

The Ledgeview Zoning & Planning Commission held a meeting on **Wednesday, September 12, 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 6:08 PM due to technical difficulties with computer screens.

2. ROLL CALL

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

Staff present were Planner Dustin Wolff and Clerk Charlotte Nagel.

3. APPROVE/AMEND AGENDA

MOTION by Handeland/Garcia to approve the agenda as written. No further discussion. Motion carried in a voice vote, 5-0.

4. Act on Minutes from July 11, 2018 and August 15, 2018.

MOTION by Tenor/Handeland to approve both the July 11, 2018 and August 15, 2018 minutes as written. No further discussion. Motion carried in a voice vote, 5-0.

1. PUBLIC HEARINGS: The Commission will hear comments and may take action on any of the following items:

a. The proposed Project Plan Amendment and Territory Amendment No. 1 for Tax Incremental District No. 1 in the Town of Ledgeview, Brown County, Wisconsin.

Staff explained Tax Incremental District Number 1 Amendment No. 1 (TID No. 1 Amendment No. 1) in the Town of Ledgeview has been prepared in compliance with Wisconsin Statutes §60.23(32)(f) and §66.1105. The initial District is comprised of approximately 380 acres of land that creates the gateway for the northern entry into the Town and comprises the heart of the community at the County G/County GV intersection. This territory amendment will add approximately 56 acres to the District and extend the District eastward to Scray Hill Road.

The public hearing was opened by Chairwoman Tenor at 6:17 PM.

After three calls for comment, none were heard. Chairwoman Tenor closed the public hearing at 6:21 PM.

MOTION by Baran/Handeland to approve the resolution recommending approval to the Town Board which was prepared by staff. No further discussion. Roll call vote: Chambers – Aye, Baran – Aye, Tenor – Aye, Handeland – Aye, Garcia – Aye. Motion carried in a roll call vote, 5-0.

b. The proposed Project Plan and Boundary for Tax Incremental District No. 2 in the Town of Ledgeview, Brown County, Wisconsin.

Tax Incremental District Number 2 (TID No. 2) in the Town of Ledgeview has been prepared in compliance with Wisconsin Statutes §60.23(32)(f) and §60.85. The District is comprised of approximately 166 acres of land centered around the Ledgeview Public Golf Course along Dickinson Road to the east of Bower Creek Road. The creation of TID No. 2 was a contingency for purchasing Ledgeview Golf Course per the Special Meeting of Electors held July 10, 2018. The Town of Ledgeview, in a continuing effort to spur development and encourage tourism in the community is considering the creation of Tax Incremental District (TID) No. 2 under Section 60.85, Wisconsin Statutes. TID No. 2 is established as a “Tourism project” for a public golf course based upon a finding that the district has been designated as suitable as outlined in Wisconsin Statutes

Approved at the October 10, 2018 Zoning & Planning Meeting.

Approved at the October 23, 2018 Town Board Meeting.

60.85(1)(p)5. A "tourism project" means activities that involve retailers under the following industry numbers: ☐

721214 – Recreational and vacation camps. ☐ 721211 – Recreational vehicle parks and campgrounds.

711212 – Racetracks.

445299 – Dairy product stores.

071391 – Public golf courses.

Residential development, only to the extent that it has a necessary and incidental relationship to tourism project will occur. It is important to note that the Town may not provide cash grants or related developer incentives under this statute. According to §66.85, Wis. Stats., there are limitations to the District that can be created for tourism purposes.

District Area. Not less than 75 percent, by area, of the real property within the district is to be used for projects of a single one of the project types listed in the statute. Meaning that the golf course lands must be a minimum of 75-percent of the total TID Area.

Expenditures. No expenditure may be made for a tax incremental district that is created under this section later than 5 years after the tax incremental district is created. ☐

Termination. The TID terminates eleven (11) years after the last expenditure identified in the original, unamended project plan is made.

This gives the TID a maximum life of 16 years to collect increment and repay borrowings/project costs. The law also provides that the TID boundary may be amended up to four times over the life of the TID, including the potential for the removal and/ or addition of land from or to the district. However, any new properties added to the TID must be serviced by public improvement projects that were listed in the original Project Plan.

At 6:42 PM, Chairwoman Tenor opened up the public hearing for comments,

Jon Gigot, 301 Cass St, Apt. 4, De Pere – Another contingency regarding the purchasing of Ledgeview Golf Course was having a third party run the business. What is the status of that the third party? Staff advised that the Town Board approved staff to research the particulars of how to go about seeking out such an entity.

