

**Item 24-0361: Public Hearing for Rezoning #2-24 E. Plank Road from R1-A Single-Family District to R-3 Multi-Family District**

**Item 24-0317: Request to approve Rezoning #2-24 for the subject parcel located south of E. Midway Road, south of the roundabout at E. Plank Road (Tax Id #31-9-4161-02), including to the centerline of the existing adjacent street right-of-way, as shown on the attached maps, from R-1A Single-Family District to R-3 Multi-Family District**

Common Council

Wed, Apr 17, 2024 7:00PM

**Mayor Jake Woodford 21:16**

This is item 24-0361 public hearing for rezoning number 2-24 East Plank Road from R-1A single family district to R-3 multifamily district. This is a public hearing, is there anyone who wishes to speak? Yep. Your name and affiliation for the record, please?

**Jennifer Sunstrom (Realtors Association of NE WI) 21:44**

Sure. Jennifer Sundstrom. I'm with the Realtors Association of Northeast Wisconsin. Before I start on what I wanted to say about the rezone item, I just want to take this opportunity to thank the Mayor, thank the city staff, thank the entire Council for the Housing Task Force. I was just extremely, extremely impressed with the entire effort. Not only the openness and transparency to try and gather input and have hard conversations. This was definitely not one of those things where it was just checking the box or going through the motions.

**Jennifer Sunstrom (Realtors Association of NE WI) 22:28**

I was really impressed with the consultant you chose. I've already been recommending them to other communities. And especially just really, really impressed with the level of transparency and openness and even vulnerability of the city staff and departments without any really turf protecting or defensiveness to look really hard internally and find out what also can be done beyond just rules and regulations of how they work and interact with the stakeholders was impressive. And so, I'm really excited about the recommendations that came out of that. I think it's an example that we can be using throughout Northeast Wisconsin. And so, I just wanted to thank you again for doing that.

**Jennifer Sunstrom (Realtors Association of NE WI) 23:14**

So as far as the public hearing item number, I just want to make sure I had sent out—you should have all received a memo that kind of looked like this. The thing I want to point out most about this from the Housing Now Coalition is in my entire career, I think this is the first time that you're going to see an entire business community throughout Northeast Wisconsin from every builders, chamber, New North, Paper Council, local 400, everyone coming together in a united effort to try and support communities building housing and the need for workforce housing. And that's just unprecedented of itself. And the memo tries to speak to that—that it is going to come down to these individual projects.

**Jennifer Sunstrom (Realtors Association of NE WI) 24:02**

Up until you get to this point, there are about a thousand different steps and efforts that any individual developer has to go through, and the steps that they go through with all of the staff and the departments. And so—but at the end of the day, it all comes down to right here and tonight whether that effort is going to be able to come to fruition and get the units that we need in this community. And so, we have someone from the chamber also here to speak about the impact that the housing crisis is having on the business community.

**Jennifer Sunstrom (Realtors Association of NE WI) 24:38**

I just want to say that this type of project is exactly what the taskforce has identified we have a critical need of, and that is workforce housing. And throughout the community we are always going to be battling a situation where people don't like change. They don't necessarily want what we need near them. But my hope is that the Council, by this point in time, knows that there is a bigger picture here at hand that has to be addressed and will recognize that the Plan Commission supports the project, the staff supports the project, and I'm hoping that you will support the project as well. Thank you very much.

**Mayor Jake Woodford 25:26**

This is a public hearing. Anyone wish to speak? Your name and affiliation for the record?

**Mayor Jake Woodford 25:44**

Yes.

**Eric Broten (Vice President, Business Growth & Development - Fox Cities Chamber Of Commerce) 25:44**

Good evening. Eric Broten. I am the Vice President of economic development for the Fox Cities Chamber regional partnership. We are the economic development arm of the chamber, and we support economic development efforts in Outagamie County, all of Calumet County, and also northern Winnebago County. And the reason why we are here today, we do support this rezoning of parcel number 2-24 for the sole purpose that we support any housing projects that are going to support workforce housing.

**Eric Broten (Vice President, Business Growth & Development - Fox Cities Chamber Of Commerce) 26:13**

I personally am meeting with businesses in our region every day, and the number one issue they face today is still workforce, and the number one thing holding them back for future expansions is workforce. I hear this all the time. I work pretty closely with a employer that's right here in the city of Appleton that is had a expansion project in the works. It's been approved by their corporate and their company. The only thing holding them back—it's going to be under about 60 to 80 jobs. The only thing holding them back is their fear that they're not going to find the workers here.

