending denial of this rezoning request, staff is not speaking against multifamily development in our community. In this regard, we advocate applying the 3-pronged test that has served us well when considering requests for new multifamily development:

- Ensure we are working with a reputable, proven developer who will stay with a project for long-term management.
- Ensure that the product is of quality construction and built to last long-term.
- Ensure that the project is in the right location and will be an asset to surrounding properties and the community.

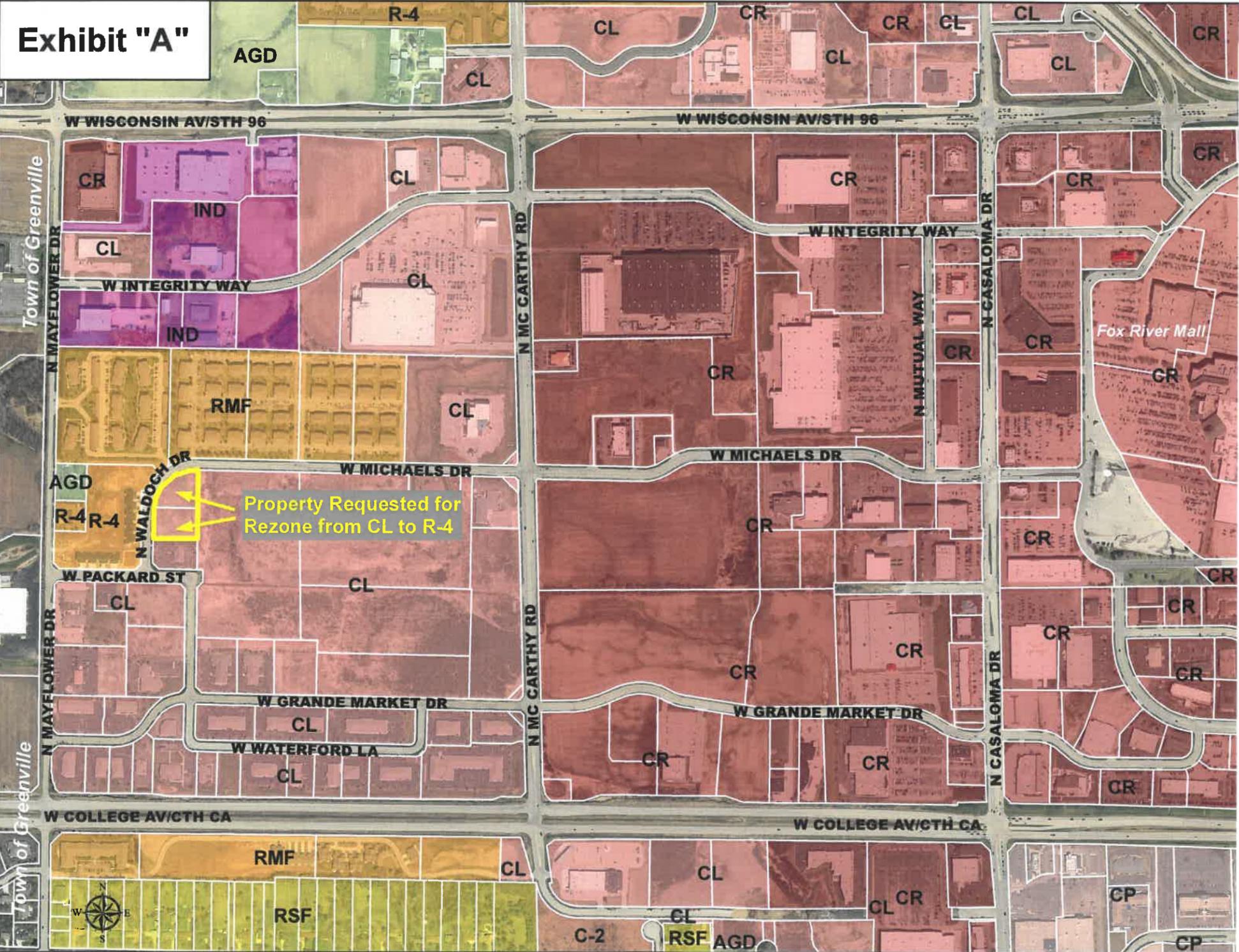
The requested rezoning could meet the first and second tests. However it does not meet the third test for location, which is a significant and overriding factor in recommending that the request be denied.

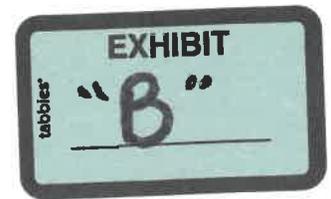
The Town Attorney, Planner Patza and I met with the applicant, their attorney, and commercial real estate advisor to explain the Town's position. We encouraged them to participate in the Comprehensive Plan update process, should they want to highlight some of the development obstacles faced with the vacant commercial land on this block. The Town is also willing to discuss how we might be able to work with them in overcoming some of the site conditions, wetlands and stormwater management challenges on this block.

RECOMMENDATION

Staff has reviewed and supports a Plan Commission recommendation to deny the request of Yorkshire Properties, LLC, to rezone properties at the southeast corner of N. Waldoch Drive and W. Michaels Drive from CL Local Commercial District to R-4 Multifamily Residence District (*Ordinance O-09-2019*).

