

**PLAN COMMISSION MINUTES
JANUARY 3, 2006**

PRESENT: Lee Bettes, David Borsuk, Thomas Fojtik, Steven Gehling, Shirley Mattox, Kathleen Propp, Jeffrey Thorkildsen, John Weinsheim and Chairman Jon Dell'Antonia

EXCUSED: Cathy Scherer

STAFF: Darryn Burich, Planning Services Director, David Buck, Zoning Administrator / Associate Planner, Susan Kepplinger, Principal Planner, and Vickie Rand, Recording Secretary

Chairman Dell'Antonia called the meeting to order at 4:00 p.m.

Roll call was taken and a quorum declared present.

The meeting minutes of December 20, 2005 were approved as mailed. (Thorkildsen/Bettes)
Unanimous.

**I: LAND ACQUISITION/DISPOSITION 552 MADISON STREET – Department of
Community Development**

The Department of Community Development requests approval of the purchase of a vacant single family home at 552 Madison Street by the City of Oshkosh Redevelopment Authority. After acquisition, the subject property will be cleared and it is proposed to dispose of the property to the adjacent property owner at 556 Madison Street.

Randy Myers, 819 Graceland Drive, owner of 313 Hudson Avenue, questioned who was able to purchase the subject property.

Susan Kepplinger, Principal Planner, City of Oshkosh, stated the Near East Neighborhood Improvement Plan is in the draft stages, however, it includes a policy for disposition of lots. She stated the City has not been in this position before and after reviewing the area, found the most logical disposition plan from a land use perspective, would be to combine the lot with the property to the north at 556 Madison Street which is also a substandard lot that could benefit from the additional land. Ms. Kepplinger stated once this transaction is approved, the owner at 556 Madison Street plans to use the additional area to replace a current one car detached garage with a new two car garage. Ms. Kepplinger also added that Habitat for Humanity had no interest in the property and it has been on the market for some time.

Mr. Weinsheim questioned what the cost would be to demolish the structure. Ms. Kepplinger stated the City Department of Public Works would be doing the demolition and with the inclusion of tipping fees and asbestos removal it shouldn't cost more than \$5,000.00.

Mr. Borsuk questioned the City's acquisition cost of the property. Ms. Kepplinger stated the assessed value of the lot determined by the Assessor's office was \$12,500.

Chairman Dell'Antonia stated the cost of the property was not pertinent information for the Plan Commission to consider, as it is their judgment to determine if this is a good use of the land. He added the Council can take costs into consideration.

Mr. Bettes stated the sooner the Plan Commission sees the draft plan for the area the better. Mr. Burich anticipated the draft plan to be available by March, 2006.

Chairman Dell'Antonia questioned if there was an urgency to the acquisition / disposition prior to the completion of the plan. Ms. Kepplinger stated the City is trying to accommodate the owners in this case, as the property is vacant. She also noted the longer they wait on taking action on this property the more blighted the area becomes. Ms. Kepplinger stated the property was vacant at this time, and there was money in the CDBG account that could be used for demolition by April to stimulate interest in the neighborhood for further improvement projects.

Motion by Bettes for approval of the acquisition and disposition of the property at 552 Madison Street by the City of Oshkosh Redevelopment Authority. Seconded by Propp.

Mr. Borsuk stated that a sense of urgency was mentioned respective to the cost. He stated the staff put the cost into play. He stated the cost of acquiring the lot along with the cost of demolition was not a good use of the City's resources, whether or not it was located in a blighted area. He stated there was no justification for the acquisition of this property before the final "Near East Neighborhood Improvement Plan" was completed, therefore, he will be voting against the proposal.

Chairman Dell'Antonia again stated the Plan Commission's role was to review the item for good use of the land versus the costs involved.

Mrs. Propp stated it looked like an excellent project that has her support.

Motion carried 8-1. Nay: Borsuk

II: CONDITIONAL USE PERMIT FOR A MIXED USE STRUCTURE WITH UPPER FLOOR RESIDENTIAL UNITS / 421 N. MAIN STREET - 421 North Main Street, LLC, owner, Megan Hoopman, petitioner

The petitioner is proposing a mixed-use commercial/residential project at 421 N. Main Street that will result in the creation of two 2 bedroom apartments on the second floor of the structure. The first floor will remain in commercial use. Creation of a mixed-use commercial/ residential structure requires a conditional use permit in the C-3 DO zoning district.

Mr. Weinsheim mentioned his concerns regarding ample parking for tenants. Mr. Burich stated ample parking was available.