**Eric Broten (Vice President, Business Growth & Development - Fox Cities Chamber Of Commerce) 26:48**

So even though this is a relatively small project in the grand scheme, every little bit helps, and if we don't start saying yes to things like this, we're gonna continue to lose out to the regions and cities that will like Sheboygan County where they're in favor of doing these kinds of projects. So, again, we are in support of this rezoning to multifamily, and we hope you guys will consider that. So, thank you.

**Mayor Jake Woodford 27:24**

This is a public hearing. If you'd like, this is this is the hearing. Go right ahead. Your name and address for the record.

**Carol S. (Resident) 27:36**

Hello, my name is [Carol S.] I live at [XXXXX]. My property is directly behind that piece of property that has been rezoned in the plan commission meeting. I am here on behalf of myself but also on behalf of 30-plus neighbors that have also been speaking about this issue. We are a bit concerned. I just listened to two individuals talk about workforce housing. That's really curious to me. I think that that's a misnomer in this project because this project is for retirement. It's a retirement condominium development. And I don't know about you guys, but I hope when most of us gets retire, we aren't the primary part of the workforce in the Fox Cities. So unfortunately, I feel like that's a misnomer, and that is not being presented correctly.

**Carol S. (Resident) 28:25**

The letter that we as neighbors got from the developer said he had already acquired the project—or the property. We were told by the city at that time he had not acquired the property. There are a number of inconsistencies that have continued to go through. As someone that is going to be directly impacted by this, as it will be in my back yard, yes, we want to include the ability to increase housing for the city. We are short 300 some housing units every single year. We certainly need more housing. We all know that. But the process that has been followed by the Plan Commission, as neighbors, we found it to be a bit disingenuous, because we had been asking for years to say this property is zoned single family. It's on the long term—I might not have the right word. I apologize—on the long-term comprehensive plan as possible being zoned multifamily, being rezoned. And so, we've been asking for years and saying, "Okay, help us understand that process."

**Carol S. (Resident) 29:25**

Mayor, you were wonderful when we came to the planning commission meeting. The mayor presented the rubric that the city looks at and there were four things, and it needed to hit one of those four things. We as individuals, as citizens of Appleton, Wisconsin, were not ever given that rubric nor told what that rubric was because we could have also presented an exactly the same parallel argument. Yes, we will increase the housing. I didn't know the rubric, neither did any of my neighbors. I'm asking and I requested our alder who is not here this evening to please ensure that going forward any projects, that individuals in the community are given the same courtesy that a developer is given in terms of knowing what the rubric is and what it is we're trying to abide by.

**Carol S. (Resident) 30:10**

We as neighbors looked at it and said, it's great, we know this piece of property is going to be developed. We looked at the consistency of our neighborhood. We have single family homes. We have a grade school that is less than a couple 100 yards from this piece of property. The comments were given—32 comments I believe were turned in. I apologize that my numbers not exact, and several came in the mail to my home afterwards, saying "We need to support our local grade schools. We want this grade school to stay open." Retired people don't have children. Janet Berry is walking distance from this piece of property. These children will only have to cross one street to get there if it were single family. Retired people is not the case.

**Carol S. (Resident) 30:54**

So, I asked you while the plan Commission has looked at this and has done a lot of homework, and we know you all have done a ton of work, that we as community members are given the same courtesy, and when we ask year after year after year and say, "Is this gonna get changed?" please help us to understand what we need to know—that we are given that information so we know how to look at a project.

**Carol S. (Resident) 31:14**

Yes, I believe in growth. Yes, this is in my backyard. I will tell you of all the pieces of property the neighbors are most concerned about are the location of the actual units. There will not even be a unit behind my home. It is going to be a detention pond. My question is, which way is the detention pond going to go? Because we've already had an issue with the city in terms of water in the in the backyards. So, I'm not going to have one in my backyard, but I'm looking out for all of the people in the neighborhood who have come to me and have said, "Gee, that was a foregone conclusion." When we came to the last meeting, it certainly seemed that way. And when we looked at the minutes, and I rewatched, the entire meeting, the plan commission had already made it's recommendation. That's not a public hearing. We were not heard as individuals. Our comments were given to our alder which were then put down. They were not read into the record.

**Carol S. (Resident)** 32:05

So, I'm asking you, as a citizen of Appleton, please make this process much more transparent, or what it's going to look like to all of us who live here is that we have a need for housing so therefore any piece of property that is on your long-term plan is—a developer can come in. A developer has a lot of resources we don't have, and they have a business acumen that people in the neighborhood most likely don't have and understand the city planning processes. Okay?

**Carol S. (Resident)** 32:32

Are we as a city going to take any piece that is currently zoned single family, and we were told, "Well, it was just zoned single family because that's what they used to do." Those of us who bought in that neighborhood, and one of the individuals that was here speaking that evening, said, "I wouldn't have bought in here." Another one said, "I'm going to move out of the neighborhood."

