

Date: September 15, 2020

To: Village of East Troy Village Board

From: Tim Schwecke, Zoning Administrator

Subject: Rezone subject property located at 2019 Beulah Avenue from Light Industrial (LI) to Multifamily Residential (MR-10), ABCS Investments LLC (Steve Lambrechts), applicant

Application: 2020-12; <https://s.zoninghub.com/NO2W9LG14E>

Meeting: September 21, 2020 Village Board meeting

The petitioner submitted an application to the Village in 2016 to rezone the subject property to MR-10. The Village adopted Ordinance 2016-10 (attached) which included various conditions of approval. The petitioner did not satisfy the terms of approval and the adopted ordinance became null and void as set forth in Section 4 of the ordinance. This means that the subject property is currently zoned Light Industrial (LI).

The petitioner submitted an application to again rezone the property to MR-10. The Plan Commission reviewed the petitioner's request at their meeting on July 11, 2020 and August 20, 2020, and made a recommendation to the Village Board to deny the application.

Although the future land use map in the Village's comprehensive plan shows the subject property as multifamily, there is a policy that restricts the rezoning of such properties. The policy in questions is included below.

Policies

1. The Village will only rezone land for multi-family housing when the proportion of multifamily is 30 percent or less of the total housing stock (housing units), except when the proposed multifamily housing is in or around the downtown core or if the multifamily housing is part of a qualified tax increment financing (TIF) district that is established to eliminate blight.

By way of background, the mix of housing types was a point of considerable discussion when the Plan Commission worked on the plan update. The Housing Chapter in the background document chronicles the change in the Village's housing stock over time. Based on data from the U.S. Census Bureau, the number of multifamily units was about 30 percent of the total in 2000 (Table 12). By 2016, that ratio had risen to about 40 percent (Table 13). The Housing Chapter from the adopted plan is attached for your reference.

Realizing that there may be instances where multifamily rezonings would achieve other objectives in the plan, the policy includes two exemptions. The first exemption relates to a project that is part of a tax increment financing district that has been established to eliminate blight.

The second exemption would come into play if the rezoning is in or around the downtown core. The plan depicts the downtown core along with a downtown transition area on the future land use map, which is attached (Map 5A).

The Plan Commission considered this policy in light of the entire comprehensive plan and determined the subject property is not "in or around the downtown core."

Based on that determination, the Plan Commission recommended denial of the petitioner's request for rezoning.

As with the Plan Commission, the Village Board's decision will hinge on a determination as to whether the subject property is or is not in or near the downtown core.

Below are two potential motions for your consideration. If the Board wants to approve, staff will prepare an ordinance that is based on Ordinance 2016-10, which would again include conditions of approval with a performance period.

Potential motion for denial: Deny the petitioner's request to rezone the subject property to MR-10 based on the finding that the current number of multifamily housing units in the Village exceeds 30 percent, a threshold established in the Village's adopted Comprehensive Plan, and the subject property is not exempt from that policy because the subject property is not in or near the downtown core and the subject property is not part of tax increment financing district that has been established to eliminate blight.

Motion for approval with future action: The Village Board directs the Village planner to prepare an ordinance approving the request based on a finding that the subject property is exempt from the threshold of multifamily housing established in the Village's adopted Comprehensive Plan because the subject property is in or around the downtown core. The ordinance will be reviewed at the next regular Village Board meeting at which time final action will be taken.

