

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

March 15, 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 Mike Marsden, Commissioners Bruce Sherman, Bob Stadel, Dave Schowalter, Julie Hidde, Joe Malenofski

MEMBERS EXCUSED: Vivian Huth

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; Mary Baxter, Executive Secretary; Robert Buckingham, Community Development Director; other interested parties, (audience attendance = approx. 9) Supervisors Nooyen, Pleuss, Thyssen

1. ROLL CALL.

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

2. PLEDGE OF ALLEGIANCE.

3. APPROVAL OF AGENDA.

Motion (Schowalter/Hidde) to approve the agenda as printed. Motion carried.

4. APPROVAL OF MINUTES - REGULAR MEETING & PUBLIC HEARING OF MARCH 1, 2011.

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

5. PUBLIC INPUT.

There was no public input.

6. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT. (See attached)

OLD BUSINESS:

7. **CONTINUATION OF MARCH 1, 2011 PUBLIC HEARING #3** – CONSIDERATION OF AN ORDINANCE AMENDMENT TO REPEAL AND RECREATE SECTION 27.06(11) OF THE TOWN OF GRAND CHUTE MUNICIPAL CODE, WHICH PROVIDES FOR REGULATION OF LANDSCAPE AND SCREENING STANDARDS. **ISSUE:** HEAR TESTIMONY AND CLOSE PUBLIC HEARING.

There was no public input.

Motion (Sherman/Stadel) to close public hearing for the consideration of an ordinance amendment to repeal and recreate Section 27.06(11) of the Town of Grand Chute Municipal Code, which provides for regulation of landscape and screening standard at 6:03 p.m. Motion carried.

8. CONSIDERATION OF AN ORDINANCE AMENDMENT TO REPEAL AND RECREATE SECTION 27.06(11) OF THE TOWN OF GRAND CHUTE MUNICIPAL CODE, WHICH PROVIDES FOR REGULATION OF LANDSCAPE AND SCREENING STANDARDS. **ISSUE:** SHALL THE PLAN COMMISSION RECOMMEND APPROVAL/DENIAL OF THE ORDINANCE AMENDMENT. (TOWN BOARD ACTION 4/7/11)

Motion (Sherman/Hidde) to recommend approval for the consideration of an ordinance amendment to repeal and recreate Section 27.06(11) of the Town of Grand Chute Municipal Code, which provides for regulation of landscape and screening standards.

Supervisor Schowalter asked what flexibility would be provided in regards to trees and shrubs along the frontage of parking lots at auto dealerships.

Director Buckingham advised that there would be flexibility within the required standards to account for unique situations such as the display of vehicles at an auto dealership. In such cases, the Plan Commission could approve a modified landscape plan that would minimize plantings in the frontage landscaping area, and instead would require that those plantings be installed elsewhere on the property.

Motion carried.

NEW BUSINESS:

9. **PUBLIC HEARING #1** – REZONING APPLICATION (Z-08-11) REQUESTED BY LARRY HENKE, TO REZONE THE PROPERTY AT 6207 N. LYNNDAL DRIVE, FROM AGD GENERAL AGRICULTURAL DISTRICT TO CL LOCAL COMMERCIAL DISTRICT. **ISSUE:** HEAR TESTIMONY AND CLOSE PUBLIC HEARING.

Chairman Marsden opened Public Hearing #1 at 6:13 p.m.

The Chairman stated that this is for property the applicant had acquired adjacent to his existing property. The rezoning is necessary to bring all of the property under applicant's ownership into CL Commercial Local in order to allow construction of a pole shed.

Buckingham identified the split zoning of the property and confirmed that this change would put all of the property into commercial zoning designation.

Chairman Marsden also noted that this rezoning is required for the applicant to correct property code violations by storing vehicles and auto parts in the proposed new pole shed.

There was no additional comment.

Motion (Hidde/Stadel) to close Public Hearing #1 for Z-08-11 at 6:15 p.m.
Motion carried.

10. REZONING APPLICATION (Z-08-11) REQUESTED BY LARRY HENKE, TO REZONE THE PROPERTY AT 6207 N. LYNNDALE DRIVE, FROM AGD GENERAL AGRICULTURAL DISTRICT TO CL LOCAL COMMERCIAL DISTRICT. **ISSUE:** SHALL THE PLAN COMMISSION RECOMMEND APPROVAL/DENIAL OF THE ORDINANCE AMENDMENT. (TOWN BOARD ACTION 4/7/11)

Buckingham recommended approval, noting that staff has worked a fair amount of time with the property owner to address the code compliance issues in regard to outdoor storage of auto parts, automobiles and other miscellaneous items. The solution advanced by the applicant is to build a pole shed. He noted that two setback variances for the pole shed were granted by the Board of Appeals.

Motion (Sherman/Stadel) to recommend approval of Z-08-11 requested by Larry Henke, to rezone the property at 6207 N. Lynndale Drive, from AGD General Agriculture District to CL Local Commercial District. Motion carried.

