



Plan Commission

Regular Meeting

335 South Broadway
De Pere, WI 54115
<http://www.de-pere.org>

Agenda

Monday, August 27, 2018	7:00 PM	De Pere City Hall Council Chambers
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Pursuant to Wisconsin Statutes 19.84, Notice is hereby given to the public that a meeting of the **Plan Commission** of the City of De Pere will be held on **August 27, 2018** at **7:00 PM** in the **De Pere City Hall Council Chambers, 335 S. Broadway Street, De Pere, WI 54115.**

This meeting can be viewed LIVE at www.depere.tv. This meeting is also rebroadcast on TW Cable Channel 4 and AT&T U-verse Channel 99 throughout the week and available on demand at www.depere.tv.

Call to Order

1. Roll Call
2. Approval of the minutes of the July 23, 2018 Plan Commission meeting.
3. A Public Hearing on the proposed project plan to Tax Increment Financing District #14 is scheduled for 7:00 PM, or as soon thereafter as can be heard.
 - A. Notice of Public Hearing
 - B. Review of Project Plan for Tax Increment Financing District #14. *
 - C. Resolution PC18- 01, Recommending adoption of the Project Plan for the creation of Tax Increment Financing District #14.
4. Recommendation regarding a Proposed Two Lot Certified Survey Map at 749 Main Avenue (Parcels WD-80, WD-80-1, WD-81, & WD-84-1). Submitted by Brian Sandberg, PLS, authorized representative for Associated Bank.
5. Recommendation regarding a Proposed Two Lot Certified Survey Map at 825 East River Drive (Parcel ED-1128-E-1-3). Submitted by Michael D. Vande Hei, PLS, authorized representative for CP Legacy LLC & Harold Macco Trust #2, property owner.*
6. Recommendation regarding a rezoning request from Temporary R-1 (Single Family Residence District) to R-1, R-2 (Single and Two-Family Residence District), R-3 (Multiple Family Residence District) and Conservancy District, at 2674 Ryan Road (Parcels ED-R27-1 & ED-R27-2). Submitted by Steven M. Bieda, PLS, Mau & Associates LLP, authorized representative for Basig Investors LLC, property owner.*
7. Recommendation regarding a rezoning request from B-3 (Motor Vehicle Dependent Business District) to B-2 (General Business District) at 1081 N. Broadway Street (Parcel ED-1128-E-1-3). Submitted by David Hongisto, SISU Properties LLC, authorized representative for Nulund Group II LLC, property owner.*
8. Review and recommendation for a Conditional Use Permit application for a proposed new commercial building to have four residential units on the second floor and for an existing restaurant to continue to use a drive-in window at 1081 N. Broadway Street (Parcel ED-1128-E-1-3) where the zoning district that is proposed to be rezoned from B-3 to B-2. Submitted by David Hongisto, SISU Properties LLC, authorized representative for Nulund Group II LLC, property owner.*

9. The consultant, Graef USA, Inc. will provide a presentation of the three conceptual alternatives for the redesign of the streetscape on James Street.
10. Status Report and Presentation for the City of De Pere Zoning Ordinance and Sign Ordinance Rewrite - August 2018.

Adjournment

Any person wishing to attend this meeting, who, because of disability, requires special accommodations should contact the City Planner's office at 339-4043 by noon on the day of the meeting so that arrangements can be made.

Agenda Sent To:

Alderspersons
City Administrator
Mayor
Department Heads
TV, Newspapers & Radio Stations
Kress Family Library
De Pere Chamber of Commerce
Brian Sandberg
Tammy Leemon
Michael D. Vande Hei
Mark Macco
Steven Bieda
Basig Investors LLC
Kristan Sanchez, Graef USA
Kirk Bishop, Duncan Associates
David Hongisto
Nuland Group II LLC

City of De Pere, Wisconsin**Request For Plan Commission Action**

MEETING DATE: August 27, 2018

DEPARTMENT: Planning

FROM: Kelly Barker

SUBJECT: Approval of the minutes of the July 23, 2018 Plan Commission meeting.

ATTACHMENTS:

- PC_Jul2018_Minutes_Draft (PDF)



Plan Commission

Regular Meeting

335 South Broadway
De Pere, WI 54115
<http://www.de-pere.org>

Draft Minutes

Monday, July 23, 2018

7:00 PM

De Pere City Hall Council Chambers

Call to Order

The meeting was called to order at 7:00 PM by Alderperson James Boyd

Attendee Name	Title	Status	Arrived
Michael J. Walsh	Mayor	Excused	
James Boyd	Alderperson	Present	
Larry Lueck	Alderperson	Present	
Derek Beiderwieden	Commissioner	Present	
Amy Kundinger	Commissioner	Excused	
Steve Taylor	Commissioner	Excused	
Grant Schilling	Commissioner	Present	

Also present: Development Services Director Kim Flom, City Planner Peter Schlein, and members of the public.

2. Approval of the minutes of the June 25, 2018 Plan Commission meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Larry Lueck, Alderperson
SECONDER:	James Boyd, Alderperson
AYES:	James Boyd, Larry Lueck, Derek Beiderwieden, Grant Schilling
EXCUSED:	Michael J. Walsh, Amy Kundinger, Steve Taylor

3. Recommendation regarding a Proposed Extraterritorial One Lot Certified Survey Map at 3307 Eiler Road in the Town of Rockland (part of Parcel R-306). Submitted by Aaron D. Ballast, PLS, authorized representative for Janssen Living Trust, property owner.*

City Planner Peter Schlein reviewed the CSM. He noted that the proposed lot size, street frontage, and setbacks meet acceptable City requirements. Staff recommended approval subject to the conditions outlined in the staff report. Peter added that this item would be reviewed at the August 7, 2018 Common Council meeting. Derek Beiderwieden moved, seconded by James Boyd, to approve the CSM. Upon vote, motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Derek Beiderwieden, Commissioner
SECONDER:	James Boyd, Alderperson
AYES:	James Boyd, Larry Lueck, Derek Beiderwieden, Grant Schilling
EXCUSED:	Michael J. Walsh, Amy Kundinger, Steve Taylor

4. Recommendation regarding a Proposed Extraterritorial 35 Lot and 3 Outlot preliminary plat of Hidden Ackers at 2200 BLK French Road in Town of Lawrence (Parcels L-444 & L-446). Submitted by Randall J. Oettinger, PLS, authorized representative for NAZCR TRAC LLC, property owner.*

City Planner Peter Schlein reviewed the 35 lot preliminary subdivision plat, Hidden Ackers, in the Town of Lawrence. Staff recommended approval of the plat and forwarding it the Common Council for approval, subject to the conditions in the staff report. James Boyd moved, seconded by Larry Lueck, to approve the preliminary plat. Upon vote, motion carried unanimously.

Attachment: PC_Jul2018_Minutes_Draft (7330 : Approval of the minutes of the July 23, 2018 Plan Commission meeting.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Boyd, Alderperson
SECONDER:	Larry Lueck, Alderperson
AYES:	James Boyd, Larry Lueck, Derek Beiderwieden, Grant Schilling
EXCUSED:	Michael J. Walsh, Amy Kunderling, Steve Taylor

5. Recommendation regarding a Site Plan for a renovated north and east façade of an existing building that is being converted from a bowling alley to up to six tenant spaces at 1109 Honey Court (Parcel ED-1471-1-2). Submitted by Bill Schmooch, Innovative Companies INC, authorized Representative for Park Place Holdings Broadway LLC, property owner.

City Planner Peter Schleinzi reviewed the site plan for the renovated Manhattan Lanes building. Only the exterior facade requires Plan Commission approval. In this particular case, the applicant is proposing to use EIFS, which is not an approved Plan Commission material. Peter reported that the EIFS would start at the height of the windows and extend to the height of the building. James Boyd asked if this is the first building in the City to use EIFS. Peter replied that this is not the first building to use EIFS. Another example of a building with EIFS is the Starbucks building on Main Avenue. He added that since EIFS is not a an approved material, it typically is reviewed on a case-by-case basis. Staff recommended approval of the site plan because the proposed facade is an overall improvement to the aesthetics of the metal building, subject to meeting the conditions in the staff report. Larry Lueck moved, seconded by Derek Beiderwieden, to approve the site plan. Upon vote, motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Larry Lueck, Alderperson
SECONDER:	Derek Beiderwieden, Commissioner
AYES:	James Boyd, Larry Lueck, Derek Beiderwieden, Grant Schilling
EXCUSED:	Michael J. Walsh, Amy Kunderling, Steve Taylor

6. Recommendation regarding a rezoning request from B-2 PDD (General Business District with a Planned Development District overlay) to R-3 PDD (Multiple Family Residence District with a Planned Development District overlay) at 428 N. Superior Street (Parcel ED-477). Submitted by Lindsey Bovinet, Milwaukee View LLC, authorized representative for CR Real Estate LLC, property owner.*

City Planner Peter Schleinzi reviewed the rezoning request. He reported that the Irwin School was built in 1924 and was rezoned B-2 and converted to business office use in 1988. The property has sat vacant for over ten years and the petitioner, Milwaukee View, proposes to rezone the property from a business zoning category to a residential zoning category in order for the land use to better fit the neighborhood. The developer would like to convert the school to eight condominium units and also add several townhomes on the east side of the parcel. The development will be for a "for sale" development, not rentals, and will house approximately 42 total residents. Peter reported that the primary elements of the Planned Development District are:

1. To allow multi-family zoning
2. To change the building setbacks on William Street and Franklin Street.
3. Change in building materials for the townhomes to be approved as stone, brick, siding, and roofing in variations of brown, tan, and grey earth tones.

Staff recommended approval of the rezoning subject to three conditions outlined in the staff report. James Boyd asked if the developer will need to get purchasers lined up before the project can proceed. Development Services Director Kim Flom replied that this development is different in that it is a City-funded project and TID #14 will be created to help fund the project. Therefore, the developer will not need to line up buyers in advance. James then asked if the adjacent neighbors have been notified of the rezoning. City Planner Peter Schleinz explained that all property owners within 300 feet have been notified and signage was also placed at the site. Grant Schilling inquired about the precise implementation plan. Peter replied that the next step, after any zoning approval by Council, is for the developer to submit the PIP, which is very similar to how a site plan is reviewed. The only difference is that the precise implementation plan is reviewed by both Plan Commission and Common Council. James Boyd moved, seconded by Derek Beiderwieden, to open the meeting. Upon vote, motion carried unanimously. Anuj Rastogi from Milwaukee View and Mike Cashman from De Leers addressed the commission. James Boyd asked when the project will start. Mr. Rastogi replied that the plan is to start with the renovation of the school first, then begin on the townhomes, two buildings at a time. There were no other questions from the Plan Commission. James invited the audience members to speak if they so desired. Dan Vandenberg asked who the target audience is for the development. The developer replied that the target audience is first-time home buyers and also homeowners looking to downsize. He also clarified that this development is based on 20 total units, approximately 42 people, not 42 families. Mr. Vandenberg stated that he is happy that the plan preserves the Irwin School and feels the target audience fits in well with the neighborhood. Shawn Carter asked about the layout and how many units there would be per townhome. City Planner Peter Schleinz replied that there will be four townhomes and each townhome building will have three units. He added that driveway and garage access is internal and will be located in a triangle drive area on the site. Ray & Mary Wiercinski addressed the commission, noting that they are not in favor of this project. They live in a nice quiet neighborhood now and feel this new development will change that. They also think that the townhome design will not fit in with the historic neighborhood. They like the idea of the school being renovated but would rather see a small park or other green space instead of the townhomes. Mr. Rastogi replied, stating that they are striving to design the townhomes so they fit in and compliment the surrounding neighborhood, but don't divert completely from the style. Components such as the pitched roofs and the use of siding on the townhomes has been incorporated so they fit in with the existing neighborhood. Also, approximately 40% green space around the school will be maintained, which will be public access space for the condominiums and the townhomes. He added that this project is a passion project to preserve the Irwin School and it has taken much planning to come up with a plan that makes sense economically and still compliments the neighborhood. Development Services Director Kim Flom added that if this project doesn't work, it is likely that the building will continue to sit vacant and ultimately be torn down and redeveloped into something else. If approved by Plan Commission, a public hearing is expected to be held at the August 21, 2018 Common Council meeting. Keith Vanden Avond spoke in favor of the development, saying that he doesn't want the school to be torn down, which is the likely alternative if this project doesn't go through. Jennifer Johnson added that she believes saving the school is important, with the understanding that the townhomes in a sense finance the renovation of the school. James Boyd moved, seconded by Larry Lueck, to go back to regular order. Upon vote, motion carried unanimously. James Boyd moved, seconded by Larry Lueck, to approve the rezoning request. Upon vote, motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Boyd, Alderperson
SECONDER:	Larry Lueck, Alderperson
AYES:	James Boyd, Larry Lueck, Derek Beiderwieden, Grant Schilling
EXCUSED:	Michael J. Walsh, Amy Kunding, Steve Taylor

7. Status Report of City of De Pere Zoning Ordinance and Sign Ordinance Rewrite – July 2018.

City Planner Peter Schleinz provided an update of the City of De Pere Zoning Ordinance Rewrite. He reported that the project should be completed by the end of 2019. In August, the consultant, Duncan Associates, will present their "Concepts and Directions Report" to the Plan Commission. The intent of the report is to identify proposed significant changes for the new code, the proposed ordinance structure, as well as proposed and revised zoning districts, uses, and signs. James Boyd moved, seconded by Derek Beiderwieden, to receive and place the status report on file. Upon vote, motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Boyd, Alderperson
SECONDER:	Derek Beiderwieden, Commissioner
AYES:	James Boyd, Larry Lueck, Derek Beiderwieden, Grant Schilling
EXCUSED:	Michael J. Walsh, Amy Kunding, Steve Taylor

Adjournment

James Boyd moved, seconded by Larry Lueck, to adjourn the meeting at 7:41 PM. Upon vote, motion carried unanimously.

Respectfully submitted,
Kelly Barker



City of De Pere, Wisconsin

Request For Plan Commission Action

MEETING DATE: August 27, 2018
DEPARTMENT: Planning
FROM: Kelly Barker
SUBJECT: A. Notice of Public Hearing

ATTACHMENTS:

- PC Public Hearing Public Notice (DOCX)

Publication Dates: August 13, 2018 and August 20, 2018 (Class 2 Notice)

**NOTICE OF PUBLIC HEARING
REGARDING THE PROPOSED PROJECT PLAN AND BOUNDARY
FOR TAX INCREMENTAL DISTRICT (TID) NO. 14
IN THE CITY OF DE PERE, WISCONSIN**

NOTICE IS HEREBY GIVEN, that the Plan Commission, of the City of De Pere, will hold a public hearing on August 27, 2018 at 7:00 p.m., at the De Pere City Hall, 335 S Broadway, De Pere, WI regarding the proposed Project Plan and District Boundary for Tax Incremental District No. 14 in the City.

De Pere Tax Incremental District No. 14 is generally located at 428 N Superior Street (Parcel ED-477) located within the city's limits. The area is also known as the former Irwin School Property

TID No. 14 will be classified as a blighted district based on the identification and classification of Parcel ED-744, the sole property proposed to be included within the District.

Proposed public project improvements may include, sanitary sewer system improvements, storm water management system improvements, electric service, gas service, communications infrastructure, street improvements, lighting, sidewalks, professional and organizational services, administrative costs, and finance costs.

The proposed costs include projects within the proposed boundary and within a ½ mile radius of the proposed boundary of the District. As part of the Project Plan, cash grants may be made by the City of owners, lessees, or developers of property within TID No. 14.

At the public hearing, all persons will be afforded a reasonable opportunity to be heard concerning the proposed Project Plan. A copy of the TID No. 14 Project Plan and District Boundary are available for inspection and will be provided upon request. Arrangements for either inspection or receipt of a copy of the Project Plan may be made by contacting the City Clerk, 335 S Broadway, De Pere, WI; Phone (920) 339-4050.

Dated this 13th day of August, 2018

BY ORDER OF THE COMMON COUNCIL

Michael J Walsh
Mayor

Shana Ledvina
City Clerk-Treasurer

Publication Dates: August 13, 2018 and August 20, 2018

Attachment: PC Public Hearing Public Notice (7345 : A. Notice of Public Hearing)



City of De Pere, Wisconsin

Request For Plan Commission Action

MEETING DATE: August 27, 2018

DEPARTMENT: Planning

FROM: Kelly Barker

SUBJECT: B. Review of Project Plan for Tax Increment Financing District #14.
*

ATTACHMENTS:

- PC_StaffReport_TID14 (DOCX)
- Draft Project Plan for JRB Meeting #1 (PDF)
- TID #14 Creation Atty Opinion Letter (PDF)

Item 3: Creation of Tax Increment District (TID) #14 – Blight District –Project Plan Review, Public Hearing & Resolution*

Project Description:

The City of De Pere requests the creation of a new TID District located at 428 Superior Street, the site of the historic and vacant Irwin School building. TID #14 is proposed as a Blight District, which has a life span of 27 years and accommodates a variety of land uses. The primary purpose of this TID is to facilitate the renovation and adaptive reuse of the building and site into a residential development.

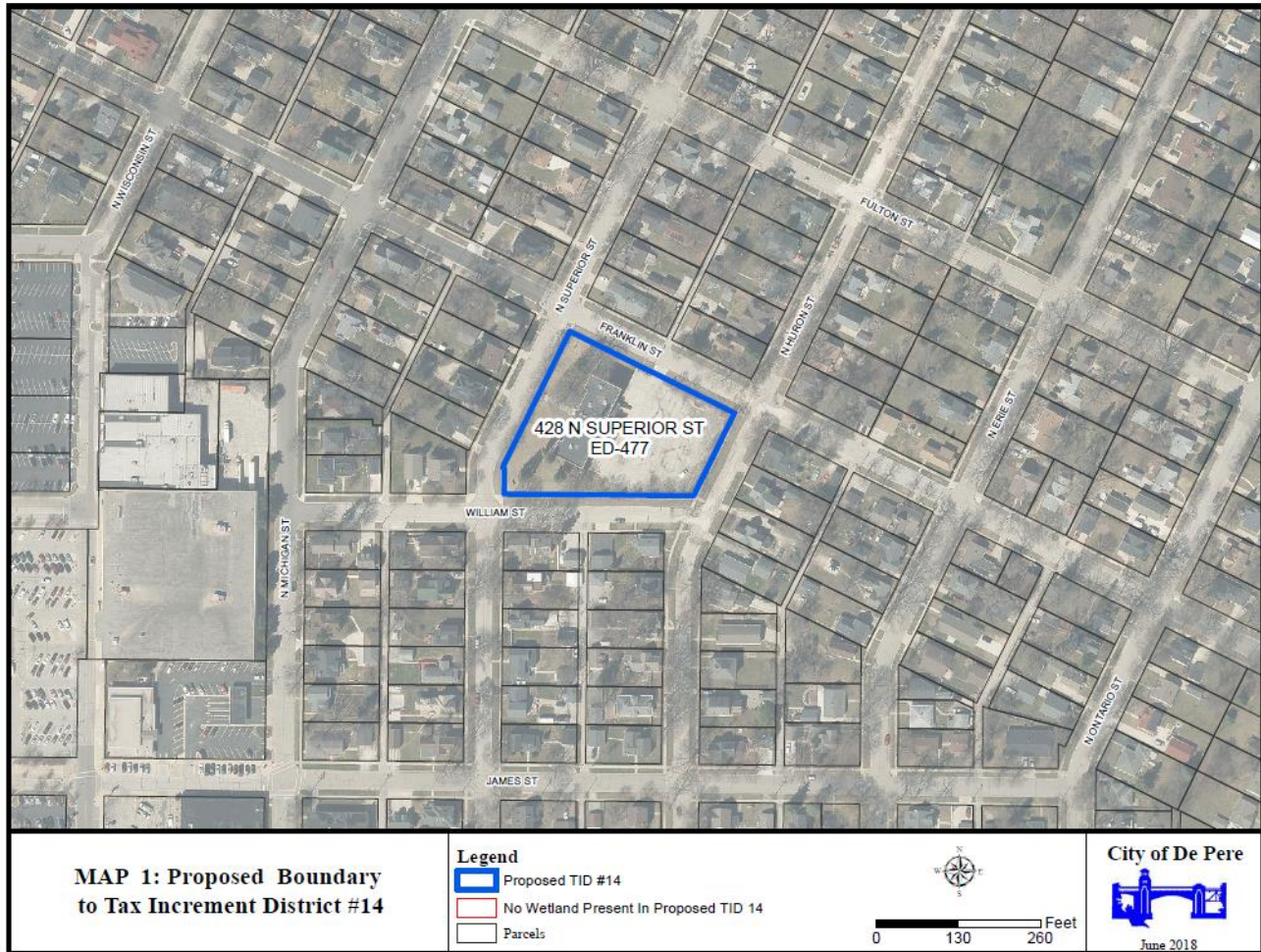


Figure 1 – TID #14 Proposed Boundary

Process:

The Public Hearing for TID #14 will occur at the Plan Commission at this meeting (August 27, 2018). The Plan Commission will make a motion on the resolution that will be forwarded to Common Council. Common Council will also review and make a motion on a resolution (anticipated September 18, 2018). Then the Joint Review Board will meet to review and make a decision on the formation of the TID.

Recommendation:

Staff recommends approval of the Resolution recommending adoption of the TID #14 Project Plan and asks that it be submitted to the Common Council for its approval following the Statutory requirements.

**DRAFT #5
Project Plan
Tax Incremental District No. 14
in the
CITY OF DE PERE, WISCONSIN**



August 1, 2018

(anticipated approval schedule)

Organizational Joint Review Board Meeting Held.....August 21, 2018
Public Hearing Held.....August 27, 2018
Adopted by Planning Commission.....August 27, 2018
Adopted by City Council.....September 18, 2018
Approved by Joint Review Board.....September 19, 2018

Prepared by:



Robert W. Baird & Co.
Public Finance
777 E. Wisconsin Ave.
Milwaukee, WI 53202
800.792.2473

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City of De Pere Officials

Common Council

Michael Walsh	Mayor
James Boyd	Aldersperson – District 1
Lawrence Lueck	Aldersperson – District 1
Jonathon Hansen	Aldersperson – District 2
Ryan Jennings	Aldersperson – District 2
Scott Crevier	Aldersperson – District 3
Dean Raasch	Aldersperson – District 3
Daniel Carpenter	Aldersperson – District 4
Casey Nelson	Aldersperson – District 4

City Staff

Lawrence Delo	City Administrator
Judith Schmidt-Lehman	City Attorney
Kimberly Flom	Development Services Director
Shana Ledvina	City Clerk-Treasurer
Joseph Zegers	Finance Director

Planning Commission

Michael Walsh, Mayor	Amy Kunderinger
James Boyd, Aldersperson	Grant Schilling
Lawrence Lueck, Aldersperson	Steven Taylor
Derek Beiderwieden	

Joint Review Board

Michael Walsh, Mayor	City Representative
Chuck Lamine	Brown County
Bob Mathews	Northeast WI Technical College
John Zegers	West De Pere School District
Bill Patzke	Public Member

Introduction and Description of District

The City plans to use Tax Incremental Financing ("TIF") as a successful economic development programming tool by providing public improvements to encourage and promote industrial, commercial and residential development. The goal is to increase the tax base, to provide for and preserve employment opportunities within the City, and to create and enhance tourism opportunities with the area and region. The City works with developers and property owners to provide infrastructure improvements and incentives for development. Public infrastructure and property improvements will be financed by a combination of TIF increments and debt financing.

Tax Incremental District No. 14 (the "TID") is being created to redevelop 428 N. Superior Street (Irwin School) an existing building located near our downtown. The building, constructed in 1924 and later renovated into offices in the late 1980's, has been vacant for 10+ years. The Irwin School is listed on both the state and national historic registers and is also part of the North Michigan Street/North Superior Street Historic District. A developer which specializes in residential development with a particular niche for adaptive reuse of historic buildings is interested in purchasing the school and renovating the structure into apartments and then building townhomes on the balance of the property. This redevelopment would be a great fit for this neighborhood block as the City sees a demand for housing. The project helps fill that need while preserving a historic and character-filled building that has been a neighborhood fixture.

The Irwin School property is located on city parcel number ED-477 with an assessed valuation of \$574,200. Renovation of the school into 8-10 condominiums is estimated at cost of \$1,680,000 and the construction of 10-12 townhomes is estimated at cost of \$2,800,000. Estimated assessed valuation of the property following renovation would be \$5,054,200. The developer is requesting TID assistance of approximately \$1,500,000 which would be financed through a taxable general obligation debt borrowing. The developer needs to put up significant upfront capital for the development of the historic school structure and residential units inside.

The TID is being created as a "Blight or Rehabilitation District" The primary focus of this district is to promote redevelopment and rehabilitation of an historic existing structure and property for housing demand. The maximum life of the TID is 27 years from the date of adoption of the Creation Resolution by the City Common Council and can be extended an additional 3 years with Joint Review Board approval.

**City of De Pere
TID #14 Project Plan**

The expenditure period is 22 years, and the City anticipates various public improvement project cost expenditures identified in the project plan of approximately \$1,500,000 during the TID's expenditure period. The City is including in these project costs a contingency amount to cover any unanticipated costs that may occur related to public infrastructure needs, financing costs, capitalized interest and administrative and organization costs.

As a result of the creation of this TID, the City projects a preliminary and conservative cash flow analysis indicating \$2.7M in increments. The TID increment will primarily be used to pay the debt service costs of the TID, with very little, if any, increment available as direct project incentives, unless the TID exceeds projections. The City projects land and improvement values (incremental value) of approximately \$4.5M will be created in the TID by the end of 2020. This additional value will be a result of the improvements made and projects undertaken with the TID.

Maps depicting the boundaries and existing uses and conditions of the TID are found in the respective mapping sections of this project plan.

Summary of Findings

As required by s.66.1105 Wis. Stats., and as documented in this Project Plan and the exhibits contained and referenced herein, the following findings are made:

1. That "but for" the creation of this TID, the development projected as detailed in this Project Plan: 1) would not occur; or 2) would not occur in the manner, at the values, or within the timeframe desired by the City. In making this determination, the City has considered the following information:
 - Development within the TID has not occurred at the pace anticipated by the City. Infrastructure and other development related expenses are not likely to be borne exclusively by private developers; therefore, the City has concluded that public investment will be required to fully achieve the City's objectives for this area.
 - To achieve its objectives, the City has determined that it must take an active role in encouraging development by making appropriate public expenditures in the area. Without the availability of tax increment financing, these expenditures are unlikely to be made. Enhancement of this area will complement existing venues in the neighborhood, promote housing, and benefit, not only the City, but all overlapping taxing jurisdictions.

Accordingly, the costs to implement the needed projects and programs are appropriately funded through tax increment financing.

- In order to make the area included within the TID suitable for development, the City will need to make a substantial investment to pay for the costs of some or all of the projects listed in the project plan. Due to the public investment that is required, the City has determined that development of the area will not occur at the pace or levels desired solely as a result of private investment.
2. The economic benefits of the Tax Incremental District, as measured by increased housing and property values, are sufficient to compensate for the cost of the improvements. In making this determination, the City has considered the following information:
 - As demonstrated in the Economic Feasibility Section of this Project Plan, the tax increments projected to be collected and the debt issuance will be more than sufficient to pay for the proposed project costs. On this basis alone, the finding is supported.
 3. The benefits of the proposal outweigh the anticipated tax increments to be paid by the owners of property in the overlying taxing jurisdictions.
 - Since the development expected to occur is unlikely to take place without the use of Tax Incremental Financing (see Finding #1) and since the TID will generate economic benefits that are more than sufficient to compensate for the cost of the improvements (see Finding #2), the City reasonably concludes that the overall benefits of the TID outweigh the anticipated tax increments to be paid by the owners of property in the overlying taxing jurisdictions. It is further concluded that since the "but for" test is satisfied, there would, in fact, be no foregone tax increments to be paid in the event the TID is not created.
 4. The improvements to be made within the TID are likely to significantly enhance the value of substantially all other real property in the neighborhood surrounding the TID.
 5. The equalized value of taxable property of the TID does not exceed 12% of the total equalized value of taxable property within the City.

**City of De Pere
TID #14 Project Plan**

6. The Project Plan for the TID is feasible and is in conformity with the master plan of the City.
7. 0.0% of territory within the TID will be devoted to retail business. See map for reference on next page.
8. The TID is being created by the City as a Blight or Rehabilitation District. This project plan has met the definition and requirements for a Blight and Rehabilitation District. 50% or more of the proposed district's area has a structure or building that is because of age and obsolescence is in need of blight elimination and rehabilitation.

**City of De Pere
TID #14 Project Plan**

Map of Proposed District Boundary

Current Map is reflective of the 01/01/2018 parcel list.

City of De Pere
TID #14 Project Plan

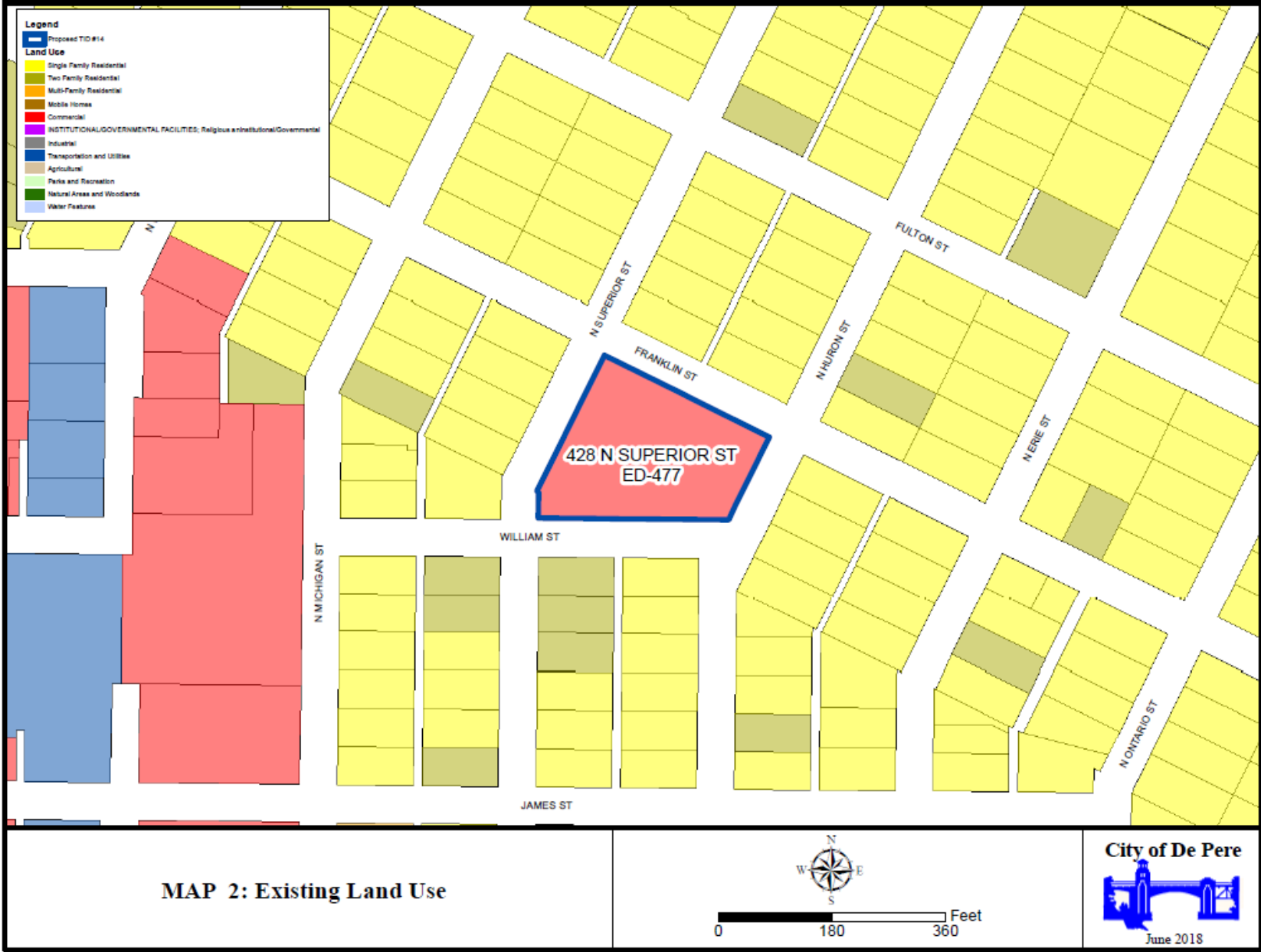


Attachment: Draft Project Plan for JRB Meeting #1 (7331 : B. TID #14 Review *)

Maps Showing Existing Uses and Conditions

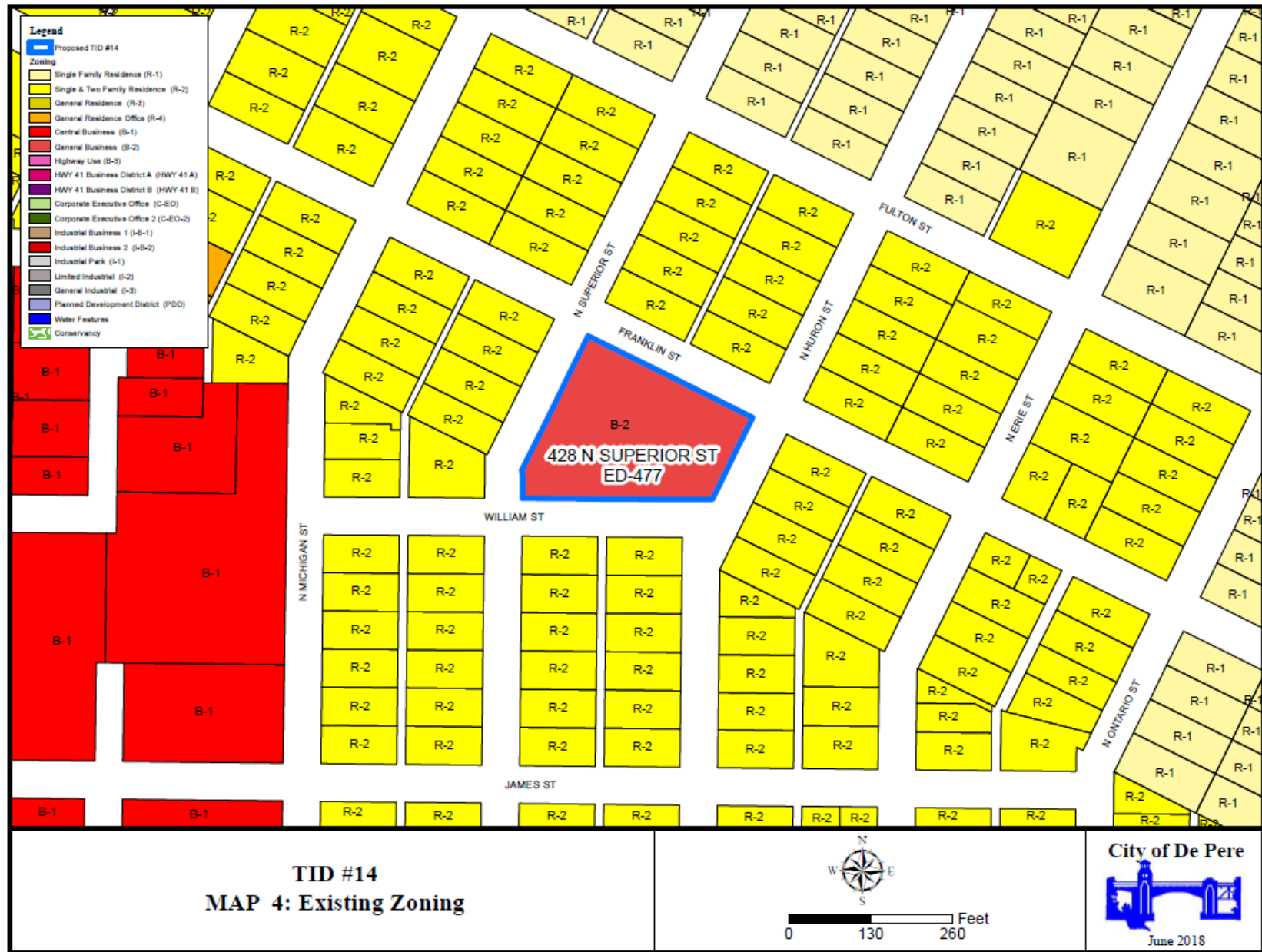
Current Maps are reflective of the 01/01/2018 parcel list.

City of De Pere
TID #14 Project Plan



Attachment: Draft Project Plan for JRB Meeting #1 (7331 : B. TID #14 Review *)

City of De Pere
TID #14 Project Plan



**City of De Pere
TID #14 Project Plan**

Preliminary Parcel List and Analysis

As of the 01/01/2018 parcel list.

Parcel Number: ED-477

Valuation: \$574,200

Equalized Valuation Test

The following calculations demonstrate that the City is in compliance with s.66.1105(4)(gm)4.c. Wis. Stats., which requires that the equalized value of the taxable property in the proposed TID, plus the value increment of any existing Tax Incremental Districts, does not exceed 12% of the total equalized value of taxable property within the City. With TID#14, the value increment of all existing Tax Increment Districts will be approximately 7.04%.

Valuation Test Compliance Calculation

2017 Equalized Valuation (TID IN)	\$ 2,117,615,700
Limit for 12% Test	\$ 254,113,884
Increment Value of Existing TIDs	\$ 148,533,200
Projected Base Value of New TID	\$ 574,200
Total Value Subject to Test	\$ 149,107,400
Compliance (\$149,107,400 < \$254,113,884)	Meets Requirement

Statement of Kind, Number and Location of Proposed Projects

The City expects to implement the following public project improvements in conjunction with this TID. Any costs including eligible administrative costs necessary or convenient to the creation of the district or directly or indirectly related to the public works and other projects are considered "project costs" and eligible to be paid with tax increment revenues of the TID.

IRWIN SCHOOL PROPERTY RENOVATION DEVELOPER ASSISTANCE
LOCATION: ENTIRE TID

TOTAL: \$1,500,000

DESCRIPTION: Renovation of Irwin school into 8-10 condominiums and the construction of 10-12 townhomes on the balance of the property to meet a City need for housing and the preservation of a historic and character-filled building that has been a neighborhood fixture.

