

Minutes

Town of Ledgeview Zoning & Planning Commission

October 16, 2013

Members Present: Chairwoman Jane Tenor, Vice Chairman Mark Handeland, Renee Van Rossum, Chet Lamers, Rebecca Afshar and Al Case. Mark Chambers was excused.

Support Staff Present: Dustin Wolff(Town Planner), Sarah Burdette(Clerk/ Administrator), Scott Brosteau(Town Engineer) and Renae Peters(Recording Secretary).

The Meeting was called to order at 6:00pm by Chairwoman Jane Tenor.

Approve/ Amend Agenda: Renee Van Rossum made a motion approve the agenda as posted. Rebecca Afshar seconded the motion. Motion carried.

Minutes: Mark Handeland made a motion to approve the September 11, 2013 minutes as written. Renee Van Rossum seconded the motion. Motion carried.

Public Hearings: None

New Business:

- a. The Commission reviewed a draft of the Town of Ledgeview Community Survey. The survey will be used as an initial information gathering tool for the Comprehensive Plan and Park Plan update. The survey will be sent to all Ledgeview property owners, businesses and residents. The information collected will be used as a starter for discussions at a citizen engagement meeting to be held on November 12, 2013 at De Pere Middle School. The Commission approved the draft with the following suggestions for improvement:
 1. Pg. 2, question 6, add a category for "more than 1 acre but less than 5 acres"
 2. Pg. 3, question 14, change the word "Premium" to "Upscale"
 3. Pg. 4, question 16, separate "community gardens" into its own category.
 4. Pg. 7, question 27, clarify wording to include community center.
 5. Pg. 7, place a reminder of the survey due date and community meeting date at the bottom of the page.

- b. The Commission reviewed the request by Ron Schoenfeld, owner, for a wall sign for Bleu Restaurant located at 2200 Dickinson Rd., Bldg. 15, Olde School Square. The Olde School Square condominium association provides a binder of examples of appropriate signs for the area. The proposed sign is 54 sq. ft., non-illuminated and complimentary to the examples allowed in Olde School Square. The Commission was concerned that other tenants of the building could petition for another wall sign but Town code limits the number of signs on any one building. **Chet Lamers made a motion to recommend approval the sign request for Bleu Restaurant. Rebecca Afshar seconded the motion. Motion carried.**
- c. The Commission reviewed an ordinance amendment to Town of Ledgeview code section 96-8 establishing a fee-in-lieu of dedication for public purposes. This is a request from the Town Board to provide a mechanism to obtain future parkland dedication. Town Attorney Vande Castle provided two choices for collection of the fee: 1. Use average fair market value of the land in the entire subdivision or 2. Use average fair market value of only the land to be used for parkland. Mr. Wolff suggested to the Commission that they closely review the timing for the payment by the developer. He stated that 60 days after the final plat is too long of a period and suggested the amendment state that payment should be made at the time that the final plat is signed. Mr. Wolff suggested that the time limit for payment should be added into the developer's agreement. **Renee Van Rossum made a motion to table the review of the fee-in-lieu of amendment until the November meeting to provide time for further revisions by the Town's attorney. Rebecca Afshar seconded the motion. Motion carried.**
- d. The Commission reviewed an ordinance amendment to Town of Ledgeview code chapter 7, Animals, establishing code on the keeping of fowl. The current code is ambiguous, only stating that a resident with less than 1.99 acres cannot keep fowl but pens are allowed. Mark Roberts, Town Code Enforcement Officer, has come across residents who claim coops are the same as pens and are raising fowl on lots smaller than 1.99 acres. The Commission requested clarification on the requirements for fowl structures. **Rebecca Afshar made a motion to table the review of Chapter 7 until the November meeting to provide time for further clarification of the amendment. Chet Lamers seconded the motion. Motion carried.**
- e. The Commission reviewed the ordinance amendment to Town of Ledgeview code section 135-15, Fences. The request for the amendment was inspired by the Town's Building Inspector. The amendment is as follows: 135-15, E(3a): Fences erected in a front yard shall not exceed 36 inches in height or in a yard adjacent to any public street shall not exceed 48 inches in height unless the fence is approved as a security fence. **Mark Handeland made a motion to recommend approval of the amendment to Ledgeview code section 135-15. Rebecca Afshar seconded the motion. Motion carried.**

Old Business:

- a. Chairwoman Jane Tenor informed staff and the audience that the Commission would open the meeting for public comment and reminded everyone of the common comment rules. **Mark Handeland made a motion to open the meeting to public comment at 6:56pm. Chet Lamers seconded the motion. Motion carried.**

Kay Handrick, 1406 Bingham Dr. commented on the following points: traffic safety, child safety and multiple perceived violations and non-compliance of Chapter 96, Subdivisions. She declined to submit her notes for the record.

John Opichka, 1399 Bingham Dr. stated he was not against development but hoped there was adequate planning for the new subdivision.

Ken Marzec, 360 Chase Ave. commented on road repair during and after construction due to added amounts of traffic.

Kristie Feldberg, 1389 Kuyper Ln. stated an estimated number of how many young children currently live in Dickinson Heights and was concerned about their safety with added traffic.

Cindy Opichka, 1399 Bingham Dr. commented on the accuracy and objectiveness of the traffic study performed.

