

LEDGEVIEW TOWN BOARD MINUTES
November 1, 2021, at 6:00 p.m.
or as soon thereafter as possible
Ledgeview Community Center
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, Mark Danen, Sachin Shivaram and Alan Matzke.

Staff present was Administrator Sarah Burdette, Clerk Jen Broich, Zoning Administrator Dan Teaters, Planner Dustin Wolfe, Engineer Scott Brosteau, Public Works Director Greg Potts, Treasurer Renae Peters and Park and Recreation Director Stephanie Schlag.

AGENDA APPROVAL

Chairman P. Danen asked to take off item 1b of the Consent Agenda, the approval of the October 19, 2021, Town Board minutes.

Motion by A. Matzke to approve the agenda with these changes, seconded by M. Danen. Motion carried in a voice vote, 5-0 at 6:00 p.m.

CONSENT AGENDA

1. Regular Board Meeting Minutes:
 - a. October 04, 2021, Town Board Minutes
2. Routine Reports:
3. Committee/Commission Reports: None.
4. Operator's Licenses: October 17, 2021, thru November 30, 2021
5. Other Committee Minutes:
 - a. October 6, 2021, Sanitary District Committee Minutes
 - b. August 17, 2021, Park, Recreation and Forestry Committee Minutes
 - c. May 11, 2021, Beautification Sub-Committee Minutes
 - d. June 14, 2021, Beautification Sub-Committee Minutes
 - e. August 18, 2021, Beautification Sub-Committee Minutes
6. Pay Requests:
 - a. Approve pay request #5 for Mystery Ridge Subdivision for \$19,085.63 to Jossart Brothers Inc.
 - b. Approve pay request #8 for Stone Fence Preserve for \$53,997.50 to Feaker Brothers.
 - c. Approve pay request #13 for Red Hawk Landing for \$144,672.29 to Jossart Brothers Inc.
7. Special Event & Street Closure Permits: None

Motion by M. Danen to approve Consent Agenda, seconded by R. Van Rossum. No further discussion. Motion carried in a voice vote, 5-0.

PUBLIC COMMENT:

Chairman P. Danen opened public comment up to anything relative to the agenda other than public hearings at 6:01 p.m. No one was to be heard, public comment was closed at 6:01 p.m.

PUBLIC HEARING:

1. Public Hearing for approval of the application for a **Class “A” Beer, Class “A” Liquor License** and a **Cigarette License** for: True North Energy, LLC, at 3691 Monroe Road.

The public hearing was opened by Chairman P. Danen at 6:01 p.m. After three calls for public comment, none were heard. Chairman P. Danen closed the public hearing at 6:02 p.m.

2. Request by Ken Marzec for a **Conditional Use Permit** to allow for a machine shop, pipe, metal, storage and sales, and warehousing to occur at parcel D-79-1, 1408 Viking Lane as recommended by the Zoning and Planning Commission.

The public hearing was opened by Chairman P. Danen at 6:02 p.m.

Ken Marzec - 360 Chase Avenue 1861 Enterprise Drive:

Ken currently works at 1861 Enterprise Drive in De Pere. Is hoping to move his business to this Ledgeview address. Didn't have any comments per se but was there to answer any questions if need be.

Staff presented stating the petitioner is requesting approval of a Conditional Use Permit to continue the machine shop and warehouse uses on the parcel zoned L-1, Light Industrial. Additionally, the petitioner is requesting approval for site improvements that are required to comply with the Zoning Code. No building changes are proposed.

On the east side of the property, the petitioner is requesting approval of a 14,825 square foot, paved parking lot with 18 parking spaces and 1 handicap space. On the west side of the property, approval is requested for pavement of a 3,800 square foot driveway, setback 10-feet from existing main building.

Plan Commission recommend approval of this conditional use permit to the Town Board with the following conditions:

1. Provide landscape plan identifying proposed tree types and dimensions from each other and from the right-of-way and including at least 1 tree in the parking lot per the Zoning Code requirement.
2. Proposed signage must comply with the regulations of Section 79-13 for the L-1 District.
3. Stormwater management facilities as required by the Public Works Director and Town Engineer.

