

The Ledgeview Zoning & Planning Commission held a meeting on **Wednesday, June 15, 2016, at 6:00 p.m.** at the Municipal Building located at 3700 Dickinson Road, De Pere, WI 54115.

**1. Call meeting to order.**

The meeting was called to order by Chair Jane Tenor at 6:00 PM.

**2. Roll call.**

Members present were Chair Jane Tenor, Vice-Chair Mark Handeland, Commissioners Taurio Garcia and Mark Chambers making a legal quorum. Commissioner Nedd Niedermeyer arrived at 6:27 p.m. Commissioners Renee Van Rossum and Chet Lamers were excused.

Staff present were Planner Dustin Wolff, Building Inspector David Enigl and Deputy Clerk Charlotte Nelson.

**3. Approve/amend agenda.**

MOTION by Handeland to approve the agenda as posted. MOTION was seconded by Chambers. No further discussion. Motion carried in a voice vote, 4-0.

**4. Act on minutes from May 11, 2016.**

MOTION by Handeland to approve the minutes. MOTION was seconded by Garcia. No further discussion. Motion carried in a voice vote, 4-0.

**5. Public Hearing: None.**

**6. New Business:**

**a. Review and make recommendation on a code amendment regarding Chapter 135-15 Fences and Chapter 135-16 Swimming Pools, Hot Tubs, and Spas.**

Staff explained the existing fence code was causing confusion, especially when it came to pools. Therefore staff thought this would be a good time to rewrite both sections dealing with pools and fences in an effort to bring them both up to current industry standards and to provide some clarification. The current security fencing section is unclear as well because the Board has ultimate decision making authority regarding the size and shape of security fencing. The proposed fencing code, section 15(E)(4)(b) had alternate language regarding front yard fences. The Commission recommends using the alternate language depicting that front yard fencing should not exceed three feet in height, and side yard fencing shall not exceed four feet in height. This code amendment is intended to repeal the current code in its entirety and to replace with the proposed ordinance. MOTION by Handeland, seconded by Chambers to release existing Chapter 135 sections 15 and 16 and replace with the prepared drafts using alternate language for section 15(E)(4)(b). No further discussion. Motion carried in a voice vote, 4-0.

**b. Review and make recommendation on the request from Janice Padgett of Creative Sign, agent for Tony Wien of Wien Oil, owner, for sign changes at 3285 Cedar Hedge Drive (a/k/a I-43 Shell Station).**

Staff explained this application to for review of a commercial canopy sign at Wien Oil located in the Planned Development District – Business Park. The applicant is proposing one, flush mounted, internally illuminated canopy sign. The sign will be illuminated with LED lighting.

Staff advised there is an unauthorized temporary “FIREWORKS” attached to the wall of the car wash facility and a semi-trailer located on the property used for storage. The both the sign and trailer need to be removed.

The sign permit was reviewed per town code Chapter 79. Based on the review, staff recommends approval with the following conditions:

- Sign will not be illuminated between the hours of 11:00 p.m. and sunrise unless the premises is open for business.
- Intensity of illumination of the sign does not exceed 60 foot-candles.
- Removal of the temporary “Fireworks” sign and semi-trailer.

MOTION by Handeland, seconded by Chambers to recommend approval with staff’s conditions. No further discussion. Motion carried in a voice vote, 4-0.

**c. Review and make recommendation on the request from Steve Bieda of Mau & Associates, agent for Bill Hingtgen, owner, for a Certified Survey Map on Parcel D-677, 2528 Meadow Breeze Court.**

Staff explained the petitioner is requesting the review and approval of a 2 lot certified survey map (CSM) on approximately 5.35 acres. The property was joined together years ago, however, the petitioner would like to split the property back to the original two lots. The property is zone R-1 Residence District and is in the sewer serviced area. There is an existing home and tennis court located on the property. The proposed CSM complies with the requirements of Chapter 96 – Subdivision, and staff recommends approval with the following conditions:

- Revise CSM to illustrate a 35-foot setback from top of bank for an intermittent stream.
- Revise notations to correctly indicate the County specific language related to the ESAs and setbacks
- Raze the tennis court prior to the Town signing the CSM
- Address any technical corrections required by the Town Engineer and Brown County.

There was discussion on the process of signing the CSM. Statutes allow for a CSM to be approved with signature occurring within a year of that approval. This year would give the applicant adequate time to raze the tennis court. There was also discussion on the 35-foot set back language. The agent thought there was a different point of reference for the intermittent stream.

