

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

May 3, 2011
6:00 pm, Tuesday

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, Vivian Huth, Joe Malenofski, Bob Stadel

MEMBERS EXCUSED: none

ALSO PRESENT: Tim Bantes, Fire Chief; Mark Heling, Road Superintendent; Tom Marquardt, Public Works Director; Jim March Town Administrator; Kevin Vonck, Special Projects Coordinator/Grants Administrator; Robert Buckingham, Community Development Director; other interested parties, (audience attendance = approx. 2) Supervisors Nooyen, Thyssen

1. ROLL CALL.

Chairman Schowalter called the meeting to order at 6 p.m.

2. PLEDGE OF ALLEGIANCE.

3. APPROVAL OF AGENDA.

Motion (Hidde/Sherman) to make the correction of number 7, SPA1-00-80 should be SPA1-00-77. Motion carried.

4. APPROVAL OF MINUTES - REGULAR MEETING & PUBLIC HEARING OF APRIL 19, 2011.

Motion (Hidde/Sherman) to approve the minutes as printed. Motion carried.

5. PUBLIC INPUT.

There was no public input.

6. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT.

Community Development Director Buckingham's May 3, 2011 report available upon request.

7. SITE PLAN AMENDMENT (SPA1-00-77) REQUESTED BY GUSTMAN SUBARU, 310 S. LYNNDAL DRIVE, FOR AN ILLUMINATED PYLON SIGN. **ISSUE:** SHALL THE PLAN COMMISSION APPROVE/DENY SPA1-00-77.

Director Buckingham said this would be to replace the Lincoln Mercury sign that is currently on Lynndale Drive with a Subaru sign and that it meets requirements, 25' in height and well under the maximum square footage. He is recommending approval with the condition that the existing sign be removed prior to permit being issued for the new sign.

Motion (Stadel/Huth) to approve Site Plan Amendment (SPA1-00-77) requested by Gustman Subaru, 310 S. Lynndale Drive, for an illuminated pylon sign, conditioned on an existing Lincoln-Mercury pylon sign on Lynndale Drive being removed before issuance of a sign permit for the new Subaru sign. Motion carried.

8. AFFIDAVIT OF CORRECTION – FIRST ADDITION TO STARVIEW HEIGHTS, REMOVING THE CONDITION FOR INSTALLATION OF A BERM ADJACENT TO ELSNER ROAD. (CONTINUATION OF DISCUSSION AND CONSIDERATION FROM 4/19/11 MEETING) **ISSUE:** SHALL THE PLAN COMMISSION RECOMMEND APPROVAL/DENIAL OF THE AFFIDAVIT OF CORRECTION. (TOWN BOARD ACTION 5/3/11)

Director Buckingham said that the mailing notification had been made of which there were only two owners; the developer still owns nine of the lots and one residential owner.

Commissioner Sherman asked Buckingham if we heard anything back from the mailings.

Buckingham said we did not.

Motion (Sherman/Hidde) to recommend approval of Affidavit of Correction – First Addition to Starview Heights, removing the condition for installation of a berm adjacent to Elsner Road. Motion carried.

9. DISCUSSION AND CONSIDERATION OF A ZONING CODE AMENDMENT TO ALLOW DOG KENNELS AS A SPECIAL EXCEPTION USE IN THE RSF SINGLE-

FAMILY RESIDENTIAL DISTRICT. **ISSUE:** SHALL THE PLAN COMMISSION SCHEDULE A PUBLIC HEARING FOR JUNE 7, 2011 TO CONSIDER A ZONING CODE AMENDMENT.

Director Buckingham said that his proposal would allow a dog kennel in a residential single-family zoned property meeting specific requirements to be granted a Special Exception permit. The requirements would be the owner occupied property must be a minimum lot size of 2.0 acres, and the rear yard must abut any of the following: a county, state, or federal highway; or a main line railroad track; or the Fox River; or property zoned and used for industrial purposes; or property zoned and used exclusively for agricultural purposes; or property designated and mapped as forested or non-forested wetlands, no more than 12 dogs may be boarded, kept harbored or owned in custody. Buckingham continued to say that the Special Exception permit holder would be obligated to maintain quiet dogs as a condition for the continuing the permit, and reasonably prevent other nuisances from occurring as a result of operating a dog kennel and deriving remuneration in any form from the keeping, boarding, care, or training of dogs at the dog kennel, a major home occupation permit must be secured, in accordance with the requirements of Section 27.07(9).

Commissioner Hidde asked do we know how many kennels we have in the Town or how many would fall into these requirements.

Director Buckingham said that he did not know other than the particular noted one and that there would be between 25-30 properties that would fall under the requirements.

Commissioner Sherman asked if the particular owner noted was doing the breeding for business.

Director Buckingham said that yes and that the conversation he had with the owner is that with the economy there is a diminishing market at this time.

Commissioner Huth asked if they breed and sell puppies.

Director Buckingham said yes and that would require a major home occupation.

Buckingham said that this would allow the Town as a special exception to notify the neighbors of a public hearing and to attach conditions on a case-by-case basis such as number of dogs and landscape screening. He said that the permits are issued to a person for use at a specific property and not transferrable.

Motion (Hidde/Stadel) to schedule a public hearing for June 7, 2011 to consider a zoning code amendment to allow dog kennels as a special exception use in the RSF Single-Family Residential District. Motion carried.

10. DISCUSSION AND CONSIDERATION OF A ZONING CODE AMENDMENT TO ESTABLISH ENFORCEMENT POWERS FOR VIOLATIONS OF APPROVED SITE PLANS. **ISSUE:** SHALL THE PLAN COMMISSION SCHEDULE A PUBLIC HEARING FOR JUNE 7, 2011 TO CONSIDER A ZONING CODE AMENDMENT.