Exhibit "A"





**DEMPSEY, EDGARTON, ST. PETER,
PETAK, & ROSENFELDT
LAW FIRM**

A DIVISION OF DEMPSEY LAW FIRM, LLP
A WISCONSIN LIMITED LIABILITY PARTNERSHIP

Established in 1849

210 N. Main Street, Suite 100, Oshkosh, WI 54901
920-235-7300 (office) 920-235-2011 (facsimile) fdh@dempseylaw.com

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MATTHEW PARMENTIER
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OF COUNSEL:
RONALD L. PETAK
RYAN M. PLISCH

ASSOCIATES:
ELIZABETH A. HARTMAN
ALEX R. ACKERMAN
DEJAN ADZIC

RETIRED:
A.D.(DAN) EDGARTON
ROBERT V. EDGARTON

October 10, 2019

VIA: EMAIL AND U.S. MAIL
comdev@grandchute.net

Grand Chute Town Hall
ATTN: Community Development Department
1900 W. Grand Chute Boulevard
Grand Chute, WI 54913-9613

**Re: Yorkshire Properties, LLC
Parcel Numbers: 101125300 & 101125302
-and-
North Shore Bank
Parcel Numbers: 101125700, 101125800, 101125806, and
101126000**

Dear Sir or Madam:

Pursuant to the Rezoning Applications filed by Yorkshire Properties, LLC and North Shore Bank, I am writing to discuss the reasons we believe rezoning these properties is in the best interest of not only my clients but also the Town of Grand Chute.

To begin with, Yorkshire Properties, LLC is an entity owned by Henry Chou. He owns a 2-acre parcel and plans to build 14 townhouses similar to the ones he recently built across the street from this property. Mr. Chou purchased this property in 2016 and it has been sitting vacant with no development for quite some time. The most recent purchase was in 2001 and clearly no one has been able to develop or use the site. Mr. Chou plans to develop quality construction townhouses and has proven that he can do that and be successful. The townhouses he built adjacent to this property are at full occupancy and have been obviously very successful for him and the Town's tax base. Mr. Chou has received no interest to develop this property commercially and it is not feasible at this time based on the current market. I have attached the rendering of the proposed site and buildings that Mr. Chou will be building.

{07515345.DOCX.1}

Fond du Lac Location 10 Forest Avenue Fond du Lac, WI 54936 920-922-0470	De Pere Location 2079 Lawrence Drive De Pere, WI 54115 920-235-7300	Dempsey & Buchholz – Waupun 95 S Harris Avenue Waupun, WI 53963 920-324-9736	Dempsey & Byrne - Wausau 115 Forrest Street Wausau, WI 54403 715-848-2966
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North Shore Bank has also filed an application for rezoning in the same manner. The land is adjacent to the Yorkshire Properties, LLC land and is also suited for the same type of development. You will see on the attached wetland map that the area is a challenge to build on. I have attached a map of the wetland areas, as well as a map of the proposed sites that the bank seeks to put multi-family townhouses totaling 96 units.

Also attached are calculations to show the conservative amount that this development would cost and the estimate new tax assessment of almost 1.5 million dollars for that project yearly. I have also attached a report showing the multi-family market in the area which shows an extremely low vacancy which indicates a need for more multi-family residences in this area. There is also no current projects being done to expand that inventory, and this would be a perfect opportunity to address that need.

Todd Devillers of RE Commercial LLC, a realtor and an agent for North Shore Bank, has put together the above numbers and has been marketing this site for years. He has seen no commercial interest in these properties and all, and based on his information that we have provided and his experience in the marketplace, the best use of this property is for the multi-family development that is being proposed here. The bank has been sitting on the land for many years without any interest to develop it commercially, and he believes that if this is approved they will be able to immediately find a residential developer to improve the property as there has been interest shown on multiple occasions.

Because there is no commercial interest in these developments, the property will remain vacant and not useable to both of these property owners for the foreseeable future. Less attractive uses such as storage units will be permissible, but no one wants to use this land for those purposes. The best and most effective use for the owners and for the Town is in the multi-family development that is being proposed. There are certainly other options with respect to making these units single family townhouses, which could be discussed as well.

We have estimated again that 1.5 million dollar tax base from the North Shore Bank property alone, plus an additional tax base from Mr. Chou's 14 units, creating a tax incentive for the Town to allow this use.

Thank you for your attention to this matter.

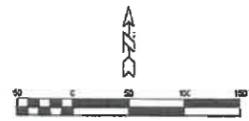
Sincerely,

DEMPSEY, EDGARTON, ST. PETER, PETAK & ROSENFELDT


Brian D. Hamill

BDH;kg
Attachments
cc: Clients
{07515345.DOCX.1}

YORKSHIRE PROPERTIES, LLC



- SITE SUMMARY**
1. 7 Future Buildings
 2. 14 Total Units
 3. Total Acres = 2 Acres
 4. Total Acres Units per Acre = Units

