

The Ledgeview Zoning & Planning Commission held a meeting on **Wednesday, November 13, 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 Jane Tenor, Vice Chair Mark Handeland, Commissioners Mark Chambers, Chet Lamers, Kris Baran, and Renee Van Rossum. Excused was Commissioner Taurino Garcia.

Staff present were Planner Dustin Wolff and Clerk Charlotte Nagel.

3. APPROVE/AMEND AGENDA

Staff advised there were no changes to the agenda. MOTION by Tenor/Baran to approve agenda as written. No further discussion. Motion carried in a voice vote, 6-0.

4. Act on Minutes from August 14, 2019.

A few changes to the minutes were noted. MOTION by Tenor/Bar to approve the minutes with the changes as noted. No further discussion. Motion carried in a voice vote, 6-0.

5. NEW BUSINESS:

- a. Review and make recommendation on the request by Chris Reiner of C. Reiner Architects, Inc, agent for Belgioioso Cheese, Inc., property owner, for a Building, Site and Operations Plan Application for a packaging and distribution addition at 4200 Main Street, parcels D-328 and D-324-1.**

The petitioner is proposing a small, 1,450 square foot addition to the existing office area. The proposed development complies with the intent of LI, Light Industrial district and the existing facility. Staff recommend approval without conditions.

MOTION by Lamers/Baran to recommend approval of the of the small addition to the existing office area. No further discussion. Motion carried in a voice vote, 6-0.

- b. Review and make recommendation on the request by Richard Huxford, agent for Glen Van De Hei, owner, for a Rezone Request Application on parcel D-278, 3027 Dutchman Road, from A-2, Agriculture, to R-R, Rural Residential.**

The petitioner is proposing to subdivide a new lot from the parent parcel (D-278). The request is to rezone the proposed 2.28-acre Lot 1- and 1.34-acre Lot 2 from A-2, Agriculture to R-R, Rural Residential to allow for the subdivision. The submitted paperwork requests that the rezone be contingent upon the approval of the certified survey map which will require a variance to allow for the existing accessory building to remain on Lot 1.

The parent parcel totals 3.62 acres and currently contains a single-family residence and a small area in crop production. A series of rural residential lots were previously subdivided from the parent parcel years ago. Active farms surround the lands proposed to be rezoned. The property is suitable for continued agricultural uses with a farmstead as permitted under the existing zoning classification. The creation of Lot 2 requires rezoning the parcel to Rural Residential to accommodate desired single-family residence.

In 2016—at the request of the farming community—the Town approved an amendment to the zoning code text related to the A-2 District to limit rural residential development on lands predominantly suited for agricultural operations. Future land divisions from A-2 parcels would need to be rezoned to R-R and limited in size to prevent them from imposing on farming.

Approved at the December 11, 2019 Zoning & Planning Commission Meeting.

Approved at the December 17th, 2019 Town Board Meeting.

This part of the Town has experienced the conversion of land from agricultural uses to rural development. This was one impetus for the code amendment to restrict the size of lots associated with dividing agriculturally zoned land. The code update was also intended to specially enable farm families the ability to subdivide a small number of parcels for sale or use by family members.

Based on an evaluation of the key “findings of fact” and on the petitioner’s contingency request, staff recommends that the Plan Commission recommend approval this rezoning petition to the Town Board should the CSM be approved 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.

MOTION by Handeland/Van Rossum to recommend approval of the staff prepared resolution with additional language regarding the contingency. No further discussion. Motion carried in a voice vote, 6-0.

c. Review and make recommendation on the request by Richard Huxford, agent for Glen Van De Hei, owner, for a Certified Survey Map Application on parcel D-278, 3027 Dutchman Road, creating two parcels.

The petitioner is requesting approval of a two (2) lot Certified Survey Map (CSM) to subdivide the residence and accessory building from the remaining vacant lands. Proposed Lot 1 will be reduced from 3.62 acres to 2.28 acres, with ~342-feet of frontage. Lot 2 will measure 1.34 acres with 200-feet of frontage. The accessory structure on Lot 1 measures approximately 3,700 SF. The lands are currently zoned A-2, Agricultural.

