

The Ledgeview Zoning & Planning Commission held a meeting on **Wednesday, December 11, 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 Taurino Garcia. Excused was Commissioner Renee Van Rossum.

Staff present were Planner Dustin Wolff and Clerk Charlotte Nagel.

3. APPROVE/AMEND AGENDA

Staff advised there were no additions or deletions to the agenda but requested items 5d and 5e be moved to after 5a. MOTION by Tenor/Chambers to approve agenda with the requested changes. No further discussion. Motion carried in a voice vote, 6-0.

4. Act on Minutes from November 13, 2019.

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

5. NEW BUSINESS:

- a. **Review and make recommendation on the request by Ron Stahl of Stahl Electric, agent for Dedicated Real Estate Family, LLC, owner, for a Building, Site, and Operations Plan Application on parcels D-127-1 and D-130-3 located at 3700 and 3720 Elm View Road regarding a lighting plan for the truck company.**

The petitioner recently (October 2019) received approval of Certified Survey Map (CSM) to combine parcels D-127-1 and D-130-3, totaling 20.72 acres. The CSM was necessary to allow the property owner to make improvements to their property, specifically the former Parcel D-130-3 which does not have a use since the principal building was damaged in a fire and removed a few years ago.

Dedicated Systems, Inc. and Dedicated Repair (trucking and truck repair) along with truck storage and parking. The operations are accessed off a shared driveway on CTH MM. At this time, the property owner is requesting approval of a Building Site and Operations (BSO) Plan to install new light poles and LED lighting fixtures on the property to improve safety and security. The proposed improvements came to the attention of the Town when the building inspector received notification from the State of Wisconsin that new commercial electrical service was applied for site. Upon inspection, it was determined that the electrical panel had been installed, along with new 3-foot tall concrete bases for new lighting poles.

Staff recommends approval of the BSO Plan to the Board at this time, conditioned upon:

1. Use of the pour concrete bases is permitted with a 15-foot pole height, and the overall lighting height will not exceed 18-feet above grade.
2. Lighting detail is provided that clearly illustrates the height of the base, the height of the pole, and the lighting fixtures will be 90-degree downcast.
3. A 15-foot by 30-foot landscape area is installed at the entry of the site to protect the lighting fixture and new electric service.
 - a. A landscape plan is submitted for review and approval by the Town Board.

Approved at the January 15, 2020 Zoning & Planning Commission Meeting.

Approved at the January 22, 2020 Town Board Meeting.

MOTION by Tenor/Baran to recommend approval of the Building, Site, and Operations Plan per staff's recommendation. No further discussion. Motion carried in a voice vote, 6-0.

- d. **Review and make recommendation on the request by Steve Bieda of Mau & Associates, agent for Daniel and Carol Wellens, owner, for a Zoning Change Application on parcel D-154-4 located at 3826 Hidden Valley Road from AG Agriculture to R-R Rural Residential on the newly created lot only of the below referenced two lot Certified Survey Map.**

The petitioner is requesting approval of a two (2) lot Certified Survey Map (CSM) to subdivide the existing residence from the remaining vacant lands. Proposed Lot 1 will be reduced from 5.0 acres to 3.5-acres, with ~285-feet of frontage. Lot 2 will measure 1.5 acres with ~179-feet of frontage. The lands are currently zoned A-2, Agricultural.

This area of the community was previously developed as a rural residential neighborhood but using the A-2 District zoning. Then, the A-2 District had a minimum lot area requirement of 60,000 SF. 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 increase the minimum parcel size in the A-2 District to 10-acres. 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 active farming operations.

The property, and much of the neighborhood, is not suitable for agricultural uses under the A-2 District. Most of the properties are currently used for rural residential uses. The existing residence is not a farmstead, as permitted under the existing zoning classification. The existing parent parcel size is far below the requirement for the A-2 District. The creation of Lot 2 requires rezoning the of the parent parcel to Rural Residential to accommodate parent parcel to Rural Residential to accommodate desired single-family residences and proposed lot sizes.

Staff's recommendation that the ZPC recommend approval of the CSM to the Board at this time, subject to the following conditions:

1. Parent Parcel D-154-4 is required to rezoned from A-2, Agriculture District, to the R-R Rural Residence District.
2. Lot line "jog" between Lot 1 and Lot 2 is required to be removed. (**ADDRESSED BY REVISED CSM.**)
3. Add the following notations to the CSM:
 - *Future sidewalks will be installed along Hidden Valley Road when curb and gutter are constructed in the future.*
 - *Connection of the residences to public utilities – water and sanitary sewer—are required within one year of their availability.*
4. 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 recommend approval of the rezone based on staff's recommendation. 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 Daniel and Carol Wellens, owner, for a Certified Survey Map Application on parcel D-154-4 located at 3826 Hidden Valley Road creating two lots.**

See agenda item 5d above for discussion.

