

## PLAN COMMISSION

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Time and Date: The Plan Commission met on July 16, 2013, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

Members Present: Mayor Tipple, Marquardt, Radtke, Bohlken, Oberbeck, Nutting, Valitchka

Others Present: Lenz, Hebert, DeSantis, Higginbotham, Tobalsky, Hoelter, Parent, Kalish, Tasche, Schwichtenberg, Ryan, Whittum, Bone, Bowden, Wagner, Knotek, Engen

In compliance with Chapter 19, Wisconsin Statutes, notice of this meeting was posted and transmitted to the *Wausau Daily Herald* in the proper manner.

Noting the presence of a quorum, at approximately 5:00 p.m. Mayor Tipple called the meeting to order.

### **Approve minutes of the June 18, 2013 meeting.**

Radtke motioned to approve the minutes of the June 18, 2013 meeting. Bohlken seconded, and the motion carried unanimously 7-0.

### **PUBLIC HEARING: Rezone 2121 & 2201 Northwestern Avenue from R1, Single Family Residence District to UDD, Unified Development District, and approve the General Development Plan to allow for a multifamily residential development (Higginbotham).**

Dan Higginbotham, NWA Holdings LLC, said that he was here in May, when he was asking for a mix of items related to M1 zoning. He listened to the neighbors' concerns and admitted it may have been confusing. He is now requesting approval for a residential development and presented a map with the revised plan. Single family houses will be located on the north side of Northwestern Avenue and multifamily houses will be located on the south side of Northwestern Avenue and north of the railroad tracks. He said 18 acres, located south of the railroad tracks, will be given to an entity, perhaps the City of Wausau, as parkland dedication for the single and multi-family residents. There is 1,500 feet of river frontage in this area. Higginbotham said the he and his wife own the next ¼ mile to Camp Sturtevant. Higginbotham said that he met with Bill Duncanson, Brad Lenz, and others at the site regarding how the trail will be developed. A pedestrian/non-motorized use trail will be completed. The general development plan shows the units, but he stated he is a land surveyor, not a designer of multi-family units. Higginbotham also showed the retention area on the east side and the potential grades.

Jack Tobalsky, 2136 Meadow Brook Way, said that the initial plan of rezoning to property to M1 zoning allowed for various items. Tobalsky said that after Higginbotham heard the opposition of the neighbors, he changed his rezoning request to UDD zoning with 16 16-unit apartment buildings, 7 garages, 6 duplexes, 1 storage unit, and 3 unnamed buildings with no mention of industrial aspirations. Tobalsky asked the commission members not to vote to sandwich the UDD between the single-family subdivisions. Tobalsky said the UDD zoning would allow any uses allowed by the city and said the city can allow any further changes without a public hearing. Tobalsky said that Higginbotham's plan for rentals units for 300 families would put more than 1,000 people in a relatively small area with one access road. This access road is winding and hilly and is not safe or appropriate. The huge apartment complex will create turnover and will put the aesthetics and property values in this beautiful neighborhood at risk of being lost forever. The single family area won't develop because the properties will be difficult to market while overlooking a massive apartment complex. Tobalsky asked the committee to not let the short sightedness destroy the views of Rib Mountain and the Eau Claire River basin. This land is treasured by those that live here. The property owners of the subdivisions bought homes here because it was on a bike route with no trucks allowed and it was near the family-centered and natured-focused Girl Scout camp, YMCA camp, and Yellow Banks Park. This area is a place of serenity and wildlife. Tobalsky said he would like to share the beauty with other single family residents. Tobalsky said he opposes the rezoning and asked the commission to protect the interests of the property owners.

Joel Hoelter, 2119 Meadow Brook Way, said that he assumes that the upper left-hand corner of the map is

the subdivision and the homes are not shown on the map. Hoelter said he counted the homes in the adjoining neighborhood and the properties on Northwestern Avenue and there are 85 homes. This would average 255 people that will be negatively impacted by this proposal. The estimated total assessed values is roughly \$12 million and said he doubts the property costs of the development will be over \$12 million. These are long-term investments and he does not believe this will be the case for the proposed rezoning. The property taxes are approximately \$255,000 annually and the proposed zoning will not equal that. The whole plan has been changed and a multi-family development will have a totally negative effect on this neighborhood. Hoelter said he likes to feed the squirrels, chipmunks, and has counted 27 different varieties of birds. Hoelter said there is a pair of red-tailed hawks nesting on the tower. Deer move back and forth throughout this area. This proposal will have a negative impact on Wausau.

