

The Ledgeview Zoning & Planning Commission held a meeting on **Wednesday, January 16, 2019 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 6:00 PM.

2. ROLL CALL

Members present were Chairwoman Tenor, Vice Chairman Handeland, Commissioners Van Rossum, Lamers, Chambers, and Baran. Commissioner Garcia was excused.

Staff present were Planner Dustin Wolff and Clerk Charlotte Nagel.

3. APPROVE/AMEND AGENDA

MOTION by Baran/Van Rossum to approve agenda as written. No further discussion. Motion carried in a voice vote, 6-0.

4. Act on Minutes from October 10, 2018.

MOTION by Van Rossum/Baran to approve the minutes as written. No further discussion. Motion carried in a voice vote, 6-0.

5. PUBLIC HEARINGS: None.

6. NEW BUSINESS:

a. Review and make recommendation pursuant to the requirements of §66.1001 of the Wisconsin Statutes, regarding proposed amendments to the Town of Ledgeview Comprehensive Plan.

The current Town of Ledgeview Comprehensive Plan was adopted by the Board on November 2, 2015 following an 18-month process of soliciting public involvement and feedback on the required Plan elements. This Plan is a guide for the next 20+ years for the Town and was prepared under the State of Wisconsin's Comprehensive Planning legislation contained in §66.1001, Wisconsin Statutes.

Periodic amendments to comprehensive plans—both text and maps—are not uncommon. Plan amendments typically occur when conditions in an area of the community have changed or are changing to such a degree that it is in the public interest to encourage redevelopment or change in land use for the area. Plan amendments also occur when a plan change or zoning amendment is necessary in order to provide land for a community-related use which was not anticipated at the time of the adoption of the comprehensive plan.

A 30-day “open book” review period is currently in process. A public open house was held on January 9th to enable the public to see the proposal amendments and ask questions in an informal setting. The public was surveyed through written comment forms. A public hearing will be held on February 4th at the Town Board meeting.

The proposed amendments were gone through and explained to The Commission by staff. The proposed amendments are both to text amendments and mapping to reflect zoning adopted zoning changes over the year.

MOTION by Handeland/Van Rossum to approve ZPC Resolution 06-2019 recommending approval of the proposed amendments to the Town of Ledgeview Comprehensive Plan. No further discussion. Motion carried in a voice vote, 6-0.

b. Review and make recommendation on the request by Dennis Lotto and Joseph Lotto, agent/owner for Joseph PI and Theresa R. Lotto, for a zoning change on parcel D-97-1, 3501 Caboose Lane from R-R Rural Residential to AG-2 Agriculture for farming purposes.

The petitioner is requesting to rezone Parcel D-97-1 from R-R, Rural Residential to A-2, Agriculture. The configuration is an important issue to understand. Apparently back in about 2017, the owner of parcels D-96 and D-96-1 had submitted a metes and bounds description to the Brown County Register of Deeds to sell land the current petitioner and adjust the lot line for D-97-1. In essence, two separate parcels with different zoning combined creating a split zoned; Parcel D97-1 of RR, Rural Residential, and Parcel D-96 was zoned A- 2 Agricultural. The petition before the Town is to correct the split zoning on the property.

Key findings of fact:

- The proposed rezoning to the A-2 District is consistent with the current zoning and development trends in the area.
- The property is suitable for low-density single-family residential development and continued agricultural uses.
- The proposed zoning district conforms to the goals of the adopted Comprehensive Plan to preserve lands for farming activity.
- A Future Land Use amendment to Agricultural will be required for the area.

MOTION by Lamers/Baran to approve resolution 01-2019 recommending the approval to the Town Board based on the key “findings of fact”. No further discussion. Motion carried in a voice vote, 6-0.

c. Review and make recommendation on the request by Steve Bieda of Mau & Associates, agent for owner Ron Van Straten and Robert and Gail Guene for a combination Certified Survey Map on parcels D-450 and D-449-1, located at 3550 and 3551 Wayne Lane to accommodate a future subdivision known as Grande Ridge Estates Second Addition.

The petitioner is requesting the approval of a retracement Certified Survey Map (CSM) for the reconfiguration of two parcels totaling 3.95 acres. The parcels were recently rezoned to R-1, Single-Family Residential. Both lots are intended for continued single-family residential use and will to further subdivided as a part of Grande Ridges Estates Phase II.

