

The Ledgeview Zoning & Planning Commission held a meeting on **Wednesday, August 15, 2018 at 6:00 p.m.** at the Ledgeview Community Center located at 3700 Dickinson Road, De Pere, WI 54115.

**1. CALL TO ORDER**

The meeting was called to order by Chairwoman Jane Tenor at 6:17 PM.

**2. ROLL CALL**

Members present were Chairwoman Tenor Vice-Chair Handeland, Commissioners Lamers, Chambers, Van Rossum, Garcia, and Baran.

Staff present were Planner Mark Sauer and Clerk Charlotte Nagel.

**3. APPROVE/AMEND AGENDA**

MOTION by Van Rossum/Chambers to approve the agenda as written. No further discussion. Motion carried in a voice vote, 7-0.

**4. Act on Minutes from July 11, 2018**

Staff advised that these minutes are not ready for approval at this time.

MOTION by Tenor/Handeland to table until next meeting. No further discussion. Motion carried in a voice vote, 7-0.

**5. PUBLIC HEARINGS:** None.

**6. OLD BUSINESS:**

- a. **Review and make recommendation on the request from Steve Bieda of Mau & Associates, agent for Eventyr Heights, LLP, for a Zoning Request Application on parcel D-209-1-1 located on Hawthorne Heights Drive from R-R, Rural Residential to PDD, Planned Development District to accommodate a condominium plat.**

Items a and b were discussed together as they relate to one another.

The petitioner is requesting preliminary PDD approval and a rezone from RR to R1 with a PDD overlay at this time. The petitioner has made changes in line with the spirit and intent of the zoning code and the Comprehensive Plan. Ongoing concerns or changes of The Commission were discussed with the petitioner. There is sufficient detail provided to The Commission to make a recommendation to the Town Board. The following additional details are required prior to final PDD approval:

1. A CSM must be provided that includes the Executive Course to the north.
2. Show all lot line adjustments, easements, and dedications on the final plat.
3. Show a conservation easement for the area of the Ledge to the south which will not have development.
4. Provide final grading plan.
5. Provide a landscape plan.
  - a. All new trees planted must be 2.5" caliper.
  - b. Significant trees to be protected and the barrier fence used to protect them needs to be shown.
6. Provide a final utility plan with easements for public facilities shown, including location of sanitary and storm sewer lines, water mains, fire hydrants and lighting.
7. Revise the condominium documents as recommended in this staff report to include the following and provide to staff for review and file prior to final approval.
  - a. Require that each individual unit be required to receive Zoning and Planning Commission approval before a building permit is issued.

- b. Include all applicable references to Code regulations for the R-1 and PDD districts related to bulk requirements.
- c. Remove reference to the Associations ability to grant variances.

The developer reemphasized that the buildings are all going to be one story with a possible walk out on the lower level as to not impede the view of the homes higher up on the ledge. The project will be completed in phases in conjunction with the development of the Executive Golf Course. There was a tree survey done which advised which trees to keep and which to remove and plant. There was discussion on the need to have 90 feet of road frontage on Hawthorne Heights in order for parcel to be compliant with the town zoning code. The trail would have public access to the development even though the development would be privately owned.

MOTION by Handeland/Baran to open the meeting up for public comment. No further discussion. Motion carried in a voice vote, 7-0. The meeting was opened for public comment at 6:55 p.m.

Lisa Kolocheski, 1826 Hawthorne Heights – Would like to know how the public trail leading into a private condo development would work.

Matthew LaSee, 830 Spring Hills Court – Has three concerns:

1. Stormwater management – Currently the stormwater runs through his backyard and wants to make sure this is addressed.
2. There's an easement to a passive park on his property and the plat indicates that the easement is to be deed to his parcel should a park not be developed.
3. Concerned that there is going to be a high density development located behind his property.

Thomas Kolocheski, 1826 Hawthorne Heights – Questioned if the bottom easement goes away, why does there have to be a trail on the top of the ledge?

MOTION by Handeland/Baran to close the meeting for public comment. No further discussion. Motion carried in a voice vote, 7-0. The meeting was closed at 7:04 p.m.

Staff advised this is a preliminary plat, therefore a final will come back to The Commission for a final review and approval. However, the preliminary and final plats are substantially the same. The Parks Committee and Beautification Committee will have to review the plat for park analysis. The Town Engineer will have to prepare the final grading documents as well. The trail will be included as part of the CSM on the Executive Golf Course. The PDD overlay zoning seems appropriate for the property. The items missing are a condo inventory and affordability language. It is also recommended to have each building be approved by the Town prior to building permits being issued.

MOTION by Handeland/Garcia to recommend approval to the Town Board of the resolution prepared by staff. No further discussion. Motion carried in a voice vote, 7-0.

**b. Review and make recommendation on the request from Steve Bieda of Mau & Associates, agent for Eventyr Heights, LLP, for a Preliminary Condominium Plat Review on parcel D-209-1-1 located on Hawthorne Heights Drive.**

See above item for most of the discussion. There was continued discussion the Environmentally Sensitive Area (ESA). Staff advised that an ESA can't be created for convenience sake. There are options through the PDD overlay for Hawthorne Heights dedication to the town.

