



**MEETING MINUTES
TOWN OF LEDGEVIEW
ZONING & PLANNING COMMISSION
Wednesday, July 15th, 2020 at 6:00 p.m.
Ledgeview Community Center
3700 Dickinson Road
De Pere, WI 54115
DRAFT 2**

Please Note: In light of current public health concerns regarding COVID-19, this will be a telephone/video conference meeting for Commissioner members. Members of the public who wish to participate in the meeting may contact the Town Clerk at (920)336-3360 or via email at cnagel@ledgeviewwisconsin.com at least twenty-four (24) hours prior to the meeting time to request telephone access to the meeting. Anyone wishing to submit comments must do so in written format to the Town Clerk prior to 12:00pm Noon the day of the meeting.

1. Call meeting to order.

The meeting was called to order by Chairwoman Jane Tenor at 6:15 PM

2. Roll call.

Chairwoman Jane Tenor, Vice-Chair Mark Handeland, Commissioners Renee Van Rossum, Kris Baran, , appeared in person. Commissioners Chet Lamers, Mark Chambers, and Taurnio Garcia were excused. Staff present was Planner Dustin Wolff appeared virtually, and Clerk Charlotte Nagel appeared in-person.

3. Approve/amend agenda.

Staff advised there were no changes to the agenda. MOTION by Van Rossum/Baran to approve as written. No further discussion. Motion carried in a voice vote, 4-0.

4. Act on minutes from June 10, 2020

MOTION by Handeland/Van Rossum 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 Scott Smet of Trinity Ridge Farms, LLC, on an amendment to the Planned Development District (PDD) on parcel D-208-01 located at 4400 Scray Hill Road for the addition of a chicken coop in the Trinity Ridge Farms Development.

Approved as an “agri-hood” in 2017, the 30.8- acres Trinity Ridge Farms has three different uses as approved under the Planned Development District (PDD). Under a PDD, any changes made to the PDD requires approval of Zoning & Planning and the Town Board. If the change is significant, a public hearing is required.

The chicken coop was supposed to be included in the original PDD, however, was not. At this time, the developer is requesting to add a 350 SF chicken coop to the site. The overall density of the development will not change. The opinion of staff is that 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 Scray Hill Road. The coop will be 540-feet from the roadway and will be screened by a future barn structure. The proposed coop will be constructed with cedartone siding and a galvanized roof—a traditional agrarian appearance. This proposed structure will have a shed-style roof. The agi-hood was approved to have up to 25 chickens.

Recommended conditions of approval of the proposed coop are:

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Approved at the August 18th, 2020 Town Board Meeting.

1. The Commission finds that the proposed chicken coop structure 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 proposed coop shall not exceed 350 SF or 8-feet in height.
3. The proposed coop shall be located a minimum of 500-feet from the Scray Hill Road ROW and 100-feet from the northern property line.

Motion by Handeland/Baran to recommend approval of the coop to the Town Board with the recommended conditions. No further discussions. Motion carried in a voice vote, 4-0.

b. Review and make recommendation on the request by Troy Hewitt of Robert E. Lee Associates, Inc., agent for Mark Gigot of Gigot Properties, LLC, owner, for a Final Subdivision Plat on parcel D-164 located at on Lime Kiln Road near Copper Lane for a 76 lot, 10 outlot subdivision known as Stone Fence Preserve.

This Preliminary Plat was reviewed and approved by the Zoning & Planning Commission and the Town Board in May 2020. The Stone Fence Preserve Final Plat contains 76 lots and 10 outlot. Preliminary Plat included 76 lots and 9 outlots, outlot numbers from Preliminary Plat review have changed. The site is 68.16 acres and has been previously used for farming, with the southwest and northwest areas of the property containing Environmental Sensitive Areas (ESAs) for woodlands and a waterway.

The property was rezoned from A-2, Agriculture District to R-1 Single-Family Residential District. Rezoning of OL 8 to R-1 or R-1/PDD as applicable for the future development proposal of the site will be required at that time. The rezone to R-1 is consistent with the zoning of area development that is connected to public utilities.

Lots in the R-1 District are required to have a minimum width of 90-feet at the base setback line, and minimum area of 12,000 square feet. All the proposed lots appear to meet these requirements. A new access to Lime Kiln Road is proposed. This access location has been approved by the County and is supported by the Town Engineer. The new access to Lime Kiln Road is labeled as 'Stone Fence Drive' and 'Stone Fence Court', there should be one name for this road. A second access to the development will be from Copper Lane.