MOTION by Handeland, seconded by Tenor to recommend approval of the prepared staff resolution striking the 35-foot setback language. No further discussion. Motion carried in a voice vote, 4-0-1 with Neidermeyer abstaining arrived just prior to motion.

**d. Review and make recommendation on the request from Jesse Jossart, of Jossart Brothers, owner, for a fence on parcel D-56-4, 1682 Swan Road.**

Staff explained the east end of the parcel on Swan Road is currently being used as outdoor storage by Jossart Brothers, Inc., a sewer contracting company. The rear west side of the property contains self-storage facility which was approved by the Town in 2014. The petitioner would like to relocate the existing chain-link fence that screens equipment and materials in storage closer to the edge of the right-of-way on both Swan Road and Storage Court.

In 2007, the Town Board approved the current fence location. At that time, both the Zoning & Planning and the Town Board recommended that a fence not be located in the front of the building along Swan Road. Also approved by the Town Board was the condition that berm be put in and the fence be eliminated in the front of the building (Swan Road side). The berm was never constructed. Staff recommends that the previously approved berm as previously required by the Board be constructed at the right-of-way line to replace the fence along Swan Road and provide screening.

Discussion ensued regarding the berm, and how this request would tie in with the recommended fence amendment. It was explained that the new code amendment still requires that all security fences be approved by the Town Board, and shall not exceed eight feet in height. The petitioner indicated that he had no idea a berm was to be constructed to eliminate the fence. Staff suggested 2-foot arbor vitae or something similar, be installed along the fence line to break up the fencing as there's residential condos units located across street, and the fence should be located at least 2-feet from the right-of-way.

MOTION by Chambers, seconded by Handeland to approve the location of the fence contingent upon the approval of the code change and the addition of eight arbor vitae along Swan Road. No further discussion. Motion carried in a voice vote, 5-0.

Staff recommends that a fence located closer than 30-feet to the right-of-way cannot exceed 48 inches in height. If the petitioner wishes to relocate the fence, the height of the fence must be reduced. Staff cannot recommend approval of the petitioner's request as, in staff's opinion. It does not comply with Chapter 135.

**e. Review and make recommendation on the request from Brian Peot, agent for Andrew Leiterman, owner, for a Certified Survey Map on Parcel D-291, located on Glenmore Road.**

Staff explained the petitioner is requesting approval of a one lot CSM from a 34.8 acre parent parcel. The lot is approximately, 1.6 acres and complies with the code. Due to this being the second CSM for the parent parcel, an Area Development Plan (ADP) was required. The ADP is laid out properly to the roads as it's located on a corner, and depicts larger lots for future development. This parcel is not located in the sewer service area. The CSM complies with requirements of Chapter 96-Subdivision and staff recommends approval contingent upon:

- Revise the CSM to include the parent parcel
- Revise CSM to illustrate a 35-foot dedication from the centerline of Glenmore Road for the parent parcel
- Revise CSM to illustrate a 40-foot dedication from the centerline of Dutchman Road for the parent parcel
- Address any technical corrections required by Town Engineer or Brown County.

MOTION by Handeland, seconded by Neidermeyer to recommend approval per the staff prepared resolution. No further discussion. Motion carried in a voice vote, 5-0.

**f. Review and make a recommendation on the request from Keith Garot of Landmark Real Estate, agent for Zelten Family Limited Partnership, owner, for a final subdivision plat for Heritage Heights located on parcel D-395, Heritage & Cottonwood.**

Staff advised the petitioner is requesting the final plat approval for a subdivision called Heritage Heights on parcel D-395 located on the corner of Heritage and Cottonwood Roads. The subdivision consists of 73 lots and 4 outlots on approximately 86.41 acres. The preliminary plat was reviewed and approved by Zoning & Planning at the February meeting. The final plat substantially conforms with the preliminary plat. The staff recommends approval of the final plat with conditions:

- Illustrate required lot setbacks on the plat
- Technical corrections required by Brown County and Town Engineer

Staff also explained that temporary cul-de-sacs on lot 55 and 57 and lot 46 and 47 weren't necessary by Public Works. Park dedication on lot 30 is being reviewed by the Parks Committee. Discussion was had on regarding sidewalks on the lots that front Cottonwood. The special assessment process was

explained by staff, which would not take place until Cottonwood was urbanized. There was concern that potential buyers would not be privy to this information, therefore, the Commission wanted language included on the plat indicating sidewalks were required.