Attachments:

1. Ordinance 2016-10
2. Housing Chapter from Comprehensive Plan
3. Map 5A – Future Land Use

ORDINANCE 2016-10

**AN ORDINANCE TO REZONE A CERTAIN PROPERTY IN SECTION 19
T4N R18E IN THE VILLAGE OF EAST TROY AND TO AMEND THE
ZONING MAP OF THE VILLAGE OF EAST TROY PURSUANT TO
SECTION 510-155 OF THE ZONING CODE**

WHEREAS, the Village Board for the Village of East Troy adopted zoning regulations for the Village of East Troy and has amended such regulations from time to time; and

WHEREAS, the zoning regulations, as amended, are codified as Chapter 510 of the Village of East Troy municipal code, which is titled "Zoning;" and

WHEREAS, ABCS Investments LLC (herein referred to as "property owner") owns a parcel of land located off of Beulah Avenue in Section 19 , T4N R18E, designated as Parcel Number RA454000001 (herein referred to as "subject property"); and

WHEREAS, the property owner has submitted a petition to change the zoning classification of the subject property from Light Industrial (LI) to Multifamily Residential (MR-10); and

WHEREAS, the rezoning petition has been submitted to the Village of East Troy Plan Commission for report and recommendation; and

WHEREAS, the Village of East Troy Plan Commission conducted a public hearing on July 11, 2016; and

WHEREAS, required public notice of the public hearing has been provided consistent with Section 62.23 of the Wisconsin Statutes and the Village's zoning code; and

WHEREAS, the Village of East Troy Plan Commission has recommended to the Village Board that said rezoning change be made under certain conditions; and

WHEREAS, the Village Board considered the Plan Commission's recommendation at its meeting on July 18, 2016; and

WHEREAS, the Village Board has accepted the Plan Commission's recommendation; and

WHEREAS, the Village Board finds that the proposed zoning is consistent with the Village's comprehensive plan and does not modify any floodplain zoning district or any shoreland-wetland zoning district; and

WHEREAS, the Village Board for the Village of East Troy, after careful review and upon consideration of the recommendation of the Plan Commission of the Village of East Troy and having given the matter due consideration having determined that all procedural requirements and notice requirements have been satisfied, and having based its determination on the effect of the

adoption of the ordinance on the health, safety and welfare of the community and the preservation and enhancement of property values in the community, and having given due consideration to the municipal problems involved hereby determine that the ordinance amendment will serve the public health, safety and general welfare of the Village of East Troy, will enhance property values in the Village and will not be hazardous, harmful, noxious, offensive or a nuisance, and will not unduly limit or restrict the use of property in the Village or for any other reason cause a substantial adverse effect on the property values and general desirability of the Village.

NOW, THEREFORE, the Village Board of the Village of East Troy, Walworth County, Wisconsin, do ordain as follows:

Section 1. Zoning map change

The subject property is rezoned from Light Industrial (LI) district to Multifamily Residential (MR-10) district and the zoning map is hereby amended to incorporate such change subject to the conditions set forth in this ordinance.

Section 2. Conditions of rezoning

The rezoning of the subject property as specified herein and the amendment of the zoning map of the Village of East Troy are conditioned on the following:

1. The property owner shall submit a development plan for the subject property as allowed in the MR-10 district and obtain approval of the same.
2. The two storage buildings currently on the subject property shall be removed consistent with a timeframe established by the Village Board's approval of the above-mentioned development plan.
3. The property owner is allowed to use the current buildings for storage, without expansion. In the interim, no other buildings may be constructed on the subject property and no area may be used for outside storage of any nature.

Section 3. Certification

Upon certification by the Village Clerk that the conditions set forth in Section 2 have been satisfied within the time period established in Section 4, the Zoning Administrator shall change the zoning classification of the subject property on the Village of East Troy zoning map as indicated herein.

Section 4. Effective Date.

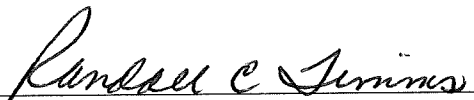
This ordinance shall be in full force and effect from and after its passage and posting or publication as provided by law subject to the conditions stated in Section 2, and this ordinance is null and void and the current zoning shall be in effect with no further notice if such conditions are not satisfied within four years of the date of this decision or if the property owner submits a written notice to the Village Board stating his or her desire to revert back to the Light Industrial (LI) zoning classification.

Section 5. Severability

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the

ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed to those terms that conflict.

