

**\*\*\*TOWN OF MENASHA\*\*\***  
**PLANNING COMMISSION MEETING**  
**WEDNESDAY, JUNE 16, 2010 at 5:15 PM**  
**MUNICIPAL COMPLEX - 2000 MUNICIPAL DRIVE**

**CALL TO ORDER:** Acting Chair Jochman called the Planning Commission meeting of June 16, 2010 to order at 5:15 p.m.

**PRESENT:** Acting Chairperson: Dennis Jochman  
Commissioners: Aaron Sabel, Kris Koepp, Terry Buck, Michael VanDyke, Thomas Wroblewski

Staff: George Dearborn, Community Development Director  
Ria Hull, Associate Planner  
Ashley Matt, Planning Intern

**EXCUSED:** Alvin Bellmer

**ALSO PRESENT:** Barb Knaack; Melvin Schultz; Josh and Gena Ehnerd; Steve Thomaschefskey; Kenneth Syring, Syring Development; Jonathan Bartz, Martenson & Eisele; John Weyenberg and Amy Ristow, Habitat for Humanity; Jillian Richter; Joyce Sanders; Dave and Cheryl Bartz; Kurt Kramer; Chris Locke; Natasha Nowak; Pat Engelbreth; Shelly Rohde; Anna and Ronnie Grow; Cheryl Mason; Pam Tschannen; Scott Olson; Chris Reck

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES – May 19, 2010**

A motion was made by Mr. VanDyke, seconded by Mr. Sabel, to approve the minutes of May 19, 2010.

The motion carried – 6-0-1.

**COST BENEFIT ANALYSIS:**

Mr. Dearborn said that the cost benefit is negative for the month and the year as a whole.

	<i>Cost or Benefit of New Development</i>			
	<i>May 2010</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	\$647,150	(\$447.50)	\$1,704,850	(\$1,178.90)
Multiple Family Dwellings	\$0	\$0.00	\$0	\$0.00
Commercial/Industrial Development	\$0	\$0.00	\$0	\$0.00
<b>Total</b>	<b>\$647,150</b>	<b>(\$447.50)</b>	<b>\$1,704,850</b>	<b>(\$1,178.90)</b>

A motion was made by Mr. Koeppe, seconded by Mr. VanDyke, to take the three New Business items out of order: (1), (3), and (2).

The motion carried – 6-0-1.

**NEW ITEMS OF BUSINESS:**

**Item 1 - Rezoning (R-1 to R-2) – Ken Syring – Lakeshore Manor Subdivision**

Mr. Dearborn said that, per County zoning, the land must be rezoned from R-1 to R-2 to allow Mr. Syring to subdivide the land for a single-family subdivision.

A motion was made by Mr. VanDyke, seconded by Mr. Buck, to approve the rezoning of parcel #008031001 from R-1 to R-2.

The motion carried – 6-0-1.

**Item 3 - Wall Sign for Coin Laundry – 1350 West American Drive**

Mr. Dearborn said that signs in B-5 zoning districts have to come to the Planning Commission for approval. He said that this wall sign for a coin laundromat on West American Drive meets the sign ordinance requirements.

A motion was made by Mr. Buck, seconded by Mr. Sabel, to approve the wall sign for Coin Laundry at 1350 West American Drive.

The motion carried – 6-0-1.

**Item 2 - Rezoning (R-3 to R-2) – JR Development, LLC – 4 Vacant Lots - Corner of West American and Clayton**

Mr. Dearborn explained the rezoning process to the audience. First an application is made to Winnebago County, then it goes to the Town Planning Commission for review, followed by Town Board review on June 28, 2010 and finally goes on to Winnebago County for review.

Mr. Dearborn reminded the audience that the issue under discussion today is the rezoning of the vacant lots from R-3 to R-2. Current R-3 zoning allows for duplex or single family homes, and the request is to rezone the 4 vacant lots to be single family only. The 4 vacant duplex lots would potentially be re-subdivided into 7 single family lots. There is potential for the lots to be purchased by Habitat for Humanity, but that issue is not up for discussion today, simply the rezoning from R-3 to R-2. The Town's Future Land Use map distinguishes this area as low density residential, which is in conformity with this request. Staff recommends approval of this rezoning because it complies with the Future Land Use map.

Jonathan Bartz representing the developer Martenson & Eisele agreed with staff's recommendation and is here to answer questions anyone might have.

Scott Olson – 2443 Spring Meadow, does not want Habitat Homes in his neighborhood. The size of the lots is too small and doesn't fit with the rest of the subdivision.

Mr. Dearborn clarified that the Town cannot enforce subdivision covenants.

Mr. Jochman stated that again we are only addressing the rezoning here.

David Bartz – 2428 Spring Meadow, opposes the rezoning because it doesn't fit with the rest of the neighborhood.

Sandy Ness – 2377 Spring Meadow, concerned about setbacks.

Mr. Dearborn said that the town enforces the setbacks and that they will have to meet the same standard setbacks as the rest of the homes in the subdivision.

Mr. Jochman stated we are not addressing lot size right now. We cannot rezone with conditions, conditions can come with subdivision plat.

Natasha Nowak – 2270 Meadow Heights, stated the rezoning is motivated by a sale to Habitat for Humanity. Nobody wants Habitat homes; they do not comply with our covenants. She fears their property values will go down, and is afraid JR Development will change the neighborhood covenants. She said they moved here because of the covenants, and does not want low income housing in their subdivision.

Mr. Dearborn said if rezoned to single family, someone could buy the lots and build single family homes tomorrow.

Mr. Jochman stated that this rezoning is considered an improvement in zoning.

Scott Olson asked why are they proposing to rezone to R-2.

Mr. Dearborn responded, so the lots can be later re-subdivided.

