



**MEETING MINUTES  
TOWN OF LEDGEVIEW  
ZONING & PLANNING COMMISSION  
Wednesday, April 15<sup>th</sup>, 2020 at 6:00 p.m.  
Ledgeview Community Center  
3700 Dickinson Road  
De Pere, WI 54115**

It should be noted that in light of current public health concerns regarding COVID-19, this meeting was a telephone/video conference meeting for Commission members. Members of the public were able to participate in the meeting through telephone access. Developer comments or agent comments were allowed under the specific agenda items.

**1. Call meeting to order.**

The meeting was called to order by Vice-Chair Mark Handeland at 6:00 PM.

**2. Roll call.**

Members present were Commission Vice-Chair Mark Handeland, Commissioners Mark Chambers, Kris Baran, Renee Van Rossum, and Chet Lamers connected at 6:22 PM. Excused were Commission Chair Jane Tenor and Commissioner Taurino Garcia.

**3. Approve/amend agenda.**

Staff advised there were no changes to the agenda.

MOTION by Handeland/Baran to approve the agenda as written. No further discussion. Motion carried in a voice vote, 4-0.

**4. Act on minutes from March 11, 2020**

MOTION by Van Rossum/Handeland to approve as written. No further discussion. Motion carried in a voice vote, 4-0.

**5. Old Business: None.**

**6. New Business:**

**a. Review and make recommendation on the request by Steve Bieda of Mau & Associates, agent for Mystery Ridge, LLC, Marty Brice owner, for a Preliminary Plat Application on parcel D-189, Dallas Lane, for an 18 lot subdivision known as Mystery Ridge.**

In September 2019, review of a 19 lot, 2 outlot preliminary plat on approximately 14.6 acres was approved by the Zoning & Planning Commission and subsequently the Town Board. The parcel was also rezoned from R-R to R-1. The key conditions of the approval were the following:

1. Complete wetland delineation and flood study for the development.
2. Revise Plat to remove Environmentally Sensitive Areas (ESA) from Lots 5 – 10 and add to Outlot 2.
3. Add the following notations to the Plat:
  - a. Future sidewalks and/or recreation trail will be installed along Dallas Lane, Mystery Ridge, and Dollar Road in the public right of way.
  - b. Driveway access is prohibited 75-foot from the intersection for Lots 1, 5, 13 – 15, and 17. This prohibition will also be illustrated directly onto these lots.

This item was again on the Zoning & Planning agenda in February 2020 following its acquisition by a new developer. Minor changes to the layout were proposed, but a series of lots were proposed to be platted into the ESAs (Environmental Sensitive Areas). The Commission advised the developer that this did not comply with Town Codes and Ordinances, and the ESAs must be platted into an Outlot. The developer asked for the item to be tabled so they could evaluate alternative layouts. The revised plat has similar issues related to the platting of lots into the ESAs. Further, an impoundment impacts Lot 16. The Commission needs to provide direction to the developer on this issue.

The Town Engineer conducted a field review of the proposed plat and recommends that Lot 16 be platted as illustrated in the Staff mark-up included on the Staff Memo provided. The large pond to the east is created by an impoundment (dam) with an outlet structure and an 18" pipe that extends into the other pond. The engineer notes that the dam is not registered with the Wisconsin Department of Natural Resources (WDNR) as required. Further, the engineer recommends that the dam and related improvements be platted in the Outlot dedicated to the Town due to the maintenance responsibilities and liabilities associated with the earth embankment and outlet structure. The engineer notes that the pipe is rusting and will need replacement soon.

Staff did prepare a resolution for consideration recommending approval as the plat complies with the requirements of Chapter 96: Subdivision with the following conditions:

1. Complete a flood study for the development, and revised plat as required.
2. Revise Plat to remove ESAs and dam from Lots 12 – 17 and Lot 19. Combine ESAs to create Outlot 1.
3. Add the following notations to the Plat:
  - a. Future sidewalks and/or recreation trail will be installed along Dallas Lane and Dollar Road in the public Right-Of-Way (ROW).
  - b. Driveway access is prohibited 75-foot from the intersection for Lot 6. This prohibition will also be illustrated directly onto the lot.
4. As temporary easement for the cul-du-sac of Dollar Lane (Road) on Lots 11 and 12.
5. Illustrate the required parcel setbacks on the plat.
6. Revised Dollar Lane name to be Dollar Road.
7. Any technical corrections required by the Town Engineer and Brown County.