Lori Parent, 2140 Meadow Brook Way, said she has the largest back yard with many deer and wildlife. Parent said she has gone through this before in a home in Brokaw. That home is the only home left, which is why she moved to this area. This area has great beauty. She is very concerned, and does not agree with the rezoning.

Katie Kalish, 2120 Meadow Brook Way, said she urges the commission to vote against the proposal. Kalish said based on a conservative estimate, there will be 15 multi-family buildings, 240 units and 480 drivers. The 6 duplexes, being 12 units, would account for 24 drivers. The 52 single-family homes would be 104 drivers. This will increase the traffic by 600 vehicles. The intersection is already a very dangerous one. The hill and curve makes it difficult to see oncoming traffic. There are people that are developmentally disabled and young families playing in the driveways and this is a safety concern. This is a dangerous area with many cars going off the road on Northwestern Avenue and this will add an unreasonable number of vehicles and drivers to this area. There are multiple entrance points on Grand Avenue where multi-family buildings are located, but this is not the same type of area. The property values will go down and deer will not be a top priority. Safety should be a priority. Kalish asked about the transparency and credibility of this plan. Kalish said that Higginbotham said that multi-family development isn't his expertise and said she believes him. Single family homes draw more people and industrial areas do not draw residents. Kalish thanked the commission for listening to the residents' concerns.

Parent added that she recently returned from Colorado Springs after visiting her parents who owns a \$1.1 million house and said that her parents pays \$2,000 less for property taxes than she does on Meadow Brook Way. Parent said that for the amount of taxes Wisconsinites pay, it isn't fair to impose this on us.

Bonnie Tasche, 2172 Meadow Brook Way, said the previous speakers have done an excellent job stating the concerns. Tasche said that R1 zoning is welcomed, but not industrial zoning. Tasche asked if a different residential zoning would be more appropriate. The scope of the project has changed so quickly and asked if the plan has been considered seriously. Tasche asked if Higginbotham can change the scope of the plan after the commission approves the general development plan. Tasche asked what the proposed timeline for the project is. Tasche asked if the railroad and siding is out of the picture with the plan. Tasche asked if there will be great efforts made to protect Eau Claire River and the wetlands from contamination. She asked if the EPA is aware of this project, as they would not be happy after funding the cleanup downtown. Tasche asked the committee members and staff to introduce themselves, which the committee members and staff did.

Donna Schwichtenberg, 1920 Brook View Court, thanked the commission for the opportunity to speak and said she supports the neighbors who will be more directly affected by this. Last week, between 4:00 p.m. and 5:00 p.m. while driving home on Northwestern Avenue, there were 20 bicyclists on a bike route, doing what they are supposed to do. Schwichtenberg said she tried to give the 3 feet, but with the amount of traffic she couldn't. Cars were doing what they are supposed to do, maybe some were going a little too fast, but she cannot understand why there is even talk about increasing the amount of traffic on

Northwestern Avenue as it relates to the safety. Schwichtenberg asked why the city needs more apartments and asked what will happen to the empty apartments that already exist. This may add to the blight in the city. The original proposal was made just 6 weeks ago and now there is a different proposal. Construction material was deposited onto the property and there was a violation of the no trucking ordinance and asked why Higginbotham should be believed and trusted. Schwichtenberg asked why Higginbotham wasn't cited for blatantly violating the no truck ordinance.