Mr. Gigot also inquired on the alternative plans should the golf course be mismanaged. Staff advised hasn't been discussed at this point. However, the initial intention was to keep the golf course green space.

Ken Rosenthal, 3975 N. Parker Way – Asked if that meant that the Town wasn't going to purchase Ledgeview Golf Course. Staff replied that the intention is to purchase Ledgeview Gold Course and to close on it sometime early January, 2019.

Mary Scray, 1700 Scray Hill Road – Asked who gave the town authority to include the old Titular property in the TID? Staff replied that status give the Town authority. Ms. Scray asked if TID No. 2 would add any restrictions as to what land owners could do with their land that is near TID 2? Staff advised that land owners may do whatever they wished with their land as long as it complies with town ordinances. The TID does not have any impact on land owners.

Theresa Bergner, 4378 Hwy. JJ, De Pere – Asked about the installation of town utilities. Staff replied the intention is to run town utilities to the property in TID #2. The special assessment process was then discussed.

After three calls for further comments, none was heard. Chairwoman Tenor closed the public hearing at 7:02 PM.

Commission discussion: The Commission knew that develop of TID No. 2 area was going to happen, it was just a matter of when. The purchasing of Ledgeview Golf Course was unexpected, but the overall consensus is it's a great to keep control of it.

MOTION by Handeland/Baran to recommend approval to the Town Board via the staff prepared resolution. No further discussion. Roll call vote is required: No further discussion. Roll call vote: Chambers – Aye, Baran – Aye, Tenor – Aye, Handeland – Aye, Garcia – Aye. Motion carried in a roll call vote, 5-0.

5. **OLD BUSINESS:** None.

6. **NEW BUSINESS:**

a. **Review and make recommendation on the request by the Town of Ledgeview for parcels to be rezoned to Agriculture-Farmland Preservation (AG-FP) in accordance with the Public Hearing Notice for September 8, 2018.**

The Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) administers the statewide Farmland Preservation Program, designed to help local governments and landowners preserve agricultural land, minimize conflicting land uses, and promote soil and water conservation. It is crucial this land remain available and viable for future generations of farmers. By participating in the FPP farmers receive tax credits through the FPP of 1977 and the Farmland Tax Relief Credit of 1989. Farmland owners may be eligible to claim both credits. The primary goals of the Farmland Preservation Credit Program are:

1. To preserve Wisconsin farmland by means of local land use planning and soil conservation practices, and
2. To provide property tax relief to farmland owners.

Staff advised a letter was sent to all property owners regarding the rezone and of those who wished not to be included in the program were moved from the ordinance.

MOTION by Baran/Garcia to recommend approval to the Town Board via the staff prepared resolution. No further discussion. Motion carried in a voice vote, 5-0.

b. **Review and make recommendation on the request by Steve Bieda of Mau & Associates, agent for BASGIG Investors, LLC, owner, for a rezone of parcel D-425-2 located on Bower Creek Road from A-2, Agriculture, to R-1, Residential.**

The petitioner is requesting to rezone the property from A-2, Agricultural District to R-1, Residential District for future subdivision. This rezone accompanies a preliminary plat for 80+ single-family unit. Based on an evaluation of the key “findings of fact”, staff recommends the Plan Commission recommend approval of this rezoning petition to the Town Board for the following reasons:

1. The proposed rezoning to R-1 is consistent with development trends in the area including the conversion of agricultural land to residential land within the sewer service area.
2. The lands are suitable for low- to medium-density single-family residential development.
3. The proposed zoning district conforms to the goals and the land use illustrated on the Future Land Use Map of the adopted Comprehensive Plan.