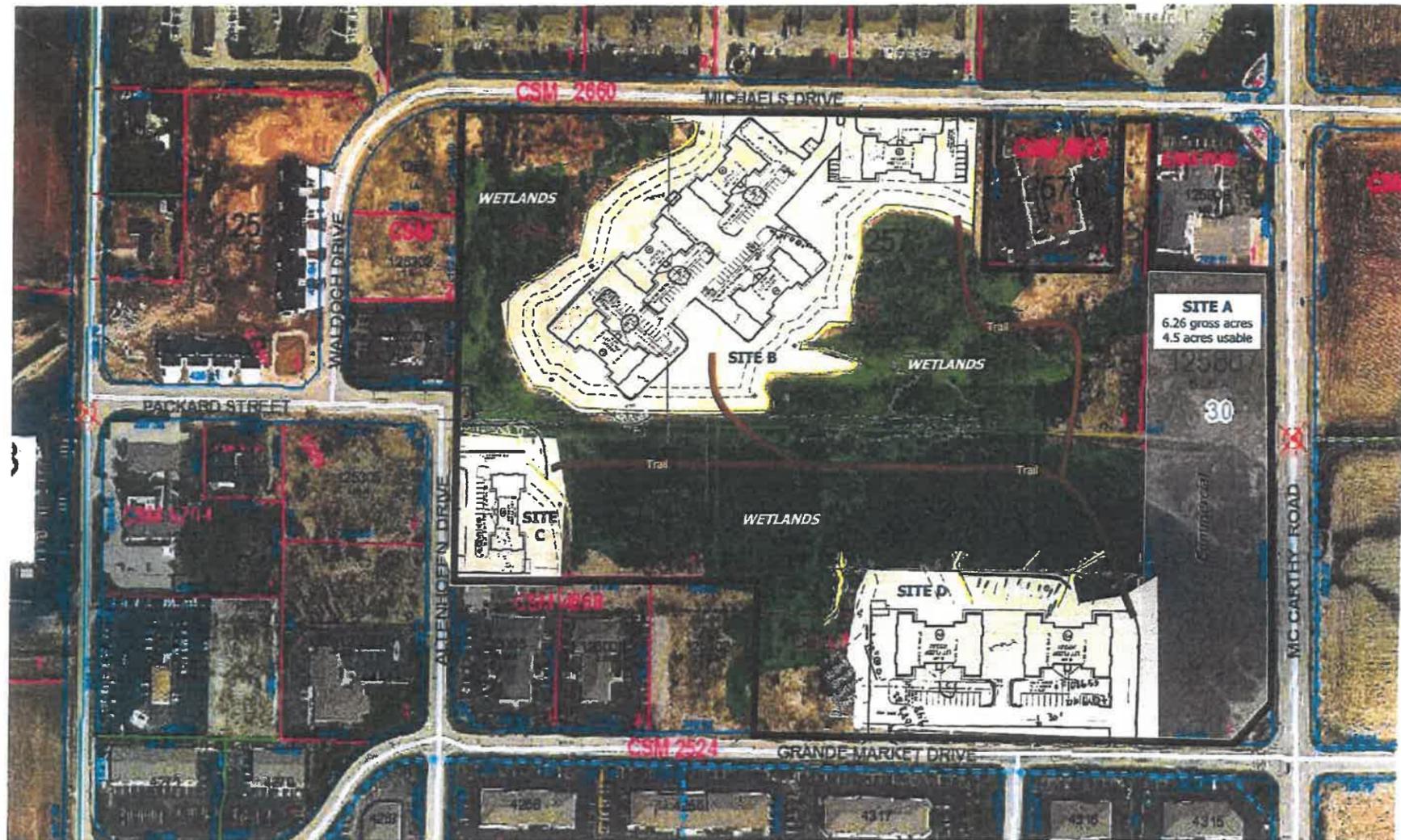
8/17/2019 3:33 PM C:\Users\johndave\Documents\2019\20190817\20190817.dwg
DAVEL ENGINEERING & ENVIRONMENTAL, INC.
 Civil Engineers and Land Surveyors
 15417 W. Lincoln Avenue, Milwaukee, WI 53224
 Tel: 414-224-1000
 www.davel.com

Multi-Family Concept Plan

Waldoch Properties
 Town of Grand Chute, Outagamie County, WI
 For: Waldoch Properties, LLC

Date: 09/17/2019
 Filename: 4581-Waloch1.dwg
 User: jeh
 Job Name: jeh
 Project: Concept

