

1-5-2016

Plan Commission Meeting

MINUTES OF THE PLAN COMMISSION MEETING
HELD ON TUESDAY, January 5, 2016 at 5:15 pm

A meeting of the Plan Commission was held on Tuesday, January 5, 2016, at 5:15 pm. at the Town of Sheboygan Town Hall, 1512 N. 40th St., Sheboygan, WI 53081, Sheboygan County. The following were present: Commission Member/Town Chairperson Dan Hein, Sanitary District No. 2 Commissioner Dave Griffin, Sanitary District No. 3 Commissioner Jerry Hoepfner, Jim Schultz, Pam Dekker, Karen Schulze, Leslie Rahn, Attorney Michael Bauer and Clerk Cathy Conrad.

Chairperson Hein opened the meeting and introductions were given.

1) Sign permit for Hillcrest Builders re: Mueller Fields Subdivision-Atty. Bauer asked about the setback from the drainage easement and the Town doesn't want the sign or post to be in the drainage easement. **Motion Hoepfner, second Schulze to approve the sign permit with the condition that it is not located in the drainage easement setback. Motion carried.**

2) Continuation of Public Hearing from 12/1/2015 concerning Conditional Use Permit for Outlot 1, Green Meadows Subdivision-Chairman Hein stated that all would be given an opportunity to speak. Atty. Bauer spoke first regarding possible confusion between the developer and the Town regarding the dates of the meeting and that is why they were not present last month. The developer and representatives were present. The property is zoned R-4 multifamily development and the purpose of the application is to seek permission to develop four multi-family buildings. The far corner of the subdivision was approved for 106 units in 2005 when the original developer came in. Now this developer is proposing 48 residential units. The restrictive covenants allow multi-family developments and this is consistent with the development proposed.

Neighbors commented that there are common owned lands and all owners in the subdivision should have received a notice.

Atty. Bauer replied that the short answer is that when the Town does zoning procedures and hearings the Town uses tax records from the County. When you go to the county tax records they show "Green Meadows" as the owner and there is no address for mailing purposes.

Premier Real Estate was asked to show what the actual development is for the property. Joe Goldberger, legal counsel was present and explained what is proposed for the development of the property. Chris Slater of Premier Real Estate Management stated that he represents the development portion and they have been in business for 35 years. They are currently building 1000 units around the State of Wisconsin. A brief background was provided. This developer was approached by the Sheboygan County Economic Development Corp. and realized this parcel and location. The density of 106 was reduced as they had to mitigate the wetlands and can fit 4-12 family buildings consisting of 2 bedroom apartments with 1 garage stall for every unit. They are 1100 sq. ft. units. Color renderings were shown. Six garages will give direct access with six having private access. The units will have stainless steel appliances, with washers and driers. Each unit will have an electric bill. The developer will pay the electric bill for common areas. The units will rent for \$1,200 to \$1,400 per month. This complex is designed to be attractive to fit within the community and the lot. The complex will be professionally staffed on a daily basis. The Kiel, Appleton, Rhinelander, Port Washington areas already have successful developments similar to this.

Comments and Questions from those in attendance:

Comment-Herb Kuene questioned where the kids are going to play and pets. Other sites are in pristine condition. Other residents are walking on the streets and are not picking up after their pets. Kuene asked where the nearest parks are. Kuene did not want kids to end up in the wetlands. Feels kids want to play outside and there should be an area.

Reply-The keeping of pets has not yet been determined and this will be listed in the lease if they are allowed. There would also be pick-up bags available if they decide to allow pets. A playground would

1-5-2016

Plan Commission Meeting

gladly be added if there was a need or residents brought this up to the development. They have found in past developments they are not used very much.

Comment-Lynn Robitaili asked who is the market and those who could afford that rent which would rather be downtown, similar to Madison.

Reply-Milwaukee or Madison units of similar size are approximately \$3000. Rents are dictated by type of resident. Many are property owners who sell and want apartments. They have success renting at this pricepoint. They understand the concerns but feel the risk is worth it.

Comment-Tony Thiel asked what happens if they can't rent them out at that price then what will they do.

Reply-The developer stated that they intend to get this rent and this is the risk they take.

Comment-Thiel asked if there are going to be subsidies to those to fill the unit. Thiel asked if there is going to be subsidized housing.

Reply-Atty. Bauer stated the study done in 2014 felt the market was underserved and needed these types of units. The developer replied this is privately owned with bank investment.

Comment-The traffic on Wild Meadow Drive will increase and there are a lot of people with families and these are country roads.

Reply-Atty. Bauer stated that the developers could request the contractors to use Playbird Road to travel rather than Wild Meadows Drive.

Comment-Thiel stated that if it is quicker to go through the subdivision they will.

