

\*\*\*TOWN OF MENASHA\*\*\*  
**PLANNING COMMISSION MEETING**  
**WEDNESDAY, JANUARY 17, 2007 at 5:00 PM**  
**MUNICIPAL COMPLEX - 2000 MUNICIPAL DRIVE**

**CALL TO ORDER:** Chairperson Bellmer called the Planning Commission Meeting of January 17, 2007 to order at 5:00 PM.

**PRESENT:** Chairperson: Alvin Bellmer  
Commissioners: Dennis Jochman Aaron Sabel Kris Koeppe  
Michelle Schaetz Michael Van Dyke  
Staff: George Dearborn, Community Development Director  
Mark Mommaerts, Associate Planner  
Mike Kading, Park & Rec. Director

**EXCUSED:** Commissioner Terry Buck

**ABSENT:** None

**ALSO PRESENT:** Thomas Newton Kelly Rousseau Kenneth Syring  
Dianne Liethen Ted Liethen Jeff Luedtke  
J.E. Luedtke Andy Derksen Mary Jones  
Scot Grishaber Jim Lorrig Stan Garratt  
Margie Weiss Steve Bunnow Jon Martzahl  
Tim Kent Steve Price R. Cavanaugh  
Chris Murawski Matt Everett Tom Schermerhorn  
Fred Steenis Char Steenis

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OF MINUTES – December 13, 2006**

The minutes of December were reviewed.

Chairperson Bellmer stated that on page two, within the motion text, “constant” should be “consistent”.

Motion by Chairperson Bellmer, seconded by Commissioner Jochman to approve the minutes of the December 13, 2006 meeting. Motion carried 6-0-1 (Commissioner Buck).

**COST BENEFIT ANALYSIS**

The cost-benefit table for December shows that overall there is a positive cost-benefit for the year.

<i>Cost or Benefit of New Development</i>				
<i>December 2006</i>				
	<i>This Month</i>		<i>To Date</i>	
	<i>Value</i>	<i>Cost/Benefit</i>	<i>Value</i>	<i>Cost/Benefit</i>
<b>One &amp; Two Family Dwellings</b>	\$735,000	(\$530.30)	\$8,589,038	(\$6,196.99)
<b>Multiple Family Dwellings</b>	\$0	\$0.00	\$2,420,000	\$8,497.35
<b>Commercial/Industrial Development</b>	\$0	\$0.00	\$8,345,010	\$29,301.83
<b>Total</b>	<b>\$735,000</b>	<b>(\$530.30)</b>	<b>\$19,354,048</b>	<b>\$31,602.19</b>

**NEW ITEMS OF BUSINESS:**

**1. Certified Survey Map – Ken Syring – E. of Tayco Rd. & N. of Forkin St. – 008-0310-01**

Department of Community Development Director George Dearborn introduced the item.

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

- All taxes and assessments shall be paid prior to the Town affixing signatures on the Certified Survey Map.
- A drainage plan that meets the requirements of the Town of Menasha Municipal Code Chapter 6.07 & Chapter 31 shall be reviewed and approved by the Town prior to the Town affixing signatures on the Certified Survey Map.

Motion carried 6-0-1 (Commissioner Buck).

**2. Rezoning – Dumke Properties – 3913 W. Prospect Ave. – 008-0088-01**

Department of Community Development Director George Dearborn introduced the item.

MOTION: Commissioner Van Dyke, seconded by Commissioner Jochman to approve the Rezoning as submitted. Motion carried 6-0-1 (Commissioner Buck).

**3. B-5 Conditional Use Permit – Dumke Properties – 3913 W. Prospect Ave. – 008-0088-01**

Department of Community Development Director George Dearborn introduced the item.

Stan Garratt, of Northern Road, stated that he was in favor of the project but has concerns with traffic.

Director Dearborn responded that Outagamie County is the controlling entity of Prospect Ave.

Commissioner Schaez asked about the 75-foot stream setback in relation to the parking lot.

Director Dearborn stated that the parking lot is pre-existing.

MOTION: Chairperson Bellmer, seconded by Commissioner Koeppé to approve the Town B-5 Conditional Use Permit with the following conditions:

- The proposed rezoning from B-3 (General Business) to B-5 (Planned Commercial) shall be approved by the Town of Menasha and Winnebago County.
- Material & color samples shall be submitted to the Department of Community Development for review and approval.
- Detailed Site Plan – A detailed site plan meeting the requirements of the Town of Menasha Site Plan Review Ordinance & Winnebago County Town/County Zoning Ordinance (WCTCZO) Chapter 17.13-B shall be submitted to Community Development. The proposal must meet WCTCZO Chapter 17.13-B in its entirety including the following:
  - Services – Air conditioning, gas and electric units shall be identified and screened.
  - Roof Mounted Equipment – The applicant shall provide more details on the RME screening including:
    - Material & colors of the screening shall be provided.
    - Diagram of building height and RME compared to Highway 41 to ensure the RME is screened from highway traffic.