There was great discussion on lots 19 and 16. The Commission felt that lot 19 was better suited being a dedicated Town outlot. The Commission also advised that because of the town engineer's concerns with the impoundment of water on lot 16, it would be best if the developer worked with staff and the Town Board to reconcile those concerns. The resolution was changed to reflect the Commission changes on lots 19 and 16.

MOTION by Baran/Chambers to approve the resolution as amended. No further discussion. Motion carried in a voice vote, 4-0.

**b. Review and make recommendation on the request by Jon Leroy Mau & Associates, agent for Heritage Villas, LLC, Jerry Lochman, owner, for a Building, Site, and Operations Application for parcel D-1987, 4575 Trellis Drive.**

Heritage Heights Subdivision is approximately 86 acres located at south of CTH X and east of Cottonwood Lane. In 2017 the 6.4-acre site was zoned R-3/PDD (Planned Development District) to accommodate the multi-family development. The development is 78 units in a series of 6- and 9-unit buildings.

At this time the developer is requesting to replace two (2) 6-unit buildings with one (1) 12-unit building as the 12-unit building has units with 2-stall garages. The general footprint will remain the same. The developer has indicated to Staff that the units with 2-stall garages are in very high demand. Unfortunately, the 6-unit buildings do not have any 2-stall garages. The overall density of the development will not change,

The proposed location does not conflict with the intended goals of the development and will not change the appearance or "feel" of the development from either Trellis Drive or Blue Stem Lane. The location of the 12-unit building will be at the eastern-most part of the site, away from single-family residential development. Future development to the east is intended to be multi-family residential or commercial. The Planned Development District is intended to allow for flexibility in site design, and to encourage development that is sensitive to environmental, cultural, and economic considerations.

Based on this evaluation, Zoning & Planning recommends the following to the Town Board:

1. The Zoning & Planning Commission finds that the proposed replaces of two (2) 6-units building with a 12-unit building is not a substantial change to the previously approved Planned Development District, and that the development achieves the desired objectives of the Planned Development District
2. The landscape plan will be revised to indicate the planting size of coniferous trees to be a minimum of 6-feet.
3. The developer shall provide a revised grading plan to the Town Engineer for review.

MOTION by Handeland/Van Rossum to recommend approval for the one 12-unit building with 2-stall garage because it is a minor change and with the staff's recommendations. 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 owner Judi DeKeyser for a Rezone Request Application on parcel D-346-2, located on Creamery Road, from RR, Rural Residential to NCD, Neighborhood Center District.**

The petitioner is requesting approval to rezone the reconfiguration of parcel D-346-2 from R-R/PDD, Rural Residential with Planned Development District to NCD, Neighborhood Center District.

The existing property has three accessory buildings. The reconfigured property will be reduced from 5.1 acres to 2.7 acres with ~277-feet of frontage. There will be no accessory buildings on the reconfigured parcel. The Certified Survey Map (CSM) was approved by the Zoning & Planning at the March meeting.

The lots are currently zoned R-R/PDD, Rural Residential with the Planned Development District. The PDD was added years ago by the Town to protect the lands against premature development that was not consistent with the adopted Future Land Use for the area. This rezone to NCD accompanies a Building, Site, and Operation Plan for a new physical therapy facility and health studio space, Inspirit.

Based on an evaluation of the key "findings of fact", the Plan Commission recommends approval to the Town Board the rezoning of Parcel D-376-2 from R-R, Rural Residential to NCD, Neighborhood Center District for the following reasons and with the specific conditions:

1. The proposed rezoning from R-R to NCD is consistent with the current zoning and development trends in the area.
2. The land for the parcel is suitable for non-residential and mixed-use development consistent with the Neighborhood Center District.
3. The rezoning is conditioned on:
  - Amending the Future Land Use Map of the adopted Comprehensive Plan from Mixed Residential to Planned Mixed Use.
  - Recording of the DeKeyser CSM reconfiguring Parcels D-376 and D-376-2.

MOTION by Handeland/Lamers to recommend approval of the rezone resolution. Motion carried in a voice vote. No further discussion. 5-0.