NORTH SHORE BANK

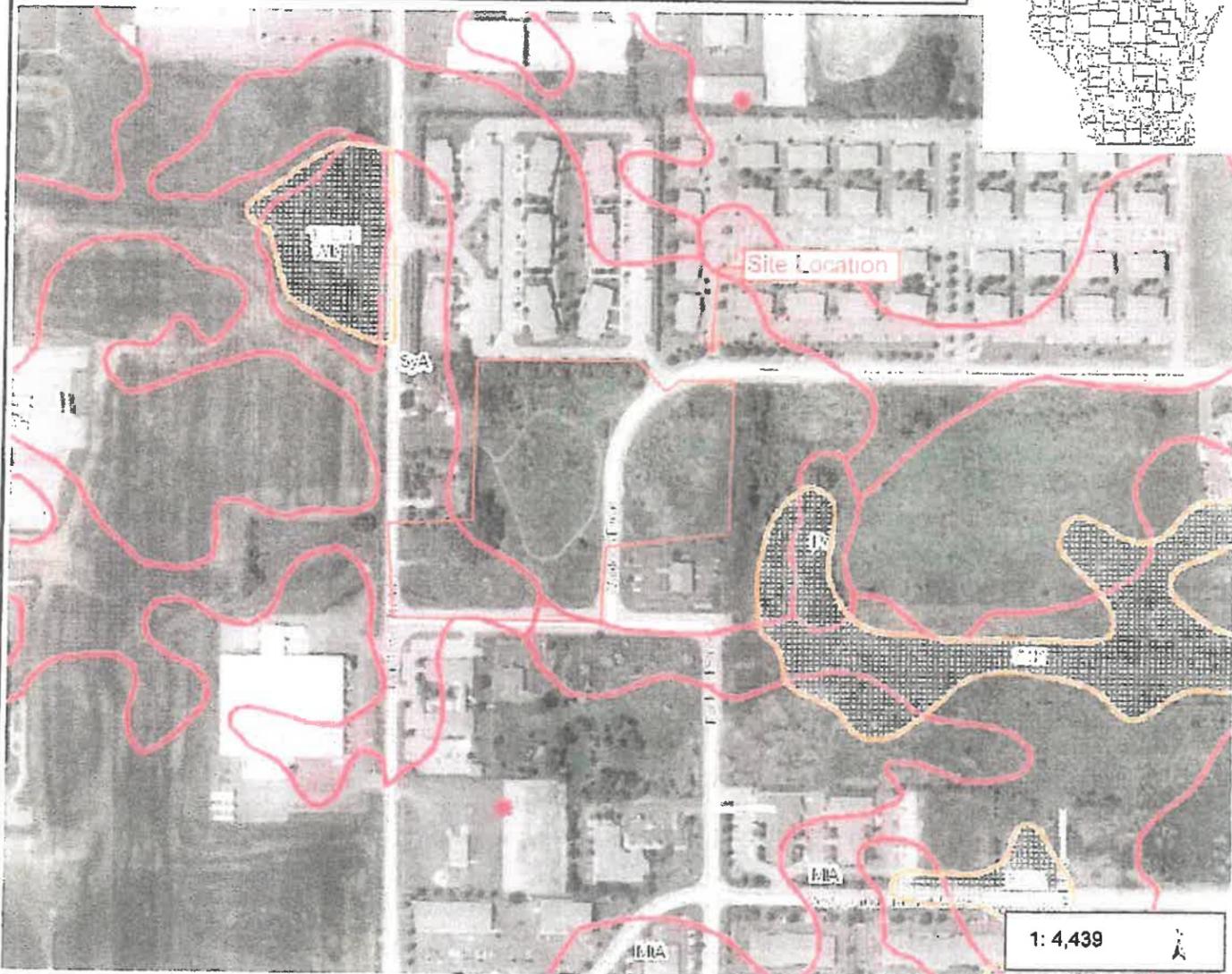


Appleton/Grand Chute Multi Family Market 10/2019								
Market/2019	Units	Vacancy	Asking Rent	Effective Rent	Past 12 Months Absorption Units	Past 12 Months Delivered Units	Next 12 Months Under Construction Units	Next 24 Months Delivered Units
Appleton								
4/5 Star	475	0.2%	\$ 910	\$ 908			0	0
3 Star	4220	0.4%	\$ 797	\$ 795			188	0
1/2 Star	1549	1.1%	\$ 666	\$ 663			0	0
Sub Total	6244	0.5%	\$ 785	\$ 783	34	0	188	36
Outagamie Co/Grand Chute								
4/5 Star	554	1.70%	\$ 1,062	\$ 1,055			138	0
3 Star	2910	0.90%	\$ 837	\$ 834			0	0
1/2 Star	286	0.20%	\$ 731	\$ 729			0	0
Sub Total	3150	1.0%	\$ 878	\$ 875	190	162	138	0
Markets/2019								
Total Overview	9,394	0.7500%	\$ 832	\$ 829	224	162	326	36

North Shore Bank Site		Tax Assessment	New Taxes
Town Of Grand Chute			
Total Land Area:	44.28		
Total Wetlands:	18.18		
Total Uplands:	26.1		
Total Buildable:	18		
Site A (McCarthy Road)			
Current Zoning	Commercial		
Proposed Use	Commercial		
Gross Acres	6.2		
Buildable Acres	4.5		
Estimated New Tax Assessment		\$ 900,800	
Estimated New Taxes			\$ 175,500
Site B (Michaels Rd)			
Current Zoning	Commercial		
Proposed Re Zoning	R5 (Multi Family)		
Buildable Acres	8		
Proposed Development	60 Apartments Units (5 Buildings * 12 Units Each)		
Estimated New Tax Assessment		\$ 4,200,000	
Estimated New Taxes			\$ 819,000
Site C (Altenhofen Dr.)			
Current Zoning	Commercial		
Proposed Re Zoning	R5 (Multi Family)		
Buildable Acres	1.5		
Proposed Development	12 Apartments Units (1 Buildings * 12 Units Each)		
Estimated New Tax Assessment		\$ 840,000	
Estimated New Taxes			\$ 163,800
Site D (Grand market Dr.)			
Current Zoning	Commercial		
Proposed Re Zoning	R5 (Multi Family)		
Buildable Acres	4		
Proposed Development	24 Apartments Units (2 Buildings * 12 Units Each)		
Estimated New Tax Assessment		\$ 1,680,000	
Estimated New Taxes			\$ 327,600
		\$ 7,620,000	\$ 1,485,900



Appendix B - WDNR Wetland Inventory Map and Wetland Indicator Soils



Legend

- Wetland Class Points**
 - Dammed pond
 - Excavated pond
 - Filled excavated pond
 - Filled/draind wetland
 - Wetland too small to delineate
- Filed Points**
- Wetland Class Areas**
 - Wetland
 - Upland
- Filed Areas**
- NRCS Wetspots**
- Wetland Indicators**
- Municipality**
- State Boundaries**
- County Boundaries**
- Major Roads**
 - Interstate Highway
 - State Highway
 - US Highway
- County and Local Roads**
 - County HWY
 - Local Road
- Railroads**
- Tribal Lands**
- Rivers and Streams**
- Intermittent Streams**
- Lakes and Open water**

1: 4,439

0.1 0 0.07 0.1 Miles

NAD_1983_HARN_Wisconsin_TM
© Latitude Geographics Group Ltd.

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Notes

1983

Town of Grand Chute Rezoning Request North Shore Bank FSB

To: Plan Commission

From: Robert Buckingham, Community Development Director

Date: October 10, 2019

Address: Properties on W. Michaels Dr, N. Altenhofen Dr, & W. Grande Market Dr.
App. #: Z-03-19

REQUEST

Applicant owns four vacant parcels (approx. 37.5 acres in total size) at this location (See attached Exhibit "A"). A request has been made to rezone these properties from **CL Local Commercial District to R-4 Multifamily Residence District**. If the rezoning request was approved, the intended use would be multifamily housing. The applicant has provided information in support of this rezoning request (See attached Exhibit "B").

ANALYSIS

The subject properties are part of a large block of land zoned CL Local Commercial District. The block is bordered by N. McCarthy Rd, W. Michaels Dr, W. Grande Market Dr, N. Altenhofen Dr, and N. Waldoch Dr. The Comprehensive Plan calls for this entire block to be developed with Commercial/Office uses. Currently, there are five (5) commercial/office buildings developed on this block. While development of the remainder of the land on the block has experienced fits and starts, including the applicant/bank eventually taking back ownership of the majority of the vacant land, the area remains important in the inventory of available sites for commercial development.

Staff recommendation is to deny the rezoning request on the following grounds:

1. Options for Use/Highest & Best Use: The subject properties, and adjoining lands requested for rezoning to R-4 classification (Z-02-19), are important to the inventory of vacant commercial development land in Grand Chute. Our community is developing at a moderately rapid pace, and we could be fully built-out in 20–25 years. The McCarthy–Mayflower corridor between College Avenue and Wisconsin Avenue is a key commercial growth area that needs to be preserved for expansion of our office/retail/service base.
2. Impact to Surrounding Properties: Despite sporadic commercial development within this block, the fact remains that five office buildings are in place, establishing a land use pattern that matches the Comprehensive Plan and Zoning Map. While introducing residential development may be expeditious for the property owner, it is not necessarily in the best interests of surrounding properties, nor in the best interests of the community as a whole while we are trying to manage growth in the latter stages of Grand Chute's development life-cycle.

