

The Ledgeview Town Board held a meeting on **Monday, June 1, 2020 at 6:00 PM** in the Community Room located at 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 an in-person meeting of Board members. Members of the public were able to monitor in the meeting through telephone access. Comments under the Public Input agenda item were accepted in written format prior to the meeting and distributed to the Board members for recognition at the meeting.

CALL TO ORDER

The meeting was called to order by Supervisor Cullen Peltier at 6:03 PM.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was recited by all in attendance.

ROLL CALL

Members present were Supervisors Cullen Peltier, Mark Danen, Renee Van Rossum, and Al Cheslock attended in-person. Chairman P. Danen was excused.

Staff present in-person Administrator Sarah Burdette, Planner Dustin Wolff, Engineer Scott Brosteau, Clerk Charlotte Nagel, Treasurer Renae Peters, Park & Recreation Director Stephanie Schlag, Public Works Operations Superintendent Andy Tenor.

AGENDA APPROVAL

Staff advised there were no changes to the agenda.

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

CONSENT AGENDA

1. Regular Board Meeting Minutes:
 - a. May 19, 2020 Town Board Meeting Minutes
2. Routine Reports: None.
3. Committee/Commission Reports: None.
4. Operator's Licenses: None.
5. Other Committee Minutes: None.
6. Pay Requests:
 - a. Pay request #7 for Contract A-2019, Oak Ridge Circle Reconstruction, to Riverview Construction for \$9,834.80.
 - b. Pay Request #5 for Contract C-2019, Brayden Lane Connection, to Advance Construction for \$106,060.50.
 - c. Pay Request #1 for Contract C-2020, Curb and Gutter Replacements, to Sommers Construction Co for \$86,795.28.
7. Special Event & Street Closure Permits:
 - a. De Pere Chamber of Commerce, Allison Kline-Weichelt Member, Art in the Park Event, June 28, 2020 from 10:00 am – 4:00 pm at Olde School Square.
 - b. LedgeCrest Reserve, Allison Kline-Weichelt Owner, various wedding receptions with outdoor music held throughout the summer to allow for social distancing, from 5:00 pm – 11:00 pm.

All items listed under "Consent Agenda" are considered to be routine and non-controversial by the Town Board and will be approved by one motion. There will be no separate discussion. If discussion is desired by members, that item will be removed from the consent agenda and discussed separately immediately after consent agenda is approved.

Approved at the June 16, 2020 Town Board Meeting.

The dollar amount on the Pay Request for Riverview Construction was revised to \$14,834-80. No other adjustments were noted.

MOTION by M. Danen/Cheslock approve the Consent Agenda with the one amendment. No further discussion. Motion carried in a voice vote, 4-0.

PUBLIC COMMENT:

NOTE: Oral comments may be submitted to the Town Board in-person under the Public Comment section. Written comments were accepted until 12:00pm Noon, Monday, June 1st, 2020. Written comments received by 12:00pm Noon on Monday, June 1st, 2020 were distributed to the Town Board Members prior to the meeting. The Town Board acknowledged receipt of written comments during the Public Comment section of the meeting.

Sue Grohusky, 1775 Hawthorne Heights – Ms. Grohusky has one remaining question which she hopes she can receive an answer to tonight. The question being, is true that since she resides in the area that is not receiving any road urbanization that she's being forced to allow access to her property to put in a side walk because it just makes sense? Not because she has to, not because she wants to, and not because it's going to benefit her in any way. Ms. Grohusky stated that she's being forced to go along with the explanation that it just makes sense because she the only property in the way of pedestrian connection to a park.

Staff responded that the sidewalk is staying with-in the town's right-of-way, therefore there is no access to Ms. Grohusky's property. Staff met with Ms. Grohusky earlier today when she asked the question about sidewalk being installed what is the requirement, what is the standard. The Town's policy is that when a road is urbanized it is done so with curb and gutter and sidewalk on both sides. Ms. Grohusky's question was, technically the Town is not urbanizing her roadway, so then why is she getting sidewalk? The reason is the Town is urbanizing a portion of Scray Hill Road up to where it's existing curb and gutter and it makes sense to then run the sidewalk from that point to the park to make the connection.

Ms. Grohusky wanted clarification and answers as to why her \$9,000 bill for the sidewalk was suddenly wiped out. She surmises that it's because there isn't a resident demand for the connection, it's just a direction that the Town seems to be going. While this topic is past the point of possible change, she is proud to see it through and to come to the truth in this matter.

Ms. Grohusky also wanted clarification on why Augusta Hills, Brown County Property, Trinity Ridge, and such are included in the funding for the urbanization project?