Chairman then called for an additional two times asking if anyone wanted to be heard with regards to this Conditional Use Permit, none were heard.

Chairman P. Danen closed the public hearing at 6:04 p.m.

Supervisor M. Danen made a motion to approve the Conditional Use Permit with the above conditions listed from Plan Commission. Motion was seconded by S. Shivaram and carried in a unanimous voice vote.

3. Request by Steve Bieda of Mau & Associates, on behalf of Kevin Leudke (owner) to **rezone** all of parcel D-193-1-1, 1801 Dallas Lane, from R-R Rural Residential to R-1 Residential as recommended by the Zoning and Planning Commission.

The public hearing was opened by Chairman P. Danen at 6:05 p.m.

Kevin Leudke – property owner of 1801 Dallas Lane:

Kevin was in the audience and available to answer any questions the Board may have.

Staff presented stating the petitioner is requesting the approval to rezone lands from R-R, Rural Residential District to R-1, Residential District. The application is accompanied by a 4-lot CSM and a revised Area Development Plan (ADP).

The plan document and Future Land Use Map depicts the parent parcels as Future Single-Family Residential. The proposed land division and proposed rezoning to R-1 are consistent with the Plan.

The ZPC recommend approval of the rezone to the Town Board for the following reasons:

1. The proposed rezoning to the R-1, Residential District is consistent with the zoning and development trends in the area.
2. The proposed zoning district conform to the goals of the adopted Comprehensive Plan and the land use illustrated on the Future Land Use Map.
3. The lands are suitable for low-density single-family residential.
4. Conditioned on approval and recording of the four (4) lot CSM for parcel D-193-1-1.

Chairman then called for an additional two times asking if anyone wanted to be heard with regards to this rezone, none were heard.

Chairman P. Danen closed the public hearing at 6:07 p.m.

Supervisor S. Shivaram made a motion to approve the rezone of 1801 Dallas Lane with the above conditions listed from Plan Commission. Motion was seconded by R. Van Rossum and carried in a unanimous voice vote.

4. Request by Todd Hietpas, Performa Inc. on behalf of Mike Walters to **rezone** parcel D-375-5, located on the NW corner of CTH G/Monroe Road and Kaftan Road from NCD Neighborhood Center to NCD Neighborhood Center Planned Development District.

The public hearing was opened by Chairman P. Danen at 6:07 p.m.

Matt Walters - 600 Marble Rock Circle:

Was there to answer any questions as Mike was not able to attend meeting.

Staff presented stating the petitioner has plans to create a brewery at this location. Business would be Cocoon Brewing, LLC and is requesting approval for the property to be rezoned to a PDD Overlay to construct a principal structure with a brewery, bar, game area, tap room and 6 accessory structures (cocoons), surrounded by wetlands. These cocoons are intended to be small, enclosed, and private seating areas with heat and electricity. Proposed hours of operation vary daily within the hours of 11:00 A.M. to 12:00 A.M.

Further, the petitioner is requesting a rezone of the property to include a PDD, Planned Development District Overlay, over the existing District, to allow for deviations to Article XX and the Monroe Road NCD Pattern Book. A PDD narrative outlining the following deviations, as well as occupancy numbers, hours of operation, site and building area ratios, has been provided.

The ZPC recommended approval of the PDD Overlay finding the proposed development is consistent within the spirit and intent of the zoning code, the Monroe Road NCD Master Plan and Pattern Book, and the Town of Ledgerview Comprehensive Plan.

Staff recommends the following specific deviations from the NCD be approved under the PDD overlay:

1. Multiple accessory structures (6 cocoons) on the single site in line with the unique site design and business/marketing plan.
2. A 65-foot side setback from Monroe Road and a 46-foot front setback from Kaftan Road where 0-feet is required given the unique and numerous environmental features on the site.
3. Building entrance fronting the parking lot instead of the street (Kaftan or Monroe) given the unique and numerous environmental features on site.
4. Not require a through street to the north, connecting this property to other future development sites given the unique and numerous environmental features on site. This is reflected in the alternative Master Plan within the Pattern Book (pg. 12).
5. A 3-foot fence height around the area for outdoor alcohol sales compared to the code minimum of 4-feet.
6. Conditioned on the Cocoon Brewery BSO being approved, and the conditions of that approval being met.