Adopted this 18th day of July 2016


Randall C. Timms, President

ATTEST:


Eileen Suhm, Village Administrator Clerk-Treasurer



Chapter 3 - Housing

Unlike some of the other required elements of a comprehensive plan, the purpose of a housing element may not be as readily apparent. This is due, in part, to the fact that typically local governments are not seen as housing developers and builders. However, a community's housing stock is its largest long-term capital asset.

Yet, local governmental units do finance and develop certain types of housing when it is needed to address an unmet need. And most importantly, local governmental units do directly influence the provision of decent and affordable housing through the land use regulations and development standards they adopt and the type of services they provide. As an example, the Land Use element of this plan identifies what types of housing units (e.g., single-family / multi-family) are constructed and at what density. In addition, transportation and public utility plans can certainly affect the timing of residential development. Therefore, it will be necessary to ensure that each of the elements in this plan form a consistent framework and support each other where they overlap.

Affordable and decent housing has long been considered a basic element of one's quality of life. Yet it is not always possible to find housing that is both decent and affordable. A dwelling unit is considered affordable if it costs no more than one-third of the total household income. The lack of affordable housing is an issue that exists even in times of relative economic prosperity. According to studies of housing in the United States, finding affordable housing is a continuing problem for many families. Government at all levels is engaged in and committed to getting citizens into affordable housing. Originally these programs were targeted at the very low end of the economic spectrum, but with the persistent increases in the cost of housing and a rethinking of the definition of government-subsidized housing, the size of their clientele group has increased. There are various government programs, mostly administered and directed at the local level, to provide down payment assistance for purchases and rental assistance for those unable to buy.

As an example, a comparison of 2000 and 2016 US Census data for the Village of East Troy indicates that the median contract rent increased from \$564/month to \$783/month, an increase of 38.8 percent. A worker earning the current federal minimum wage of \$7.25 per hour would have to work roughly 108 hours of each month in order to afford a two-bedroom unit with a rent of \$783. Based on the recommended one-third of household income guideline, this worker would have to earn at least \$13.26 per hour for a 40-hour week to afford that unit. In the Village of East Troy, according to the 2016 US Census American Community Survey estimates, 27 percent of homeowners with a mortgage and 46.7 percent of renters spent more than 30 percent of their income on housing. This issue is not unique to the village, the lack of affordable housing extends to all corners of Wisconsin.

Types of Housing Units

In 2000, there were 1,373 housing units in the village (Table 12). Single-family units accounted for 65 percent of the total, which is a substantially lower percentage than for the county and state (74.5 and 69.4 percent, respectively). Multi-family units accounted for the second most common type of housing in the village, accounting for 23.8 percent of the total, followed by duplexes with 6.8 percent. Manufactured homes accounted for 4.1 percent of the Village in 2000.

Table 12. Housing Units by Type: 2000

| Housing Type | Village of East Troy | | Walworth County | Wisconsin |
|---------------------|----------------------|-------------|-----------------|-------------|
| | Number | Percent [1] | Percent [1] | Percent [1] |
| Single-Family | 893 | 65.0 | 74.5 | 69.4 |
| Duplex | 94 | 6.8 | 4.5 | 8.2 |
| Multi-Family | 327 | 23.8 | 18.2 | 18.0 |
| Manufactured Homes* | 56 | 4.1 | 2.7 | 4.4 |
| Other | 0.0 | 0.0 | 0.0 | .10 |
| Total | 1,373 | 100.0 | 100.0 | 100.0 |

Source: US Census Bureau, 2000

Notes:

1. The percent column may not add up to 100 due to rounding.

In 2016, there were an estimated 1,636 housing units in the village (Table 13), an increase of 263 units from the previous 2000 census period. The majority of the units, 896, were single-family homes, accounting for over half of the available housing stock in the village. This represents a significantly lower percentage than for the state (70.9 percent) and even less than Walworth County (75.5 percent). Multi-family (3+ units), other than duplexes, accounted for the second most common type of housing in the village, representing 36 percent of the total. Duplexes accounted for 3.1 percent of the Village's total housing units, and manufactured homes comprised 6.2 percent of the total.