The developer is commended for working through a series of concept iterations with the Town Staff. The Final Plat addresses the concerns related to platting of lots in the Environmental Sensitive Areas (ESA) features. OL 1 and 2 (previously OL 1 and 3) now encompass the centerline of the unnamed tributary to Bower Creek which is a navigable waterway. The updated platting of lots 4-9 and lots 11-18 still incorporate ESA features but the area is now marked as ESA and is also now labeled as conservation easement. Outlot 8, measuring 7.6-acres, is planned for a future single-family condominium development by others. A private road will serve the interior of the property, connecting from Claystone Circle to Summerhill Drive. Rezoning of the site (to R1 or R-1/PDD as applicable for the proposal) will be required. The developer will be required to provide a detailed layout plan and architectural elevations for the proposed development. Again, the Comprehensive Plan recommends Planned Neighborhoods "incorporate many different styles of architecture to break up the monotony of typical suburban development and emphasize people-friendly features like narrow streets, houses with porches, and detached garages." The Zoning & Planning Commission will review and approve all aspects of the future development.

Improvements for non-motorized mobility are planned adjacent to and through the proposed development. Specifically, Lime Kiln road is identified as high priority for non-motorized mobility because of the continual development in this portion of the town and the high-speed of the County Highway. The adopted Park Plan highlights a future unimproved trail through the ESA to provide. Sidewalks will be required along all public roads in the development in accordance with the Town's policy.

Recommendations of approval of the Final Plat for Stone Fence Preserve are the following:

1. Future development of Outlot 8 to be reviewed and approved by the Zoning & Planning Commission and Town Board.

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2. Outlot Restrictive Covenant of the Final Plat currently states; “The Town of Ledgeview agrees that no improved trail/path will be constructed within Outlots 1 and 2”. Language should be revised to specify no paved trail.
3. Add a notation to the plat specifying “Future on-street bicycle facilities will be installed in the Lime Kiln Road and Copper Lane rights-of-way. Sidewalks will be installed on all public roads.”.
4. The new access to Lime Kiln Road is labeled as ‘Stone Fence Drive’ and ‘Stone Fence Court’, one name should be chosen.
5. The following language must be included in the conservation easement: Conservation Intent. The plat of contains areas designated with a “Conservation Easement”. The Landowner and the Town of Ledgeview share the common purpose of preserving the Conservation Values of the Property in perpetuity. The Landowner has placed restrictions on the use of the Property to protect those Conservation Values. The Town and the Landowner agree to accept, the right to monitor and enforce these restrictions in order to preserve, enhance and protect the Property for the benefit of this generation and generations to come. No trees shall be removed from the Conservation Easement Area unless those trees have been certified by the Town of Ledgeview that they are dead, diseased, or dying. No grading, landscaping, or structures area allowed in the area and shall be removed and restored at the owner’s expense should such improvements be discovered. Landowners that wish to remove any vegetation must contact the Town of Ledgeview prior to removal or will be subject to a fine, restoration of the area, or both.

There was much discussion on the recommended language of condition #2 - Outlot Restrictive Covenant of the Final Plat currently states; “The Town of Ledgeview agrees that no improved trail/path will be constructed within Outlots 1 and 2”. Language should be revised to specify no paved trail. The developer prefers to have a “billy goat trail” and would like the language to remain the as is.

Motion by Handeland/Van Rossum to recommend approval the final plat for Stone Fence Preserve subdivision with the five recommended conditions. No further discussions. Motion carried in a voice vote, 4-0.

c. Concept review on the request by Troy Hewitt of Robert E. Lee Associates, Inc., agent for Marian Anderson, owner, for a Certified Survey Map on parcels D-87, D-87-9, and D-392 located on Scenic Way.

As this is a concept review only, no formal action is required at this time by the Zoning & Planning Commission. It is important for the Zoning & Planning Commission to provide the petitioner with clear direction on the overall development as proposed, and the key issues, so the developer can move towards submitting a Certified Survey Map.

The two concepts provided for review illustrated the creation of 3 or 4 lots ranging from 1.5-acres to 2 acres. The properties total 23.4 acres and have been previously used for a single-family estate residence.

Feedback was given to the developer. Zoning & Planning liked both concepts that were presented.

d. Review and make recommendation on the request by Steve Bieda of Mau & Associates, LLP, agent for Leo and Marilyn Skaletski, owner, for a Zoning Request Application on parcels D-99 and D-101-1 located on Caboose Lane and 3551 Shadow Court from AG-FP, Agriculture-Farmland Preservation and R-R Rural Residential to A-2 Agriculture to accommodate a three (3) lot Certified Survey Map.

The petitioner is requesting to rezone the properties from A-FP (D-99), R-R (D-101-1); and AFP (D-106) to A-2, Agricultural District for a future 3 lot Certified Survey Map (CSM) which accompanies this application.