MOTION by Van Rossum/Baran to approve Resolution 02-2019 recommending approval to The Town Board conditioned upon any technical corrections required by the Town Engineer or Brown County prior to Town signatures. No further discussion. Motion carried in a voice vote, 6-0.

d. Review and make recommendation on the request by Steve Biea of Mau & Associates, agent for owners Ron Van Straten of Van Straten Farms of Ledgeview, LLC, for a combination Certified Survey Map Application on parcels D-448-1, D-449, D-449-1, D-449-2, D-450-1, and D-451 located on Wayne Lane and Heritage Road to accommodate a future subdivision known as Grand Ridge Estates Second Addition.

The petitioner is requesting the approval of a retracement Certified Survey Map (CSM) for the reconfiguration of a 4 parent parcels totaling 107 acres into two (2) lots. The parent parcels were recently rezoned to R-1, Single-Family Residential. Lot 1 is intended to be further subdivided as Grande Ridges Estates Phase II. Based a site review, the CSM is in compliance with all town ordinances. Staff’s recommendation is approval conditioned upon:

1. A notation added to the CSM indicating that future bicycle and pedestrian facilities will be installed along CTH X within the public right of way.
2. Any technical corrections required by the Town Engineer or Brown County prior to Town signatures.

MOTION by Handeland/Van Rossum to approve resolution 03-2019 recommending approval to the Town Board with the above-mentioned conditions. No further discussion. Motion carried in a voice vote, 6-0.

e. Review and make recommendation on the request by Steve Bieda of Mau & Associates, agent for owners Kenneth and Dolores Matzke for a Rezone Application on parcel D-174, located at 2579 Dollar Road from A-2, Agriculture to R-R, Rural Residential.

The petitioner is proposing to subdivide a new lot from the parent parcel (D-174) for a family member. The request is to rezone the proposed 2.24-acre Lot 1 from A-2, Agriculture to R-R, Rural Residential. The Zoning & Planning 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 who will take final action of the proposed rezoning.

Based on an evaluation of the key “findings of fact”, The Commission recommends approval this rezoning petition to the Town Board for the following reasons:

1. The proposed rezoning to the R-R Districts is consistent with the current zoning and development trends in the area.
2. The property is suitable for low-density single-family residential development and continued agricultural uses.
3. The proposed zoning district conforms to the goals and recommendations of the adopted Comprehensive Plan.
4. A Future Land Use Map amendment to the Rural Residential land use category should be required.

MOTION by Handeland/Baran to approve resolution 04-2019 recommending approval of the rezone application to the Town Board based on the “findings of fact”. No further discussion. Motion carried in a voice vote, 6-0.

f. Review and make recommendation on the request by Steve Bieda of Mau & Associates, agent for owners Kenneth and Dolores Matzke for a Certified Survey Map on parcel D-174, located at 2579 Dollar Road creating two (2) lots.

The petitioner is requesting approval of a two (2) lot Certified Survey Map (CSM) to subdivide Lot 1 (2.24 ac) from the agricultural lands. Lot 2 (33.53 ac) would continue to be farmed.

BACKGROUND: Parcels D-174 (36.11 ac) is currently zoned A-2, Agriculture. Lot 1 would be rezoned to R-R, Rural Residential. Consistent with Town requirements for the division of land from large farm properties, the petitioner has provided an Area Development Plan (ADP) for the parent parcel. The proposed ADP illustrates a future road connection from Dollar Road to Silver Lane to the north. Additionally, a road connection is illustrated to provide access to the farm lands to the east. The sixteen (16) lot layout is consistent with the Town’s requirements for rural residential zoning. It is important to note there are plans by the property to develop the site at this time.

The petitioner has applied for a variance based upon Town ordinances as they apply to the accessory structures.

The Commission recommends approval of the CSM to the Board subject to the following conditions prior to Town signatures:

1. Add the following notation be added to the CSM:
 - a. Future development of Lot 1 will be required to connect to public utilities within one year of availability.
 - b. Future bicycle and pedestrian facilities will be provided in the right-of-way of Dollar Road.

2. Any technical corrections required by the Town Engineer or Brown County must be addressed prior to Town signature of the CSM.

MOTION by Handeland/Lamers to approve resolution 05-2019 recommending approval of the CSM to the Town Board with the above-mentioned conditions. No further discussion. Motion carried in a voice vote, 6-0.