Comment-Tina Kriedler stated that she is one of the young families and there are no sidewalks and no shoulders and no streetlights. She asked if there is going to be a traffic study done to see if the zoning is appropriate for the development. She feels streetlights will be necessary.

Comment-Kara Hayford echoed what Kriedler stated and felt that traffic, kids in the streets, and the cars and speed of traffic is a concern. There isn't space to play for children and feels there should be more greenspace and add value.

Comment-Jay Persick stated that there was a comment about the density.

Reply-Atty. Bauer stated that when Green Meadows Subdivision was developed the Town provided guidance to the developer who proposed 106 residential units. The zoning is the same now as it was then which allows for multi-family. The property is already zoned R-4 and the application is for the conditional use permit only. Outlot 4 was rezoned from R-5 to R-4 to allow townhomes style rentals.

Comment-Kuene asked about the townhomes and that he thought they should be owner owned not rental properties. Kuene stated that pride in ownership and townhouses are usually owned. Kuene asked where are the kids going to be and who is responsible.

Reply-Individual homeowners insurance would have to be discussed with the property owners own insurance. Tenants and tenant's children could be evicted if they do not follow the contract they sign. The developer has the power to evict if they don't follow the rules and regulations. They have 95% occupancy levels. If tenants don't follow the rules they are evicted. Please visit other properties they have developed and see how they operate professionally. There will be income guidelines that they will have to meet to be able to afford their rent, etc. and lease payments. Will require \$60,000 income to afford to live here and be able to sign the lease. They want a nice place for people to live.

Comment-Jay Schwarzenbart asked if the lot they have proposed to be built on has rights over the outlots the same as the other property owners.

Reply-If the legal description show they have ownership of the outlots they would be the same as the other property owners rights.

Comment-Jim Schuessler of the Sheboygan County Economic Development Corporation was present and stated that they were commissioned to find the need for market level housing and found 0.4% vacancy rate. The economy has added 1,000 jobs per year and every television station was present at a news meeting today to let them know there are 2,400 jobs available and housing brought the question to point. This is the hottest economy up and down the lake and is accelerating and there is a need for this type of housing. He stated he is familiar with Premier Development housing as he has seen what they have done throughout the state. This is not subsidized housing. This will meet the demand of the

1-5-2016

Plan Commission Meeting

employers. The job market has fueled Cedar Grove, Manitowoc, Port Washington as there is no place to live.

Comment-Denise Kammerzelt said she understood the need but why here. She feels they have pretty expensive housing but does want apartments around her yard. They invested everything in their houses. They were told by realtors that this would possibly be condo units.

Reply-This is a transitional area between the development on Playbird Road and the residential.

Comment-Sean Moriarty stated that rezoning Outlots 3 & 4 took place in September and they weren't notified. The valuation of condo properties is different and the impact that it has on their properties is not the same. He feels this is a contentious issue and they may hire an attorney to deal with the issues. Notice provision that common ownership to the outlots is through private properties and they feel this is an attractive nuisance i.e. skating, fishing, etc.

Reply-Atty. Bauer asked if they are marketing the outlots. Premiers stated that they were not aware of these issues and are not marketing them.

Comment-Jay Persick asked about the rental rate and the viability of the rental rates or if there was a local study.

Reply-Premier stated they looked at Heather Valley and others in Sheboygan County but they felt the finished quality and their experience and the financial risk and investment was worth it.

Comment-Phil Herman asked if any of their 8,000 apartments around the state were sharing common land with homeowners.

Reply-Premier replied they owns 16 condo units in one building and then rented those 16 units in a 200 unit condo development that pay monthly and have access to all common elements in the development and they are now building 60 additional units next door. Within lease they have the ability to control the residents. They feel they can develop a successful community development.

Comment-Todd Kammerzelt asked if there was a way that the Premier did not have ownership issues. No one has rights to travel over their property to access the outlot. There are 9 ponds are on the property.

Reply-Atty. Goldberg stated that there are things lost. When this development was planned it was planned for multi-family and they are decreasing the size. Outlot ownership was always planned and if they were all owners. These are public records, proposing a very high quality and pricey development that creates a community that is substantially less than what was originally proposed. They are not the police dept and cannot control anyone's access across private property.

Comment-A resident asked if there was any planning about the roads and at what point does the Town feel it is not a liability to have sidewalks.

Reply-Atty. Bauer stated it went through the developer's engineers and the Town engineers. The 2005 rezoning established the use and the records are available. These subdivisions were approved with engineering.

Comments-Main concern was of safety and asked if they would get a traffic study, and will they have streetlights.

Reply-Atty. Bauer stated this is not a City development. The Town uses rural standards with no sidewalks, no streetlights, ditches, swales. Outlots 3 & 4 are sold and Outlot 5 has an agreement.

Comment-Built home in 2012 and they have more new neighbors than old neighbors. Asked if they could sell more single family lots.