**City of De Pere
TID #14 Project Plan**

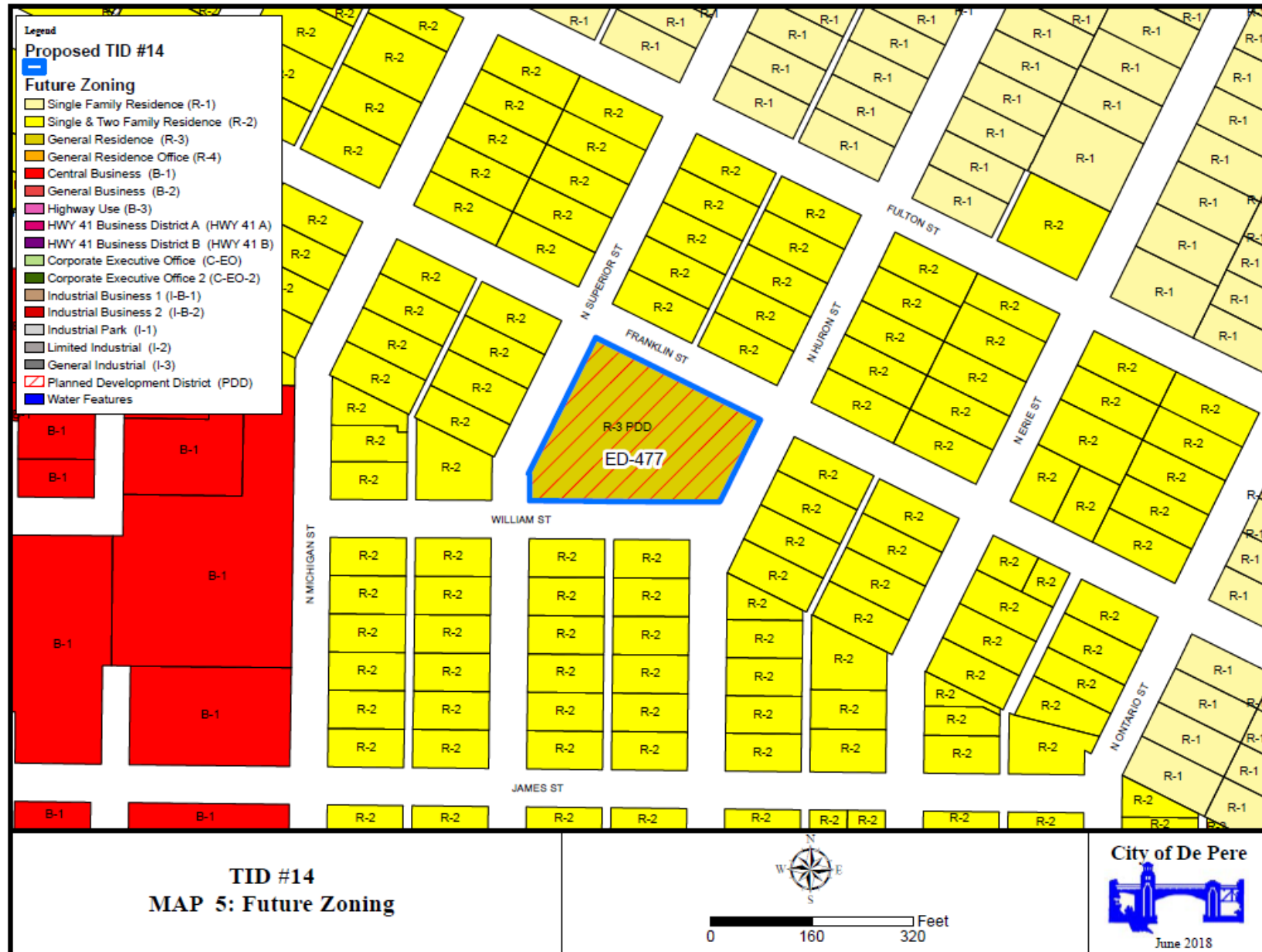
Maps Showing Proposed Improvements and Uses

City of De Pere
TID #14 Project Plan



Attachment: Draft Project Plan for JRB Meeting #1 (7331 : B. TID #14 Review *)

**City of De Pere
TID #14 Project Plan**



**City of De Pere
TID #14 Project Plan**

Detailed List of Project Costs

IRWIN SCHOOL PROPERTY RENOVATION DEVELOPER ASSISTANCE	\$1,500,000
Total	\$1,500,000

The renovation cost is based on current prices and preliminary estimates. The City reserves the right to increase this cost to reflect inflationary increases and other uncontrollable circumstances between creation of the TID and the time of construction. The tax increment allocation is preliminary and is subject to adjustment based upon the implementation of the Plan.

This Plan is not meant to be a budget nor an appropriation of funds for specific projects, but a framework within which to manage projects. All costs included in the Plan are estimates based on best information available. The City retains the right to delete or pursue future projects listed in the prior paragraph, and shown on the map, or change the scope and/or timing of projects implemented as they are individually authorized by the City Common Council, without amending the Plan.

The Plan authorizes the expenditure of funds for project costs within a 1/2 mile radius of the TID boundary.

Economic Feasibility

The information and exhibits contained within this project plan demonstrate that the proposed TID is economically feasible insofar as:

- The City has available to it the means to secure the necessary financing required to accomplish the projects contained within this Plan. A listing of "Method of Financing and Timing of When Costs are to be Incurred" follows.
- The development anticipated to occur as a result of the implementation of this Plan will generate sufficient tax increments to pay for the cost of the projects. This Plan identifies the following: 1) the development expected to occur, 2) a projection of tax increments to be collected resulting from that development and other economic growth within the TID, and 3) a cash flow model demonstrating that the projected tax

increment collections and all other revenues available such as debt issuance will be sufficient to pay all Project Costs.

In order to evaluate the economic feasibility of TID#14 it is necessary to project the amount of tax revenue that can be reasonably generated over the legal life of the TID. Included in Exhibit A is a proforma analysis of TID#14. The proforma analyzes expenses based on project plan costs of TID#14 against projected TID revenue. Tax revenue is conservatively estimated. Cash received from future TID#14 tax increments will be used to fund project costs and implementation of this Plan will also require that the City issue debt obligations to provide direct or indirect financing for the Projects to be undertaken. In 2046, the final year of revenue collection for the TID, it is projected to have repaid all expenditures and is left with a positive surplus balance.

Method of Financing and Timing of When Costs are to be Incurred

The city plans to fund project costs with cash received from future TID#14 tax increments. Implementation of this Plan will also require that the City issue obligations to provide direct or indirect financing for the Projects to be undertaken. The following is a list of the types of obligations the City may choose to utilize.

General Obligation (G.O.) Bonds or Notes

The City may issue G.O. Bonds or Notes to finance the cost of Projects included within this Plan. Wisconsin Statutes limit the principal amount of G.O. and State Trust Fund Loan debt that a community may have outstanding at any point in time to an amount not greater than five-percent of its total equalized value (including increment values).

Board of Commissioners of Public Lands State Trust Fund Loans

The City may issue State Trust Fund Loans to finance the cost of Projects included within this Plan. Wisconsin Statutes limit the principal amount of State Trust Fund Loan and GO debt that a community may have outstanding at any point in time to an amount not greater than five-percent of its total equalized value (including increment values).

Bonds Issued to Developers ("Pay as You Go" Financing)

The City may issue a bond to one or more developers who provide financing for projects included in this Plan. Repayment of the amounts due to the developer under the bonds are limited to an agreed percentage of the available annual tax increments collected that result from the improvements made by the developer. To the extent the tax increments collected are insufficient to make annual payments, or to repay the entire obligation over the life of the District, the City's obligation is

**City of De Pere
TID #14 Project Plan**

limited to not more than the agreed percentage of the actual increments collected. Bonds issued to developers in this fashion are not general obligations of the City and therefore do not count against the City's borrowing capacity.

Federal/State Loan Grant Programs

The State and Federal Government often sponsor grant and loan programs that municipalities may potentially use to supplement TID expenditures or provide financing for capital costs which positively impact the District. These programs include Wisconsin Community Development Block Grants, Rural Development Administration Community Facility Loan/Grants, Transportation Economic Assistance Grants, and Economic Development Administration Grants. These programs require local match funding to insure State and Federal participation in the project.

The actual amount of debt issuance will be determined by the City at its convenience and as dictated by the nature of the projects as they are implemented.

Plan Implementation

Projects identified will provide the necessary anticipated governmental services to the area, and appropriate inducements to encourage development of the area. The City anticipates making total project expenditures of approximately \$1,500,000 to undertake the projects listed in this Project Plan. The Expenditure Period of this District is 22 years from the date of adoption of the Creation Resolution by the Common Council. The projects to be undertaken pursuant to this Project Plan are expected to be financed primarily with debt proceeds. The City reserves the right to alter the implementation of this Plan to accomplish this objective. Interest rates projected are based on current market conditions. Municipal interest rates are subject to constantly changing market conditions. In addition, other factors such as the loss of tax-exempt status of municipal bonds or broadening the purpose of future tax-exempt bonds would affect market conditions. Actual interest expense will be determined once the methods of financing have been approved and securities or other obligations are issued.

If financing as outlined in this Plan proves unworkable, the City reserves the right to use alternate financing solutions for the projects as they are implemented.

Annexed Property

There are no lands proposed for inclusion within the TID that were annexed by the City on or after January 1, 2004.

Proposed Changes in Zoning Ordinances

The City anticipates that the TID will require a change in zoning ordinances to implement this project plan. The current property in the TID is zoned B2 with a Planned Development District (PPD) overlay because the school had been converted to offices in the past. The City is recommending rezoning the property to R3 and then applying for a PDD. The PDD will provide flexibility for the setbacks (unique based on the existing building and proposed townhomes) and will also allow for architectural review of the townhomes to ensure compatibility with the existing neighborhood.

Proposed Changes in Master Plan, Map, Building Codes and Town Ordinances

The City does not anticipate that the TID will require any changes in the master plan, map, building codes, and City ordinances to implement this project plan.

Relocation

The City does not anticipate the need to relocate persons or businesses in conjunction with this Plan. In the event relocation or the acquisition of property by eminent domain becomes necessary at some time during the implementation period, the City will follow applicable state statutes as required in Wisconsin Statutes Chapter 32.

Orderly Development of the City

Creation of the TID will enable the City to undertake projects in furtherance of the stated objectives of its Comprehensive Plan and other planning documents. To this extent, creation of the TID promotes the orderly development of the City.

A List of Estimated Non-Project Costs

Non-Project costs are public works projects that only partly benefit the TID or are not eligible to be paid with tax increment, or costs not eligible to be paid with Tax Incremental Financing funds. Examples would include:

- A public improvement made within the TID that also benefits property outside the TID. That portion of the total project costs allocable to properties outside of the TID would be a non-project cost.
- A public improvement made outside the TID that only partially benefits property within the TID. That portion of the total project costs allocable to properties outside of the TID would be a non-project cost.
- Projects undertaken within the TID as part of the implementation of this Project Plan, the costs of which are paid fully or in part by impact fees, grants, special assessments, or revenues other than tax increments.

The City does not anticipate any non-project costs for the TID.

City Attorney Opinion

Exhibit B contains a signed opinion from the City attorney advising whether the project plan amendment is complete and complies with Section 66.1105(4)(f) of the Wisconsin Statutes.

TID Status		
(m)	(n)	(o)
Annual Balance	Year End Cumulative Balance	Cost Recovery
	(December 31)	
(\$62,750)	(\$62,750)	
(\$62,750)	(\$125,500)	
(\$20,296)	(\$145,796)	
(\$22,892)	(\$168,687)	
(\$19,378)	(\$188,065)	
(\$20,852)	(\$208,917)	
(\$22,116)	(\$231,033)	
(\$18,168)	(\$249,201)	
(\$19,209)	(\$268,409)	
(\$20,038)	(\$288,447)	
(\$15,655)	(\$304,102)	
(\$16,261)	(\$320,362)	
(\$16,654)	(\$337,017)	
(\$16,836)	(\$353,852)	
(\$11,805)	(\$365,657)	
(\$11,762)	(\$377,419)	
(\$11,007)	(\$388,426)	
(\$10,014)	(\$398,439)	
(\$8,783)	(\$407,222)	
(\$7,315)	(\$414,537)	
\$119,392	(\$295,145)	
\$120,711	(\$174,434)	
\$122,044	(\$52,390)	
\$123,390	\$71,000	Expenditures Recovered
\$125,104	\$196,104	Expenditures Recovered
\$127,103	\$323,207	Expenditures Recovered
\$129,125	\$452,332	Expenditures Recovered
\$131,171	\$583,503	Expenditures Recovered

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**City of De Pere
TID #14 Project Plan**

**EXHIBIT B
CITY ATTORNEY OPINION**

Attachment: Draft Project Plan for JRB Meeting #1 (7331 : B. TID #14 Review *)

EXHIBIT C

TID #14 BOUNDARY DESCRIPTION

Legal Description

All of Lots 1, 2, 3, 5, 6, 7, 8, and that part of Lot 4 lying north of Williams Street, Block 16, and the vacated alley of Block 16, Irwin's Second Addition to De Pere, being part of Private Claim 31 east side of Fox River, and all of Block 35, Original Plat of De Pere, being part of Private Claim 32 east side of Fox River, City of De Pere, Brown County, Wisconsin, described as follows:

Beginning at the northwesterly corner of said Lot 8, point also being the intersection of the southerly right of way line of Franklin Street and the easterly right of way line of North Superior Street;
thence S63°35'37"E on said southerly right of way line, 291.04 feet more or less to the northeasterly corner of said Lot 1, point also being the intersection of the southerly right of way line of Franklin Street and the westerly right of way line of North Huron Street;
thence S26°17'36"W, on said westerly right of way line, 145.57 feet more or less to the north right of way line of Williams Street;
thence N89°35'09"W, on said north right of way line, 300.76 feet more or less to said easterly right of way line of North Superior Street, point also being the southwest corner of said Block 35;
thence N00°37'38"E, on said easterly right of way line, 41.39 feet more or less to the northwest corner of said Block 35;
thence N63°34'47"W, on said easterly right of way line, 2.70 feet more or less to the southwesterly corner of said Lot 5;
thence N26°20'12"E, on said easterly right of way line, 240.11 feet more or less to the Point of Beginning.

Said described lands contain 62,491 square feet or 1.435 acres more or less.

DISCLAIMER TEXT

As required for all underwriters by the Municipal Securities Rulemaking Board ("MSRB"), Robert W. Baird & Co. Incorporated ("Baird") is hereby providing you with certain disclosures.

Robert W. Baird & Co. Incorporated ("Baird") is providing the information contained herein and/or accompanying materials (the "Content") for discussion or general informational purposes only, in seeking to serve as underwriter for a possible issuance of municipal securities you may be considering.

Municipal Securities Rulemaking Board Rule G-17 requires an underwriter to deal fairly at all times with both municipal issuers and investors. The primary role of Baird, as underwriter, is the purchase securities with a view to distribution in an arm's length commercial transaction between you and Baird. In its role as underwriter, Baird has financial and other interests that differ from yours. As part of our services as underwriter, Baird may provide advice concerning the structure, timing, terms, and other similar matters concerning an issuance of municipal securities you are considering. Any such advice, however, would be provided by Baird in the context of serving as an underwriter and not as municipal advisor, financial advisor or fiduciary. Unlike a municipal advisor, Baird as an underwriter does not have a fiduciary duty to the issuer under the federal securities law and is therefore not required by federal law to act in the best interests of the Issuer without regard to its own financial or other interests. As underwriter, Baird has a duty to purchase securities from the issuer at a fair and reasonable price but must balance that duty with its duty to sell those securities to investors at prices that are fair and reasonable. As underwriter, Baird will review the official statement applicable to the proposed issuance in accordance with, and as part of, its responsibilities to investors under the federal securities laws, as applied to the facts and circumstances of the proposed issuance.

The Content does not include any recommendations or suggestions that you take or refrain from taking any action with regard to an issuance of municipal securities and is not intended to be and should not be construed as "advice" within the meaning of Section 15B of the Securities Exchange Act of 1934 or Rule 15Ba1-1 thereunder. You should consult with your own financial and/or municipal, legal, accounting, tax, and other advisors, as applicable, to the extent you deem appropriate. The Content is intended to provide information of a factual or educational nature, as well as general information about Baird (including its Public Finance unit) and its experience, qualifications and capabilities.

If you have any questions or concerns about the above disclosures, please contact Baird Public Finance.

CITY OF DE PERE

335 South Broadway
De Pere, WI 54115
Fax No.: 920/339-4049
Web: <http://www.de-pere.org>



Date: August 21, 2018

City Attorney's Office
(920) 339-4042

The Honorable Michael J. Walsh
Members of the Plan Commission
Members of the De Pere Common Council

RE: City of De Pere Tax Incremental Financing District Number 14 Creation

Dear Mayor, Plan Commission and Common Council Members:

Pursuant to Wis. Stats. §66.1105(4)(f), any tax incremental financing district project plan must include an opinion of the City Attorney or of an attorney retained by the City advising whether the plan is complete and complies with that statutory section. As the duly appointed City Attorney of the City of De Pere and upon a review of the Boundary and Project Plan for Tax Incremental Financing District Number 14 (TID #14) to which this opinion is to be appended, it is my opinion that such plan contains and adequately addresses the prerequisites set forth at Wis. Stats. §66.1105. This opinion is based upon my review of said plan, my review of Wis. Stats. §66.1105, and my experience as a municipal attorney.

It is my further opinion that inasmuch as the project plan is complete and in compliance with the above referenced section, it is in proper form for adoption by the Common Council.

Respectfully submitted,

A handwritten signature in blue ink that reads "Judith Schmidt-Lehman". The signature is fluid and cursive.

Judith Schmidt-Lehman
City Attorney

JSL:amz

J:\Law\TID\2018\TID #14 Creation Atty Opinion Letter.docx

Attachment: TID #14 Creation Atty Opinion Letter (7331 : B. TID #14 Review *)



City of De Pere, Wisconsin

Request For Plan Commission Action

MEETING DATE: August 27, 2018

DEPARTMENT: Planning

FROM: Kelly Barker

SUBJECT: C. Resolution PC18- 01, Recommending adoption of the Project Plan for the creation of Tax Increment Financing District #14.

ATTACHMENTS:

- ResoPC18-01 (DOCX)

PLAN COMMISSION
RESOLUTION #PC 18-01

RECOMMENDING ADOPTION OF THE PROPOSED BOUNDARIES OF TAX
INCREMENTAL FINANCING DISTRICT #14 AND THE ADOPTION OF THE
TAX INCREMENTAL FINANCING DISTRICT NUMBER 14 PROJECT PLAN

WHEREAS, the proposed project plan for Tax Incremental Financing District Number 14 (TID #14) was filed with the City Clerk-Treasurer on _____, 2018 and made available for inspection on weekdays between the hours of 8:00 a.m. and 4:30 p.m., and to any person requesting a copy thereof; and

WHEREAS, a public hearing was scheduled pursuant to Wis. Stats. §66.1105(4)(e), which was held on _____, 2018, affording interested parties a reasonable opportunity to express their views on the boundaries of the District and proposed project plan as provided at Wis. Stats. §66.1105(4)(a) and (e); and

WHEREAS, notice of such hearing was published by Class 2 publication in the City's official newspaper on _____, 2018 and _____, 2018; and

WHEREAS, a meeting pursuant to Wis. Stats. §66.1105(4)(m) of a Joint Review Board within fourteen (14) days after the publication of the first notice of the above-referenced public hearing was held on _____, 2018; and

WHEREAS, at the above-referenced public hearing scheduled at the City Hall Council Chambers on _____, 2018 at 7:00 p.m., the Plan Commission heard all interested parties, their agents and attorneys, regarding the plan for said District and the boundaries thereof and determined that the proposed TID #13 as proposed in the project plan and the boundaries of such District are in conformity with the City's Comprehensive Plan and are in the best interests of the City in order to foster logical and economic development and further that the private

development activities projected would not otherwise occur without tax incremental financing in that part of the City.

NOW THEREFORE, BE IT HEREBY RESOLVED, by the Plan Commission of the City of De Pere, Wisconsin, that:

The Plan Commission of the City of De Pere hereby recommends the designation of the District boundaries for Tax Incremental Financing District Number 14, City of De Pere, as those boundaries which are set forth in the project plan for such District, a copy of which is annexed hereto and incorporated herein as if fully set forth.

BE IT FURTHER RESOLVED THAT:

The Plan Commission of the City of De Pere hereby adopts the project plan or Tax Incremental Financing District Number 14, City of De Pere, as prepared and presented by Robert W. Baird & Co. and City staff; further, that such project plan is hereby submitted to the Common Council of the City of De Pere in accordance with Wis. Stats. §66.1105(4)(f).

Adopted by the Plan Commission of the City of De Pere, Wisconsin, this ____ day of _____, 2018.

APPROVED:

Michael J. Walsh, Mayor
Plan Commission Chair

Ayes:_____

Nays:_____

City of De Pere, Wisconsin**Request For Plan Commission Action**

MEETING DATE: August 27, 2018

DEPARTMENT: Planning

FROM: Peter Schleinz

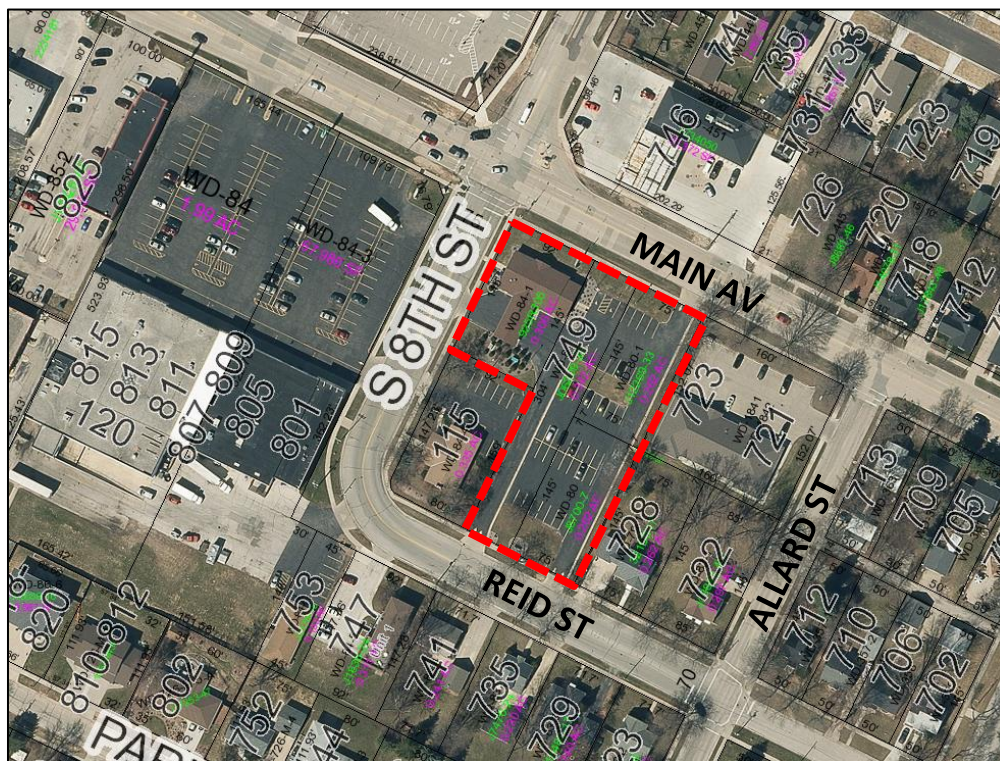
SUBJECT: Recommendation regarding a Proposed Two Lot Certified Survey Map at 749 Main Avenue (Parcels WD-80, WD-80-1, WD-81, & WD-84-1). Submitted by Brian Sandberg, PLS, authorized representative for Associated Bank.

ATTACHMENTS:

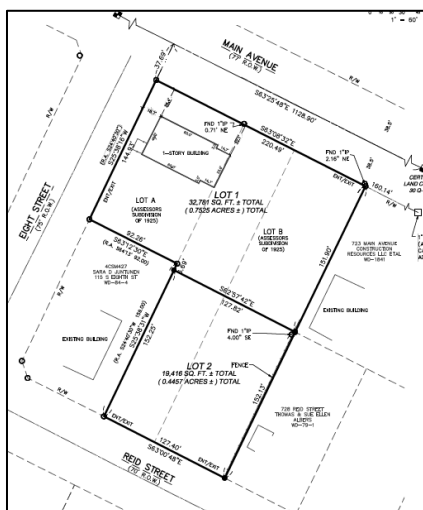
- CSM - Associated Bank - Plan Commission Report (DOCX)
- Application Form (PDF)
- Preliminary CSM (PDF)

ITEM 4: Recommendation regarding a Proposed Two Lot Certified Survey Map at 749 Main Avenue (Parcels WD-80, WD-80-1, WD-81, & WD-84-1). Submitted by Brian Sandberg, PLS, authorized representative for Associated Bank.

SITE MAP



PROPOSED CERTIFIED SURVEY MAP AREA



REQUESTED ACTION: Certified Survey Map Review

COMMON DESCRIPTION: 749 Main Avenue, located southeast from the Main Avenue and 8th Street intersection.

PARCEL NUMBER(S): WD-80, WD-80-1, WD-81, & WD-84-1

EXISTING ZONING: B-2 (General Business District)

PROPOSED ZONING: None

SURROUNDING LAND USES: Commercial to the north, east, and west.
 Residential to the south and southeast.

COMPREHENSIVE PLAN: Commercial

APPLICANT/OWNER NAME: Brian Sandberg, PLS
 Authorized Representative
 7711 N. Port Washington Road
 Milwaukee, WI 53217

Tammy Leemon, Project Manager
 Associated Bank
 433 Main Street
 Green Bay, WI 54301

SITE HISTORY: After a review of air photographs, the site was developed into a bank with a drive-through window and parking lot in the mid 1990's. The site was used for both business and residential uses prior to the mid 1990 development, residential uses in 1960, and agricultural uses in 1938.

On May 29, 2018, Plan Commission recommended approval of a site plan for an Associated Bank development on the property. One of the approval conditions was reconfiguration of the parcel lines.

During the months of July-August, 2018, chain link fence was placed around the property, in anticipation of development, and the former Bank Mutual building was demolished.

The land division is within the Sewer Service Area for the City of De Pere. There are no known environmentally sensitive areas on the property.

The petitioner proposes to consolidate four lots into two lots. One lot will front on Main Avenue for future development of a bank; The second lot will front on Reid Street and function as a parking lot.

STAFF REVIEW: When reviewing a Certified Survey Map, staff considers State Statutes 236, Section 46-8 of the De Pere Platting and Division of Land Code, the future land use recommendation of the Comprehensive Plan, surrounding land uses, and desired development patterns.

- The site is a former bank property. The former bank was razed in August, 2018.
- The proposed land division will create two lots.
- Both lots exceed the minimum lot size of 2,000 square feet and both lots have street frontage
- The proposed lot configuration complies with setback requirements when compared to the Plan Commission approved site plan.
- There are six technical corrections required for the CSM that are referenced in the staff recommended conditions of approval.

The Certified Survey Map meets the criteria of State Statutes 236 and Section 46-8 of the De Pere Platting and Division of Land Code. The proposed land division provides opportunities for infill development and does not impact the Comprehensive Plan negatively. The proposed lot sizes, street frontages, and setbacks meet acceptable City requirements.

REVIEW PROCESS:

For City certified survey map petitions the Plan Commission provides either an approval, rejection with reason, or approval with conditions decision. The Common Council does not review City certified survey maps unless City lands or right-of-way dedications are involved. This project will be reviewed by Plan Commission only.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the certified survey map, subject to:

1. Meeting all other state and local regulations, including Brown County Planning Commission.
2. Remove "...for future sidewalks." from Restrictive Covenant #2.
3. Add a 20 foot by 20 foot Utility Easement that is centered on the rear lot line of Lots 1-2, on the east boundary of the land division.
4. Add the following Note to CSM page 3: "The City of De Pere has rights to access the property to service the City Storm Sewer."
5. Revise the owner name on the Corporate Owner's Certificate as the name appears incorrect.
6. Per Brown County request, revise the Brown County Treasurer's Certificate to read as follows: "As duly elected Brown County Treasurer, I hereby certify that the records in our office show no unredeemed taxes and no unpaid or special assessments affecting any of the lands included in this Certified Survey Map as of the date listed below."



CITY OF DE PERE
APPLICATION FOR
CSM REVIEW

CITY OF DE PERE
RECEIVED
JUL 25 2018
PLANNING DEPT.

Fee: \$ 368.00

Receipt #: 134862

Date: 7-25-18

Read all instructions provided before completing. If additional space is needed, attach additional pages. Type or use black ink.

SECTION 1: Applicant / Permittee Information

Applicant Name (Ind., Org. or Entity) Brian Sandberg	Authorized Representative	Title Surveyor	
Mailing Address 7711 N. Port Washington Road	City Milwaukee	State WI	ZIP Code 53217
Email Address bsandberg@kapurinc.com	Phone Number (incl. area code) 414-751-7266	Fax Number (incl. area code)	

SECTION 2: Landowner Information (complete these fields when project site owner is different than applicant)

Name (Ind. Org. or Entity) Associated Bank	Contact Person Tammy Leemon	Title Project Manager	
Mailing Address 433 Main Street	City Green Bay	State WI	ZIP Code 54301
Email Address tammy.leemon@associatedbank.com	Phone Number (incl. area code) 920.491.7325	Fax Number (incl. area code) NA	

SECTION 3: Project or Site Location

Project Address/Description 749 Main Avenue, West De Pere, WI 54115	Parcel No.
--	------------

SECTION 4: CSM Information

Existing Zoning:	
Present Use of Parcel:	BANK
Proposed Use of Lots:	BANK

Please submit 1 hard copy and 1 PDF copy of the CSM if the property is located within the City
or if the property is located within the extraterritorial jurisdiction.

SECTION 5: Certification and Permission

Certification: I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this Permit Application. I certify that the information contained in this form and attachments is true and accurate. I certify that the project will be in compliance with all permit conditions. I understand that failure to comply with any or all of the provisions of the permit may result in permit revocation and a fine and/or forfeiture under the provisions of applicable laws.

Permission: I hereby give the City permission to enter and inspect the property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.

Name of Owner/Authorized Representative (please print) Tammy Leemon	Title Project Manager	Phone Number 920.491.7325
Signature of Applicant 		Date Signed 02 July 2018

TO BE COMPLETED BY CITY STAFF

CSM Review authorized by the De Pere Municipal Code, Chapter 46.

25 JUL 2018 ✓

Attachment: Application Form (7341 : Recommendation regarding a Proposed Two Lot Certified Survey Map at 749 Main Avenue (Parcels WD-

CERTIFIED SURVEY MAP NO. _____

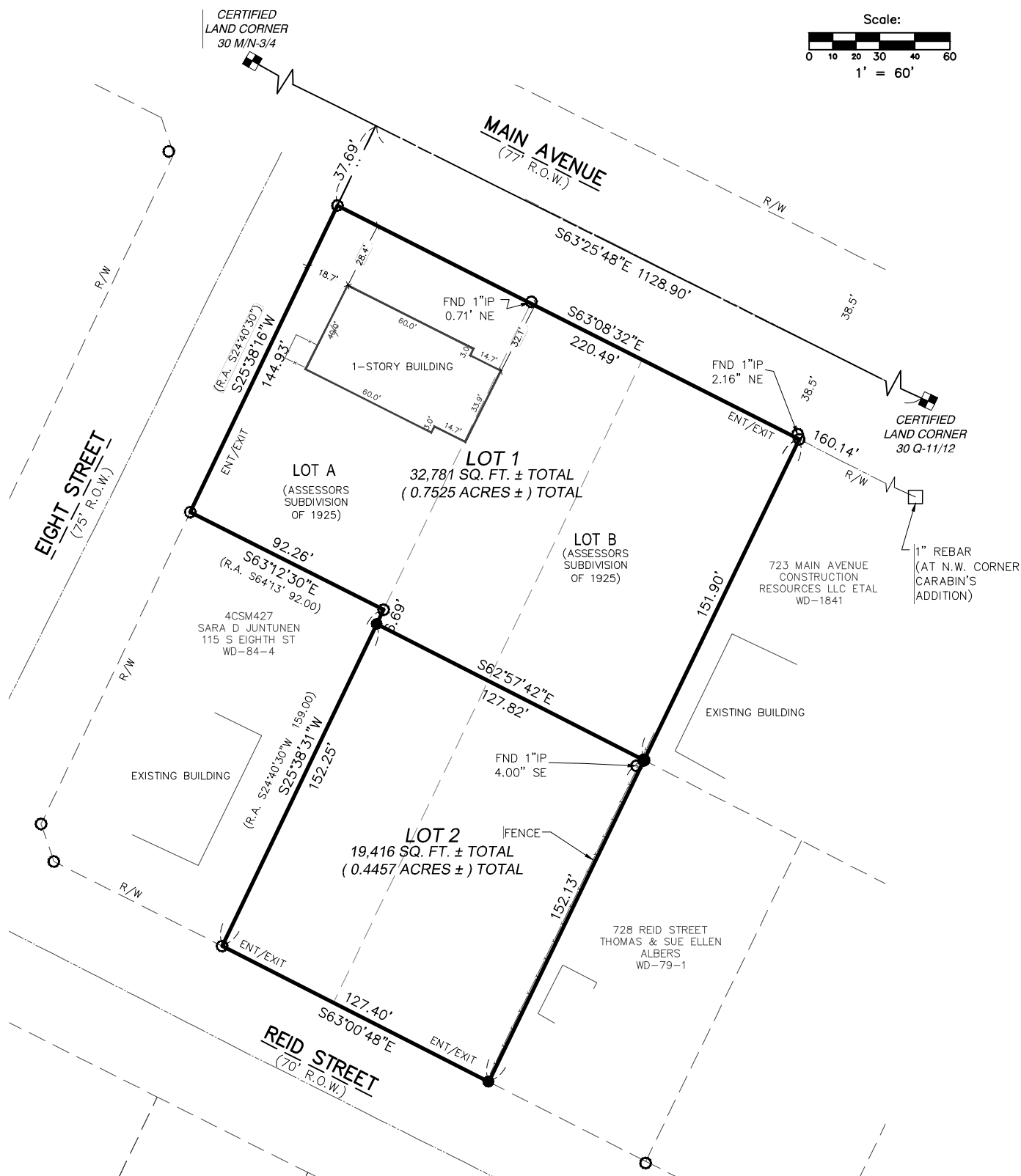
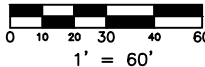
PART OF LOTS A AND B OF ASSESSORS SUBDIVISION OF
1925 OF ASSESSORS SUBDIVISION IN THE CITY OF NICOLET,
NOW CITY OF DE PERE WEST SIDE OF THE FOX RIVER,
BROWN COUNTY, STATE OF WISCONSIN.

LEGEND:

- = SET 1" O.D. IP 18" LONG,
 WEIGHING 1.13 LBS/FT
 ○ = FOUND 1" O.D. IP
 □ = FOUND 1" REBAR
 R.A. = RECORDED AS

N
NORTH IS REFERENCED TO THE
NORTH LINE OF PRIVATE CLAIM
29 MEASURED AS N63°25'48"W
12271.45'

Scale:



OWNER OF RECORD:
DE PERE FEDERAL S & L ASSOC
BANK MUTUAL, ASSOCIATED BANK

TAX PARCEL NO:
WD-84-1, WD-80-1,
WD-81 & WD-80

Surveyor:
Kapur & Associates, Inc.
7711 N. Port Washington Road
Milwaukee, Wisconsin 53217

Date: June 18, 2018

Sheet 1 of 3



KAPUR & ASSOCIATES, INC.
CONSULTING ENGINEERS
MILWAUKEE, WISCONSIN
414.351.6668

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CERTIFIED SURVEY MAP NO . _____

PART OF LOTS A AND B OF ASSESSORS SUBDIVISION OF 1925 OF ASSESSORS SUBDIVISION IN THE CITY OF NICOLET, NOW CITY OF DE PERE WEST SIDE OF THE FOX RIVER, BROWN COUNTY, STATE OF WISCONSIN.

SURVEYOR'S CERTIFICATE

I, BRIAN E. SANDBERG, WISCONSIN PROFESSIONAL LAND SURVEYOR, CERTIFY THAT I HAVE SURVEYED, DIVIDED AND MAPPED PART OF LOTS A AND B, ASSESSORS SUBDIVISION OF 1925 OF ASSESSORS SUBDIVISION IN THE CITY OF DE PERE WEST OF THE FOX RIVER, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT CERTIFIED LAND CORNER 30Q-111\12; THENCE N63°25'48"W COINCIDENT WITH THE NORTHEASTERLY LINE OF PRIVATE CLAIM 29, 1128.90 FEET; THENCE S25°38'16"W, 37.69 FEET TO A 1" DIAMETER IRON PIPE MARKING THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE FOR MAIN AVENUE AND THE EASTERLY LINE OF EIGHTH STREET AND THE POINT OF BEGINNING; THENCE CONTINUE S25°38'16"W COINCIDENT WITH SAID EASTERLY RIGHT OF WAY LINE 144.93 FEET TO THE NORTHERLY LINE OF A CERTIFIED SURVEY MAP RECORDED IN VOLUME 4, PAGE 427 OF CERTIFIED SURVEY MAPS, DOCUMENT NUMBER 777291, BROWN COUNTY RECORDS; THENCE S63°12'30"E COINCIDENT WITH THE NORTHERLY LINE OF SAID CERTIFIED SURVEY MAP 92.26 FEET; THENCE S25°38' 31"W COINCIDENT WITH THE EASTERLY LINE OF SAID CERTIFIED SURVEY MAP 158.94 FEET TO THE NORTHERLY RIGHT OF WAY LINE FOR REID STREET; THENCE S63°00'48"E COINCIDENT WITH SAID NORTHERLY RIGHT OF WAY LINE 127.40 FEET; THENCE N25°47'50"E 304.03 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE FOR MAIN AVENUE; THENCE N63°08'32"W COINCIDENT WITH SAID NORTHERLY RIGHT OF WAY LINE 220.49 FEET TO THE POINT OF BEGINNING. SUBJECT TO ALL EASEMENTS OF RECORD.

THAT THIS MAP IS A CORRECT REPRESENTATION OF THE EXTERIOR BOUNDARY LINES OF THE LAND SURVEYED

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236.34 OF THE WISCONSIN STATUTES AND THE SUBDIVISION ORDINANCE OF THE CITY OF DE PERE.

Brian E. Sandberg, S-2500
Kapur & Associates, Inc.
7711 N. Port Washington Road
Milwaukee, WI. 53217
(414)751-7200

DATED

BROWN COUNTY TREASURER

AS THE DULY APPOINTED CITY CLERK FOR THE CITY OF DE PERE, I HEREBY CERTIFY THAT THE RECORDS IN MY OFFICE SHOW NO UNPAID TAXES OR SPECIAL ASSESSMENTS AFFECTING ANY OF THE LANDS INCLUDED IN THIS CERTIFIED SURVEY MAP AS OF THE DATE LISTED BELOW.