The Board replied financing for the project could be absorbed through a combination of TID#2 funds and special revenue funds from the Ledgeview Golf Course.

Point of clarification: The Brown County property and Trinity Ridge are not part of the Scray Hill Road Urbanization Project.

A copy of Ms. Grohusky's statement is attached to the record copy of the meeting minutes.

Mary Janssen, 4371 Scray Hill Road – Ms. Janssen read a statement. The statement was regarding how the majority of the residents on Scray Hill Road do not want sidewalks, and asking the Board to do the right thing by stopping the installation of the sidewalks. Ms. Janssen believes that by stopping the dump truck traffic on Scray Hill Road is enough to address the safety concerns. That once the truck traffic is stopped a separate study should be completed on the road to substantiate the need for sidewalks.

The Board encouraged Ms. Janssen to submit an open records request on the many e-mails from Scray Hill Road

Approved at the June 16, 2020 Town Board Meeting.

residents in support of the sidewalks.

PUBLIC HEARING:

Oral comments were submitted to the Town Board in-person under the Public Hearing section. Written comments were accepted until 12:00pm Noon, Monday, June 1st, 2020. Written comments received by 12:00pm Noon on Monday, June 1st, 2020 will be distributed to the Town Board Members prior to the meeting. The Town Board acknowledged receipt of written comments during the Public Hearing section of the meeting.

1. Recommendation from Zoning & Planning Commission on a Future Land Use Map Amendment from the Town of Ledgeview for the purpose of changing the future land use on Parcel D-376-2 from Mixed Residential to the Planned Mixed Use District.

The petitioner is requesting approval to rezone the reconfigures property from R-R/PDD, Rural Residential with Planned Development District to NCD, Neighborhood Center District, consistent with lands to the east.

The Future Land Use Map depicts the area for future Mixed Residential development. However, this expectation has not come to fruition, and the does not seem likely. A Plan amendment to the Planned Mixed Use is necessary for this area to enable a mixture of development types, specifically for a health care and physical therapy clinic. With commercial and office development—dentist and health care— located across the street, the lands are suitable for a mix of non-residential uses allowed by the Neighborhood Center District.

Zoning & Planning Commission recommend approval to the Town Board amending the Future Land Use Map of the adopted Comprehensive Plan from Mixed Residential to Planned Mixed Use as the land for the parcel is suitable for non-residential and mixed use development consistent with the Neighborhood Center District.

The public hearing was opened at 6:19 PM by Supervisor Peltier. After three calls for comments, none were heard. The Public hearing was closed at 6:19 PM.

MOTION by Van Rossum/Peltier to approve the rezone per Zoning & Planning recommendation. No further discussion. Motion carried in a voice vote, 4-0.

2. Recommendation from Zoning & Planning Commission on the request by Troy Hewitt of Robert E. Lee Associates, Inc., agent for Mark Gigot of Gigot Properties, LLC, owner, for a Zoning Change Application on parcel D-164 located at on Lime Kiln Road near Copper Lane from A-2 Agriculture District to R-1 Residential, to accommodate a 76 lot, 9 outlot subdivision known as Stone Fence Preserve.

The petitioner is requesting to rezone the property from A-2, Agricultural District to R-1, Residential District for a future land division of a 68.2-acre site.

The property is currently zoned for agricultural uses, with the proximity of public utilities in the area this is not the highest and best use of land. The Environmental Sensitive Areas (ESAs) corridors located on site are not intended to develop. The trend for the area has been the steady conversion of land from agricultural operations to residential development. The presence of public utilities in the area and convenient access to Lime Kiln Road make the area ripe for additional residential development.

The preliminary plat was reviewed by the Zoning & Planning in March 2020. Rezoning the parcel is a condition of final plat approval. The area designated as Outlot 6 on the preliminary plat is intended for future single-family condominiums. Rezoning to R-1/PDD Single-Family with Planned Development District will be appropriate at the time development plans are submitted.

Zoning & Planning recommend approval rezone petition to the Town Board for the following reasons:

1. The proposed rezoning from A-2 to R-1 is consistent with 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.

The public hearing was opened by Supervisor Peltier at 6:21 PM.

Justin Evans, 2536 Meadow Breeze Court – Just moved to Ledgeview from De Pere a short time ago. Indicated that the additional traffic on Lime Kiln and Copper Lane seems to be a game changer. Stated vehicle don't follow the 45 mph speed limit on Lime Kiln as it is. Copper Lane is very narrow and adding vehicles is going to cause an issue. Mr. Evans is not anti-development, this is just an opportunity to enhance the neighborhood and not take away the ability for people to recreate and would like the area to be kept safe for residents and kids in the area. Mr. Evans would like to know a bit more about the plan and what it entails.