**d. Review and make recommendation on the request by David O'Brien of Bayland Buildings, Inc., agent for Derek and Eliza Andrews, LLC, owner, for a Building, Site, and Operations Application for Inspirit Physical Therapy to be located on parcel D-346-2, 3890 Creamery Road.**

The petitioner is requesting approval of a Building, Site, and Operations Plan (BSO) for a new physical therapy facility. The petitioner is proposing to construct a ~7,100 square foot physical therapy facility. The petitioner will relocate their existing operations on East River Drive to this new facility. A Certified Survey Map was approved by Zoning & Planning at the March meeting to reconfigure Parcel D-376-2 from 5.1 acres to 2.7 acres with ~277-feet of frontage. A request to rezone the property from R-R/PDD, Rural Residential with Planned Development District to NCD, Neighborhood Center District, accompanies this BSO Plan.

The proposed professional office development complies with the intent of NCD, Neighborhood Center District. The intent of the district is to encourage a vibrant mixed-use area where residents and visitors can live, work, shop, dine, be entertained, and contribute to the economic viability of the Neighborhood Center District.

The proposed facility is consistent with the intent of the NCD District. The Zoning & Planning recommends approval to the Town Board with the following conditions:

1. Rezoning of the site from R-R, Rural Residential to NCD, Neighborhood Center District.
2. Recording of the DeKeyser CSM reconfiguring Parcels D-376 and D-376-2.
3. Sidewalk from the facility to Creamery Road to be installed along the driveway.
4. Submittal of a landscape plan for review prior to Town Board approval.
5. Trash enclosure to comply with the recommendation of the Zoning & Planning Commission which is the trash enclosure shall be constructed out of the same building materials as the building itself.
6. Approval of all stormwater management by the Town Engineer, and revisions to the site as recommended.

MOTION Van Rossum/Baran to recommend approval with conditions and to include landscaping and lighting plans. No further discussion. Motion carried in a voice vote, 5-0.

**e. Review and make recommendation on the request by Steve Bieda of Mau & Associates, LLP, agent for Matthew and Vicki Swan, owner, for a Rezone Request Application on parcel D-183-4 and D-183-4-2, 1900 block of Dallas Lane, from RR-Rural Residential to R1-Residential Single Family to adjust the lot line between two existing lots to accommodate the existing driveway.**

The petitioner is requesting to rezone Parcel D-183-4-2 from R-R, Rural Residential District to R-1, Residential District for a future land division. This rezone accompanies a two (2) parcel re-division Certified Survey Map (CSM) involving 1900 Dallas Ln (Parcel D-183-4-2) and 1951 Dallas Ln (Parcel D-183-4) and a right-of-way vacation on Dallas Ln.

The Town is also in the process of making roadway and utility improvements to Dallas Lane including urbanizing sections with curb, gutter, and sidewalk. However, curb, gutter, and sidewalk improvements are not anticipated to extend to the roadway abutting the project at this time. A gravel extension to the existing roadway is planned for the northeast roadway spur.

Due to the related nature of the proposed CSM, Right of Way Vacation and petitioner's rezone request staff recommends including Parcel D-183-4 as part of this rezone petition from R-R, Rural Residential to R-1, Residential. This will help to bring consistency between the comprehensive plan's future land use and the zoning classifications in the area.

Based on an evaluation of the key "findings of fact" the Plan Commission include both Parcels D-183-4 and D-183-4-2 as part of this rezone petition, and recommend approval to the Town Board for the following reasons which are outlined in the corresponding resolution:

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

MOTION by Handeland/Van Rossum to recommend approval of the rezone resolution. No further discussion. Motion carried in a voice vote, 5-0.

**f. Review and make recommendation on the request by Steve Bieda of Mau & Associates, LLP, agent for Matthew and Vicki Swan, for a right-of-way vacation for Dallas Lane adjacent to parcels D-183-4 and D-183-4-2, 1900 block of Dallas Lane.**

The petitioner, in conjunction with the Town Public Works Department, are requesting the vacation the 0.19 acre “stub” portion of Dallas Lane. A Certified Survey Map (CSM) to reconfigure the parcels and a rezone petition for Parcel D-183-4-2 accompany this Right-of-Way (ROW) vacation application.

A condition of the CSM approval is the vacation of the ROW. The 2 lots will have direct access to the Dallas Lane roadway.