PAUL D. ZELLNER, TREASURER

DATED

CITY OF DE PERE COMMON COUNCIL APPROVAL:

THIS CERTIFIED SURVEY MAP WAS APPROVED FOR THE CITY OF DE PERE COMMON COUNCIL ON THE _____ DAY OF _____, 2018.

SHANA DEFNET
CITY CLERK - TREASURER

DATED

CERTIFIED SURVEY MAP NO . _____

PART OF LOTS A AND B OF ASSESSORS SUBDIVISION OF
1925 OF ASSESSORS SUBDIVISION IN THE CITY OF NICOLET,
NOW CITY OF DE PERE WEST SIDE OF THE FOX RIVER,
BROWN COUNTY, STATE OF WISCONSIN.

RESTRICTIVE COVENANTS:

- 1) THE LAND ON ALL SIDE AND REAR LOT LINES OF ALL LOTS SHALL BE GRADED BY THE PROPERTY OWNER AND MAINTAINED BY THE ABUTTING PROPERTY OWNERS TO PROVIDE FOR ADEQUATE DRAINAGE OF SURFACE WATER.
- 2) EACH LOT OWNER SHALL GRADE THE PROPERTY ABUTTING A STREET TO CONFORM TO THE ADOPTED SIDEWALK GRADE ELEVATION AND MAINTAIN SAID ELEVATION FOR FUTURE SIDEWALKS.
- 3) NO POLES, PEDESTALS OR BURIED CABLE ARE TO BE PLACED SO AS TO DISTURB ANY SURVEY STAKE OR OBSTRUCT VISION ALONG ANY LOT LINES OR STREET LINE, A DISTURBANCE OF A SURVEY STAKE BY ANYONE IS A VIOLATION OF SECTION 236.32 OF THE WISCONSIN STATUTES.

CORPORATE OWNER'S CERTIFICATE:

ASSOCIATED BANK, AS OWNER, DOES HEREBY CERTIFY THAT SAID WISCONSIN LIMITED LIABILITY COMPANY CAUSED THE LAND DESCRIBED ON THIS CERTIFIED SURVEY MAP TO BE SURVEYED, DIVIDED AND MAPPED AS REPRESENTED ON THIS CERTIFIED SURVEY MAP.

ASSOCIATED BANK, A WISCONSIN LIMITED LIABILITY COMPANY, DOES FURTHER CERTIFY THAT THIS CERTIFIED SURVEY MAP IS REQUIRED BY S.235.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: CITY OF DE PERE.

IN WITNESS WHEREOF, THE SAID, ASSOCIATED BANK, A WISCONSIN LIMITED LIABILITY COMPANY, HAS CAUSED THESE PRESENT TO BE SIGNED BY DAVID KNIGHT, IT'S SENIOR VICE PRESIDENT/ DIRECTOR OF FACILITIES REAL ESTATE, AT _____ A.M. P.M. ON THIS _____, DAY OF _____, 2018.

IN THE PRESENCE OF:

ASSOCIATED BANK

DAVID KNIGHT, _____ DATED
SENIOR VICE PRESIDENT/DIRECTOR OF FACILITIES REAL ESTATE

STATE OF WISCONSIN)
) SS
COUNTY OF _____)

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2018,
_____ PROJECT MANAGER OF THE ABOVE NAMED WISCONSIN LIMITED LIABILITY COMPANY, TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT, AND TO ME KNOWN TO BE SUCH PROJECT MANAGER OF SAID WISCONSIN CORPORATION AND ACKNOWLEDGED THAT SHE EXECUTED THE FOREGOING INSTRUMENT OF SAID WISCONSIN LIMITED LIABILITY COMPANY.

NOTARY PUBLIC -

MY COMMISSION EXPIRES _____.

City of De Pere, Wisconsin

**Request For Plan Commission Action**

MEETING DATE: August 27, 2018

DEPARTMENT: Planning

FROM: Peter Schleinz

SUBJECT: Recommendation regarding a Proposed Two Lot Certified Survey Map at 825 East River Drive (Parcel ED-1128-E-1-3). Submitted by Michael D. Vande Hei, PLS, authorized representative for CP Legacy LLC & Harold Macco Trust #2, property owner.*

ATTACHMENTS:

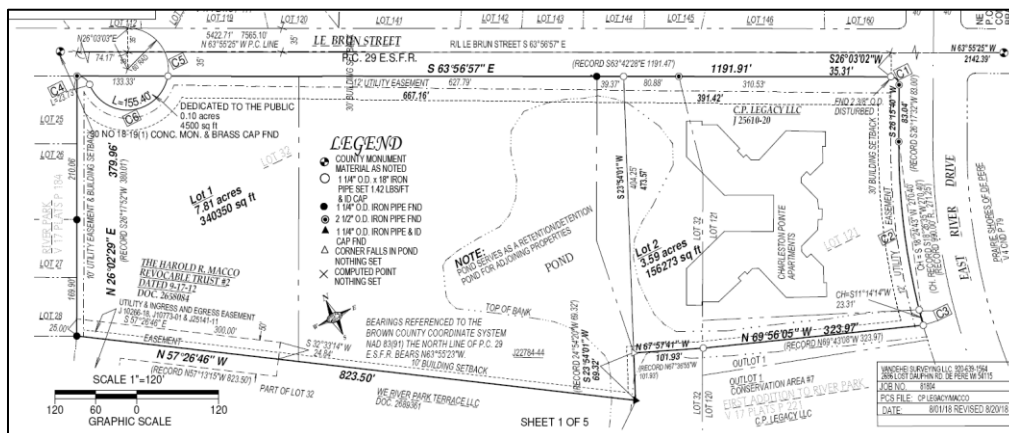
- CSM - Macco - Plan Commission Report (DOCX)
- Application Form (PDF)
- Preliminary REVISED CSM (PDF)

- ITEM 5:** Recommendation regarding a Proposed Two Lot Certified Survey Map at 825 East River Drive (Parcel ED-1128-E-1-3). Submitted by Michael D. Vande Hei, PLS, authorized representative for CP Legacy LLC & Harold Macco Trust #2, property owner.*

SITE MAP



PROPOSED CERTIFIED SURVEY MAP AREA



REQUESTED ACTION: Certified Survey Map Review

COMMON DESCRIPTION: 825 East River Drive, located southwest from the East River Drive and Lebrun Street intersection. Lebrun Street is the De Pere/Allouez border.

PARCEL NUMBER(S):	ED-1128-E-1-3	
EXISTING ZONING:	R-3 (Multiple Family Residence District)	
PROPOSED ZONING:	None	
SURROUNDING LAND USES:	Single Family Residential to the north (Village of Allouez). Multiple Family Residential to the south and east (City of De Pere). Single Family Residential to the west (City of De Pere).	
COMPREHENSIVE PLAN:	Multi-Family Residential.	
APPLICANT/OWNER NAME:	Michael D. Vande Hei, PLS Authorized Representative 2692 Lost Dauphin RD De Pere, WI 54115	Mark Macco, Trustee & Member CP Legacy LLC & Harold Macco Trust #2 2986 CTH PP De Pere, WI 54115
SITE HISTORY:	After a review of air photographs, the east end of the site was developed with multifamily residential development as part of a planned development district in the 1990's. The storm pond was constructed a few years earlier as the pond also served residential developments to the south. The site had agricultural uses prior to residential uses. The land division is within the Sewer Service Area for the City of De Pere. There are no known environmentally sensitive areas on the property. The petitioner proposes to relocate the existing lot line, between Lots 1-2, eastward in order to create a larger proposed Lot 1. It is anticipated that the development will be multifamily; there are no site plan proposals on file for future development.	
STAFF REVIEW:	When reviewing a Certified Survey Map, staff considers State Statutes 236, Section 46-8 of the De Pere Platting and Division of Land Code, the future land use recommendation of the Comprehensive Plan, surrounding land uses, and desired development patterns. • The site is vacant on Lot 1 and has a 53 unit multi-family complex on proposed Lot 2 • Lebrun Street is the city limit between De Pere and Allouez • The proposed land division will realign the border between two lots; the number of buildable lots will not change • Both lots exceed the minimum lot size requirement of 15,000 square feet (0.3 acres) for Lot 1 and 185,500 square feet (4.3 acres) for Lot 2 • Both lots meet the minimum requirement of 125 feet of street frontage • The proposal includes the <u>addition of right-of-way for a future cul-de-sac extension</u> on Lebrun Street • The proposed land division does not conflict with the R-3 Planned Development District or the property	

- If future development is proposed on the site, an updated Precise Implementation Plan must be submitted to Plan Commission and Common Council for review
- There are four technical comments required for the CSM that is referenced in the staff recommended conditions of approval
- In addition to the technical comments, staff provided four additional suggestions/recommendations that could impact the ease of future buildability of Lot 1.

The Certified Survey Map meets the criteria of State Statutes 236 and Section 46-8 of the De Pere Platting and Division of Land Code. The proposed land division provides opportunities for infill development and does not impact the Comprehensive Plan negatively. The proposed lot sizes, street frontages, and setbacks meet acceptable City requirements.

REVIEW PROCESS:

For City certified survey map petitions the Plan Commission provides either an approval, rejection with reason, or approval with conditions decision. The Common Council does not review City certified survey maps unless City lands or right-of-way dedications are involved. This project will be reviewed by Plan Commission and Common Council due to right-of-way being dedicated to the public. The Common Council is expected to review the CSM on September 4, 2018.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the certified survey map, subject to:

1. Meeting all other state and local regulations, including Brown County Planning Commission.

Additional staff recommendations that do not include physical changes to the CSM:

- A. Submit an agreement or management plan that identifies how each of the four properties/property owners will maintain the storm water management pond. If there is no agreement or plan, the new property line should not cut through the pond.
- B. The water main will need to be extended and looped from the dead end on Lebrun Street to East River Drive when the parcel develops. 50% of the cost for the water main will be paid by the owner of Lot 1.
- C. Sanitary sewer will need to be extended from the intersection of Ridgeway Drive and Montreal Place to the north to service Lot 1. It is unknown if there is an existing sewer running north along the 1901 Ridgeway Drive western property line to easily provide the service.
 - a. If the easement does not exist, there is no practical way to provide sanitary sewer to the parcel. The cost for any sanitary sewer extensions will be paid by the developer.
- D. The Lebrun cul-de-sac is to be built at the developer's cost. The cost will be determined at the time of development.

- a. The Village of Allouez may object to the Lebrun Street extension being constructed on the Village half of the Lebrun Street right of way.



CITY OF DE PERE
APPLICATION FOR
CSM REVIEW

CITY OF DE PERE
RECEIVED
AUG 6 2018

Fee: \$ 368.00

Receipt #: 00135189

Date: 06 Aug 2018

Read all instructions provided before completing. If additional space is needed, attach additional pages. Type or use black ink.

SECTION 1: Applicant / Permittee Information

Applicant Name (Ind., Org. or Entity) CP LEGACY LLC & HAROLD MACCO TRUS	Authorized Representative MICHAEL D. VANDE HEI	Title SURVEYOR	
Mailing Address 2696 LOST DAUPHIN RD	City DE PERE	State WI	ZIP Code 54115
Email Address mvandehei001@new.rr.com	Phone Number (incl. area code) 920-639-1564	Fax Number (incl. area code)	

SECTION 2: Landowner Information (complete these fields when project site owner is different than applicant)

Name (Ind. Org. or Entity) C P LEGACY LLC & H. MACCO TRUST #2	Contact Person MARK MACCO	Title TRUSTEE & MEMBER	
Mailing Address 2986 C.T.H. "PP"	City DE PERE	State WI	ZIP Code 54115
Email Address Mark@hillcresthomes-wi.com	Phone Number (incl. area code) 920-337-2450	Fax Number (incl. area code) 920-337-2459	

SECTION 3: Project or Site Location

Project Address/Description 825 E. RIVER DR. PROPERTY ALONG LE BRUN ST.	Parcel No. ED-1164-R-121 ED 1164-R-32-2
--	--

SECTION 4: CSM Information

Existing Zoning:	R3
Present Use of Parcel:	VACANT, CULTIVATED
Proposed Use of Lots:	EXISTING APARTMENT BUILDING SEPERATED FROM VACANT LAND & FUTURE DEVELOP

Please submit 1 hard copy and 1 PDF copy of the CSM if the property is located within the City
or if the property is located within the extraterritorial jurisdiction.

SECTION 5: Certification and Permission

Certification: I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this Permit Application. I certify that the information contained in this form and attachments is true and accurate. I certify that the project will be in compliance with all permit conditions. I understand that failure to comply with any or all of the provisions of the permit may result in permit revocation and a fine and/or forfeiture under the provisions of applicable laws.

Permission: I hereby give the City permission to enter and inspect the property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.

Name of Owner/Authorized Representative (please print) MICHAEL D. VANDE HEI	Title SURVEYOR	Phone Number 920-639-1564
Signature of Applicant <i>Michael D. Vande Hei</i>		Date Signed 8/6/2018

TO BE COMPLETED BY CITY STAFF

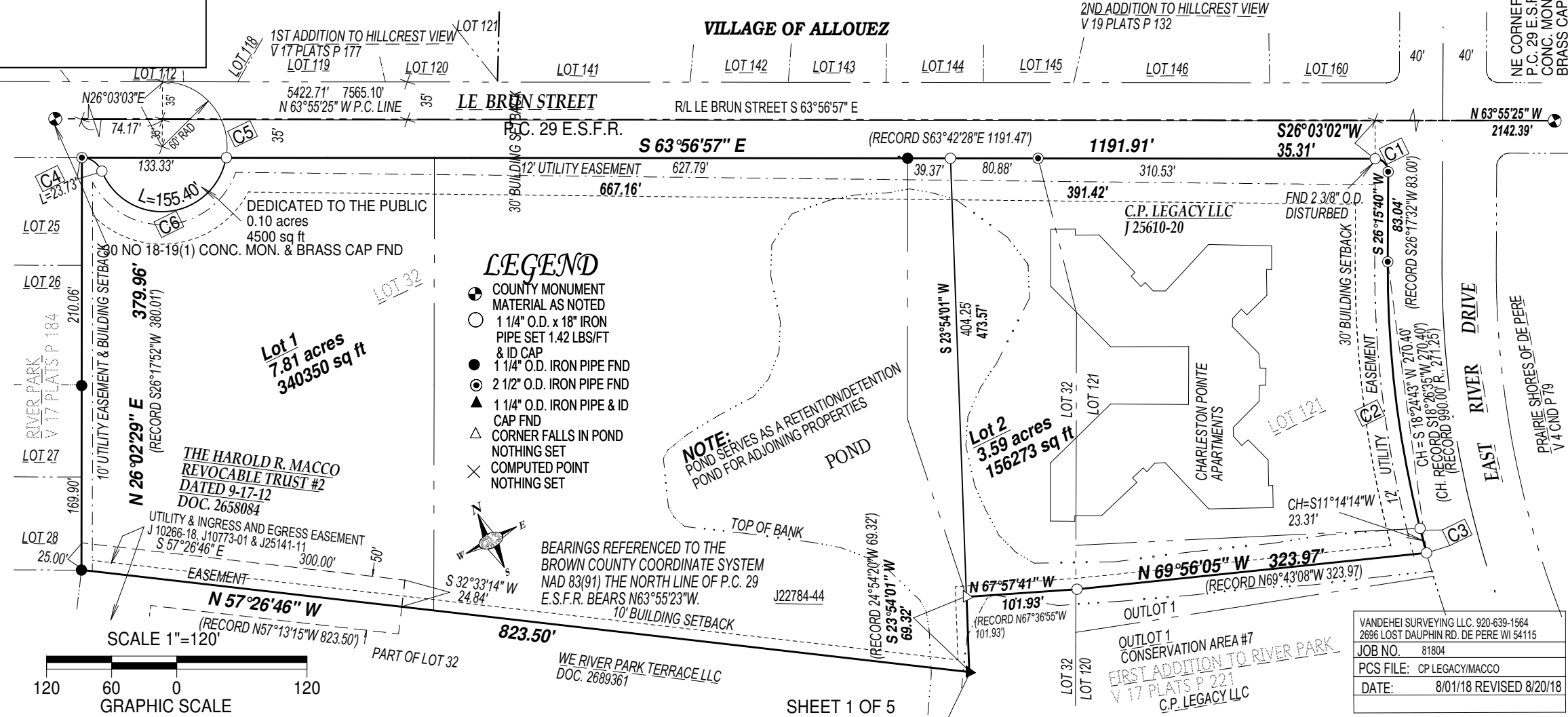
CSM Review authorized by the De Pere Municipal Code, Chapter 46.

CERTIFIED SURVEY MAP

LOT 121, PART OF OUTLOT 1 OF THE FIRST ADDITION OF RIVER PARK, VOLUME 17 PLATS PAGE 221 OF BROWN COUNTY RECORDS AND PART OF LOT 32 OF RIVER PARK, VOLUME 17 PLATS PAGE 184 OF BROWN COUNTY RECORDS ALL LOCATED IN PRIVATE CLAIM 29. EAST SIDE FOX RIVER, CITY OF DE PERE, BROWN COUNTY, WISCONSIN.

CURVE NOTES

Id	Delta	Radius	Arc Length	Chord	Ch Bear	PC Tangent	PT Tangent
C1	90°00'08"	12.00'	18.85'	16.97'	S 18°56'54" E	S 63°56'57" E	S 26°03'10" W
C2	15°41'54"	990.00'	271.25'	270.40'	S 18°24'43" W	S 26°15'40" W	S 10°33'46" W
C3	01°20'57"	990.00'	23.31'	23.31'	S 11°14'14" W	S 11°54'43" W	S 10°33'46" W
C4	67°58'53"	20.00'	23.73'	22.36'	S 29°57'31" E	S 63°56'57" E	S 04°01'56" W
C5	247°58'34"	60.00'	259.68'	99.50'	N 60°02'39" E	S 04°01'56" W	N 63°56'38" W
C6	148°23'41"	60.00'	155.40'	115.46'	S 70°09'54" E	S 04°01'56" W	N 35°38'15" E



Attachment: Preliminary REVISED CSM (7342 : Recommendation regarding a Proposed Two Lot Certified

VANDEHEI SURVEYING LLC. 920-639-1564 2696 LOST DAUPHIN RD. DE PERE WI 54115
JOB NO. 81804
PCS FILE: CP LEGACY/MACCO
DATE: 8/01/18 REVISED 8/20/18

ESA LINE TABLE 1

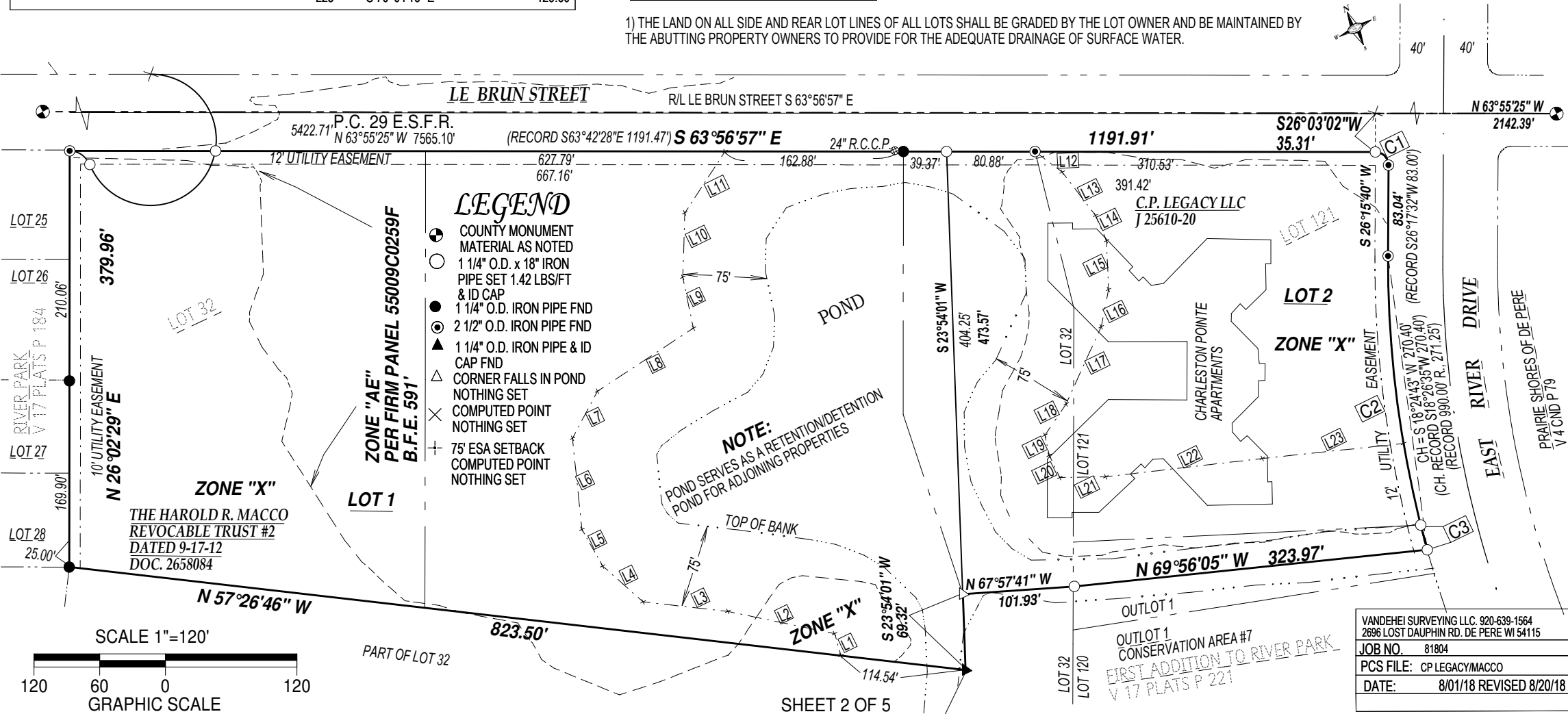
Id	Bearing	Distance			
L1	N 10°17'05" E	20.94'	L12	S 26°50'31" E	30.98'
L2	N 52°16'20" W	99.56'	L13	N 11°24'38" W	49.95'
L3	S 57°34'42" E	77.92'	L14	N 02°14'43" E	25.11'
L4	S 22°19'17" E	49.38'	L15	N 23°46'55" E	44.66'
L5	S 03°38'56" E	38.29'	L16	S 37°06'22" W	34.57'
L6	S 20°04'18" W	83.66'	L17	S 50°25'50" W	77.27'
L7	S 53°57'03" W	48.80'	L18	S 60°06'36" W	34.57'
L8	N 82°41'46" E	104.72'	L19	S 13°39'36" W	18.83'
L9	N 14°13'28" E	47.38'	L20	S 00°35'27" W	22.40'
L10	S 27°48'05" W	58.87'	L21	S 64°52'49" E	41.91'
L11	S 59°10'57" W	67.00'	L22	S 70°40'18" E	143.92'
			L23	S 70°04'16" E	129.60'

NOTES:

- 1) THE PROPERTY OWNERS, AT THE TIME OF CONSTRUCTION, SHALL IMPLEMENT THE APPROPRIATE SOIL EROSION CONTROL METHOD OUTLINED IN "WISCONSIN CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL TECHNICAL STANDARDS" (AVAILABLE FROM THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES) TO PREVENT SOIL EROSION. HOWEVER, IF AT THE TIME OF CONSTRUCTION THE VILLAGE HAS ADOPTED A SOIL EROSION CONTROL ORDINANCE IT SHALL GOVERN OVER THIS REQUIREMENT. THIS PROVISION APPLIES TO ANY GRADING, CONSTRUCTION OR INSTALLATION RELATED ACTIVITIES.
- 2) LOTS 1-2 CONTAIN AN ENVIRONMENTALLY SENSITIVE AREA (ESA) AS DEFINED IN THE BROWN COUNTY SEWAGE PLAN. THE ESA INCLUDES ALL LAND WITHIN 75 FEET OF A NAVIGABLE WATERWAY. DEVELOPEMENT AND LAND DISTURBING ACTIVITIES ARE RESTRICTED IN THE ESA UNLESS AMENDMENTS ARE APPROVED BY THE BROWN COUNTY PLANNING COMMISSION AND THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES.
- 3) LOTS 1 & 2 ARE WITHIN FLOOD ZONE AE OF FIRM # 55009C259F BASE FLOOD ELEVATION 591.00'.

RESTRICTIVE COVENANTS:

- 1) THE LAND ON ALL SIDE AND REAR LOT LINES OF ALL LOTS SHALL BE GRADED BY THE LOT OWNER AND BE MAINTAINED BY THE ABUTTING PROPERTY OWNERS TO PROVIDE FOR THE ADEQUATE DRAINAGE OF SURFACE WATER.



VANDEHEI SURVEYING LLC, 920-639-1564	
2896 LOST DAUPHIN RD. DE PERE WI 54115	
JOB NO.	81804
PCS FILE:	CP LEGACY/MACCO
DATE:	8/01/18 REVISED 8/20/18

SURVEYOR'S CERTIFICATE:

I, MICHAEL D. VANDE HEI, PROFESSIONAL LAND SURVEYOR NUMBER 2241, HEREBY CERTIFY: THAT I HAVE SURVEYED, DIVIDED AND MAPPED LOT 121, PART OF OUTLOT 1 OF THE FIRST ADDITION OF RIVER PARK, VOLUME 17 PLATS PAGE 221 OF BROWN COUNTY RECORDS AND PART OF LOT 32 OF RIVER PARK, VOLUME 17 PLATS PAGE 184 OF BROWN COUNTY RECORDS ALL LOCATED IN PRIVATE CLAIM 29. EAST SIDE FOX RIVER, CITY OF DE PERE, BROWN COUNTY, WISCONSIN DESCRIBED AS FOLLOWS..

COMMENCING AT THE NORTHEAST CORNER OF PRIVATE CLAIM 29, EAST SIDE FOX RIVER; THENCE N63°55'25"W ALONG THE NORTH LINE OF SAID PRIVATE CLAIM 29, 2142.39 FEET; THENCE S26°03'02"W, 35.31 FEET TO THE NOETH LINE OF LE BRUN STREET AND TO THE POINT OF BEGINNING; THENCE ALONG THE ARC OF A 12 FOOT RADIUS CURVE TO THE RIGHT, 18.85 FEET, THE CHORD OF WHICH BEARS S18°56'54"E, 16.97 FEET TO THE EAST LINE OF EAST RIVER DRIVE; THENCE THE FOLLOWING TWO (2) COURSES ALONG SAID EAST LINE; THENCE S26°15'40"W, 83.04 FEET; THENCE ALONG THE ARC OF A 990.00 FOOT RADIUS CURVE TO THE LEFT, 271.25 FEET, THE CHORD OF WHICH BEARS S18°24'43"W, 270.40 FEET TO THE END OF SAID COURSES; THENCE N69°56'05"W, 323.97 FEET; THENCE N67°57'41"W, 101.93 FEET; THENCE N57°26'46"W, 823.50 FEET TO THE WEST LINE OF SAID LOT 32 OF RIVER PARK; THENCE N26°02'29"E ALONG SAID WEST LINE, 379.96 FEET TO THE SOUTH LINE OF LE BRUN STREET; THENCE S63°56'57"E ALONG SAID SOUTH LINE, 1191.91 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 11.50 ACRES MORE OR LESS INCLUDING ROAD RIGHT-OF-WAY.
THE ABOVE DESCRIBED PARCEL BEING PART OF LANDS DESCRIBED IN DOCUMENT NUMBER 2658084 AND JACKET 25610 IMAGE 20 OF BROWN COUNTY RECORDS.
SAID PROPERTY SUBECT TO ALL EXCEPTIONS, RESERVATIONS, RESTRICTIONS, CONDITIONS AND EASEMENTS CONTAINED IN PRIOR CONVEYANCES OF RECORD.

I, ALSO HEREBY CERTIFY THAT THE MAP SHOWN HEREON WAS SURVEYED UNDER MY DIRECT SUPERVISION AND THAT IT IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY AND THE DIVISION OF THAT LAND, IT'S EXTERIOR BOUNDARIES, TO THE BEST OF MY KNOWLEDGE AND BELIEF.

I FURTHER CERTIFY THAT I HAVE MADE SUCH SURVEY BY THE ORDER OF C.P. LEGACY LLC, A WISCONSIN LIMITED LIABILITY COMPANY AND THE TRUSTEES OF HAROLD R. MACCO REVOCABLE TRUST #2 DATED 9-17-12, OWNERS, AND I HAVE FULLY COMPLIED WITH CHAPTER 236.34 REVISED STATUTES OF WISCONSIN, BROWN COUNTY PLANNING COMMISSION AND WITH CHAPTER 14 OF THE GENERAL ORDINANCES OF THE CITY OF DE PERE.

MICHAEL D. VANDE HEI PLS 2241 DATE _____

NOTES:

- 1) THIS CSM IS WITHIN A PLANNED DEVELOPMENT DISTRICT
- 2) LOT 1 WILL REQUIRE A PRECISE IMPLEMENTATION PLAN BEFORE DEVELOPEMENT

NOTE: "GRANT OF EASEMENT"

There is hereby granted jointly to the City of De Pere, Wisconsin, a municipal corporation, Wisconsin Public Service Corporation and the Wisconsin Bell Telephone Company, both public utilities, and their successors and assigns, a perpetual right-of-way over and across an easement in all lands designated herein as "utility easements" for purposes of construction, installation and maintenance of water distribution systems, sanitary and storm sewer, gas and electric distribution systems and cable television systems. No habitable structures or accessory buildings shall be constructed within or upon said easements. This easement shall be perpetual.

VANDEHEI SURVEYING LLC. 920-639-1564	
2696 LOST DAUPHIN RD. DE PERE WI 54115	
JOB NO.	81804
PCS FILE:	CP LEGACY/MACCO
DATE:	8/01/2018

TRUSTEE'S CERTIFICATE:

AS TRUSTEES FOR THE HAROLD R. MACCO REVOCABLE TRUST #2 DATED 9-17-12, WE CERTIFY THAT WE CAUSED THE LAND DESCRIBED ON THIS CERTIFIED SURVEY MAP TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED AS REPRESENTED HEREON. WE ALSO CERTIFY THAT THIS CERTIFIED SURVEY MAP IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: CITY OF DE PERE.

DAVE MACCO

ANN BOSSMEYER

MARK MACCO

STATE OF WISCONSIN

COUNTY

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2018,
THE ABOVE NAMED, DAVE MACCO, ANN BOSSMEYER AND MARK MACCO, TO ME KNOWN TO BE THE
SAME PERSONS
WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

NOTARY PUBLIC, _____, WISCONSIN

MY COMMISSION EXPIRES _____.

MORTGAGE HOLDER CERTIFICATE

OLD NATIONAL BANK, HOLDER OF A MORTGAGE ON THE HEREON DESCRIBED LANDS, DOES HEREBY
CONSENT TO THE SURVEYING, DIVIDING AND MAPPING AS SHOWN HEREON.

DALE BUSHMAN
OLD NATIONAL BANK REPRESENTATIVE
STATE OF WISCONSIN

COUNTY

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2018,
THE ABOVE NAMED, DALE BUSHMAN, TO ME KNOWN TO BE THE SAME PERSON WHO
EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

NOTARY PUBLIC, _____, WISCONSIN

MY COMMISSION EXPIRES _____.

Corporate Owner's Certificate:

C.P. LEGACY LLC , A CORPORATION DULY ORGANIZED AND EXISTING UNDER AND
BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, DOES HEREBY CERTIFY THAT SAID
CORPORATION CAUSED THE LAND DESCRIBED ON THIS CERTIFIED SURVEY MAP TO BE SURVEYED, DIVIDED
AND MAPPED AS REPRESENTED ON THIS SURVEY. C.P. LEGACY LLC , DOES FURTHER CERTIFY THAT THIS
PLAT IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR
OBJECTION: CITY OF DE PERE.

IN WITNESS WHEREOF, THE SAID C.P. LEGACY LLC HAS CAUSED THESE PRESENTS TO BE SIGNED BY
DAVE MACCO, ANN BOSSMEYER AND MARK MACCO, MEMBERS,
ON THIS _____ DAY OF _____, 2018.

DAVE MACCO, MEMBER
C.P. LEGACY LLC

ANN BOSSMEYER, MEMBER
C.P. LEGACY LLC

MARK MACCO, MEMBER
C.P. LEGACY LLC

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2018, THE ABOVE NAMED
MEMBERS OF SAID CORPORATION AND ACKNOWLEDGED THAT THEY EXECUTED THE FOREGOING
INSTRUMENT AS SUCH MEMBER AS THE DEED OF SAID CORPORATION, BY IT'S AUTHORITY.

NOTARY PUBLIC, _____, WISCONSIN

MY COMMISSION EXPIRES _____.

STATE OF WISCONSIN}
 } SS
COUNTY OF BROWN}

VANDEHEI SURVEYING LLC. 920-639-1564	
2696 LOST DAUPHIN RD. DE PERE WI 54115	
JOB NO.	81804
PCS FILE:	CP LEGACY/MACCO
DATE:	8/01/2018

CERTIFICATION OF THE CITY OF DE PERE:

APPROVED BY THE COMMON COUNCIL OF THE CITY OF DE PERE THIS _____ DAY OF _____, 2018.

SHANA D. LEDVINA
CLERK-TREASURER
CITY OF DE PERE

DATE

TREASURER'S CERTIFICATE:

I, PAUL D. ZELLER BEING THE DULY ELECTED, QUALIFIED TREASURERS OF BROWN COUNTY, WISCONSIN, RESPECTIVELY DO HEREBY CERTIFY THAT ACCORDING TO THE RECORDS IN OUR OFFICES SHOW NO UNREDEEMED TAXES AND NO OR UNPAID SPECIAL ASSESSMENTS AFFECTING ANY OF THE LANDS INCLUDED IN THIS CERTIFIED SURVEY MAP AS OF THE DATE LISTED BELOW.

PAUL D. ZELLER, BROWN COUNTY TREASURER

DATE

VANDEHEI SURVEYING LLC. 920-639-1564	
2696 LOST DAUPHIN RD. DE PERE WI 54115	
JOB NO.	81804
PCS FILE: CP LEGACY/MACCO	
DATE:	8/01/18 REVISED 8/20/18

City of De Pere, Wisconsin

**Request For Plan Commission Action**

MEETING DATE: August 27, 2018

DEPARTMENT: Planning

FROM: Peter Schleinz

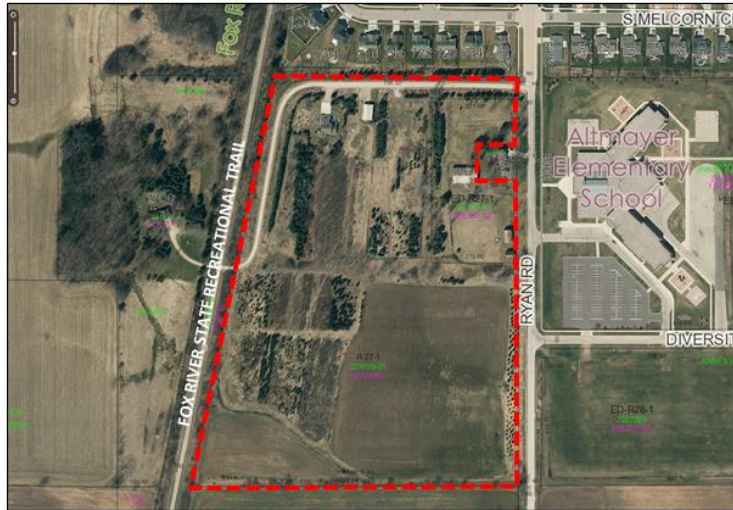
SUBJECT: Recommendation regarding a rezoning request from Temporary R-1 (Single Family Residence District) to R-1, R-2 (Single and Two-Family Residence District), R-3 (Multiple Family Residence District) and Conservancy District, at 2674 Ryan Road (Parcels ED-R27-1 & ED-R27-2). Submitted by Steven M. Bieda, PLS, Mau & Associates LLP, authorized representative for Basig Investors LLC, property owner.*

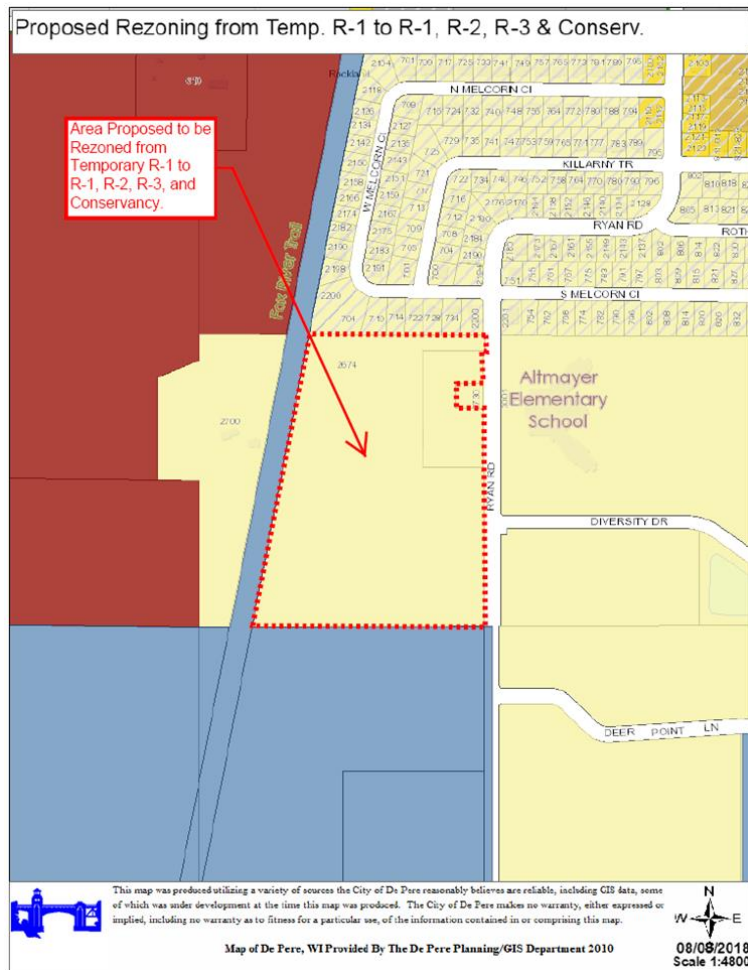
ATTACHMENTS:

- Report to Plan Commission - Rezoning ED-R27-1 & ED-R27-1 from Temp R-1 to R-1, R-2, R-3 & Conservancy (DOCX)
- Application Form (PDF)
- Rezoning Map - Proposed Rezoning (PDF)
- Pine_Trail_Crossing_080618 (PDF)
- rezone legals (DOCX)

- Item 6: Recommendation regarding a rezoning request from Temporary R-1 (Single Family Residence District) to R-1, R-2 (Single and Two-Family Residence District), R-3 (Multiple Family Residence District) and Conservancy District, at 2674 Ryan Road (Parcels ED-R27-1 & ED-R27-2). Submitted by Steven M. Bieda, PLS, Mau & Associates LLP, authorized representative for Basig Investors LLC, property owner.*

SITE MAPS







REQUESTED ACTION: Rezoning Request.