The CSM proposes changes to the boundaries of parcels with differing zoning classifications. Due to the Town’s ordinance preventing split parcel zoning the rezone is necessary for the CSM approval. The AG-FP district has a minimum lot area of 35 acres, which make parcel D-99 and D-106 non-conforming. Properties are required to be brought into conformance prior to CSM approval and so the A-2 District is more appropriate as a zoning classification.

Based on an evaluation of the key “findings of fact” approval of the zoning change is recommended the Plan Commission for the following reasons:

1. The proposed rezoning to A-2 is consistent with the current zoning and development trends in the area to preserve the area for agricultural production.
2. The lands are suitable for agricultural production, residences, and accessory structures.

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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 Handeland/Van Rossum to approve the resolution recommending approval to the Town Board based on the aforementioned findings of fact. No further discussions. Motion carried in a voice vote, 4-0.

e. Review and make recommendation on the request by Steve Bieda of Mau & Associates, LLP, agent for Leo and Marilyn Skaletski, owner, for a Certified Survey Map on parcels D-99, D-101, D-101-1, and D-106 located on Caboose Lane and 3551 Shadow Court.

The petitioner is requesting the approval of a retracement Certified Survey Map (CSM) of Parcels D-99, D-101, D-101-1, and D-106 from four (4) lots into three (3) lots. Lot 1 (11.01 ac) will encompass the majority of parcel D-99 with the exception of the portions with existing agricultural residence and accessory structures. Those portions will be added to Lot 2 (41.58 ac) along with the entirety of parcel D-101-1. Lot 3 (24.89 ac) will encompass the existing boundaries of parcel D-106.

A request to rezone the property (Parcels D-99, D-101-1, D-106) from A-FP, Agricultural Preservation District, and R-R, Rural Residential District to A-2, Agricultural District has also been submitted as Parcel D-99 and D-101 are non-conforming under the A-2 district and D-101-1 is being reclaimed by its parent parcel. D-101 is zoned A2.

Lots in the A-2 District are required to have a minimum width of 150-feet at the base setback line, and minimum area of 10 acres. The proposed lots meet these requirements. Required building setbacks are 35-feet from the right-of-way, 25-feet from the sides, and 25-feet from the rear lot lines. Setbacks for the parcels should be illustrated on the CSM.

Access to the parcels will be from Shadow Ct for Lot 1. Shadow Ct or Caboose Ln for Lot 2 and Caboose Ln. Lot 3 has access along Trestle Rd and by a privately owned driveway access from residents. This will limit development of the lot but has no impact for the agricultural operation of the lot.

A 35' right of way dedication is required for Caboose Lane as measured south of the section line. Additionally, the right of way dedication for Shadow Court must be 25-feet from the centerline. These dedications must be illustrated on the CSM. A multi-use trail is shown in the future bicycle and pedestrian plan along Lot 2 and Lot 3 of the property, but land dedication is not recommended by staff at this time.

The recommendation to Zoning & Planning is approval of the CSM conditioned upon:

1. Approval of the rezone petition for parcels D-99, D-101-1, and D-106
2. The parks board approves the CSM without land dedication for a future community park and multi-use trail.
3. Revise CSM to illustrate the following:
 - a. Illustrate the appropriate building setbacks on the CSM.
 - b. Illustrate a 35' ROW dedication for Caboose Lane as measured south of the section line.
 - c. Illustrate a 25' ROW dedication for Shadow Court as measured from the center line.
4. Any technical corrections required by the Town Engineer or Brown County prior to Town signatures.

Motion by Handeland/Baran to recommend approval minus the right of way and water language. No further discussions. Motion carried in a voice vote, 4-0.

f. Review and make recommendation on the request by Steve Bieda of Mau & Associates, LLP, agent for Keith Rukamp, owner, for a Zoning Request Application on parcel D-190-2 at 1825 Dallas Lane from R-R, Rural Residential to R-1, Single-Family Residential to accommodate a four (4) lot Certified Survey Map.

The petitioner is requesting to rezone Parcel D-190-2 from R-R, Rural Residential District to R-1, Residential District for a future land division. This rezone accompanies a 4 lot Certified Survey Map (CSM). The Town is in the process of making roadway and utility improvements to Dallas Lane including urbanizing sections with curb, gutter, and sidewalk in front of this property.

Parcel D-190-2 is a 12.41-acre property currently contains a single-family home, a wooded and native vegetative edge. The associated CSM proposes four (4) lots. An approximately 11.38 ac lot retaining the single-family home, and three (3)

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additional lots each approximately 0.3 acres in size on the southeast corner of the parent parcel. These lots consist of parts of the thinly wooded and native vegetative portions of the site. The parcels are bordered by Dallas Lane on the south, which will be reconstructed to an urban roadway profile with sidewalk and curb and gutter in the near future.