Table 13. Housing Units by Type: 2016

| Housing Type | Village of East Troy | | Walworth County Percent [1] | Wisconsin Percent [1] |
|------------------------|----------------------|-------------|-----------------------------|-----------------------|
| | Number | Percent [1] | | |
| Single-Family | 896 | 54.8 | 75.5 | 70.9 |
| Duplex | 50 | 3.1 | 3.9 | 6.5 |
| Multi-Family | 589 | 36.0 | 18.4 | 19.0 |
| Manufactured Homes [2] | 101 | 6.2 | 2.3 | 3.6 |
| Other | 0.0 | 0.0 | 0.0 | 0.0 |
| Total | 1,636 | 100.0 | 100.0 | 100.0 |

Source: US Census Bureau, American Community Survey estimates 2016

Notes:

1. The percent column may not add up to 100 due to rounding.
2. The City of East Troy records show that, in contradiction to the US Census data, 109 mobile or manufactured homes exist in the City.

New Housing Construction

More recent data for the period 2009 through 2018 indicate that the village's total housing stock added 114 new dwelling units (Table 14). The most significant increase in housing stock during this period was in the construction of multi-family units, other than duplexes.

Table 14. New Dwelling Units by Type: 2009 – 2018

| | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 |
|------------------------------------|------|------|------|------|------|------|------|------|------|------|
| Single-Family | 2 | 5 | 2 | 2 | 7 | 5 | 5 | 9 | 5 | 5 |
| Duplex | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 0 | 0 |
| Multi-Family | 0 | 0 | 0 | 0 | 0 | 56 | 0 | 0 | 0 | 6 |
| Other (Mobile home, trailer, etc.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Total | 2 | 5 | 2 | 2 | 7 | 61 | 5 | 13 | 5 | 12 |

Source: Village of East Troy Building Inspector

Occupancy Status

The number of dwelling units that are available for rent or purchase in a community can represent the difference between a community with intense pressure for housing and inflated housing costs and a community in decline with abandoned homes. The supply of available dwelling units must be sufficient to allow for the formation of new households within the existing population, absorb in-migration of new households and permit existing households to reform because of a change in size or status. If the supply is insufficient, it is likely that housing costs will rise making it more difficult to find affordable housing for many residents.

The general rule is that the average, overall vacancy rate should not exceed three percent (1.5 percent for owned units and 4.5 percent for rentals). According to 2016 estimates, there is a shortage of both types of units, a problem not uncommon across the State and Country.

Of the 1,337 housing units in the village in 2000, 97.4 percent were occupied, which is significantly higher than for all of Walworth County and the state (Table 15). In 2016 the village had experienced a very slight increase in the occupancy (Table 16) of the available housing stock, while state and county occupancy rates dropped slightly. This reflects a county-wide trend of rural population decline and urban growth.

The estimated median assessed housing value in 2016 was \$186,400, which is higher than nearby cities, but less than gentrifying rural and resort areas in Walworth County. In 2016, the estimated median monthly rent for East Troy was \$783.

Table 15. Occupancy Status: 2000

| | Village of East Troy | | Walworth County Percent | Wisconsin Percent |
|-----------------------|----------------------|---------|-------------------------|-------------------|
| | Number | Percent | | |
| Occupied Units | 1,337 | 97.4 | 78.8 | 89.8 |
| Vacant Units | 36 | 2.6 | 21.2 | 10.2 |
| Total | 1,373 | 100.0 | 100.0 | 100.0 |

Source: US Census of Population and Housing, 2000

Table 16. Occupancy Status: 2016

| | Village of East Troy | | Walworth County Percent | Wisconsin Percent |
|-----------------------|----------------------|---------|-------------------------|-------------------|
| | Number | Percent | | |
| Occupied Units | 1,623 | 99.2 | 77.3 | 87.2 |
| Vacant Units | 13 | 0.8 | 22.7 | 12.8 |
| Total | 1,636 | 100.0 | 100.0 | 100.0 |