Rezone Parcels ED-R27-1 & ED-R27-2 from Temporary R-1 (Single Family Residence District) to R-1, R-2 (Single and Two-Family Residence District), R-3 (Multiple Family Residence District) and Conservancy District.

COMMON DESCRIPTION: 715 N. Eighth Street, and 806-814 Ash Street, located northwest from the Ash Street and N. Eighth Street intersection.

PARCEL NUMBERS:	ED-R27-1 & ED-R27-2	
EXISTING ZONING:	Temporary R-1 (Single Family Residential District) <i>The temporary zoning category was assigned when the property was annexed by Common Council on January 16, 2018. Permanent zoning categories are assigned at a later date when development is proposed.</i>	
PROPOSED ZONING:	Proposed 'Pine Trail Crossing Plat' Lots 1-21, 23-28, and 31 changing from Temporary R-1 to R-1 Proposed 'Pine Trail Crossing Plat' Lots 22, 29, 30, and 60 changing from Temporary R-1 to R-2 Proposed 'Pine Trail Crossing Plat' Lot 61 changing from Temporary R-1 to R-3 Proposed 'Pine Trail Crossing Plat' Outlot 1 changing from Temporary R-1 to Conservancy	
SURROUNDING LAND USES:	Residential to the north (Trailside Subdivision). Agricultural and natural areas to the south and west (Fox River State Recreational Trail is directly west). Altmayer Elementary School to the east.	
COMPREHENSIVE PLAN:	Commercial and Neighborhood Residential (Including Multi-Family)	
APPLICANT / OWNER:	Steven M. Bieda, RLS Authorized Representative Mau & Associates LLP 400 Security BLVD Green Bay, WI 54313	Basig Investors LLC Property Owner 320 Main Avenue, Suite 320 De Pere, WI 54115
SITE HISTORY:	After a review of air photographs, the property and nearby areas were used for agricultural purposes, but have been transitioning to residential and educational uses at the northern and eastern borders. The site is immediately to the east of the Fox River State Recreational Trail, which is a former rail line. On January 16, 2018 the property was annexed in to the City of de Pere from Rockland. At that time the property was zoned Temporary R-1. On May 1, 2018, Common Council approved the preliminary plat of Pine Trail Crossing, which covers the property. On July 3, 2018, common Council approved the final plat. The plat proposed 56 single family residential lots, four duplex lots, one multi-family lot and one outlot that provides public access to the Fox River State Recreational Trail. The 2010 Comprehensive Plan identified future land uses as Neighborhood Residential (Including Multi-Family). The property is located within the 10 year growth area identified by the Future Land Use Map.	
STAFF REVIEW:	With this request, the applicant proposes rezoning of Parcels ED-R27-1 and ED-R27-2 from Temporary R-1 to R-1, R-2, R-3, and Conservancy for future residential development. Specifically, the applicant proposes rezoning of the	

following lots from the Common Council approved Pine Trail Crossing Plat:

- Proposed Lots 1-21, 23-28, and 31 changing from Temporary R-1 to R-1
- Proposed Lots 22, 29, 30, and 60 changing from Temporary R-1 to R-2
- Proposed Lot 61 changing from Temporary R-1 to R-3
- Proposed Outlot 1 changing from Temporary R-1 to Conservancy

When reviewing a rezoning request, staff considers the future land use recommendation of the Comprehensive Plan, surrounding land uses and desired development patterns. The proposed rezoning complies with the Comprehensive Plan and surrounding land uses, including matching adjacent existing uses.

Comprehensive Plan—

The Comprehensive Plan specifically recommends new neighborhood residential development between CTH PP and the Fox River State Recreational Trail to Old Martin Road, which is where the property is located. The Comprehensive Plan Future Land Use Map identifies the property as Neighborhood Residential (Including Multi-Family). The Existing Land Use Map from 2009 did not identify any existing land uses as the property was located in the Town of Rockland at that time.

Surrounding Land Uses—

The land use to the north is developed residential (Trailside Estates Subdivision). The land use to the east is educational (Altmayer Elementary School). The land to the west includes a residence, agricultural uses, and the Fox River State Recreational Trail. The land to the south is agricultural.

Desired Development Patterns—

Changing to the proposed zoning categories does not stray away from the 'new neighborhood residential development' recommendations of the City's Comprehensive Plan. The residential development is adjacent to both a school and a recreational trail. The development provided a dedicated outlot that provides public pedestrian access between the trail and the right-of-way. The zoning categories properly match the proposed uses for the lots of the Pine Trail Crossing Plat. The lot sizes are very similar to the single-family home lots located to the north in Trailside Estates.

If this rezoning petition is approved, the zoning that was utilized during the annexation of the property will no longer be temporary.

All City of De Pere property owners within 300 feet of the subject area and the Town of Rockland Clerk have been notified of this application. Comments were received from two property owners. One owner wanted Lot 22 to be zoned R-1 instead of R-2; One owner objected to Lot 61 being zoned R-3.

REVIEW PROCESS:

For rezoning applications, the Plan Commission provides a recommendation to the Common Council. A public hearing will be held at the September 18, 2018 Common Council meeting prior to review of the rezoning by the Common Council. Project notification letters have been sent to property owners within 300 feet of the site boundary.

STAFF RECOMMENDATION: Staff recommends APPROVAL of the rezoning request, subject to the following:

1. Meets all state and local regulations.

CITY OF DE PERE
RECEIVED
FEB 12 2018
PLANNING DEPT.

6.b

	CITY OF DE PERE APPLICATION FOR REZONING	Fee: \$ 305.00
		Receipt #: 129459
		Date: 2-12-18

Read all instructions provided before completing. If additional space is needed, attach additional pages. Type or use black ink.

SECTION 1: Applicant / Permittee Information

Applicant Name (Ind., Org. or Entity) AGG LLC	Authorized Representative Steve Bieda	Title Managing Partner-Mau & Associate	
Mailing Address 400 Security Blvd	City De Pere	State WI	ZIP Code 54313
Email Address sbieda@mau-associates.com	Phone Number (incl. area code)	Fax Number (incl. area code)	

SECTION 2: Landowner Information (complete these fields when project site owner is different than applicant)

Name (Ind. Org. or Entity) Michael Mushinski	Contact Person Basil Investors LLC	Title	
Mailing Address 2674 Ryan Road	City De Pere	State WI	ZIP Code 54115
Email Address Suite 300	Phone Number (incl. area code)	Fax Number (incl. area code)	

SECTION 3: Project or Site Location

Project Address/Description Ryan Road	Parcel Number(s): ED-R27-1, R-27-1
--	---

SECTION 4: Proposed Rezoning Use

Existing Zoning:	R-1 Single Family		
Proposed Zoning:	R-1 Single Family and Multi-Family		
Adjacent Zoning: North R-1 Single Family	Adjacent Zoning: South NPWLI (Town of Rockland)	Adjacent Zoning: West R-1 Single Family	Adjacent Zoning: East R-1 Single Family
Present Use of Parcel	residential		
Proposed Use of Parcel	Proposed subdivision		

SECTION 5: Certification and Permission

Certification: I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this Permit Application. I certify that the information contained in this form and attachments is true and accurate. I certify that the project will be in compliance with all permit conditions. I understand that failure to comply with any or all of the provisions of the permit may result in permit revocation and a fine and/or forfeiture under the provisions of applicable laws.

Permission: I hereby give the City permission to enter and inspect the property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.

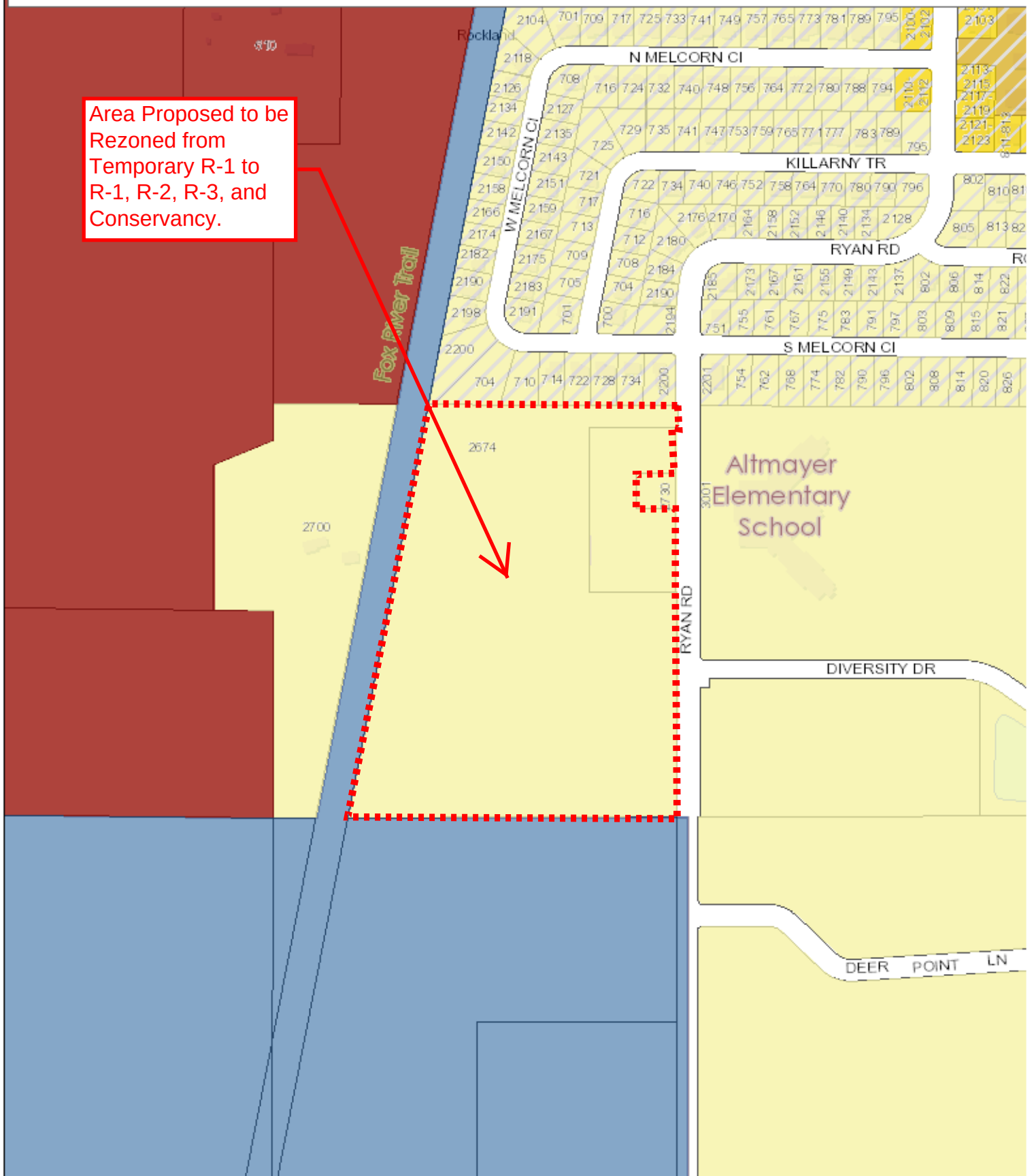
Name of Owner/Authorized Representative (please print) Steve Bieda	Title Managing Partner	Phone Number 920-434-9670
Signature of Applicant 		Date Signed 2/12/18

Attached additional sheets if necessary.

Attachment: Application Form (7343 : Recommendation regarding a rezoning request from Temporary R-1 (Single Family Residence District) to)

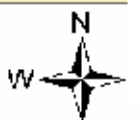
Proposed Rezoning from Temp. R-1 to R-1, R-2, R-3 & Conserv.

Area Proposed to be
Rezoned from
Temporary R-1 to
R-1, R-2, R-3, and
Conservancy.



This map was produced utilizing a variety of sources the City of De Pere reasonably believes are reliable, including GIS data, some of which was under development at the time this map was produced. The City of De Pere makes no warranty, either expressed or implied, including no warranty as to fitness for a particular use, of the information contained in or comprising this map.

Map of De Pere, WI Provided By The De Pere Planning/GIS Department 2010



08/08/2018

Packet Pg. 69

Pine Trail Crossing

FOX RIVER STATE TRAIL

Scarlet Oak Circle

Scarlet Oak Circle

Ryan Road

Diversity Drive

Diversity Drive

Scarlet Oak Road

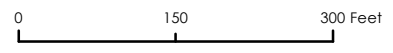
Deer Point Ln

Proposed Zoning Districts

Zoning Codes

- Single Family Residence (R-1)
- Single & Two Family Residence (R-2)
- Multiple Family Residence (R-3)
- Conservancy

Parcel Boundaries



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Attachment: Pine_Trail_Crossing_080618 (7343 : Recommendation regarding a rezoning request from Temporary R-1 (Single Family Residence

R-1 Zoning

All of Lot 1, Volume 58, Certified Survey Maps, Page 138, Map No. 8308, Document No. 2624629, Brown County Records and part of the Southwest 1/4 of the Northwest 1/4 of Section 3, T22N-R20E, City of De Pere, Brown County, Wisconsin, more fully described as follows:

Commencing at the West 1/4 Corner of Section 3, T22N-R20E; thence N89°50'41"E, 237.51 feet along the South line of the Southwest 1/4 of the Northwest 1/4 of said Section 3 to the point of beginning; thence continuing N89°50'41"E, 336.36 feet along said South line; thence N11°00'18"E, 329.32 feet; thence S78°59'42"E, 77.98 feet; thence S89°57'12"E, 458.30 feet; thence N0°04'47"E, 194.91 feet; thence N90°00'00"W, 160.00 feet; thence N0°04'47"E, 110.00 feet; thence N90°00'00"E, 135.00 feet; thence N0°04'47"E, 10.27 feet; thence N90°00'00"E, 135.00 feet; thence N0°04'47"E, 359.98 feet along the West right of way of Ryan Road; thence N89°45'02"W, 125.00 feet along the South line of Lot 2, Volume 58, Certified Survey Maps, Page 138, Map No. 8308, Document No. 2624629, Brown County Records; thence N0°04'47"E, 115.00 feet along the West line of said Lot 2; thence N22°20'55"W, 26.21 feet; thence N0°04'47"E, 83.37 feet; thence S89°45'02"E, 135.00 feet; thence N0°04'47"E, 108.00 feet; thence N89°45'02"W, 789.15 feet; thence S11°00'18"W, 768.36 feet along the East right of way of the Fox River State Trail; thence S78°59'42"E, 135.00 feet; thence S11°00'18"W, 30.00 feet; thence N78°59'42"W, 135.00 feet; thence S11°00'18"W, 544.42 feet along said East right of way to the point of beginning.

Parcel contains 910,977 square feet / 20.91 acres more or less.

R-2 Zoning

Part of Lot 1, Volume 58, Certified Survey Maps, Page 138, Map No. 8308, Document No. 2624629, Brown County Records and part of the Southwest 1/4 of the Northwest 1/4 of Section 3, T22N-R20E, City of De Pere, Brown County, Wisconsin, more fully described as follows:

Commencing at the West 1/4 Corner of Section 3, T22N-R20E; thence N89°50'41"E, 1281.15 feet along the South line of the Southwest 1/4 of the Northwest 1/4 of said Section 3; thence N0°04'47"E, 306.00 feet along the West right of way of Ryan Road to the point of beginning; thence continuing N0°04'47"E, 897.82 feet along said West right of way; thence N89°45'02"W, 135.00 feet; thence S0°04'47"W, 83.37 feet; thence S22°20'55"E, 26.21 feet; thence S89°45'02"E, 125.00 feet; thence S0°04'47"W, 474.98 feet along said West right of way; thence N90°00'00"W, 135.00 feet; thence S0°04'47"W, 10.27 feet; thence N90°00'00"W, 135.00 feet; thence S0°04'47"W, 110.00 feet; thence N90°00'00"E, 160.00 feet; thence S0°04'47"W, 194.91 feet; thence S89°57'12"E, 110.00 feet to the point of beginning.

Parcel contains 66,933 square feet / 1.54 acres more or less.

R-3 Zoning

Part of the Southwest 1/4 of the Northwest 1/4 of Section 3, T22N-R20E, City of De Pere, Brown County, Wisconsin, more fully described as follows:

Commencing at the West 1/4 Corner of Section 3, T22N-R20E; thence N89°50'41"E, 573.87 feet along the South line of the Southwest 1/4 of the Northwest 1/4 of said Section 3 to the point of beginning; thence continuing S89°50'41"W, 707.29 feet along said South line; thence N0°04'47"E, 306.00 feet along the West right of way of Ryan Road; thence N89°57'12"W, 568.30 feet; thence N78°59'42"W, 77.98 feet; thence S11°00'18"W, 329.32 feet to the point of beginning.

Parcel contains 208,707 square feet / 4.79 acres more or less.

Conservancy Zoning

Part of the Southwest 1/4 of the Northwest 1/4 of Section 3, T22N-R20E, City of De Pere, Brown County, Wisconsin, more fully described as follows:

Commencing at the West 1/4 Corner of Section 3, T22N-R20E; thence N89°50'41"E, 237.50 feet along the South line of the Southwest 1/4 of the Northwest 1/4 of said Section 3; thence N11°00'18"E, 544.42 feet along the East right of way of the Fox River State Trail to the point of beginning; thence S78°59'42"E, 135.00 feet; thence N11°00'18"E, 30.00 feet; thence N78°59'42"W, 135.00 feet; thence S11°00'18"W, 30.00 feet along said East right of way to the point of beginning.

Parcel contains 4,050 square feet / 0.09 acres more or less.

City of De Pere, Wisconsin



Request For Plan Commission Action

MEETING DATE: August 27, 2018

DEPARTMENT: Planning

FROM: Peter Schleinz

SUBJECT: Recommendation regarding a rezoning request from B-3 (Motor Vehicle Dependent Business District) to B-2 (General Business District) at 1081 N. Broadway Street (Parcel ED-1128-E-1-3). Submitted by David Hongisto, SISU Properties LLC, authorized representative for Nulund Group II LLC, property owner.*

ATTACHMENTS:

- Report to Plan Commission - Rezoning ED-1128-E-1-3 from B3 to B-2 (DOCX)
- Application Form (PDF)
- Rezoning Map - Rezoning with entire parcel (PDF)
- The De Pere Brick Yard Narrative & Concept Sketch (PDF)

- Item 7:** Recommendation regarding a rezoning request from B-3 (Motor Vehicle Dependent Business District) to B-2 (General Business District) at 1081 N. Broadway Street (Parcel ED-1128-E-1-3). Submitted by David Hongisto, SISU Properties LLC, authorized representative for Nulund Group II LLC, property owner.*

SITE MAP



REQUESTED ACTION: Rezoning Request.

Rezone Parcel ED-1128-E-1-3 from B-3 (Motor Vehicle Dependent Business District) to B-2 (General Business District).

COMMON DESCRIPTION: 1081 N. Broadway Street (STH 57), located at the north City limits. Adjacent to the Village of Allouez and adjacent to the Fox Point Boat Launch.

PARCEL NUMBER(S):	ED-1128-E-1-3	
EXISTING ZONING:	B-3 (Motor Vehicle Dependent Business District)	
PROPOSED ZONING:	B-2 (General Business District)	
SURROUNDING LAND USES:	Commercial to the north. Recreational and commercial to the south. State highway, religious and residential to the east. Recreational to the west.	
COMPREHENSIVE PLAN:	Commercial	
APPLICANT / OWNER:	David Hongisto Authorized Representative SISU Properties LLC 111 N. Broadway, Suite B Green Bay, WI 54303	Nulund Group II LLC Property Owner 111 N. Broadway, Suite B Green Bay, WI 54303
SITE HISTORY:	Year 1938-2017 air photographs identify a variety of commercial and industrial type uses on and near the property. Most recently the property has been used as a Dairy Queen, which was upgraded in 2017. The property is zoned B-3 and also the same location where Plan Commission, on August 27, 2018 will review a conditional use permit to allow the following: • Residential uses on the second floor of a proposed new building • The continued use of an existing drive-in window for the Dairy Queen The 2010 Comprehensive Plan identified both the existing and future land uses as Commercial.	
STAFF REVIEW:	With this request, the applicant proposes rezoning of Parcel ED-1128-E-1-3 from B-3 to B-2 for future commercial development. Specifically, the applicant proposes the rezoning in order to develop a two story mixed use building at the west end of the property with commercial on the first floor and residential on the second floor. The existing Dairy Queen restaurant use will remain. If the rezoning is approved and the development occurs, the residential use will require a conditional use permit, which is proposed to be reviewed by the Plan Commission on August 27, 2018. The drive-in window use on the Dairy Queen restaurant will be allowed to continue as an existing non-conforming use, however, the petitioner will also be requesting a conditional use permit for the drive-in. When reviewing a rezoning request, staff considers the future land use recommendation of the Comprehensive Plan, surrounding land uses and desired development patterns. The proposed rezoning complies with the Comprehensive Plan and surrounding land uses, including matching adjacent existing uses.	

Comprehensive Plan—

The Comprehensive Plan specifically identifies mixed-use neighborhood

commercial nodes for the property but the City has recent residential developments that are occurring along N. Broadway Street, near the Fox River State Recreational Trail. The Comprehensive Plan Future Land Use Map identifies the property as Commercial. The Existing Land Use Map from 2009 identifies the use as Commercial.

Surrounding Land Uses—

The land uses to the north is commercial, located within the village of Allouez. The land use to the south is recreational and commercial, being the entry drive for a boat launch and a gas station/convenience store, zoned R-3. The land use to the east is state highway, religious and residential, located within the Village of Allouez. The land use to the west is recreational, being a boat launch and the Fox River State Recreational Trail, zoned R-3.

Desired Development Patterns—

Changing to the proposed zoning categories does not stray away from the commercial recommendations of the City's Comprehensive Plan. The proposal does add the element of residential, which is a desired feature near the Fox River State Recreational Trail. Although, the proposed development is something that City staff would like to see, there are some details, unrelated to the specific zoning request that have yet to be worked out related to the development, including parking needs, landscaping, etc. The property today is almost entirely paved along Broadway Avenue. The proposed building would remove most of the green area on the property. Additional landscape areas near Broadway are possible without negatively impacting driving patterns and would help soften the appearance of the site from the street without diminishing views of the Dairy Queen business. This, and other detailed items, like architectural style and materials, are anticipated to be reviewed in more detail during the site plan review process.

All City of De Pere property owners within 300 feet of the subject area, the Village of Allouez Clerk, and the Village of Allouez Planning & Zoning Administrator have been notified of this application. No public comments have been received regarding the petition.

REVIEW PROCESS:

For rezoning applications, the Plan Commission provides a recommendation to the Common Council. A public hearing will be held at the September 18, 2018 Common Council meeting prior to review of the rezoning by the Common Council. Project notification letters have been sent to property owners within 300 feet of the site boundary.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the rezoning request, subject to the following:

1. Meets all state and local regulations.
2. Successful site plan review for the proposed building that includes detailed analysis of site improvements and building elevations in order to ensure that future development is of high quality.



CITY OF DE PERE
APPLICATION FOR
REZONING

RECEIVED

AUG 23 2018

PLANNING DEPT.

Fee: \$ 305.00
 135514
 Receipt #: ~~129459~~
 Date: 8-15-18

Read all instructions provided before completing. If additional space is needed, attach additional pages. Type or use black ink.

SECTION 1: Applicant / Permittee Information

Applicant Name (Ind., Org. or Entity) <i>Nulund Group LLC</i>	Authorized Representative <i>Dave Hongisto</i>	Title <i>Consultant</i>	
Mailing Address <i>111 N. Broadway Ste B</i>	City <i>Green Bay</i>	State <i>WI</i>	ZIP Code <i>54303</i>
Email Address <i>sodie5141@gmail.com</i>	Phone Number (incl. area code) <i>(920) 655-8457</i>	Fax Number (incl. area code)	

SECTION 2: Landowner Information (complete these fields when project site owner is different than applicant)

Name (Ind. Org. or Entity)	Contact Person	Title	
Mailing Address	City	State	ZIP Code
Email Address	Phone Number (incl. area code)	Fax Number (incl. area code)	

SECTION 3: Project or Site Location

Project Address/Description <i>1081 N. Broadway Street</i>	Parcel Number(s): <i>ED-1128-E-1-3</i>
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SECTION 4: Proposed Rezoning Use

Existing Zoning: <i>B-3, Motor Vehicle Dependent Business District</i>	Proposed Zoning: <i>B-2, General Business District</i>		
Adjacent Zoning: North <i>Village of Allouez</i>	Adjacent Zoning: South <i>B-3 & B-2</i>	Adjacent Zoning: West <i>B-3</i>	Adjacent Zoning: East <i>Village of Allouez</i>
Present Use of Parcel <i>Dairy Queen</i>	Proposed Use of Parcel <i>Dairy Queen and mixed use 2 story building - Commercial / 4 apartments</i>		

SECTION 5: Certification and Permission

Certification: I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this Permit Application. I certify that the information contained in this form and attachments is true and accurate. I certify that the project will be in compliance with all permit conditions. I understand that failure to comply with any or all of the provisions of the permit may result in permit revocation and a fine and/or forfeiture under the provisions of applicable laws.

Permission: I hereby give the City permission to enter and inspect the property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.

Name of Owner/Authorized Representative (please print) <i>David R. Hongisto</i>	Title <i>Consultant</i>	Phone Number <i>(920) 676-3225</i>
Signature of Applicant <i>David R. Hongisto</i>		Date Signed <i>8-22-18</i>

Attached additional sheets if necessary.

[Handwritten signature]

Attachment: Application Form (7346 : Recommendation regarding a rezoning request from B-3 (Motor Vehicle Dependent Business District) to)

Proposed Rezoning from B-3 to B-2 with Res. Conditional Use

Fox
Point
Boat
Landing

Property proposed to be
Rezoned from B-3 to B-2
with a proposed
Residential Conditional Use
& Drive-In Conditional Use.

Village of Allouez

1081

City of De Pere

1063

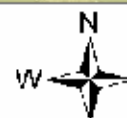
Village of Allouez

City of De Pere



This map was produced utilizing a variety of sources the City of De Pere reasonably believes are reliable, including GIS data, some of which was under development at the time this map was produced. The City of De Pere makes no warranty, either expressed or implied, including no warranty as to fitness for a particular use, of the information contained in or comprising this map.

Map of De Pere, WI Provided By The De Pere Planning/GIS Department 2010



08/16/2018

Packet Pg. 78

Attachment: Rezoning Map - Rezoning with entire parcel (7346 : Recommendation regarding a rezoning request from B-3 (Motor Vehicle

SISU Properties, LLC
1165 Meadow View Lane
De Pere, WI 54115

August 10, 2018

Peter Schleinz, Senior Planner
City of De Pere
335 S. Broadway
De Pere, WI 54115

RE: The De Pere Brick Yard

Hi Peter,

This is written as a follow up to our meeting regarding the proposed structure that will be constructed on the west side of Dairy Queen located at 1081 N. Broadway. This building will have office space on the first floor level with 4 high quality two bedroom residential units on the second floor which will capitalize on the view of the Fox River, the boat launch, adjacent businesses and the convenient access to the Fox River Trail. It is also being designed to help preserve an integral part of the history of De Pere. I have been retained by the owner (The Nulund Group) to obtain the appropriate approvals necessary to commence construction prior to the onset of frost. The following submittals are being done concurrently to initiate this process:

- 1) Mach IV Engineering & Surveying LLC has prepared a certified survey map (CSM) to divide the property into two (2) tax parcels. (See enclosed proposed certified survey map.) Note that lot # 2 has been surveyed to meet the size requirements of the B-2, General Business District. (See item #2 below).

Since there will be shared ingress/egress access and internal vehicular circulation between Dairy Queen clients and the new building occupants I request that a condition on the approval of the proposed certified survey map include the following language being added on the CSM.

"The granting of shared ingress/egress access of all three (3) driveways and internal vehicular circulation easements shall be perpetually binding on the owners of lot 1 and lot 2 and inure to the benefit of the heirs, successors and assigns of all parties thereto."

- 2) The current zoning of the Dairy Queen parcel is B-3, Motor Vehicle Dependent Business District. The new building does not fit into the list of either permitted or conditional uses in the B-3 District. If the entire parcel were to be re-zoned to B-2, Dairy Queen would then become a non-conforming use. To make both parcels conforming uses with respect to the City of De Pere Zoning Code I hereby petition to rezone lot #2 in the abovementioned CSM from B-3 to B-2. (Please see enclosed rezoning application).
- 3) To allow for the four (4) dwelling units it is necessary to request a conditional use permit to allow for dwelling units on the second floor in the new B-2 zoning classification. (Please see enclosed conditional use application). I have also enclosed the conceptual layout of the site for the Plan Commission, Common Council and yourself to review and visualize the layout. 45 degree angle parking will service the

1st floor and eight (8) code complying parking stalls on the south west end of lot #1 will be provided for the occupants of the dwelling units. An agreement is being drafted designating use of the parking stalls on lot #1 and lot#2. Further specific parking details will be submitted later during the site review process.

This conditional use will not be detrimental to endanger the public health, safety, morals, comfort or general welfare of the community. It will not be injurious to the use of other property in the immediate vicinity and will actually enhance property values in the neighborhood. The existing driveways which have been in existence for years will not create congestion for the proposed new building. The conditional use will comply with all applicable regulations.

For your information I am currently working with the City of De Pere Public Works Department for the extension of a 10" water main on N. Broadway and a lateral that will traverse through the seven (7)' wide leg of the new CSM to service the new building. Landscaping will enhance this strip once the lateral is installed. The Dairy Queen lot will be resurfaced near the end of October. I am also working with the Public Works Directors from the City of De Pere and the Village of Allouez to obtain an intergovernmental agreement that would allow the new building's sanitary lateral to cross the municipal boundary line and discharge into the Village's main sanitary sewer line.

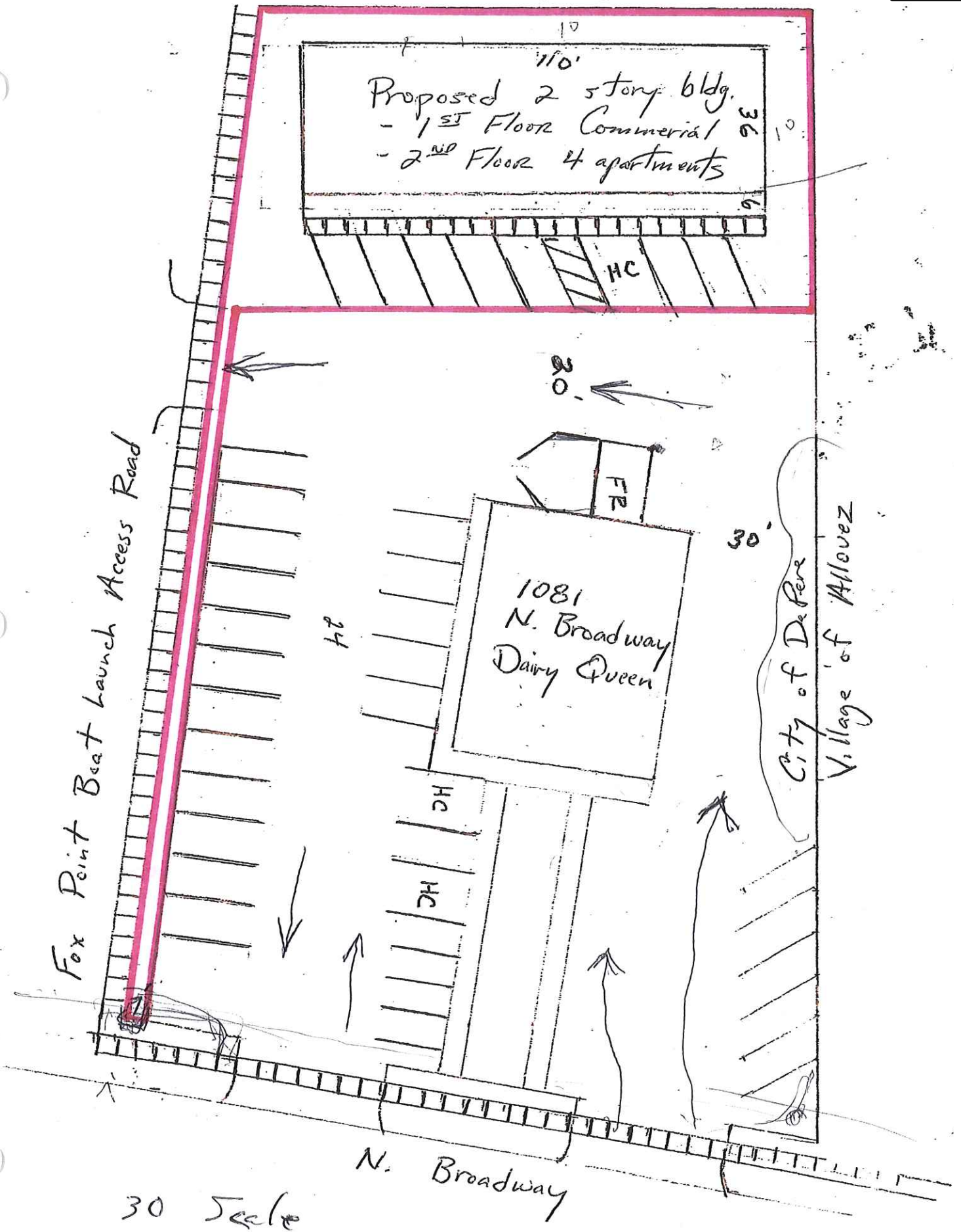
It's my client's desire to obtain final approval of the CSM and both the rezoning and conditional use permits before going through with further surveying/engineering expenses along with architectural fees related to the development. A finalized site plan will be immediately submitted for review and approval shortly after these approvals. Please place the CSM, rezoning application and conditional use application on the August 27th agenda of the Plan Commission.

I am confident that the new structure will be an attractive addition to the City of De Pere while adding additional commercial and residential space. Feel free to contact me at (920) 676-3225 if you have any questions. Thank you in advance for your timely cooperation.

Respectfully,



David R. Hongisto
SISU Properties LLC



City of De Pere, Wisconsin

**Request For Plan Commission Action**

MEETING DATE: August 27, 2018

DEPARTMENT: Planning

FROM: Peter Schleinz

SUBJECT: Review and recommendation for a Conditional Use Permit application for a proposed new commercial building to have four residential units on the second floor and for an existing restaurant to continue to use a drive-in window at 1081 N. Broadway Street (Parcel ED-1128-E-1-3) where the zoning district that is proposed to be rezoned from B-3 to B-2. Submitted by David Hongisto, SISU Properties LLC, authorized representative for Nulund Group II LLC, property owner.*

ATTACHMENTS:

- Residential on 2nd Floor in B-2 & Drive-In Conditional Use - Plan Commission Report 05-29-2018 (DOCX)
- Application Forms (PDF)
- Rezoning Map - Rezoning with entire parcel (PDF)
- The De Pere Brick Yard Narrative & Concept Sketch (PDF)

- ITEM 8:** Review and recommendation for a Conditional Use Permit application for a proposed new commercial building to have four residential units on the second floor and for an existing restaurant to continue to use a drive-in window at 1081 N. Broadway Street (Parcel ED-1128-E-1-3) where the zoning district that is proposed to be rezoned from B-3 to B-2. Submitted by David Hongisto, SISU Properties LLC, authorized representative for Nulund Group II LLC, property owner.*

PROPOSED CONDITIONAL USE PERMIT LOCATION



REQUESTED ACTION: Conditional Use Permit Approval.

Allow four units of residential on the second floor of a new commercial building, proposed west from Dairy Queen. Also, allow at the continued use of a drive-in window at the Dairy Queen if zoning changes to B-2.

COMMON DESCRIPTION: 1081 N. Broadway Street (STH 57), located at the north City limits. Adjacent to the Village of Allouez and adjacent to the Fox Point Boat Launch.

PARCEL NUMBER(S): ED-1128-E-1-3

EXISTING ZONING: B-3 (Motor Vehicle Dependent Business District)

PROPOSED ZONING: B-2 (General Business District)

Rezoning to be reviewed by Plan Commission on August 27, 2018.

APPLICANT / OWNER:	David Hongisto Authorized Representative SISU Properties LLC 111 N. Broadway, Suite B Green Bay, WI 54303	Nulund Group II LLC Property Owner 111 N. Broadway, Suite B Green Bay, WI 54303
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SITE HISTORY: Year 1938-2017 air photographs identify a variety of commercial and industrial type uses on and near the property. Most recently the property has been used as a Dairy Queen, which was upgraded in 2017.

The property is zoned B-3 and also the same location where Plan Commission, on August 27, 2018 will review a rezoning from B-3 to B-2.

The 2010 Comprehensive Plan identified both the existing and future land uses as Commercial.

The applicant has submitted a Conditional Use Permit request to allow two uses on the property:

- Residential uses on the second floor of a proposed new building
- The continued use of an existing drive-in window for the Dairy Queen

STAFF REVIEW: A document, written by the petitioner to summarize their conditional use submittal requirements is attached to this report. The petitioner plans on developing a two story 7,920 (gross) square foot structure (3,960 square feet per floor) with commercial uses on the first floor and four residential unit uses on the second floor.

In order for a conditional use to be recommended by the Plan Commission, the following standards must be addressed, per Municipal Code 14-30(5):

- a) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
- b) That the conditional use will not be injurious to the use and enjoyment of other property in the orderly development and improvement in the immediate vicinity for the purposes already permitted nor substantially diminish or impair property values

within the neighborhood;

- c) That adequate facilities, access roads, drainage, and/or necessary facilities have been or are being provided;
- d) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
- e) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Council pursuant to the recommendations of the Plan Commission.