**Carol S. (Resident)** 32:49

We have within less than a half mile from our homes, over—what?—500, 800 apartments and condominiums in the town of Harrison. We are on the edge of the city. Yes, we need more workers, but workers come in always shapes and form. And I can tell you—I don't know if all of you live—excuse me—or if your family members all live and work in Appleton. Maybe as an alder, you're required to do that. But people cross lines all the time.

**Carol S. (Resident)** 33:16

So, we have to look at this from not only Appleton—and Appleton will get more taxes because this is a bigger development. There are going to be 25 units crowded on a little piece of property. We were told by the engineer that's here this evening it wasn't big enough for a road. Well, there's a road in the middle of it. It wasn't big enough—excuse me, I believe for a public road. There's going to be a road in the middle of it. I would like to know what about the impermeable surfaces, of lighting, how is this going to impact everyone that is there? There is currently a neighborhood Blueberry—I think it's Huckleberry I don't have the right name—that is going to become an island of single-family homes because it's now going to be—there's a small multifamily area here. It's single family, single family, single family. And this is going to be right in the middle of it. How does that work?

**Carol S. (Resident)** 34:04

I thought we in Appleton looked at continuity. I used to live next to the city planner, my entire childhood. Continuity was the big deal. This is not a contiguous project. We have seen the plans. The plans are from 2019. Has this project been in the work all those years? Do we as community members, were we given that information? Is this prop—is this project—is there another development and we're copying it? It would be lovely as homeowners that have invested a lot of money and pay a lot of tax money to have the same opportunity.

**Carol S. (Resident)** 34:40

So I would request that you possibly consider turning this down, and if you do not turn this one down, please truly consider the process going forward so that those of us who showed up at that last meeting (and by the way, spring break on a Wednesday afternoon at 3:30. You know how many families were out of town?) that took the time and effort to file those papers and ask—and drop them off or mail them and bring them here? You have 30 plus community members who have asked you "Please don't do this." You have one developer.

**Carol S. (Resident)** 35:14

You have a plan commission of I don't know how many people. When I asked after the meeting, "Would you please come walk our neighborhood?" I was told "Well, we drive by it all the time." That's different. You don't live there. So please consider the process. One of the other gentleman's outside after the last meeting said, "I knew it was going to happen. We don't know how this works. We as individuals don't have that ability." So, I'm

here as a voice for those of us who live in that neighborhood. And yes, hopefully this developer is going to do a good job. Hopefully, he's going to listen to some of our concerns. Hopefully, we aren't going to have bright lights in our backyard. And you know, the fire—the garbage truck comes at 5:30 in the morning. I'd rather have single family homes, rather than 25 multifamily, klu klunk, klu klunk, klu klunk. My morning is going to be very different. There are people on my block who are considering moving. Please consider the process going forward. Thank you.

**Mayor Jake Woodford 36:19**

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 a public hearing is there anyone who wishes to speak? Seeing no further, I declare this public hearing closed.

**[Cut]**

**Mayor Jake Woodford 39:36**

This is item 24-0317 request to approve rezoning number 2-24 for the subject parcel located south of east Midway Road, south of the roundabout at East Plank Road, including the centerline of the existing adjacent street right of way, as shown in attached maps from R-1A single family district to R-3 multifamily district. We have a motion and a second to approve. Open the floor for discussion. Alder Fenton.

**Aldersperson Denise Fenton (District 6) 40:09**

Thank you, Your Honor. If I may, could I ask Director Homan to describe the process by which the zoning change changes after a parcel is annexed by the city and through the Comprehensive Plan?

**Mayor Jake Woodford 40:28**

Director Homan.

**Director Kara Homan (Community And Economic Development) 40:34**

So, I'm going to do my best on the annexation piece because I've only been here a year. When a property is annexed into the city—I believe when this particular property was annexed into the city, the practice at the time had been to place the R-1 zoning just as a base. I believe today, the practice is it's either to place it as Ag as a base, or what the future land use map says. I'd be happy to follow up with the Council after the fact. But once the once the property is in the city, the zoning that's there is there.

**Director Kara Homan (Community And Economic Development) 41:13**

However, if a zoning change is to be contemplated, what we look at (and this is required by state statute) is for consistency with the comprehensive plan. When you're looking for consistency with the Comprehensive Plan, the very first thing you look at is the future land use map. And in our case, we have a variety of future land use categories that either can support a rezoning or not support a rezoning. So, in this case, the future land use did support the rezoning that is before you today. There's also standards with regards to rezoning that are found on page three of the staff memo. Those are baked into our municipal ordinance, and the plan commission must also make those findings when doing a rezoning.

