

**LEDGEVIEW TOWN BOARD AGENDA**  
**Monday, October 4, 2021 at 6:00 p.m.**  
**or as soon thereafter as possible**  
**Ledgeview Community Center**  
**Community Room**  
**3700 Dickinson Road, De Pere, WI 54115**

**CALL TO ORDER**

The meeting was called to order by Chairman P. Danen at 6:00 p.m.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited by all in attendance.

**ROLL CALL**

Present was Chairman Phil Danen, Supervisors Renee Van Rossum, Alan Matzke and Sachin Shivaram. Supervisor Mark Danen was excused.

Staff present was Administrator Sarah Burdette, Clerk Jen Broich, Zoning Administrator Dan Teaters, Planner Dustin Wolfe, Engineer Scott Brosteau, and Public Works Director Greg Potts.

**AGENDA APPROVAL**

Chairman P. Danen asked to take off item 1 of Old Business, Discussion of Bulky Items as Mark Danen wasn't present and was the one that wanted to discuss further.

Motion by R. Van Rossum to approve the agenda with this change, seconded by A. Matzke. Motion carried in a voice vote, 4-0 at 6:01 p.m.

**CONSENT AGENDA**

1. Regular Board Meeting Minutes:
  - a. September 22, 2021 Town Board meeting minutes
2. Routine Reports:
3. Committee/Commission Reports: None.
4. Operator's Licenses: September 18, 2021 – October 1, 2021
5. Other Committee Minutes: None.
6. Pay Requests: None.
7. Special Event & Street Closure Permits: None

Motion by A. Matzke to approve Consent Agenda, seconded by R. Van Rossum. No further discussion. Motion carried in a voice vote, 4-0.

**PUBLIC COMMENT:**

Chairman P. Danen opened public comment at 6:02 p.m.

Noticing the audience, P. Danen asked if anyone had anything they wanted to speak about pertaining to items that were not on the agenda, now was the time as there were no public hearings.

A few members of the audience were present to talk about Item 2 under Zoning and Planning regarding Grand Ridge Estates.

Chairman P. Danen asked the Board if they were okay with opening the floor up for discussion during that agenda item to which the Board agreed.

After a call for additional comments, public comment was closed at 6:03 p.m.

## **PUBLIC HEARING:**

None.

## **ZONING & PLANNING:**

1. **Discuss and act on** recommendation from Zoning and Planning Commission on the request by Steve Bieda of Mau & Associates, on behalf of Gearin Green (owner) for a proposed land division of parcels D-87, D-87-9, and D-392, 4500 Scenic Way, creating two lots.

Staff presented with background stating The properties total 23.4 acres and have been used for a one (1) estate residence. A concept review was conducted in July 2020. Two concepts were provided for review showing the creation of 3 or 4 lots ranging from 1.5 acres to 2 acres. The ZPC indicated that they were supportive of the alternative creating four (4), approximately 1.5 acre lots that front along Scenic Way.

The existing residence is located on parcel D-392 which has no direct frontage to Scenic Way. The proposed concept reconfigured the parcels with the existing residence to provide frontage along Scenic Way to comply with Town regulations.

The adopted Official Map illustrates a right-of-way connection from Scenic Way to Wayne Lane. The ZPC expressed that a 70-foot right-of-way dedication of Scenic Way to the southern lot line of Parcel D-87 will be required with a future certified survey map.

At this time, the petitioner is proposing to reconfigure the lots to “create” one, 1-acre lot along Scenic Way. The parcels with the existing residence will not be reconfigured, and the residence will not have direct frontage along Scenic Way. No ROW dedication extending Scenic Way is proposed at this time.

The property is currently zoned to R-R, Rural Residential. The existing homes on Scenic Way are currently served by public water and sanitary. The Town has typically required the development lands to be rezoned to the R-1, Single-Family District. Much of the surrounding lands are zoned Rural Residential, and rezoning to the R-1 District would not be well received by the neighbors

Lots in the R-R District are required to have 150-feet of frontage and 60,000 SF in area. The proposed Lot 1 does not meet the minimum area requirements.