Vacation of public right-of-way is not a common occurrence within a community. The process is outlined in Wis. Stats. 66.1003 & 66.1005 Vacation of the ROW is required whenever a governmental entity—in this case the Town—removes the public interest in a road, and it is relinquished to the abutting properties.

MOTION by Van Rossum/Baran to approve the vacation. No further discussion. Motion carried in a voice vote, 5-0.

**g. Review and make recommendation on the request by Steve Bieda of Mau & Associates, LLP, agent for Matthew and Vicki Swan, owner, for a Certified Survey Map Application on parcels D-183-4 and D-183-4-2, 1900 block of Dallas Lane, to adjust the lot line between two existing lots to accommodate the existing driveway.**

The petitioner is requesting the approval of a Certified Survey Map (CSM) for the reconfiguration the lot line between two adjacent lots currently totaling 2.9 acres.

A 0.19 acre “stub” portion of the Dallas Lane right-of-way will need to be vacated as part of this approval process and will be incorporated as part of the CSM bringing the acreage total to 3.09 acres.

Lot 1 will have 2.17 acres and Lot 2 will have 0.92 acres. The land is currently zoned R-R, Rural Residential, but a rezone petition for parcel D-183-4-2 from RR to R-1 accompanies the CSM and right-of-way vacation. The lots will access to Dallas Ln.

MOTION Handeland/Van Rossum to approve the resolution recommending approval of the CSM to the Town Board. No further discussion. Motion carried in a voice vote, 5-0.

**h. Review and make recommendation on the request by Paul Fontecchio, Brown County Director of Public Works, agent for Brown County, for a Certified Survey Map Application on lands adjacent to the 4300 Block of Monroe Road, to transfer ownership of a stormwater management pond.**

The County is requesting the approval of a Certified Survey Map (CSM) to create an Outlot that contains the stormwater pond that was constructed a part of the Monroe Road improvements. The pond is managed by the Town, and the CSM would enable the pond to be on land owned by the Town.

The Outlot will be 0.65 acres in area and have 245-feet of frontage along Monroe Road. A rezoning petition for the property to Neighborhood Center District accompany this CSM.

Staff recommends approval of the CSM to the Board without conditions.

MOTION by Van Rossum/Chambers to approve the resolution recommending approval of the CSM to the Town Board. No further discussion. Motion carried in a voice vote, 5-0.

**i. Review and make recommendation on the request by Paul Fontecchio, Brown County Director of Public Works, for a Rezone Request Application on lands adjacent to the 4300 Block of Monroe Road, to NCD, Neighborhood Center District.**

The County is requesting the approval of a Certified Survey Map (CSM) to create an Outlot that contains the stormwater pond that was constructed as part of the Monroe Road improvements. A new parcel will need to be zoned. The pond is managed by the Town, and the CSM would enable the pond to be on land owned by the Town. The Outlot will be 0.65 acres in area and have 245-feet of frontage along Monroe Road.

Based on an evaluation of the key “findings of fact”, the Zoning & Planning recommends approval to the Town Board the rezoning of the future parcel to NCD, Neighborhood Center District for the following reasons and with the specific conditions:

1. The proposed rezoning from to NCD is consistent with the current zoning in the area.
2. The land for the parcel is suitable for non-residential and mixed-use development consistent with the Neighborhood Center District.
3. The rezoning is conditioned on recording of the CSM creating the proposed parcel.

MOTION by Handeland/Van Rossum approve the resolution recommending approval of the rezone to NCD. No further discussion. Motion carried in a voice vote, 5-0.

**7. Staff Report.**

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

Approved at the May 13, 2020 Zoning & Planning Meeting.

Approved at the May 19, 2020 Town Board Meeting.

- Stone Fence Reserve will be coming back
- Working with developers on potential developments.

**b. Review Town Board decisions.**

- Approved Feldspar Place Preliminary Plat.
- Scray Hill Road Urbanization Project.

**8. Communications by Commission members.**

- Cole Runge was promoted to Brown County Planning Director as Chuck Lamine retires.

**9. Adjourn.**

MOTION to adjourn by Handeland/Chambers. No further discussion. Motion carried in a voice vote, 5-0. Meeting adjourned at 7:20 PM.

Respectfully submitted,

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