3. Conformance to the Comprehensive Plan: The Comprehensive Plan calls for Commercial/Office uses at subject properties and the entire block they are part of. The current zoning classification of CL Local Commercial aligns with that land use plan. While the McCarthy–Mayflower corridor has a mix of uses, including some residential development north and west of subject properties, it is important to preserve land that is available for commercial development as designated in the Comprehensive Plan.

It is also worth noting that Grand Chute has a much greater concentration of multifamily units when compared to neighboring municipalities. While 42% of our total housing stock is multifamily, bordering communities (Appleton, Fox Crossing, Greenville) range from 7% - 26% multifamily. There are a variety of market factors that have driven that outcome over many decades. At this point in time, it is important to consider that Grand Chute has a large amount of multifamily housing and there will be more in the future. However, it is not in the Town's best interests to designate land in this commercial growth area for more multifamily development. There are other areas of the community that can better support this type of land use.

By recommending denial of this rezoning request, staff is not speaking against multifamily development in our community. In this regard, we advocate applying the 3-pronged test that has served us well when considering requests for new multifamily development:

- Ensure we are working with a reputable, proven developer who will stay with a project for long-term management.
- Ensure that the product is of quality construction and built to last long-term.
- Ensure that the project is in the right location and will be an asset to surrounding properties and the community.

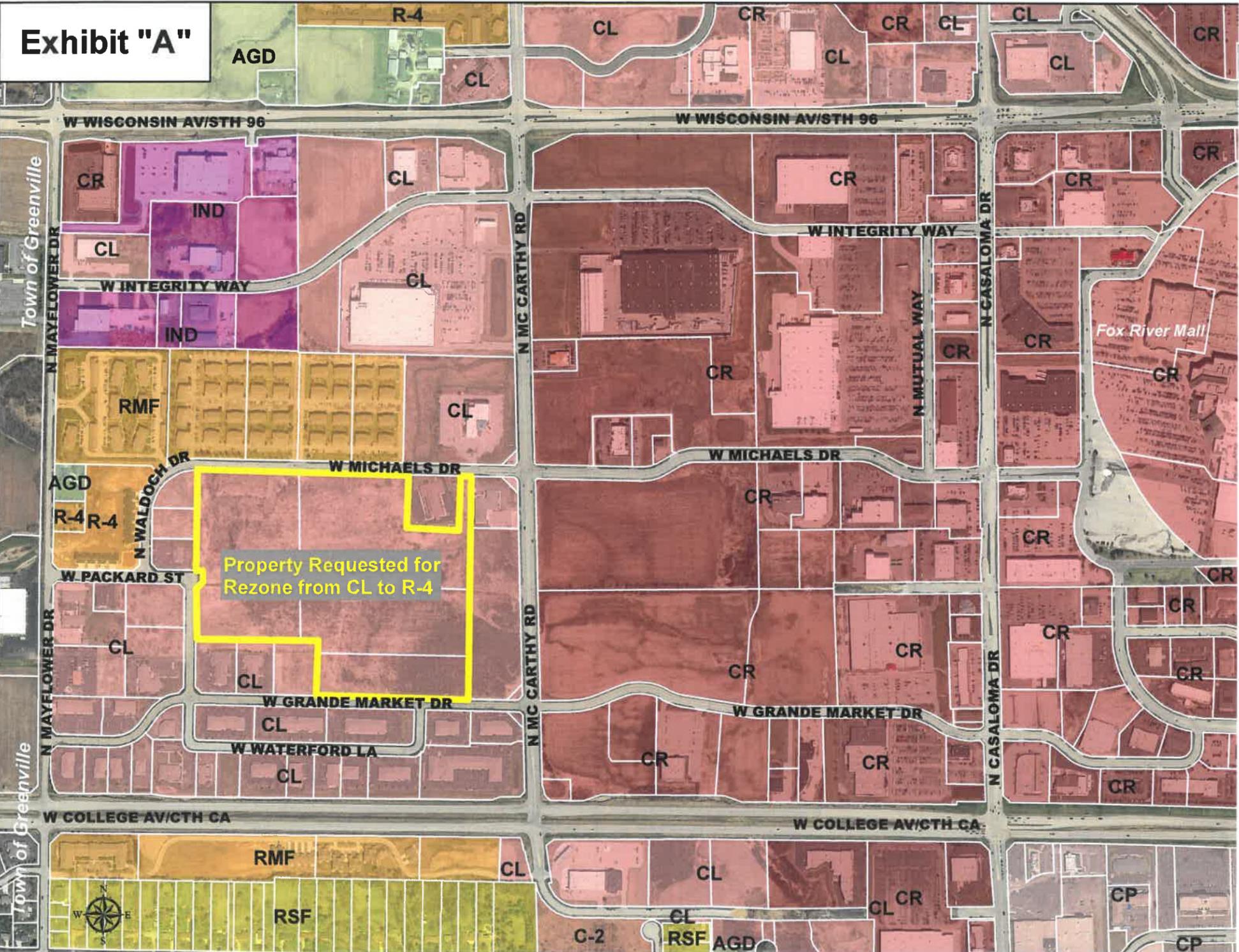
The properties requested for rezoning are not under contract with a purchaser/developer at this time, although concept site plans have been provided by the applicant. It would be premature to apply the first and second tests. However based on discussions with property representatives, we could expect a development team and product that may be favorable. Regardless, it does not meet the third test for location, which is a significant and overriding factor in recommending that the request be denied.