Debra Ryan, 702 Elm Street, said that she lives on the west side but is interested in the city. Ryan said the city needs to look at the bigger picture and there are more rental housing units available than the amount of people. Some of the housing is empty and dilapidated. More units will create more blight and the city needs to look at the whole picture. Ryan said she spoke to Canadian Railroad who said they were not aware of these plans or discussion. The railroad may require fencing along the property to keep the children away from the railroad tracks. Ryan said she also spoke to Joan Erdman who said there was no annexation for this property and that Northwestern Avenue was built as a small county road, it was not built to be a truck road. If Northwestern Avenue becomes a truck route, the whole road will need to be built. Single-family homes are positive, and there may be interest in the area because of the D.C. Everest School District. Ryan asked if an overhead walkway will need to be constructed, if the lot line along the railroad needs to be fenced, and if the railroad will be abandoned. Ryan asked the commission to think long and hard as this is long-term urban planning.

Mary Kay Whittum, 1913 Brook View Court, said that last Monday, her neighbor's daughter was diagnosed with blastomycosis after 4 weeks of testing for allergies, pneumonia, and bronchitis. Since this has been such a wet season, the pine trees tend to acidize the soil and is where the daughter probably came into contact with the spores. According to article published in 2012, 1 out of every 1,000 people will have an outbreak. This is especially typical during construction in wetland areas. There will be 285 families at risk and the new families will also be at risk. Whittum said her husband is being tested for blastomycosis because of a cough. Blastomycosis is a very big concern.

Harold Bone, 2152 Meadow Brook Way, said that this is a very important issue because of tax implications, lower property values, and the safety concerns. According to the city website, 3 weeks prior to the meeting a general development plan needs to be submitted and Bone said the proper procedure has not been followed. A checklist for the general development plan needs to be followed. Bone said the precise implementation plan has not been clarified. He said there are criteria for approving plans, per section 23.065 of Wausau Municipal Code, and said that he did not believe the UDD zoning was created for this type of development. This use is not compatible with the neighbors. This rezoning could impact a number of families.

Mary Bowden, 1920 Brook View Court, said that she supports the others and sees no benefit in this rezoning. The property should remain R1 zoning and said it is very obvious. The proposed rezoning would only benefit Mr. Higginbotham. This will be a negative impact to everyone and there is no sense to change it to UDD. Bowden said the committee should not trust Higginbotham as he has little regard to policies and has made no apologies.

Romey Wagner, 3500 Golf View Drive and Alderperson District 2, said that 7 residents called and voiced their opposition to this rezoning and were unable to attend the meeting. This is quite a different plan. Wagner said a few years ago he was helping a resident rake chunks of blacktop off their property; it was apparent that truck traffic was never planned for. There are a number of disabled people in this area and people walking and biking about and there isn't enough room. No one is in favor of this rezoning. Wagner said he doesn't see the reason for UDD zoning and the biggest concern is Northwestern Avenue. Northwestern Avenue is the bypass to get to Schofield and Weston. Putting apartment complexes in will create bumper to bumper traffic. This is a hazard for multiple residences and for the traffic in and out of the development. Wausau is trying to be a friendlier city and it is best to use R1 zoning. The farmer who

owned the land wanted it to be R1 zoning. This is a step forward, but is not the plan that can be represented.

Tobalsky submitted a petition opposing the rezoning and letters to be placed on record.

Mayor Tipple closed the public hearing.

Lenz said that an email was distributed to commissioners from the Jaegers who highlighted the concerns addressed by others. He also said a letter was received from the Parks Director, Bill Duncanson, explaining the parkland dedication and some of the more detailed issues that need to be worked through, but that the Park and Recreation Committee was pleased with the concept of dedicating the land for the park.

Lenz said the proposal is for the general development plan and changing the zoning to UDD. Higginbotham will need to come back for the precise implementation plan approval, and will need to follow the general development plan. There are no industrial uses being proposed. With UDD zoning, the commission can specify which uses are allowed and not allowed. Industrial activities will not be allowed under this plan. There was a typo in the notification and zoning should be listed as Unified Development District, without the word “industrial.” He apologized. He said the truck traffic on Northwestern Avenue was brought up before – Northwestern Avenue is not a truck route, but trucks are not completely prohibited. The truck route is Townline Road, so trucks can go off of Townline Road onto Northwestern, but need to go back the shortest distance possible to get back onto the truck route. They should not be using Northwestern as a through route. There may be some construction activity, but since this is a residential development, after the development is completed, it will not be a truck route. Lenz confirmed that the proper procedures and timelines were followed for the general development plan. He said he believes UDD zoning is more transparent than other districts because the petitioners come to plan commission, which is a public meeting, when changes are proposed.

