

GRAND CHUTE PLAN COMMISSION MINUTES

October 15, 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; Brent Braun, IT Director; Denise Herron and Tim Tanglin, IT Systems/Network Engineers; Katie Schwartz, Public Works Director; Karen Heyrman, Deputy Public Works Director; Robert Buckingham, Community Development Director; 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 (Sherman/Crosby) to approve the agenda. Motion carried, all voting aye.

4. **APPROVAL OF MINUTES** – OCTOBER 1, 2019 MEETING.

Motion (Hidde/Weber) to approve the minutes. Motion carried, all voting aye.

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

6. **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT** – No report.

7. **PUBLIC HEARING #1** – REZONING (Z-02-19) REQUESTED BY 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.

Chairman Schowalter opened Public Hearing #1 at 6:02 p.m.

Attorney Brian Hamill, Dempsey Law LLC, advised that he was representing the petitioners for both rezoning requests before the Commission. He displayed a poster board of the immediate neighborhood, pointing out the townhomes that Yorkshire Properties successfully developed across the street. They would like to build similar units on the land requested for rezoning. He noted that based on a previous meeting with Town officials, and based on the staff report for the rezoning, the Comprehensive Plan for the property has been noted as a prime reason for recommendation to deny the request. He noted that the Plan is being updated soon and stated his opinion that it should be malleable, and reviewed based on changed circumstances. Concerning commercial development opportunities, he stated that it looks like the trend will be to less brick and mortar buildings in the future. He suggested that the Comprehensive Plan may need to recognize the need for less commercial land than was once believed to be the case. He stated his opinion that the concept of multifamily development being too a high number is not really going to change regardless of the outcome of the pending requests. He stated that units under this zoning class could be sold as condos, which would more closely align with the single-family market. He noted that the second rezoning request does not include land fronting on McCarthy Road, which would remain available for commercial uses. He concluded by providing some information on the economic benefit to the Town if the rezoning were approved and multifamily development was allowed.

Henry Chou, Yorkshire Properties, LLC, explained their prior experience in getting rezoning for multifamily across the street, and the success of the townhomes they built. They would like to continue with similar units on the land being requested for rezoning. He stated that they own both commercial and residential properties in Grand Chute and that commercial occupancy rates have been lower since the recession.

Julie Huth and Rod Huth, 602 N. Waldoch Drive, stated that they own a commercial office building that adjoins lands requested for rezoning by both petitioners. She explained the loss in property value over the years despite it being a fully leased building, including her own accounting firm. She expressed concern over the value of the property in the future if more multifamily development is allowed. Among their concerns with the townhomes

across the street is an increased number of strangers parking vehicles in her lot, residents placing trash in her refuse corrals, dog waste not being picked off her lot. They both expressed their concern that these problems may only increase if more units are allowed next door. He stated his opinion that with the expansion taking place nearby at the Appleton International Airport, the land in this area should draw more interest for business development. He also noted that they installed security cameras on the exterior of the building to protect themselves should any of the children who come on the property would get injured. She concluded by stating that they have had to accept the fact that their property is worth less now than what they originally paid for it, but they are concerned by the effect more multifamily development would have. They object to this rezoning request.

Motion (Sherman/Hidde) to close Public Hearing #1 at 6:23 p.m. Motion carried, all voting aye.

8. **REZONING (Z-02-19)** – REQUEST BY 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.

Director Buckingham noted for the record that two written comments received regarding the request. Evan Kelly, 613 N. Waldoch Drive, supports more townhomes. Bobby Fischer, 609 N. Waldoch Drive, supports the rezoning but would like to see duplex units that are more environmentally friendly than the unit he resides in.