Lot 1 will access Scenic Way directly. The adopted Official Map illustrates right-of-way connection from Scenic Way to Wayne Lane. The ZPC was very clear with the property owner that a 70-foot dedication of Scenic way to the southern lot line of Parcel D-87 will be required with any future CSM.

Property owners have no intention of doing any other development; Planning Commission made the recommendation that should any other development happen out there that the dedication of Scenic Way would be required at that time.

Chairman P. Danen requested a motion to approve.

Motion made by R. Van Rossum to approve the CSM with the following conditions listed from Zoning and Planning:

1. All setbacks shall be denoted on the CSM.
2. Notation added to the CSM specifying that any future land division of Lot 2 shall require the dedication of a 70-foot right-of-way for Scenic Way extending to the southern lot line.
3. Any technical corrections are required by the Town Engineer or Brown County prior to Town signatures.

Motion seconded by S. Shivaram to approve. No further discussion. Motion carried unanimously.

2. **Discuss and act on** recommendation from Zoning and Planning Commission on the request by Steve Bieda of Mau & Associates, on behalf of Ryan Radue (owner) for a preliminary plat, Grand Ridge Estates Second Addition, including parcel D-450, located on Wayne Lane.

Staff presented with background about Grande Ridge Estates development which was approved in 2017 for 56 lots and a series of outlots on approximately 37.1 acres. The first addition to Grand Ridge Estates was approved in May 2021 for 20 lots and 5 outlots. The petitioner is now requesting the review and approval of a Preliminary Plat for the next phase (Second Addition), which entails 37 lots and 2 outlots.

Lots were rezoned in January 2017 from A-2 to the R-1, Residential District. Lots 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 lots meet or exceed these width and area requirements.

Primary access to the development is from Wayne Lane off CTH X (Heritage Road). The collector for this phase of the development is proposed off Wayne Lane to run north and then east along the northern property line to Royal Vista Trail. A 70-foot dedication of right-of-way is illustrated. The technical details for this "road" have not been determined. While not specifically a concern at this time, the Town Engineer and Public Works Director will sort out those details prior to the Final Plat being submitted and include in the Development Agreement.

Future 70-foot ROW connections to Heritage Heights Street to the west and Scenic Drive to the north are illustrated. While there have been concerns expressed by neighbors about these connections, they are a part of the Official Map to ensure proper circulation, safety, and connectivity. The Anderson (Green) family that own the land to the north will be required to dedicate ROW extending Scenic Way to the south with any future land divisions. There is no timeframe for the actual construction of a Scenic Way, but getting the dedications for connections is a Town priority at this time.

The ZPC recommended that the preliminary plat be approved by the Town Board subject to the following conditions:

1. Notation should be added to the Plat specifying that sidewalks and street trees will be required along all public rights-of-way and that demarcated and signed on-street bicycle lanes will be required along the arterial right-of-way for the extent of the phase area.
2. All construction access to be provided only from CTH X through Wayne Lane.
3. Technical issues highlighted in this memo, and as raised by the Town Engineer and Brown County.

Town Board concurred once again that any future development should have a connection to CTH X.

Town Engineer didn't have any additional comments, just made clear that the developer pays for that up front. If a connection was not made, then they would need to figure out where the connection of water will come from. It has to be somewhere in the middle of Outlot 5, as sewer will have to come from the north as it should be located at the highest point of the hill. There will have to be a connection to Heritage at some point.

P. Danen made a motion to open up the floor for discussion, seconded by S. Shivaram at 6:10 p.m. that passed by a voice vote 4-0.

Residents present in the audience were concerned with Heritage Heights (just west of this preliminary plat) and wanted to make sure focus was on Outlot 5.

Attorney Warren Wanezek is speaking on behalf of Carl and Mary Ellen Kuehne at 4479 Heritage Heights Road:  
Atty. W. Wanezek wanted clarification asking the Planner if there was only one access road to Heritage being included in the preliminary plat, and asked if that is the one that connects with Heritage Heights. Atty. W. Wanezek also asked why Heritage Heights and the access road were included in the plat if it's not being approved at this time.

Staff explained that is a part of the process, and it wouldn't actually be dedicated until the final plat. Staff also explained that the Town Engineer had said it would be recommended to the Town that the connection be constructed at some point.