Discussion ensued between the Board and staff with regards to the fencing requirements and fairness if exceptions were made this project.

Chairman P. Danen made a second call for public comment.

Chad Allen – 3801 Creamery Road:

Mr. Allen owns land that butts up against this property and was wondering about what the plan was going to be for the storm sewer. Is very concerned about the possible creation of more wetlands by having the water diverted from new storm sewer.

Staff explained that there will be two small storm water retention ponds; one located on southeast corner and one on the northeast corner of the site, and those will capture everything and then get released west to the current wetlands.

Mr. Allen mentioned that when there was construction on CTH GV, that the water wasn't diverted to the small area behind the Shell, but instead it comes towards Kaftan Road which is unable to handle it.

As such, Mr. Allen mentioned he may put a berm there this winter to prevent water from going into his property.

Chairman P. Danen asked Mr. Allen if he had any objection to the rezoning as that is what the public hearing is actually about. Mr. Allen did not have any issues pertaining to the rezone.

Chairman P. Danen made a third and final call for public comment, none were heard. Chairman P. Danen closed the public hearing at 6:18 p.m.

Supervisor R. Van Rossum made a motion to approve the rezone parcel D-375-5, located on the NW corner of CTH G/Monroe Road and Kaftan Road from NCD Neighborhood Center to NCD Neighborhood Center Planned Development District with the above conditions listed from Plan Commission. Motion was seconded by M. Danen and carried in a unanimous voice vote.

ZONING & PLANNING:

1. Recommendation from the Zoning and Planning Commission on the request by Steve Bieda of Mau & Associates, on behalf of Kevin Luedke (owner) to approve an Area Development Plan for parcel D-193-1-1, 1801 Dallas Lane.

Staff presented stating the owner of parcel D-193-1-1 has proposed changes to the ADP for their property. An ADP was previously approved for this area on the north side of Dallas Lane extending westward to Bower Creek Rd in August 2020.

Instead of the north/south street and the off-set connection from Dallas Lane to Bower Creek Rd, the revised ADP proposes an east/west, direct, future road to connect Dallas Lane at the north to Bowers Creek Road.

The Director of Public Works and the Town Engineer have expressed that the future road connection to Dallas Lane is not necessary, and the removal of the future road offset is more desired.

The ZPC recommend approval of the Area Development Plan (ADP) to the Board without conditions. The ZPC has deferred the dedication because there is no impact and as stated in the land division, the dedication would occur at that time.

Chairman P. Danen asked to have someone make a motion to approve zoning and planning items no. 1 and no. 2 simultaneously as one vote.

2. Recommendation from the Zoning and Planning Commission on the request by Steve Bieda of Mau & Associates, on behalf of Kevin Luedke (owner) for a proposed land division of parcel D-193-1-1, 1801 Dallas Lane, creating four lots.

Staff stated the petitioner is requesting the approval of a 4-lot CSM for Parcel D-193-1-1. The CSM application is accompanied by a rezone application from R-R, Rural Residential District to R-1, Residential District, and a revised Area Development Plan (ADP).

Lots in the R-1 District are required to have a minimum lot frontage of 90 feet and a minimum area of 12,000 SF lot size with 2,000 SF of contiguous buildable area. Lots 1 and 2 meet these requirements. Lots 3 and 4 meet the area requirement and appear to meet the width requirement along the Future Road, however, these lots would need to be listed as outlots as they are not buildable without road frontage. Lots 1 and 2 will have access direct to Dallas Lane. Lots 3 and 4 (outlots) will have access off a proposed future east/west road.

The ZPC did not require the right-of-way dedication at this time, but any future land division of any of the lots would require dedication that corresponds to the to the ADP, as approved by the Town and incorporated into the Official Map.

The ZPC recommend approval of the CSM to the Board with the following conditions:

1. A revised CSM including all setbacks.
2. Lots 3 and 4 must be listed as outlots on a revised CSM.
3. Right-of-way dedication shall be provided with any future land division corresponding to the approved ADP as incorporated into the Official Map.
4. Any technical corrections are required by the Town Engineer or Brown County prior to Town signatures.