- No outside storage of materials shall be allowed. All business, servicing, processing, and storage shall be conducted within completely enclosed buildings per WCTCZO 17.13-B.
- Access – Driveway curb cuts shall require an excavation permit and escrow through the Street Department.
- Lighting – All fixtures including exterior building fixtures shall be direct cut-off fixtures. Lighting requirements shall meet WCTCZO 17.13-B.
- Stormwater and Erosion Control – A Stormwater and Erosion Control Plan shall meet WCTCZO 17.13-B and Town of Menasha Municipal Code Chapter 31 in its entirety.
- Signs – Any proposed signs require separate application and review.
- Accessory Structures – Any future accessory structures or additions will require a new Town B-5 Conditional Use Permit.
- Noxious Uses - Uses that are offensive due to odor, smoke, fumes, dust, noise, vibration, radioactive emissions, pollution, or excessive danger of fire or explosion shall not be allowed, per WCTCZO 17.13-B.
- Fire Protection – The applicant shall meet all requirements of Town Ordinances on Fire Protection and all other applicable fire codes.
- Utilities – The location of all utilities shall be submitted by the applicant. The applicant shall meet all requirements of the Town of Menasha Utility District Ordinances and Regulations.

Motion carried 6-0-1 (Commissioner Buck).

**4. B-5 Conditional Use Permit – Neuroscience Center – 1305 West American Dr. – 008-0237 including discussion on site disturbance issues**

Department of Community Development Director George Dearborn introduced the item.

Chairperson Bellmer asked if shifting the building south 30-feet would require the applicant to bring the plans back in front of the Plan Commission for review. He also asked about the vacation of Olde Buggy Lane.

Director Dearborn stated that staff does not feel it would be required since it was brought up at this time and that Olde Buggy Lane is not necessary based on the layout of the development. He stated that it will be a private drive with easements.

Margie Weiss, applicant, stated that they have spoken with the State DOT regarding purchase the one parcel just south of the building location.

Chris, STS Consultants, stated there are not any issues with the easements from the power lines. He also stated that they have submitted a Ch. 30 application to the DNR and that they will be bridging the navigable stream and that they will be raising the site to make the drainage work on site. He also stated that the pond was oversized for future development. He also stated the they are working with the DNR to use a model Herbicide to eliminate non-native plants in the wetland area and that adding ripples to the stream to help with aeration.

Commissioner Schaez asked if there would be wetland filling. She also asked if the bridge or the box-culvert would have less of an impact on the wetlands.

Chris, of STS Consultants, responded that it would be under 10,000 square feet and that they are removing the culverts at the bend of the stream. He stated that both the bridge and the box-culvert will have approximately the same amount of disturbance.

MOTION: Commissioner Jochman, seconded by Chairperson Bellmer to approve the Town B-5 Conditional Use Permit with the following conditions:

- Should the property be subdivided, the lot with the proposed neuroscience center shall maintain the 30% open space requirement of the B-5 zoning district.
- Detailed Site Plan – A detailed site plan meeting the requirements of the Town of Menasha Site Plan Review Ordinance & WCTCZO Chapter 17.13-B shall be submitted to the Community Development. The proposal must meet WCTCZO Chapter 17.13-B in its entirety including the following:

Architecture

- Elevations – All architectural facades shall meet WCTCZO 17.13-B. Architectural elevations, floor plans, material samples, and color samples shall be submitted to the Department of Community Development for approval and shall meet WCTCZO 17.13-B in its entirety.
- Setbacks – All buildings shall meet the required setbacks per WCTCZO Chapter 17.13-B.

