



**MEETING MINUTES  
TOWN OF LEDGEVIEW  
ZONING & PLANNING COMMISSION  
Wednesday, August 12<sup>th</sup>, 2020 at 6:00 p.m.  
Ledgeview Community Center  
3700 Dickinson Road  
De Pere, WI 54115**

The Zoning & Planning Commission may discuss and act on the following agenda:

**1. Call meeting to order.**

The Meeting was called to order by Commission Chair Jane Tenor 6:00 PM.

**2. Roll call.**

Members present were Commission Chair Jane Tenor, Vice-Commission Chair Mark Handeland Commissioners Kris Baran, Chet Lamers, and Taurino Garcia. Excused were Commissioners Renee Van Rossum and Mark Chambers.

**3. Approve/amend agenda.**

Motion by Baran/Garcia approve the agenda as written 5-0.

**4. Act on minutes from July 15th, 2020**

Motion by Tenor/Handeland approve as amended. No further discussions. Motion carried in a voice vote, 4-0-1 with Lamers abstaining for attendance.

**5. Old Business: None.**

**6. New Business:**

**a. Review and make recommendation on the request by Steve Bieda of Mau & Associates agent for Juanita Tetzlaff, owner, for a retracement Certified Survey Map on parcels D-400, D-417, D-417-4 located on Sportsman Drive and Carter Lane.**

The petitioner is requesting the approval of a retracement Certified Survey Map (CSM) for the reconfiguration of a series of parcels.

- Parcel D-400 will decrease from 34.4 acres to 33.7 acres
- Parcel D-417 will decrease from 31.8 acres to 17.7 acres.
- Parcel D-417-4 will be increased from 18.4 acres to 33.2 acres.

The parcel D-417 will need to be rezoned to A-2 because of the reduction in size. The town does not allow split zonings on properties. For parcel D-417-4, the areas that are zoned AG-FP will need to be rezoned to R-R. A public hearing will need to be scheduled before the Town Board at a future date.

Lots in the R-R District are required to have a minimum width of 150-feet at the base setback line, and the minimum area of 60,000 square feet. The A-2 lots are required to be a minimum of 10 acres in area. The proposed lots comply with these requirements. Required building setbacks for lots without curb and gutter are 30-feet from the right-of-way, and 25-foot rear and side setbacks. The existing home exceeds these minimum requirements. No additional ROW dedications are required at this time. If new lots are created, right-of-way dedications for Carter Lane and Sportsman Lane will be required. Accessory Buildings. The farmstead on parcel D-417 has a number of farm structures (barns,

Approved at the September 16<sup>th</sup>, 2020 Zoning & Planning Meeting.

Approved at the October 5<sup>th</sup>, 2020 Town Board Meeting.

buildings, and silos). As the lands will be zoned A-2 and used for farming purposes, there are no code compliance issues at this time.

Staff recommends approval of the resolution prepared for Zoning and Planning which recommends approval of the retracement CSM to the Town Board at this time, conditioned upon:

1. Rezoning of the lands to be added to the Parcel D-417-4 from AG-FP to R-R, rezoning of Parcel D-417 from AG-FP to A-2.
2. Any technical corrections required by the Town Engineer or Brown County prior to Town signatures.

There were some minor corrections made to the resolution.

Motion by Tenor/Handland to approve the resolution as corrected. No further discussion. Motion carried in a voice vote, 5-0.

**b. Review and make recommendation on the request by Steve Bieda of Mau & Associates agent for Clayton and Gladys Bildings Trust for a Zoning Change Application on part of parcel D-417 located at 5041 Sportsman Drive from AG-FP, Agriculture-Farmland Preservation to A1-Agriculture, and parts of parcels D-400 and D-417 from AG-FP, Agriculture-Farmland Preservation to RR-Rural Residential for parcel D-417-4 at 3395 Carter Lane in conjunction with a retracement Certified Survey Map.**

The petitioner is requesting the approval of a retracement Certified Survey Map (CSM) for the reconfiguration of a series of parcels.