Staff advised that the preliminary plat is a later agenda item. Staff also advised that there is an ingress/egress for vehicle transportation on both Lime Kiln and Copper Lane. The town did have a long-range plan to improve the angle of the intersection of Lime Kiln and Copper Lane, so the intersection will be moved slightly north to improve the visibility of that intersection. New developments require sidewalk and curb and gutter along north side of Copper Lane. There will be a reconstruction of Lime Kiln Road eventually; Lime Kiln is a county highway so it is county dependent. The reconstruction typically includes a pedestrian walking trail similar to CTH GV (Monore Road).

Joe Schlag, 3307 Lime Kiln Road – Wanted to know if the county had approved the conversion of an agricultural entrance into a roadway for the ingress/egress onto Lime Kiln Road. Staff advised that yes, the county approved an ingress/egress conversion of the agriculture entrance. The reason for the question is because when the development was being established to the west of Lime Kiln, Brown County would only allow an ingress/egress directly across from Copper Lane.

Mr. Schlag also asked a definition of an outlot. Staff replied that outlots are lots that are not intended for development. One of the outlots will be a stormwater management pond owned by the town, two will be ESA (Environmental Sensitive Area) areas dedicated to the town, the outlot at the corner of Lime Kiln and Copper Lane is preserved for future development. An outlot is generally unbuildable or has to be replatted in order to build on it. There will be no commercial zoning here.

All the town's long range plans depict a walking/biking/pedestrian trail along Lime Kiln. When that will happen is a question mark because Lime Kiln is a county highway and under county jurisdiction, therefore the county determines when Lime Kiln is reconstructed.

Patrick Phillips, 2528 Meadow Breeze – There are a lot of wild life on this property. Mr. Phillips wanted to know what the 300' buffer line on the map that was mailed with the notice was. Staff replied that's the residents who are required by statute to receive direct notice of the zoning change. Assuming the rezone was approved, the developer would like to break ground as soon as possible, late fall. Would there be a buffer zone that abuts to Mr. Phillips property? Outlots would be dedicated to the town. Staff showed the plat map to answer the remaining of Mr. Phillips questions regarding the outlots. All the environmental best practices will be followed regarding stormwater management along with any Department of Natural Resources codes and town ordinances.

After the third and final time, no other comments were heard. The public hearing was closed by Supervisor Peltier at 6:34 PM.

MOTION by Peltier/Cheslock to approve the rezone per Zoning & Planning's recommendation. No further discussion. Motion carried in a voice vote, 4-0.

3. Recommendation from Zoning & Planning Commission 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 at 1874 Ledgeview Road from R-1 Residential to R-1 PDD Single Family Planned Development District to accommodate a six-unit single family condominium plat.

The petitioner is requesting approval of a Preliminary Plat for the development of 6- unit, detached single-family condominium on the 4-acre parcel.

In January 2020, Zoning & Planning recommended approval of a rezone for the property from R1 to R-1/PDD. Note, the recommended approval of rezone from R-1 to R-3/PDD in December was never carried to the Town Board, thus the January action was still a rezone from R-1. The petitioner also sought Plat approval but Zoning & Planning did not recommend approval due to several outstanding issues, namely unit architecture and floor plans. Throughout this process, the petitioner has been receptive to staff, Zoning & Planning and resident comments and has brought back this submittal with the latest comments addressed.

Major updates since the January 2020 submittal include:

- Removal of the accessory garage (comments from local residents who opposed)
- Reduction from 8 dwellings to 6 dwellings (1.48 DU/AC now vs. 1.97 with 8 units) (comments from local residents who didn't like the apparent density, despite it being comparable to the neighborhood)
- Submission of three building styles for the six units (diversity of styles requested previously by Zoning & Planning)
- Complete Planned Development District Narrative (Code required and requested by staff for tracking and zoning administration)

The Plan Commission recommend approval of this condominium plat and building architecture 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.

Jonathon LeRoy of Mau & Associates, agent for the developer, presented a Power Point presentation. A copy of the presentation is attached to the record copy of the meeting minutes. Some highlights of that presentation are:

- The proposed single family homes are compatible to the existing homes in the area.
- The parcel is currently zoned R-1, so the rezone is for the Planned Development District.
- A 4-acre parcel would not be allowed to be zoned R-1 in today's current zoning.
- Density difference for this parcel is 1.5 homes/acre vs a 3 homes/acre for a typical development.
- Current allowable use is one single-family home on a 4-acre parcel. This is larger than the estate parcels to the east.
- A certified survey map could be used to carve the parcel into four single family lots, and roads developed for access to those lots.
- A plat could be used to create five single-family lots with some huge backyards.
- A plat could be used to create eight single-family lots.

