

## Item 23-1118: Request to approve Rezoning #7-23 for the subject parcels located at 4704 N. Ballard Road

City Plan Commission  
Wed, Sep 27, 2023 3:30PM

### Mayor Jake Woodford 01:06

All right, so we have one public hearing on our agenda this afternoon. This is item 23-1117 rezoning number 7-23 for the subject parcels located at 4704 North Ballard road, and Lindsey Smith is going to tell us about that. All right. Lindsey.

### Principal Planner Lindsey Smith 01:27

Mark Hoffman—sorry, Mark Boehlke from Hoffman is requesting to rezone the subject properties to C-2 general commercial district on behalf of the property owner Prospera Credit Union. The landlocked parcel was annexed into the city in 1993 and assigned R1A zoning classification. 4704 North Ballard road was officially annexed into the city on September 12 2023, and assigned the temporary agricultural zoning district classification. The two parcels consist of approximately 3.48 acres.

### Principal Planner Lindsey Smith 02:03

4704 North Valley Road consists of a single-family residence that was constructed when located in the town of Grand Chute. The proposed rezone to C-2 general commercial district will create a legal non-conforming use of the existing single-family residence. The legal non-conforming use may be allowed to continue at this location pursuant to the applicable requirements in chapter 23. The applicant though has expressed that they intend to remove and raise the home so that will then remove that legal non-conforming use.

### Principal Planner Lindsey Smith 02:34

The rezone complies with requirements outlined in Section 23-65 of the zoning code as the rezoning request conforms with the Comprehensive Plan goals and objectives and the future land use map which identifies the area for future commercial land use. With that, staff recommends approval to rezone the subject parcels to C2 general commercial district. And the applicant is present if you guys have any questions. He is available.

### Mayor Jake Woodford 03:00

All right. Thank you. This is a public hearing. Is there anyone who wishes to speak? This is a public hearing. Is there anyone who wishes to speak? This is—would you like to speak on this this this item which is the rezoning number 7-23? Come on up. Yeah, you step up to the podium here and state your name and address for the record please.

### Eileen V. (Resident) 03:27

Thank you very much.

### Mayor Jake Woodford 03:30

We want to make sure we can we're picking that up. Not sure if—is it off? That's a battery. Okay. Director Three. That's a good mic. All right. All right, your name and address for the record, please.

### Eileen V. (Resident) 03:55

My name is [Eileen V.] and I resided [XXXXX] in Appleton, and we just bought a condo three years ago there. Part of the big sale was the beautiful trees out the living room windows. And we were told erroneously that that

acreage was owned by Northwestern Mutual Insurance and that it was going to be there forever. And when we got this letter and looked at the parcel that is being—that was bought by Prospera credit union, and now see that they might be taking away some of those beautiful trees, it's a little scary. And I wonder if they could specifically say what type of companies they would be selling to. And some of those trees we notice have been tagged with pink meaning wetlands. And what they intend to do with the property, the land that is wetlands. Thank you.

**Mayor Jake Woodford 04:50**

Okay, thank you. I know we have a representative here. If you'd like to share any information, you're welcome to.

**Mark Boehlke (Hoffman Planning, Design, and Construction) 05:00**

Mark Boehlke with Hoffman Planning and Design. Prospera purchased the property with the intent of potentially expanding in the future. They own the prop—they own the existing property just to the north. There was a wetland delineation completed earlier this year. There are some wetlands on the west, or I should say the east side of the property, probably close to where you are. Those wetlands are jurisdictional wetlands. So, there's no intent of filling those at this point.

**Mark Boehlke (Hoffman Planning, Design, and Construction) 05:39**

It appears—we've been involved with Prospera in in the land purchase, and there's appears to be plenty of land to do whatever they would want to do in the in the future. Now, I can't predict out way in the future, but for their for their needs that they have expressed over the next—and they don't—they have no timeframe to do this at this point. They just wanted to secure the land because it was available.

**Mark Boehlke (Hoffman Planning, Design, and Construction) 06:08**

There are some trees—there is—I don't know if you have the—did you receive the map? Most of the trees are on—it's not—I don't believe Northwestern Mutual actually owns the property. I think they leased that building. But there is—most of the trees are on that property. There is a row of trees on the property—on the Prospera property on the east side. I don't think there's any intent of taking any of those down. And certainly if they're on the property line, they'd probably be in a setback anyway. So that's really all I can tell you at this point. If there's any other questions, I'd be glad to try to answer them.

**Mayor Jake Woodford 06:56**

Thank you. And just to be clear, what Plan Commission is looking at today is the rezoning of the property. So, we're not talking about any kind of site plans or any anything like that in this conversation. We're simply looking at the rezoning today. But appreciate the context, and staff would also be happy to connect with you after the meeting for more—if you have more questions or want to talk a little bit more about what's happening in in the process. But thank you for the context also.

**Mayor Jake Woodford 07:28**

Alright, this is a public hearing. Is there anyone who wishes to speak? I'll ask one more time. This is a public hearing. Is there anyone who wishes to speak? Hearing no further? I declare this public hearing closed.

**Mayor Jake Woodford 07:44**

We'll now take up the associated action item. This is item 23 Dash 1118 request to approve rezoning number 7-23. For the subject parcels located at 4704. North Ballard road Is there a motion?

**Pete Neuberger (Commissioner)** 07:58  
Move to approve.

**Mayor Jake Woodford** 07:59  
We have a motion.

**Aldersperson Denise Fenton (District 6)** 08:00  
Second.

**Mayor Jake Woodford** 08:00  
We have a motion and a second to approve. Is there any discussion from the commission? Hearing none, a motion and a second to approve. All those in favor, please signify by saying aye. Aye. Any opposed? Hearing none, the motion passes. The item has been approved.