- Parcel D-400 will decrease from 34.4 acres to 33.7 acres
- Parcel D-417 will decrease from 31.8 acres to 17.7 acres.
- Parcel D-417-4 will be increased from 18.4 acres to 33.2 acres.

The parcel D-417 will need to be rezoned to A-2 because of the reduction in size. The town does not allow split zonings on properties. For parcel D-417-4, the areas that are zoned AG-FP will need to be rezoned to R-R. A public hearing will need to be scheduled before the Town Board at a future date.

The property (D-417-4) is currently occupied by one single-family residence and one detached storage structure. A farm is located on the parcel to the west (D-417). Forested and agricultural lands are located to the north. The property is suitable for agricultural and low-density, single-family residential uses as permitted under the proposed zoning classifications. The parcels meets the existing zoning and future zoning requirements in terms of lot size and lot frontage. The lack of public utilities in the area means agricultural activities will continue to be the predominate land use. There will be the occasional large lot, low-density single-family residential land division and construction making the area ripe for additional residential development. The Town's adopted Comprehensive Plan illustrates the properties for future Rural Residential and Agricultural development. 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 of this rezoning petition to the Town Board for the following reasons:

1. Recording of the retracement CSM for parcels D-400, D-417, and D-417-4
2. The proposed rezoning to the A-2, Agriculture and R-R, Rural Residential District is consistent with the current zoning and development trends in the area.
3. The lands are suitable for agricultural and low-density single-family residential development.
4. The proposed zoning district conforms to the goals of the adopted Comprehensive Plan and the land use illustrated on the Future Land Use Map

These reasons and recommendation of approval are outlined in a staff prepared resolution.

Approved at the September 16<sup>th</sup>, 2020 Zoning & Planning Meeting.  
Approved at the October 5<sup>th</sup>, 2020 Town Board Meeting.

Motion by Handland/Garcia recommend approve of the prepared resolution. 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 Ryan Radue of Seville Properties, owner, for a Final Subdivision Plat called The Crossing at Dollar Creek Fourth Addition located on Gladiator Lane.**

The 40-lot preliminary plat with numerous outlots on approximately 38.8 acres was approved by the Zoning & Planning in November 2017 and by the Town Board in February 2018. The property was also rezoned to R-1 Single-Family. Various lots had to be platted as outlots due to issues with a flood study that needed to be completed. The 2nd Addition Final Plat was approved in April 2018. The 3rd Addition Final Plat was approved in July 2019. At this time, Lots 96 – 102 can be platted as the flood study is being finalized with the Wisconsin Department of Natural Resources. It will now be known as the 4th Addition.

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 meet these requirements. Required building setbacks are 30-feet from the right-of-way, 10-feet from the sides, and 25-feet from the rear lot lines. The plat does not illustrate the required setbacks. The right-of-way dedications for the new local roads happened with the previous plats. The required notation from §94-3(C) and §135-204(B) should be added to the plat stating the ordinance requirements for driveway locations.

The proposed Final Plat complies with the requirements of Chapter 96: Subdivision, and staff that the Zoning & Planning recommend approval of the plat to the Town Board, conditioned upon the following:

1. Compliance with the WDNR approved flood study.
2. Illustrate the required setbacks on the plat.
3. Add a notation from §94-3(C) and §135-204(B) to the plat stating the ordinance requirements for driveway locations.
4. Any technical corrections required by the Town Engineer and Brown County.

Motion by Lamers/Handland to approve with staff recommendations. No further discussion. Motion carried in a voice vote 5-0.