Chairman P. Danen made a motion to **approve the Area Development Plan** (item No. 1) and the proposed **land division** of 1801 Dallas Lane with the following conditions:

1. A revised CSM including all setbacks.
2. Lots 3 and 4 must be listed as outlots on a revised CSM.
3. Right-of-way dedication shall be provided with any future land division corresponding to the approved ADP as incorporated into the Official Map.
4. Any technical corrections are required by the Town Engineer or Brown County prior to Town signatures.

Motion was seconded by M. Danen and carried in a unanimous voice vote.

After vote, Andrew Kost from 3545 Bower Creek Road, who are new homeowners of a nearby property, asked for clarification as to what this all means. Staff explained that this is all set-in place for future projects. Should future development occur, a portion of the property in question would have to be dedicated to the Town so services and utilities can be put in place and extend to the residents through connectivity by a road.

It all is dependent on the property owner and when or if they decide to develop it. By adding these conditions, it is saying that in the future, that portion will have to have a road at that spot.

3. Recommendation from the Zoning and Planning Commission on a Building, Site, and Operations Plan request by Todd Hietpas, Performa Inc. on behalf of Mike Walters (owner) to construct a brewery and taproom at parcel D-375-5, located on the NW corner of CTH G/Monroe Road and Kaftan Road.

Before staff presented the project, Chairman P. Danen wanted to jump to the point of the site plan in reference to the drainage and concerns from other residents.

Clarification from the Town's Engineer explained that currently this area does drain to Creamery Road, and if a berm were to be built, essentially blocking that drainage from east to west, that property owner (Mr. Allen) would have to provide some kind of drainage system to redirect it to that storm sewer. Staff explained that this project shows that the storm water ponds will help it discharge properly.

Mr. Hietpas with Performa advised the Board that they were in contact with the DNR and asked if they could fill the wetland area, so there is a small southwest corner of the wetland that they have a permit submitted to the State to fill that area; yet to be determined.

Cocoon Brewing, LLC is requesting approval of a BSO (and a PDD rezone) to construct a 5,600 SF principal structure with a brewery, bar, game area, tap room, and 6 accessory structures (cocoon). These cocoons are intended to be small, enclosed, and private seating areas with heat and electricity. Proposed hours of operation vary daily within the hours of 11:00 A.M. to 12:00 A.M. A 40-space parking lot is proposed.

A new 5,600 square foot principal building is proposed for the brewery, bar, game area, and tap room with a height of approximately 27 feet. High-quality materials are proposed inclusive of horizontal natural ledgestone and a standing seam metal roof. Attention to aesthetic detail is evident.

Six (6) accessory "Cocoon" buildings are proposed for the property. Each would be 120 SF and have electricity and heating in them for private seating enclosures. They would also be constructed of ledgestone, aluminum siding with a vertical wood look, and a standing seam metal roof. These materials are consistent with the NCD District section 135-192 (3) (b).

The ZPC expressed concerns regarding the appearance the building facing Monroe Road. The initial submittal was thought to be too basic, and the ZPC requested the petitioner provide improvements to enhance its appearance. Murals/artwork has been added to the elevations along with a prominent sign in the gable. There is horizontal banding also include to "break-up" the expanses of horizontal siding. The Board should determine if these proposed revisions are acceptable — two members of the ZPC will be providing their input.

Cocoon Brewing has indicated that they will be conducting special events/music, the number of proposed on-site parking spaces may present challenges. The petitioner has been coordinating with Prevea Health Clinic, located across Kaftan Rd., on establishing an overflow parking agreement since operating times are expected to be different. Shared parking is specifically recommended in the Monroe Road Pattern Book for the NCD.

An agreement, or another established alternative, shall be submitted to the Town prior to building permit issuance.

Per code Section 135-15, all outdoor areas with alcohol licenses shall be enclosed by a 4- to 6-foot-tall fence or wall constructed a minimum of five feet from the property line. This is a local requirement and not state liquor code requirement. The plan proposes a 4-foot high board and 3-foot high tensile fences around the exterior of the lawn area to contain alcoholic beverages in one location. The 3-foot fence height can be permitted as a deviation per the PDD.

