

**MEETING MINUTES
TOWN OF LEDGEVIEW
ZONING & PLANNING COMMISSION
Wednesday, March 16th, 2022 at 6:00 p.m.
Ledgeview Community Center
3700 Dickinson Road, De Pere, WI 54115**

A. CALL TO ORDER

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

B. ROLL CALL

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

C. AGENDA APPROVAL

MOTION by Kris Baron to approve the agenda was seconded by Renee Van Rossum. No further discussion. Motion carried in a voice vote, 5-0

D. ACT ON MINUTES FROM FEBRUARY 16th, 2022.

MOTION by Mark Handeland to approve the minutes was seconded by Kris Baron. No further discussion. Motion carried in a voice vote, 5-0

E. New BUSINESS:

1. **Review and make recommendation on a Building Site and Operations Plan request by Joe Goldshlack (agent) on behalf of Dish Wireless, to co-locate equipment on an existing cell tower located on parcel D-462-2, 5108 Video Lane.**

Background: The petitioner is requesting approval to install a new Dish Wireless antennae array on an existing guyed tower (419') and fenced compound area. Dish Wireless will lease a space sufficient for a 35 SF equipment platform within the existing fenced compound area and a 4'8" ice bridge to be located north of the existing tower. Antennas and other equipment would be mounted on the existing tower.

Dustin Wolff (Mead & Hunt) introduced the project by reviewing the staff report.

MOTION by Kris Baron to approve the proposed Building Site and Operations (BSO) plan subject to staff recommendations. The motion was seconded by Chris Culotta. No further discussion. Motion carried in a voice vote, 5-0.

2. **Review and make recommendation on a Certified Survey Map request by Steve Zeitler (agent) to reconfigure the lot lines of parcels D-91 and D-91-1, 3350 Trestle Road.**

Background: The petitioner is requesting the approval of a CSM to add approximately 2.8 acres to parcel D-91 from parcel D-91-1,

Steve Zeitler introduced the project on behalf of the applicant. The Brosigs are planning to sell approximately 2.8 acres to Brett Piontek. The new lot configuration would square up the property as required by the Towns subdivision requirements. The property owner wishes to build a new home on the property as well as an accessory building for their trucking business.

Dustin Wolff (Mead & Hunt) stated that the Town was not supportive of the CSM due to the size of the proposed lot and the fact that it did not comply with the minimum zoning requirements of the A-2 district. This is also in an area of Town has is zoned to preserve farmland. It was noted that the Town was not aware that the applicant wanted to construct future buildings on the property which would need to be reviewed for compliance with the zoning code at the time a building permit is requested.

Dustin noted that a resolution was prepared in the event that the Zoning and Planning Commission chose to approve the proposed land division.

Jane Tenor noted that it seems like the applicant is requesting to make a nonconforming property less nonconforming.

Dustin Wolff agreed and added that it is creating a less nonconforming situation but it is still not meeting the zoning requirements. The ZPC has made an effort to bring properties into compliance and deny project that do not.

Mark Handeland stated that it feels odd to deny a project when the applicant is making an effort to improve the property.

Dustin Wolff stated that they can revise the drawing to square off the lot and increase the size to a minimum of 10 acres to meet the requirements of the A-2 Agriculture district.

Kris Baron stated that this proposal makes sense but its still doesn't comply with the code.

Jane Tenor asked if they could square it off and if there could be a requirement to not allow any future buildings?

Dustin Wolff explained that staff did not review the property in terms of accessory structures. A review of the property would need to be completed to determine current and future accessory structures on the property.

Jane Tenor restated that this is a difficult decision because the Town is trying to preserve farmland but its also trying to move this property closer to complying with the code requirements.

Dustin Wolff noted that this is up to the Commission members. If squaring off the lot is sufficient then that can be voted on and approved.

Chris Culotta noted that this proposal creates a dilemma for the Commissioners.

Steve Zeitler noted that there is an access easement on the southern portion of the property.

MOTION by Kris Baron to approve based on squaring up the property lines with the rear lot line to create an approximately 3 acre lot. The motion was not seconded.

Steve Zeitler asked if the project could be tabled to work with his client and revise the CSM to better address the concerns of the Commissioners.

MOTION by Jane Tenor to table the CSM until the applicant provides a revised CSM. Motion was seconded by Chris Culotta. No further discussion. Motion carried in a voice vote, 5-0.

The motion was seconded by Kris Baran. No further discussion. Motion carried in a voice vote, 7-0.

3. Review and make recommendation on a Rezone request by Brett Piontek (owner) to rezone portions of parcels D-91 and D-91-1 to align with the proposed property lines located at 3350 Trestle Road.

Background: The petitioner is requesting the approval of a CSM to add approximately 2.8 acres to parcel D-91 from parcel D-91-1 to create a lot.

Dustin Wolff (Mead & Hunt) explained the connection to the previous agenda item. The Town was not supportive of the CSM and the recommendation for the rezone request as submitted is the same.

MOTION by Jane Tenor to table the rezone until the applicant provides a revised CSM. Motion was seconded by Renee Van Rossum. No further discussion. Motion carried in a voice vote, 5-0.