Atty. W. Wanezek asked again if it is not being approved in any way shape or form tonight if this plat gets approved.

Staff further clarified by stating in the long road, it will all connect from the original Grand Ridge Development down to CTH X; what that road looks like has not been determined. It's usually something that gets sorted out between preliminary planning and final planning.

Atty. W. Wanezek spoke on behalf of the concerned residents that were present, asking what the future would look like if this plat were to be approved and there is a road and access to Heritage Heights.

Chairman P. Danen reiterated that the drawing of the preliminary plat is what is up for approval; with it being a preliminary plat, there are obviously changes and details that can get worked out, but the plan is to approve what is submitted.

Chairman P. Danen instructed all to keep comments up to three minutes, and to direct questions to the Board. It wasn't the opportunity to engage and go back and forth with staff. If questions were had, they were to be for the Board.

Rebecca Afshar - 4437 Heritage Heights:

Concern is the connection to Heritage Heights. At the top of the hill, it's a very narrow, steep and older country road with few residents. The access from Heritage Heights to Heritage Road got through what the County deemed as ESA (Environmentally Sensitive Area) so if any improvements do occur, further to the south at the end of Heritage Road, there is a significant slope, ESA to the road, and the long term impact is pretty significant. (in talking about the unnamed road) There's been the suggestion of urbanizing that road to curb and gutter, and providing utilities up that road. Ms. Afshar asked what the benefit is of that unnamed road. She's heard reference to utilities potentially providing service to that Outlot, or to some of the newer lots at the top of Heritage Heights. Believes that are other ways to provide services into Heritage Heights besides a full road. Ms. Afshar suggests an easement, or a bike path but thinks the full impact of a road would be a great concern as to how it affects Heritage Heights. Ms. Afshar handed out images of what Heritage Heights and the road look like now, including the elevation.

Chairman P. Danen wanted to be clear that Ms. Afshar objection to the preliminary plat was the unnamed road into Heritage Heights. Ms. Afshar went on to explain that if a house were to be built on the Outlot, the significant slope is a concern and was challenging to not see contouring lines and not see the elevations on the preliminary plat.

S. Shivaram wanted to restate Ms. Afshar objection, stating it is the connection from this new neighborhood to Heritage Heights, and she would rather not see any connection.

Dave Wouters – 4600 Heritage Heights:

Mr. Wouters wanted to clarify that the access to Heritage Road, down where Wayne Lane is shown, was to be vacated.

Staff interjected and wanted to make clear that the new road will connect a small portion of existing Wayne Lane to CTH X, and only a small portion of Wayne Lane will actually be vacated. The new road will still tie in with the subdivision and will still have a direct connection to CTH X.

Mr. Wouters stated that the issue the Board had earlier when the first addition was approved was that there had to be access to Heritage. There is in fact going to be a connection to Heritage from CTH X without Heritage Heights being connected.

Atty. W. Wanezek spoke about the length of time both the Kuehene's and Afshar's have lived on that road in their homes and have a lot invested as taxpayers with the Town of Ledgeview. Seeing the potential for all those new lots, it's understandable that there will be substantial changes that need to be made with utilities but that won't benefit the residents of Heritage Heights one bit. It would be onerous of them if utilities had to be run up Heritage Heights as the Kuehene's own both sides of that road. Concerned about the special assessments, how it will change the character of the neighborhood and how it will change dramatically if Heritage Heights is attached to this new subdivision. Believes that a traffic study should be done as there will be a substantial change in the traffic patterns if access to Heritage Heights was permitted.

Chairman P. Danen asked if anyone else wanted to be heard.

Supervisor S. Shivaram asked why a second access would be needed or is required.

Staff explained there are numerous reasons you want multiple connections between neighborhoods, some being sidewalks, bike lanes, walking paths, big utilities, public safety needs, and more efficient movement so that people in the neighborhoods don't need to go to CTH X for every trip to get out of the subdivision. Having alternative access points is important so everyone isn't on one roadway, which is why the Town has requirements to improve mobility for things other than vehicles.

Chairman P. Danen asked staff Engineer to clarify that the utilities are for the unnamed road and not going to Heritage Heights.

