



**MEETING MINUTES  
TOWN OF LEDGEVIEW  
ZONING & PLANNING COMMISSION  
Wednesday, July 14<sup>th</sup>, 2021 at 6:00 p.m.  
Ledgeview Community Center  
3700 Dickinson Road  
De Pere, WI 54115**

**1. Call meeting to order.**

The meeting was called to order by Chairperson Jane Tenor at 6:00 PM.

**2. Roll call.**

Present were Chairwoman Jane Tenor, Vice-Chairman Mark Handeland, Mark Chambers, Taurino Garcia, Kris Baran, Chet Lamers, and alternate Janell Holstead. Renee Van Rossum and alternate Chris Culotta were excused.

**3. Approve/amend agenda.**

MOTION by Mark Chambers to amend the agenda removing items 6b and 6c and moving them to next month's agenda was seconded by Kris Baran. No further discussion. Motion carried in a voice vote, 7-0

**4. Act on minutes from June 16<sup>th</sup>, 2021.**

MOTION by Jane Tennor and seconded by Mark Chambers to approve the minutes with the correction to the meeting date of June 16th. No further discussion. Motion carried in a voice vote, 7-0.

**5. Public Hearing:**

Dustin Wolff (Town Planner) provided an overview of the Tax Incremental District (TID) amendment. Various topics covered include the limitations of a TID, the Towns equalized value, the expansion area/boundary of the TID and the review and approval process.

Mark Handeland asked if landowners within the expansion area were made aware of the inclusion into the TID?

Dustin Wolff stated that they were not notified and that this particular type of TID does not legally require the Town to notify the property owners.

Mark Handeland asked if the reason for the amendment and inclusion of the new areas was at the request of the property owners?

Dustin Wolff noted that this was a Town initiated change based off of feedback from the Town's Redevelopment Authority.

Janelle Holstead asked if the inclusion on property within the TID district impacts their property taxes?

Dustin Wolff noted that property owner's taxes will not change. The mill rate will be the same and each taxing entity will still receive their portion of the taxes for each property. The only change is to the Town's portion of the taxes. Those tax dollars cannot be used outside of the designated TID boundary.

Mark Chambers asked if the inclusion of a property in the TID will impact assessments and result in a change in value?

Dustin Wolff stated that the TID is an economic development tool that has worked well for the Town since they were created. Development project that are within the TID boundary will still be required to follow the normal review and approval processes.

Approved at the \_\_\_\_\_ Zoning & Planning Commission Meeting.

Approved at the \_\_\_\_\_ Town Board Meeting.

Mark Chambers asked for clarification on the number of TIDs that the Town can have or it was value based?

Dustin Wolff noted that the Town is not limited on the number of TID areas/districts but rather the total for all TIDs in a community is limited to 12 percent of its equalized value.

With no further questions or comments Chairwoman Tenor opened the public hearing at 6:11PM and asked three times if anyone in attendance wished to speak on this matter. Hearing none, Chairwoman Tenor closed the public hearing at 6:12PM.

A roll call vote ensued with all members voting YES (7-0) to recommend approval of the TID Amendment to the Town Board.

**6. New Business:**

**a. Review and make recommendation on the request by Mike Cashman of DeLeers Construction Inc., to rezone parcels D-557 and D-558 from B-1 Business to B-2 Business to allow for a dental office.**

The petitioner is requesting to rezone Parcels D-557 and D-558 from B-1, Business District to B-2, Business District for a new professional office building. Clinics (e.g., medical, dental) are permitted by right in the B-2 district, but not the B-1 district. The lands will need to be combined on the future with the proposed development.

RECOMMENDATION: Based on an evaluation of the key “findings of fact” addressed above, I recommend that the Plan Commission recommend approval this rezoning petition to the Town Board for the following reasons:

1. The proposed rezoning to the B-2 district is consistent with the current zoning and development trends in the area.
2. The lands are suitable for smaller-scale commercial development with access to CTH G.
3. The proposed zoning district conforms to the goals expressed in Chapter 2 and the planned land use illustrated on the Future Land Use Map of the adopted Comprehensive Plan.

Dustin Wolff of Mead & Hunt (Town Planner) gave a brief overview of the project noting that the proposal was an appropriate request for the area.

Chet Lamers stated that the requested use appears to be appropriate given the surrounding land uses.

The applicant noted that the building is planned to be a one story building but the details and renderings are still being worked on and will be provided for review at a later date.

MOTION by Chet Lamers to approve the rezone subject to the staff recommendations. The motion was seconded by Taurino Garcia. No further discussion. Motion carried in a voice vote, 7-0.