Mr. Bettes stated he is in support of this item, however, he asked staff to consider changing the zoning ordinance so the upstairs development of commercial property into apartment space in the downtown area doesn't need to come before the Plan Commission.

Motion by Bettes for approval of the conditional use permit for a mixed-use structure with upper floor residential units at 421 N. Main Street found to be consistent with Section 30-11(D) of the Zoning Ordinance. Seconded by Weinsheim. Motion carried 9-0.

III: PRELIMINARY PLAT – RUSCH PLAT – Tim Rusch, petitioner, Rusch Homes LLC, owner

The petitioner is proposing a 16 lot Preliminary Plat identified as “Rusch Plat” for property generally located east of Vinland Street and south of the Vinland Farms Subdivision. The subject plat encompasses approximately 6.669 acres of undeveloped agricultural lands. The plat will be developed with single family homes on the north side of the plat (13 lots) and multiple family condominium dwellings on three lots located on the south side of the plat. The plat contains one 60 foot wide public street (Tucker Trail) configured in a linear grid style fashion that intersects with undeveloped Eichstadt Road extended on the east and a temporary cul-de-sac on the west, which will eventually intersect with Vinland Street.

Mr. Gehling questioned what the purpose was for the 20’ radius’ at the intersection of Tucker Trail and Eichstadt Road. Mr. Burich stated the 20’ radius’ was for handicap accessibility.

Chairman Dell’Antonia questioned the width for Tucker Trail. Mr. Burich replied Tucker Trail would be 60’ wide.

Ms. Mattox questioned if the condo’s would be owner occupied. Mr. Burich invited the developer to respond to questions regarding the plat.

Tim Rusch, 1400 Broderick Trail, Omro, WI, stated 4-6 condo units, ranch style, would be grouped together but sold individually.

Mr. Gehling questioned the buffer required between industrial and residential developments and if they need to comply in this case. Mr. Burich stated a buffer yard was required on the manufacturing side of this development when that area is developed.

Mr. Bettes questioned how Tucker Trail would develop into Vinland Street. Mr. Rusch stated a temporary cul de sac would be constructed at the furthest point to the west. He stated when additional property was purchased the farm on the property would be torn down and Tucker Trail would extend through the property. Mr. Bettes stated he would like to make a provision that prior to submittal of the final plat the land to the west be purchased by Mr. Rusch to allow the extension of Tucker Trail. Mr. Rusch stated that the temporary cul de sac would be blacktopped. Mr. Bettes questioned what would happen if Tucker Trail was never extended. Mr. Burich stated the City would not recommend approval of any land division that would conflict with the extension of Tucker Trail. Mr. Burich stated Tucker Trail could be officially mapped, however, he felt comfortable with the development as proposed.

Mr. Gehling recalled a situation where the extension was not approved. He agreed with Mr. Bettes that another level of assurance was needed for the extension of Tucker Trail to the west. He stated he would like to see the official mapping of Tucker Trail. Mr. Burich stated he would bring a proposal for the official mapping of Tucker Trail before or with the final plat approval process.

Ms. Mattox questioned if Freedom Avenue was a 60' right-of-way and if so was the width needed. Mr. Burich stated that was an issue to be discussed with the Department of Public Works. Mr. Rusch stated the width was basically needed for snow removal. Mr. Burich stated the width of the streets in the area would be worked out with the Department of Public Works as there usually aren't significant changes from the preliminary plat to the final plat.

Motion by Thorkildsen for approval of the Preliminary Plat known as Rusch Plat as it appears to be in compliance with the submittal requirements for a preliminary plat as identified in Section 30-72 of the Subdivision Regulations with the following conditions:

- 1) Provide 20 foot radius' at the intersection of Tucker Trail and Eichstadt Road.**
- 2) Prior to final plat approval, provisions must be made to develop Eichstadt Road.**
- 3) Prior to final plat approval, development of a storm sewer outlet to service this area. All easements required to provide this outfall must be provided by adjacent property owners.**
- 4) Prior to final plat approval, officially map the extension of Tucker Trail to the west.**

Seconded by Gehling. Motion carried 9-0.

NEW BUSINESS

Mr. Borsuk stated he would like a workshop to be held regarding the bypass highway on the west side of Oshkosh. Mr. Burich stated he would work it into one of the upcoming agendas.

There being no further business, the meeting adjourned at approximately 4:33 p.m. (Thorkildsen/Propp). Unanimous.

Respectfully submitted,

DARRYN L. BURICH
Director of Planning Services

DLB/vlr