DeSantis said that with the current design it would be next to impossible to get a fire apparatus into the development and asked if the layout could be modified. Higginbotham answered that he wanted to create the possibility of having a pathway, similar to the Island Place, on the back side of the building for fire vehicles. Higginbotham said he pictures some pavers or some sort of concrete for the fire vehicles and said this will be worked through on the precise implementation plan.

Nutting asked staff if there were plans for future improvements on Northwestern Avenue. Marquardt answered that it is on the radar screen. An asphalt overlay may be completed soon, but it would not be a full reconstruction. Marquardt said that staff will look at the hill and curve to see if the site distance can be improved for the Meadow Brook subdivision residents. A negative outcome of an improvement may be speed as it tends to increase when there is smooth pavement – then it would become an enforcement issue. Nutting said that the infrastructure will need to be in place for the development and said it seems that the road should be dramatically improved to undertake an increased traffic flow. Marquardt said that the majority of Northwestern Avenue is not in the city limits – the portion of the curve is in the city. Nutting asked if the hill, going up from Camp Phillips Road, is in the city limits. Marquardt answered it is in Weston.

Oberbeck said that there are good and bad things about the plan. The development needs to be done right. We need to realize that the railroad track does exist and compromises may need to take place in order to get a good development. The Park and Recreation Committee looked at this as a very positive thing to connect the conservancy to the Mountain Bay Trail. This could be a very good thing for the whole neighborhood. Oberbeck said he is concerned with the number of apartments and green space. Wausau is missing good urban apartments. This development combined with a bike trail and a natural river is a real opportunity to work with the developer. Oberbeck said this was looked at very enthusiastically and

said the city could work with Weston and Marathon County to develop the natural aspects of this neighborhood. Oberbeck said he is concerned about how this is being developed, the number of units, and the quality of the units. This could be a jewel if it is done right. The various entities need to work together. There is an opportunity to work forward to have a buffer from single-family residences to the railroad tracks and to the multi-family residences with proper landscaping. Higginbotham said that it is difficult to spend money on a good layout plan if it is going to be struck down at this level. Higginbotham said if it is fine to go beyond step 1, the precise implementation plan will need to be worked out. This is a beautiful spot. There is an easement across the rail line, that has been there since 1917 and the easement flows right across the property. Higginbotham said he is excited about the possibilities, agrees that it will be a jewel, and will work with the city on a more concrete plan if this passes.

Valitchka asked what school district this property is in. Higginbotham answered D.C. Everest School District. Valitchka asked Higginbotham if the plan in front of the commission is his work. Higginbotham answered yes. Valitchka asked Higginbotham if he received any input from city, park staff, landscape designers, home builders, or others. Higginbotham said it is a general proposal and did not receive any input. Valitchka asked why R1 zoning was not requested. Higginbotham answered because of the manufacturing on the south side of the river that is visible from this property. Valitchka asked if that manufacturing business is in the city of Schofield. Higginbotham answered it is in the Town of Weston. Valitchka asked if a market study was done to determine how long it will take to fill the buildings. Higginbotham answered it was not and this is a general proposal.

Valitchka asked if the speed limit could be reduced to 25 mph and asked how that would happen. Marquardt answered that would be possible. A speed study could be initiated by Parking and Traffic Committee, which would determine if it needed to be higher or lower and it would go to Common Council for final approval. Valitchka said the drawing shows a very tight set of green lines and asked if any earth moving activity would occur. Higginbotham answered as they are drawn, movement will need to occur to get the buildings on an even surface. Valitchka asked if the specifics will be determined when the precise implementation plan is requested. Higginbotham agreed. Valitchka said that with the development of the precise implementation plan, a public hearing is not required, just the approval by the commission. Lenz answered that is correct. Valitchka said this is the main line for the Canadian National Railroad, so it would likely not get abandoned, and if a mine is granted in northern Wisconsin, the railroad could be used more frequently. Valitchka said on the drawing there is a roadway on the upper north end and asked if that was the easement. Higginbotham answered yes. Valitchka said that would transfer with the property and currently it is a private access and asked if it would be dedicated as public access relative to some of the proposals. Higginbotham answered that he will try to, as long as Canadian National Railroad agrees to it. Valitchka said that it would be possible for the city, petitioner and Canadian National Railroad to work together to create a public thoroughfare. The process has been transparent and has been followed.