**b. Review and make recommendation on the request by Steve Bieda of Mau & Associates, on behalf of Maxwell Brice (owner) for a Conditional Use Permit to allow a single-family home in the R-2 Residential District.**

The petitioner is requesting approval of a conditional use permit to convert an existing duplex into 2 zero lot line single-family attached dwellings. A CSM has been provided for simultaneous review. Nothing on the existing site is proposed to change. The parcel is currently zoned R-2, Residence District. The adjoining properties are also R-2 District and contain two-family dwellings. Single-family and multi-family surround the subject property to the north (across Trellis Drive) and south, respectively.

RECOMMENDATION: The Zoning and Planning Committee approve this conditional use permit for zero lot line single-family attached dwellings conditioned upon recording of the Certified Survey Map.

Dustin Wolff provided a brief overview of the request noting that one of the main concerns is typically the separation of utilities. That is not a concern for this property since each “unit” has a separate sewer lateral and water lateral.

Approved at the \_\_\_\_\_ Zoning & Planning Commission Meeting.

Approved at the \_\_\_\_\_ Town Board Meeting.

Mark Chambers and Taurino Garcia asked about issues with firewalls.

Dustin Wolff stated that the building code would need to be followed.

Chet Lamers, Jane Tenor, Mark Chambers, and Taurino Garcia jointly stated that this is an existing structure that was built as a duplex. There is concern that the building code may require additional steps for zero lot line attached dwellings versus a duplex.

Chet Lamers noted that there is money to be made on duplex conversions and that situations like this need to be thoroughly vetted for property maintenance (example: roof replacement of shared structure) issues.

Mark Chambers stated that it feels like they are circumventing building code requirements.

Dustin Wolff stated that Town staff will work with the Building Inspector to identify and raise any potential issues with projects like this as part of the review process.

MOTION by Mark Chambers to approve the conditional use permit subject to the staff recommendations was seconded by Kris Baran. No further discussion. Motion carried in a voice vote, 7-0.

**c. Review and make recommendation on the request by Steve Bieda of Mau & Associates, on behalf of Maxwell Brice (owner) for a proposed land division of parcel D-1995, 4615-4617 Trellis Drive.**

The petitioner is requesting the approval of a two (2) lot CSM created from the existing 0.37 acre parent parcel which is Lot 44 of the Heritage Heights development (Brown County parcel D-1995). Parcel D-1995 currently contains a side-by-side duplex on one lot zoned R-2 and fronting along Trellis Drive. The CSM will create two lots each with a zero lot line. Lot 1 (7,831 SF, 0.18 acre) and Lot 2 (8,279 SF, 0.19 acre). Splitting the lot will convert the property from a two-family dwelling to two zero lot line, single-family (attached) dwellings. Single-family dwellings require a conditional use permit under the existing R-2 zoning. The CUP application is evaluated separately but discussed in the evaluation below.

RECOMMENDATION: approval of the CSM to the Board at this time, conditioned on the following:

1. Approval of a CUP for the zero lot line, single-family attached dwellings.
2. Denote the square footages of all the structures shown on the CSM.
3. Illustrate easements where necessary for water, sewer, and utility services.
4. Add a restrictive covenant on the condo plat which states: "Building permits are limited to the development of zero-lot-line condos on Lots 1 through 2 inclusive, unless two adjoining lots are combined and used as a single lot for the construction of a single-family dwelling unit. In this case, an odd number of lots may not be left as a series of consecutive lots."
5. Add a note to the plat which states: "When attached dwelling units are created, matters of mutual concern to the adjacent property owners, due to construction, catastrophe, and maintenance, shall be guarded against by private covenants and deed restrictions and the approving authorities shall not be held responsible for same."
6. Remove signature line for City of De Pere.
7. Any technical corrections required by the Town Engineer or Brown County prior to Town signatures, including the change in Town Clerk.

Dustin Wolff gave an overview of the proposed land division and its relationship to the CUP application discussed in the previous agenda item.

MOTION by Mark Handeland to approve the CSM subject to staff recommends. The motion was seconded by Taurino Garcia. No further discussion. Motion carried in a voice vote, 7-0.

**d. Review and make recommendation on the request by Tiffany Samuels of Nsight (agent), on behalf of Kelly Donlon of US Cellular (owner) to add on to an existing cell tower located on parcel D-344, 4527 Old School House Lane.**

Approved at the \_\_\_\_\_ Zoning & Planning Commission Meeting.

Approved at the \_\_\_\_\_ Town Board Meeting.