The Town Attorney, Planner Patza and I met with the applicant's attorney and commercial real estate advisor to explain the Town's position. We encouraged them to participate in the Comprehensive Plan update process, should they want to highlight some of the development obstacles faced with the vacant commercial land on this block. The Town is also willing to discuss how we might be able to work with them in overcoming some of the site conditions, wetlands and stormwater management challenges on this block.

RECOMMENDATION

Staff has reviewed and supports a Plan Commission recommendation to deny the request of North Shore Bank FSB, to rezone properties on W. Michaels Drive, N. Altenhofen Drive, and W. Grande Market Drive from CL Local Commercial District to R-4 Multifamily Residence District (*Ordinance O-10-2019*).

Exhibit "A"





PARTNERS:
 TIMOTHY M. DEMPSEY
 CHARLES J. HERTEL
 JOHN A. ST. PETER
 PAUL W. ROSENFELDT
 BRIAN D. HAMILL
 PETER J. CULP
 MATTHEW PARMENTIER
 HEATH G. MYNSBERGE
 TERRENCE J. BYRNE

**DEMPSEY, EDGARTON, ST. PETER,
 PETAK, & ROSENFELDT
 LAW FIRM**

A DIVISION OF DEMPSEY LAW FIRM, LLP
 A WISCONSIN LIMITED LIABILITY PARTNERSHIP

Established in 1849

210 N. Main Street, Suite 100, Oshkosh, WI 54901
 920-235-7300 (office) 920-235-2011 (facsimile) (bdh@dempseylaw.com)

OF COUNSEL:
 RONALD L. PETAK
 RYAN M. PLISCH

ASSOCIATES:
 ELIZABETH A. HARTMAN
 ALEX R. ACKERMAN
 DEJAN ADZIC

RETIRED:
 A.D.(DAN) EDGARTON
 ROBERT V. EDGARTON

October 10, 2019

VIA: EMAIL AND U.S. MAIL
comdev@grandchute.net

Grand Chute Town Hall
 ATTN: Community Development Department
 1900 W. Grand Chute Boulevard
 Grand Chute, WI 54913-9613

**Re: Yorkshire Properties, LLC
 Parcel Numbers: 101125300 & 101125302
 -and-
 North Shore Bank
 Parcel Numbers: 101125700, 101125800, 101125806, and
 101126000**

Dear Sir or Madam:

Pursuant to the Rezoning Applications filed by Yorkshire Properties, LLC and North Shore Bank, I am writing to discuss the reasons we believe rezoning these properties is in the best interest of not only my clients but also the Town of Grand Chute.

To begin with, Yorkshire Properties, LLC is an entity owned by Henry Chou. He owns a 2-acre parcel and plans to build 14 townhouses similar to the ones he recently built across the street from this property. Mr. Chou purchased this property in 2016 and it has been sitting vacant with no development for quite some time. The most recent purchase was in 2001 and clearly no one has been able to develop or use the site. Mr. Chou plans to develop quality construction townhouses and has proven that he can do that and be successful. The townhouses he built adjacent to this property are at full occupancy and have been obviously very successful for him and the Town's tax base. Mr. Chou has received no interest to develop this property commercially and it is not feasible at this time based on the current market. I have attached the rendering of the proposed site and buildings that Mr. Chou will be building.

{07515345.DOCX.1}

Fond du Lac Location 10 Forest Avenue Fond du Lac, WI 54936 920-922-0470	De Pere Location 2079 Lawrence Drive De Pere, WI 54115 920-235-7300	Dempsey & Buchholz – Waupun 95 S Harris Avenue Waupun, WI 53963 920-324-9736	Dempsey & Byrne - Wausau 115 Forrest Street Wausau, WI 54403 715-848-2966
---	--	---	--

North Shore Bank has also filed an application for rezoning in the same manner. The land is adjacent to the Yorkshire Properties, LLC land and is also suited for the same type of development. You will see on the attached wetland map that the area is a challenge to build on. I have attached a map of the wetland areas, as well as a map of the proposed sites that the bank seeks to put multi-family townhouses totaling 96 units.

Also attached are calculations to show the conservative amount that this development would cost and the estimate new tax assessment of almost 1.5 million dollars for that project yearly. I have also attached a report showing the multi-family market in the area which shows an extremely low vacancy which indicates a need for more multi-family residences in this area. There is also no current projects being done to expand that inventory, and this would be a perfect opportunity to address that need.

Todd Devillers of RE Commercial LLC, a realtor and an agent for North Shore Bank, has put together the above numbers and has been marketing this site for years. He has seen no commercial interest in these properties and all, and based on his information that we have provided and his experience in the marketplace, the best use of this property is for the multi-family development that is being proposed here. The bank has been sitting on the land for many years without any interest to develop it commercially, and he believes that if this is approved they will be able to immediately find a residential developer to improve the property as there has been interest shown on multiple occasions.

Because there is no commercial interest in these developments, the property will remain vacant and not useable to both of these property owners for the foreseeable future. Less attractive uses such as storage units will be permissible, but no one wants to use this land for those purposes. The best and most effective use for the owners and for the Town is in the multi-family development that is being proposed. There are certainly other options with respect to making these units single family townhouses, which could be discussed as well.

We have estimated again that 1.5 million dollar tax base from the North Shore Bank property alone, plus an additional tax base from Mr. Chou's 14 units, creating a tax incentive for the Town to allow this use.

Thank you for your attention to this matter.