Staff explained that Outlot 5 comes to the top of the hill; as you go north from the unnamed road you go downhill. Storm water will have to come from the west off of CTH GV going thru Wouters property to ultimately service Outlot 5. As far as the location of that unnamed road, they looked at possibly sending the east-west road to the west as a different connection to CTH GV, however there is quite a hill there with approx. fourteen percent grade in order to make that as compared to where it is now at a three percent grade; even farther north, the grade is too steep as well. They also don't want additional traffic going down Heritage Heights Road as that roadway isn't enough footage for right-of-way, looking at adding stop signs on Heritage Heights as well as the unnamed road to make it a longer travel time so people take the main thoroughfare down to CTH X.

Chairman P. Danen asked if anyone else had any questions.

Supervisor S. Shivaram asked if it was final approval.

P. Danen stated it was approval for the preliminary plat, being approved with recommendations which are notations for sidewalk construction only through Wayne Lane and technical issues.

Ms. Afshar spoke to the Board wanting to highlight that utilities can be provided to that area in other ways than a road.

Chairman P. Danen asked if anyone else had any questions.

Dave Wouters - 4600 Heritage Heights:

Mr. Wouters wanted clarification as he understood there was a responsibility from the first development off of Oak Ridge Circle there was supposed to be an exit off of CTH X. Asked if this was the road in question.

Chairman called out twice for one last opportunity for public comment.

Chairman closed the floor and brought it back to the Board from open comments at 6:34 p.m.

Staff explained and summarized the preliminary planning process at the town level.

Supervisor S. Shivaram stated from his perspective he doesn't see a compelling reason for that unnamed road and having it connect the two neighborhoods. In the interest of preserving the rustic view of the neighborhoods, does not see a reason to have it.

P. Danen asked Steve Bieda with Mau & Associates asking if the developer would be willing to adjust the plat without the unnamed road. Didn't see an issue with that, even if the developer added a walk through. That would allow the Town to potentially get utilities someday.

P. Danen asked what the developer had planned to do with the spot between the unnamed road and CTH X. Mr. Bieda stated it was a unique spot; the reason it is an Outlot right now is because the only goal was to get a connection to CTH X, and is actually a big burden. Right now on the preliminary plat there is a cul-de-sac with a single family residence, or smaller single family lots but they aren't worried about planning that now. Chairman asked if he could plat over from the unnamed road west, and south, to plat out what is to be expected. However, Mr. Bieda isn't asking for that now. If anything different were to happen, it would have to come back to Town Board for approval.

Mr. Bieda asked to approve the preliminary plat with possibly getting rid of the 'stub' unnamed road.

Staff advised if getting rid of 'stub', the recommendation would be that there is some kind of trail connectivity, shifted to the north farther.

Chairman P. Danen requested a motion to approve the preliminary plat.

Staff Engineer made caution against having a little trail of sorts, and anyone between Oak Ridge and CTH X now has to go to Oak Ridge or CTH X to get to CTH GV, so a connection through that area dedicated, bike, paved or something else substantial with green space on either side.

Motion made by R. Van Rossum to approve the preliminary plat with the changes of removing the unnamed 'stub' road, along with the recommendation from Zoning and Planning, subject to the developer addressing the following:

1. Notation should be added to the Plat specifying that sidewalks and street trees will be required along all public rights-of-way and that demarcated and signed on-street bicycle lanes will be required along the arterial right-of-way for the extent of the phase area.
2. All construction access to be provided only from CTH X through Wayne Lane.
3. Technical issues highlighted in this memo, and as raised by the Town Engineer and Brown County; as well as having the developer work with staff to reconfigure the west side of the plat with access that is suitable to the staff as far as utilities, be that trail access or otherwise;

Motion was seconded by M. Danen to approve.

No further discussion. Motion carried unanimously.

3. **Discuss and act on** recommendation from Zoning and Planning Commission on the request by Steve Bieda of Mau & Associates, on behalf of Kenneth Geurts (owner) for a proposed land division of parcel D-191, 3900 Bower Creek Road, creating two lots.