**d. Review and make recommendation on the request by Keith Gajeski of Classic Construction, agent for Ledgerview Development of Brown County, Steven Jauquet owner, for a Zoning Change Application on parcel D-437-53 located at 1874 Ledgerview Road from R-1 Residential to R-1 / PDD Single Family Planned Development District to accommodate a six-unit single family condominium development.**

Brief History of the Plat:

October 2019 – January 2020 - The petitioner brought this proposal to the Zoning & Planning in October 2019 and again in December 2019 for review of their concept. At the December meeting, the Zoning & Planning opened the meeting to allow public comment on the proposal. Ultimately, a rezone from R-1 SF to R-3 with PDD Overlay was approved at the December 2019 meeting. The Plat was tabled. The recommended approval of rezone from R-1 to R-3/PDD in December was never carried to the Town Board.

In January 2020, Zoning & Planning recommended approval of a rezone for the property from R-1 to R-1/PDD. The petitioner also sought Plat approval, but Zoning & Planning did not recommend approval due to several outstanding issues, namely unit architecture and floor plans.

March 2020 – June 2020 - In March 2020, Zoning & Planning approved a condo plat and rezone from R-1 to R-1/PDD after the petitioner revised the plat per ZPC recommendations in January. The recommended approval of both the rezone and plat from Zoning & Planning went to the Town Board in June 2020. After a protest petition from the neighborhood was brought forward, both the rezone and plat were ultimately denied by the Board.

The item in front of The Commission is a new, revised submittal by the same petitioner. Since June, the petitioner has worked with the surrounding neighbors to formulate this proposal. Major updates include:

Approved at the September 16<sup>th</sup>, 2020 Zoning & Planning Meeting.  
Approved at the October 5<sup>th</sup>, 2020 Town Board Meeting.

- The overall parcel has been reduced and portions of the property to the north have been deeded to three adjacent property owners so access to the pond is more mutual for those property owners abutting it. The pond will remain in single ownership of the condo association.
- A pond easement is provided around the pond for access and maintenance.
- A new landscape plan has been provided which includes additional screening to the north.
- A previously proposed fence has been removed. Individual invisible pet fences are permitted.
- A previously proposed trail around the pond and through the property has been removed.
- No additional buildings (such as a previously proposed outbuilding) will be permitted to develop on the property.
- A revised, and complete PDD Narrative outlining these items and more

#### Findings of Fact:

Parcel D-437-53 is currently 4.056 acres and is currently vacant but contains a regional stormwater pond. The parcel is surrounded by single-family residential development consisting of lots ranging from ~0.3 acres to over an acre. Smaller parcels tend to the west and are associated with the City of De Pere while parcels over an acre tend toward the east and are associated with the Town and previous development of the 1990's.

Under the existing R-1 zoning, the proposed development could not be done because only a single unit is permitted on a lot. While the proposed appears similar in form to the surrounding neighborhood, and the property is suitable for this development, its function requires a PDD Overlay for six units on one parcel, to function with condominium ownership. Subdivision of the lot without rezoning is another option.

This area saw a boom in residential single-family development between 1992 and 2000. Since 2005, the area has been almost entirely developed save for the subject property. Further, the Town's adopted Comprehensive Plan illustrates the properties for future Single-Family Residential, which in form, is what is being proposed.

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:

1. The lands are suitable for R-1 with PDD residential development.
2. The proposed rezoning to R-1 with PDD is consistent with the current zoning and development trends in the area.
3. 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.
4. The proposed rezoning to R1- with PDD as proposed will allow for an improvement development layout, benefiting both the developer and the Town, specifically that more greenspace than required by code is proposed and the views to the pond feature are maintained.
  - o The R-1/PDD approval will allow the following exception to the bulk regulation of Chapter 135, Zoning Code in conjunction with an approved Condominium Plat:
    - Six (6) single-family dwelling units permitted on a parcel.

Easement areas, from the association to the town to be able to access the pond. The other is from the neighboring property owners purchasing the land to be able to residents to access the north side of the pond.

Motion by Handland/Garcia to recommend approval of the rezone for this property via the prepared resolution. No further discussion. Motion carried in a voice vote 5-0.