Chet Lamers asked the residents if they would be opposed to the Belle Isle development if there was a second access point, John Opichka, 1399 Bingham Dr. replied no.

Maureen Hodgdon, 1426 Angels Path asked that any second access point be paved not gravel.

Kay Handrick, 1406 Bingham Dr. commented on having a required construction access, future development planning and requiring a long-term area development plan.

Patrick Madson, 1425 Angels Path stated it would be difficult to get access roads out of the subdivision though he is not against development.

Matt Gallagher, 380 Chase Ave. was concerned about all traffic not obeying the posted speed limit.

Brian Hogeland, property owner of open lot D-1686(1443 Bingham Dr.) asked about the process of Commission members to recuse themselves.

Mark Handeland made a motion to close the meeting to public comment at 7:20pm. Renee Van Rossum seconded the motion. Motion carried. Mr. Wolff informed the Commission that Belle Isle subdivision complies with the Town's Comprehensive Plan. An area development plan(ADP) was submitted and addresses traffic issues for the builders, infrastructure and residents. The traffic study's purpose was to measure traffic impact on a single point and to find the tipping point when traffic would be too much for the intersection. The developer's agreement will include a point to monitor road quality throughout the project and hold the developer responsible for any repairs needed. Parkland issues have been addressed. Ms. Burdette notified the Commission that the Town's fire chief indicated that the department must follow certain protocols, such as scene safety for all involved in the incident and traffic control to prevent other issues in emergency situations and he

sees no problems with this development. Mr. Wolff told the Commission that the Town's code doesn't cover the maximum number of houses allowed on a cul-de-sac but does cover length and said they could consider recommending phased construction. Mr. Brosteau displayed the ADP for Belle Isle and showed there must be further development for a second access point from either CTH G/ Monroe Rd. or Bower Creek Rd. Mr. Brosteau explained that the traffic study performed was to discover peak traffic use at the intersection of CTH G/ Dickinson Rd. and Chase Ave. and there was no impact. Town road standards are high and Chase Ave. is capable of handling the added traffic of Belle Isle residents. Traffic speed will be monitored. Mr. Wolff discussed traffic "calming" devices but advised the Commission to consider any unintended consequences that devices like speed bumps would cause. The Commission discussed second access points but they would not be feasible at this time due to the length of the roads that would have to be constructed across property that is privately owned. Steve Bieda of Mau & Assoc. assured that a great deal of research has been done for the Belle Isle plat and all Town code requirements have been met. **Al Case made a motion to reopen the meeting to public comment at 8:08pm. Chet Lamers seconded the motion. Motion carried.**

Ken Marzec, 360 Chase Ave. commented on the length of a second access point from either the west or east.

Jane Tenor asked how many open lots are left in Dickinson Heights and staff replied that there are few.

Brian Hogeland, property owner of open lot D-1686(1443 Bingham Dr.) commented that he had assumed any development to the north would encompass the whole undeveloped area not just a portion at a time.

Richard Butrym, 364 Chase Ave. asked for the definition of a cul-de-sac.

Steve Herman, 1387 Bingham Dr. also asked for a definition of a cul-de-sac.

Kay Handrick, 1406 Bingham Dr. commented on the traffic study.

Tara Wegner, 1411 Bingham Dr. had concerns about heavy truck traffic around children and if emergency vehicles had access to current homes. She made offensive comments on the ethics of the developer, the Commission and staff.

Jane Tenor took exception to Ms. Wegner's comments and made a motion to close the meeting to public comment at 8:19pm. Renee Van Rossum seconded the motion. Motion carried. Chet Lamers asked about a possible second access onto CTH G by extending Bingham Dr. but the property is owned by the De Pere School District and they have no plans to develop at this time. Bussing issues will be addressed between the school district and the Town in the future. Mr. Wolff reminded the Commission that they must make their decision based on Town code and the expectation that citizens will abide by town, state and federal laws and they are prohibited from acting in an arbitrary and capricious manner. **Jane Tenor made a motion to recommend approval of the Belle Isle preliminary plat. Mark Handeland seconded the motion. Aye: Tenor, Handeland, Case, Afshar and Van Rossum. Nae: Lamers. Motion carried.**

- b. Mr. Wolff handed out a draft of the ordinance concerning Agricultural Farmland Preservation(AG-FP) that also included the Town's Exclusive Agriculture(A-1) code for reference. He asked that the Commission study the draft for review at the November meeting. **Jane Tenor made a motion to table the continued review of the model Agricultural Farmland Preservation ordinance until the November meeting. Al Case seconded the motion. Motion carried.**

Zoning Administrator Report:

- a. Future agenda items include the tabled items from the current meeting and the Comprehensive Plan citizen meeting on November 12, 2013.
- b. The Town Board approved all September Zoning and Planning related items at the September 17, 2013 meeting.

Communications:

Jane Tenor made a motion to have staff prepare a letter to the Town Board, on behalf of the Zoning & Planning Commission, stating the reasons behind their decision to approve the Belle Isle preliminary plat. Al Case seconded the motion. Motion carried. Rebecca Afshar asked if Town code Chapter 7, Animals, could be revisited at a future meeting to allow the keeping of chickens on a lot smaller than 1.99 acres.

Renee Van Rossum made a motion to adjourn at 9:10pm. Al Case seconded the motion. Motion carried.

Minutes prepared and signed on October 17, 2013 by:



Renae Peters
Recording Secretary