The property is suitable for low-density residential uses as permitted under the existing zoning classification. No Environmental Sensitive Area was found on the property. This area of Town has seen the gradual conversion of land from woodland and agricultural operations to residential development over recent years. Large agricultural properties to the south of the site (on top of the escarpment) have recently rezoned to R-1 and been developed into smaller single-family lots. The trend for development in this area has been the conversion of larger rural residential estate and agricultural lots (similar to the subject property) to a low-density single-family residential zoning classification.

The availability of public utilities will also make properties in this area desirable for additional development, and these utility connections make them more appropriate for the R-1 classification. Due to minimum lot area standards in the R-R district of 60,000 sf and minimum lot frontage of 150', the CSM cannot be approved as proposed without a zoning change. The Town's adopted Comprehensive Plan illustrates the property for future single-family land use, which match the lot sizes and development to the south of the site. The proposed rezoning petition is consistent with the adopted plan.

Based on an evaluation of the key "findings of fact" addressed above, staff recommend that the Plan Commission recommend approval to the Town Board for the following reasons:

1. The proposed rezoning from R-R to R-1 is consistent with the current zoning and development trends in the area.
2. The lands are suitable for low 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 Van Rossum/Handeland to approve the resolution recommending approval of the rezone to the Town Board. No further discussions. Motion carried in a voice vote, 4-0.

g. Review and make recommendation on the request by Steve Bieda of Mau & Associates, LLP, agent for Keith Rukamp, owner, for a four (4) lot Certified Survey Map on parcel D-190-2 at 1825 Dallas Lane.

The petitioner is requesting the approval of a 4-lot Certified Survey Map (CSM) for Parcel D-190-2 on Dallas Ln. The CSM application is accompanied by a rezone application from R-R, Rural Residential District to R-1, Residential District.

An area development plan was completed for this area on the north side of Dallas lane extending westward to Bower Creek Rd. The plan highlights existing and future roadway improvements, approximate and approximate parcel boundaries. The area development plan should be approved as part of the CSM approval.

Additionally, the Town is in the process of making roadway and utility improvements to Dallas Lane including urbanizing sections with curb, gutter, and sidewalk in front of this property.

Lot 1 will be an approximately 11.38 ac lot retaining an existing single-family structure. Lot 2 (0.30 ac), Lot 3 (0.34 ac), and Lot 4 (0.33 ac) make up the remainder of the approximately 12.4 ac parent parcel. These lots currently serve as thinly wooded and native vegetative buffers for the property. Lot 1 will retain its existing access, and lots 2, 3, and 4 will have future access to Dallas Ln.

All lots will access Dallas Lane. Access location is regulated under the Towns municipal code Section 94-3 (C), which requires driveway access be a minimum of 75-feet from an intersection on urban roadways, and shall be placed in such a location as to not create a safety hazard for traffic traveling upon or entering and existing the roadway. The CSM should indicate the location of access controls abutting Lot 3 to ensure future development adheres to this requirement. In addition, the areas dedicated to the public for sidewalk are indicated on the CSM. A 12' utility

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easement along the southern and eastern boundary of the parent parcel will remain as part of the proposed lots and are indicated on the CSM.

The recommendation is approval of the CSM and Area Development Plan to the Board at this time, conditioned upon:

1. Approval of the rezone petition for parcel D-190-2
2. Revise CSM to illustrate the following:
 - a. Zoning & Planning decision on the proposed layout, specifically extending the depth of Lot 4 to the north lot line of Lot 2.
 - b. Illustrate the appropriate building setbacks on the CSM.
 - c. Illustrate the access controls on Lot 3 to indicate a 75-foot buffer from the intersection
3. Any technical corrections required by the Town Engineer or Brown County prior to Town signatures.

Motion by Baran/Van Rossum to approve the recommending approval resolution to the Town Board striking the word “deeper” from the resolution. No further discussions. Motion carried in a voice vote, 4-0.

7. Staff Report.

a. Update on future agenda items.

- Cocoon Brewery update
- Conditional Use Permit Broadway & Heritage Road.

b. Review Town Board decisions.

- Approved the Rezone, Certified Survey Map, and Building, Site, & Operations Plan for Inspirit Physical Therapy to be located on parcel D-346-2, 3800 Block of Creamery Road.
- Approve the vacation and discontinuation of the portion of Dallas Lane, the existing cul-de-sac bulb.

8. Communications by Commission members.

- There was clarification on the definition of an Environmental Sensitive Area
- I-pad issues were discussed.

9. Adjourn.

MOTION by Baran/Van Rossum to adjourn. No further discussion. Motion carried in a voice vote, 4-0. Meeting was adjourned at 7:22 PM.

Respectfully submitted,

Charlotte Nagel, Clerk