Staff presented the background from the petitioner is requesting the approval of a two (2) lot CSM from the existing 5-acre parent parcel. The existing parcel contains 4 structures including a residence and 3 outbuildings (at least one of which houses animals), septic, and a well. There is also a temporary structure on site which is not shown on the CSM. Two unnamed navigable streams cross the parcel on the far west and east, respectively.

As a result of the recent utility installation and road reconstruction, the petitioner is intent on creating a second parcel fronting along Bower Creek Road for future sale and expected construction of a single-family residence.

The existing parcel, Lot 1, is zoned R- R, Rural Residential. Lot 1 will be 192,791 SF (4.43 acres), contain all the existing structures, and retain its R- R zoning.

Lot 2 will be at the northeast corner, separated from Lot 1 by a navigable stream, and be 24,042 SF (0.55 acres). A rezoning for Lot 2 to R-1 accompanies this CSM.

At their September 23, 2021 meeting the ZBA approved Exception to the total number of horses (3) kept on the property exceeding the permitted number of horses (2) for Lot 1 at 4.43 acres, and a variance of feet to the minimum setback requirement on Lot 1 to accommodate an existing accessory structure.

Motion made by R. Van Rossum to approve with recommendations made by Zoning and Planning to approve the CSM, conditioned on the following:

1. Rezoning of Lot 2 to R-1, Residential District.
2. The land division must comply with the regulations of Chapter 135 as outlined above unless variances or exceptions to the Code are approved by the ZBA for the following:
  - a. Exception to the total number of horses (3) kept on the property exceeding the permitted number of horses (2) for Lot 1 at 4.43 acres. This exception should run with the property until the time of sale.
  - b. Variance for one (1) additional accessory structures on Lot 1, exceeding the maximum number of permitted accessory structures by 1 (3 total accessory structures).
  - c. Variance of 7.6 feet to the minimum setback requirement on Lot 1 of 10 feet to accommodate.
  - d. an existing accessory structure.
3. Denote the square footages of all the structures shown on the CSM.
4. Add a note on the CSM that Lot 1 shall connect to municipal services at the time of sale of the Lot.
5. Any technical corrections required by the Town Engineer or Brown County prior to Town signatures, including the change in Town Clerk;

Motion seconded by A. Matzke. No further discussion. Motion carried unanimously in a voice vote 4-0.

**OLD BUSINESS:**

1. Continued discussion on Large Bulky Item Drop Off.

Tabled and to be discussed at next Town Board.

**NEW BUSINESS:**

None.

**COMMUNICATIONS:**

1. Recognition of Fire Prevention Week October 3-9, 2021.  
Thanked Chief Guns.

**ORDINANCES:**

None.

## **REPORTS:**

### **Administrator:**

- Monthly reports from Brown County Sheriff's Department
- VanDreel matter update – Motion to Dismiss Without Prejudice
- McGrath consultants to be at next meeting

### **Clerk:**

- Finalizing the redistricting map with the help of Brown County
- Update on the Holiday gas station

### **Zoning and Planning:**

- Enforcement issue on Heritage Road – a resident built an addition to a garage without a permit that crossed property lines
- Chicago Street Pub is planning to be demo'd and complete by the end of this month.

### **Developer:**

- Finishing up certification for the Department of Revenue finalizing the TID No. 1 Amendment No. 2

### **Fire Chief:**

- Fire Prevention Week
- Classes going on at Heritage Heights
- Ladder testing with Denmark
- Participating in house burn in Morrison

### **Public Works:**

- Concrete curbing is finishing up
- Final round of street sweeping if will be done in two weeks
- Ditch mowing will be completed in two weeks

### **Engineer:**

- Next round of TRIP projects are coming through

## **APPROVAL OF THE VOUCHERS:**

Motion made by R. Van Rossum, seconded by A. Matzke. No further discussion. Motion carried, 4-0.

## **CLOSED SESSION:**

None.

## **ADJOURNMENT:**

Motion made by P. Danen, seconded by S. Shivaram to adjourn Town Board. Motion carried 4-0. Meeting adjourned at 7:02 p.m.

Respectfully submitted,

Jennifer Broich  
Town Clerk

Approved at the November 1, 2021 Town Board Meeting