The development team wanted to create a develop that would serve the future housing needs of the community, thus the proposed development of six-unit condominium plat. These attract the downsizing population, the empty nesters, where the downstairs is the living space and master bedroom and the upstairs

is an office or spare bedrooms. This population does not want to have the responsibility of a yard or outside lawn care, thus the condominium plat. Currently, the neighborhood has 3 homes per acre. The preliminary plat is suggesting 1.5 homes per acre.

An overview of the progression of the project was given by Mr. LeRoy. The developer worked with the residents and Zoning & Planning to bring the project to a six-unit condominium plat with the removal of the outbuilding.

Staff noted that the only exception the developer is asking for with regard to the Planned Development District is the one additional home. The proposal is for six single family homes where all the land except for the footprint of the homes are common ownership. All other ordinance requirement for single family homes is met.

At 6:50 PM, Supervisor Peltier opened the public hearing.

Rob Bodart, 1862 Old Valley Road – The same developer who owns this lot sold all the lots around it, therefore this lot didn't magically become this awkward four-acre parcel that now has to be dealt with. Mr. Bodart indicated that because the PDD overlay becomes the zoning, the plat and the zoning becomes intertwined. As Mr. Bodart understands the process, if the PDD becomes the zoning and any future development of the land triggers a public hearing because it would be considered a zoning is change. Mr. Bodart isn't against development of the parcel, he just assumed that since all the properties around the parcel are zoned R-1 that this parcel would be carved off into R-1 single family homes as well. Items of specific concern to Mr. Bodart are:

1. Would need in writing that this development is stuck to the specific PDD so that if something should change a public hearing is triggered.
2. The perimeter fence was not discussed at Zoning & Planning. When Mr. Bodart purchased his lot it was sold on the premises that he had a pond view. There are several real estate documents supporting this.
3. The walking path around the pond. The DNR has indicated that there's wetland ties to the pond and any changes will need to have a wetland review. Doesn't want a walking path and suggested it not be included in the PDD.
4. The drainage. It is a wet area and hopes that the Town Engineer does a thorough study of drainage.

Mr. Bodart supports the five single family home lots. If there is a compromise, Mr. Bodart hopes his concerns are taken into consideration.

David Bailey, 863 Hickory Valley Court – Mr. Bailey is for five-unit development just as R-1 zoning would allow provided that all the ancillary items are removed such as the accessory building, the walking path, and the fence. The drainage has to be addressed as well because it is a very wet parcel.

Jeff Jorgensen, 1884 Old Valley Road – Mr. Jorgensen doesn't like the stigma of a condo. If they own their own home, why can't the homeowners own their own parcel. Develop it as five parcels the way the development originated from. Mr. Jorgensen asked if the parcel could be annexed to the City of De Pere? The staff and Board answered that yes, it can be annexed to the City of De Pere because it's adjacent to a city parcel. Supports the R-1 single family parcels.

Chad Hendricks, 1866 Old Valley Road – Not against the development of the property as long as it fits in the neighborhood. He always knew there would be homes there, in fact a couple of the neighbors offered to purchase the parcel but the price was too high. Mr. Hendricks could agree to the six units with some restrictions of no fences, no outbuildings, and no walking paths. These are the same restrictive covenants that were in place when Mr. Hendricks purchased his property. A premium was charged for those lots with a pond

view and the conservancy behind it. Prefers the parcel stay R-1 but could agree to the six-units with the same restrictive covenants. There was discussion regarding the easement to the pond. It was originally on the east side now is moved to the west side.

John Macco, 1874 Old Valley Road – Also bought his home on the premise of a pond view lot and paid a premium price for that view. Mr. Macco believes that approving this development would set a bad precedent for future developers to skirt the R-1 requirements which is why Mr. Macco decided to live here. The Town's policy is that developments must be mutually inclusive, not just to benefit only to the developer, but also to benefit the neighborhood as well. A development should add to, not take away from neighboring home values. Part of the town's duty as the governmental entity is to see that mutually inclusive is carried out for all parties involved.

The developer is trying to use the pond for a personal development and the pond should really be declared an ESA (Environmentally Sensitive Area). The pond was built as part of an overall drainage plan for the community as whole. The reason the Town has an easement is so that it can come in and maintain that drainage pond.

There are really two issues with this parcel:

1. What can be done with the buildable property?
2. What can be done with the wetland?

Mr. Macco advises that the Town should declare the pond and the wetland area to west of it as an ESA which solves the problem of the pond. This declaration would preserve the pond and the wetland with all the aesthetics for those to enjoy as well as the functionality as part of the town's drainage system.