The following are staff findings related to the above standards for the residential use portion of the request:

- The proposed uses for the proposed new two story building are commercial on the first floor and four units of residential on the second floor. The parcel is proposed to be rezoned from B-3 to B-2. If rezoning is successful then “dwelling units and rooming units above ground level” may be allowed with a conditional use permit, per Municipal Codes 14-44(2)(a)(1) and 14-43(2)(s)(9). The proposed commercial businesses are unknown at this time but the number of residential units is known to be four. Mixed development along N. Broadway, particularly in areas with access to the Fox River State Recreational Trail is desirable.
- The proposed B-2 rezoning properly accommodates commercial uses on the first floor. The proposed B-2 zoning will accommodate residential uses on the second floor if a conditional use permit is approved. Neither use for the proposed new building can be accommodated if the zoning remains unchanged as B-3. The addition of commercial to an existing motor vehicle oriented zoning area could be detrimental, thus the rezoning to B-2 for the entire subject parcel is appropriate. The development appears to fit the property provided design standards for building materials, landscaping, and parking needs are accommodated. Impacts to adjacent properties are minimal, less the Dairy Queen due to access and parking needs. The Dairy Queen property is owned by the same owner as the proposed two story development.
- The existing driveway system that connects to N. Broadway Street will be utilized, potentially with access easements/agreements. Agreements with the City for usage of the boat launch driveway will likely be needed as the driveway is not a public right-of-way. The developer is working with the Village of Allouez and the City of De Pere Public Works staff to provide adequate sewer and water

connections for a proposed new building. Site plans that address storm water management have not yet been submitted for City review.

- Ingress and egress to N. Broadway Street is proposed using existing drive lanes from the Dairy Queen, possibly with the establishment of access easements. There is a proposal to establish agreements for shared parking with the Dairy Queen. The proposed development, with Dairy Queen, would have approximately 36 parking stalls. The proposed new site could require approximately 32-46 stalls, depending on the number of and types of businesses proposed on the first floor.
- The design details for the “De Pere Brick Yard” proposed development is unknown, aside from the building footprint proposal. The conditional use for residential on the second floor of a new building appears to be possible, provided the property is not land divided and the entire property is addressed as part of future site plans, including building materials, parking, storm water, landscaping, and signage for both buildings (existing and new) on the property.

The following are staff findings related to the above standards for the drive-in portion of the request:

- The drive-in use on the Dairy Queen is pre-existing and not considered detrimental.
- The drive-in on the north side of the Dairy Queen is pre-existing and not considered injurious.
- Access and drainage facilities, etc., are pre-existing.
- Ingress/egress is pre-existing with two driveway connections on N. Broadway Street as well as a connection to the boat launch private driveway on the south side of the property.
- The drive-in use is allowed in the B-3 District. If the zoning changes to B-2, the use continues to be allowed as a preexisting nonconforming use. The petitioner, however, desires a conditional use permit to ensure the use is valid for both zoning districts.

Summary for both Conditional Uses:

Residential uses on upper floors have historically been allowed in the B-2 District as a conditional use, particularly in the downtown areas. The drive-in use would already be allowed in the B-2 district as a pre-existing nonconforming use; the drive-in conditional use is not specifically necessary but desired by the petitioner.

All City of De Pere property owners within 300 feet of the subject area, the Village of Allouez Clerk, and the Village of Allouez Planning & Zoning Administrator have been notified of this application. No public comments have been received regarding the petition.

REVIEW PROCESS:

The Common Council will conduct a public hearing and review the Plan Commission recommendation in the form of a resolution, after a Class II notice. That meeting is scheduled for September 18, 2018. Project notification letters have been sent to property owners within 300 feet of the site boundary.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the Conditional Use Permit application to allow four residential units on the second floor of a new commercial building, and the continued use of a drive-in at an existing restaurant, located at the west end of 1081 N. Broadway Street, subject to the following:

1. Successful completion of a rezoning of the 0.89 acre Parcel ED-1128-E-1-3 from B-3 to B-2 is required because residential uses are prohibited in the B-3 District.
2. Successful site plan review for the proposed building that includes detailed analysis of site improvements and building elevations in order to ensure that future development is of high quality.

	CITY OF DE PERE APPLICATION FOR CONDITIONAL USE	Fee: <i>Shared w/other fee</i> \$305.00
		Receipt #: 135514
		Date: 8-15-18

Read all instructions provided before completing. If additional space is needed, attach additional pages. Type or use black ink.

SECTION 1: Applicant / Permittee Information

Applicant Name (Ind., Org. or Entity) <i>Nulund Group LLC</i>	Authorized Representative <i>David Hongisto</i>	Title <i>Consultant</i>	
Mailing Address <i>111 N. Broadway Ste B</i>	City <i>Green Bay</i>	State <i>WI</i>	ZIP Code <i>54303</i>
Email Address <i>sodie5141@gmail.com</i>	Phone Number (incl. area code) <i>(920) 655-8457</i>	Fax Number (incl. area code)	

SECTION 2: Landowner Information (complete these fields when project site owner is different than applicant)

Name (Ind. Org. or Entity)	Contact Person	Title	
Mailing Address	City	State	ZIP Code
Email Address	Phone Number (incl. area code)	Fax Number (incl. area code)	

SECTION 3: Project or Site Location

Project Address/Description <i>1081 N. Broadway Street</i>	Parcel No. <i>ED-1128-E-1-3</i>
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SECTION 4: Proposed Conditional Use

Existing Zoning:	<i>B-2, General Business District</i>
Present Use of Parcel:	<i>Dairy Queen</i>
Proposed Use of Parcel:	<i>4 residential units on 2ND Floor of new building</i>
Present Use of Adjacent Properties:	<i>Gas station / Boat Launch / Village of Allouez</i>

SECTION 5: Certification and Permission

Certification: I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this Permit Application. I certify that the information contained in this form and attachments is true and accurate. I certify that the project will be in compliance with all permit conditions. I understand that failure to comply with any or all of the provisions of the permit may result in permit revocation and a fine and/or forfeiture under the provisions of applicable laws.

Permission: I hereby give the City permission to enter and inspect the property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.

Name of Owner/Authorized Representative (please print) <i>David R. Hongisto</i>	Title <i>Consultant</i>	Phone Number <i>(920) 676-3225</i>
Signature of Applicant <i>David R. Hongisto</i>		Date Signed <i>8-22-18</i>

A plan consisting of all applicable information listed on the attached shall be submitted with this application.

See 8-10-18 letter submitted previously w/ site plan

TO BE COMPLETED BY CITY STAFF

A Conditional Use Permit is authorized by the De Pere Zoning Code, Section(s):

✓ *[Signature]*

	CITY OF DE PERE APPLICATION FOR CONDITIONAL USE	Fee: \$ 305.00
		Receipt #: 135514
		Date: 8-15-18

Read all instructions provided before completing. If additional space is needed, attach additional pages. Type or use black ink.

SECTION 1: Applicant / Permittee Information

Applicant Name (Ind., Org. or Entity) <i>Nulund Group LLC</i>	Authorized Representative <i>David Hongisto</i>	Title <i>Consultant</i>	
Mailing Address <i>111 N. Broadway Ste B</i>	City <i>Green Bay</i>	State <i>WI</i>	ZIP Code <i>54303</i>
Email Address <i>sodie 5141@gmail.com</i>	Phone Number (incl. area code) <i>(920) 655-8457</i>	Fax Number (incl. area code) ---	

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Project Address/Description <i>1081 N. Broadway Street</i>	Parcel No. <i>ED-1128-E-1-3</i>
---	------------------------------------

SECTION 4: Proposed Conditional Use

Existing Zoning:	<i>B-2, General Business District</i>
Present Use of Parcel:	<i>Dairy Queen</i>
Proposed Use of Parcel:	<i>Continuation of use of drive thru window</i>
Present Use of Adjacent Properties:	<i>Gas Station / Boat Launch / Village of Allouez</i>

SECTION 5: Certification and Permission

Certification: I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this Permit Application. I certify that the information contained in this form and attachments is true and accurate. I certify that the project will be in compliance with all permit conditions. I understand that failure to comply with any or all of the provisions of the permit may result in permit revocation and a fine and/or forfeiture under the provisions of applicable laws.

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Name of Owner/Authorized Representative (please print) <i>David R. Hongisto</i>	Title <i>Consultant</i>	Phone Number <i>(920) 626-3225</i>
Signature of Applicant <i>David R. Hongisto</i>		Date Signed <i>8-22-18</i>

A plan consisting of all applicable information listed on the attached shall be submitted with this application.

TO BE COMPLETED BY CITY STAFF

A Conditional Use Permit is authorized by the De Pere Zoning Code, Section(s):

Proposed Rezoning from B-3 to B-2 with Res. Conditional Use

Fox
Point
Boat
Landing

Property proposed to be
Rezoned from B-3 to B-2
with a proposed
Residential Conditional Use
& Drive-In Conditional Use.

Village of Allouez

1081

City of De Pere

1063

Village of Allouez

1051

1045

1041

1019-
1021

City of De Pere



This map was produced utilizing a variety of sources the City of De Pere reasonably believes are reliable, including GIS data, some of which was under development at the time this map was produced. The City of De Pere makes no warranty, either expressed or implied, including no warranty as to fitness for a particular use, of the information contained in or comprising this map.

Map of De Pere, WI Provided By The De Pere Planning/GIS Department 2010



08/16/2018

Packet Pg. 90

Attachment: Rezoning Map - Rezoning with entire parcel (7347 : Review and recommendation for a Conditional Use Permit application for a

SISU Properties, LLC
1165 Meadow View Lane
De Pere, WI 54115

August 10, 2018

Peter Schleinz, Senior Planner
City of De Pere
335 S. Broadway
De Pere, WI 54115

RE: The De Pere Brick Yard

Hi Peter,

This is written as a follow up to our meeting regarding the proposed structure that will be constructed on the west side of Dairy Queen located at 1081 N. Broadway. This building will have office space on the first floor level with 4 high quality two bedroom residential units on the second floor which will capitalize on the view of the Fox River, the boat launch, adjacent businesses and the convenient access to the Fox River Trail. It is also being designed to help preserve an integral part of the history of De Pere. I have been retained by the owner (The Nulund Group) to obtain the appropriate approvals necessary to commence construction prior to the onset of frost. The following submittals are being done concurrently to initiate this process:

- 1) Mach IV Engineering & Surveying LLC has prepared a certified survey map (CSM) to divide the property into two (2) tax parcels. (See enclosed proposed certified survey map.) Note that lot # 2 has been surveyed to meet the size requirements of the B-2, General Business District. (See item #2 below).

Since there will be shared ingress/egress access and internal vehicular circulation between Dairy Queen clients and the new building occupants I request that a condition on the approval of the proposed certified survey map include the following language being added on the CSM.

"The granting of shared ingress/egress access of all three (3) driveways and internal vehicular circulation easements shall be perpetually binding on the owners of lot 1 and lot 2 and inure to the benefit of the heirs, successors and assigns of all parties thereto."

- 2) The current zoning of the Dairy Queen parcel is B-3, Motor Vehicle Dependent Business District. The new building does not fit into the list of either permitted or conditional uses in the B-3 District. If the entire parcel were to be re-zoned to B-2, Dairy Queen would then become a non-conforming use. To make both parcels conforming uses with respect to the City of De Pere Zoning Code I hereby petition to rezone lot #2 in the abovementioned CSM from B-3 to B-2. (Please see enclosed rezoning application).
- 3) To allow for the four (4) dwelling units it is necessary to request a conditional use permit to allow for dwelling units on the second floor in the new B-2 zoning classification. (Please see enclosed conditional use application). I have also enclosed the conceptual layout of the site for the Plan Commission, Common Council and yourself to review and visualize the layout. 45 degree angle parking will service the

1st floor and eight (8) code complying parking stalls on the south west end of lot #1 will be provided for the occupants of the dwelling units. An agreement is being drafted designating use of the parking stalls on lot #1 and lot#2. Further specific parking details will be submitted later during the site review process.

This conditional use will not be detrimental to endanger the public health, safety, morals, comfort or general welfare of the community. It will not be injurious to the use of other property in the immediate vicinity and will actually enhance property values in the neighborhood. The existing driveways which have been in existence for years will not create congestion for the proposed new building. The conditional use will comply with all applicable regulations.

For your information I am currently working with the City of De Pere Public Works Department for the extension of a 10" water main on N. Broadway and a lateral that will traverse through the seven (7)' wide leg of the new CSM to service the new building. Landscaping will enhance this strip once the lateral is installed. The Dairy Queen lot will be resurfaced near the end of October. I am also working with the Public Works Directors from the City of De Pere and the Village of Allouez to obtain an intergovernmental agreement that would allow the new building's sanitary lateral to cross the municipal boundary line and discharge into the Village's main sanitary sewer line.

It's my client's desire to obtain final approval of the CSM and both the rezoning and conditional use permits before going through with further surveying/engineering expenses along with architectural fees related to the development. A finalized site plan will be immediately submitted for review and approval shortly after these approvals. Please place the CSM, rezoning application and conditional use application on the August 27th agenda of the Plan Commission.

I am confident that the new structure will be an attractive addition to the City of De Pere while adding additional commercial and residential space. Feel free to contact me at (920) 676-3225 if you have any questions. Thank you in advance for your timely cooperation.

Respectfully,



David R. Hongisto
SISU Properties LLC



City of De Pere, Wisconsin**Request For Plan Commission Action**

MEETING DATE: August 27, 2018

DEPARTMENT: Planning

FROM: Kelly Barker

SUBJECT: The consultant, Graef USA, Inc. will provide a presentation of the three conceptual alternatives for the redesign of the streetscape on James Street.

ATTACHMENTS:

- Consider_Design_James_Plan_Memo081718 KTF (PDF)
- 2018-08-23 Schematic design memo to City (PDF)
- JamesStreet-24x36PresentationBoards FINAL (PDF)

City of De Pere MEMORANDUM



To: Plan Commission
 From: Bill Boyle, GIS Manager/Project Manager
 Date: August 27, 2018
 RE: Review draft streetscape designs for James Street.

Background/Summary

In December 2017, the City Council approved the streetscape design project on James Street. The project includes developing three design options to assist in selection of an appropriate design.

Since that time we have worked collaboratively with our consultant Graef USA Inc., our nearby business owners and other interested parties to create three design options that reflect the preferences of the stakeholders. As part of our efforts to address public engagement, an open house was held to display the design options and gather feedback on them. Additionally, a public survey will be available to reach those unable to attend the open house.

Attached you will find the three conceptual alternatives for the redesign of the streetscape on James Street. This type of improvement is supported by the Downtown Master Plan and has become timely due to the filling of the fountain in front of the Union Hotel. The fountain mechanics had been deteriorating for a number of years. At a meeting in February of 2016, a group of stakeholders (including business owners, property owners, Historic Preservation Commission representatives and Definitely De Pere representatives) unanimously supported fountain removal and the consideration of a broader streetscape project to enhance the pedestrian realm. The Development Services Department seeks to move forward selecting a preferred design alternative for James Street between Broadway and Wisconsin Streets.

As we requested, Graef has designed three alternatives for your consideration. The alternatives increase in complexity, as well as cost, providing you with preliminary estimates to base your decision on. Dependent on any changes made to the plans the preliminary costs are estimated at-

Alternative A- \$350,000
 Alternative B- \$500,000
 Alternative C- \$850,000

Preferred Alternative Public Feedback Process

Public feedback to help inform the preferred alternative is being solicited in three ways:

Public Open House: Graef will conduct an open house before the Plan Commission meeting on August 27th in order to hear feedback on the three designs.

Attachment: Consider_Design_James_Plan_Memo081718 KTF (7334 : James Street Redesign Presentation)

Plan Commission: Graef will present the three designs to the Plan Commission, audience members and the Plan Commissioners will be encouraged to provide comments and select a preferred alternative.

Online Survey: An online survey will be available from August 27 to August 29. The online survey will include information on each alternative and accompanying questions.

While the timeline for feedback is very condensed in order to keep the project on schedule, all of the above have been promoted via the City's media outlets. Graef and City staff will assemble the feedback in order to formalize a preferred alternative. That alternative is proposed to be presented to the Board of Public Works at their October meeting.

Recommendation

No action on this item is requested. Please be prepared to share comments, questions and preferred conceptual design.



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MEMORANDUM

DATE: August 23, 2018

SUBJECT: James Street Streetscape Interim Schematic Design Concepts

TO: Bill Boyle, Project Manager

The James Street schematic design concepts prepared by the GRAEF team represent the design direction provided by the Stakeholder group at our July 17, 2018 meeting at City Hall. Additional direction was provided by City department staff at an on-site meeting on June 28, 2018 and a staff review of interim concepts August 3, 2018.

Design direction: The Stakeholder meeting on July 17 led the group through an interactive discussion of the current context and future vision. The overarching vision for this area centered on a few key themes:

- This is a special place in the city, different from other public spaces.
- The space should be geared to quiet, passive activities.
- The mature trees create a unique shade-dappled area.
- A new design language can be developed that is unique to this spot.
- Flexibility to close the street for small events is desired.
- A fresh take on materials and furniture is desired and may deviate from the rest of the city's palette.
- This is a placemaking design exercise and could lean towards a small-scale plaza room or pocket park feel.
- The sound of water is desirable to mask traffic noise, but should be non-interactive.

Overall, the design team looked to create options that gave the city what we have called a “secret garden” experience – a place geared for a quiet break from the traffic and city noise on Broadway; a place to sit with a coffee or lunch. Lighting features and integrated lighting was viewed as important and has been integrated to greater and lesser degrees in each of the schemes. The ideas presented are less about simple street furniture and aim to go beyond to placemaking – and to create a park-like “room” in the city. Each of the designs could be detailed to be more or less contemporary and on the image boards, several options are shown.

Organization of the concepts: The City has directed the design team to prepare three options that range in cost – a “minimum,” “mid-range,” and maximum.” Per discussions with the City, the mid-range construction costs were targeted at about \$500,000, and the minimum and maximum schemes went up or down in cost relative to that mid-range number. The mid-range and maximum schemes are similar in design intent, with the maximum scheme an enhancement to the mid-range scheme.



ALTERNATIVE A: Green Pathway & Follies

The Alternative A concept (“minimum”) the design team targeted a \$300,000-350,000 construction budget¹.

Design concept. The design concept was to create a linear connection from Broadway to N. Wisconsin Street, creating an enhanced pedestrian experience through a green garden with a slight curvilinear sidewalk path. At each end, and at a rough mid-point is a covered trellis or sun shade system which we are presenting as a type of whimsical “folly” that provides shade and visual interest, and connects the block together.

Construction features.

- The intent was to leave as many of the existing trees as possible and create enhanced gardens with various textures around them.
- The existing concrete sidewalk adjacent to the Union Hotel would remain (as would the 2’ brick band at the building’s base). The new curvilinear sidewalk shown is presented as stamped concrete or similar.
- The existing vehicular lighting would remain.
- The north access drive to the parking lot would be closed. Pedestrian access to this lot would remain at the parking lot’s west end and at N. Wisconsin Street.
- Benches would have the option of integrated LED lighting.
- New pedestrian lighting to be installed within the new construction area.
- The sun shade “folly” feature could be a canvas and cable system (seasonal) or a fixed structure (permanent); the overall look and feel would be different and would be part of the next phase of design.
- No significant regrading or reconstruction of the street is expected.
- The south side of James Street remains as existing. The idea is to create a special garden-type space on the north side that has a unique design language. The design idea is that the south side of James would look and feel like the same streetscape language as the rest of downtown, and this new garden is unique compared to that.

¹ All construction budget estimates provided in this memo should be viewed as high-level order of magnitude estimates and based on current known site information. The schemes presented are high-level design concepts. Further cost estimating will be done during the next phase of schematic design and into design development as details in each scheme are fleshed out. As such, costs may go up or down based on design selections and site conditions.



ALTERNATIVES B and C: The Green Room

The Alternative B concept (“mid-range”), the design team targeted a \$500,000 construction budget. Alternative C concept (“maximum”) targeted an \$850,000 construction budget.

Design concept for both alternatives B and C. The design intent for Alternatives B and C was to reimagine James Street as a place or a green room in the city. Neither scheme is a curbless option and both would be designed with curb and gutter.

In both concepts the existing trees near the Union Hotel remain, and a lush garden planting bed is created around them with a softer, natural seating area of decorative stone (with a binding agent) under the trees. A trellis system on either side of the trees, and across the street, creates small garden “rooms” with bench seating. Specialty paving that stretches across James Street reinforces the plaza feel and lends toward closing the street for small-scale events.

Alternative B: This alternative keeps the street and parking essentially as it is today, and adds the green room trellis system and paving.

Alternative C: This alternative begins with the same idea as Alternative B but takes it to the next level through the reconstruction of the west half of the street and the relocation of the existing angled street parking to the east half of the site. This reorganization creates a “plaza” on the west half, and a “service/utility” area to the east. The “plaza” is created between the Union Hotel and the Lee Building, extending from Broadway to roughly the eastern edge of the buildings. It is envisioned that the street section would be reconstructed in this area to regrade and accommodate the change in grade and a high point at the northeast corner of the Lee Building. Regrading would allow for a more cohesive feel within this zone.

Alternative B construction features.

- The four primary existing trees remain adjacent to the Union Hotel.
- The trellis system is between 4’-5’ in height, providing a sense of shelter while seated but visual connectivity while standing or walking. It is pulled back from the building faces to retain visual connection to the storefront windows of the Lee Building from various angles. The base is masonry with a metal post and wire mesh panel system. The vegetation would be planted at sidewalk level and grow up onto the panels. Space for public art could be centered in the trellis “rooms.”
- The specialty pavers are designed to create a border, like a carpet border, around the space. The remaining paved sidewalk is proposed as concrete and the street as asphalt. Curbing would separate pedestrians from vehicular traffic.
- An option is shown for a simple metal-framed water wall or a wind wall feature.



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Alternative C construction features, enhancements from Alternative B, above.

- The entire area within the “green room” area would have specialty pavers, expanded from the simple border in Alternative B. Curbing would separate pedestrians from vehicular traffic.
- The trellis system design and vegetation is enhanced, with integrated LED lighting.
- Additional pedestrian/bollard lighting is integrated.
- An enhanced planting scheme is presented for the reconstruction of the northeast portion of the site.
- An enhanced, larger-scale water wall feature is integrated.

Attachment: 2018-08-23 Schematic design memo to City (7334 : James Street Redesign Presentation)

JAMES STREET STREETScape

ALTERNATIVE A: Green Pathway & Follies

DESIGN CONCEPT

The design concept was to create a linear connection from Broadway to N. Wisconsin Street, creating an enhanced pedestrian experience through a green garden with a slight curvilinear walking path. At each end, and at a rough mid-point is a covered trellis or sun shade system which we are presenting as a type of whimsical “folly” that provides shade and visual interest, and connects the block together.

CONSTRUCTION FEATURES

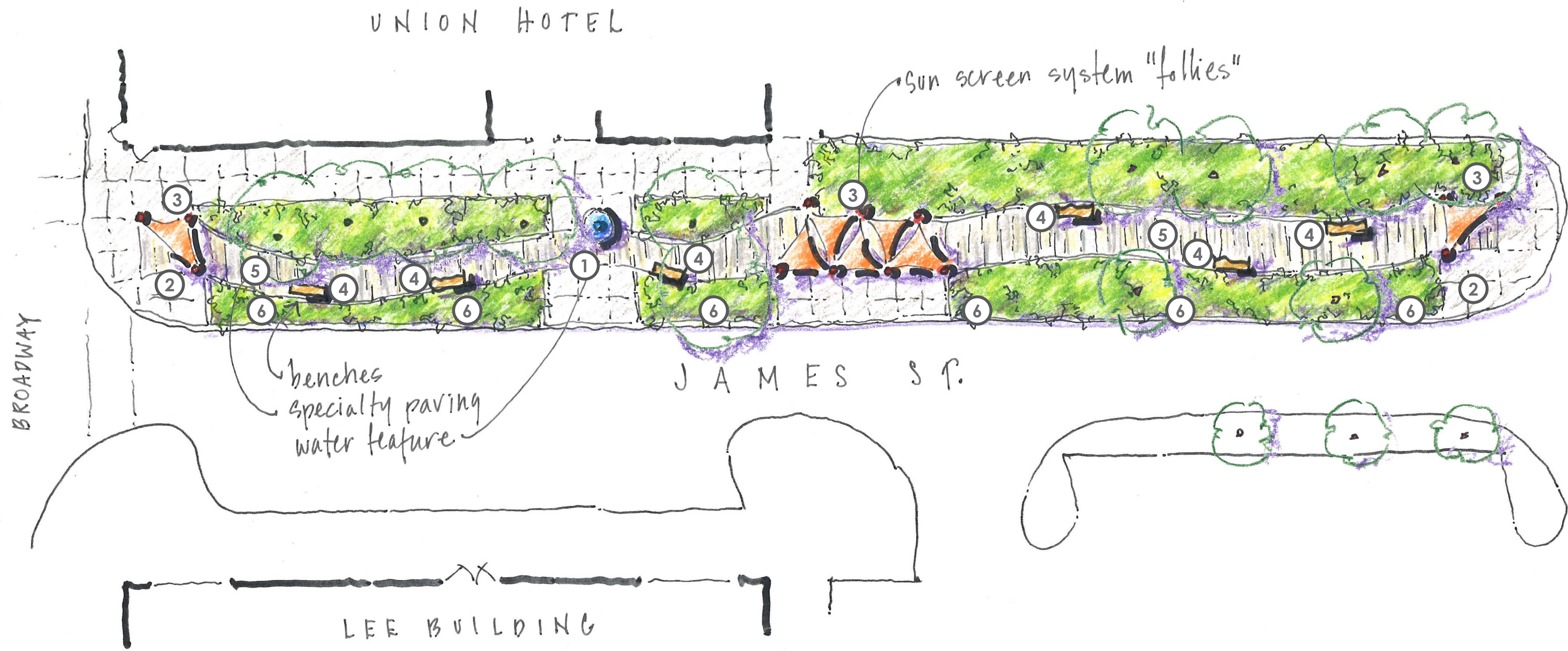
1. The intent was to leave as many of the existing trees as possible and create enhanced gardens with various textures around them.
2. The existing concrete sidewalk adjacent to the Union Hotel would remain (as would the 2’ brick band at the building’s base). The new curvilinear walkway shown is presented as stamped concrete or similar.
3. The existing vehicular lighting would remain.
4. The north access drive to the parking lot would be closed. Pedestrian access to this lot would remain at the parking lot’s west end and at N. Wisconsin Street.
5. Benches would have the option of integrated LED lighting.
6. New pedestrian lighting to be installed within the new construction area.
7. The sun shade “folly” feature could be a canvas and cable system (seasonal) or a fixed structure (permanent); the overall look and feel would be different and would be part of the next phase of design.
8. No significant regrading or reconstruction of the street is expected.
9. The south side of James Street remains as existing. The idea is to create a special garden-type space on the north side that has a unique design language. The design idea is that the south side of James would look and feel like the same streetscape language as the rest of downtown, and this new garden is unique compared to that.
10. An option is shown for a simple water feature.

COST

Alternative A is the “minimum cost” design concept targeted at a construction budget of \$300,000-350,000.

JAMES STREET STREETSCAPE

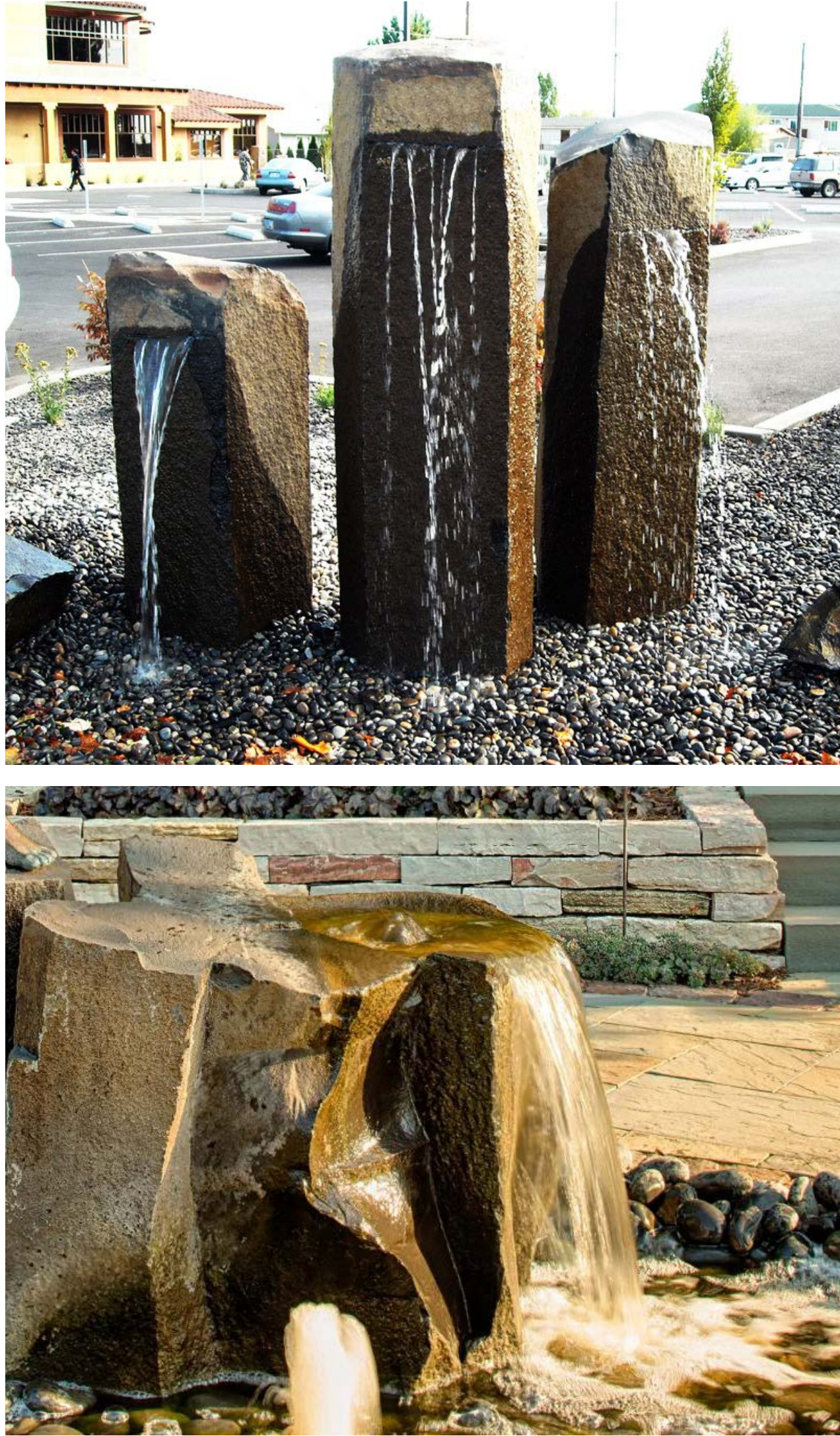
ALTERNATIVE A: Green Pathway & Follies



JAMES STREET STREETScape

ALTERNATIVE A: Green Pathway & Follies

① Water Feature



② Other Site Furnishings



GRAEF | INTERIM SCHEMATIC REVIEW 8/27/2018

③ Sun Shade Structures



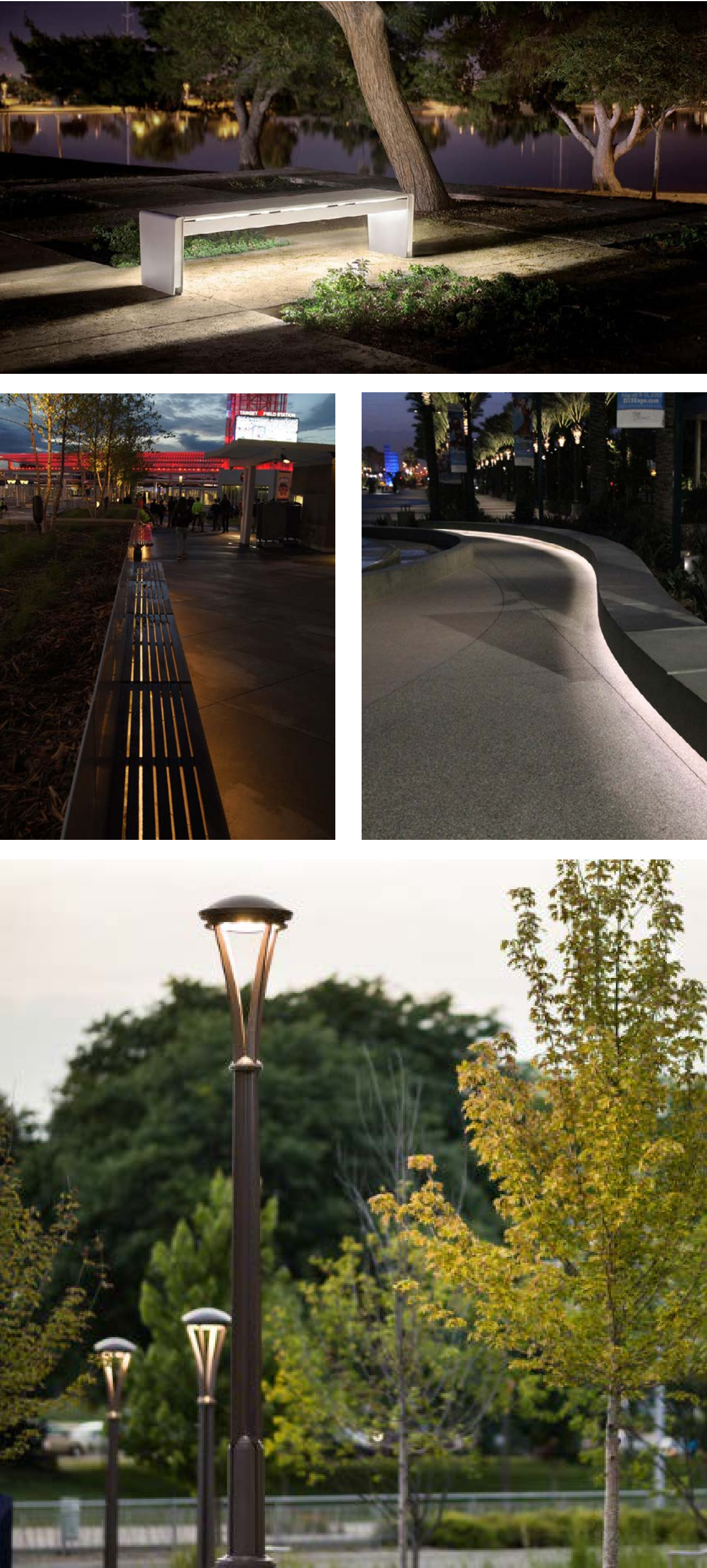
④ Seating



⑤ Meandering Colored Concrete Path with Robust Plantings



⑥ Decorative Lighting



JAMES STREET STREETScape

ALTERNATIVE B: The Green Room (mid-range)

DESIGN CONCEPT

The design intent for Alternative B was to reimagine James Street as a place or a green room in the city through the construction of green trellis systems creating a “green room” on the north side of the street accented with specialty paving to define the space.

The existing trees near the Union Hotel remain, and a lush garden planting bed is created around them with a softer, natural seating area of decorative stone (with a binding agent) under the trees. A trellis system on either side of the trees creates small garden “rooms” with bench seating. Specialty paving that stretches across James Street reinforces the plaza feel and lends toward closing the street for small-scale events.

CONSTRUCTION FEATURES

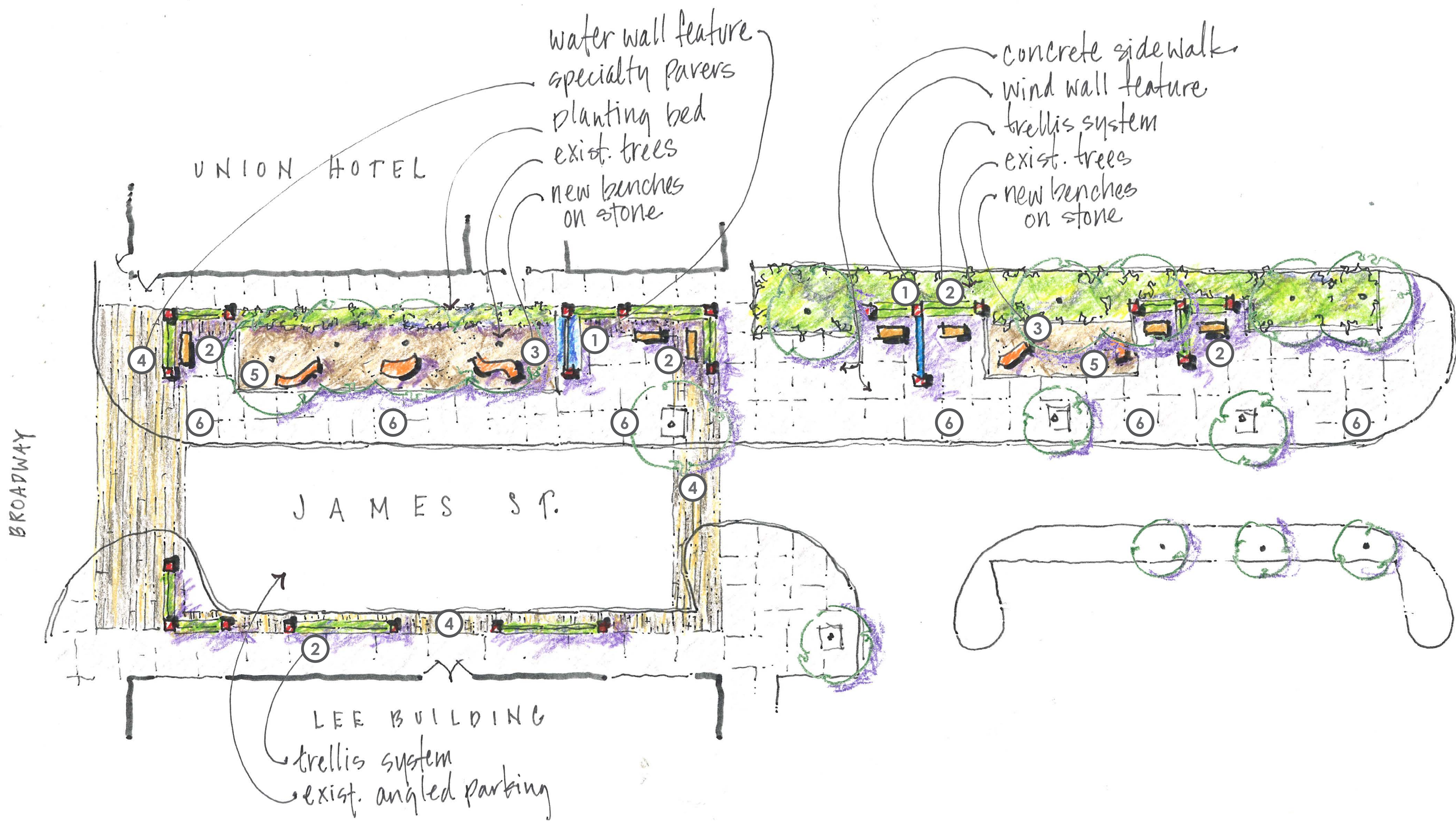
1. The four primary existing trees remain adjacent to the Union Hotel.
2. The trellis system is between 4’-5’ in height, providing a sense of shelter while seated but visual connectivity while standing or walking. The base is masonry with a metal post and wire mesh panel system. The vegetation would be planted at sidewalk level and grow up onto the panels. Space for public art could be centered in the trellis “rooms.”
3. The specialty pavers are designed to create a border, like a carpet border, around the west end of James Street. The remaining paved sidewalk is proposed as concrete and the street remains as asphalt. Curbing would separate pedestrians from vehicular traffic.
4. An option is shown for a cascading water wall and a wind wall feature.