11. SITE PLAN AMENDMENT (SPA1-00-79) REQUESTED BY LARRY HENKE, 6207 N. LYNNDALE DRIVE, FOR CONSTRUCTION OF A POLE SHED. **ISSUE:** SHALL THE PLAN COMMISSION APPROVE/DENY SPA1-00-79.

Buckingham said variances were granted, all other code requirements are met, and staff recommendation is to approve the Site Plan Amendment.

Motion (Malenofski/Hidde) to approve Site Plan Amendment SPA1-00-79 requested by Larry Henke, 6207 N. Lynndale Drive, for construction of a pole shed. Motion carried.

12. SITE PLAN (SP-01-11) REQUESTED BY ANDREW STUCK, 1390 N. POPP LANE, FOR REPURPOSING THE PROPERTY INTO ALL SEASONS COFFEE HOUSE. **ISSUE:** SHALL THE PLAN COMMISSION APPROVE/DENY SP-01-11.

Buckingham said the request required more detail than some do and wanted to give the Commission the full explanation of the challenges the property owner has faced in getting this site plan to the point of being approvable. The staff recommendation has several conditions as stated in the report, to ensure it is a successful business operation. There needs to be cleanup and reduction of boat storage on the site. Staff has made it clear to the applicant that the planned drive-thru lane and through-traffic lane could become inoperable due to congestion of vehicles in a limited amount of space. The planned outdoor seating would be on yard turf, which could present issues with the County Health Department.

The Chairman said that this will be an opportunity for an improvement of the site and he supports the plan.

Motion (Schowalter/Sherman) to approve Site Plan (SP-01-11) requested by Andrew Stuck, 1390 N. Popp Lane, for repurposing the property into All Seasons Coffee House, with the following conditions: 1) Driveway permits are required for any new street openings or for widening/altering of existing curb openings; 2) Site Plan Amendment approval required before installation of a free-standing sign on the property; 3) Lighting plan approval required before building permit issuance; 4) Frontage landscaping, installed before occupancy permit is issued, will meet current Town standards; 5) The dumpster enclosure, constructed before occupancy permit is issued, shall be 100% masonry or wooden fence to screen view from all four sides; 6) Before occupancy permit is issued for All Seasons Coffee House, applicant will complete remaining open, uncompleted site plan conditions from the 2006 approval at 1410 N. Popp Lane, including removal of paved right-of-way terrace at the north property edge and replacement with turf, and painting remaining paved right-of-way terraces with yellow cross-hatch pattern to designate as no parking zones. Motion carried.

13. PRESENTATION ON UPDATING OF THE OUTAGAMIE COUNTY AIRPORT OVERLAY ORDINANCE (MIKE HENDRICKS, COUNTY PLANNING DIRECTOR, AND TIM ROACH, COUNTY ZONING ADMINISTRATOR).

County Zoning Administrator Tim Roach said that the Outagamie County Board appointed an AdHoc Committee to look at the current Outagamie County Airport Overlay District Zoning Ordinance. He said that Director Buckingham is part of that Committee, as well as the Towns of Greenville, Menasha, Clayton and County Board members. The task of the committee is to assist in updating this ordinance. He said that he did not expect that the Town of Grand will see too much difference if the amendments are approved. The most significant changes will come as a result of adding Winnebago townships into the district. He said that State Statutes do

allow the County to administer and enforce into another County. One mapping change that would affect the Town of Grand Chute would be the 1000' extension of the northeast-southwest runway, and accordingly a 1000' extension of the overlay district into the area of Capitol Drive and McCarthy Road. The committee is also developing a land use matrix to provide guidance on allowed uses in each overlay zone. He said there has been discussion about allowing the local units of government to issue some overlay permits for smaller scale projects rather than requiring all projects to go to the County for permit issuance. He noted as an example, if a Grand Chute property owner wished to complete a garage addition, the Town could issue the permit, and then notify the County of the action taken. Roach noted that the committee is reviewing proposed ordinance language, and County staff is visiting with each municipality's Plan Commission for additional input. Ultimately, the AdHoc Committee will make a recommendation on action to be considered by the County Board. A public hearing will be held before any ordinance amendment is acted upon.

Chairman Marsden asked Roach if and how property owners within the 1000' overlay extension area were notified of this change.

Roach said currently, the 1000' extension is not mapped, but would be if the proposed overlay map is approved. He advised that each affected property owner would receive a notice via mail, and a Class 3 notice would be published in the Post Crescent.

The Chairman asked if there would be compensation for those individuals whose property would be adversely affected by the overlay designation. The Town would have a concern if, for example, we have sewer and water in an area and we were planning on being able to get 80-90 homes from a development and then we find out it is only possible to get 25 homes because of airport overlay restrictions. Chairman Marsden said he would like to know what type of compensation would be made to the municipality or to the property owners for that form of a taking.

There were no other questions from the Commissioners.

14. ADJOURNMENT

Motion (Sherman/Schowalter) to adjourn the meeting at 6:25 p.m. Motion carried.

Respectfully Submitted,

Tracy Olejniczak
Community Development Secretary