



"In the Spirit of Town Government"

**TOWN OF BUCHANAN, OUTAGAMIE COUNTY, WI
MINUTES OF PLAN COMMISSION MEETING
MONDAY, DECEMBER 12, 2011 AT 7:00 P.M.
BUCHANAN TOWN HALL, N178 COUNTY RD N, APPLETON, WI 54915**

- 1) **CALL MEETING TO ORDER:** Meeting called to order by Wallenfang at 7:00 p.m.
- 2) **PLEDGE OF ALLEGIANCE:** Pledge recited.
- 3) **ROLL CALL & VERIFY PUBLIC NOTICE:** Public notice verified. Commissioners present – Wallenfang, McAndrews, O’Neill, Van Wychen, Lamers and Van Stippen. One Commission position vacant. Also present was Administrator/Clerk Gorall and members of the public.
- 4) **PUBLIC FORUM**
Issues brought before the Commission for which no decision shall be made: Wallenfang called for comments. No comments.
- 5) **MINUTES TO APPROVE**
 - a) November 14, 2011 Plan Commission Minutes: Motion by McAndrews/Van Wychen to approve minutes. Motion carried 6 to 0.
- 6) **PUBLIC HEARINGS**
 - a) Rezoning Application: N110 Brux Road (Parcel Number 030059600, 0.5 acres) & Property Located on the NW Corner of CTH KK/CTH N (Parcel Number 030059700, 0.27 acres); SEC 33, T21N, R18E; (two parcels located at the northwest corner of CTH KK and CTH N); Single Family Residential (RSF) District to Local Commercial (CL) District; Applicant Michael & Jody Wagner (Wagner Enterprises LLC): Wallenfang opened the public hearing at 7:02 p.m. Wallenfang reviewed public hearing procedures. Wallenfang called for comments opposing the application.
 - Terri Devalk, N135 Brux Road, spoke against the application noting concerns of traffic access, potential safety issues at the intersection and desire to keep the area as it currently is.
 - Travis Swedberg, N155 Brux Road, spoke against the application regarding the negative impact to property values of existing home owners in the area.
 - Kathy Swedberg, N147 Brux Road, spoke against the application noting concerns with general commercial use and concern that resident input is not being considered. The Commission clarified that only two corner parcels are being considered for the rezoning. Resident also spoke in concern of traffic.
 - Tim Ourada, N129 Brux Road, spoke against the application noting concerns with safety and traffic access, specifically school bus access. Resident also spoke in concern of potential negative effect on property values and availability of loans to mix-use zoning areas. Resident noted his plan to petition to have his property assessment lowered in the future if approved.
 - Dave Hoh, N105 Brux Road, spoke against the application noting concerns with light and noise pollution as well as traffic. Resident noted other concerns and effect on the value of his property.
 - Bob Loderbauer, N121 County Road N, noted that his property is not included in the rezoning request. Resident requested privacy for his adjacent lot if the rezoning is approved.Wallenfang called for final comments against the application. No further comments opposing the application.

Wallenfang called for comments in favor of the application.
 - Applicant Mike Wagner spoke in favor of the application and noted input he received from other neighboring businesses in support. Support letters from six property owners were submitted into the record.
 - Representatives from Keller, architect/site designer, provided a review of the proposed development including a preliminary site plan and rendering of the proposed building. Representatives noted discussions with the County Highway Department and the need for stormwater management on the site. Representative also noted he is a resident of the area and his desire to see the corner improved.
 - Al Lamers, N246 Whitetail Ridge Court, spoke in favor of the application and noted that the area is meant for commercial due to the traffic and the benefits of the economic impact to the Town. Resident also noted that the project is being privately funded and the rezoning gives the Town control of how it is developed.Wallenfang called for final comments in favor of the application. No further comments in favor of the application.

