DE PERE

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

Plan Commission

Regular Meeting

Final Minutes

Monday, June 24, 2019 **7:00 PM** **De Pere City Hall Council Chambers**

Call to Order

The meeting was called to order at 7:00 PM by Mayor Michael J. Walsh

Attendee Name	Title	Status	Arrived
Michael J. Walsh	Mayor	Present	
James Boyd	Alderperson	Present	
Derek Beiderwieden	Commissioner	Present	
Brenda Busch	Commissioner	Present	
Mark Higgins	Board Member	Present	
Dean Raasch	Alderperson	Present	
Grant Schilling	Commissioner	Present	

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

2. Approval of the minutes of the May 28, 2019 Plan Commission meeting.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Dean Raasch, Alderperson
SECONDER:	Derek Beiderwieden, Commissioner
AYES:	Walsh, Boyd, Beiderwieden, Busch, Higgins, Raasch, Schilling

3. Staff recommendation and possible action regarding a Proposed Extraterritorial 47 Lot and 2 Outlot Preliminary Plat of Lawrence Parkway at French Road in the Town of Lawrence (Parcels L-454-3, L-455-2, L-455-1, L-457-1, and L-453 & L-458-3). Submitted by David M. Schmalz, McMahon Associates, authorized representative for the Town of Lawrence, CCLW LLC, and Integrated Public Resources LLC, property owners.*

City Planner Peter Schleinz reviewed the extraterritorial preliminary plat in the Town of Lawrence. Staff recommended approval of the plat subject to two conditions outlined in the staff report. Mayor Walsh moved, seconded by Grant Schilling, to approve the plat. Upon vote, motion carried unanimously. The Council will review the preliminary plat on July 16, 2019.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Michael J. Walsh, Mayor
SECONDER:	Grant Schilling, Commissioner
AYES:	Walsh, Boyd, Beiderwieden, Busch, Higgins, Raasch, Schilling

4. Staff recommendation and possible action regarding a Precise Implementation Plan (PIP) for 1881 Southbridge Road (Parcels WD-1831 through WD-1838). Submitted by Brandon Robaidek, EIT, authorized representative for Crosspoint Church INC ETAL, property owner.*

City Planner Peter Schleinz reviewed the Precise Implementation Plan for 1881 Southbridge Road. Peter noted that the PIP functions as a site plan for Planned Development Districts. This is the third and final step for this project. The General Development Plan and rezoning were recommended for approval by the Plan

Commission on April 22, and approved by Council on May 21. Staff recommended approval of the PDD subject to the conditions outlined in the report. Mayor Walsh moved, seconded by Alderperson Boyd, to approve the Precise Implementation Plan. Upon vote, motion carried unanimously. The PIP will be reviewed by the Common Council at the July 16, 2019 meeting.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Michael J. Walsh, Mayor
SECONDER:	James Boyd, Alderperson
AYES:	Walsh, Boyd, Beiderwieden, Busch, Higgins, Raasch, Schilling

5. Staff recommendation and possible action regarding a Rezoning and PDD General Plan application for proposed Notre Dame School at 100 S Huron Street (Parcel ED-1013). Submitted by Groth Design Group. *

Development Services Director Kim Flom reviewed the rezoning and General Plan for the proposed Notre Dame School at 100 S Huron Street. She explained that the applicant is working with a very tight schedule in order to begin construction this fall. The following lists the proposed project schedule:
1. Plan Commission Pre Application Review - approved May 2019.
2. Plan Commission Rezoning & General Plan Review - scheduled June 24.
3. Precise Implementation Plan Submittal - anticipated July 8.
4. Neighborhood Open House - scheduled July 9.
5. Common Council Public Hearing & Ordinance Review for Rezoning & General Plan - anticipated July 16.
6. Plan Commission PIP Review - anticipated July 22.
7. Common Council PIP Review - anticipated August 6.