The petitioner is requesting approval to install a new antennae array on an existing guyed tower (180'). The antennae will be mounted at 127-feet. There will be a 12'x20' expansion of a fenced compound area at the base of the tower to accommodate the equipment cabinets.

The state legislature significantly altered local authority to regulate cell tower siting in 2013. As part of the biennial state budget bill, it created section 66.0404 of the Wisconsin Statutes. The statute clearly imposes new and significant limits on the manner and extent to which a community may use its zoning authority to regulate the siting and modification of mobile service (cell phone) facilities. As you recall, we updated the Town zoning code (Article XXV) to comply with these regulations in February 2014.

New towers, and substantial modifications to existing towers, require a conditional use permit approval in the Town. A Class 1 or Class 2 Co-Location only require BSO approval by the ZPC and Board.

A Class 1 Co-Location is placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a freestanding support structure for the facility but does need to engage in substantial modification.

A Class 2 Co-Location is the placement of antennae on an existing support structure such that the owner of the facility does not need to construct a freestanding support structure for the facility or engage in substantial modification.

RECOMMENDATION: Staff recommend that the Zoning and Planning Committee approve the Building Site and Operation Plan for a Class 2 Co-Location with the following conditions:

1. Site plan shall be revised to illustrate that equipment cabinets and the platform base are located a minimum of 25-feet from property lines.
2. Fence details shall be revised to clearly indicate the height of the proposed chain-link fence and barbed wire. Security fencing shall not exceed 8-feet in height.

Dustin Wolff provided an overview of the request to add to an existing cell tower. This request is consistent with a class 2 co-location; however, the applicant will need to make changes to the site plan to ensure that all improvements meet the setback requirements. No landscaping was required due to the projects location in relationship to surrounding roads and land uses.

Jane Tenor asked if there was an easement for the tower?

Dustin Wolff stated that an easement exists for accessing the tower and associated equipment.

Jane Tenor asked what "adding to the base" means?

Dustin Wolff stated that additional equipment (cabinets) will be added to the base of the tower within the fenced area.

Jane Tenor asked how the towers and alterations/additions to them impact the taxes.

Dustin Wolff stated that he was not sure how the taxes are done on leased property with a utility.

MOTION by Kris Baran to approve the request subject to the staff recommendations. Motion was seconded by Mark Chambers. No further discussion. Motion carried in a voice vote, 7-0.

**e. Review and make recommendation on the request by Mark Nysted of Keller Inc, on behalf of Dedicated Systems, Inc. (owner) to add a 5000 square foot repair shop to the existing building located on parcel D-130-3, 3700 Elmview Road.**

Dustin Wolff provided an overview of the proposal submitted by the applicant. It was noted that some details about the proposal needed clarification including: the landscaping plan needed to be revised to include dimensions and the site plans need to show where concrete will be removed and/or replaced.

Approved at the \_\_\_\_\_ Zoning & Planning Commission Meeting.

Approved at the \_\_\_\_\_ Town Board Meeting.

Mark Nysted (agent of applicant) explained that the existing shop will have major renovations to the roof, siding, and mechanicals.

Dustin Wolff noted that they applicant needed to provide full construction plans including a lighting plan for review.

Jane Tenor asked if there were any issues with drainage?

Dustin Wolff stated that there were none.

MOTION by Mark Handeland to approve the request subject to staff recommendations. The motion was seconded by Taurin Garcia. No further discussion. Motion carried in a voice vote, 7-0.

**7. Old Business: None.**

**8. Staff Report**

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

i) CSM's

(1) Kaster – Needs to include all of parent parcel and a rezone application needs to be submitted.

(2) Steinfeldt – Needs a rezone application, CUP application, and ZBA review.

(3) Lotto/Tordeur – Need Town Attorney feedback on structure in ROW.

ii) Rezones

(1) NEA – CUP – Reclamation plan was just submitted. Landscaping plan is forthcoming.

(2) Lotto/Tordeur – Need Town Attorney feedback on structure in ROW.

iii) Others

(1) Terry's Wall St Pub – BSO

**b. Review Town Board decisions.**

**i) No Town Board meeting held on July 5th**

**9. Communications by Commission members.**

None

**10. Adjourn.**

MOTION by Chet Lamers to adjourn the meeting. The motion was seconded by Mark Chambers. No further discussion. Motion carried in a voice vote, 7-0. Meeting adjourned at 7:20 PM

Respectfully submitted,

*Dan Teaters*

Dan Teaters, Zoning Administrator

Approved at the \_\_\_\_\_ Zoning & Planning Commission Meeting.

Approved at the \_\_\_\_\_ Town Board Meeting.