

CITY OF MENASHA
Plan Commission
Council Chambers, City Hall – 140 Main Street
January 11, 2011
DRAFT MINUTES

3:30 PM ***Informal Public Hearing – Special Use Permit – Kennel License of Appanasha Pet Clinic at 1205 Wittmann Drive***

No one spoke.

3:35 PM ***Informal Public Hearing – Ordinance Relating to the Paving of Driveways and Parking Lots***

Mike Hagens Objected to the proposed ordinance based on the following:

- If final occupancy permits are not granted prior to closing interest rates may increase on permanent financing
- If driveways need to be constructed over lateral trenches, 9 months does not allow sufficient time for trench settling and will cause pavement failure
- The amount required for escrow deposits is often 1 1/2 to 2 times the amount actually needed to complete the work, placing additional cash demands on the buyer at closing
- Borrowers are often maxed-out on loans and cannot support additional costs –

Jennifer Sunstrom – Government Affairs Director REALTORS Association of Northeast Wisconsin, Inc. stated the association is opposed to the ordinance based on the following and the comments contained in their letter of 1/11/11:

- The time of sale requirement could add \$3,000+ to the home sale price
- The application of the requirement at closing creates timing issues related to financing commitments
- The majority of Menasha's home sales are under \$100,000 – the additional cost for driveway paving is significant
- Other improvements to the home are often deeded and the money spent on the driveway may have greater impact on the home and neighborhood if spent elsewhere
- The driveway requirement may discourage reinvestment in older homes

Dina Mitchell – Dina Mitchell objected to the proposed ordinance for the following reasons and those outlined in her email of 1/7/11.

- Difficulties in obtaining bank financing for the driveway at closing
- The driveway requirements will further suppress sales of foreclosure and other distressed properties
- The money spent on driveway paving may be needed for foundation or other repairs
- Now is not the time to place additional burdens on homebuyers due the depressed housing market

Jim Smith – Realtor/Appraisal - spoke in opposition to the proposed ordinance based on the following:

- The passage of a similar ordinance in Appleton was not well know when it was adopted in 2005, and is now having negative impact on home sales in Appleton
- There is presently a year's worth of housing inventory for sale in Menasha, the driveway ordinance will further slow sales
- The ordinance will have a disproportionate effect on lower cost homes that are a substantial portion of Menasha's housing stock

K. C. Maurer – Remax 24/7 – spoke in opposition to the ordinance based on the following:

- Now is not the time to place more restraints on an already depressed housing market

- Investing in energy efficiency is a better long term option for homebuyers
- If the ordinance is adopted it should be made applicable to everyone, not just at the time of sale
- All property owners with unpaved driveways/aprons should be notified prior to adoption of the ordinance

Mayor Merkes asked the Realtors to comment on what effect the Appleton driveway ordinance has had on home sales. Comments were as follows:

- In 2005 when Appleton adopted its ordinance the housing market was much stronger and lending standards were much less stringent so it didn't have a great impact. That has now changed in the current market
- It would have a more positive neighborhood impact if homeowners would have the ability to use the money that would have been spent on the driveway for siding, windows, or other improvements to the structure
- There is a need to create a positive environment to encourage home sales in Menasha as opposed to creating barriers

A. CALL TO ORDER

The meeting was called to order at 3:35 p.m. by Mayor Merkes.

B. ROLL CALL/EXCUSED ABSENCES

PLAN COMMISSION MEMBERS PRESENT: Mayor Merkes, Commissioners Sturm, Schmidt and Homan, and DPW Radtke

PLAN COMMISSION MEMBERS EXCUSED: Commissioner Cruickshank and Ald. Benner

OTHERS PRESENT: CDD Keil, Ald. Eric R. Hendricks, Michael H. Hagens, Murray Hurlburt, Philip Langohr, Dina Mitchell, James H. Smith, Jennifer Sunstrom, K. C. Maurer and Todd Murphy

C. MINTUES TO APPROVE

1. **Minutes of the December 21, 2010 Plan Commission Meeting**
Motion by Comm. Homan, seconded by DPW Radtke to approve the December 21, 2010 Plan Commission meeting minutes.

The motion carried.

D. PUBLIC COMMENT ON ANY ITEM OF CONCERN ON THIS AGENDA

1. No one spoke.

E. DISCUSSION

1. **Comprehensive Plan Annual Review**
This item was held.