The ZPC recommend approval of the BSO to the Board, conditioned that the site obtains a PDD Overlay approval and that the following items are submitted for Town Board approval:

1. A revised site plan showing the following:
 - a) 5-foot-wide minimum sidewalk along the Kaftan Road frontage, connecting to the Monroe Road Trail.
 - b) Full fence extent for the outside areas included in the alcohol license.
 - c) Note on the site plan that the pedestrian connection to the north will be installed when development occurs.
2. A revised landscape plan identifying:
 - a) Locations and quantities of all the plant species listed on page 2 of the plan.
 - b) Landscaping at the base of the proposed monument sign.
3. A revised exterior lighting fixture details and specifications for 18-foot maximum pole heights, including the base, and base details not exceeding 1 foot above grade. A detail of the pole, base, and fixture is required.
4. A revised site-lighting photometric map based on the updated pole/lighting specifications showing the foot-candles at the property lines.
5. Architectural elevations of the proposed dumpster enclosure matching or complementing the materials of the principal building.
6. A monument sign design and specifications with a maximum height of 8 feet including the base.
7. Enhance the appearance of the east elevation (facing Monroe Road) and provide updated/revised buildings elevations for Town Board approval.

Supervisor M. Danen questioned what view was going to be visible from CTH GV, and it was going to be the mural side. Staff explained that the layout of the building, this was the only way they could construct with having the front of the building, along with parking lot and entertainment areas being on the west side. Even though the north and west wall are all glass and the east and south are all operational space. The Board had a tough time accepting the current plan with having the mural being the only view from the road.

The owner has met with several architects and are at a loss with how they can construct the front and back of the building. The Town Board does not think that is something they should approve as having that view towards the main street of the Town. The Board would like to see other options, or other plans that show landscaping or transient windows on the CTH GV side.

Chairman P. Danen asked if they should maybe make a partial motion for approval of the site, operations and building plan **except** for the east and south viewpoints without prior approval from the Town Board.

Motion made by M. Danen for **the partial approval subject to changes on the east and south viewpoints that still need to be approved by Town Board**. Motion seconded by S. Shivaram. Motioned carried in a voice vote 5-0.

OLD BUSINESS:

1. Continued discussion on Large Bulky Item Drop-Off.

Staff presented an update stating that they reached out to the City of De Pere to see if they would entertain the idea of Ledgeview residents using a pass that would allow them to utilize their Bulky Item Drop Off Site. De Pere's response was that there is no incentive for the City to do this, therefore they unwilling. The City is still interested in partnering with Ledgeview on this but it will need to be setup like our current yard waste site agreement.

Staff's recommendation is to do an onsite pick up in April and October (fall and spring) utilizing Harter's at an estimated cost of \$3,500.

Supervisor M. Danen made a motion to join De Pere at the cost of \$27,000 which is an estimated \$11 per parcel and was seconded by S. Shivaram.

Chairman P. Danen asked how easy it would be to get out of this contract if we find out the residents do not use that service. Staff also explained that they are also in negotiations with regards to the compost site and if we are going to keep utilizing De Pere's or creating our own at the Public Works Site. The Board would like to see where that conversation goes and possibly bringing it back as one.

Supervisors M. Danen and S. Shivaram made a motion to withdraw their previous motion.

Chairman P. Danen made a **motion to table this item**, seconded by M. Danen.

NEW BUSINESS:

1. Request for approval of Class "A" Beer, Class "A" Liquor License and Cigarette License for True North Energy, LLC located at 3691 Monroe Road.

Staff presented stating True North Energy was taking over many of the Shell gas stations in the area and this was essentially a name change.

Motion made by M. Danen to approve items No. 1 and No. 2 under New Business simultaneously as one.

2. Request for approval to appoint Daniel J. Pamperin as Agent for True North #815, 3691 Monroe Road.

Motion made by P. Danen to **approve the Class "A" Beer, Class "A" Liquor License and Cigarette License**, along with **appointing Daniel J. Pamperin as Agent for True North #815, 3691 Monroe Road**. Motion seconded by R. Van Rossum. Motioned carried in a voice vote 5-0.

3. Recommendation from Park, Recreation and Forestry Committee for Sponsorship Commitment of 4 Ledgeview Loop Bike Routes.