Nutting said that there were numerous requests that the area be retained as R1 zoning and asked if the houses could be laid out so they would not face the manufacturing areas. Higginbotham said that would be possible and also said that the only other thing that would make sense is to have condominiums with one owner to have access to the easement and there wouldn't be any public use of the land. Higginbotham said he would like to see the recreational use along the river for everyone and can see it as being a wonderful corridor for access to the downtown area through bicycle use. Nutting asked if it is Higginbotham's opinion that those lots would not sell as private lots. Higginbotham said he believes that they would be able to sell it, but it would be in city's and neighborhood's best interests to dedicate the land as parkland along the river. Higginbotham said he would rather see it as public land.

Mayor Tipple said that he shares the concern of the density and would like to see it reworked to be friendlier to the transition from single-family to railroad to multi-family to the conservancy. Nutting said

that something of this nature needs to be tied hand-in-hand with improvements to Northwestern Avenue.

Oberbeck moved to rezone 2121 & 2201 Northwestern Avenue from R1, Single Family Residence District to UDD, Unified Development District, and approve the general development plan to allow for a multifamily residential development with the condition that staff gives input on the plan, and that improvements are made to support this development. Valitchka seconded and the motion carried 6-1. This item will go to Common Council on August 13, 2013.

Bone asked if the general development and precise implementation were approved. Mayor Tipple answered that the general development plan was approved and the precise implementation plan will be approved on a later date. Mayor Tipple also stated that UDD zoning is often in the best interest of the city and residents. Bone asked if the neighbors are informed of the meeting for the precise implementation plan approval. Lenz said that neighbors are not automatically notified, because it is not normally a public hearing, even though it is a public meeting. Mayor Tipple said that the neighbors could be informed in this instance. Tasche asked if fill will be brought to the site. Higginbotham answered that it would be covered under the precise implementation plan. Lenz clarified that the part of the property not currently in the city is not included in this rezoning. Mayor Tipple said that the commission needs to move on and asked that any questions for Higginbotham be brought up to him in the hall, as the public hearing is closed.

#### **Petition to vacate 5<sup>th</sup> Street between East Wausau Avenue and East Union Avenue.**

Marquardt said that this item went to CISM for a public hearing the week prior. A petition was received asking for another entryway to the alley either from either East Wausau Avenue or East Union Avenue. Certain people were opposed to the vacation unless that could happen. Everyone was in favor of the park improvement project. CISM made a motion which passed unanimously to go ahead with the vacation of both 5<sup>th</sup> Street and the alley. The motion asked staff to continue looking at alternatives for either turn around or access points to get to East Union Avenue or East Wausau Avenue.

Knotek said property was purchased by MacDonald, owner of Wausau Woodchucks, for the development of a park. The park will consist of green space, a playground structure and shelter.

Mayor Tipple said that there were 3 people that were affected it seemed to be more of an inconvenience. Knotek added that this alleyway is used as a shortcut to avoid the lights and it is a good idea that when 1,500 people are leaving the stadium not to have the invitation to use this shortcut.

Nutting moved to approve the petition to vacate 5<sup>th</sup> Street between East Wausau Avenue and East Union Avenue. Oberbeck seconded, and the motion carried unanimously 7-0. This item will go to Common Council on August 13, 2013.

#### **Petition to vacate the alley abutting 2213 North 5<sup>th</sup> Street and 504 East Wausau Avenue.**

This item was discussed under the previous item.