Mr. Macco prefers the remainder of the buildable land to be five individual lots in which the subdivision was intended when he purchased his home.

There was discussion on declaring the pond an ESA. The county makes that designation; it's the County's drainage plan. The pond is man-made. The difference with Stone Fence Preserve is the ESAs are navigable waterways, natural waterways, not man-made. The ESAs in Stone Fence Preserve is also being dedicated to the Town in-lieu-of parkland dedication fees. Both the Park & Recreation Committee and Zoning & Planning recommended to the Board to take the ESA dedication otherwise the developer would pay the parkland dedication fee per lot. This recommendation is typically given because the committee and commission are saying that this property has a higher value than the dollar the town would be getting to either buy land or development of a future park.

Staff noted that just because there is an ESA designation, that does not mean that it can't be built on/in. There is a separate process for obtaining a permit to build in the ESA. The Town wants the responsibility of preserving the ESAs within the Town because the county simply cannot enforce the necessary regulations to preserve them. Wetlands are protected areas; they cannot be built in/on.

Shawn Feller, 1858 Old Valley Road – Agrees with everything's that been said this evening and moving forward would prefer the parcel stay R-1.

Jean Jorgensen, 1844 Old Valley Road – Would like the parcel to stay R-1 with five individual properties, five individual single-family homes. That is how the subdivision was originally started, that's how properties were purchases, and now that it's almost complete, why should the plan change.

Jon Cornelissen, 1878 Ledgeview Road – Asked about the drainage. It now trickles out to the East River. Is it going now going to drain to the west side of the property?

Mr. LeRoy advised that the drainage access easement was moved from the east side of the property to the west side of the property to allow units 1 and 2 to shift a bit to allow for more space from existing homes on Ledgeview Road.

Mr. Corelissen is concerned that construction of the walking path will interfere with the natural drainage of the pond. Echoed the property was sold on the premise that there would be single family lots built to the west end, not by the pond. The walking path will ruin the view and bring down neighborhood property values. Hopes that the property stays R-1.

The Board asked the questions, if a single property owner purchased the lot closest to the pond and decided to install a berm in the backyard, which the property owner could do, would that affect the drainage? There could be drainage issue whether there's single owned lots or whether it's a PDD. The only difference is now there is five additional property owners to deal with verses potentially one.

Jenny Hendricks, 1866 Old Valley Road – Nobody would own all the way around the pond if there were five individual property owners.

There was discussion on the restrictive covenants. The covenants are on file at the Register of Deeds and state that there are no fences allowed except for approval by the developer. This is a typical language for covenants. The covenants could be different for the condo plat because this is a separate development, separate documents. The current covenants do not apply to this development. If there is a new set of covenants for this development, it's developer driven; the town doesn't require covenants. If the developer wants to add additional restrictions to the subdivision, it is done through restrictive covenants. This parcel wasn't included in the original development therefore are not held to the current restrictive covenants.

The Board summarized that perhaps if there was some type of agreement with the developer on the fencing, on the walking path, on the accessory building, the PDD would actually be beneficial to have to protect the neighbors from any changes.

Jenny Hendricks, 1866 Old Valley Road – Continued, in that this is where it's difficult because the neighbors doesn't want to the zoning to change if they can't get everything they want in the plat. It's not right to have the developer hold the current homeowners to one set of rules and then sell this parcel and not hold those owners to the same set of rules and take away the pond view.

The Town cannot enforce covenants; it can only enforce its own ordinances. Meaning if a property owner comes in for a fence permit, they would be issued one providing they met all the ordinances for a fence. The fence then becomes civil matter. With a PDD, the Board could make a motion to approve the PDD with the restrictions that would be included, no fencing, no walking path, no outbuildings. Then should something happen in violation of the PDD the Town could enforce it. The second piece, the plat, is really about documentation and architecture. Any restrictions must be specially part of the PDD approval. Any substantial change to the PDD would require a public hearing. The Town could also enforce the restrictions of the PDD.

Dan Kerkhoff, 3848 Dickinson Road – Questioned the title of the plat being called Hickory Creek 2nd Addition. Wouldn't the same rules apply?

It was determined that this is an error in the plat title.

Rob Bodart, 1862 Old Valley Road – Reiterated that the jury is still out on the restrictive covenants. Wildlife does come to pond and the area. Mr. Bodart has been in contact with the County who has done some preliminary looking at the pond. The ESA designation would be from the DNR designation that the pond is

hydrologically connected to the East River Tributary. The preliminary look indicates that it is not. However, a site visit would have to be conducted.