- e. Review and make recommendation on the request by Keith Gajeski of Classic Construction, agent for Ledgerview Development of Brown County, Steven Jauquet owner, for a Condominium Plat Application on parcel D-437-53 located at 1874 Ledgerview Road to accommodate a six-unit single family condominium development.**  
See above item for a brief plat history.

The petitioner is requesting approval of a Rezone from R-1 to R-1/PDD and approval of a Condominium Plat for the development of 6-unit, detached single-family condominium in the 1800 Block Ledgerview Road, Parcel D-437-53.

Approved at the September 16<sup>th</sup>, 2020 Zoning & Planning Meeting.  
Approved at the October 5<sup>th</sup>, 2020 Town Board Meeting.

The proposed condominium plat complies with the requirements of Chapter 96: Subdivision, and it is staff's opinion that the Zoning & Planning Commission recommend approval of the preliminary plat to the Town Board, conditioned upon the following:

1. Clarification on use of invisible fencing for individual condo units and revised Letter of Intent
2. Completion and submittal of final condominium documents: Bylaws, Rules and Regulations, Declaration of Condominium.

A resolution outlining the reasons for the recommendation and the conditions of the recommendation submitted for The Commission's review and approval.

Motion by Baran/Handland approval the condo plat resolution and approval of the rezone resolution. No further discussion. Motion carried in a voice vote 5-0.

**f. Review and make recommendation to amend Town of Ledgeview Hunting Overlay Map in accordance with Chapter 129-3.**

Annually the Town approves of a map for the WDNR that makes outlines the various hunting and firearm/bow regulations on lands in the community. The Town has historically required that all subdivision properties be listed to prohibit firearm discharge. Staff recommends that the lands for the Stone Fence Preserve (D-164) and Mystery Ridge (D-189) Subdivisions be shown on the map for "No Firearm Discharge, Bow & Arrow/Crossbow Only."

Motion by Handland/Garcia to recommend approval of the Hunting Overlay Map be amended by adding D-164 and D-189 into Category C meaning No Firearm Discharge, Bow & Arrow/Crossbow Only. No further discussion. Motion carried in a voice vote, 5-0.

**7. Staff Report.**

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

**b. Review Town Board decisions.**

- Approved the Trinity Ridge Farms chicken coop.
- Approved the Keith Rukamp rezone, certified survey map, and associated area development plan.
- Approved the Leo and Marilyn Skaletski rezone and certified survey map.
- Approved final subdivision plat for Stone Fence Preserve with specific language relating to the unimproved trail/path.

**8. Communications by Commission members.**

Sustainability with the bike paths and trails and conservation of the green space. Sustainability and quality improvements is what the Zoning & Planning and Parks & Recreation Committee need to be cognizant for preservation for quality of life. The communities that provide the quality of life are the communities that are attractive and sustainable for the future. Preserve what was good for development, but more importantly, for the good of the community overall.

Follow-up survey to the comprehensive plan update in 2014-2015. So that we have more teeth in when a developer comes in and more reasons why to preserve the natural beauties that Ledgeview has to offer.

There was discussion regarding lots that aren't developed yet and connectivity of the sidewalks. Public Works Department is spear heading holding the property owners lot without sidewalks accountable for the connectivity of sidewalks and of manicuring the property was well.

Cole Runge was named head of the Brown County Planning Department

Commission members would like to invite Brown County Planner Dan Teter to attend a meeting to advise on how the Brown County can help Zoning & Planning in the future.

Approved at the September 16<sup>th</sup>, 2020 Zoning & Planning Meeting.

Approved at the October 5<sup>th</sup>, 2020 Town Board Meeting.

**9. Adjourn.**

MOTION by Lamers/Garcia to adjourn. No further discussions. Motion carried in a voice vote, 5-0. Meeting adjured at 6:44 PM.

Respectfully submitted,

Charlotte Nagel, Clerk