Source: US Census Bureau, American Community Survey estimates 2016

Housing Tenure

During 2000, over 70 percent of the occupied housing units in the village were owner-occupied (Table 17). This rate was slightly higher than the ownership occupancy rate in Walworth County and all of Wisconsin. Nationally, the homeownership rate in 2000 was almost 64 percent. Since 2000, homeownership has dropped by approximately 5 percent in the village. Much of this increase can be attributed, in part, to the 2000s housing crash, though low interest rates and the rebounding economy in the late 2010's may affect homeownership rates in the future.

According to the 2016 US Census estimates, 64.9 percent of the occupied housing units in the village were owner-occupied (Table 18). This rate was only slightly higher than the ownership occupancy rate in Walworth County and Wisconsin, 67.8 percent and 67.0 percent, respectively. Nationally, the homeownership rate in 2016 was estimated to be about 87.8 percent, slightly higher than experience here.

Table 17. Occupied Housing Units by Tenure: 2000

| | Village of East Troy | | Walworth County Percent | Wisconsin Percent |
|------------------------|----------------------|---------|-------------------------|-------------------|
| | Number | Percent | | |
| Owner-Occupied | 963 | 71.3 | 68.1 | 68.4 |
| Renter-Occupied | 387 | 28.7 | 30.9 | 31.6 |
| Total | 1,350 | 100.0 | 100.0 | 100.0 |

Source: US Census Bureau 2000

Table 18. Occupied Housing Units by Tenure: 2016

| | Village of East Troy | | Walworth County Percent | Wisconsin Percent |
|------------------------|----------------------|---------|-------------------------|-------------------|
| | Number | Percent | | |
| Owner-Occupied | 1,054 | 64.9 | 67.8 | 67.0 |
| Renter-Occupied | 569 | 35.1 | 32.2 | 33.0 |
| Total | 1,623 | 100.0 | 100.0 | 100.0 |

Source: US Census Bureau, American Community Survey estimates 2016

Household Size

The number of people living in a dwelling unit has implications for the number of housing units that may be needed. Even if the population were to remain stable, the declining trend in household size would suggest that more housing units would be needed to accommodate the same population.

Table 19. Average Household Size: 2000 and 2016

| | 2000 | 2016 | 2016 Owner-Occupied | 2016 Renter-Occupied |
|-----------------------------|------|------|---------------------|----------------------|
| Village of East Troy | 2.60 | 2.62 | 2.79 | 2.30 |
| Walworth County | 2.57 | 2.48 | 2.61 | 2.29 |
| Wisconsin | 2.50 | 2.41 | 2.54 | 2.19 |

Source: US Census Bureau 2000 and American Community Survey estimates, 2016

Nationally, the average number of individuals living in a dwelling unit has been declining for the last 45 years. In Wisconsin, the average household size between 1970 and 1990 declined from 3.22 to 2.61, representing a decline of 19 percent. Between 1990 and 2016 it declined only slightly further from 2.61 to 2.41 (7.6%).

Many factors have contributed to this trend, including: increasing number of single-parent homes, decreasing number of children per household and increasing life expectancy, especially for females. Although the decline in household size has been fairly steady for several decades, it is anticipated that the downward trend will moderate in the future and remain somewhat stable.

In 2000, the average household size was 2.60 in the Village, which was slightly higher than all of Walworth County and the State. At the time of the 2016 U.S. Census estimates, the village, remained relatively unchanged in terms of average household size with a slight increase, but the County and State average household size declined further (Table 19). The slight differences in average household size are more notable in a comparison of owner-occupied to renter-occupied units in 2016

Age of Housing Stock

The age of the housing stock in a community is one measure of quality, although one must not assume that as the age of a home increases, its quality declines as well. Age of a building only suggests that as a home gets older it may be necessary to spend more time and money on upkeep and maintenance.