MOTION by Handeland Garcia to recommend approval of the Certified Survey Map per staff's recommendations. No further discussion. Motion carried in a voice vote, 6-0.

- b. **Review and make recommendation on the request by Keith Gajeski of Classic Construction, agent for Ledgeview Development of Brown County, Steven Jauquet owner, for a Zoning Change Application on parcel D-437-53 located in the 1800 block of Ledgeview Road from R-1 Residential to R-3 PDD Multiple Family Planned Development District to accommodate an eight-unit single family condominium plat.**

The petitioner's agent, Mau & Associates was in attendance of the meeting and gave a brief description of the proposed development.

The petitioner is requesting to rezone the 4.056-acre parcel from R1 to R3 with Planned Development District Overlay (PDD) for the development of 8-unit, detached single-family condominium. An accessory garage with attached pavilion structure and walking path around an existing pond is also included.

The petitioner brought this proposal to the Zoning & Planning Commission in October 2019 as a Concept Review and has been working with staff since to update the proposal in accordance with The Commission's requests. In general, Zoning & Planning was receptive to the proposal and had the following comments:

1. Vary the unit architecture and vary the materials – there are several (over 25) veneer and siding colors out there and it would be nice not to see 8 of the same building in a row.
 - a. *Addressed. The new proposal provides 4 façade material designs and (earhttone) colors for the developer (owner) to choose from. The orientation of each home will mirror the next such that no two consecutive homes will appear exactly the same.*
2. Improve the architecture of the accessory garage building so it doesn't look too "mini warehouse".
 - a. *Addressed. Stone veneer at the base and several cupolas were added to the garage building to give it more character, complementary of the residential units.*
3. Rotate the accessory garage building [90 degrees], so the back is along the west property line – the concern is with the property owner to the west using their pool and having to look at 8 garage doors.
 - a. *Building rotated slightly to limit visibility. Landscaping added to provide screening. Clarification is needed as to the amount of landscaping and driveway apron as the site plan and landscape plan differ.*
4. Commissioners were happy with the building setbacks as proposed, which is closer to an average of 50 feet as opposed to the rest of the street which is closer to code minimum of 30 feet.

Based on an evaluation of the key "findings of fact" addressed above, it is recommended that the Plan Commission recommend approval of this rezoning petition to the Town Board for the following reasons:

- The proposed rezoning to R3 with PDD will allow the developer and Town to reach mutual interests. The developer has provided public sidewalk along Ledgeview Road, which makes the site safer for owners to access the accessory garage and safer for pedestrians passing along Ledgeview Road.
- The proposed rezoning to R3 with PDD is generally consistent with the current zoning and development trends in the area.
- The lands are suitable for this type of residential development.
- The proposed zoning district conforms to the goals expressed in Chapter 2 and the amended planned land use illustrated on the Future Land Use Map of the adopted Comprehensive Plan.

MOTION by Lamers/Baran to suspend the rules and open the meeting for public comment. No further discussion. Motion carried in a voice vote, 6-0.

Chairman Tenor explained to the audience that the Commissioners can listen to their comments but cannot enter into a conversation with them.

At 6:42 PM, the meeting was opened for public comment.

Rob Bodart, 1862 Old Valley Road – The garage building would be located behind his house. Mr. Bodart is the spokesperson for the neighborhood. The neighborhood is prepared to submit a formal Protest Petition against the rezoning of the parcel. The neighborhood is a fully established R-1 neighborhood and the residents would like to see it stay that way. They don't agree with the party pavilion and party porch associated with the additional garage at the rear of the parcel. The residents are concerned with the additional traffic it will add to Ledgeview Road which is busy to begin with. The hydrology of the parcel is a concern with flooding. The residents believe this is not in the best interest of the public and that the development only benefits the applicant. The parcel had been for sale but is listed above market price.

Janice Anderson, 1833 Ledgeview Road – Concerned with the amount of additional traffic outlets on a small space.

Kari Manteufel, 1886 Ledgeview Road – Concerned with impact the development will have on the already stressed drainage system on the parcel.

David Bailey, 863 Hickory Valley Court – Concerned with the garage doors he'll be seeing when he looks out of back door. The bigger picture is that the neighborhood is an established R-1 neighborhood.

Tom Feller, 1858 Old Valley Road – The additional garage in the northwest corner of the parcel will cause a problem in the area and create a lake in his backyard.

Mary Kasbohm, 1870 Old Valley Road – Worried that this type of development will set a precedent for the entire town.

MOTION by Lamers/Baran to close the meeting to public comments. No further discussion. Motion carried in a voice vote, 6-0.

