

TOWN OF MENASHA
PLANNING COMMISSION MEETING
WEDNESDAY, AUGUST 15, 2007 at 5:00 PM
MUNICIPAL COMPLEX - 2000 MUNICIPAL DRIVE

CALL TO ORDER: Chairperson Bellmer called the Planning Commission Meeting of August 15, 2007 to order at 5:00 PM.

PRESENT: Chairperson: Alvin Bellmer
Commissioners: Dennis Jochman^(5:03) Aaron Sabel Kris Koeppe
Terry Buck Michelle Allness Michael Van Dyke
Staff: George Dearborn, Community Development Director
Mark Mommaerts, Associate Planner

EXCUSED: None

ABSENT: None

ALSO PRESENT: Bob Pheifer Cormac McInnis Byron Odemen
Annette Odemen Melvin Schultz Dale Youngquist
Lee Reibold John Swenson Sara Swenson

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES – July 18, 2007

The minutes of July were reviewed. Motion by Chairperson Bellmer, seconded by Commissioner Van Dyke to approve the minutes of the July 18, 2007 meeting. Motion carried 6-0-1 (Commissioner Jochman excused).

COST BENEFIT ANALYSIS

The cost-benefit table for July shows that there is a positive cost-benefit for the year and the month due to multi-family, commercial and industrial development.

	<i>Cost or Benefit of New Development</i>			
	<i>July 2007</i>			
	<i>This Month</i>		<i>To Date</i>	
	<i>Value</i>	<i>Cost/Benefit</i>	<i>Value</i>	<i>Cost/Benefit</i>
One & Two Family Dwellings	\$95,000	(\$65.69)	\$5,179,000	(\$3,581.28)
Multiple Family Dwellings	\$650,155	\$2,282.89	\$1,933,655	\$6,789.64
Commercial/Industrial Development	\$0	\$0.00	\$13,168,155	\$46,237.34
Total	\$745,155	\$2,217.20	\$20,280,810	\$49,445.71

NEW ITEMS OF BUSINESS:

1. Sign – Bob Pheifer – 711 Deerwood Ave – 008-0527-13

Department of Community Development Director George Dearborn introduced the item.

MOTION: Chairperson Bellmer, seconded by Commissioner Allness to approve the B-4 Sign with the following conditions:

- The applicant shall obtain a sign permit for the free-standing sign.

Motion carried 6-0-0-1 (Commissioner Jochman abstained).

Chairperson Bellmer moved Item 3 before Item 2.

3. Certified Survey Map – Mead & Hunt Inc. – WisDOT Hwy 10 – 008-0236 & 008-0238

Department of Community Development Director George Dearborn introduced the item.

Commissioner Jochman asked about the access for the property.

Director Dearborn explained that access was on the eastern portion by the corner of West American Drive and Cold Spring Road.

MOTION: Commissioner Van Dyke, seconded by Commissioner Jochman to approve the Certified Survey Map with the following conditions:

- All taxes and assessments shall be paid at such time as the property is sold.

Motion carried unanimously.

2. Modification of Regulation – John & Sara Swenson – 1180 Tayco Road – 008-5591

Department of Community Development Director George Dearborn introduced the item.

Lee Reibold, Town Engineer, expressed concern at the last Town Board meeting about the fence in the detention area in that it would cause obstruction to debris getting caught on the fence. Also, a concern with maintenance of the pond and removal of the fence at that time. He also stated that the restrictive covenants for the subdivision state that a fence cannot be constructed in the detention areas and that the covenants are enforceable by the owners of the lots in the subdivision.

Chairperson Bellmer asked if the covenants are enforceable by the Town.

Mr. Reibold responded that the Town may have some rights to the drainage easements, but normally the Town does not enforce subdivision covenants.

Commissioner Van Dyke asked about the size of the pond and why it only located on 4 lots.

Mr. Reibold responded that he doesn't know if the pond is constructed properly and that a future elevation survey should be done to determine this. He also stated that the size is based on the County requirements at the time of design, which was before the Town took control of the stormwater regulations. He stated that the plan calls for about 3-feet of storage and initial field inspection visit appears to show less than that.

Chairperson Bellmer asked why the pond wasn't verified earlier.