If basic maintenance is not done on a continual basis, older homes will soon become a liability rather than an asset. The costs of maintenance can be especially burdensome on low-income households who may not have the necessary resources. In addition, some of the older homes that become substantially substandard, will be torn down or abandoned and must be replaced to maintain the same number of units in the housing stock.

As shown in Table 20, the largest number of existing housing units, 422, were built from 1990 – 1999. More

than a 40 percent of the existing housing stock in the village was constructed prior to 1980. These 683 units will soon be approaching almost 40 years of age. A limited number of new units were constructed from 2010 to 2014, though many may have been built since 2014 as economic recovery continues. Additionally, as previously described, the majority of new housing construction was in multi-family units.

Table 20. Year of Housing Construction: 2016

| | Village of East Troy | | Walworth County Percent [1] | Wisconsin Percent [1] |
|-----------------|----------------------|--------------|-----------------------------|-----------------------|
| | Number | Percent | | |
| 2014 or later | 0 | 0.0 | 0.2 | 0.2 |
| 2010-2013 | 3 | 0.2 | 0.6 | 1.4 |
| 2000-2009 | 298 | 18.2 | 15.5 | 13.0 |
| 1990 - 1999 | 422 | 25.8 | 17.1 | 14.0 |
| 1980 - 1989 | 170 | 10.4 | 9.2 | 9.9 |
| 1970 - 1979 | 350 | 21.4 | 14.5 | 14.8 |
| 1960 - 1969 | 73 | 4.5 | 9.3 | 9.8 |
| 1940 - 1959 | 191 | 11.7 | 14.4 | 17.0 |
| 1939 or earlier | 69 | 7.9 | 19.3 | 19.8 |
| Total | 1,636 | 100.0 | 100.0 | 100.0 |

Source: US Census Bureau, American Community Survey estimates, 2016

Housing Affordability

Affordable housing has been considered a basic element of the quality of life for a community. As briefly mentioned earlier, housing affordability is a problem that affects many low-and moderate-income residents throughout Wisconsin. Housing is considered to be affordable when a household is paying no more than 30 percent of its annual income on housing. According to the 2016 US Census estimates, 27 percent of home owners with a mortgage and 46.7 percent of renters in East Troy are putting more than 30 percent of their income towards housing.

Special Needs Housing

As the age of the population grows disproportionately older, the special housing needs of the elderly must be an important part of a community's commitment to provide appropriate housing options for all of its residents. The availability of special facilities, including senior independent living facilities, is especially important to residents who want to stay in the community they are most familiar with and remain near family and friends.

The Wisconsin Department of Health Services (DHS), Division of Quality Assurance licenses a number of residential settings for the elderly along with facilities for the physically and developmentally disabled. Table 21 lists various residential settings and the number of facilities and total beds in Walworth County and the Village.

Table 21. Special Needs Housing in East Troy and Walworth County: 2019

| Facility Type and Description | East Troy | | Walworth County Not Including East Troy | |
|---|------------|------|---|------|
| | Facilities | Beds | Facilities | Beds |
| Adult Family Homes (AFH) (Licensed by the state) A place where 3 or 4 adults receive care, treatment or services (above the level of room and board) and that may include up to 7 hours per week of nursing care per resident. | 0 | 0 | 32 | 126 |
| Community Based Residential Facility (CBRF) A place where 5 or more unrelated people live together in a community setting. Services provided include room and board, supervision, support services and may include up to 3 hours of nursing care per week. | 0 | 0 | 33 | 704 |
| Nursing Home A residential facility that provides 24-hour services, including room and board to 3 or more unrelated persons. These persons require more than 7 hours a week of nursing care. | 1 | 50 | 8 | 488 |
| Residential Care Apartment Complex (RCAC) Independent apartment units in which the following services are provided: room and board, up to 28 hours per week of supportive care, personal care and nursing services. | 0 | 0 | 8 | 302 |

Source: Wisconsin Department of Health and Family Services, Division of Quality Assurance

Map 5A: Future Land Use Map