Director Buckingham said our zoning code does not directly provide for enforcement of violations to approved site plans and this would allow a two-step process. Step one is in regards to the site plan and would state ***Any construction or development activities or uses of property contrary to any previously approved site plan, or any construction or development activities or uses of property undertaken in the absence of a required approved site plan, shall be a violation of Section 27.10 of the Town of Grand Chute Municipal Code.*** He said that Step two would pertain to the fine/forfeiture aspects of the violations of approved site plans and would state ***Any person, firm, or corporation who fails to comply with the provisions of this Section shall, upon conviction thereof, pay a fine or forfeiture for each violation committed hereunder, plus reasonable costs of prosecution. The amount of such fine and forfeiture shall be in accordance with bond and forfeiture schedules in effect for the Town of Grand Chute. Each day a violation exists or continues shall constitute a separate offense, punishable pursuant to the provisions set forth in this Section. Enforcement and penalties set forth in this Section shall be in addition to all remedies of injunction, abatement and/or costs, whether existing under this Section or otherwise.***

Motion (Huth/Sherman) to schedule a public hearing for June 7, 2011 to consider a zoning code amendment to establish enforcement powers for violations of approved site plans.

Commissioner Sherman asked who would enforce this change.

Director Buckingham said our staff initiates it, then it is passed to the police who issue the citation and then it would be held or go into the municipal court system for judgment.

Motion carried.

11. INITIAL DISCUSSION OF OUTAGAMIE COUNTY AIRPORT OVERLAY ORDINANCE UPDATE. (MATERIALS TO BE DISTRIBUTED AT MEETING)

Director Buckingham said that being on the Outagamie County Airport Overlay committee his plan was to keep feeding information pertaining to the ordinance update at these meetings as it becomes available. He handed out a draft map and also a Land Use Matrix saying that the original airport overlay zoning ordinance goes back into the early 1980's, 1990's so it is long overdue for change to the program. The basic regulations will not have changed a great deal but more time has been spent on the ease of administration, the clarity to affected property owners so they

understand what restrictions they may be subject to, and then more importantly how to administer some of those changes and what I have been advocating on the board is to allow some of that responsibility to come to the municipalities that are, in a sense deputized. He said they are making some good headway and for some of the very routine approvals which are part of the check off on the building permit system with a reporting and accountability coming back to County Planning and Zoning. Mr. Buckingham said that he would provide more updates in the future but is a very good positive sign and good cooperative partnership between the municipalities and the county.

Director Buckingham indicated on the overhead the map which is up on the screen and at each Commissioners desks which was shown, the impacts are north-northeast with that runway and then south-southeast. He said the south-southeast one for the most part the impact areas are the southwest industrial park area the Cedar Meadows subdivision and a small corner of Butte des Morts golf course. The larger impact, only because there are future development and growth opportunities, would be the north-northeast expansion that goes all the way to Mayflower, north of Capitol and doesn't quite reach Edgewood Drive/JJ. The map you are looking at does not provide yet 1000' runway extension that was questioned at the prior meeting so this is the same map that has been in effect for the several years, there has been no change. The issue is the land use matrix which lays out all the particular land uses that are typical in our urban/suburban environment, industrial, institutional, residential, utilities, office, retail, trade services, culture, agriculture and even retention/detention ponds. Those were broken out and then the process of assigning by district and then working through the matrix list you can easily identify a particular use and just as an example under industrial mini-warehousing would not be allowed directly in the airport industrial district would be allowed in zones 1, 2, and 3 but not in the airport's industrial park so to speak. This is just one example of how you would work your way through this and identify. Some of these have been added and residential are what most people are most interested in and nothing has changed for the standards for density, for acre, maximum lot coverage, those are the same that are in affect today. The post time has been spent on the retail trade and if you were to look at the ordinance as it stood and there has been a lot of time spent to begin to deal with density and compactness. This is all about gathering place and how many people could be at something at one time and what obviously would be the impact to human life in case of a crash. Buckingham stated that time was spent to break down general retail, grocery stores-large and small, banquet, reception hall, gathering spaces, restaurants, bars, gas stations, things of that nature to try to actually be a little more open to some smaller scaled retail that is not more impactful than some other uses on the first page that have always been considered allowable. He thinks there is some benefit there to that and generally the matrix once you work with it is fairly easy to understand and for private property owners and developers, home owners it will be a good tool that they get a lot of answers to questions before they even make their first approach to any local government officials. He said that he would be putting this on the agenda for upcoming meetings to go into a little depth, a little background before the meetings, for you to just pay attention to a

couple of things here and there and we'll our way through it. We are on target yet for recommendations to be made by late summer and then it goes through a whole process to the county, in which there will be a public hearing notification of directly affected property owners that have property within any of the zones in the map now so there will be public input prior to adoption of an amended ordinance.

Chairman Schowalter asked if the people that will be affected aware of it at this point?

Director Buckingham said they should be by virtue of the fact that the map has not changed so unless someone is not aware that they actually sit in or their property is vacant, everyone should be aware. Some of the changes that would be made would be the real reason those people would have interest to understand future impacts to their property that may be different than what they initially understood.

Chairman Schowalter asked for anymore questions and anymore business to come before the Commission

There was no input.

12. ADJOURNMENT.

Motion (Huth/Malenofski) to adjourn the meeting at 6:33 p.m. Motion carried.

Respectfully Submitted,

Tracy Olejniczak
Community Development Secretary