Sincerely,

DEMPSEY, EDGARTON, ST. PETER, PETAK & ROSENFELDT


Brian D. Hamill

BDH;kg
Attachments
cc: Clients
{07515345.DOCX.1}

YORKSHIRE PROPERTIES, LLC



- SITE SUMMARY**
1. 7 Future Buildings
 2. 14 Total Units
 3. Total Acres = 2 Acres
 4. Total Acres Units per Acre = Units

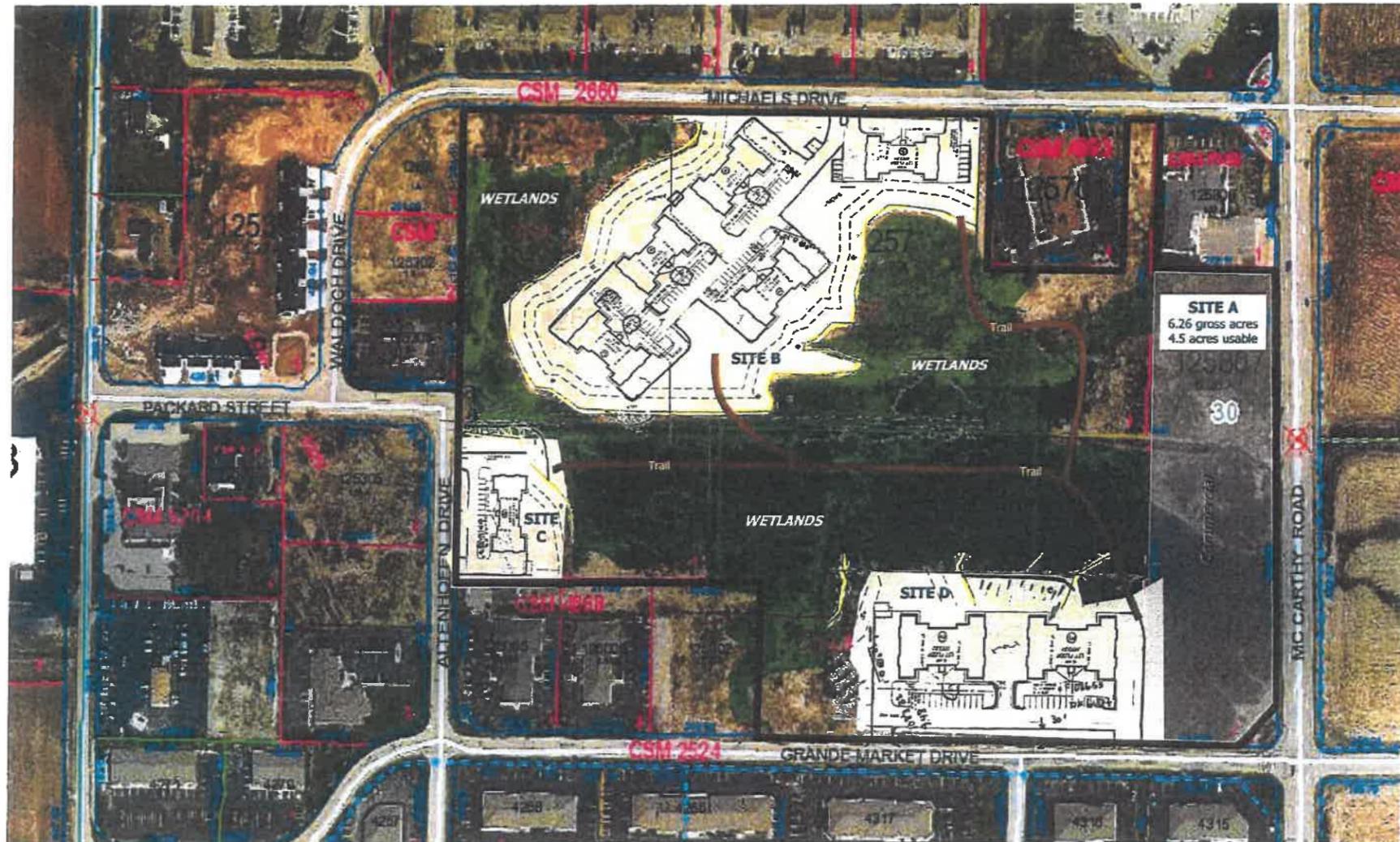
09/17/2019 3:32 PM C:\Users\jshelton\Documents\2019\09172019\09172019.dwg
DAVEL ENGINEERING & ENVIRONMENTAL, INC.
 Civil Engineers and Land Surveyors
 1184 Pewee Street, Mankato, WI 54601
 P: 763.444.1111 F: 763.444.1112
 www.davel.com

Multi-Family Concept Plan

Waldoch Properties
 Town of Grand Chute, Outagamie County, WI
 For: Waldoch Properties, LLC

Date: 09/17/2019
 Project: 48811\09172019.dwg
 Author: EDS
 User: jshelton
 Plot: Concept