Reply-Atty. Bauer commented the land use has always been multi-family units. Condo units do not have the financial backing as they once did and they have now proposed townhome style developments.

Comment-Dan Schulze stated his backyard bumps into this and his concern is the wetland area and asked about the percentage of permeable surface being an issue.

Reply-Tom Wood with Harrison Associates was present and stated that there are environmentally conscious of these issues. Stormwater management has all been addressed to follow the NR216 rules and WDNR stormwater management facilities with long term maintenance agreements and Chapter 30 permits. Wetlands were delineated in 2005 and the wetland changed the configuration which pushed out and made less developable area. Detention and stormwater management have been addressed

1-5-2016

Plan Commission Meeting

and approved by State WDNR and regulations. There is no drainage on Playbird as everything will be maintained internally. They cannot touch the creek or 75' beyond the creek. The wetlands are obviously regulated by EPA, DNR and Corp of Engineers and have a buffer system, protective devices and 2 stormwater basins. There is no developer that will put a public street system in this outlot to put a street in and sell 12 lots. This is the best use of this lot even though you may not think so. Property values do not change. There is no proof that a multi-family development will change the values. This development was done in 2005.

Comment-In 2007 residents were told this would be 2 family development.

Comment-Curt Hansen stated that the surrounding private lands were attractive. What is the process?

Reply-Atty. Bauer stated this is a two step process and the Plan Commission makes a recommendation to the Town Board on January 19.

Comment-Phil Herman stated he wants more time to do some fact finding. Somewhat rural and wants to understand the zoning recourse and wants to have the zoning modified. His wife wanted to know how they become part of the planning process and the zoning notice.

Reply-Atty. Bauer stated that what is being proposed is the same as before tonight (2005) and that has not changed. The density is much less.

Comment-Phil Herman asked what about infrastructure, what about the economic boom in the area. If there are jobs and economic development that is great and he would like to know the grand scheme and if there is rental property that goes in he would like some input. He would like to understand what this means and what the options are. Wants to see zoning maps and long range plan. Asked that maybe they have a third party review.

Reply-Atty. Bauer read the rules regarding posting, publishing and mailings. Chairman Hein stated that this was a continuation from the December 5, 2015 public hearing and this has been out there for 5 weeks and there was ample time for anyone to research.

Comment-Dan Schulze asked about garbage receptacles.

Reply-There is a gated area that houses garbage and recycling dumpsters.

Comment-Atty. Joe Goldberg commented that neighbors wanted to know about how to change the zoning and the developers have a legal right to continue under the current zoning. They have vested rights, and the Town lacks the authority to change that.

Comment-Tony Thiel stated that he has concerns about Outlot 5.

Reply-The developer is not prepared to discuss Outlot 5 this evening as this meeting relates to Outlot 1.

Outlot 1 has the same interest (an undivided interest) the same as everyone else.

Comment-Denise Kammerzelt asked if Wild Meadows Drive could be blocked off.

Reply-Atty. Bauer stated this is a public road for public access, fire protection and emergency vehicles and cannot be changed.

Motion Schultz, second Schulze to close the public hearing. Motion carried.

Will dogs be allowed? This has not yet been determined.

Developments with children? Two bedroom developments do not typically have playgrounds, pools or clubhouses so they don't lend themselves to development. This can be addressed by the tenants as the need develops.

The entrance is at least 1,000' from Wild Meadow. There is lighting on the building for safety, though there are no streetlights. There is brick on the exterior perimeter and accent spaces.

Olson stated that we have no budget for a park, we will not get anyone to build a home across from the gravel pit, and there could have been a much larger building in this place. This property has been zoned since 2005 and the open space is what draws people.

The landscaping plan was reviewed with trees and shrubs around the perimeter.

Park facilities were discussed and possibly rights regarding access to the pond, and this could be a trespassing issue. The developer is not asking to cross private property to access the common elements. They have an obligation to the community and as a business to manage property and to be good neighbors.

1-5-2016

Plan Commission Meeting

Condition that within 24 months the Town would like to review the potential of a park area and the landscaping.

Motion Schulze, second Olson to recommend to the Town Board

- 1) **Sewer and water approval by Sanitary District #2 & Sanitary District #3;**
- 2) **Town Engineer approval of stormwater drainage;**
- 3) **Plan Commission will review potential of play structure and dog facilities within 24 months of issuance;**
- 4) **Color and brick as supplied on the rendering;**
- 5) **No outside storage.**

Motion carried.

3) Approval of the Plan Commission minutes of December 1, 2015-**Motion Hoepfner, second Rahn to approve the Plan Commission minutes of December 1, 2015, as presented. Motion carried.**

4) Correspondence & Communication-None.

5) Adjourn-**Motion Hoepfner, second Schultz to adjourn the meeting at 7:00 pm. Motion carried.**

Cathy Conrad, Town Clerk