Director Buckingham provided an overview of current zoning and land use in this area. He stated that staff recommendation is to deny the request and retain the CL Local Commercial District classification of the property, which is consistent with the Comprehensive Plan. He noted that before the petitioner purchased the land in question, staff informed them that the property would not be favorably recommended for rezoning to multifamily classification. He stated that if historic development trends continue, Grand Chute could be fully built-out within 20-25 years. The McCarthy-Mayflower corridor between College and Wisconsin Avenue is a key commercial growth area that needs to be preserved. He noted that five office buildings are already established in the area of the two rezoning requests and this use of the land matches the Comprehensive Plan. He stated the Comprehensive Plan was adopted just 9 years ago and that the land use projections for the area are still valid today. He noted that Grand Chute has a greater concentration of multifamily development than surrounding communities. He advised that it is not in the Town's best interests at this time to promote multifamily development on land that is reserved for future commercial growth, noting that there are better areas available for multifamily. He also noted that staff and the Town Attorney met with the petitioner and their attorney to explain the Town's position. They were encouraged to participate in the Comprehensive Plan update process.

Chairman Schowalter stated that Grand Chute had \$138 million of construction activity in 2018, and \$68 million of activity to date in 2019, which is a strong indicator of the vitality of our commercial sector.

Commissioner Sherman stated that the Comprehensive Plan is our leading document and we need to follow the guidance it provides. He stated his intent to vote for denial of the rezoning request.

Commissioner Hidde also stated her intent to vote for denial. She stated that the fact the petitioner was informed before purchasing the property that the Town intended to retain commercial zoning was an important consideration.

Motion (Sherman/Hidde) to recommend denial of the request (Z-02-19) by Yorkshire Properties, LLC, to rezone properties at the southeast corner of N. Waldoch Drive and W. Michaels from CL Local Commercial District to R-4 Multifamily Residence District (Ordinance O-09-2019). Motion carried, all voting aye.

9. **PUBLIC HEARING #2** – REZONING (Z-03-19) REQUESTED BY NORTH SHORE BANK FSB TO REZONE PROPERTIES ON W. MICHAELS DRIVE, N. ALTENHOVEN DRIVE, AND W. GRANDE MARKET DRIVE FROM CL LOCAL COMMERCIAL DISTRICT TO R-4 MULTIFAMILY RESIDENCE DISTRICT.

Chairman Schowalter opened Public Hearing #2 at 6:32 p.m.

Attorney Brian Hamill, Dempsey Law LLC, spoke on behalf of the petitioner. He stated that his client has been trying to sell/develop this property for much longer than the 9 years the Comprehensive Plan has been in

existence. He suggested that at some point after a property has been marketed for many years without success, the Town should look at the Comprehensive Plan and Zoning Map to put them more in line with the market. He stated that the potential is there to develop the property for multifamily use, working around wetlands areas. He also noted that the rezoning request does not include land fronting on McCarthy Road, which would remain available for commercial uses. He stated that his client just cannot sit on this land anymore, given the lack of response from commercial developers. He concluded by stating that similar to what was reported by a commercial property owner in the previous hearing, his client's property has also declined in value.

Motion (Hidde/Crosby) to close Public Hearing #2 at 6:37 p.m. Motion carried, all voting aye.

10. **REZONING (Z-03-19)** – REQUEST BY 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.

Director Buckingham referred Commission members to the staff report for background on the rezoning request and the findings behind the recommendation to deny the request. He noted that the property in question remains to be an important part of the land inventory for future commercial development. He stated that the petitioner and their real estate consultant have been encouraged to participate in the Comprehensive Plan update process. The Town is also willing to look at ways to help overcome some of the site challenges at this property. Specifically, the Town is in the early planning stages for a regional stormwater pond in this corridor. This would allow runoff from the subject property to be directed to this pond instead of having to provide on-site stormwater facilities.

Motion (Sherman/Boeckers) to recommend denial of the request (Z-03-19) by 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). Motion carried, all voting aye.

11. ADJOURNMENT.

Motion (Sherman/Crosby) to adjourn the meeting at 6:42 p.m. Motion carried, all voting aye.

Respectfully Submitted,

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