NORTH SHORE BANK

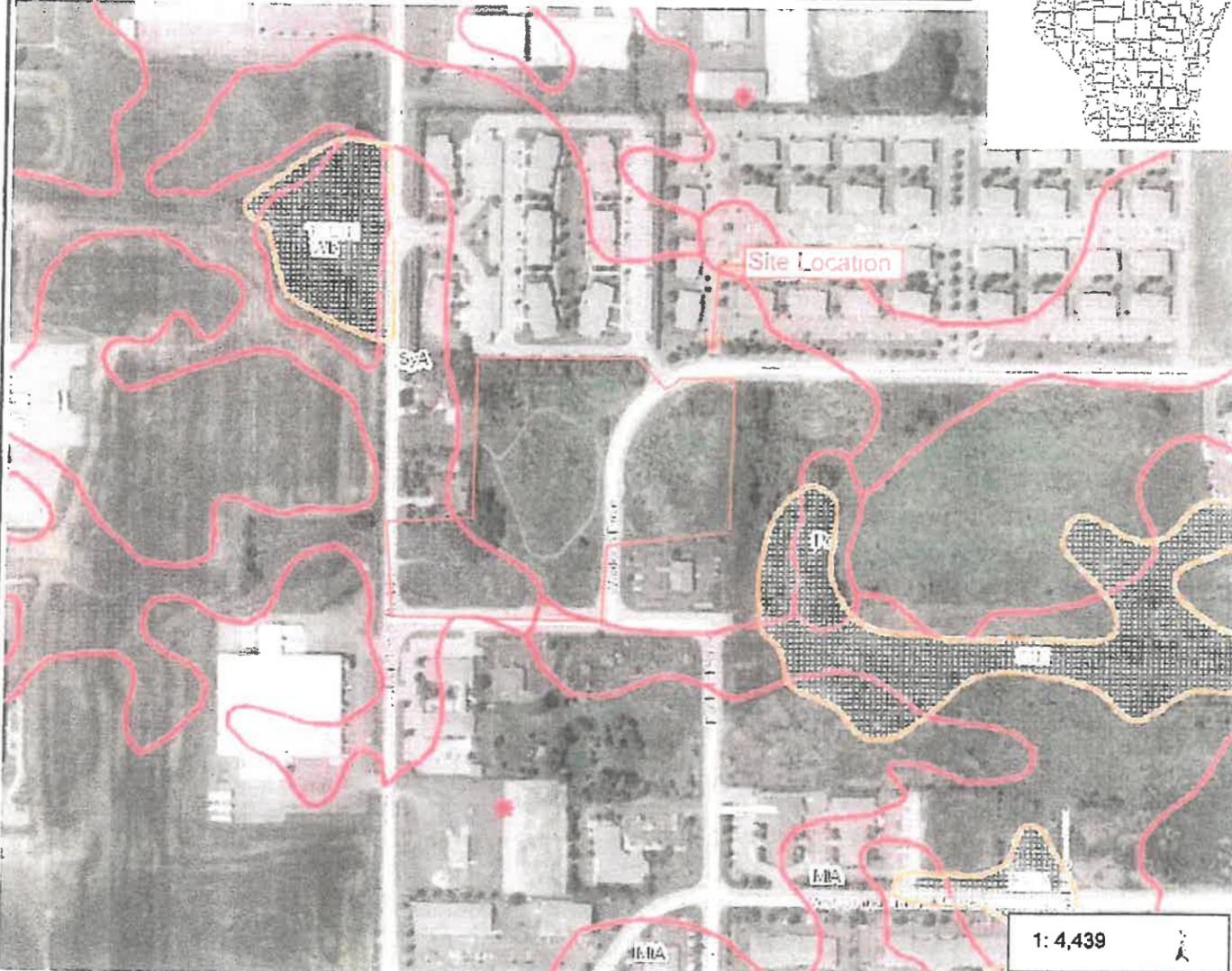


Appleton/Grand Chute Multi Family Market 10/2019								
Market/2019	Units	Vacancy	Asking Rent	Effective Rent	Past 12 Months Absorption Units	Past 12 Months Delivered Units	Next 12 Months Under Construction Units	Next 24 Months Delivered Units
Appleton								
4/5 Star	475	0.2%	\$ 910	\$ 908			0	0
3 Star	4220	0.4%	\$ 797	\$ 795			188	0
1/2 Star	1549	1.1%	\$ 666	\$ 663			0	0
Sub Total	6244	0.5%	\$ 785	\$ 783	34	0	188	36
Outagamie Co/Grand Chute								
4/5 Star	554	1.70%	\$ 1,062	\$ 1,055			138	0
3 Star	2910	0.90%	\$ 837	\$ 834			0	0
1/2 Star	286	0.20%	\$ 731	\$ 729			0	0
Sub Total	3150	1.0%	\$ 878	\$ 875	190	162	138	0
Market/2019	Units	Vacancy	Asking Rent	Effective Rent	Past 12 Months Absorption Units	Past 12 Months Delivered Units	Next 12 Months Under Construction Units	Next 24 Months Delivered Units
Total Overview	9,394	0.7500%	\$ 831	\$ 829	224	162	326	36

North Shore Bank Site			
Town Of Grand Chute			
		Tax Assessment	New Taxes
	Total Land Area: 44.28		
	Total Wetlands: 18.18		
	Total Uplands: 26.1		
	Total Buildable: 18		
Site A (McCarthy Road)			
	Current Zoning	Commercial	
	Proposed Use	Commercial	
	Gross Acres	6.2	
	Buildable Acres	4.5	
	Estimated New Tax Assessment	\$ 900,000	
	Estimated New Taxes		\$ 175,500
Site B (Michaels Rd)			
	Current Zoning	Commercial	
	Proposed Re Zoning	R5 (Multi Family)	
	Buildable Acres	8	
	Proposed Development	60 Apartments Units (5 Buildings * 12 Units Each)	
	Estimated New Tax Assessment	\$ 4,200,000	
	Estimated New Taxes		\$ 819,000
Site C (Altenhofen Dr.)			
	Current Zoning	Commercial	
	Proposed Re Zoning	R5 (Multi Family)	
	Buildable Acres	1.5	
	Proposed Development	12 Apartments Units (1 Buildings * 12 Units Each)	
	Estimated New Tax Assessment	\$ 840,000	
	Estimated New Taxes		\$ 163,800
Site D (Grand market Dr.)			
	Current Zoning	Commercial	
	Proposed Re Zoning	R5 (Multi Family)	
	Buildable Acres	4	
	Proposed Development	24 Apartments Units (2 Buildings * 12 Units Each)	
	Estimated New Tax Assessment	\$ 1,680,000	
	Estimated New Taxes		\$ 327,600
		\$ 7,620,000	\$ 1,485,900



Appendix B - WDNR Wetland Inventory Map and Wetland Indicator Soils



Legend

- Wetland Class Points**
 - Demmed pond
 - Excavated pond
 - Filled excavated pond
 - Filled/draind wetland
 - Wetland too small to delineate
- Filled Points**
- Wetland Class Areas**
 - Wetland
 - Upland
- Filled Areas**
- NRCS Wetspots**
- Wetland Indicators**
- Municipality**
- State Boundaries**
- County Boundaries**
- Major Roads**
 - Interstate Highway
 - State Highway
 - US Highway
- County and Local Roads**
 - County HWY
 - Local Road
- Railroads**
- Tribal Lands**
- Rivers and Streams**
- Intermittent Streams**
- Lakes and Open water**

1: 4,439

0.1 0 0.07 0.1 Miles

NAD_1983_HARN_Wisconsin_TM
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Notes

1983
1981