David Bartz asked whether the town can enforce covenants.

Mr. Jochman replied, no the town is not a party to the covenants.

John Weinberg, President of Habitat for Humanity, stated that we build houses that abide by covenants in most part, except one. JR Development has agreed to allow 900 square foot per side, which is smaller than other square foot homes. He stated that they will meet all other covenants.

Mr. Weinberg emphasized that they want to work with the neighbors. No neighborhoods in the Fox Valley that they've ever built habitat homes in have ever seen a decrease in property values.

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They build homes to blend into the neighborhoods. Their homes are green built and energy star certified. The building inspectors are always pleased with the construction of Habitat Homes. John also stated that their homes are worth over \$125,000. Finally, John stated that all Habitat homeowners have jobs and a steady source of income, and must go through extensive homeowner education classes.

Natasha Nowak stated that she appreciates the forthrightness of Habitat, but she still has an issue with the development changing the subdivision covenants.

Steve Thomaschefskey – 1551 Meadow Heights, stated he wants the covenants followed.

Mr. Weinberg replied that changing the covenants was the developer's idea, we just told him that we build a certain type of home. He also clarified that the developer approached Habitat.

Mr. Jochman stated that this Planning Commission cannot put conditions on a rezoning, sometimes we put the issue back in the residents hands to attempt to solve the problems on their own.

Mr. Dearborn states that the issue of who lives here is not appropriate; the only issue is the density.

Mr. Koeppe asked the commission what happens if the land remains zoned R-3.

Mr. Dearborn responded and said either single family or duplex homes can be built on the lots.

Mr. Jochman then asked, could the lots be subdivided to build single family homes without the rezoning as long as the homes meet the duplex density requirements, possibly 6 lots?

Mr. Dearborn stated Habitat could also build a home on any other lot in the subdivision.

Mr. Jochman said he has a difficult time going against the application and the staff recommendation, we want diversity in the town and this application is decreasing the density to single family which is usually always approved.

Mr. Dearborn responded and said we also can't look at who is going to live in the houses. Usually, problems arise when rezoning from single family to duplex, not duplex to single family.

Mr. Sabel stated the concern he is hearing is the issue of 4 structures versus 7.

Pam Tschannen - 2286 Spring Meadow- feels that the houses should be duplexes, you don't live here, we do.

Chris Locke - 2442 Spring Meadow- said he is concerned about not being notified.

Mr. Jochman stated that the state allows 20 units per acre, we allow far less.

Mr. Dearborn stated low density zoning allows for 5 units per acre.

Patrick Engelbreth - 225 Meadow Heights- asked how many Habitat homes go up in new subdivisions?

Mr. Weinberg responded that they build homes based on family size and allow no more than two people per bedroom. They built 120 homes in the Fox Cities, most in existing neighborhoods, but some in new, for example in the City of Menasha in Natures Way, Habitat built 5 units.

Chris Reck - Hillsdale Ct.- asked if Habitat would build duplexes?

Mr. Weinberg responded, yes Habitat has built two-family units before, but usually only build single family because most people want to own their own home. If any of the families were to sell the homes, they would still have to pay the mortgage. Habitat owns 40 lots in the Fox Valley.

David Bartz said back to the rezoning, it is not conducive to the neighborhood and will bring their other property values down.

Mr. Jochman responded that no one has ever been able to prove that Habitat homes lower property values.

Steve Thomaschefskey said that Habitat was approached by a developer trying to make money while not considering others.

Natasha Nowak agreed that the developer is just trying to make money quick

Mr. Jochman responded that the Towns Planning Commission addresses the issues and makes a recommendation to the Town Board who makes the decision in the best interest of the Town. Seven single family units would most likely generate more property taxes than four duplexes. The town wants a good mix of housing types.

Natasha Nowak stated that no one can guarantee that this won't lower our property taxes.

Mr. Dearborn responded that you have to go to the County and explain the reason why we'd deny this.

Mr. VanDyke stated that they've approved two plats in this subdivision already.

Mr. Jochman stated that if we deny this request we have to back it up with reasons.

Mr. Wroblewski said he hasn't heard yet why this property is not appropriate for R-2 zoning, and that is the only issue that is before us today. The plat is another issue which will be addressed later, and the covenants aren't enforced by the Town.

Mr. Jochman stated, if the developer had come in and just asked for the rezoning with no details it would not have been an issue. The developer will have to come back with a subdivision plat. There is no reason to deny this rezoning.

Mr. Sabel said that he agrees and asked what the next step is.

Mr. Dearborn stated the preliminary plat to make four lots into seven is the next step.

Mr. Sabel said this is about the rezoning, and is not a plat approval, that's separate.

A motion was made by Mr. Wroblewski, seconded by Mr. Buck, to approve the rezoning of JR Development's 4 vacant lots on the corner of West American Dr. and Clayton Ave from R-3 to R-2.

The motion carried – 6-0-1.

#### **OTHER BUSINESS:**

##### **Development Status and Building Permits**

Mr. Dearborn said that KC is doing a large addition to their Cold Spring Road plant; 1315 Constitution Drive is doing an addition; we have had numerous requests for approval of beer gardens due to the smoking ban that will take effect in July; Gateway Plaza is building a stormwater detention pond; and SCA has just installed four wind turbines at their Service Excellence Center. He also said that the Healthy Sustainable Business Neighborhood Committee has been created.

#### **COMMUNICATIONS:**

##### **Sustainability Committee**

The Sustainability Committee did not have a quorum in May.

#### **ADJOURNMENT:**

A motion was made by Mr. Koeppe, seconded by Mr. VanDyke, to adjourn.

The motion carried.

7:30 p.m.

Ria Hull  
Recording Secretary