COST

Alternative B is the “mid-grade” cost design concept targeted at a construction budget of \$350,000-500,000.

JAMES STREET STREETScape

ALTERNATIVE B: The Green Room (mid-range)



JAMES STREET STREETSCAPE

ALTERNATIVE B: The Green Room (mid-range)

① Water / Wind Feature



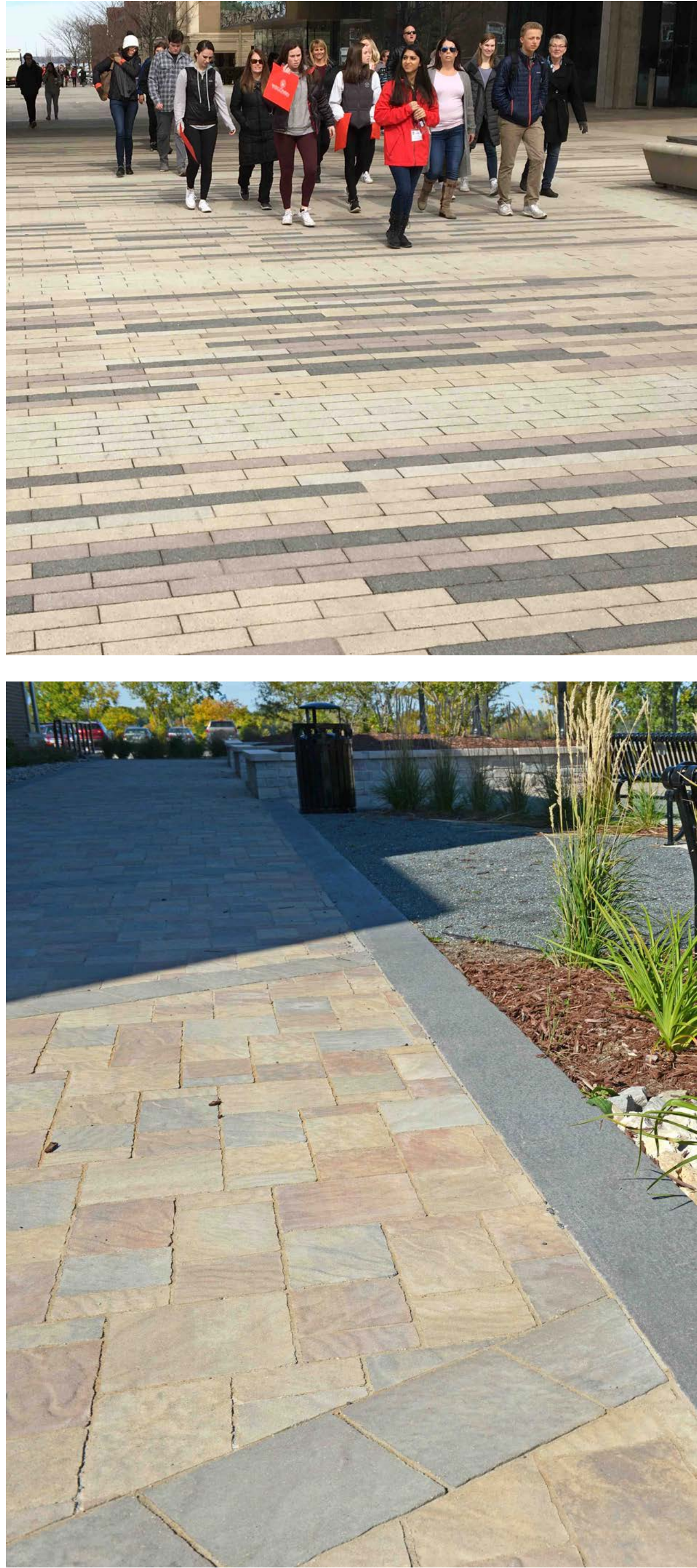
② Green Room + Seating



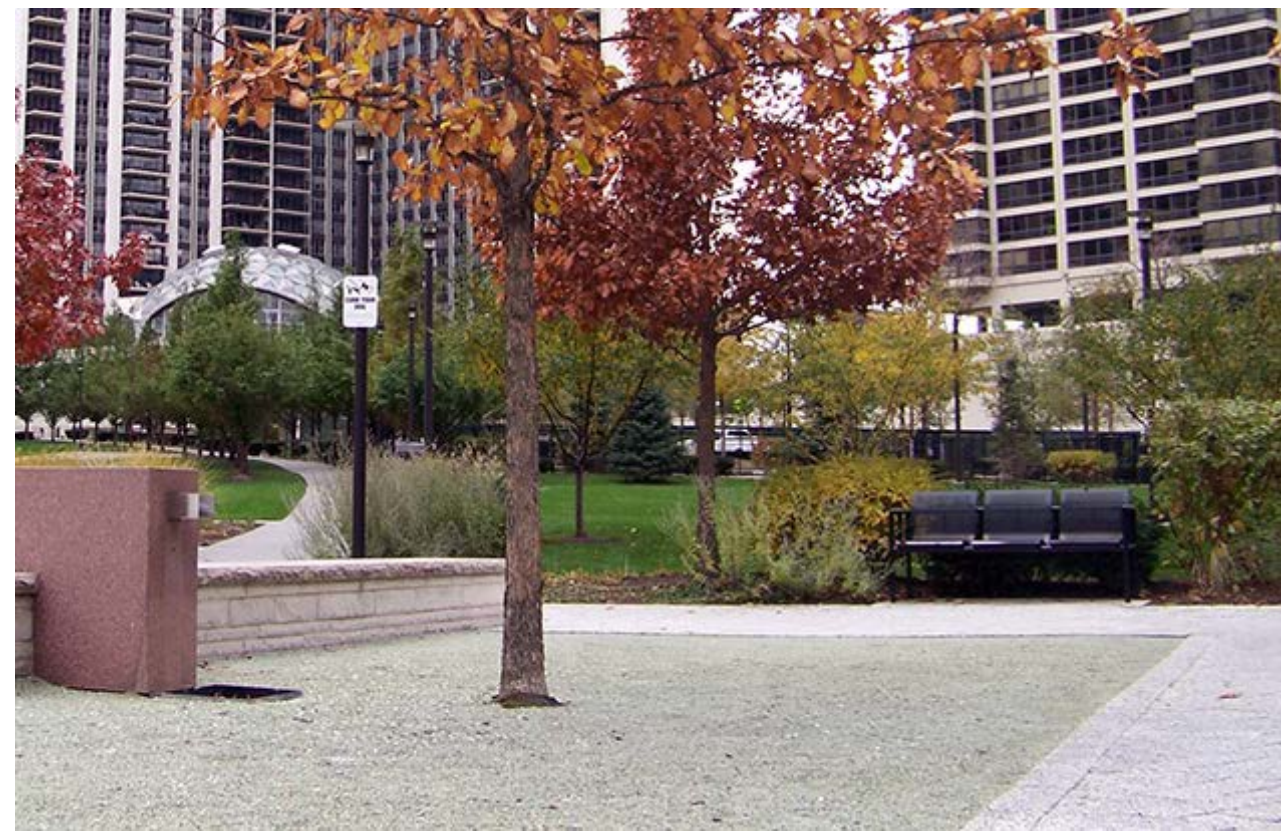
③ Seating



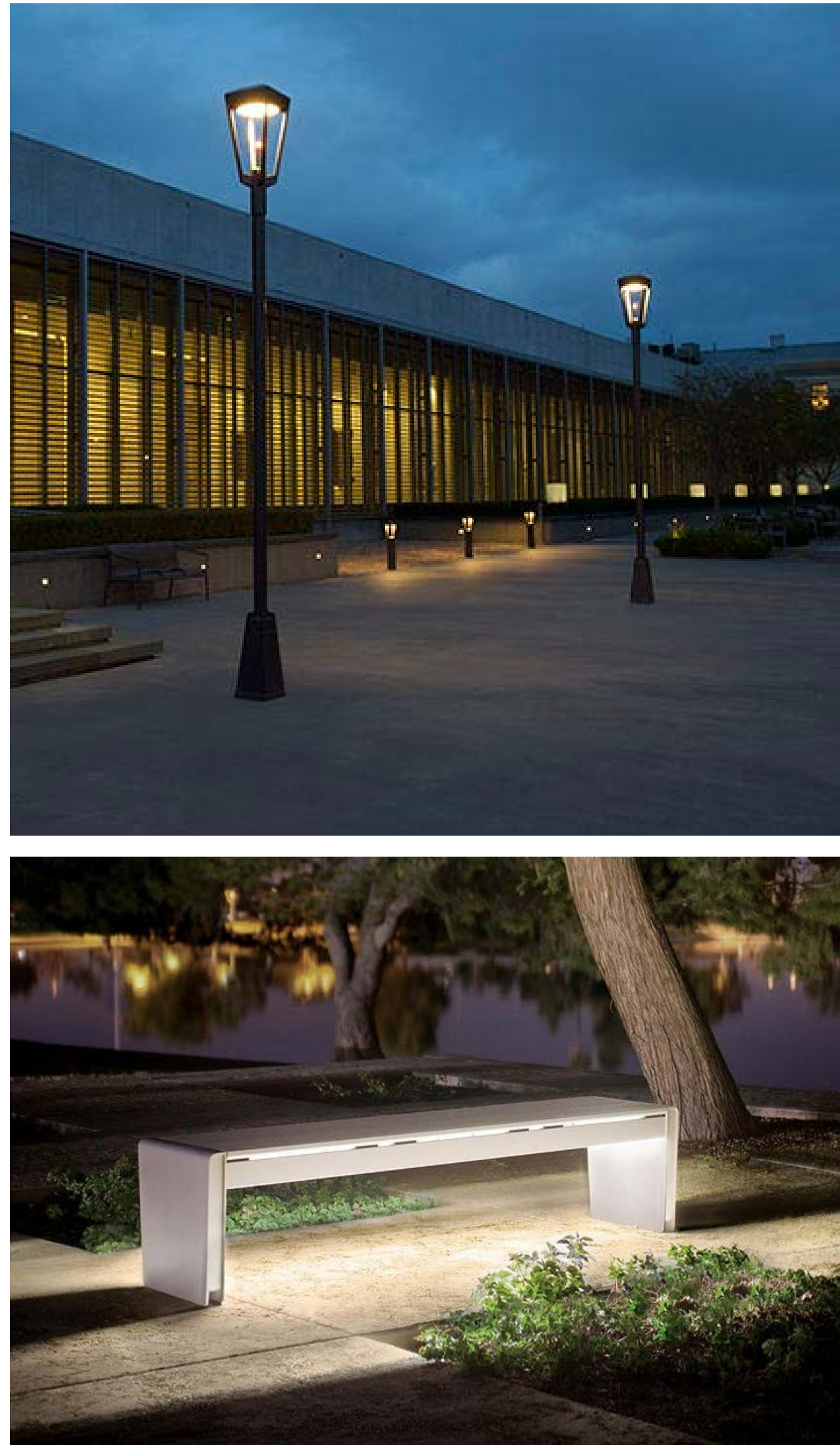
④ Decorative Unit Pavers



⑤ Porous Stabilized Crushed Stone Paving (ADA)



⑥ Lighting



JAMES STREET STREETSCAPE

ALTERNATIVE C: The Green Room (top-range)

DESIGN CONCEPT

The design intent for Alternative C takes a similar concept as Alternative B, and reimagines James Street as a place or a green room in the city through the reconstruction of the west half of the street and the relocation of the existing angled street parking to the east half of the site. This reorganization creates a “plaza” on the west half, and a “service/utility” area to the east. The “plaza” is created between the Union Hotel and the Lee Building, extending from Broadway to roughly the eastern edge of the buildings. It is envisioned that the street section would be reconstructed in this area to regrade and accommodate the change in grade and a high point at the northeast corner of the Lee Building. Regrading would allow for a more cohesive feel within this zone.

The existing trees near the Union Hotel remain, and a lush garden planting bed is created around them with a softer, natural seating area of decorative stone (with a binding agent) under the trees. A trellis system on either side of the trees, and across the street, creates small garden “rooms” with bench seating. Specialty paving that stretches across James Street reinforces the plaza feel and lends toward closing the street for small-scale events.

CONSTRUCTION FEATURES

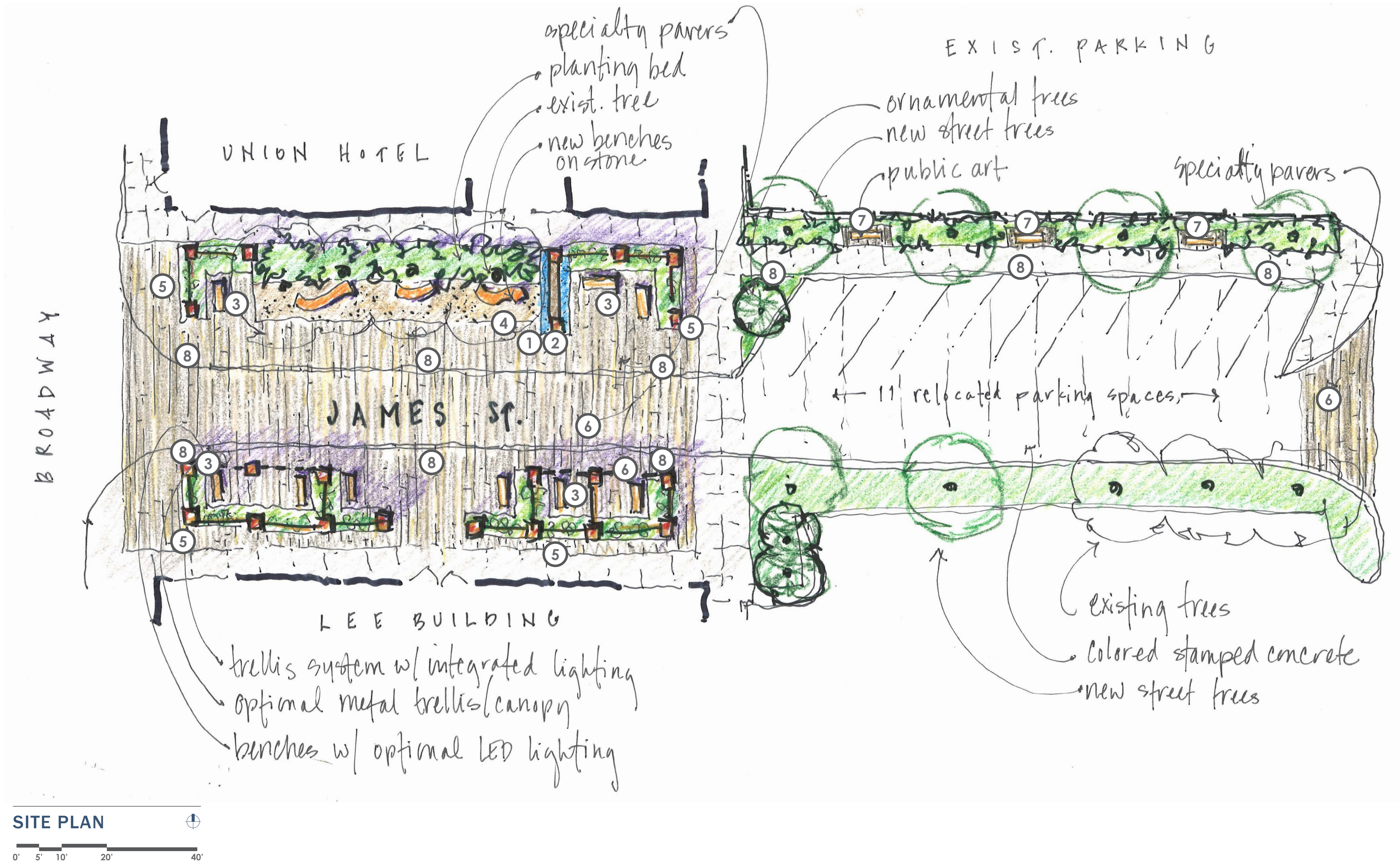
1. The entire area within the “green room” area would have specialty pavers, expanded from the simple border in Alternative B. Curbing would separate pedestrians from vehicular traffic.
2. The trellis system design and vegetation is enhanced, with integrated LED lighting.
3. Additional pedestrian/bollard lighting is integrated.
4. An enhanced planting scheme is presented for the reconstruction of the northeast portion of the site.
5. An enhanced, larger-scale cascading water wall feature is integrated.
6. Space for public art is created on the east end of James Street to provide visual interest.

COST

Alternative C is the “top-grade” cost design concept targeted at a construction budget of \$500,000-850,000.

JAMES STREET STREETSCAPE

ALTERNATIVE C: The Green Room (top-range)



JAMES STREET STREETScape

ALTERNATIVE C: The Green Room (top-range)

1 Water Feature



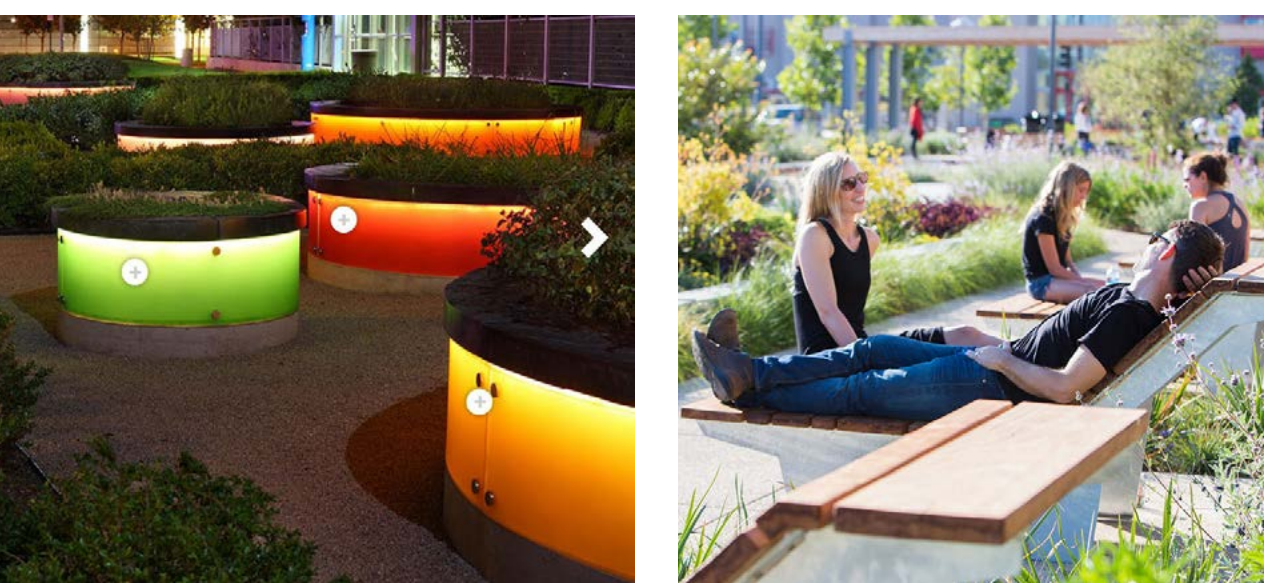
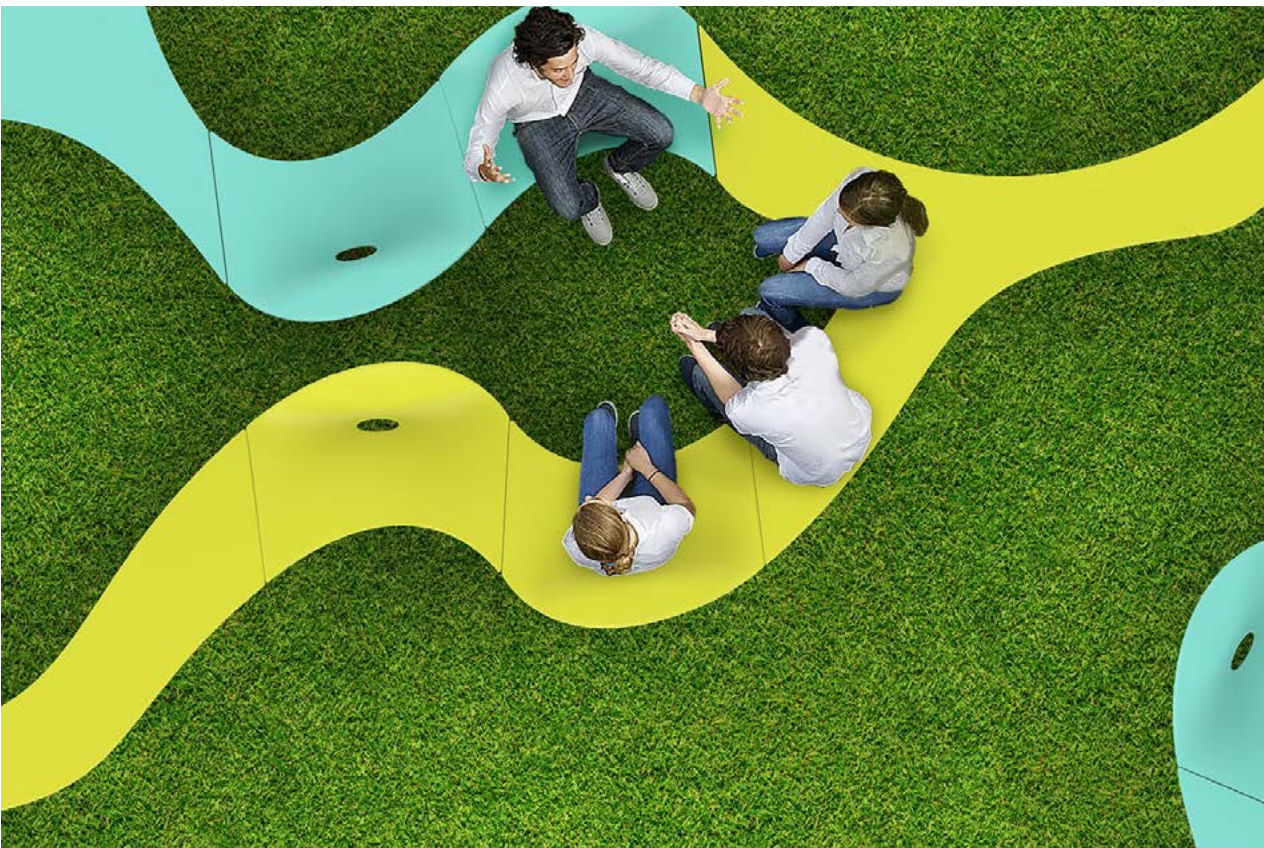
2 Wind Wall



3 Green Room + Seating



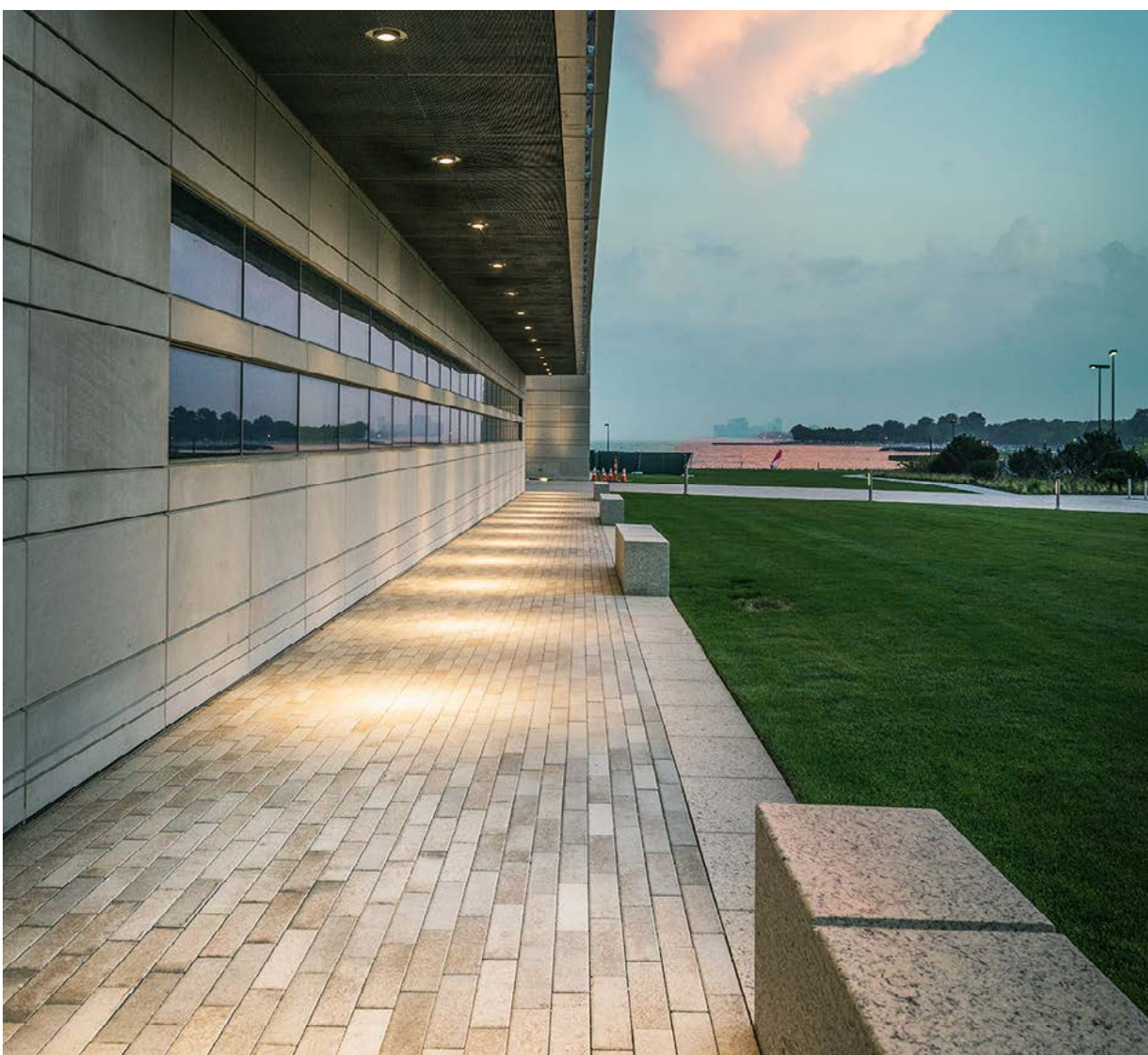
4 Playful Seating



5 Trellis / Screen



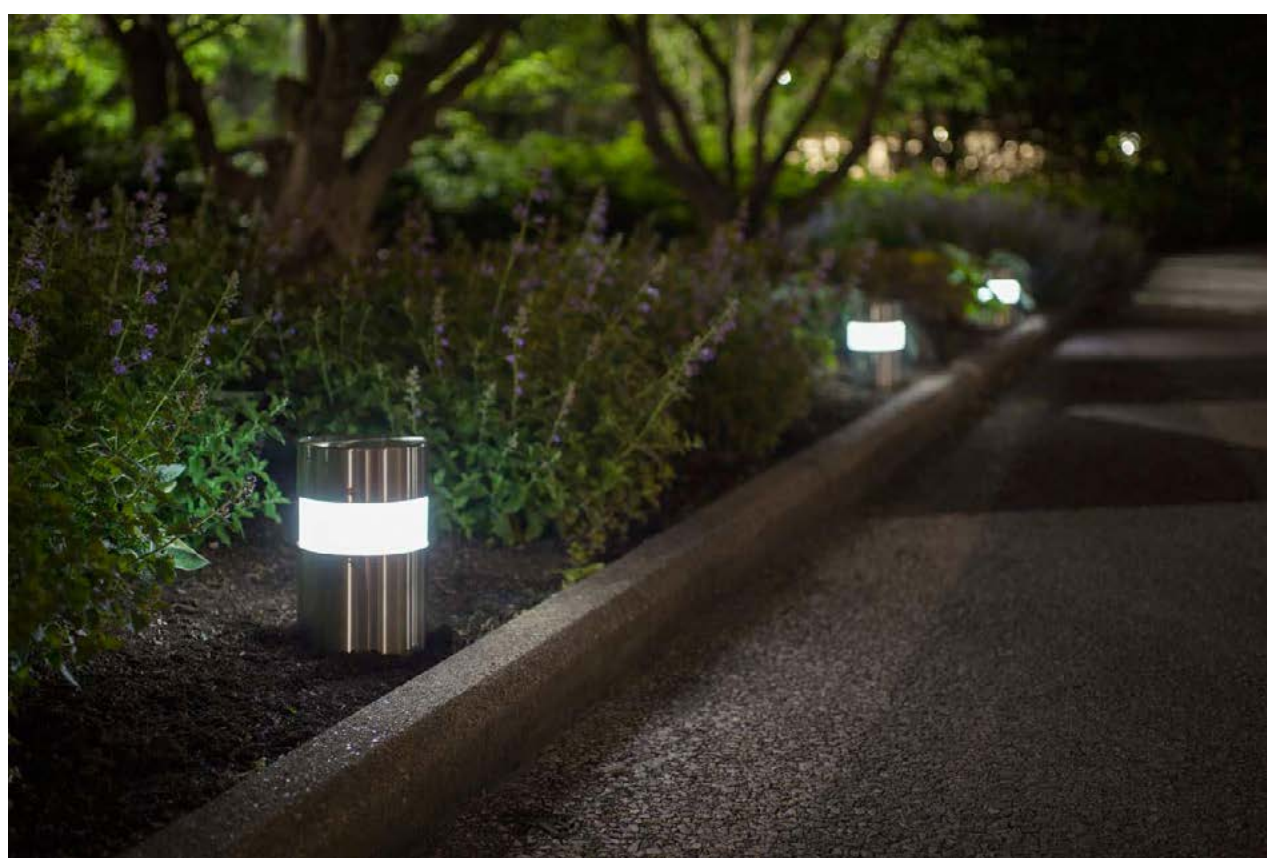
6 Decorative Unit Pavers



7 Public Art / Sculptures



8 Lighting



City of De Pere, Wisconsin

**Request For Plan Commission Action**

MEETING DATE: August 27, 2018

DEPARTMENT: Planning

FROM: Peter Schleinz

SUBJECT: Status Report and Presentation for the City of De Pere Zoning Ordinance and Sign Ordinance Rewrite - August 2018.

The zoning ordinance rewrite consultant, Kirk Bishop from Duncan Associates, will be present at the Plan Commission meeting to present the status of the project, to present the Concept and Direction Report, to discuss the role that the Plan Commission plays in the zoning ordinance rewrite process, and to answer any questions that the Commissioners and public may have.

ATTACHMENTS:

- Plan Commission Report - Zoning Code Update - August 2018 (DOCX)
- Zoning Ordinance Concept and Direction Report v2 08-06-2018 (PDF)

City of De Pere MEMORANDUM



To: Plan Commission
From: Peter Schleinz, Senior Planner | Zoning Administrator
Date: August 27, 2018

RE: **Status Report of City of De Pere Zoning Ordinance and Sign Ordinance Rewrite – August 2018**

On March 16, 2018, the City of De Pere entered into an agreement with a consultant, Duncan Associates, in order to cooperatively take on the task of rewriting the City's Zoning Ordinance and Sign Ordinance. This task is expected to be completed by the end of 2019. The role of the Plan Commission is to act as the steering committee that reviews and edits the rewritten ordinances prior to final approval by the Common Council.

To keep the Plan Commission updated about the status of the rewrite, staff provides monthly status reports. Periodically, the consultant will attend Plan Commission meetings to gather information and to present the draft ordinance in smaller sections to allow for a more thorough analysis of the rewritten ordinances.

July-August 2018 Summary Status of Ordinance Rewrite Activities:

- In July 2018, the consultant completed a draft "Concepts and Directions Report." After review by the technical advisory group, the report was finalized and prepared for presentation to the Plan Commission during the August 27, 2018 Plan Commission meeting.
- The consultant, after gathering suggested changes from the technical advisory group, began drafting the first sections of the new ordinance.

Upcoming August 2018 Activities:

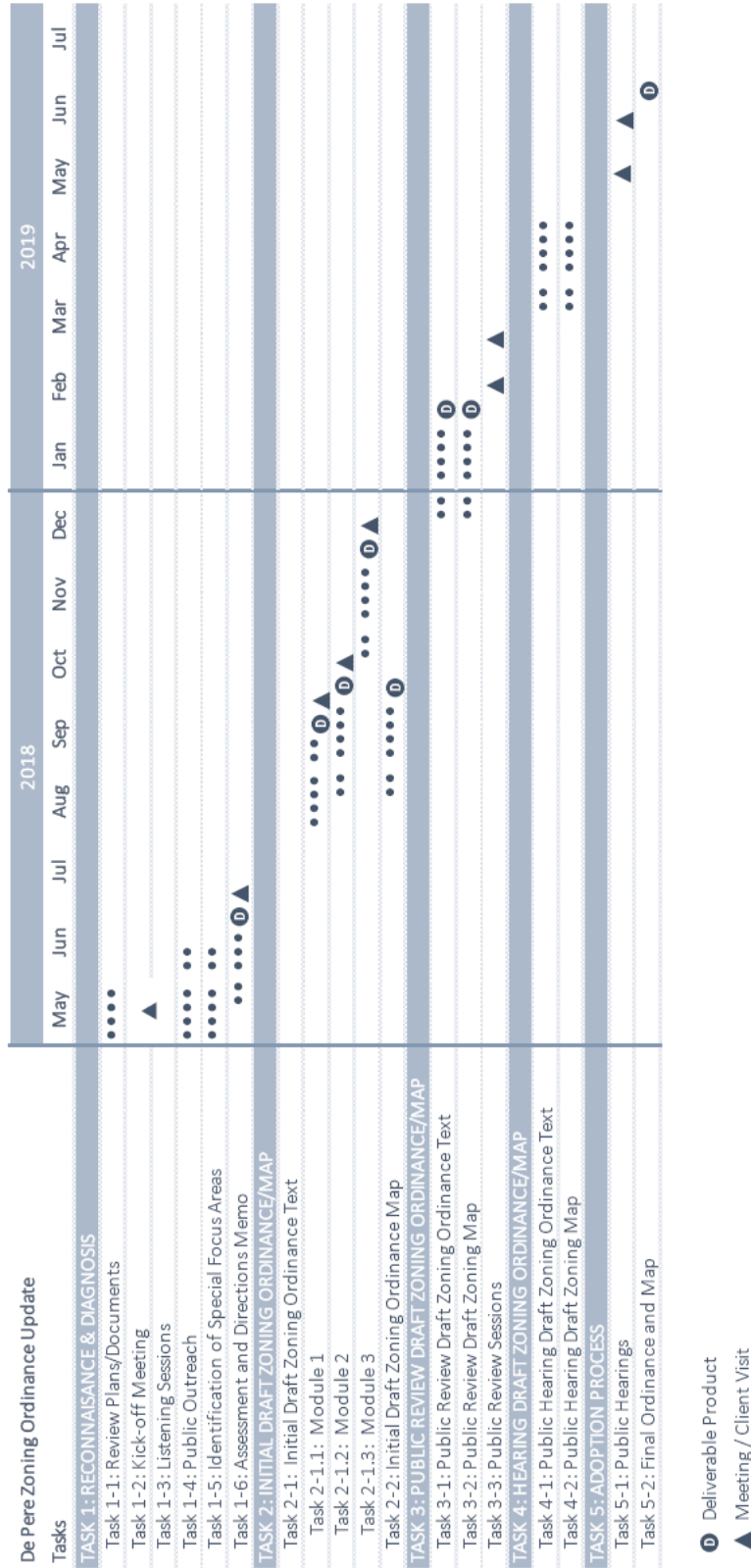
- In addition to presenting the "Concepts and Directions Report," the consultant will briefly explain the role that the Plan Commission plays (reviewing, recommending changes, recommending approval) throughout the ordinance rewrite process. The consultant will also answer any questions that the Commission or public has.
- A series of mini-group interviews will be performed with residents and companies that work with the City that have utilized the Ordinance.
- The consultant will continue writing the first draft sections of the Ordinance.

If the Plan Commission has questions of staff or the consultant, staff will gladly retrieve additional information from the consultant.

Staff Recommendation

Receive the status report, with Concept and Directions Report, and place on file.

De Pere Zoning Ordinance Update
Project Timeline



Duncan Associates | 4/5/18

De Pere

W I S C O N S I N

ZONING ORDINANCE UPDATE

Assessment and Direction Report



DRAFT
AUGUST 2018



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Zoning Ordinance Update Project

The city has launched a project that will lead to a comprehensive update of the current zoning ordinance, primarily focusing on chapters 14 and 98 of the De Pere municipal code. While the zoning ordinance has been subject to periodic maintenance and revision over the years, the last major overhaul occurred in the 1970s.

General Objectives

Due to its age, the current zoning ordinance does not fully reflect the goals and objectives of the city and lacks essential tools for addressing contemporary land use and development issues. Among other things, the new ordinance will need to:

- Be aligned with city policies, as expressed in the 2010 comprehensive plan and other planning documents;
- Include updated design standards and new place-making tools; and
- Promote walkable mixed-use development patterns;
- Protect stable residential neighborhoods;
- Offer a variety of housing choices and lifestyle options for city residents;
- Rely on predictable and efficient development approval procedures; and
- Include illustrations, graphics and navigational features that make the regulations easy to use and understand.

Key Advisors

Steering Committee

The city's plan commission will serve as the project steering committee, fulfilling a role as a "sounding board" for the zoning ordinance update. Enlisting the support of the plan commission should pay dividends in terms of members' expertise and experience.

In their role as the project steering committee, the plan commission will be asked to provide high-level guidance and oversight and help in ensuring that various perspectives and opinions are considered.