Director Dearborn responded that the Town was under County control at that time.

Sara Swenson, 1180 Tayco Road & applicant, stated that the neighbor spoke to Pat Gambsky (Subdivision Developer) who said that he wouldn't mind with a fence in the area. She stated that they would propose to raise the fence off the ground and that the pond is not where it is suppose to be and

that it was graded by the landscaper. She then showed a video presentation of the subject area. She also stated that George told her that fences in the side yards were ok when she came in during the initial permitting. She also spoke to Mike Welch of Davel Engineering who said that detention area and detention pond is interchangeable. Mr. Welch also told her that all posts in one line could be considered on obstruction. She stated that they would maintain the fence and disagrees with the silt and debris claims.

John Swenson, 1180 Tayco Road & applicant, asked about the silt cleaning saying that they weren't informed of this and that they would have bought elsewhere if they had known this. He also asked why they were not notified when the switch from County to Town control took place. He also asked what would happen if they put up a fence without a permit and gone through the courts to settle this issue.

Director Dearborn stated that the Town pursues correction when they are notified, usually by a neighbor.

Commissioner Allness stated the Town was not involved in the initial design and that the County was.

Chairperson Bellmer stated that the stormwater regulations are different now.

Commissioner Sabel stated that the issue is what currently exists, not what you weren't told when you purchased the property.

Ms. Swenson asked what the definition of a structure is and that it does not appear in the ordinance.

Chairperson Bellmer asked what modification of regulation means. He also stated that a fence is a structure.

Director Dearborn responded that the modification is a process to fix an issue with the ordinance that applies to all properties throughout the Town. He also stated that a variance would be difficult as there is nothing unique to this property that neighboring lots don't have.

Commissioner Jochman stated that the grading is uncertain for the lots and that the fence posts as an obstruction are less than the cable & telephone boxes. He also stated that the aesthetics of the 6-foot fence raised 6-inches off the ground with rock underneath would be ok.

Mr. Swenson stated that they would be willing to put the fence 10-feet of the lot line.

Chairperson Bellmer stated that he was leaning towards allowing the fence at 10-feet off the property line, raised up 4-inches for clearance and providing a gate for maintenance.

Jeff Sturgell, Town Administrator, expressed concern over the restrictive covenants and the other property owners in the subdivision. He stated that he would like to see the covenants changed before the issue went before the Town Board for approval of a modification to the ordinance.

MOTION #1: Chairperson Bellmer, seconded by Commissioner Jochman to approve the modification of regulations for placement of a fence with the following conditions:

- The fence shall be setback 7-feet from the rear lot line.
- The fence shall be raised 4-inches above grade.
- The fence shall have a provision, either by gate or removable panels, to access the storm drain.

- The modification of regulations shall be contingent on the subdivision restrictive covenants being amended to allow fences in drainage areas and on Winnebago County Zoning allowing the fence in a drainage area.

MOTION #2: Commissioner Jochman, seconded by Chairperson Bellmer to add the following condition:

- The modification of regulations shall only apply to dry detention ponds.

Motion #2 carried unanimously.

Motion #1 carried unanimously.

4. County Zoning Text Amendment – B-4 & B-5 Zoning Districts

Department of Community Development Director George Dearborn introduced the item.

MOTION: Commissioner Jochman, seconded by Commissioner Allness to approve the B-4 & B-5 Zoning District Text Amendment as submitted. Motion carried unanimously.

5. Ordinance Amendment – Chapter 29.07 – Sign Ordinance

Department of Community Development Director George Dearborn introduced the item.

Text

MOTION: Chairperson Bellmer, seconded by Commissioner Jochman to postpone the Sign Ordinance until the September 19, 2007 meeting. Motion carried unanimously.

OLD ITEMS OF BUSINESS:

None for this meeting.

OTHER BUSINESS:

6. Development Report – No report at this time.
7. Building Permit Report

COMMUNICATIONS:

None for this meeting.

ADJOURNMENT:

MOTION: Commissioner Van Dyke, seconded by Commissioner Buck to adjourn the meeting of August 15, 2007 at 7:26 PM. Motion carried unanimously.

Mark J. Mommaerts
Recording Secretary