MOTION by Neidermeyer, seconded by Garcia to approve the resolution with the addition of language to add to the plat that sidewalks and/or recreation trail along Cottonwood will be installed in the future in the right of way. No further discussion. Motion carried in a voice vote, 5-0.

**g. Review building elevation and site plan concepts for multi-family residential units located on parcel D-124, Glenmore Road, requested by J5B Development, LLC.**

Staff explained that J5B Development was unable to attend tonight's meeting and requested that this item be tabled. MOTION by Handeland, seconded by Garcia to table this item per the developer's request. No further discussion. Motion carried in a voice vote, 5-0.

**h. Review and make a recommendation on the request from the Town of Ledgeview for proposed community gateway/entry signage.**

Staff explained this item is at the request of the Beautification Committee and the Parks Committee in an effort to welcome people to the town. There was discussion on whether or not the signs would be illuminated as the plans didn't specify. Areas where the sign will be placed were pointed out. MOTION by Tenor, seconded by Handeland to approve the recommendation with confirmation there is lighting on all signs. No further discussion. Motion carried in a voice vote, 5-0.

**7. Old Business:**

**a. Continue review and possible action on a code amendment for Chapter 135 regarding the agriculture district.**

Staff gave an overview of the A-2 Agriculture District Meeting that was held with property owners. For the most part, the land owners supported the proposed language amendment, staff only fielded a few additional phone calls since the meeting. There isn't too much development that's occurred that isn't compatible with the long-term plan. There was discussion on animals in relation to the lot lines. Conditional use permits are also a viable option for A-2 uses as well. This language is still being refined, and will be delivered to the A-2 property owners for their feedback at a future meeting. MOTION by Chambers, seconded by Neidermeyer to recommend approval of the language change that have been made including the additional strikeouts made at this meeting. No further discussion. Motion carried in a voice vote, 5-0.

**b. Continue review and possible action on a code amendment for Chapter 96, Subdivision & Platting, regarding parkland dedication and fee-in-lieu of dedication.**

**1. Review and approve Annual Class A and Class B Liquor Licenses, and Cigarette License Applications for 2016-2017.**

Staff explained that all current liquor and cigarette licenses expire on June 30<sup>th</sup>, 2016. All applicable fees and payments have been received to date. There are no issues with any of the applications. Staff confirmed that all monies owed by Dillweed and 21 Gun Roadhouse have been received per their installment agreements.

Public Hearing was opened at 6:29 pm. After three calls for public hearing, none were heard. The public hearing was closed at 6:31 p.m.

**MOTION** by Geurts/Van Rossum to approve the annual renewal of the Class A and Class B Liquor Licenses and Cigarette Licenses for all applicants listed on the public hearing notice and agenda. No further discussion. Motion carried in a voice vote, 4-0.

**ZONING AND PLANNING COMMISSION ITEMS:** None.

**COMMUNICATIONS:** None.

**OLD BUSINESS:** None.

**NEW BUSINESS:**

**1. Recommendation from Redevelopment Authority to approve proposal from Place Dynamics to conduct Dickinson Rd/Monroe Corridor Retail Market Feasibility Study.**

Ryan Van Straten from the Redevelopment Authority (RDA) was in attendance to explain the process the RDA went through in order to make this recommendation. The RDA reviewed proposals and interviewed the two companies who responded to the request for proposal, and unanimously the recommendation went to Place Dynamics. Mr. Van Straten explained the Retail Market Feasibility Study will paint a clearer picture between what types of businesses the town wants in the TID and what types of businesses will succeed in the TID. The study will also give the town the background information to start conversations with potential business leads. There is a nine year time limit to get the TID off the ground and stable since the TID is already a year old. There's money in the TID coffers to pay for the study. MOTION by Schlag/Peltier to approve the recommendation for Place Dynamics to conduct Dickinson Road/Monroe Corridor Retail Market Feasibility Study. No further discussion. Motion carried in a voice vote, 4-0.

**2. Review the draft of the proposed Transportation Needs and Impact Fee Study.**

Staff explained the town is experiencing growth in development that is anticipated to continue in the following decades. With the growth comes strain on the town's transportation infrastructure. The town is tasked with providing a local road system that can handle the increased demand that new developments will bring to the area. It is the Town's duty to provide planning, design, and funding for these improved facilities in a fiscally responsible manner to ensure that taxpayers and residents have the most affordable and prudent options available.