F. ACTION ITEMS

1. **Special Use Permit – Kennel License for Appanasha Pet Clinic At 1205 Wittmann Drive**
CDD Keil stated that Appanasha Pet Clinic has outgrown its existing facilities on Appleton Road, and is in the process of purchasing a lot in the Midway Business Park to construct a new facility. Due to the nature of their business, a Kennel License is required, which may be issued after a Special Use Permit is granted. Appanasha wants to be assured a Kennel License will be issued prior to proceeding to closing on the land purchase. It is proposed that the Special Use Permit be granted for the purpose of the Kennel License, with the condition that a site plan meeting ordinance requirements be subsequently reviewed and approved by the Plan Commission and

Common Council.

Dr. Murray Hurlburt described the tentative plans for the new clinic and how the facility will be operated.

Commissioners discussed potential impacts on neighboring properties relating to activities that may be conducted outdoors and whether the facility was be used for boarding pets. .

Dr. Hurlburt explained that planned outdoor activities may include puppy classes and other staff supervised activities. Occasionally single animals would be left out unsupervised for brief periods. All outdoor use of the site would be within a fenced enclosure. Tentative plans contemplate placing the enclosure on the east side of the site. Boarding will be incidental to the clinic operations. It is however expected that pets with medical conditions will be boarded and requests for emergency boarding will be accommodated. The number of animals on-site will be highly variable, ranging from as few as five to as many as 50, with an average of around 15.

Comm. Homan made and DPW Radtke seconded a motion to recommend granting a Special Use Permit for a Kennel License for up to 50 animals with the condition that a site plan be submitted for review by the Plan Commission and approval by the Common Council as part of the Special; Use Permit.

The motion carried.

2. **Ordinance Relating to the Paving of Driveways and Parking Lots**

Commissioners discussed issues raised in the course of the public hearing and made the ensuing motion based on the following findings:

- That the driveway requirements as may be applied to existing one and two family properties will increase home ownership costs and adversely affect affordability
- The existing housing market and lending climate is unfavorable, and placing additional cost and procedural requirements on transactions will create further barriers to the sale of existing homes
- The funds used to pave driveways may be used by the homeowner for other improvements to the structure that would have greater long-term impact on the property's value and positive contribution to the neighborhood

Motion by DPW Radtke, seconded by Comm. Homan that an alternative ordinance be drafted requiring the paving of driveways and driveway aprons for new one and two family residential dwellings in the R-1, R-1A, R2 and R2A districts, and for the paving of driveways, driveway aprons and parking lots in the R-3, R-4, C-1, C-2, C-3, C-4, I-1, I-2 and GU Districts, except for existing one and two family residential dwellings. The motion carried.

3. **US 10 Highway Corridor Study Recommendation on Preliminary Alternatives**

Commissioners continued discussion of this item held over from the last Plan Commission meeting. Considerations included:

- Safety and aesthetic considerations of the raised median vs. center turn lane options
- Maintenance of medians
- Bike and pedestrian accommodations on street and off road
- Future trail routes
- Bike/pedestrian crossing locations and implications of roundabouts vs. signalized intersections
- Maintenance of cross access at existing street intersections

Kara Homan made and Mark Radtke seconded a motion that the Plan Commission forward its comments to the Wisconsin Department of Transportation with the following recommendations:

- That the street configuration incorporate raised medians for safety and aesthetic reasons

- That the intersection configurations incorporate roundabouts at STH114/Oneida Street, Manitowoc Road/Oneida Street and STH 114/CTH LP, for traffic flow and safety reasons
- That cross access be maintained at existing intersections and preserved for existing businesses where removing cross access would have a substantial adverse impact on business operations
- That consideration be given to establishing a bike pedestrian overpass in proximity to the STH 114/Oneida Street intersection to provide a safe crossing to the state Friendship Trail

The motion carried.

G. ADJOURNMENT

Motion by DWP Radtke, seconded by Comm. Schmidt to adjourn at 5:07 p.m.

The motion carried.

Minutes respectfully submitted by Greg Keil, Community Development Director.