Plan Commission (Steering Committee)

Mayor Michael Walsh
Aldersperson James Boyd
Aldersperson Lawrence Lueck
Derek Beiderwieden
Amy Kunderinger
Grant Schilling
Steve Taylor

Technical Advisory Group

A technical advisory group has been convened to provide detailed input and feedback on draft work products. This staff-level committee will be responsible for conducting detailed reviews of draft work products and for providing feedback to the consultant team. They will play a key role in early phases of the project, including vetting of the initial draft zoning ordinance. As the project proceeds to the public review and adoption process, the technical advisory group will continue to serve as a key partner in the update process.

The technical advisory group includes representatives from the Development Services Department and the City Attorney's Office.

Ordinance User Groups

Individuals who are regular zoning ordinance users and development process participants will be invited to participate in small group listening sessions during the project.

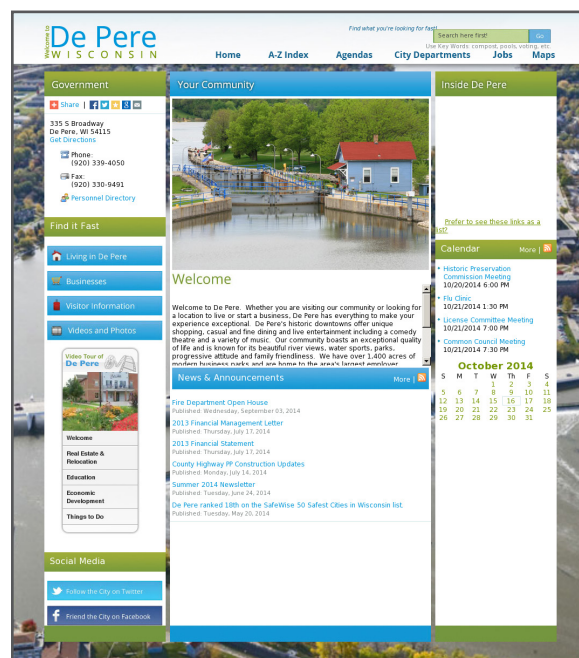
By engaging in discussions with property owners, builders, developers, civic leaders, neighborhood advocates and others, these planned listening

sessions will provide the consultant team with a first-hand account of the views of groups directly affected by existing and proposed zoning regulations. The user groups will also be asked to participate in focus group discussions once an initial draft of the zoning ordinance has been released for public review.

General Public

As a plan *implementation* exercise, the zoning ordinance update demands more targeted and focused participation than does a *planning* project. Still, it is essential that the general public be informed about the project and its important linkage to previous planning efforts and policy initiatives.

The city's [website](#) will serve as a key portal for sharing information about the project, including the posting of documents and the announcement of project meetings and events. Beyond the website, city staff and the consultant team will work in other ways to "get the word out" about the project and—once new draft regulations are ready—to educate property owners and city residents about the proposed changes and the ways they may be affected.



The city's website will be used to disseminate information about the zoning update project.

Once a complete draft of the new ordinance has been prepared, open houses, workshops or other meeting formats will be used to introduce the public review draft zoning ordinance. Later, the plan commission and common council will hold public hearings as part of the ordinance adoption process. The public will be encouraged to attend these hearings and to convey their comments directly to elected and appointed officials.

Plan Commission

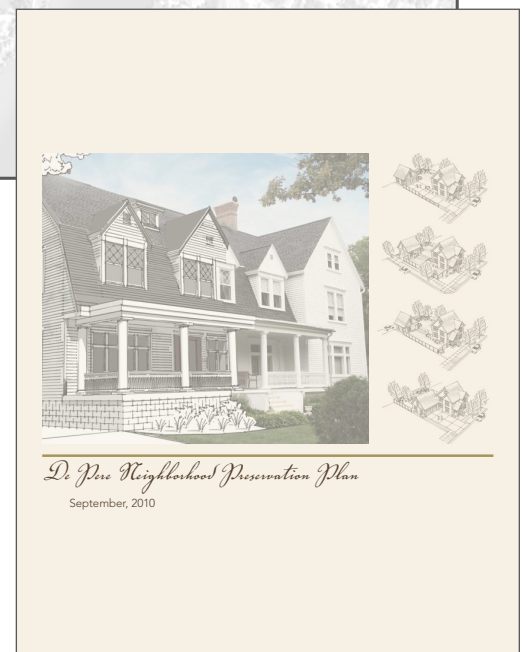
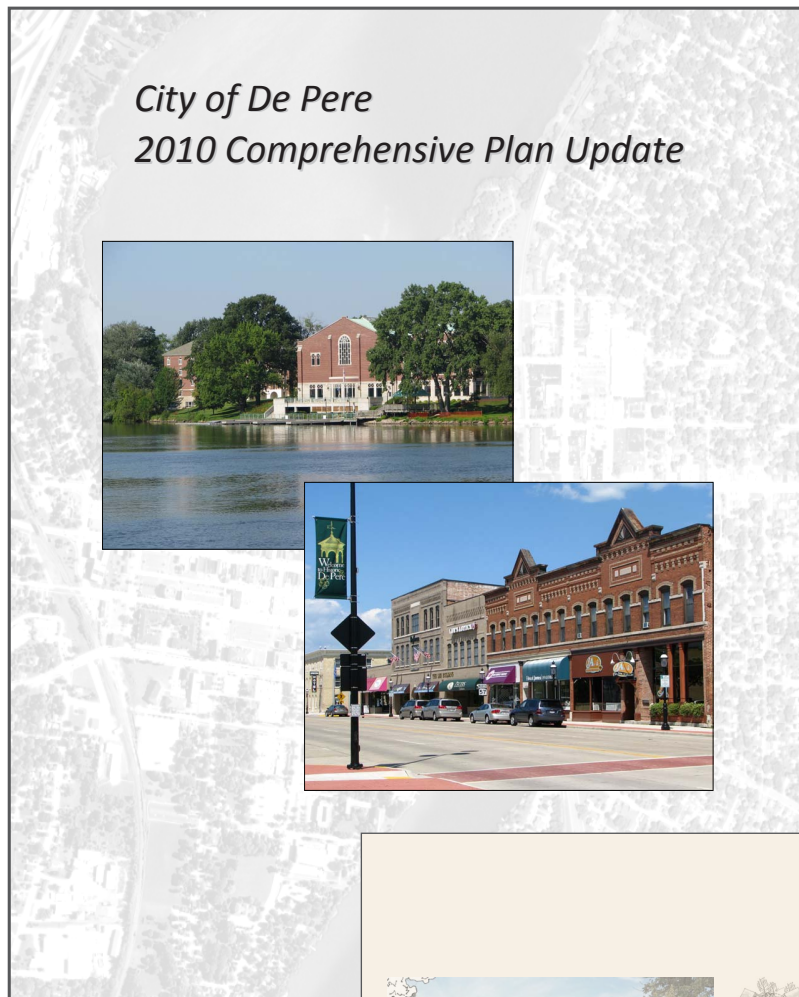
Besides serving as the project steering committee, the plan commission will have a formal role towards the end of the ordinance update process. As with any proposed zoning ordinance text or map amendment, the plan commission will conduct (advertised) public hearings and ultimately issue a recommendation to the common council.

Common Council

As with the plan commission, the common council will play a vital role in the adoption process and have final decision-making authority on whether to adopt the new regulations.

Consultant Team

The city has retained a team of consultants to prepare the new ordinance. The team includes Duncan Associates, Codametrics and Kimley-Horn.



One of the key objectives of the zoning update project is to ensure consistency with and implementation of adopted plans and studies.

Work Plan

The project work plan is summarized below.

TASK 1: MOBILIZATION AND RECONNAISSANCE	
Task 1.1: Plans Review	Conduct review of the current comprehensive plan, downtown master plan, neighborhood preservation plan, and other relevant planning documents
Task 1.2: Kick-Off Meeting	Meet with city staff to discuss the project scope, work plan, schedule and logistics
Task 1.3: Listening Sessions	Conduct ordinance user listening sessions to gain insight into local issues and concerns (August 2018)
Task 1.4: Public Outreach	Prepare public outreach strategy describing proposed approach to engaging stakeholders and the general public; Provide materials for project website and social media interaction; and Work with a steering committee to inform the ordinance writing and review ordinance drafts.
Task 1.5: Community Character	Identify neighborhoods, corridors, and districts that warrant new, more detailed regulations; Conduct field surveys and other research to gain a better understanding of built patterns and neighborhood character within each of these identified areas
Task 1.6: Project Direction Memo	Prepare brief report of findings from Task 1; Present report to steering committee (August 2018)
TASK 2: INITIAL DRAFT ZONING ORDINANCE	
Task 2.1: Initial Draft Ordinance	Prepare draft ordinance in modules; Attend periodic meetings with steering committee and technical advisory team to review draft ordinance and any map changes
Task 2.2: Initial Draft Zoning Map	
TASK 3: PUBLIC REVIEW DRAFT ZONING ORDINANCE AND MAP	
Task 3.1: Public Review Draft Zoning Ordinance	Prepare second draft ordinance incorporating revisions in response to steering committing and technical advisory team input during Task 2; Post draft ordinance and map to project website
Task 3.2: Public Review Draft Map	
Task 3.3: Public Review Sessions	Conduct review sessions with ordinance users and public
TASK 4: HEARING DRAFTS (ORDINANCE AND MAP)	
Task 4.1: Public Hearing Draft Ord.	Prepare public hearing draft of new zoning ordinance incorporating changes and refinements based on the public reviews conducted during Task 2
Task 4.2: Public Hearing Draft Map	
TASK 5: ADOPTION PROCESS	
Task 5.1: Public Hearing	Participate in plan commission and common council public hearings; public hearings advertised and “noticed” per state law and local custom; public testimony invited
Task 5.2: Adopted Ord. and Map	Prepare and deliver final version of ordinance and map



Recommended Direction

Introduction

This report summarizes the consultant team's initial recommendations regarding the scope and direction of the De Pere zoning ordinance update. The intent is to provide a sense of the general direction to be pursued in the update, not to identify the specifics of every needed or proposed change. After review and acceptance by the city, the report will serve as a partial foundation for the new zoning ordinance.

In preparing the report, a variety of policy documents and regulations were reviewed to gain an understanding of the existing planning and regulatory framework. This work was supplemented by time touring De Pere and its neighborhoods. This field work provided invaluable context for understanding city plans and ordinance provisions.

The recommendations in the report represent broadly framed ideas for addressing identified inadequacies within the current zoning ordinance. They are intended to serve as the starting point for discussion, prior to beginning the ordinance drafting work. Recommendations can and will be revised and tailored in response to local reviews and issues encountered as the project proceeds.

It is important to point out that any shortcomings stated or implied in the report are not intended to reflect poorly on previous ordinance authors or upon public officials and staff charged with administering them. The types of issues identified in this report are commonplace, as older ordinances are incrementally revised in response to ever-emerging issues.

Ordinance Structure

1. Improve Organization and Format

One of the goals of the zoning update project is to ensure that De Pere's new zoning ordinance is easier to use than its present-day counterpart. Substantive regulations should be clear, comprehensive and internally consistent. Administrative and procedural provisions should be streamlined, consistent and easy to understand.

Given the important role that zoning plays, the new ordinance should be logically organized, well-formatted and easy to use. The document should be laid out in a way that people can find the information they need and written so that information can be understood once it is found.

Like many ordinances, the way in which information is organized and presented in the city's existing zoning ordinance could be improved. This section describes several ways in which the new ordinance will be made easier to navigate, use and understand.

Many ordinance regulations can be more clearly presented by using tables or charts. This will help eliminate redundancies, as well as the inevitable inconsistencies and internal conflicts that occur when the same regulations are restated in multiple sections of an ordinance. Eliminating these redundancies can also reduce the bulk of the printed document.

The new regulations should also contain illustrations and graphics—instead of just long passages of text—to help convey the meaning of regulatory concepts. It should also employ distinct typefaces for articles, divisions, sections and subsection titles. Indented text should be used to indicate the hierarchical nature of ordinance sections and subsections. Generous white space and graphics should be used to enhance the document's visual appearance and improve its usability. Page headers and footers should be used to provide navigational aids to those searching for information within the document.

The current zoning ordinance (Chapter 14) is organized into 11 articles, as follows:

Article I. Intent and Purpose

Article II. General Provisions

Article III. Nonconforming Structures and Uses

Article IV. Administration and Enforcement

Article V. Zoning Districts

Article VI. Residence Districts

Article VII. Business Districts

Article VIII. Industrial District

Article IX. Conservancy District

Article X. General Requirements

Article XI. Development and Design Standards

The greatest drawback of the current organization is that important, regularly consulted information gets "buried" too deep within the ordinance outline. From a navigation and usability standpoint, it would be helpful to elevate key regulations to a higher level within the ordinance's organizational structure.

We recommend that the updated ordinance follow a revised outline, such as the preliminary version that follows:

Article I. Introductory Provisions

Article II. Residential Districts

Article III. Mixed-Use Districts

Article IV. Commercial and Industrial Districts

Article V. Special Districts

Article VI. Overlay Districts

Article VII. Uses

Article VIII. Parking and Access

Article IX. Landscaping and Site Design

Article X. Review & Approval Procedures

Article XI. Administration

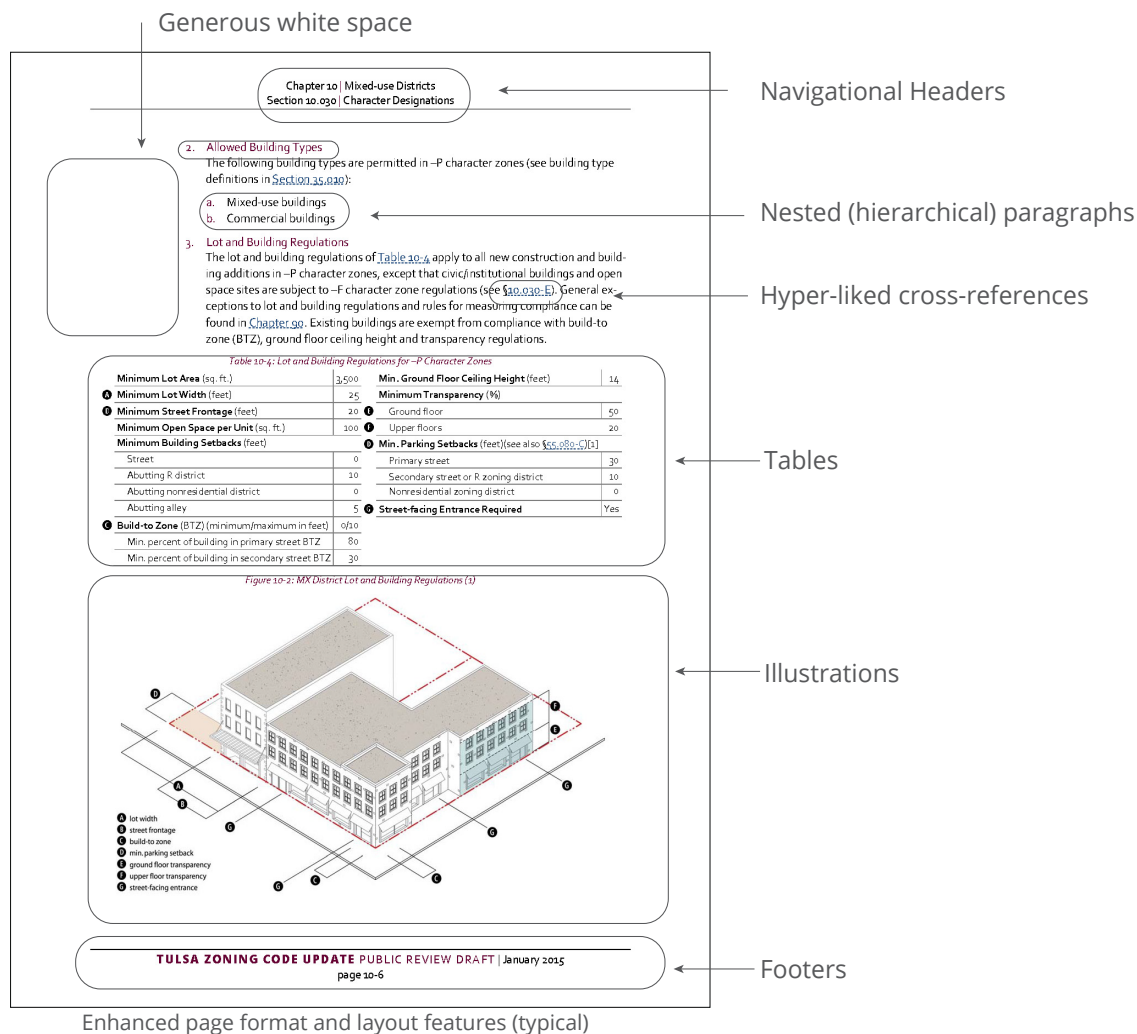
Article XII. Nonconformities

Article XIII. Violations, Penalties and Enforcement

Article XIV. Measurements

Article XV. Terminology

This tentative outline will be refined as the ordinance drafting process proceeds.



2. Consider Revised Numbering System

The challenges of navigating and using De Pere's current zoning ordinance are due in part to the document's structure and in part by (section) numbering conventions that make it difficult for users to "find their bearings" when reading the ordinance.

The basic structure of the ordinance appears to be as follows:

Level 1: Chapter 14

Level 2: Article (Roman numeral, e.g., I)

Level 3: Section (Arabic numeral linked to chapter but not to article number, e.g., 14-

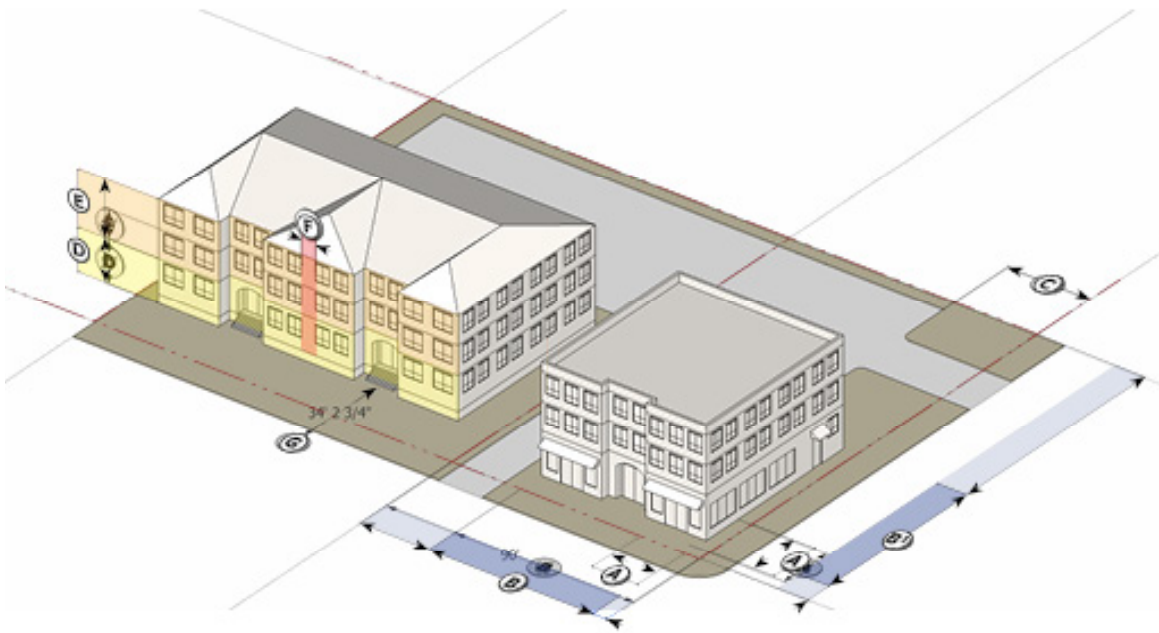
1; numbered consecutively throughout ordinance)

Level 4: Subsection (Arabic numeral in parenthesis not linked to any other number, e.g., (1))

Level 5: Paragraph (lower-case letter in parenthesis not linked to any other number, e.g., (a.))

Level 6: Sub-subparagraph (Arabic numeral not linked to any other number, e.g., 1.)

Level 7: Sub-sub-subparagraph (lower-case letter not linked to any other number, e.g., a.)



Sample zoning ordinance graphic illustrating requirements for building siting, parking siting, required transparency and building entrances

Level 8: Sub-sub-sub-subparagraph (lower-case Roman numeral not linked to any other number, e.g., i.)

EXISTING NUMBERING SCHEME

Chapter 14

Article I

Section 14.1

(1)

(a)

1.

a.

i.

Because the numbering assigned to most levels of the ordinance's structural outline are not tethered to article or section numbers, the outline levels sometimes provide little guidance for ordinance users attempting to jump from one section to another or navigate among pages where no article or section numbers are present. Additionally, the ordinance lacks navigational markers, such as page headers and footers, which would give users an indication of where they are within the overall document.

3. Includes Tables and Graphics

As previously stated, many of the ordinances' regulations and requirements could be more clearly and efficiently presented by using tables. Presenting key regulations in this way can help eliminate repetition, as well as the types of inconsistencies and internal conflicts that can occur when the same regulations are restated in multiple sections of an ordinance.

In addition to greater use of tables, the zoning and subdivision regulations should also include illustrations and graphics—instead of merely text—to help convey the intent of regulatory concepts.

Administration and Procedures

4. Increase Reliance on Objective Standards

In recent years the current zoning ordinance has been amended and supplemented with "development and design standards" (Art. XII) intended to promote desirable urban form and high-quality place-making. To promote local planning priorities, such as infill, mixed-use, neighborhood character preservation

and walkability, the updated zoning ordinance will need to include additional provisions addressing urban form and community character.

The existing ordinance's increased emphasis on improved building and site plan review has resulted in better development designs. However, these design improvements have come at the price of a more lengthy and less predictable approval process, involving review by city staff, with final decision-making by the plan commission.

As part of the zoning update effort, we hope to build upon the city's past successes and transition to a system that increasingly relies on clear and objective design and development standards. Such an approach may reduce the need for plan commission review and thereby result in expedited time-frames for project approvals.

5. Provide Appropriate Regulatory Relief and Customization Tools

One of the goals of the new ordinance should be the creation of a predictable set of requirements that can be administered through an efficient and consistent review process. No matter how modern and comprehensive the new zoning ordinance is, however, it will not be able to anticipate the challenges posed by every development and every site. For this reason, a series of allowed deviations or exceptions and corresponding approval procedures should be included in the updated ordinance.

Some of these exceptions will be minor, easily identified items that could be approved administratively. Others may be major deviations from the ordinance, and those would require additional review and time for approval.

6. Reorganize and Streamline Processes

All development/permit review and approval procedures should be consolidated into a single article of the zoning ordinance. Grouping the various review and approval processes, including required notice and

appeal procedures, would make it easier to find information in the document. Also, by using principles of parallel construction (i.e., structuring similar ordinance sections in a sequential, consistent manner), required procedural steps will be clearer and more consistent.

7. Add a Written Interpretation Procedure

A formal zoning ordinance interpretation procedure should be added to the ordinance. Because no ordinance can anticipate or address every possible circumstance, there should be a procedure in place to request and secure a written interpretation upon request (and payment of fees).

A formal procedure will result in a record of interpretation requests, which will help ensure predictable and consistent application of the regulations. The record of interpretations can also be consulted when preparing periodic ordinance updates. We recommend consideration of a procedure giving the zoning administrator authority to issue formal written interpretations, with any appeals of the zoning administrator's decisions going to the board of appeals.

8. Clarify Thresholds and Procedures for Site Plan Review

The ordinance's existing site plan review procedures should be rewritten to establish different review processes for different types and scales of activities, ranging from staff-level reviews of relative minor matters to plan commission approval of major projects (see also recommendation No. 4)

9. Address Nonconformities

In zoning parlance, "nonconformities" are buildings, uses, and lots that were established in compliance with applicable regulations, but that no longer comply with zoning regulations because the rules were changed—or were first instituted—after such situations were established. Nonconforming status could be related to virtually anything now addressed by current controls, including failure to meet

current use, lot size (area or width), building setback or building height regulations.

Some people confuse “nonconforming” with “illegal.” A more apt description might be “previously conforming,” a phrase that more clearly indicates that such situations did comply with applicable rules at one point in time. The stigma of nonconforming status sometimes results in fairly harsh regulatory treatment.

Preliminary research indicates that nonconforming lots are not uncommon in older areas of De Pere. This issue should be addressed as part of the update. Options for consideration include: (a) adjusting existing lot size and setback regulations; (b) creating one or more new districts to be applied in areas that don’t fit existing classifications; or (c) employing some other technique to reduce or eliminate the nonconformities (see also “Appendix 2”).

In addition, the existing nonconformity regulations should be substantially rewritten to address issues of clarity—i.e., more clearly distinguishing among the regulations that apply to nonconforming lots, uses and structures—and to allow greater flexibility in dealing with nonconforming situations that are not likely to cause substantial adverse impacts on the surrounding area.

Care will be taken to ensure that any new or modified regulations do not create needless nonconformities or pose a significant stumbling block to context-appropriate redevelopment activities in the city.

Zoning Districts

10. Create New Mixed-Use Zoning Options

One of the 2010 plan’s major themes is its call for promotion of walkable, mixed-use development patterns. To help implement the plan’s objectives, new mixed-use zoning districts should be included in the updated ordinance. The regulations associated with these mixed-use districts will need to address building and parking location on the site, building height, distribution of uses within the building, and building facade design

requirements (windows, doors, facade divisions).

11. Create Public/Civic Zoning Districts

The existing zoning ordinance does not include a specific zoning classification for public and quasi-public facilities, such as schools, colleges, churches, parks, fairgrounds and open spaces. Instead, public and quasi-public uses are classified as permitted or conditional uses in many residential and nonresidential districts.

As a result, the zoning map may convey an inaccurate message about the range of uses and activities that may occur, particularly in residential zones. Furthermore, the lot and bulk regulations associated with some zoning districts may be inappropriate for public and civic use types, and they may not adequately mitigate the impacts of high-intensity public/civic uses.

As part of the update, consideration should be given to adding one or more public/civic zoning classifications to the zoning ordinance. These districts would then be available for future property owner- or city-initiated rezonings in the future.

12. Include Small lot Zoning District

The addition of one or more smaller lot zoning districts in the updated zoning ordinance would help address the nonconforming lot issue that exists in some older neighborhood areas and provide a possible new zoning option in other areas of the city (see also “Appendix 2” and recommendation No. 20).

13. Reduce Reliance on Planned Developments

De Pere like many cities has come to rely on site-specific planned development zoning to accommodate many forms of new development. This results in zoning that is unpredictable, not transparent and difficult to administer and enforce. Ideally, the need for PDD zoning will be reduced or even eliminated as a result of the ordinance update.

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4. BUILDING TYPES

Storefront

4.5 Storefront

4.5.1 DESCRIPTION & INTENT

The Storefront building type is a low-to mid-rise for use at mixed-use nodes and along mixed-use corridors throughout the city. The Storefront building is built close to the front lot line to create continuous streetscapes along sidewalks with the goal of increased walkability at the node and along corridors. Parking is located in the rear of the lot behind the building or, in some locations, small interior side yard parking lots are permitted.

The key facade elements of the Storefront building type are a high level of storefront glass on the ground floor front facade and regularly spaced entrances along the street sidewalk.

Figure 4.5-A. Example Illustrations of Storefront Building Type

CITY OF DES MOINES ZONING ORDINANCE DRAFT

DRAFT

4. BUILDING TYPES

Storefront

4.5.2 STOREFRONT REGULATIONS

	MX1 (HODS)	MX2 (HODS)	MX3 (HODS)	CX, IX	NOTES/REFERENCES
A. Building Siting (refer to Figure 4.5-B)					
1 Multiple Principal Buildings	not permitted	permitted	permitted	permitted	see section 60B for accessory building requirements
2 Accessory Building Locations	rear yard only	rear yard only	rear yard only	rear yard only	
3 Minimum Primary Frontage Lot Line Coverage	85%	90%	60%	60%	see section 60B for accessory building requirements; minimum pedestrian area width is required per 60B; see section 60B for measurement requirements
4 Primary Frontage Build-to Zone (ft)	0-5	0-5	0-5	0-10	minimum pedestrian area width is required per 60B; see section 60B for measurement requirements
5 Non-Primary Frontage Build-to Zone (ft)	0-10	0-10	0-10	0-20	minimum pedestrian area width is required per 60B; see section 60B for measurement requirements
6 Minimum Interior Side Setback (ft)	5, except 0 at alley	5, except 0 at alley	5, except 0 at alley	5, except 0 at alley	see 60B for transitions
7 Minimum Rear Setback (ft)	5, except 0 at alley	5, except 0 at alley	5, except 0 at alley	5, except 0 at alley	see 60B for transitions
8 Maximum Impervious Area Additional Semi-Permeous Area	10%	10%	10%	10%	see section 60B for measurement requirements
9 Surface Parking/Loading Location	rear yard, limited side yard only	rear yard, limited side yard only	rear yard, side yard only	rear yard, side yard only	see 60B for the limited side yard parking requirements; see 60B for additional garage requirements
10 Permitted Driveway Access	alley, if no alley exists or is planned, one driveway off each non-primary street	alley, if no alley exists or is planned, one driveway off each non-primary street	alley, if no alley exists or is planned, one driveway off each non-primary street	alley, if no alley exists or is planned, one driveway off each non-primary street	see section 60B for additional driveway requirements
B. Height (refer to Figure 4.5-C)					
11 Minimum Overall Height	1 story	3 stories	1 story	1 story	see section 60B for measurement requirements
12 Maximum Overall Height	3 stories (45' max)	5 stories	5 stories	3 stories	see section 60B for measurement requirements; see section 60B for maximum height; see section 60B for maximum height; see section 60B for maximum height
Primary Frontage Ground Story:					
13 Minimum Height (ft)	15 (NPO)	15	15	15	story heights are measured from the floor; see section 60B for measurement requirements
14 Maximum Height (ft)	20	24	24	24	story heights are measured from the floor; see section 60B for measurement requirements
All Other Stories:					
15 Minimum Height (ft)	9	9	9	9	story heights are measured from the floor; see section 60B for measurement requirements
16 Maximum Height (ft)	12	14	14	12	story heights are measured from the floor; see section 60B for measurement requirements

Figure 4.5-B. Storefront Building Siting

Figure 4.5-C. Storefront: Height & Uses Requirements

Figure 4.5-D. Storefront: Facade Requirements

CITY OF DES MOINES ZONING ORDINANCE DRAFT

Sample pages from Des Moines (IA) mixed-use code

Uses

14. Abandon the “Cascading” Use Approach

The zoning district regulations in the current ordinance include lists of uses permitted by right and by conditional use approval. The first item in many of these lists is a reference to uses allowed in another district. In this way, uses “cascade” through the ordinance and accumulate district by district. This approach, although not uncommon in older ordinances, is confusing and unwieldy.

Besides being outdated, the cascading use approach can result in substantive issues by allowing uses in higher intensity districts that are not appropriate in such districts.

Conversely, the approach may result in some uses being prohibited or subject to added scrutiny when they might be more appropriately allowed as of right.

A more sensible and modern approach would be to include one or more use tables in the ordinance showing which uses are allowed in which zoning districts. This type of table or matrix format would be easier to use and administer than the narrative “laundry list” approach used in the current ordinance. It would also help ensure that future use-related amendments to the zoning ordinance could be made in a careful, systematic way.

USE CATEGORY	DISTRICTS																	Use Regulations
Use Subcategory (See Chapter 24.08 or Cntrl + click on term for definition)	R1-15	R1-9	R1-6	R-2	R-4	R-8	CO	C1	C2	M1	M2	SP-CON	SP-POS	SP-PUB	SP-INS	SP-MED	SP-RP[1]	SP-PKG
- Specific Use Type (See Ch. 24.08 or Cntrl + click on term for definition)																		
RESIDENTIAL																		
Household Living																		
- Detached House	P	P	P	P	P	P	-	C	-	-	-	-	-	-	-	-	-	-
- Semi-detached House	-	-	-	P	P	P	-	C	-	-	-	-	-	-	-	-	-	24.09.020
- Two-unit House	-	-	-	P	P	P	-	C	-	-	-	-	-	-	-	-	-	-
- Attached House	-	-	-	P	P	P	-	C	-	-	-	-	-	-	-	-	-	24.09.020
- Multi-unit Building	-	-	-	P	P	P	-	P	-	-	-	-	-	-	-	-	-	24.09.070
- Mixed-use Building, Vertical	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-
Group Living (except as indicated below)																		
- Adult Family Home	P/C	P/C	P/C	P/C	P/C	P/C	-	C	-	-	-	-	-	-	-	C	C	-
- Community Living Arrangement	P/C	P/C	P/C	P/C	P/C	P/C	-	C	-	-	-	-	-	-	-	C	C	-
- Foster Home/Treatment Foster Home	P	P	P	P	P	P	-	C	-	-	-	-	-	-	-	C	C	-
PUBLIC & CIVIC																		
College/University	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	-
Day Care																		
- Up to 6 children or adults	P	P	P	P	P	P	P	P	P	-	-	-	C	-	C	C	C	-
- More than 6 children or adults	-	-	-	-	-	-	C	P	P	C	-	-	-	C	-	C	C	-
Detention and Correctional Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-
Fraternal, Labor, Membership Organization	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	C	-
Hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P
Library/Cultural Exhibit	-	C	C	C	C	C	P	P	P	-	-	-	C	C	-	C	C	-
Park/Recreation/Open Space (except as indicated below)	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	C	C	-
- Community or Recreation Center	-	C	C	C	C	C	-	C	P	-	-	-	C	C	C	C	C	-
- General Recreation Park/Playground	-	C	C	C	C	C	-	-	-	-	-	-	C	C	C	C	C	-
- Golf Course (min. 5,000 yards)	-	C	C	C	C	C	-	-	-	-	-	-	C	C	C	C	C	-
- Swimming Pool	-	C	C	C	C	C	-	-	-	-	-	-	C	C	C	C	C	-
- Tennis Court	C	C	C	C	C	C	-	-	-	-	-	-	C	C	C	C	C	-
Religious Assembly	C	C	C	C	C	C	-	C	C	-	-	-	-	-	-	-	C	-
Safety Services	C	C	C	C	C	C	C	C	C	C	C	-	-	P	C	C	C	-
School	-	C	C	C	C	C	-	C	-	-	-	-	C	-	-	C	C	-
Utilities & Services																		
- Minor	P	P	P	P	P	P	P	P	P	P	P	C	C	C	P	C	C	-
- Major	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	-
COMMERCIAL																		
Animal Services																		
- Sales & Grooming	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-
- Shelter or Boarding Kennel	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-	-	-

Sample Use Table (Wauwatosa, WI)

Sample Use Table (Wauwatosa, WI)

15. Modernize Use Classifications

De Pere's current zoning ordinance lists dozens of residential, business, civic/institutional and other uses that may—or may not—be allowed in one zoning district or another. These use regulations and the way in which uses are classified and defined, should be updated as part of the zoning update. In many cases, the ordinance relies on overly detailed lists of allowed uses. Instead of broadly defining “retail sales” uses, for example, the current ordinance lists several specific types of stores with little logic about why one is permitted and another is not permitted in some zoning districts. The same is true of service uses and numerous other business types.

The current ordinance's use typology could be simplified and collapsed into a logical, well-defined use classification system that includes a relatively small number of land use categories. This move would eliminate an

outmoded system of use regulation and allow the city to better respond to economic and technological changes over time.

The new zoning ordinance should include one or more use tables that identify which uses are allowed in which districts. Pointers or cross-references to any supplemental use-specific regulations can also be noted in the table. This table format would be much easier to use than the narrative “laundry list” of uses now found in each respective zoning district section and help to ensure that future amendments can be made in a careful, systematic way.

16. Re-evaluate Conditional Uses

Due to a recent change in state law (2017 Wisconsin Act 67), the city should re-evaluate the range of conditional uses identified in the zoning ordinance and the types of supplemental use standards and approval criteria that such uses must meet. By

passing 2017 Wisconsin Act 67, the legislature effectively reduced the city's discretion to deny conditional uses. The statute requires that local governments grant a conditional use approval if the applicant meets applicable ordinance requirements and agrees to meet all conditions imposed by the decision-making body.

The statute authorizes the imposition of additional requirements or conditions by decision-making bodies if they are based on "substantial evidence." However, as long as the applicant agrees to comply with those conditions, there appears to be little to no discretion left for officials to exercise in deciding whether to grant the requested conditional use.

This is an issue that will likely be the subject of much discussion and hand-wringing throughout the state, as municipalities reckon with how to deal with this new state law. In the meantime, the city should re-evaluate the types of uses requiring conditional use approval and update and clearly identify the standard conditions of approval attached to all conditional uses.

As part of the zoning ordinance update, we will seek to identify uses that could be converted from conditional uses to permitted uses, with appropriate use-specific standards that achieve the protections currently imposed through conditional use approval. Conversely, there may be some conditional uses that should be reclassified as prohibited use types.

Parking and Transportation

17. Right-Size Parking Requirements

The zoning ordinance's minimum off-street parking ratios for nonresidential uses are relatively high, requiring more vehicle parking than many modern zoning ordinances.

De Pere Zoning Ordinance Minimum Parking Requirements

Use/Building Type	Minimum Spaces
Detached house	2.0 / dwelling unit
Multi-unit resid.	1.0 – 1.75 / dwelling unit

Use/Building Type	Minimum Spaces
Retail sales	4.5 – 5.0 / 1,000 sq. ft.
Restaurants	10.0+ / 1,000 sq. ft.
Offices	4.0 / 1,000 sq. ft.

All existing minimum parking ratios will be re-evaluated during the ordinance update. Where appropriate, revisions will be proposed.

"Right-sized" minimum parking ratios can help to address infill and redevelopment challenges and reduce the cost of development. Reducing minimum parking requirements can help reduce the amount of hard-surface area on a site which means less stormwater runoff and decreased flooding risks. Lowering the amount of area that is required to be paved can also reduce urban heat island effect caused by the sun's heating of large paved areas. Reducing the amount of land area devoted to surface parking lots can also reap community appearance benefits.

Other parking changes that will likely be proposed as part of the ordinance update include:

- Requiring the provision of bicycle parking spaces for some uses;
- Exploring the use of context-based parking requirements (i.e., variable requirements by location) or even maximum parking ratios for some types of uses;
- Promoting greater use of shared parking and allowing greater flexibility for meeting parking and transportation access demands (e.g., giving credit for abutting on-street parking spaces);
- Updating parking lot layout and geometric standards, including interior parking lot landscaping and exterior screening and buffers; and
- Addressing parking (and charging/fueling facilities) for alternative fuel vehicles.