**Mayor Jake Woodford 41:58**

Alder Fenton.

**Aldersperson Denise Fenton (District 6) 41:59**

Can I follow up please?

**Mayor Jake Woodford** 42:01

Please.

**Aldersperson Denise Fenton (District 6)** 42:01

Thank you, your honor.

**Mayor Jake Woodford** 42:02

Alder Fenton if you'd please use your microphone. Thank you.

**Aldersperson Denise Fenton (District 6)** 42:05

I have too many things on too many sides. Apologies. So, to follow up again to Director Homan, if I may. Can you—and I'm not asking for an exhaustive, but would the city change the zoning without a request to do so unless circumstances such as an error etc. make it necessary?

**Mayor Jake Woodford** 42:36

Director Homan.

**Director Kara Homan (Community And Economic Development)** 42:38

I believe we have the ability to do that. I do not believe that's been our practice. It's typically been the petition of the property owner or granted by the property owner to allow a person with an offer to purchase to be the applicant.

**Aldersperson Denise Fenton (District 6)** 42:55

Okay. Thank you.

**Mayor Jake Woodford** 42:57

Alder Alfheim.

**Aldersperson Kristin Alfheim (District 11)** 42:58

Thank you, Chair. Could I ask Director Homan to just clarify what—the last speaker spoke of a description of the development as retirement. The prior individuals spoke about it being workforce. And so, I would love to hear just a little bit of clarification on that, please.

**Mayor Jake Woodford** 43:20

Director Homan.

**Director Kara Homan (Community And Economic Development)** 43:20

I would like to say the item before you is about "Is the use appropriate?" It's not about who's going to live there. It's about is the density and the type of housing that's proposed and allowed by this rezoning allowed. So, I don't want to assume what is or isn't being proposed, because once the zoning is in place, a new development proposal could emerge. Does that make sense? What I would like to add though, is—let's assume it is senior housing. Okay? There's a lot of seniors that live in what I would call single-family family supporting time homes that have no place to transition to. So even if it is senior housing, the ability to have seniors move from a three- or four-bedroom home to a more appropriate housing unit for their needs at that point in their life, it then opens up houses for families to move in into that might then open up homes in either rentals or smaller housing units for—to support the workforce. I hope that makes sense.

**Mayor Jake Woodford** 44:29  
Attorney Behrens.

**Attorney Christopher Behrens** 44:31

I just want to emphasize something that Director Homan said too. When the Council is making these kinds of decisions regarding zoning, your purview is really whether or not the rezoning is appropriate. You've heard possible uses that could take place, but you can get yourselves into legal trouble if you make a don't—zoning decision based upon a representation of what's going to be built there. That's known as contract zoning. So, you really need to focus on information provided by the staff, take that into consideration whether or not the proposed rezoning is appropriate. How that land will be used in the future will be determined through staff, a future developer proposals, input from neighbor woods. There's a lot of other steps in place, but right now, the focus is simply on whether or not the proposed rezoning is appropriate.

**Mayor Jake Woodford** 45:29  
Alder van Zeeland.

**Aldersperson Katie Van Zeeland (District 5)** 45:33

Thank you, Chair. I'm in a strange situation. So, if everyone could just bear with me. Alder Doran could not be here this evening. I received an email from him yesterday where he had copied me on the email, asking me to summarize concerns from what I saw in the plan commission and those that were spoken to him directly and also that he was sharing his opinion on the matter. I was not sure if he was asking me to share his opinion on the matter, just based on how this is worded and did send something back for him to clarify. I guess I'm going to, on his behalf, try to do as much as I can without hopefully going against his wishes.

**Aldersperson Katie Van Zeeland (District 5)** 46:23

What I see in the email that he has here, he does point out that the there were comments made by the people of his district. Those comments, I believe were referred to by the speaker earlier and are part of our agenda items. So, we should have had the opportunity to review those. He says that he—he says that the decision to approve the rezoning request falls under legal obligations, that there's a shortage of housing of all types, that the project meets the legal requirements of zoning and request to rezone the property, and that we have a legal obligation to approve the request and—or put the city in jeopardy. He understands and sympathizes and wants to discuss the single-family zoning designation which we just discussed. Runoff concerns, noise concerns, traffic concerns, impact on wildlife but none of these concerns the city plan commission or city Council can consider when deciding the rezoning request. I hope that meets what he was looking for. Thank you.

**Mayor Jake Woodford** 47:41  
Further discussion? Hearing none, we have a motion and a second to approve. Please cast your votes. The motion passes 13 to 0 with Alder Heffernan abstaining.