Landscaping and Screening

- Landscaping – A landscaping plan shall be submitted by the applicant that meets or exceeds the standards of the Town of Menasha Municipal Code Chapter 29 and WCTCZO Chapter 17.13-B.
- Refuse Storage – Dumpster enclosures shall meet WCTCZO Chapter 17.13-B and the materials shall match that of the principal structure.
- Services – Air conditioning, gas and electric units shall be identified and screened.
- Fences – No fences are identified. All fences require separate application and review.
- Roof Mounted Equipment – No roof mounted equipment is identified. Applicant shall identify RMEs, if any exist, and provide detail on how they will be screened from view from all roadways including Hwy 10.
- Open Space – The applicant shall meet WCTCZO 17.13-B regarding 30% open space.
- FAR (Building Floor to Site Area Ratio) – The applicant shall meet the requirement for FAR per WCTCZO 17.13-B and submit information to determine the FAR on the site.
- Outside Storage – No outside storage of materials shall be allowed. All business, servicing, processing, and storage shall be conducted within completely enclosed buildings per WCTCZO 17.13-B.

Traffic and Access

- Parking – Parking shall meet the requirements of WCTCZO 17.26 and 17.13-B.
- Access – Driveway curb cuts shall require an excavation permit and escrow through the Street Department.

Streets and Improvements

- Improvements – All improvements shall meet the Town of Menasha Standard Specifications for Storm Sewer and Street Construction.

Lighting

- Lighting – All fixtures including exterior building fixtures shall be direct cut-off fixtures. Lighting requirements shall meet WCTCZO 17.13-B.

Stormwater and Erosion Control

- Stormwater and Erosion Control – A Stormwater and Erosion Control Plan shall meet WCTCZO 17.13-B and Town of Menasha Municipal Code Chapter 31 in its entirety.

General

- Signs – No signage details are indicated. Any proposed signs require separate application and review.

- Accessory Structures – Any future accessory structures or additions will require a new Town B-5 Conditional Use Permit.
- Radio and Television Antennas – No antennas are indicated. Radio and Television Antennas shall meet WCTCZO 17.13-B.
- Satellite Dishes – No satellite dishes are indicated. Satellite dishes shall meet WCTCZO 17.13-B.
- Noxious uses - Uses that are offensive due to odor, smoke, fumes, dust, noise, vibration, radioactive emissions, pollution, or excessive danger of fire or explosion shall not be allowed, per WCTCZO 17.13-B.

Fire Protection

- Fire Protection – The applicant shall meet all requirements of Town Ordinances on Fire Projection and all other applicable fire codes.

Utilities

- Utilities – The location of all utilities shall be submitted by the applicant. The applicant shall meet all requirements of the Town of Menasha Utility District Ordinances and Regulations.

Motion carried 6-0-1 (Commissioner Buck).

**5. Right-of-Way Vacation – Olde Buggy Lane S. of West American Dr. – 008-0224-04**

Department of Community Development Director George Dearborn introduced the item and stated that he called the owner of the adjacent property and left a message and that the owner also received notification in the mail.

Commissioner Jochman stated that there is a shared drive between 1395 & 1365 West American Drive.

Director Dearborn also stated that the adjacent property would have access on both sides.

MOTION: Commissioner Van Dyke, seconded by Commissioner Schaetz to approve the Right-of-Way Vacation with the following conditions:

- A cross-access easement between this property and Lot 2 of CSM 5588 and the property to the east of the current right-of-way, if it is subdivided, and a utility easement shall be required for future access and shall be recorded with the Register of Deeds.

Motion carried 6-0-1 (Commissioner Buck).

**6. Rezoning – Fritse Park – Town of Menasha – 937 N. Lake St. – 008-4940, 008-4941, 008-0454, 008-0499, 008-0500-01, 008-0501 & 008-0502-01**

Department of Community Development Director George Dearborn introduced the item.

Commissioner Schaetz how the property got its current zoning.

Director Dearborn stated that some land was part of subdivision recorded long ago and that the Future Land Use Map indicates this area as recreational.

Park & Recreation Department Director Mike Kading stated that the Town received the land back in Dec. of 1994 with a conservation easement for park land.

MOTION: Commissioner Jochman, seconded by Commissioner Sabel to approve the Rezoning as submitted. Motion carried 6-0-1 (Commissioner Buck).

**OLD ITEMS OF BUSINESS:**

**7. Conditional Use Permit – Nicolet Lumber Co. – Golf Bridge Estates – 1755, 1761 & 1781 Golf Bridge Dr. – 008-0264-06 & 008-0264-07**

Department of Community Development Director George Dearborn introduced the item and stated that staff met with the residents and developer at a neighborhood meeting.

Chairperson Bellmer noted that the item has been withdrawn by the applicant.

MOTION: Chairperson Bellmer, seconded by Commissioner Schaetz noting the Conditional Use Permit has been withdrawn by the applicant. Motion carried 6-0-1 (Commissioner Buck).