4. **Review and make recommendation on a Preliminary Plat request by Steve Bieda of Mau & Associates (agent) for a proposed residential subdivision on parcels D-449-2-1, D-449-2, D-450-1 and D-450-2 located on Wayne Lane.**

Background: The petitioner received approval of a preliminary plat for the 2nd Addition of this development by the ZPC at the September 2021 ZPC meeting and the Town Board at the October 4, 2021 meeting. Based upon feedback from the residents on Heritage Heights Drive, the Town Board required a revision to the Plat to remove the roadway connection of Blue Sky Pass to Heritage Heights Drive and replace it with a pedestrian connection in public ROW for the sewer and water utilities.

The petitioner is requesting the review of the Preliminary Plat for 72 lots and 4 outlots on approximately 55.3 acres. This Preliminary Plat (Grande Ridge Estates 1st Addition) is proposed as a combination of the approved Preliminary Plats for Grande Ridge Estates 1st and 2nd Additions. Both Preliminary Plats were previously approved with conditions by the Town Board in May and October 2021 respectively.

In the review by Brown County and the WI Department of Administration, it was noted that there was a plat boundary discrepancy that need to be addressed. Additionally, OL 5 and Lot 98 were proposed to be platted as individual lots. It was determined that a reapproval of the Preliminary Plat was needed.

Dustin Wolff (Mead & Hunt) provided an overview of preliminary plat. It was noted that the ZPC already reviewed a version of this plat however, due to changes in the exterior boundary state law requires it to be revised and approved again.

Chris Culotta asked if there were still plans to install sharrows on the road in the plat.

Dustin Wolff stated that was still the plan and gave an explanation for the use of sharrows versus a different bicycle facility.

Chris Culotta asked if this subdivision will be subject to the new street tree requirement?

Dustin Wolff responded that it would.

MOTION by Mark Handeland to approve the preliminary plat with the stipulations detailed in the prepared resolution. The motion was seconded by Kris Baron. No further discussion. Motion carried in a voice vote, 5-0.

5. **Review and make recommendation on a Final Plat request by Steve Bieda of Mau & Associates (agent) for a proposed residential subdivision on parcels D-449-2-1, D-449-2, D-450-1 and D-450-2 located on Wayne Lane.**

Background: The petitioner is requesting the review of the Preliminary Plat for 72 lots and 4 outlots on approximately 55.3 acres. This Preliminary Plat (Grande Ridge Estates 1st Addition) is proposed as a combination of the approved Preliminary Plats for Grande Ridge Estates 1st and 2nd Additions. Both Preliminary Plats were previously approved with conditions by the Town Board in May and October 2021 respectively.

The property owner has diligently worked with the Town Board, ZPC, and staff to meet the conditions of approval and amend items where necessary. This Plat is a culmination of those modifications.

Dustin Wolff (Mead & Hunt) provided a brief overview of the proposed final plat noting that there are still some technical issues that are being worked on. Those technical issues will be addressed before the plat is considered by the Town Board.

Ryan Radue (applicant) noted that the road that was part of the previously approved Area Development Plan (ADP) just north of CTH X is not being shown. It may not be feasible for this road in this location due to challenges presented by the topography and hydrology of the site.

Kris Baron asked if it was too late to consider the comments that were present to the ZPC commission on behalf of the Heritage Heights neighborhood?

Dustin Wolff spoke to the importance of connectivity around the community. The connections proposed as part of new developments may not connect to anything now but they will in the future.

Ryan Radue provided an overview of the neighborhood meeting that he hosted with the Heritage Heights neighborhood.

- The pedestrian was the Town's choice.
- Bigger lots are preferred but the topography and other factors determine when large lots are feasible.
- Road pattern was predetermined by the previous property owner and the ADP.
- The number of lots on Heritage Heights was reduced by one lot.

Dustin Wolff stated that plans are in place for future development that would extend Heritage Heights Road with future development adjacent to it.

MOTION by Kris Baron to approve the final plat subject to the items listed in the resolution. The motion was seconded by Mark Handeland. No further discussion. Motion carried in a voice vote, 5-0.

6. Review and make recommendation on a Certified Survey Map request by Steve Bieda of Mau & Associates (agent) to create 4 lots from parcel D-2027, located at 4609 Cottonwood Lane.

Background: The petitioner is requesting approval of a four (4) lot CSM on Outlot 3 (+/- 1.14 acres) of the Heritage Heights final plat, which was approved in 2016. This CSM was applied for and denied in 2019 due to it not having utility connections and the previously proposed Lot 4 not meeting the R-1 Zone District requirements.

The Sanitary District has since approved an extension of the Sanitary Service Area (SSA) to connect to this area and Lot 4 has been modified to meet the required area.

Dustin Wolff (mead & Hunt) provided a brief overview of the proposed land division.

Ryan Radue (owner) acknowledged that the proposed Lot 1 would not be the easiest lot to build a house but in situations like this, I typically build a home that works for the buildable area and then sell it.