MOTION by Van Rossum/Handeland to recommend approval to the Town Board. No further discussion. Motion carried in a voice vote, 7-0.

**7. NEW BUSINESS:**

- a. Review and make recommendation on the request from Steven Zeitler of American Surveys, LLC, agent for Shelley Stencil, owner, for a Zoning Change Application on parcels D-297 and D-298, 4195 Elmview Road, from A-2, Agriculture, to LI, Light Industrial.**

The petitioner is requesting to rezone Lot 2 (4.36 acre) of a two lot Certified Survey Map (CSM) from A-2, Agriculture to L-I, Light Industrial. The Commission is to evaluate key “findings of fact,” as listed in Section 135-250 of the Town’s Zoning Ordinance and make a written report to the Town Board stating its findings and its recommendation regarding the request as a whole. This is to be completed prior to the Public Hearing held before the Town Board. The Town Board is required to take final action of the proposed rezoning.

The Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. The Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant.

After detailed analysis of the findings of facts, the recommendation is to deny the zoning change based on the following reasons:

- The proposed rezoning to the L-I district is inconsistent with the current and future land use of the property as well as the development trends in the area.
- The proposed zoning district does not conform to the goals and the land use illustrated on the Future Land Use Map of the adopted Comprehensive Plan.

There was much discussion held regarding this rezone request. There was debate as to whether or not the LI, Light Industrial, was the appropriate fit for this parcel. The Commission felt that this was not the vision for the development of this land according to the Future Land Use Map and the Comprehensive Plan, and did not want to set a precedent by deviating from said plans. The Commission also felt that not enough information was given in order to make an appropriate determination as to the use of the land.

MOTION by Chambers/Van Rossum to follow the recommendation to deny the rezone request based on these facts. No further discussion. Motion carried in a voice vote, 6-1 with Lamers dissenting.

- b. Review and make recommendation on the request from Steven Zeitler of American Surveys, LLC, agent for Shelley Stencil, owner, for a Certified Survey Map Application on parcels D-297 and D-298 4195 Elmview Road, creating two (2) separate lots.**

Based on the discussion held above in item 7a, MOTION by Chambers/Baran to deny the approval of the CSM associated with the rezone request. No further discussion. Motion carried in a voice vote, 6-1 with Lamers dissenting.

- c. Review and make recommendation on the request from Shane Raymaker of CR Structures Group, Inc., agent for Allison Kline-Weichelt of Sash & Bow, owner, for a Building, Site, and Operation Plan Application for parcels D-1610, D-1611, D-1613, and D-1614, 2200 Dickinson Road (Olde School Square), for a Wedding and Special Events Center.**

The petitioner is requesting review for the proposed development of an approximately 11,000ft wedding and special event venue as well as an amendment to the Condominium plat located on units 10, 11, 13, & 14 of Olde School Square on the southern border adjacent to the East River Trail. The proposed building also includes an approximately 5,000ft outdoor space and reserves a portion of the east end of the site for a future structure. Hours of operation are expected to be 12 pm through the evening with peak events on weekends. It is unclear

if the proposed has been submitted to the Olde School Square Association for comment and approval. A Tax Increment Financing (TIF) request is anticipated for this development.

After review, it is determined that the project is compliant with current zoning code and is given a recommendation of approval with the following conditions:

1. Review and approval of a revised condominium plat.
2. Provide an understanding of how refuse collection will work and if a new facility is needed, where it will be located.
3. Updated condominium documents provided to the Town.
4. Provide a landscape, lighting, and signage plan.

There was discussion on providing appropriate parking, building materials, signage, and the handling of waste. It was determined that the building materials, signage and waste handling was worked out between the developer and the Condo Association. Parking should be addressed through TIF District request that's anticipated.

The Commission brought up some "food for thought" on operations of the business such as mid-week revenue opportunities, the handling of larger vehicles such as buses or limos, what happens with parking when Bleu Restaurant, also located in Olde School Square, has a large event on the same night. It was determined that these questions would need further exploration with the Condo Association.

MOTION by Baran/Van Rossum to recommend approval with staff's conditions. No further discussion. Motion carried in a voice vote, 7-0.

**8. Discuss work plan.**

- View Shed Analysis is being worked on

**9. Staff report.**

**a. Update on future agenda items.**

- Red Hawk Landing Subdivision pre-plat will be coming forward.
- Flood study was completed between Ava Hope Trail and Monroe Road (CHY GV)

**b. Review town board decisions.** None.

**10. Communications by Commission Members.**

- Sidewalks and trees were discussed. At what point are sidewalks required to be installed. Who is responsible to keep the tree limbs out of the right-of way? Property owners are required to keep the right-of way free of tree limbs.

**11. ADJOURN.**

MOTION by Tenor/Baran to adjourn. No further discussion. Motion carried in a voice vote, 7-0. Meeting adjourned at 9:13 PM.

Respectfully submitted,  
Charlotte K. Nagel, Clerk  
Town of Ledgeview, Brown County, WI