**8. Conditional Use Permit – Kelly Rousseau – Soul Purpose Ministry – 2235 Northern Road – 008-0101-03**

Department of Community Development Director George Dearborn introduced the item.

Tom Newton, of Worship, Thanks, Praise, stated that an earlier change of engineering firms was needed and that they were waiting for the ordinance to be developed. He also stated that the site is located within a heavy industrial area next to a busy highway and that the site accommodates semi-trucks so it should accommodate the Fire Department. He also stated that they have submitted plans to the State for approval.

Tom Schermerhorn, of Excel Engineering, stated that they were not aware of the need for structural engineering plans for review and understood that the CUP process is for approval with conditions.

Chairperson Bellmer stated that the Commission is accustomed to approved CUPs with conditions and that is what the Commission did originally, then the Town Board sent the item back to the Commission for further review.

Director Dearborn stated that the Town Board required more details of the structural stability of the structure and requested information for the Town Engineer to review for structural stability. He also stated that during the CUP process, the Commission can ask for more detailed plans, and that this project is unique.

Associate Planner Mark Mommaerts stated that Joe Navin of Excel Engineer called asking what plans were required.

Director Dearborn also stated this is information that has been requested since the September meeting.

Mr. Schermerhorn stated that a full engineering request would cost \$10,000-\$15,000 for a full review.

Chairperson Bellmers stated that other CUP have spent money for a review.

Fred Steenis, of Butte des Morts Beach Rd, asked if the CUP was for wind turbines only. He also asked for pictures of the wind turbines that they have put up in Haiti or other countries.

Chairperson Bellmer responded that the CUP is for wind turbines and the applicant is also proposing a bio-diesel generator.

Mr. Newton also responded that the diesel generation system is run on vegetable oil in a bus and it is stand alone, not unlike what other industrial sites have. He also stated that a picture of the wind turbines in the jungle would be different than how it would look here.

Char Steenis, of Butte des Morts Beach Rd, asked what locations these wind turbines have been used in and that there is nothing on the Soul Purpose website about the wind turbines.

Mr. Newton replied that there is no website for the wind turbines that they have constructed elsewhere.

Steve Bunnow, of Stroebe Road, asked whether the wind turbines could still be constructed even if the CUP is denied.

Chairperson Bellmer stated that the reason for the CUP is for the sale of electricity as a utility, and if the applicant were to use all produced power on-site, then a CUP would not be required in the zoning district.

Director Dearborn stated that there is a Site Plan Review Process that is required to obtain a permit. The process is a staff level review and would require engineering plans, state approval, building permits, etc. He also stated that WI State laws states that we cannot prevent this type of development.

Stan Garratt, of Northern Road, stated that he is in favor of denial. He also stated that the Town is open with information and the Town has done a good job in cooperation with the residents and that the applicant has been slow to provide information.

Mr. Newton stated that an outline was needed and that the ordinance is anticipated.

Ted Leithen, of Stroebe Road, stated that this development does not make sense next to the nature preserve to the East.

Chairperson Bellmer stated that he has no doubts about the structure and that the Commission does not address the aesthetics issues, but the Town Board sent the item back to the Commission for review.

**MOTION:** Chairperson Bellmer, seconded by Commissioner Koeppel to deny the Conditional Use Permit due to lack of information provided in a timely manner to determine structural stability of the proposed development.

Mr. Newton stated that they would like to see conditional approval with state approval and that they never had in writing the requirements for plans. He asked for a 30-day delay since they have completed plans from the engineer.

Commissioner Sabel responded that the Commission had already granted two 60-day delays.

Commissioner Jochman stated that Town staff and Town consultants noted that there is not enough information to review.

Motion carried 6-0-1 (Commissioner Buck).

**9. Wind Energy System Ordinance – Town of Menasha**

Department of Community Development Director George Dearborn introduced the item.

Typos were noted in the ordinance by the Commission.

MOTION: Chairperson Bellmer, seconded by Commissioner Schaetz to approve the Ordinance as submitted. Motion carried 6-0-1 (Commissioner Buck).

**OTHER BUSINESS:**

1. Development Report – The Irish Road sewer & water is currently being installed.
2. Building Permit Report

**COMMUNICATIONS:**

None for this meeting.

**ADJOURNMENT:**

MOTION: Commissioner Schaetz, seconded by Commissioner Koeppe to adjourn the meeting of January 17, 2007 at 6:50 PM. Motion carried 6-0-1 (Commissioner Buck).

Mark J. Mommaerts  
Recording Secretary