Gorall noted that three sealed letters were submitted to the Town Hall to each Plan Commissioner, except for McAndrews and O'Neill. Gorall distributed the letters and Wallenfang noted that given they are public records addressing this issue they should likely be considered as part of the public record of the hearing. Wallenfang read each of the three letters into the record. Wagner noted potential traffic volumes from the business and why they selected the location for the proposed business. Motion by VanWychen/Lamers to close the public hearing at 7:45 p.m. Motion carried 6 to 0.

7) APPLICATIONS

- a) Application for Minor Land Division (CSM): Applicant William Lamers; Parcel Numbers 030012902 & 030013200 (Adjacent West Side Clune Road) – For Approval/Denial: The Commission reviewed and discussed the application. Applicant Bill Lamers was present. Motion by Lamers/Van Stippen to approve the application as presented. Motion carried 6 to 0.
- b) Rezoning Application: N110 Brux Road (Parcel Number 030059600, 0.5 acres) & Property Located on the NW Corner of CTH KK/CTH N (Parcel Number 030059700, 0.27 acres); SEC 33, T21N, R18E; (two parcels located at the northwest corner of CTH KK and CTH N); Single Family Residential (RSF) District to Local Commercial (CL) District; Applicant Michael & Jody Wagner (Wagner Enterprises LLC) – For Approval/Denial: Each Commissioner provided a review of the application. McAndrews spoke against the application and provided a review of the impacts including traffic and safety concerns. O'Neill provided a review of planning for the area and spoke in favor of the rezoning. Van Stippen provided a review of comments from the hearing, noted development and traffic near his home, impacts from traffic and spoke in favor of the application. Lamers spoke in regard to public input received and further spoke against the application. Van Wychen provided input on the traffic issues and addressed concerns from the hearing noting that it is likely the area will be commercial and spoke against the application. Wallenfang noted that rezoning is likely imminent at some point and spoke in favor. Motion by McAndrews/Lamers to deny the application as presented. Motion fails 3 to 3, with VanStippen, Wallenfang and O'Neill voting against. Wallenfang noted that essentially no vote was taken. Gorall will review how the application will proceed and if it will go to the Town Board.

8) REVIEW OF EXAMPLE MODEL SUBDIVISION DEVELOPMENT AGREEMENT – For Discussion Only: Gorall provided an overview of the model agreement. McAndrews requested that the agreement include language about not allowing lift stations in the Town. The Commission reviewed and discussed the draft agreement and agreed to review another model at a future meeting for discussion.

9) PROJECT UPDATES/CORRESPONDENCE

- a) Update on Intermunicipal Agreement Discussions with City of Kaukauna (CTH CE/KK Corridors): Gorall noted a recent meeting was held with the City on a draft agreement and it was agreed to put discussions on hold for a few months as other pending/related issues are resolved.
- b) Update on Pending & Finalized Annexations: Gorall noted two annexations which have been finalized including the annexation of the Kimberly High School to the Village of Kimberly. Gorall also noted that the Court of Appeals has found in favor of the Town regarding litigation with Kimberly on the Sanderfoot annexation.
- c) Update on Commission & Board of Adjustment Vacancy: Gorall noted that two applications have been received to date for the vacancies. Notice of the vacancies is on the Town website and was also included in the winter Town newsletter. The Commission agreed to hold brief interviews of applicants at the next meeting.

Gorall also noted correspondence from the ECWRPC regarding the Commission's request for technical assistance will likely be approved in January.

10) FUTURE AGENDA ITEMS

Future meeting agenda/discussion items and possible action on future Plan Commission agenda, including specific items for inclusion on or exclusion from future agenda: Agenda items as necessary will be carried forward to a future meeting.

11) ADJOURN: Motion by Van Wychen/Lamers to adjourn at 8:14 p.m. Motion carried 6 to 0.

Angela Gorall, Administrator/Clerk
December 13, 2011

Motion to approve: Van Wychen/Van Stippen. Date: 1/9/2012.
Carried: 5 to 0.