Staff presented stating the current sponsor requested the Town approve a bulk sponsorship of all four loops. Park Board approved a one-time \$3,000 for four loops for two years.

Motion made by R. Van Rossum to **approve sponsorship of all four bike loops at \$3,000 for two years**, seconded by M Danen. Motioned carried in a voice vote 5-0.

4. Request Approval of Brown County Solid Waste Management Services Agreement.

Staff presented stating the construction of the south landfill is almost complete. With that comes a new agreement.

Motion made by A. Matzke to **approve new Agreement with Brown County Solid Waste**. Motion seconded by R. Van Rossum. Motioned carried in a voice vote 5-0.

5. Request for Speed Reduction on Scray Hill Road from Whisper Lane going west to 2039 Scray Hill Road.

Staff presented that there are concerns that the speed needs to be reduced. The Town of Ledgeview and Glenmore had agreed to reduce the speed limit on the portion of Scray Hill Road in front of Scray Hill Park to 30 mph. Shortly after the urbanization of Scray Hill Road the speed was reduced to 25 mph, leaving a small section in front of the Public Works Building to 30 mph and the remainder of Scray Hill Road to the East at 45 mph from that point to County Highway G.

During the Boards discussion it was brought up the many issues with racing in the area. The Board mentioned that they have received complaints of speeding they in the past and mentioned adding a three-way stop sign to this intersection.

Staff recommends lowering the speed limit from 2039 Scray Hill Road to Whisper Lane to 25 mph or 30 mph and then increasing the speed limit to 45 mph East of Whisper where the area is a more rural setting.

Motion made by P. Danen to **approve a reduction of the speed limit on Scray Hill Road from 2039 Scray Hill Road East to Whisper Lane to 25 mph, and adding a three-way stop sign at the intersection of Scray Hill Road and Whisper Lane**. Motion seconded by M. Danen. No further discussion. Motion carried unanimously in a voice vote, 5-0.

COMMUNICATIONS:

None.

ORDINANCES:

1. First Reading
 - a. Ordinance 2021-21 – Repeal and Recreate Section 1-19, Chapter 1, General Provisions Article II, Fees and Penalties

Staff presented the updated fees and advised that it when changes needed to be made it is easier to amend a resolution versus an ordinance.

REPORTS:

Administrator:

- None

Clerk:

- Advised blasting permits were taken out by Glenmore for their annual quarry permits.

Zoning and Planning:

- Updating Town Codes
- Working with nursing home to continue the demo process.

Developer:

- None

Engineer:

- None

Public Works:

- Report as submitted

Fire Chief:

- None

Treasurer:

- Will be receiving the funds shortly from the refinancing.

Park & Recreation:

- None

APPROVAL OF THE VOUCHERS:

Motion made by R. Van Rossum, seconded by M. Danen. No further discussion. Motion carried, 5-0.

CLOSED SESSION:

Motion made by M. Danen, seconded by R. Van Rossum to go into closed session at 7:24 p.m. Roll call vote. Motion carried unanimously.

1. The Town Board may convene into closed session pursuant to WI State Statute 19.85(1)(c) considering employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises authority. The purpose is to review and discuss related priorities that are contained in the Fire Department and Emergency Services Review & Needs Analysis. The Town Board may then reconvene into open session to take action on items discussed in closed session.

Motion made by P. Danen to go out of closed session, seconded by R. Van Rossum at 8:32 p.m. Roll call vote. Motion carried unanimously.

The Town Board may then reconvene into open session to take action on items discussed in closed session.

Motion made by P. Danen to **suspend any future elections in the Fire Department and maintain status quo** with the members who are in the current elected positions until there is further direction from the Town Board based on the recommendation contained in the Fire Department and Emergency Services Review and Needs Analysis. Motion seconded by A. Matzke. Motion carried in a voice vote 5-0.

ADJOURNMENT:

Motion made by P. Danen, seconded by S. Shivaram to adjourn Town Board. Motion carried 5-0. Meeting adjourned at 8:35 p.m.

Respectfully submitted,

Jennifer Broich
Town Clerk

Approved at the December 6, 2021 Town Board Meeting