

The Ledgeview Zoning & Planning Commission held a meeting on **Wednesday, October 12, 2016, at 6:00 p.m.** at the Municipal Building located at 3700 Dickinson Road, De Pere, WI 54115.

1. CALL TO ORDER

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

2. ROLL CALL

Members present were Chairwoman Jane Tenor, Vice Chair Mark Handeland, Commissioners Chet Lamers, Mark Chambers, Nedd Niedermeyer, Taurino Garcia, and Renee Van Rossom.

Staff present were Planner Dustin Wolff and Deputy Clerk Charlotte Nelson.

3. APPROVE/AMEND AGENDA

MOTION by Handeland, seconded by Van Rossom to approve the agenda. No further discussion. Motion carried in a voice vote, 7-0.

4. ACT ON MINUTES FROM AUGUST 10, 2016

Motion by Niedermeyer, seconded by Chambers to approve the minutes as presented. No further discussion. Motion carried in a voice vote, 5-0-2 with Handeland and Van Rossom abstaining as they not present at the meeting.

5. PUBLIC HEARINGS: none

6. NEW BUSINES:

a. Review and make recommendation on the request from Joel Ruzzicone of Wonder Sign, agent for Josh Steger of Buds 'N Bloom Design Studio, owner, for a ground sign at 1876 Dickinson Road.

The proposed ground sign will be located in a B-2, Business District. The sign will be a double-facing internally illuminated ground sign. If the landscaping is maintained or improved the sign will fulfill its landscaping and illumination requirements. The ground sign will include the building address which is required by code. The information provided on the site plan must be improved, as for the plans provided, it could not be determined if the proposed sign complies with code requirements. The sign permit was reviewed per section 79 of Town Code. Based on the review, staff is not recommending approval of the proposed signage at this time for the following reasons:

1. The site plan does not provide sufficient detail to determine if the proposed sign location complies with code requirements.
2. Need to provide a landscape plan showing landscape area dimensions and plantings in accordance with Section 79-11(A) prior to the issuance of a building permit.
3. Confirmation sign will not be illuminated between the hours of 11:00 pm and sunrise unless the premises is open for business during that time.
4. Ensuring compliance with Section 79-16(A)(2) for Electronic Messaging Centers:
 - a. Video display is prohibited
 - b. Minimum message time of 4 seconds
 - c. Minimum two seconds of blank screen between images is required
 - d. Installation of an automatic dimmer to reduce evening brightness levels.
 - e. Certification that the light intensity has been factory preset not to exceed required levels
 - f. EMC will be stationary between the hours of 11:00 PM and 6:00 AM

Discussion ensued regarding prohibiting the business from moving forward or allowing them to move forward with conditions. Staff had failed attempts at contacting both the sign company as well as the owner of Buds N Bloom. It's staff's opinion that the information being sought is straight forward information and would be a critical information to have should there be an issue in the future with this or any other sign application. The Commission felt they didn't want to hinder business, but wanted to make sure the sign was complaint with code. MOTION by Lamers, seconded by Van Rossom to approve with the condition that no building permit is issued until the sign is compliant with all the conditions mentioned above. No further discussion. Motion carried in a voice vote, 7-0.

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).

This application is for review of a commercial wall sign at Wien Oil, located at the I-43/CTH MM intersection. The petitioner is proposing one (1) flush mounted, channel-letter sign above the entry doors. The Commission previously approved the small, circular logo sign. The channel-letters will complete the sign.

With the approval of the small, circular logo sign, there was a condition that no building permit be issued unless the semi-trailer, being used for storage on the property, is removed from the property. Subsequently, this did not happen and the sign was installed. Staff did speak with the owner, and advised them of this condition and talked about other storage alternatives that meets code. Since that conversation, the trailer has not been moved, however, the owner spoke with staff today and assured staff the trailer would be removed. Staff is asking that the removal of the semi-trailer also be a conditions of approval.

The sign application was reviewed per section 79 of the Town Code. Based on the review, the staff is recommending approval of the proposed signage conditioned upon the following:

1. The sign will not be illuminated between the hours of 11:00 PM and sunrise unless the premises is open for business during that time.
2. Removal of the semi-trailer with the sign "Fireworks" be removed from the entire property prior to the building permit being issued.

MOTION by Chambers, seconded by Niedermeyer to approve with the two conditions in the staff review memo being satisfied before the building permit is issued. No further discussion. Motion carried in a voice vote, 7-0.

c. Review and make recommendation on the request from Steve Bieda of Mau & Associates, agent for Tom and Tracy Van De Yacht of 1951 Hawthorne Heights Drive, owner, for a two lot Certified Survey Map.

The petitioner is requesting the approval of a CSM for a subdivision of a 7.14 acre parent parcel into two lots. Lot 1 will front along Hawthorne Heights Drive and will have 2.21 acres. Lot 2 will front along Hawthorne Heights Drive and have access to Dickinson Road and has 4.93 acres. The parent parcel has a single-family home and is zoned R-R, Rural Residential.