In 2016—at the request of the farming community—the Town approved an amendment to the zoning code text related to the A-2 District to limit rural residential development on lands predominantly suited for agricultural operations. The minimum parcel size in the A-2 District was increased to 10-acres. Future land divisions from A-2 parcels would need to be rezoned to R-R, and limited in size to a maximum of 2.0 acres to prevent them from imposing on farming, provided all but one or two accessory buildings (e.g. a garage) remained on the parent, agricultural parcel, and continued to be accessory to agricultural use.

The layout complies with the code requirements for lot lines to be perpendicular to roadways or radial to curves to ensure a standard, rectangular lot shape. Both lots meet the minimum width and area requirements out lined in the Code. Access to the lots will be provided from Dutchman Road. The required 40-foot ROW dedication for CTH MM does not appear to be provided. The dedication should be shown on the CSM.

The petitioner is requesting to keep the existing metal accessory structure totaling 3,700 SF on Lot 1 following the land division. Per Section 135-11(G)(2), the amount (area) of land does impact the size of accessory structure and number of accessory structures allowed. The petitioner’s land division would allow two (2) accessory structures up to 2,700 SF. To comply the request of the petitioner, nearly 3.0% of the lot area would be needed for the 8 accessory structures. A variance of ~800 SF would be needed for the 2.28-acre parcel as proposed.

Zoning & Planning is limited in what it can approve in relation to the accessory structures, and the petitioner has the following options:

1. Not subdivide the property.
2. Raze part of the accessory structure to comply with the square footage requirements.
3. Petition the Board of Appeals for a variance to the accessory structure size requirements.

The petitioner chose to petition the Board of Appeals for a variance to the accessory structure size requirements.

Staff prepared a resolution recommending approval of the CSM to the Board at this time, subject to the following conditions:

1. Dedication of 40-feet from centerline for CTH MM to be illustrated on the CSM.
2. Add the following notations to the CSM:
 - a. Future bicycle and pedestrian facilities will be provided in the right-of-way of CTH MM (Dutchman Road).
 - b. Connection of the residences of Lot 1 and Lot to public utilities – water and sanitary sewer- within one year of their availability is required.
3. Land division to comply with the regulations of Section 135-11(G)(2), specifying the aggregate amount (area) of accessory structure, unless a variance or exception to the Code is approved by the Board of Appeals.
4. Any technical corrections required by the Town Engineer or Brown County must be addressed prior to Town signature of the CSM.
5. Subject to a variance granted by the Zoning Board of Appeals.

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

6. **OLD BUSINESS:** None.

7. **DISCUSS WORK PLAN.** None.

8. **STAFF REPORT.**

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

- Staff is working on some code amendments.
- Working on language regarding A2 vs. RR as it related to accessory structures.
- Reached out to prospective pizza place to no avail.

b. **Review town board decisions.**

- Zoning Board of Appeals granted a variance for accessory buildings for the r property owner Elaine LeDuc, for a Certified Survey Map on parcel D-489-1, 2440 Oak Ridge Circle, creating two (2) lot. Therefore, the Town Board subsequently approved the CSM.
- Approved the Mark Gigot for a combination Certified Survey Map Application on Euro Lane.
- Approved the Dedicated Real Estate Family, LLC for combination Certified Survey Map on Elmview Road.

9. **COMMUNICATIONS BY COMMISSION MEMBERS.**

- Handeland gave an update on the Brown County Commissioners Transportation Plan 5-year update to include the Southern Bridge Project.
- New STEM Center at UWGB.

10. **ADJOURN.**

Approved at the December 11, 2019 Zoning & Planning Commission Meeting.

Approved at the December 17th, 2019 Town Board Meeting.

MOTION by Tenor/Lamers to adjourn. No further discussion. Motion carried in a voice vote, 6-0. Meeting adjourned at 6:33 PM.

Respectfully submitted,

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