Under the current system, the costs to provide the improved road infrastructure will be paid by existing residents, as new developments are not currently members of the community. In 1994, Wisconsin Statue 66.55, now 66.0671, was created to provide municipalities the authority to recover some of the capital costs to construct, expand and improve public facilities from developers through the use of impact fees. The proposed fees shall be paid by the developer or the property owner to the town in full upon at the issuance of a building permit. The proposed fees are as follows:

Single Family Residence	\$293.00/unit
Two Family Residential	\$178.00/unit
Multi-Family Residential	\$203.74/unit

Staff advised that much like the Park Impact fee, statutorily the Transportation Impact fee requires a study outlining the reasons behind the fee, and the establishment of the fee costs. This study must be made available for public inspection 20 days prior to the public hearing. The public hearing will be scheduled for July 5th. MOTION by Schlag/Peltier to approve the Transportation Needs and Impact Fee Study and to continue the process with the public hearing. No further discussion. Motion carried in a voice vote, 4-0.

**3. Discuss and act on the proposed Community Survey.**

Stemming from the Public Works Organizational Review & Succession Plan Update, as well as the Strategic Plan Update, a Community Survey was suggested to gain public opinion on the town's overall growth

pattern. Staff explained the questions that were asked and advised the survey would be included in the printed newsletter, e-newsletter, and on the website through Survey Monkey. MOTION by Schlag/Peltier to approve the survey. No further discussion. Motion carried in a voice vote, 4-0.

**ORDINANCES:** None.

**REPORTS:**

**Clerk/Administrator:**

- Strategic Plan is being prepared for Board presentation at the next meeting.
- The 2017 Budget Process will be starting soon.
- Staff is continuing to work on the facility needs study.
- Park & Recreation Committee is continuing to work on demarcating public land and bike route signage, as well as play equipment for the Heritage Heights subdivision.
- There is a Southern Bridge Coalition Meeting June 7<sup>th</sup>, staff and Chair will be attending.
- Staff will be attending a meeting with the Green Bay Chamber to develop their Strategic Plan.
- Brown County Planning has started the Farmland Preservation process.
- There's correspondence from Brown County Public Works in the packet regarding snow removal.
- Code Enforcement is looking for some feedback regarding unlicensed vehicles in yards. Feedback is consistent.

**Deputy Clerk:**

- Assisting with preparation for a sponsorship mailing for LedgeFest.
- Preparation of the Community Survey.
- Preparing to take over to Zoning & Planning from Deputy Treasurer.
- Preparing Alcohol/Operators Licenses Annual Renewal.
- Processing Special Event Permits.
- Crafting a Community Recruitment Flyer.

**Engineer:**

- Work is continuing on The Crossing at Dollar Creek. Estimated completion date is July 1<sup>st</sup>.

**Public Works:**

- Working on chip sealing bid as well as curb and gutter inlet repairs.

**Board Comments:**

- The fence at Scray Hill, was included in 2016 budget, and the Fire Department needs a Knox Box on the gate. Staff will work with Fire Department.

**APPROVAL OF THE VOUCHERS:**

**MOTION** by Schlag/Van Rossum to approve the vouchers. No further discussion. Motion carried in a voice vote, 4-0.

**CLOSED SESSION:**

1. **The Town Board may then convene into closed session pursuant to WI State Statute 19.85(1)(c) to consider employment, promotion, compensation, or performance evaluation data of any public employee over**

**which the governmental body has jurisdiction or exercises authority. The purpose is make recommendation on new employee hires for Deputy Treasurer and Public Works Crew/Department.**

**a. The Town Board may reconvene into open session to discuss and act upon matters considered in closed session.**

MOTION by Schlag/Van Rossum to the Town Board may then convene into closed session pursuant to WI State Statue 19.85(1)(c) to consider employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises authority. The purpose is make recommendation on new employee hires for Deputy Treasurer and Public Works Crew/Department. The Town Board may reconvene into open session to discuss and act upon matters considered in closed session. Roll call vote: Van Rossum – Aye, Schlag – Aye, Geurts – Aye, Peltier – Aye.

At 7:38 p.m., the Town Board convened into closed session.

**ADJOURNMENT:**

**MOTION** by Danen/Schlag to adjourn. No further discussion. Motion carried in a voice vote, 5-0. Meeting adjourned at 6:04 p.m.

Charlotte K. Nelson, Deputy Clerk  
Town of Ledgeview, Brown County, WI