The plan document and Future Land Use Map depicts future single-family residential development. The development will be served by public utilities. The Park & Recreation Plan does not illustrate a future neighborhood park in the area being proposed for development. Future bike facilities are planned for both Hawthorne Heights and Dickinson Road; a notation to such should be made on the CSM. The Brown County ESA Plan illustrates land along the slopes in the project area. The proposed CSM provides the

appropriate buffer along the ESA. There is no requirement for stormwater management facilities for this land division.

The CSM evaluation determination is which that it complies with code. However, with the odd shape of the Hawthorne Heights, staff was questioning whether or not to recommend a deviation from code that the side lot line between Lots 1 and 2 be straight/parallel to the parent parcel lot lines or to recommend the CSM as is because it does comply with code requirements. Discussion was had, and because The Commission didn't want to send mix messages about what is acceptable and what isn't, they decided to keep the side lot line between Lots 1 and 2 the way they were originally submitted because it complies with code.

Therefore, staff recommends approval of the CSM to conditioned upon:

1. A notation added to the CSM indicating that future bicycle facilities will be installed along Dickinson Road and Hawthorne Heights Drive within the public right of way.
2. Revise Notation 1 on Page 3 to prohibit construction of any structures within the escarpment.
3. Any technical corrections required by Town Engineer or Brown County prior to Town signatures.

MOTION by Handeland, seconded by Niedermeyer to approve the resolution as proposed striking the reference to the side lot line between Lots 1 and 2 being parallel to the parent parcel. No further discussion. Motion carried in a voice vote, 7-0.

d. Review and make recommendation on the request from Mark Love of 2703 Pine Grove Road, owner, for a conditional use permit for a man-made pond.

The petitioner is requesting approval of a Conditional Use Permit to construct a man-made body of water (pond) on his property. Man-made bodies of water are permitted by conditional use in R-R Districts.

Findings of Fact: The Town's Comprehensive Plan does not specifically address man-made bodies of water. However, the Plan does recommend the protection of environmentally sensitive areas and natural features by coordinating with the WDNR. The petitioner must provide approval from the WDNR prior to the issuance of a building permit. Coordination with Brown County is not required as the property is not subject to Shoreland Zoning regulations. The proposed use will be contained entirely on the site and constructed by the property owner. There will be no environmental factors impacted by the proposed use. The proposed pond will maintain the desired consistency, intensity and impacts of the existing property. The pond may increase the maintenance needs of the owner, but this need will be negligible as it related to the community. The potential benefit will be the possible storage of run-off in the area. There are no adverse public impacts identified as a result of this proposed improvement.

The design of the pond complies with the required 3 to 1 slope until the depth of the water around the entire perimeter of the pond is a minimum 48 inches. Zoning Code allows The Commission the discretion of whether or not to require fencing. Staff does not feel that fencing is needed due to the proposed location. There are no setback requirements outlined in the Zoning Code.

Staff recommends approval of the conditional use permit request submit to any technical requirements as administered by the Town Engineer and Building Inspector. A public hearing is required for the conditional use permit at the Town Board level.

MOTION by Lamers, seconded by Van Rossom to approve the resolution for the conditional use permit to construct a man-made body of water (pond) as presented. No further discussion. Motion carried in a voice vote, 7-0.

e. Review and make recommendation on the amendment to Chapter 135 Article XXIX-Conditional Use Permits for Large Wind-Energy Facility.

This item was introduced at the last meeting.. There were some legislation changes with regard to wind energy facilities that weren't reflective in the current code. This amendment brings the code into compliance with the current law and is recommended by the Town's attorney. There was discussion on the abandonment of a windmill, which states after 210 days of non-use, the company has 12 months to dismantle. This mostly affects the east side of the Town, not the west. MOTION by Niedermeyer, seconded by Lamers to approve the attorney's rewording of the code. No further discussion. Motion carried in a voice vote, 7-0.

7. Old Business:

a. Review and discuss on ordinance amendment to the Town of Ledgeview Zoning Code, Chapter 135, related to the regulation of earthen berms.

There has been no progress made on this item since the last meeting. MOTION by Garcia, seconded by Niedermeyer to table this item until next meeting. No further discussion. Motion carried in a voice vote, 7-0.

8. Comprehensive Plan Issues/ Implementation

a. Next steps.

Staff recommended The Commission focus on three areas of the Complain Plan Implementation:

- Reworking the Neighborhood Center District.
- Guideline for Olde School Square.
- Looking at the Plan Development District so that it can be budgeted for in the future

The Commission concurred with staff recommendations.

9. Staff Report.

a. Review Town Board decisions.

- The Town Board approved the Multi-Family Guidelines. The Commission would like to have a 4-6 month review of the document to assure the comment is effective and to note any items that may need changing.
- The Town Board approved the following as well:
 - LeCalsey rezone and preliminary plat.
 - The Fox River Drive security gate and fence.
 - The Elaine Gossen CSM.
 - The Final Plat for Heritage Heights First Addition
 - The Preliminary Plat for The Crossing at Dollar Creek, First Addition

10. Communications by Commission members.

Handeland reported the Brown County Planning Commission approved items, but none pertained to Ledgeview.

11. Adjourn.

MOTION by Niedermeyer, seconded by Van Rossom to adjourn. No further discussion. Motion carried in a voice vote, 7-0. Meeting adjourned at 7:07 PM.

Respectfully submitted,

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