Again, the Board indicated that perhaps a PDD could be an advantage to the residents because there may not be an ESA designation. However, to include no fencing in the PDD would be a protection.

Kris Bourassa, 1878 Ledgeview Road – Supports all that the neighbors have said and would like to see the parcel remain R-1.

The public hearing was closed by Supervisor Peltier after three calls for additional comments in which none were heard at 7:37 PM.

The Board had questions for the developer and is looking to find a happy medium that benefits everyone. The no accessory buildings have already been stipulated to. Is the developer willing to put the no fencing and no walking path into the PDD restrictions? The PDD would give the neighbors more protection and the town the ability to enforce the restrictions than to have five individual owned lots with homes.

There was discussion on the spectrum of zoning changes; one side being open land with a wide variety of zoning opportunities, the other side being a small parcel surrounded by other parcels with little reason for a zoning change unless there's compelling circumstances from anything other than the adjacent zoning. This is a small parcel that's surrounded by R-1 zoning. The reasons for rezoning are either economics or more control which are not justifiable reasons to rezone the parcel. As a matter of policy to rezone small parcels to PDD has been taxing on our resources and this parcel just not a large enough to warrant a PDD.

There was discussion on protecting the wishes of those in homeowners in the area. What is more protective of the neighbors. If the zoning is denied and the parcel becomes five individual lots with single family homes, it is hopeful that the builders and the new property owners do the right things because they're in control of their property. If the fence is non-negotiable, then it's hard to be in favor of the rezone as it goes against the wishes heard tonight.

There was discussion on the total loss of control with the parcel if it's annexed to De Pere. If the parcel is annexed to De Pere, De Pere's rules are followed, not Ledgeview's, not the PDD's, but De Pere's zoning and rules. De Pere will not say no to the petition. Examples were cited; Cottonwood, and a pending annexation of 62 acres on Cedar Ridge. So annexation is a possibility.

Steve Jauquet, 1874 Ledgeview Road – The developer of the property. Mr. Jauquet gave distinct direction as to how the pond functions as he designed and built it. Mr. Jauquet was not mandated to build the pond, there were no drainage plans in place when the pond was constructed.

Other points made by Mr. Jauquet, he is willing to annex to the City of De Pere, he doesn't want to, but he is willing to get this project going. The property was for sale prior to this proposal, but others didn't match up to his standards. This is the first one development that came along that was up to standards and was a good fit. Mr. Jauquet also agreed to eliminate the walking path as well as the fence.

MOTION by Van Rossum/Peltier to approve the PDD overlay with no fences, no walking paths, and no accessory buildings. No further discussion. Motion denied in a voice vote, 2-2 with Cheslock and M. Danen dissenting.

Due to the protest petition filed on behalf of the neighbors, a 75% vote of the full Town Board was needed to approve the rezone. Therefore, the rezone is denied.

ZONING & PLANNING:

Approved at the June 16, 2020 Town Board Meeting.

- 1. Recommendation by Zoning & Planning 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 at 1874 Ledgeview Road from R-1 Residential to R-1 PDD Single Family Planned Development District to accommodate a six-unit single family condominium plat.**

With the denial of the rezone, it was determined that the plat is moot point because it doesn't meet the requirements of R-1 Residential code.

MOTION by Peltier/Cheslock to deny the preliminary plat along with the denial of the rezone application. No further discussion. Motion carried in a voice vote, 4-0.

- 2. Recommendation from Zoning & Planning on the request by Troy Hewitt of Robert E. Lee Associates, Inc., agent for Mark Gigot of Gigot Properties, LLC, owner, for a Preliminary Subdivision Plat on parcel D-164 located at on Lime Kiln Road near Copper Lane for a 76 lot, 9 outlot subdivision known as Stone Fence Preserve.**

The site is 68.2 acres and the petitioner is requesting the approval of a 52 lot and 7 outlot preliminary plat. The parcel will be rezoned from A-2, Agriculture to R-1, Single-Family Residential to be served by public utilities. Minimum lot size requirements are 90-feet in width and 12,000 SF of area. The rezone of Outlot 6 to R-1/PDD for future single-family condominium units will be provided at a later date when detailed plans are available. The proposed plat is consistent with the Future Land Use Map which illustrates Planned Neighborhood. Outlot 5 will be used for stormwater management.

Over the past few months, the developer has worked diligently with the staff and the Zoning & Planning Commission on the Environmental Sensitive Areas (ESAs) to be included in the Outlots, specifically Outlot 1 and Outlot 2. The results of compromise is that Outlot 1 and Outlot 2 will be dedicated to the Town for preservation. Aerials were provided that clearly illustrates the areas to be protected. ESA lands outside of the outlots will have a conservation easement with language to ensure protection of the environmental areas.