The proposed 90,000 square foot school will be located at the northern 2/3 of the property with primary entrances on Superior and Huron Streets. Car drop-off will be on Huron Street and bus drop-off will be on Superior Street. Both streets are proposed to be converted from a two-way traffic pattern to a one-way traffic pattern southbound. A variety of materials (glass, masonry, metal) are proposed for the building. Traffic projections for the new school are as follows: AM Peak - 101 vehicles entering the site, 80 leaving the site, PM Peak - 57 entering the site, 64 leaving the site. As designed, the school will be served by 150 less parking stalls than the two schools in their current locations. Nearby blocks do include street parking and it is possible that a larger portion of the surrounding neighborhood will experience more on-street parking than currently occurs. Staff recommended approval of the rezoning and General Plan subject to four zoning modifications and three conditions. Mayor Walsh noted that his biggest concern with the proposed school is the increase in traffic. Mayor Walsh moved, seconded by Alderperson Raasch, to open the meeting. Upon vote, motion carried unanimously. Peter Schneider of Groth Design addressed the commission. He thanked the commission for their time. He explained the reason for the one-way traffic pattern, which would allow for less back up and easier flow of traffic around the school. He added that he is working with staff to come up with the best solutions to address both the traffic and parking concerns. Mayor Walsh noted that one of his concerns is the one way on Huron Street for the bus drop-off. Since there are only five buses that would serve the school, he feels it's not necessary to make Huron a one way street. Derek Beiderwieden also stated that he does not believe Huron needs to be one way. He added that Lewis Street is a fire truck route, which the applicants should also keep in mind. Mayor Walsh moved, seconded by Derek Beiderwieden, to go back to regular order. Upon vote, motion carried unanimously. Mayor Walsh moved, seconded by Alderperson Raasch, to approve the rezoning and PDD General Plan. Upon vote, motion carried unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Michael J. Walsh, Mayor
SECONDER:	Dean Raasch, Alderperson
AYES:	Walsh, Boyd, Beiderwieden, Busch, Higgins, Raasch, Schilling

6. Staff recommendation and possible action regarding a Rezoning Request from R-2 (Single and Two-Family Residence District) to R-3 (Multiple Family Residence District) at 221 S. Erie Street (Parcel ED-1114). Submitted by Katie Nemitz, Design Unlimited, authorized representative for HNM LLC, property owner.*

Development Services Director Kim Flom reviewed the rezoning request for 221 S Erie Street. She noted that staff has not received any new information from the applicant, but has received several additional letters and emails of opposition to the project. She reported that the Board of Appeals tabled the setback variance request related to this project until after the Plan Commission reviews the rezoning request. Before opening the meeting, Mayor Walsh read part of a letter he received which stated that the Plan Commission ignored the petitions that were received at the May meeting. He explained that the petitions needed to be reviewed by the legal department before the Plan Commission could review them. The petitions were received and placed on file at the May meeting. Mayor Walsh moved, seconded by Alderperson Raasch, to open the meeting. Upon vote, motion carried unanimously. Dave and Elaine Flora stated their opposition to the MAC Dental expansion. Chris Halwig, with Design Unlimited and Dr. Gary Noble, the senior partner & owner of MAC Dental, addressed the board next. Chris explained that the reason for the rezoning is to match this parcel to the same zoning classification as the adjacent property that is owned by MAC Dental. Alderperson Boyd asked if they could address the size of the building, as that seems to be a main concern of the residents. Dr. Noble explained that the size of a typical two-doctor dental practice is approximately 6000-7500 square feet. To be efficient in modern dentistry, a bigger facility is necessary for the equipment and education that is needed. He added that the building hasn't changed in 46 years and in order to run an efficient dental practice, a larger facility is necessary. Without going vertical with the design, the 5300 square foot building is about the minimum size they can possibly go in order to maintain efficiency for patients and staff. Chris added that they are proposing to remove three existing structures - the house, garage and existing dental office. Lisa Cherney spoke next, stating that the large dental office does not belong in a neighborhood. Mayor Walsh moved, seconded by Derek Beiderwieden, to go back to regular order. Upon vote, motion carried unanimously. Alderperson Boyd stated that traffic is not a concern of his. He added that he understands the neighbors' concerns but is in favor of this type of business expansion, since the business has been in existence at this location for 46 years. Alderperson Raasch agreed with Alderperson Boyd's statements. Mayor Walsh stated that his main concern was traffic, which has been resolved by moving the parking out of the alley. He also noted that he previously requested that the petitioner show renderings of the new office height compared to the other building sizes in the area, which were not brought forward to this meeting. Grant Schilling thanked the residents for their comments. He added that he visited the neighborhood and after reviewing the area, he thinks the new building will look better than the existing dental office and feels it will be a positive addition to the neighborhood. Brenda Busch also spoke in agreement of Grant's comments. Alderperson

Raasch moved, seconded by Alderperson Boyd, to approve the rezoning. Upon vote, motion carried unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Dean Raasch, Alderperson
SECONDER:	James Boyd, Alderperson
AYES:	Walsh, Boyd, Beiderwieden, Busch, Higgins, Raasch, Schilling