Nutting moved to approve the petition to vacate the alley abutting 2213 North 5<sup>th</sup> Street and 504 East Wausau Avenue. Oberbeck seconded, and the motion unanimously carried 7-0. This item will go to Common Council on August 13, 2013.

#### **Accept dedication of right-of-way on Talon Lane.**

Marquardt passed out a map showing the Eagle Valley 1<sup>st</sup> Addition subdivision where Talon Lane currently ends. The land at the end is owned by Schlindwein. Eckert has been dividing his land into 2-3

acre parcels and has requested to dedicate 350 feet on his property so if there is another person interested, the lot would be ready to go. Eckert plans on dedicating the 786' stretch of land when he dedicates the land north of his. Both sewer and water are already in the corridor. On the far right corner, there is a line that runs north and south, which is where 25<sup>th</sup> Street will be coming down off of Evergreen Road and dead ends to the north. It is the intention to hook this area up with 25<sup>th</sup> Street in the future. CISM made a recommendation to accept the full dedication to right-of-way to initialize the dedication for Schlindwein.

Valitchka motioned to accept the dedication of right-of-way on Talon Lane. Marquardt seconded, and the motion carried 7-0. This recommendation will go to Common Council on August 13, 2013.

### **Updates and future agenda items for consideration.**

Oberbeck said that there was a property on Merrill Avenue where this commission made a recommendation to work with staff. When the item came to council, the same plan was presented and was approved with very little explanation on what the concerns were. The process needs to be looked at and the items that may need to be resolved should come back to the commission. Oberbeck said that should be discussed because it should show up to council after the changes are made. Lenz said that the motion to work with staff wouldn't have been approved until it goes through council. Oberbeck said that when we are looking at UDD's, we need to look at the UDD and not just separate parcels. We will need to look at this when we look at urban planning. This body has the power to look at urban planning and conditions that are put on each property.

Valitchka asked for an update on the off-street parking standards. Lenz said that staff is looking at other cities but they haven't formalized a recommendation at this point. Lenz said that it could be addressed as part of the Comprehensive Plan, since it will be updated, and it is a good opportunity to lay out some general policies about parking and economic development in the plan. If the commission is looking for something very specific and before the Comprehensive Plan, that could be done, but staff thought it would be idea to address with the Comprehensive Plan. There is an economic development chapter in the Comprehensive Plan. In other meetings, it has been asked for a holistic approach for economic development and city development in general. Valitchka said he was fine with that approach.

Valitchka asked if staff is engaging in urban planning with a consultant and if that is going to be part of the revision of the Comprehensive Plan. Lenz said the city has hired a firm to help with a plan to design 2<sup>nd</sup> Avenue and Clark Street and also to develop city wide Urban Design Standards. There was a desire to see how we develop as a city and how to increase the value and make it more attractive for people wanting to live and invest here. Part of this is to look at city procedures including the zoning and permitting processes. Lenz says he envisions a lot of the things from the Urban Design Plan being folded into the Comprehensive Plan, but it would be a separate project. Lenz said that the comp plan is essentially a land use plan, but contains economic development, housing, transportation, and other items. He suggested that commission members who have not looked at the plan in a while take time out to review it. Input will be taken from Plan Commission members on how the plan should be updated. Valitchka asked Marquardt if these design standards would be helpful and beneficial with the work with the DOT when looking at some of the more challenging upcoming projects. Marquardt said that it couldn't hurt and would be beneficial.

Oberbeck asked if mature tree development could be looked at as there are programs in other cities that go to every extent to save a tree and said it doesn't seem to fit one particular committee. Lenz said that a lot of seeds were planted in the Comprehensive Plan and it could be added, perhaps with street design. Lenz also suggested that the plan could recommend having it studied in further detail or that a specific plan be developed if it's not part of the comp plan itself. In the current Comprehensive Plan, there are several instances where particular items are recommended to be looked at in greater detail.

**Adjourn.**

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Radtke moved to adjourn. Oberbeck seconded. Motion to adjourn carried unanimously and the meeting adjourned at 6:50 p.m.

**The Plan Commission is next scheduled to meet at 5:00 pm on Tuesday, August 20, 2013.**