18. Support Walking and Biking

Walkable neighborhoods and a complete transportation system that includes support for walking and bicycling as well as transit are key to realizing city and regional planning goals.

The updated ordinance should address walkability by requiring buildings to interface directly with sidewalks, and context-sensitive building designs that consider and respond to adjacent street design.

- Cottage courts (also known as “bungalow courts” and “pocket neighborhoods”);
- Multiplexes (also known as “walk-up flats,” “manor houses,” and “big houses”);
- Accessory dwelling units;
- Live-work buildings; and
- Senior housing (such as assisted living, congregate living, continuing care retirement community).

Sustainability

19. Promote Sustainable Development Practices

The zoning update project offers an opportunity to advance the city’s sustainability goals. The updated regulations should accommodate and promote sustainable development practices through the removal of unintended barriers and the inclusion of appropriate regulations and incentives that address:

- The use of renewable energy sources;
- Promotion of green development practices, including green infrastructure solutions;
- Zoning for community gardens and farmers markets and other forms of urban agriculture;
- Connectivity and walkability; and
- Continued protection of flood-prone areas and sensitive natural resources.

The recommendation to incorporate additional housing options into the zoning ordinance should not be interpreted as a call to include them in *all* districts, but rather a recommendation to identify an expanded range of options in *some* districts. It is also important to note that new site planning and design criteria will need to be created to ensure that these new housing options can be seamlessly integrated into existing neighborhoods without disrupting established character.

Signs

21. Consolidate and Modernize Sign Regulations

While most of the city’s sign regulations are found in Chapter 98 of the municipal code, Chapter 14 also includes several sign-related regulations.

A comprehensive overhaul of the city’s sign regulations would be a major undertaking and a significant project in and of itself. Therefore, we recommend that any amendments to the sign regulations focus on:

- Consolidating the various regulations in a more logical organizational scheme;
- Making the regulations more understandable and user-friendly through editing and the addition of illustrations; and
- Incorporating strategic amendments to address policy changes as well as identified legal and technical deficiencies.

Housing

20. Allow Broader Range of Housing Types

The current zoning ordinance addresses a narrow palette of residential dwelling types: detached houses, duplexes and multi-unit buildings. The new ordinance can and should accommodate a wider range of housing options by allowing additional housing types in one or more districts. Such alternative housing forms could include:

- Townhouses;

Other Issues

22.Address Recurring and Emerging Issues

As stated in the introduction, the initial recommendations in this report do not represent an exhaustive list of the changes that will be made to the current zoning regulations. As the ordinance drafting work and local reviews continue, there will undoubtedly be other issues identified and additional changes proposed. Among the other more technical issues expected to be addressed are:

- Short-term rentals (aka “airbnbs”)
- Fences and walls (e.g., height, a frequent source of variance requests)
- Platted setback/building lines (which governs in cases of conflict)
- Temporary uses (such as portable storage containers)
- Accessory structures (setbacks, coverage, etc.,)
- Drive-throughs (location and design)
- Outdoor storage and display
- Driveways

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Appendix 1: Mixed-Use Areas

Introduction

There are four key mixed-use areas within the city:

1. Downtown
2. Main Avenue gateway
3. North Broadway gateway
4. South Broadway gateway

An examination of the existing building forms and uses within each of these area reveals different character or context subareas. Downtown, for example, has at least 3 different character subareas, including the core with its continuous storefronts and transition areas with commercial cottage buildings and adjacent residential and office development.

This appendix represents the first step in identifying the limits of the mixed-use areas, the context subareas within them (eventually providing the framework for new zoning districts),

and the building form and design regulations that can be used to help maintain and enhance such areas.

Existing Zoning

Currently, three “B” (business) zoning districts are used applied within the identified mixed-use areas. The B-1 district is applied downtown, on both sides of the river. B-2 zoning generally applies along the commercial (gateway) corridors and nodes. B-3 zoning is reserved for individual sites occupied by auto-oriented uses, such as gas stations and drive-through facilities. The location of each of these business districts is the basis for the mixed-use area study outlined in this appendix.

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Maps and Context Subareas

The maps on pages A-4 through A-7 represent an initial depiction of the different context areas observed within the downtown, Main Avenue gateway, North Broadway gateway, and the South Broadway gateway. Each of these areas is anticipated to be classified some form of mixed-use zoning designation under the new ordinance and be subject to updated design provisions.

The different context subareas shown on the maps are further described on pages A-8 through A-14, with images of the types of buildings that occur within each area. Context subareas are keyed to the maps.

Mixed-Use Zoning Objectives

This section includes a preliminary description of the zoning objectives to be addressed within the each of the identified mixed-use areas of the city.

Downtown

The new zoning should support the goals of the downtown master plan (July 2010). Results from the visioning and branding survey can also help inform the new zoning. Initial recommendations:

- Maintain the character of the continuous storefronts that exist within the downtown, allowing for infill development that fits that character. Focus pedestrian-generating uses in these areas to increase commercial success and overall vibrancy.
- Support new office space in a variety of sizes: smaller spaces above storefronts and stand-alone buildings. Office zoning should, however, be flexible, considering potential changes in the market.
- Support a variety of scales and types of residential development, realizing that riverfront views will increase the marketability of any new units.
- Ensure that shared parking is available and accessible for downtown shopping, eating, and entertainment uses.
- Respect the smaller scale character of locations where houses have been converted

to commercial uses or new construction has incorporated a residential character, especially in transition areas between the downtown and surrounding neighborhoods.

Main Avenue Gateway

New mixed-use zoning for the Main Avenue gateway area should:

- Recognize that this area serves as a gateway to the city, so the buildings and site design should reflect the quality and character of De Pere.
- Screen parking from the street either with well-designed buildings or landscaping.
- Allow for more walkable access to buildings and businesses in addition to supporting vehicular access.
- Recognize that this area accommodates needed auto-oriented, including gas stations, drive-through services, and automobile service.
- Migrate some buildings towards the street to provide a more gateway experience and require a higher level of building and site design.
- Consider overlaying a pattern of walkable blocks through the parcels to allow access from the surrounding neighborhoods.

North Broadway Gateway

New mixed-use zoning for the North Broadway gateway area should:

- Recognize that this area serves as a gateway to the city, so the buildings and site design should reflect the quality and character of De Pere.
- Orient the commercial businesses to allow for easy pedestrian and vehicular access.
- Screen parking from the street either with well-designed buildings or landscaping.
- Provide guidance for residential development design along the riverfront trail. Developments should address frontage along the trail and river, while still providing an appropriate entryway from North Broadway.
- Consider access to the riverfront and trail from North Broadway.

South Broadway Gateway

New mixed-use zoning for the South Broadway gateway area should:

- Recognize that this area serves as a gateway to the city, so the buildings and site design should reflect the quality and character of De Pere.
- Address the scale of parcels and appropriate type of development for Honey Court.
- Orient the commercial businesses to allow for easy pedestrian and vehicular access, perhaps off Cook Street instead of S Broadway.
- Screen parking from the street either with well-designed buildings or landscaping.
- Address the businesses across from Optimist Park on Cook Street.

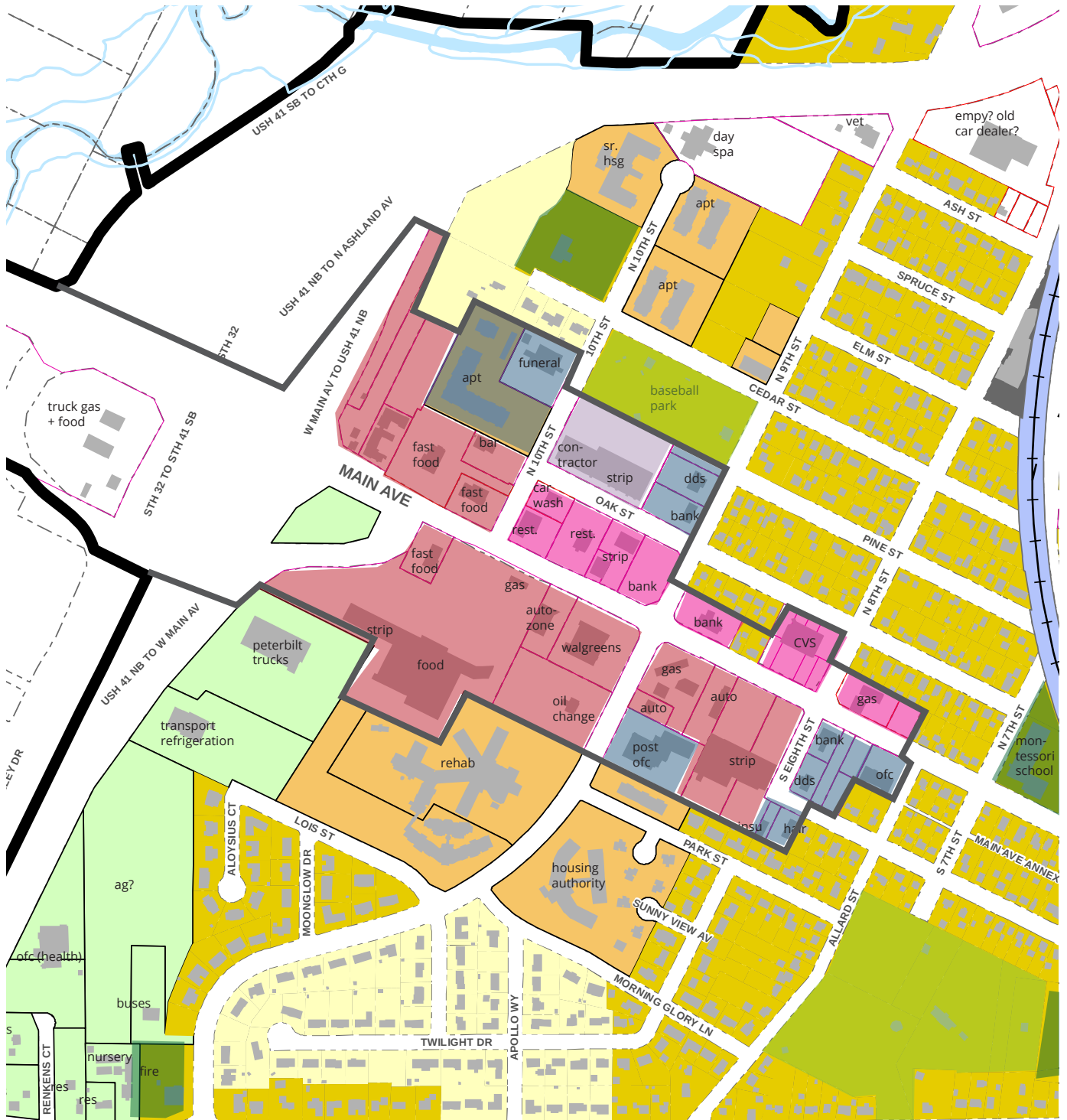


MIXED-USE AREA: DOWNTOWN





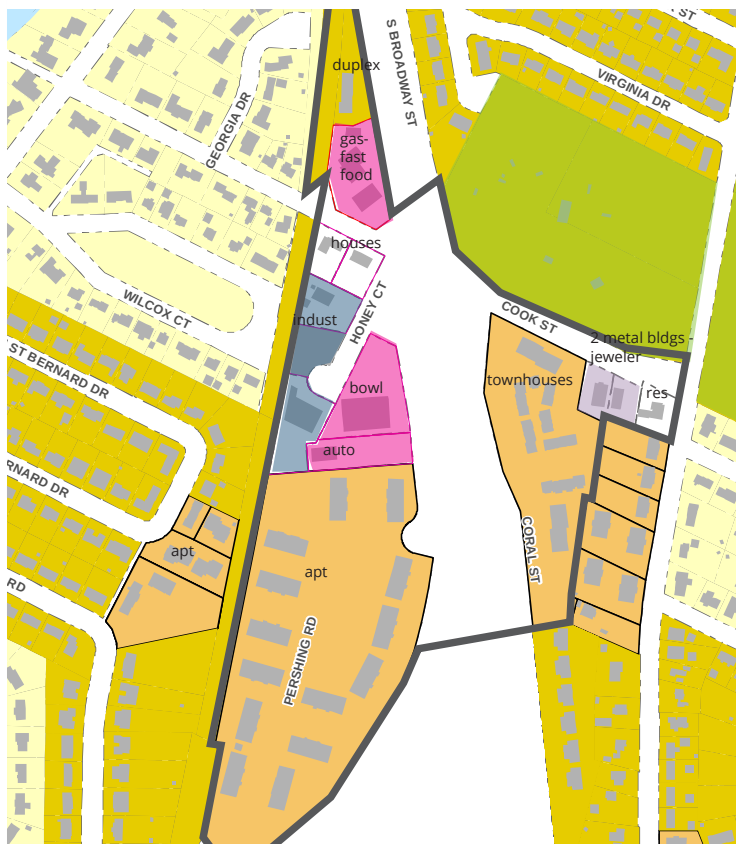
MIXED-USE AREA: MAIN AVE GATEWAY



MIXED-USE AREA: N BROADWAY GATEWAY



MIXED-USE AREA: S BROADWAY GATEWAY



CONTEXT SUBAREAS LEGEND

- Main-Street-Style Storefront
- Commercial Cottage Mix
- Auto-Focused Commercial
- Commercial Center
- Office/Residential Transition
- Downtown Residential
- River Residential
- Open Space
- Institutional
- Alley Frontage
- St Norbert's Properties

Context Subarea

MAIN-STREET STOREFRONT

De Pere has wonderful examples of historic main-street-style storefront buildings in the downtown. The character of these buildings defines this context subarea and should be retained, allowing infill buildings to be developed to reinforce and expand the district.

The new regulations should require storefront buildings to continue the existing street-wall along streets in downtown with active retail/service businesses, thereby activating the sidewalk level experience for pedestrians. The amount of windows, location of the principal entrance, and materials on the street facades will be regulated.



Storefront buildings in downtown De Pere

Context Subarea COMMERCIAL COTTAGE MIX

In areas directly adjacent to downtown and in other parts of the city, houses have been converted to businesses and new commercial buildings have been built exhibiting characteristics of houses. These “commercial cottage” buildings are often intermingled with storefront buildings, especially

along George Street. A new district that celebrates this interesting mix will provide design guidance for both small-scale storefronts and commercial cottages to infill and be modified appropriately within this subarea.



Commercial cottage buildings in and adjacent to downtown De Pere

Context Subareas

AUTO-FOCUSED COMMERCIAL & COMMERCIAL CENTERS

Auto-focused commercial includes such uses as gas stations, auto sales, and drive-through businesses. Commercial centers are larger scaled shopping centers that may include bigger stores, such as grocery stores or big boxes.

Both of these subareas need to provide easy automobile access, but could also be developed

to accommodate pedestrians. The images shown include examples of building forms that could occur in these subareas to achieve the goals. Some buildings are built up to the street with side yard parking areas, often screened from higher capacity streets, and establishing streetwall for pedestrian interest and scale. Commercial center subareas may also require division into walkable blocks.



Historic auto-focused buildings on George Street



Commercial centers in other cities



Appendix 1: Mixed-Use Areas



Gas stations with rear or side pump locations (other cities)



Buildings with side parking (other cities)



Fast-food restaurant with a rear drive-thru (other city)



Drive-thrus and side yard parking (L: De Pere; R: other city)



Context Subarea OFFICE-RESIDENTIAL TRANSITION

These subareas areas are mixed with office buildings and residential apartment or condominium buildings that work well together as a transition between commercial or mixed-use areas and low-density, detached house neighborhoods. Also, rowhouses or live-work units in these areas, would provide other opportunities for smaller businesses and innovation centers.

Updated regulations should ensure that the buildings in these subareas are built of quality materials and have an appropriate level of windows. The buildings should also be accessible from the sidewalk for pedestrians, but also may need to accommodate more parking than other areas.



Office-residential buildings in De Pere



Live-work buildings (other cities)



Examples of office buildings from other locations.



Context Subarea

DOWNTOWN RESIDENTIAL

Downtown residential is for locations where only residential currently exists or where the city would prefer residential over office uses.

Downtown residential is more intense than neighborhood multifamily; but design is still a consideration. Buildings in these subareas tend to have a bit more green space around them than

other downtown buildings, but less so than a neighborhood residential development.

The regulations for downtown residential may include building materials, roof type, entrance location, and amount of windows.



Downtown residential buildings



Residential buildings (other cities)

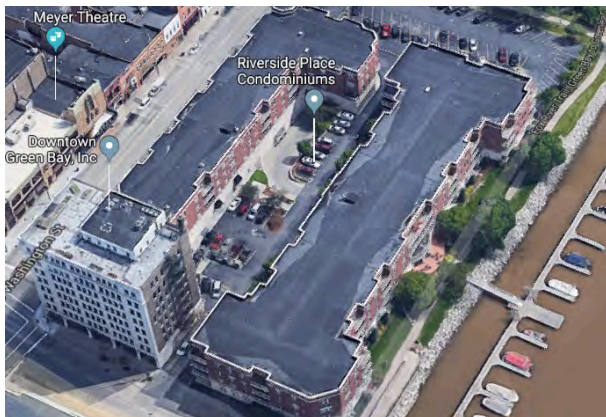
Context Subarea

RIVERFRONT RESIDENTIAL

These subareas are situated adjacent to the river or the riverfront trail. New development in these locations will often have a unique set of design conditions.

Riverfront residential should have frontage along the trail or river, but should also not turn its back to the street. In some cases, the streets may be

extensions of downtown streets and in other, a gateway to the city. The updated regulations can address these important, highly visible facades through the use of materials, windows, and entrances.

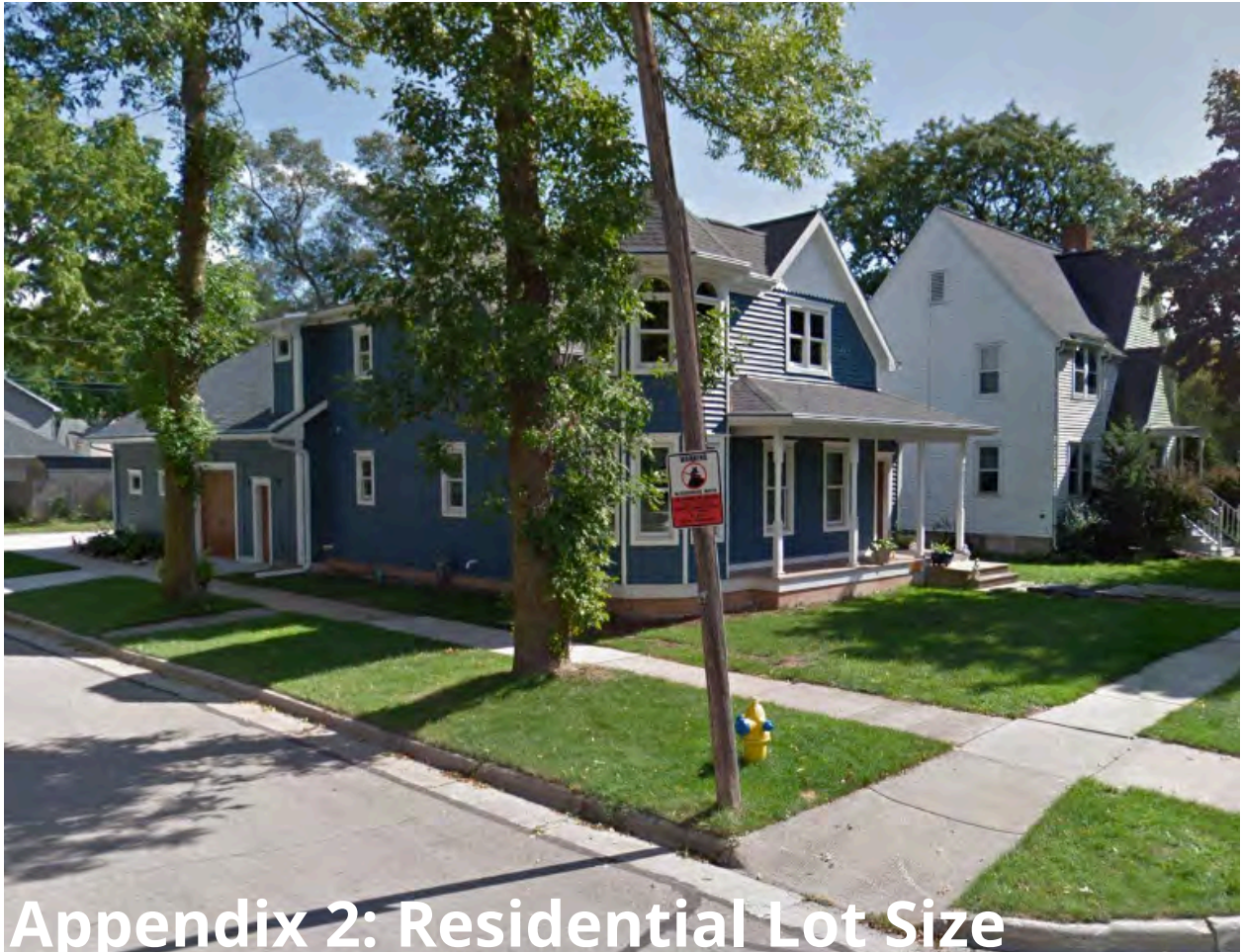


Riverfront residential in Green Bay



Riverfront residential (other cities)





Appendix 2: Residential Lot Size

Mapping

By mapping lot sizes, it is possible to begin an examination of neighborhoods in which lots do not comply with current regulations. The attached map illustrates approximate lot sizes in the following ranges:

- up to 7,999 square feet
- 8,000 to 9,999 square feet
- 10,000 to 19,999 square feet
- 20,000 square feet to 1 acre
- greater than 1 acre

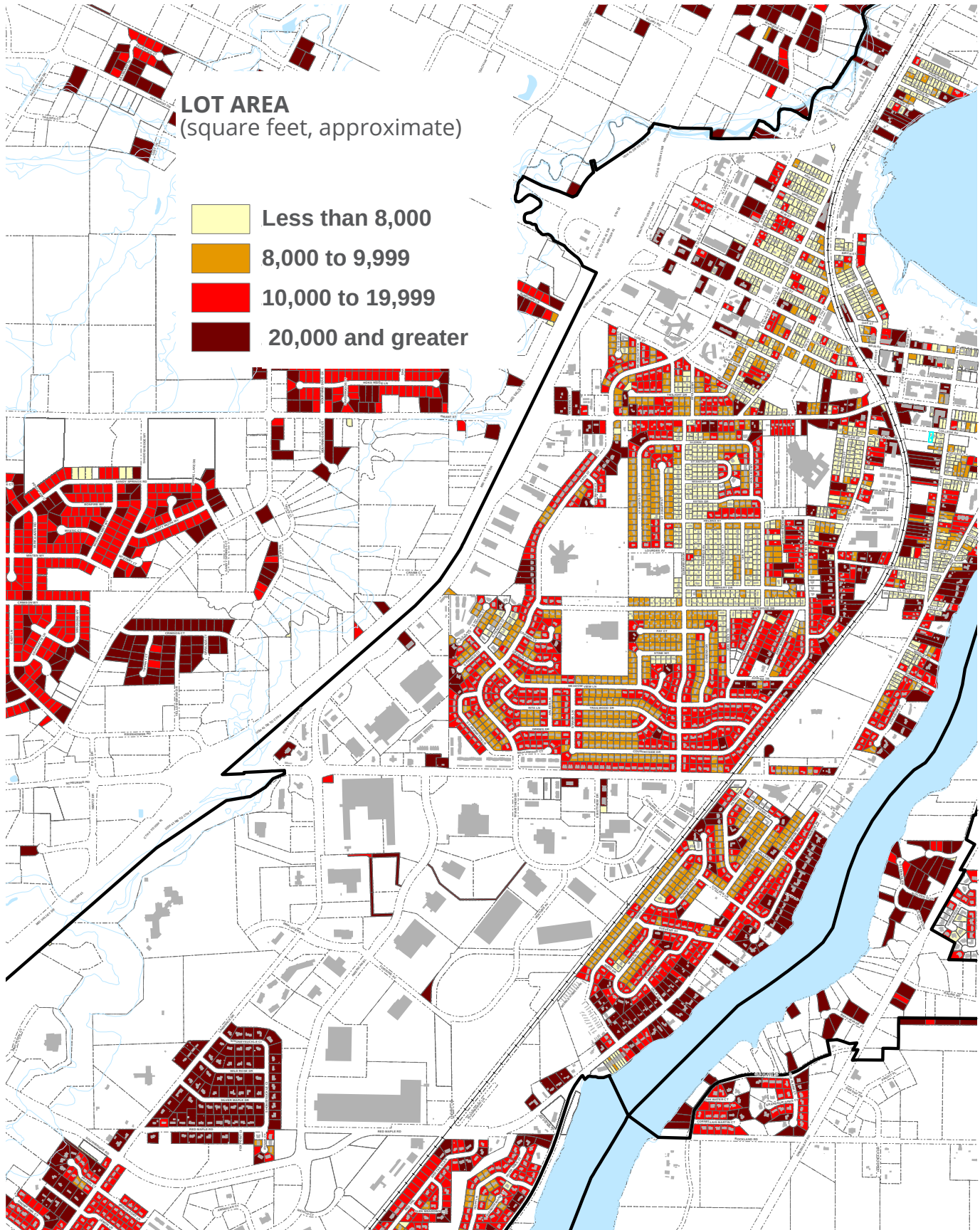
With a typical lot depth of 140 feet, an 8,000 square foot rectangular lot would be a little over 57 feet in width, while a 10,000 square foot rectangular lot would be a little over 70 feet in width.

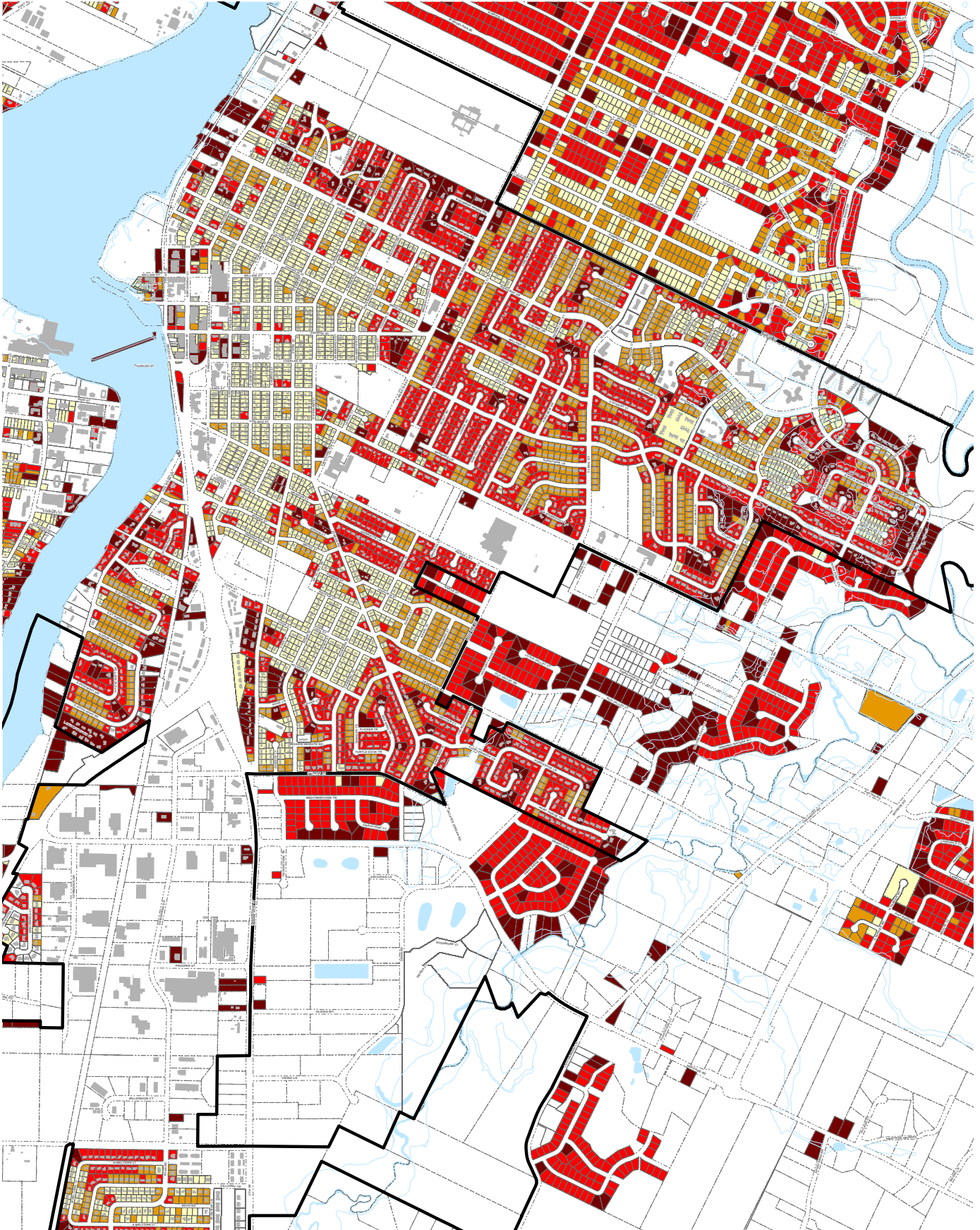
Next Steps

This map will provide an initial basis for determining which lots need to be hand measured to obtain lot widths. Once lot widths are established, a separate smaller lot zoning district can be created and mapped to address the issue of (legal) nonconforming lots.

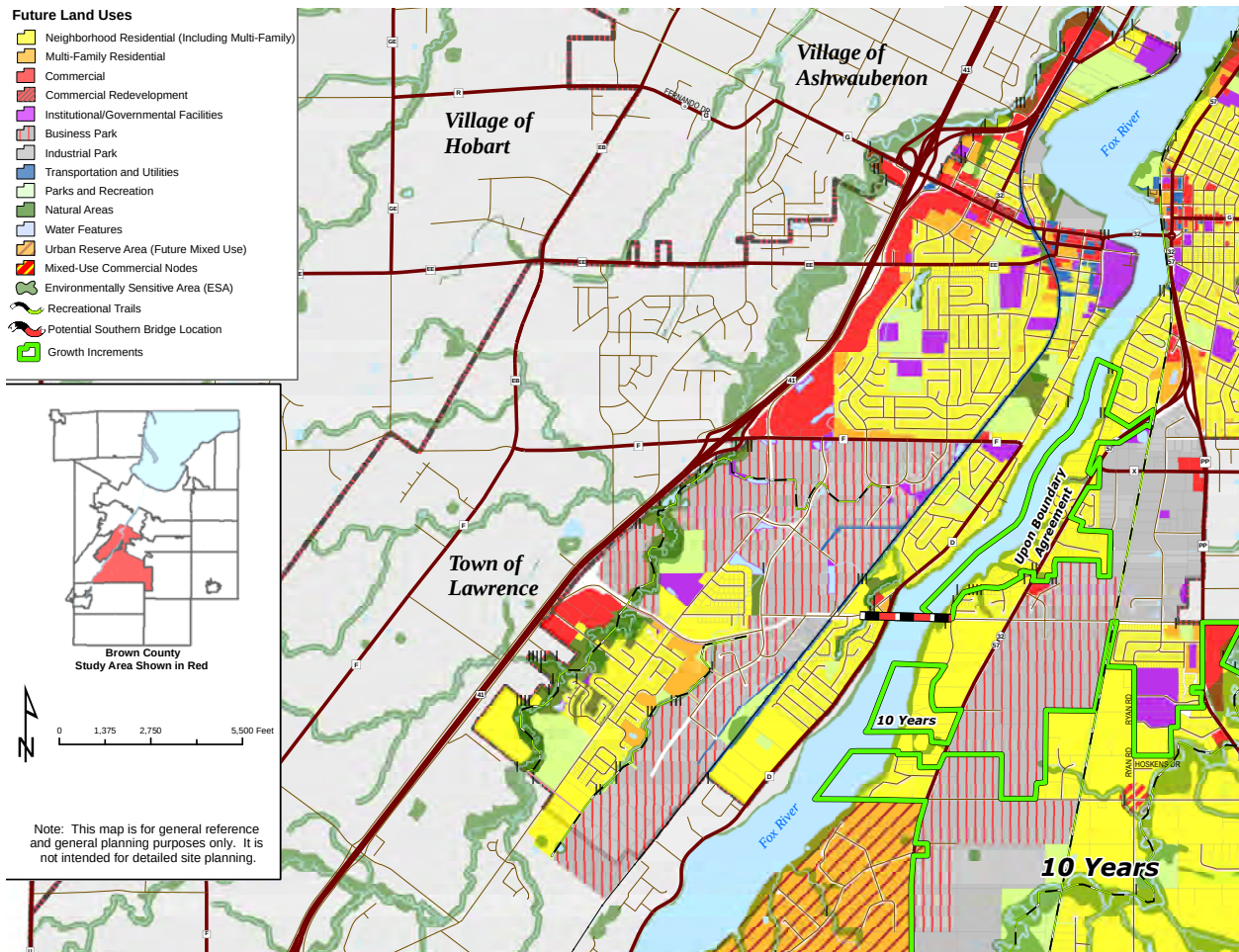
Lot Width vs. Lot Area

Lot width is a better metric for defining neighborhood character than lot area or lot depth. The depth of the lot is not visible from the street. The width of building and the amount of green space on either side of the house is a better determinant of the neighborhood scale than the amount of back yard that exists or the depth of the house.





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Appendix 3: Large Development Sites

Introduction

There are several large parcels throughout the city, especially in the southeast, that can be expected to be developed as new neighborhoods, commercial nodes, and/or business parks in the future. These areas will likely be subdivided into smaller parcels and many times include multiple development types.

With the goal of reducing reliance on planned developments and a desire for more walkable neighborhoods and districts (even in new development areas), the city may wish to include additional design guidance for these large parcels to subdivide into walkable blocks and apply a mix of uses and development types.

Large Development Sites

The new ordinance could include an overlay or new zoning classification that would apply to large parcels over a certain size (e.g., 5 acres or more) and/or specific mapped parcels. The new

regulations would define maximum blocks sizes, street requirements, open space requirements, and a mix of zoning districts or development types that could be applied to the parcel. The applicant/property owner would then master plan their site with this guidance in mind, submit a plan for approval, then develop within the site based upon the new district(s). Subdivision could be required for the site to ensure new streets and blocks are developed and publicly accessible.

An example illustration from a similar set of regulations is shown on the following page. The illustration in the regulations provides one option for a sample parcel meeting the parameters set, including new interconnected, complete streets located to meet maximum block sizes; open space distributed throughout the development; and multiple districts or development types. In this case, the light purple is a shopping/services/eating district (either single-use buildings or multi-story mixed-use) and the orange is multiple family (apartments, condominiums, or townhouses).

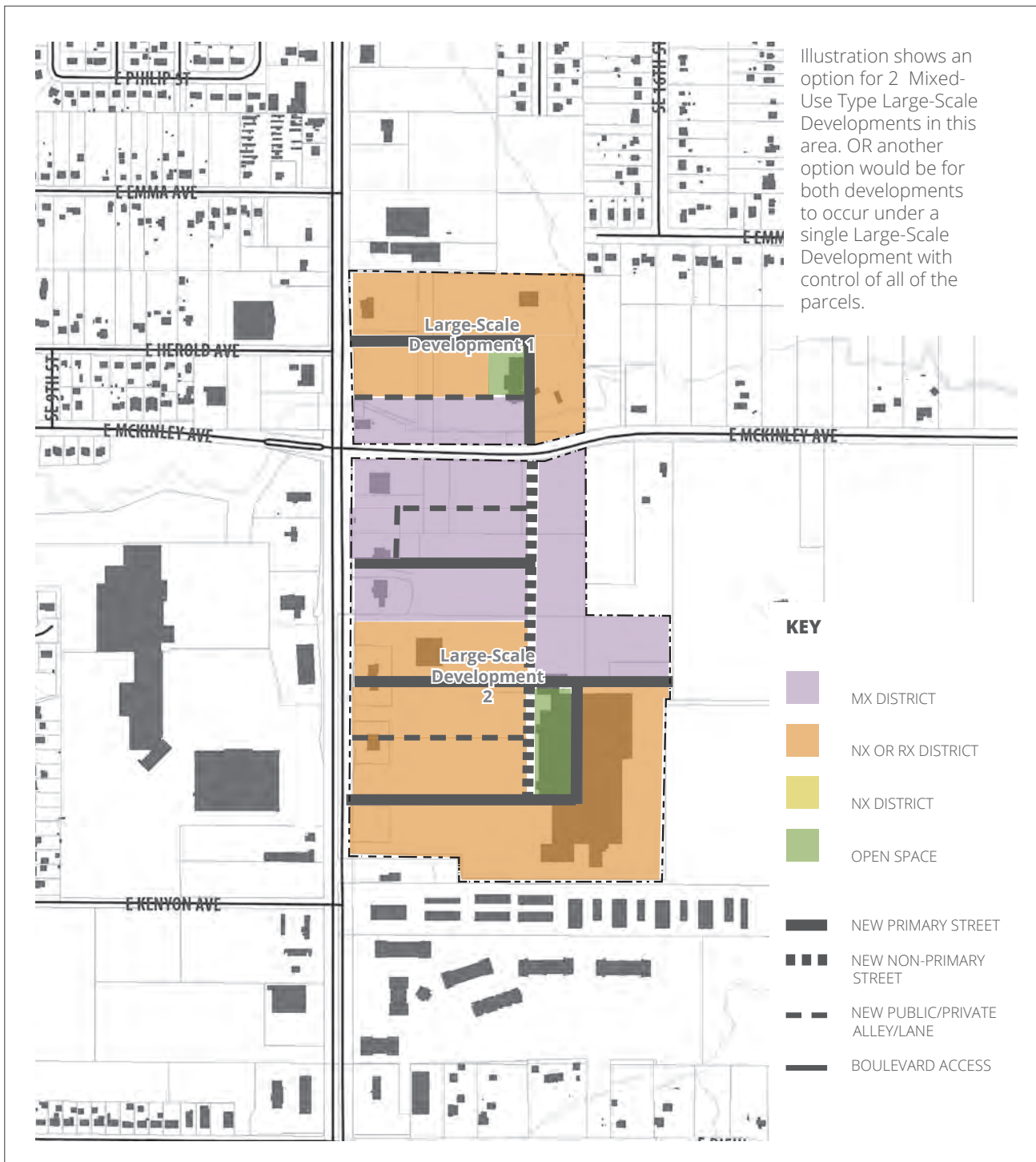


Illustration of Large-Scale Development Plan