7. Staff recommendation and possible action regarding a Conditional Use Permit request for a proposed new health and medical institution (dental office) at 221 S. Erie Street (Parcel ED-1114). Submitted by Katie Nemitz, Design Unlimited, authorized representative for HNM LLC, property owner.*

Development Services Director Kim Flom reviewed the conditional use request for MAC Dental. She explained that health and medical institutions are a conditional use in the R-3 zoning district. The applicant agreed to meet several conditions in order to be a good neighbor to the surrounding community. These conditions include:
- The conditional use will allow for health and medical institutions, specifically a dental office.
-Hours of operation will be Monday through Friday 8:00am-7:00pm. Offices will not be open on Saturday and Sunday.
-External lighting on the building will be turned off after business hours (7:00pm).
-A three stall "employee only" parking area will connect to the alley. Any guest/patient parking areas will not connect to the alley.
-A barrier/fence will be constructed along the north property line.
-Landscaping will be installed above code requirements.
Kim noted that if the project moves forward, the parcels will all be combined into one parcel and the conditional use will apply to the entire parcel. Mayor Walsh moved, seconded by Derek Beiderwieden, to open the meeting at the request of the petitioner. Upon vote, motion carried unanimously. Chris Halwig of Design Unlimited reported that the hours of operation were mistakenly listed as 8:00am-7:00pm but the actual hours of operation are 7:00am-7:00pm. He also added that while the office will not be open on the weekends, the building could be used for emergency procedures outside of the normal business hours. Dave Flora spoke about Lewis Street being a fire truck route and that occasionally a delivery truck stops on Lewis Street, which could block a fire truck from getting through. Mayor Walsh moved, seconded by Alderperson Raasch, to go back to regular order. Upon vote, motion carried unanimously. Derek Beiderwieden addressed the fire lane concern by stating that if a vehicle is parked on Lewis Street where there is a parking restriction, the driver will be fined. Development Services Director Kim Flom noted that both the rezoning and conditional use requests will likely go to Council on July 16. Alderperson Raasch moved, seconded by Alderperson Boyd, to approve the conditional use with the stipulation that the hours of operation reflect the correct hours of 7:00am-7:00pm and that the conditional use will allow specifically for a dental office. Upon vote, motion carried unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Dean Raasch, Alderperson
SECONDER:	James Boyd, Alderperson
AYES:	Walsh, Boyd, Beiderwieden, Busch, Higgins, Raasch, Schilling

8. Staff recommendation and possible action regarding a Site Plan for a new dental office and off-street parking areas at 221-233 S. Erie Street (Parcels ED-1112, ED-1113, ED-1114). Submitted by Katie Nemitz, Design Unlimited, authorized representative for HNM LLC, property owner.

   Mayor Walsh stated that the City Attorney instructed the Plan Commission to refer the site plan review back to staff until the July meeting due to the fact that the building setback variance was not approved by the Board of Appeals. The reason for this is because the site plan can not be approved until the variance has been approved by the Board of Appeals. Mayor Walsh moved, seconded by Alderperson Raasch, to refer the site plan back to staff. Upon vote, motion carried unanimously. Alderperson Boyd moved, seconded by Mark Higgins, to open the meeting at the request of the petitioner. Upon vote, motion carried unanimously. Chris Halwig questioned the Plan Commission's action, stating that the Board of Appeals couldn't vote on the variance request until after the Plan Commission's review. Mayor Walsh stated that he is following the direction he was given by the City Attorney. Mayor Walsh moved, seconded by Alderperson Raasch, to go back to regular order. Upon vote, motion carried unanimously.

RESULT:	**TABLED [UNANIMOUS]** **Next: 7/22/2019 7:00 PM**
MOVER:	Michael J. Walsh, Mayor
SECONDER:	Dean Raasch, Alderperson
AYES:	Walsh, Boyd, Beiderwieden, Busch, Higgins, Raasch, Schilling

9. Status report of City of De Pere Zoning Ordinance and Sign Ordinance rewrite -- June 2019.

   City Planner Peter Schleinz provided an update on the zoning code rewrite.

RESULT:	**NO ACTION**

Adjournment

Mayor Walsh moved, seconded by Alderperson Raasch, to adjourn the meeting at 8:37 PM. Upon vote, motion carried unanimously.

Respectfully submitted,
Kelly Barker