MOTION by Mark Handeland to approve the CSM subject to the items listed in the resolution. The motion was seconded by Kris Baron. No further discussion. Motion carried in a voice vote, 5-0.

7. Review and make recommendation on a Building Site and Operations Plan request by Adam Stein (agent) on behalf of Conitantinos Bournantianis (owner), to construct a coffee shop with drive through located on parcel D-470-3-66-3, 0 Silverstone Trail.

Background: The parcel is vacant. The petitioner is requesting approval of a Conditional Use Permit and Building, Site, and Operation Plan for a Starbucks Café and Drive-Thru. It is anticipated that 25 – 30 people will be employed at this location.

Adam Stein (applicant) provided an overview of the project. The proposal is based on Starbucks new prototype building. We have been working with staff to iron out some items such as increasing the parapet walls to screen the roof top equipment. There were some concerns over the type of siding materials that are being proposed. A sample of the proposed product is being provided to staff. Starbucks understands the staff comments and requested changes.

Dustin Wolff noted a few items including the shared access to CTH PP. There will need to be a maintenance agreement reached with the adjacent property owners. Access and circulation appear to be adequate and sidewalks will be required on Silverstone. The access to Silverstone is directly across from a residence. The Town is requesting that Starbucks make

an effort to reach out to the property owner and offer some type of screening to minimize light disturbance from automobile headlights. Parking appears to be adequate and within range of requirements. Bicycle parking will need to be added on the plans. The bollards should not be painted yellow. The lighting plan needs to be adjusted and cut sheets need to be provided for lamps. Landscaping plan looks good. Signage on site is good overall however, the menu boards do need to be adjusted and there will not be a pole sign. The code allows for a monument sign.

Chris Culotta asked how many deliveries a week are expected and where do they park?

Adam Stein stated that the deliveries occur during off hours and would not interfere with business hours. Most deliveries are done by box truck which can easily navigate the site.

MOTION by Jane Tenor to approve the BSO subject to the staff report recommendations. The motion was seconded by Chris Culotta. No further discussion. Motion carried in a voice vote, 5-0.

8. **Review and make recommendation on a Conditional Use Permit request by Adam Stein (agent) on behalf of Conitantos Bournantianis (owner), to construct a coffee shop with drive through located on parcel D-470-3-66-3, 0 Silverstone Trail.**

Background: The petitioner is requesting approval of a Conditional Use Permit in addition to BSO approval for a Starbucks Coffee Café and Drive-Thru in the B-2, Business zone district.

Dustin Wolff provided a brief explanation of the CUP request.

Chris Culotta asked if any other businesses oppose this use such as McDonalds?

Dustin Wolff stated that the Town is not aware of any at this time but a public hearing is required for this project and will be held before the Town Board.

Adam Stein (applicant) stated that they see this project as a catalyst for the area.

MOTION by Jane Tenor to approve the CUP subject to stipulations in the resolution. The motion was seconded by Renee Van Rossum. No further discussion. Motion carried in a voice vote, 5-0.

9. **Review and make recommendation on a Conditional Use Permit request by Joseph Lotto (owner) to allow for a greenhouse on parcel D-303, 4057 Glenmore Road.**

Background: The subject property is zoned A-2. The petitioner is requesting approval of a Conditional Use Permit (CUP) to build a greenhouse, which is only permitted by conditional use in A-2.

The greenhouse building is proposed to be 96-feet long, 30-feet wide, and 15-feet in height and constructed with piping covered with clear plastic.

The petitioner was awarded a USDA Natural Resources Conservation Service (NRCS) grant for this high hoop tunnel (greenhouse) to maximize farmable property for agricultural practices.

Dustin Wolff (Mead & Hunt) provided a brief overview of the CUP request.

No other discussion

MOTION by Jane Tenor to approve the CUP subject to the stipulations in the resolution. The motion was seconded by Kris Baran. No further discussion. Motion carried in a voice vote, 5-0.

F. Old Business:

1. NONE

G. Staff Report

- a. Update on future agenda items.
 - a) Land Divisions
 - b) Rezones/CUP's
 - c) Others
 - 1. BSO and land division NW corner of East River Dr. @ Heritage Road
- b. Review Town Board decisions.
 - a) 2/22 TB Meeting
 - 1. Wayne Lane Vacation
 - 2. Caboose Lane Vacation
 - 3. CSM – Cell Tower 2171 Dickinson Rd
 - b) 2/7 TB Meeting
 - 1. Official Town Map
 - 2. Official Zoning Map
 - 3. Amendments to Chapter 135-15 Fencing

H. Communications BY COMMISSION MEMBERS.

- 1. None

I. Adjourn.

MOTION by Chet Lamers to adjourn the meeting. The motion was seconded by Mark Chambers. No further discussion. Motion carried in a voice vote, 7-0. Meeting adjourned at 7:03 PM

Respectfully submitted,

Dan Teaters

Dan Teaters, Zoning Administrator

Approved at the April 13, 2022 Zoning and Planning Committee Meeting
Approved at the April 19, 2022 Town Board