Zoning & Planning recommend approval of the proposed Preliminary Plat with the following conditions:

1. Rezoning of the Plat area to from A-2, Agriculture to R-1, Single-Family Residence.
2. Future development of Outlot 6 to be reviewed and approved by Zoning & Planning and Town Board.
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. Clearly prohibit access to Lime Kiln Road for Lots 48 – 52 and Outlot 6 on the Plat.
5. Clearly prohibit access to Copper Lane for Outlot 6 on the Plat.
6. The limits of Outlot 1 and Outlot 3 shall be platted as recommend by the Zoning and Planning Commission at the May 13, 2020 meeting.
7. Allow platting of a portion of Lots 4 – 18 and Lots 34 – 37 into the identified ESAs with the inclusion of the conservation easement added as a notation on the plat.

MOTION by Peltier/Van Rossum to suspend the rules and open the meeting for public input. No further discussion. Motion carried in a voice vote, 4-0.

At 8:08 PM the meeting was open for discussion with the developer.

Mr. Gigot heard the discussion regarding the 4-acre R-1 PDD zoning application for Hickory Creek Condos. Mr. Gigot would now like to include Outlot 6 in the rezone. It is too late, the rezone would have to come back to the Zoning & Planning Commission for recommendation, and noticed as a public hearing.

MOTION by Peltier/Van Rossum to close the meeting to public input. No further discussion. Motion carried in a voice vote, 4-0.

At 8:09 PM, the meeting was closed to public comment.

MOTION by Van Rossum/M. Danen to approve the Preliminary Plat with the recommended conditions of Zoning & Planning. No further discussion. Motion carried in a voice vote, 4-0.

3. Recommendation by Zoning & Planning 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.

In December 2019 the Zoning & Planning as well as the Town Board approved a Building, Site, & Operations Plan for Dedicated Systems to replace the existing non-conforming lighting (angled lamps at 26-feet) and to install new light poles and LED lighting fixtures on the property to improve safety and security. The approval has the following conditions:

1. Use of the existing poured 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.

At the May 19, 2020 Town Board meeting, the property owner expressed that 18-feet is not high enough for the lighting. The Board requested that the owner work with the staff to refine the submittal and evaluate the photometrics. The petitioner is requesting to increase the height of the lights near CTH MM to 24-feet. The interior site lighting would have lights set at 36-feet in height. A series of supporting information has been provided to support their argument for increased fixture heights.

The photometric plan provided does show that the lighting as proposed will not result in light trespass at the property line, and that there are no “hotspots” (areas of excessive brightness) on the site. Examples of lights at other developments in the area were also provided. Note that Fleet Farm and Brown County Sheriff’s Offices are not located in Ledgeview. The two Shell Stations were constructed long before the Town has the Code requirements it does now, similar to the site in question, are located in Ledgeview. The lights along CTH GV were installed with the road reconstruction.

There are concerns about the visibility of the lights (specifically the underside LED bulbs) for vehicles travelling on CTH MM. Based on the proposed plan, the lights will be approximately 14-feet and 23-feet above the roadway. It must be noted that the 36-foot tall lights will be over 300-feet from the roadway, the height still seems excessive in relation to the road. How will the Town respond to other businesses requesting taller lighting fixtures?

Staff is recommending the following conditions should be required:

1. All concrete bases that exceed 1-foot in height shall be landscaped with grasses or shrubs.
2. Lighting detail shall be provided that clearly illustrates the height of the base, the height of the pole, and that lighting fixtures will be 90-degree downcast.
3. The 15-foot by 30-foot landscape area is installed at the entry of the site—as required by the Zoning & Planning—to protect the lighting fixture and new electric service.
4. Submit a landscape plan—as required by the Zoning & Planning—for review and approval by the Town.

There was discussion with Mike Hintz Sr. of Dedicated Systems. Mr. Hintz explained the safety concern for the drivers as well as the product the trucks were carrying with lack of adequate lighting.

MOTION by Peltier/Van Rossum to approve the 24’ polls at the perimeter and 36’ polls at the interior. No further discussion. Motion carried in a voice vote, 4-0.

OLD BUSINESS: None.

NEW BUSINESS:

1. Review and Possible action on Recommendation to Submit Emergency Petition for County Aid to Brown County for culvert repair on Fox River Drive.

The existing culvert has rusted through in several locations. One location has created a sink hole in the parking lane. Additional rain will cause area to expand into the driving lane. An emergency petition for county aid is being sought because the repair is to a bridge or culvert that must be made without delay.