Greg M. Keil

From: Dina Mitchell [ballardmgr@gmail.com]
Sent: Friday, January 07, 2011 5:21 PM
To: Greg M. Keil; Don Merkes; Joanne Roush; Michael Taylor.; Sue Wisneski; Mark Langdon; Eric Hendricks; Daniel Zelinski; Jim Englebert; Kevin Benner
Subject: driveway installation policy
Attachments: Dina Mitchell.vcf

To Whom It May Concern,

I am writing in regards to the City of Menasha proposed ordinance with various new requirements for the paving of driveways – **including requiring existing gravel driveways be paved at “Time of Sale” with related fees and permits.** I am a licensed Real Estate Broker that is also a resident of the City of Menasha, I also serve on the Menasha Housing Authority. I have done some research on the impact this ordinance would have on the real estate market growth in the City of Menasha and I feel very strongly that the Council should vote against adding this ordinance.

Currently there are 119 residential properties for sale in the City of Menasha. Of those 119 properties, 47% are under \$100,000. As I am sure you are aware, many of those 47% are foreclosures or short sales. The banks and the sellers of these properties would be incapable/or unwilling to pay for the driveways to be paved at time of sale, therefore, if the City passed this ordinance, the responsibility would fall to the purchaser. Many of whom are purchasing the property via FHA loans that require minimum down payment and they do not have additional monies.

This would further depress the real estate market in Menasha because the homes that drive the market would not be purchased. Very few purchasers will spend an additional \$3-5000(average cost to pave a driveway) to purchase a property, this would apply to investors that flip houses as well. The ordinance would cut into their profits. They would /will simply purchase properties in other communities and rehab them.

I am a very strong advocate of all of the benefits the City of Menasha has to offer their residents. This is a time when the council should focus their energies on enhancing the market in Menasha, not cause further suppression of the home sales.

The market is showing signs of stabilization I strongly encourage the Council to vote against this ordinance and work toward establishing a desirable purchase experience in an effort to continue the growth of the City.

Regards,
Dina Mitchell

THE REAL ADVANTAGE





MEMORANDUM

TO: Menasha Plan Commission

FROM: Jennifer Sunstrom, Government Affairs Director

DATE: January 11, 2011

RE: Amendment to Title 13, Article E – Paving of Driveways

The REALTORS Association of Northeast Wisconsin (RANW) appreciates the opportunity to share our thoughts and concerns regarding the proposal to require existing homeowners to pave their driveways within 9 months of the sale of their home.

Our Board of Directors has a standing position in opposition to the required paving of existing gravel driveways due to the negative impact on housing affordability, as well as the time of sale provision which can create many difficulties in the real estate transaction.

Problems that communities face related to expansion of driveways, as well as illegal parking, can be easily remedied by creating clear guidelines for the dimensions of parking areas and enforcing those ordinances.

Ordinances such as the one being proposed are essentially based upon aesthetic preferences rather than on public health or safety concerns. However, we believe that whatever questionable benefit this is to the community, it is far out-weighted by the negative impact on housing affordability. Most of the homes impacted by this ordinance are older homes that provide the bulk of affordable workforce housing in the community. These homes often fall within the \$60,000-\$100,000 price range. The homes also are often in need of essential upgrades and repairs to things such as electrical and heating systems, roofing, siding, and foundations. If this ordinance is adopted, homeowners will be forced to pay thousands of dollars to replace a driveway rather than making these more important types of improvements.

In addition to the fact that enforcement of this requirement is triggered at the time of sale, it fails to take into consideration current real estate market conditions and the number of homes that have seen depreciation in value, are mortgaged for more than their house is currently worth, or are in foreclosure. According to data from our Multiple Listing Service (MLS), during the period of 1-2-10 to 1-3-11, the city of Menasha had 138 sales reported. Of those sales, 39 were foreclosures. From those sales:

- 77% sold under \$63,000
- 13% sold between \$63,000 and \$99,000



- 10% sold over \$100,000

As these statistics demonstrate, the vast majority of homes facing foreclosure in Menasha would be the very same homes that would be impacted by this ordinance.

Regarding homes not facing foreclosure, it is a common misconception that the costs of housing repairs or upgrades are more easily funded through the home financing process. In the current real estate market, this is often the worst time to incur such costs. In addition to closing costs and moving costs, many sellers have seen depreciation in their home value and do not have extra funds available. Buyers are typically required to have a much higher down-payment than in the past and they, too, are unlikely to have additional available funds.

On behalf of the many homeowners who will be negatively impacted by this ordinance, we respectfully request that the provisions which require the paving of driveways in existing homes be removed.