MOTION by Chambers/Handeland to approve the staff prepared resolution recommending approval to the Town Board. No further discussion. Motion carried in a voice vote, 5-0.

c. **Review and make recommendation on the request by Steve Bieda of Mau & Associates, agent, for BASGIG Investors, LLC, owner, for Red Hawk Landing Preliminary Subdivision Plat located on parcel D-425-2, Bower Creek Road.**

The petitioner is requesting the review of an 83-lot subdivision with numerous outlots on a 56-acre parcel located along Bower Creek Road immediately west of the Belle Isle subdivision. This preliminary plat is accompanied by a rezone request (A-2 to R-1) for single-family residential development. Revisions to this plat are expected based on staff recommendations in this memo, discussion with the petitioner, and an ongoing flood study. The proposed preliminary plat complies with the requirements of Chapter 96: Subdivision, and it is my opinion that the ZPC recommend approval of the preliminary plat to the Town Board, conditioned upon the following:

1. A notation be added to the plat that access to lots 5, 29-30, 78 and 83 from Bower Creek Road is prohibited.
2. Revise access to Outlot 9 to be between Lots 22 and 23.
3. Shift Rustic Ledge Way to the west to incorporate the gas utility easement into the ROW.
4. Combine lots 45 – 47 into two lots.
5. Remove the stormwater pond/Outlot 10.
6. Combine Outlots 1 and 8 into one outlot.
7. A notation be added to the plat that sidewalks are required throughout.
8. Add a notation indicating that future sidewalks or recreational facilities will be installed in the public ROW along Bower Creek Road.
9. Add a conservation easement to protect the southern ESA.
10. Provide clarification on the intent of Outlots 1 – 7, specifically if they are not acquired by their respective adjoining parcels.
11. Preliminary Plat approval is contingent on flood study approval/findings.

Commission discussion led to the removal of #3 above, changing #6 above to combining outlots 1 and 8 into one outlot, combining outlots 2-4 into one outlot, and outlots 5-7 into one outlot.

MOTION by Chambers/Baran to approve the resolution recommending approval to the Town Board with the changes as noted. No further discussion. Motion carried in a voice vote, 5-0.

d. Review and make recommendation on the request from Steve Bieda of Mau & Associates, agent for property owners Everson Family, Mark and Julie Ann Giardino, Van De Yacht Trust for a Zoning Request Application on parcels D-209-1-1, D-198-2, D-197, and D-198 located on Dickinson Road from R-R, Rural Residential to R-1/PDD, Residential with Planned Development District overlay, to accommodate a condominium plat known as Augusta Hills.

The petitioner is requesting this rezone from R-R to R1 with a PDD overlay to develop 36 single-family residential condominium units and 8 zero lot-line units, totaling 44 units. The lands total 22.1 acres (2.0 du/ac). The ZPC and Board recently approved a similar single-family condominium development on the Everson property to the south. That development includes 13 single-family townhouse units and two “twindo” townhouse units (4 dwelling units) for a total of 17 units in 15 structures. According to the petitioner, all units will be ranch style with options for walk out basements. Main level square footages range between 1,500 SF and 1,900 SF.

The petitioner is requesting preliminary PDD approval and a rezone from R-R to R-1 with PDD overlay. The petitioner has proposed a development in line with the spirit and intent of the zoning code and the Town of Ledgeview Comprehensive Plan. There was discussion with the petitioner regarding ongoing concerns or changes they believe need to occur. There is sufficient detail has been provided for the Commission to make a recommendation to the Town Board. The following additional details on the proposal are required prior to final PDD approval:

1. Comprehensive Plan amendment to Single-Family Residential as a condition of the rezoning.
2. A CSM must be provided that includes the Eventyr development to the south.
 - a. Cross-access and pedestrian access easements.

3. Approval of the final condominium plat by The Commission and The Board.
4. Show all lot line adjustments, easements, and dedications on the final plat.
5. Provide final grading plan.
6. 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 show.
7. 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.
8. 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 units—either individual or ingroups—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.

Commission discussion removed the requirement, “The petitioner revise the Declaration of Condominium to specify units are required to receive Zoning & Planning Commission approval before a building permit can be issued.

MOTION by Handeland/Garcia to approve the resolution recommending approval to the Town Board as amended. No further discussion. Motion carried in a voice vote, 5-0.

7. Discuss work plan.

- View Shed Analysis is being worked on and will be launched soon.

8. Staff report.

a. Update on future agenda items.

- CSMs are trickling in.
- Working on finishing up ordinance updates.

b. Review town board decisions.

- Approved the Business, Site, & Operations Plan for Sash & Bow.

9. Communications by Commission Members.

- Brown County Planning Commission announced that there is no new transportation projects scheduled for the next ten years.
- Southern Bridge is on hold for now.

10. ADJOURN.

MOTION by Baran/Garcia to adjourn. No further discussion. Motion carried in a voice vote, 5-0. Meeting adjourned at 8:33 PM.

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