MOTION by Van Rossum/M. Danen to approve the Emergency Petition for County Aid to Brown County for the culvert repair on Fox River Drive. No further discussion. Motion carried in a voice vote, 4-0.

2. Review and act on Town Facilities Re-Opening Plan.

Proposed draft re-open plan for town facilities. Recreational immunity was explored. The Town's insurance company recommend following the recommended guidelines established by the Public Health Experts. Staff is making that recommendation. There is financial consideration to be given as to the extra costs associated with additional required cleanings. It is also recommended that the plan be revisited on each Town Board agenda until the status quo is met.

What is being seen is that once the order expired, agencies have opened like the threat is over. The question comes down to how effect can one agency be when all the other agencies affecting it aren't complaining with the guidelines? The Town can't take on any more liability than what it currently is.

De Pere Baseball has provided the Town with their Back to Baseball Plan to play baseball this year in compliance with the guidelines. The attorney would have to weigh in on the hold harmless.

De Pere Rapids are cancelling their season this year. Also received was the flag football league plan. De Pere has gone forward with their plan, and the Town of Lawrence is waiting to see what happened with Ledgeview tonight.

Without a statewide plan, the municipalities are forced to make their own plan. Discussion ensued regarding individual choice vs the municipality having a plan.

MOTION by M. Danen/Van Rossum to reopen town facilities, playgrounds, restrooms, and athletic fields with the recommended cleaning based on the City of De Pere's decisions. No further discussion. Motion carried in a voice vote, 4-0.

MOTION by Peltier/M. Danen to suspend the rules to allow Mr. Webb to address the board.

At 8:41 PM, the meeting as opened to public comment.

Mr. Webb indicated that the Back to Baseball Plan was submitted to the City of De Pere whose Public Health Officer gave positive indicators to the Parks Department. However, if De Pere does approve open tomorrow night, then the Town painted itself into a corner. Mr. Webb asked the Board to reconsider their vote.

MOTION by Peltier/Van Rossum to close the meeting to public comment. No further discussion. Motion carried in a voice vote, 4-0.

At 8:43 PM the meeting was closed to public comment.

The motion can be adjusted at the next Town Board Meeting if necessary.

- 3. Review and approve the Brown County Tax Collection Agreement for December 2020 to February 2021.**
This is an annual agreement to Brown County to print, send and collect our real estate property taxes and personal property taxes. This is a fee service.

MOTION by Van Rossum/M. Danen to approve the agreement. No further discussion. Motion carried in a voice vote, 4-0.

COMMUNICATIONS:

- 1. Receipt of Petition for Direct Annexation by Unanimous Consent from Bruce Blohowiak, Adam Blohowiak and Kim Blohowiak for parcels D-124, D-126 and D-126-1.**
The petition was unexpected as the owners have been to Zoning & Planning several times regarding development of the parcel. Staff will be working on responding to the Department of Administration.
- 2. Letter from De Pere Baseball, Jonathan Webb, President, to the Town Board of Supervisors regarding funding for electrical services at Scray Hill Park and Mulva Family Fields.**
This item will be on a future agenda for discussion and possible action.

COMMUNICATIONS: None.

ORDINANCES: None.

REPORTS:

Administrator:

- Composing brief letter to Scray Hill Road, Bower Creek Road, and Dallas Lane regarding no special assessment for road urbanization project.

Clerk:

- Written Town Newsletter should go to print at the end of the week.
- Website refresh is completed.
- Advised the Board that there was a request of them to reconsider their motion on the PDD rezone of Hickory Creek Condos.

Planner:

- Nothing to add.

Treasurer:

- Recycling grant was submitted.
- Sanitary District Commission Meeting is Wednesday.

Engineer:

- Scray Hill Road is set to close for the urbanization project.
- Scray Hill Road/Bower Creek/Dickinson Road intersection to close for about 4 weeks for installation of a roundabout.
- Meeting with residents individually along the Scray Hill Road Urbanization Project.
- There's chert in Oak Ridge Circle concrete.

Parks & Recreations:

- COVID-19

Approved at the June 16, 2020 Town Board Meeting.

Public Works:

- Crack sealing start this week.
- Chip sealing start this week.

Board Comments: None.

APPROVAL OF THE VOUCHERS:

MOTION by Cheslock/Van Rossum to approve the vouchers. No further discussion. Motion carried in a voice vote, 4-0.

ADJOURNMENT:

MOTION by Peltier/Van Rossum to adjourn. No further discussion. Motion carried in a voice vote, 4-0. Meeting adjourned at 9:03 PM.

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