7. OLD BUSINESS:

- a. **Review and make recommendation on the request from Fisher & Associates, LLC, agent for GB Events by AKW, Allison Kline-Weichert, owner, for a Building, Site, and Operation Plan Application for parcels D-1610, D1611, D-1613, and D-1614, 2200 Dickinson Road (Olde School Square), for a Wedding and Special Events Center to be known as Sash & Bow.**

The petitioner is requesting review for the proposed development of an approximately 9,400ft² special event venue including an outbuilding as well as an amendment to the Condominium plat on Units 10, 11, 13, & 14 of Olde School Square (OSS), on the southern border adjacent to the East River Trail.

In August of 2018, The Commission approved an approximately 11,000ft² building. The petitioner has revised their original proposal and due to the significant change in building architecture, it warrants additional Zoning & Planning approval. A Tax Increment Financing Application request is in process for this development.

Essentially the use and function of the building remain the same as the original approval, just the footprint and building architecture has changed. In general, the proposed building design complements the existing buildings within Olde School Square and complies with the adopted Neighborhood Center Design Guidelines for Olde School Square. The task of Zoning & Planning is to give feedback on any additions, corrections, or deletions of the building design.

Discussion was had regarding the architectural design, materials used, and placement of exterior features such as the outdoor grilling area, trash collection area, and patio area.

Zoning & Planning are recommending approval of the proposed development with the following conditions:

1. Review and approval of a revised condominium plat.
2. Updated condominium documents provided to the Town.
3. Provide a landscape, lighting, and signage plan prior to issuance of building permits.
4. Provide additional detail on the west roof line to “break-up” the mass.
5. Addition of a dedicated passenger drop-off area.

MOTION by Chambers/Lamers to recommend approval of the Building, Site, and Operations Plan to the Town Board with the above-mentioned conditions. No further discussion. Motion carried in a voice vote, 6-0.

- b. **Review and make recommendation on the proposed changes to Chapter 135: Zoning relating to permitted uses, general provisions, administration, etc.**

Conversations with the County Planning Department indicated that the Registrar of Deeds will record any document in the appropriate format. The Planning Department does not review the documentation until after a map update is made by the Land Information Office—in essence, no one checking to ensure the “new” lots meet zoning regulations. Further, the County will only enforce its own codes, and not anything specific to Ledgeview. The town, as a result of the lot line adjustments that have occurred throughout the town creating undesired lot configurations, changed its subdivision code to require a CSM for any lot line adjustments between adjoining properties. While the County is aware of this requirement, it does not enforce it.

Ledgeview will be working with other Brown County communities to amend the County codes to better address these issues. That is a time-consuming solution subject to the politics of the County Board. What may be good for The Town, may be bad for a different community. To address this issue immediately, and within the Town's own codes, the County directed us to a solution utilized by the Village of Howard. Howard has experienced similar problems with unplatted lands and requires all requests for zoning and/or development approvals to be accompanied by a recorded subdivision plat or certified survey map (CSM) of the lot or parcel of land upon where the development is proposed. If there is not a recorded CSM or Subdivision Plat on file for the property, no approvals or building permits will be granted until there is one. To that end, a series of changes to the zoning code are proposed to address this issue.

A secondary issue facing the Town the proliferation of conditional use and zoning submittals that have been acted on by the Town Board. This is of particular concern where a denial has been made by the Town and a very similar resubmittal is made in short order by a petitioner without satisfactorily addressing the reasons for denial. These submittals occupy valuable staff time for issues that have already been acted on by the Town. This proposed regulatory change will require a one (1) year period to pass before a similar petition can be made for zoning changes and conditional uses, unless new evidence or proof of change of conditions have occurred.

MOTION by Lamers/Chambers to recommend approval of the ordinance amendments proposed by staff. No further discussion. Motion carried in a voice vote, 6-0.

8. Discuss work plan. None.

9. Staff report.

a. Update on future agenda items.

- There will be a series of public hearing forthcoming.
- There will be a some plats forthcoming, but nothing submitted yet.
- There is going to be some house approval for Eventyr Heights forthcoming but nothing submitted yet.

b. Review town board decisions.

- Town Board approved the rezone on the following:
 - The request to rezone 11 parcels in the town to Rural Residential
 - The rezone request for Grande Ridge Estates Second Addition to R-1 Residential.

10. Communications by Commission Members.

- Handeland reported there was no County Planning Meeting this month.

11. ADJOURN.

MOTION by Van Rossum/Baran to adjourn. No further discussion. Motion carried in a voice vote, 6-0. Meeting adjourned at 7:46 PM.

Respectfully submitted,

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

Approved at the March 13, 2019 Zoning & Planning Commission Meeting.
Approved at the March 19, 2019 Town Board Meeting.