There was discussion on the condo units themselves. The units will be single family units individually owned by the occupant. The only issue is that they will be connected vs. two separate homes. The development does align with the long-range plans of the Town. Planned Development District allows for a better product, a better fit into the existing neighborhood. The condo style home allows for shared driveway on Ledgeview Road instead of eight separate driveways. The Zoning & Planning Commission have to grapple with the accessory structure in the rear northeast side of the parcel and determine if the condo development fits into the character of the neighborhood.

There was much discussion amongst The Commissioners. Some felt that the rezone met all the requirements of Town Code, therefore should be recommended for approval. Others felt that there was room for some changes to the proposed development.

MOTION by Chambers/Handeland to recommend approval of the zoning change as recommended by staff in their report and resolution. No further discussion. Motion carried in a voice vote, 5-1-0 with Lamers dissenting.

- c. **Review and make recommendation on the request by Keith Gajeski of Classic Construction, agent for Ledgeview Development of Brown County, Steven Jauquet owner, for a Preliminary Plat Application on parcel D-437-53 located in the 1800 block of Ledgeview Road to accommodate an eight-unit single family condominium plat.**

Approved at the January 15, 2020 Zoning & Planning Commission Meeting.

Approved at the January 22, 2020 Town Board Meeting.

There was much discussion amongst The Commission in which different development options were given to the development. Approval of an of 8-unit, detached single-family condominium plat and building architecture for the lands rezoned to R-1/PDD, Planned Development District Overlay (PDD) for the development.

MOTION by Handeland/Chambers to suspend the rules and open the meeting up for public comment. No further discussion. Motion carried in a voice vote, 6-0.

At 8:25 PM, the meeting was opened for public comment.

Jeff Jorgan, ???? Old Valley Road – Would like to see a variety of homes rather than the same design for each condo.

MOTION by Handeland/Garcia to close the meeting to public comment. No further discussion. Motion carried in a voice vote, 6-0.

The meeting was closed to public comment at 8:27 PM.

Steve Jauquet addressed The Commission stating that for twenty years the residents have been using his property to run their dogs, practice their golf swing, let their children play back there all while Mr. Jauquet maintained the property at his cost. The residents don't want change to the property, and they had a chance to buy it but didn't.

Several options with the garage in the northwest corner was given, as well as the overall development layout, and The Commission felt those options needed to be taken into consideration.

MOTION by Handeland/Baran to table the preliminary plat until the January meeting. No further discussion. Motion carried in a voice vote, 6-0.

f. **Discussion and recommendation on the proposed changes to Chapter 135: Zoning relating to Agriculture-Farmland Preservation for Department of Agriculture, Trade and Consumer Protection Ordinance Certification.**

The 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.

In December 2017 Brown County adopted the 2017 – 2027 Brown County, WI Farmland Preservation Plan Update that establishes a vision for the future of agriculture in Brown County, and that identifies the state of agriculture in the county, anticipates future trends, and maps land that the County projects will stay in agricultural use for the next 15 years. The Town has a Farmland Preservation local ordinance that is certified by (DATCP) as a Farmland Preservation Zoning ordinance that meet standards set forward in Chapter 91, Wis. Stats.

With the update to the County Plan, and some changes at the State level, revisions/updates to the Town Ordinance are required. Most notable is the addition of new definitions that align with the statutes. Also, we must resolve the lands we show on the official zoning map that have been rezoned to AG-FP that do not appear on the County Plan. We will be working with the County to resolve this in 2020.

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

g. **Discussion and recommendation on the proposed changes to Chapter 96 and Chapter 135 relating to bicycle and pedestrian facilities, trails, walkways, and sidewalks.**

The Town of Ledgeview Bicycle and Pedestrian Master Plan recommends a review and modification of current ordinances that relate to bicycle and pedestrian issues as part of the recommended next steps. Because of bicycle and pedestrian operational characteristics (non-motorized transportation), walkers and bicyclists are susceptible to hazards most motor vehicles are not. These hazards need to be taken into account in order to provide safe and enjoyable travel by people walking and bicycling. To continue to be proactive when planning for pedestrian and bicycle transportation recommended code changes have been outlined in the Bicycle and Pedestrian Plan. These changes were reviewed by the Park and Recreation Committee at their 11/25/19 for input and recommendations to the Zoning and Planning Commission for further review and/or action.

MOTION by Chambers/Baran to recommend approval of the of the ordinance amendment. 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 with developers on a future plat. Nothing has been officially submitted.
- Working on language regarding A2 vs. RR as it related to accessory structures.

b. **Review town board decisions.**

- Approved the addition to Bel Gioioso Cheese.
- Approved the Hunting Overly Map with changes.

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.

10. **ADJOURN.**

MOTION by Lamers/Garcia to adjourn. No further discussion. Motion carried in a voice vote, 6-0. Meeting adjourned at 8:48 PM.

Respectfully submitted,

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