Plan Commission

Regular Meeting

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

Final Minutes

Tuesday, May 26, 2015 **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
Derek Beiderwieden	Commissioner	Present	
James Boyd	Alderperson	Excused	
Jim Kalny	Commissioner	Present	
Larry Lueck	Alderperson	Present	
Elizabeth Runge	Commissioner	Present	
Steve Taylor	Commissioner	Excused	
Michael J. Walsh	Mayor	Present	

Also present: City Planning Director Ken Pabich, City Engineer Eric Rakers, Building Inspector Dave Hongisto, and members of the public.

2. Approval of the minutes of the April 27, 2015 Plan Commission meeting.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Michael J. Walsh, Mayor
SECONDER:	Elizabeth Runge, Commissioner
AYES:	Beiderwieden, Kalny, Lueck, Runge, Walsh
EXCUSED:	James Boyd, Steve Taylor

3. Review the Site Plan application for a new cell tower located off Suburban Court on parcel WD-364-D-519. Applicant: Verizon.

Jim Kalny noted that under the advice of the city attorney, he must abstain from discussion and voting on this item because the applicant is a client of his firm. Larry Lueck also must abstain as an employee of Cellcom.
Ken Pabich reported that this agenda item was tabled last month to allow staff a chance to review additional materials that were submitted. City staff was concerned about the construction of a new tower when an existing structure is located 400 feet away. Ken stated that the city cannot prohibit the site, but it must meet zoning requirements. The tower would be designed to hold multiple carriers; any future facilities would still be required to come in for plan approval. The Plan Commission is left no choice but to approve the application as long as it meets the requirements set by other departments.
Mayor Walsh motioned, seconded by Elizabeth Runge, to open the meeting for public comments. Upon vote, motion carried unanimously.
Rodney Carter with the law firm of Davis & Kuelthau re-distributed his clients' sworn statements regarding the economic feasibility of the project, and provided an overview of the timeline of the project.
Discussion followed regarding prior and existing leases between Verizon and the city.
Guy Stewart from SBA Communications informed the board that when the application was submitted, city staff suggested changes and Verizon has complied.
Property owner Bill Sulzmann stated that he is dedicated to the city of De Pere and would not want to do anything to ruin the visual aesthetics of the area.

David Platz with the law firm of Godfrey & Kahn, representing the owner of the property, pointed out that the city's comprehensive plan encourages telecommunications providers to expand their services.
Mayor Walsh motioned, seconded by Derek Beiderwieden, to return to regular order. Upon vote, motion carried unanimously.
Derek Beiderwieden motioned, seconded by Elizabeth Runge, to approve the site plan application. Upon vote, motion carried 2-1. Mayor Walsh provided an explanation for his nay vote. He stated that it has nothing to do with Mr. Sulzmann or his properties. While he does not believe that it is technically infeasible or economically burdensome for Verizon to locate on the city water tower, his vote has more to do with the state legislature and what they are trying to do at the local level. De Pere has worked hard to keep standards high in the city, but with this trend in state legislation, municipalities are left with little to no control over things that affect their communities. He stated that it is a matter of pride on the city's part to ensure that this was not a unanimous vote.

RESULT:	**ADOPTED [2 TO 1]**
MOVER:	Derek Beiderwieden, Commissioner
SECONDER:	Elizabeth Runge, Commissioner
AYES:	Derek Beiderwieden, Elizabeth Runge
NAYS:	Michael J. Walsh
ABSTAIN:	Jim Kalny, Larry Lueck
EXCUSED:	James Boyd, Steve Taylor

4. Review Washington Street design between Chicago and Merrill.*

Washington St between Chicago and Merrill is scheduled for resurfacing and water line replacement this summer. Due to ongoing complaints about the current street layout, staff is proposing a design change to be incorporated into the resurfacing project. The 5-legged intersection, traffic queuing on the north end, street width and traffic speeds are all an issue. Parents will drop off their children on the left side of Washington and let them run across the street. Staff has spent 6-8 months analyzing safety and traffic issues, and studying at least 20 potential design options. The preferred option being presented would abandon the Washington street leg of the intersection and a turn lane would be created from Ontario directly onto Washington. Staff consulted with Brown County Planner Cole Runge, who is known for his work with school districts on traffic safety. Staff also conducted meetings with the school district and residents, and tweaked the design alignment based on their feedback. In addition, the police department provided input from the crossing guards' perspective.
Ken Pabich reported that the Park board supports providing the necessary right-of-way through the park. He noted that in the second design option, the lane flares back open after the turn for parking; the school district and county planners were not in favor of this. Ken acknowledged that not every single issue can be resolved with this redesign; however, these proposed changes can be achieved within the budget of the resurfacing project.
Mayor Walsh motioned, seconded by Larry Lueck, to open the meeting for public comments. Upon vote, motion carried unanimously.
Jack Van Dyke expressed concern about S. Ontario being converted to a one-way street. He does not have an objection to the new turning lane.

Jason & Heather Baierl stated that their home is located directly across from the proposed turning lane. It does seem to be the best option because of the problems with the 5-legged intersection, but they are not in favor of removing the park and gazebo. They have witnessed high usage of the park, and inquired if the gazebo could be rebuilt or relocated. Ken stated that the Park board has discussed salvaging, moving, or building a new gazebo. The Baierls also inquired whether a roundabout was considered in place of the 5 point intersection.

City Engineer Eric Rakers stated that a roundabout is too expensive for the parameters of the current resurfacing project; however it could be considered in the future. A four-legged roundabout would be much easier to accomplish. Ms. Baierl suggested that the southern end of Washington St could be closed off entirely and student drop off could be restricted to the designated drop off area that already exists on school property.

Staff has discussed this with the school district, and their goal is to encourage parents to do that which is why the district was not in favor of widening the street.

Mayor Walsh motioned, seconded by Derek Beiderwieden, to return to regular order. Upon vote, motion carried unanimously.

Alderperson Lueck stated that he appreciates the work city staff has done, but is concerned that the redesign would only push the problems somewhere else. He inquired how the success of these changes would be measured. Discussion followed regarding parking lanes versus through lanes. Ken stated that the school's preference is not to have parking on Washington St; they want to have parents using the parking lot instead.

Eric remarked that one of the challenges at the 5-legged intersection is the southbound traffic on Ontario attempting to turn north back on to Washington St. Drivers skirt the curb instead of swinging out into the intersection, which creates a dangerous situation. Discussion followed regarding the potential for traffic to back up at the new turn, and the likelihood that the four-way controlled stops and the crossing guards would create natural breaks for turning.

Jim Kalny motioned, seconded by Larry Lueck, to re-open the meeting for public comments. Upon vote, motion carried unanimously.

Resident Penny Gebelein expressed concern that the redesign would create traffic backups on westbound Merrill St as well.

Elizabeth Runge spoke in favor of the redesign because the current 5-way intersection with one crossing guard is not safe.

Larry Lueck motioned, seconded by Jim Kalny, to return to regular order. Upon vote, motion carried unanimously.

Derek Beiderwieden motioned, seconded by Jim Kalny, to approve Design Option 1 with the following amendment: the left queue lane will be extended south to the point where the right lane bumps in. Upon vote, motion carried as amended 4-1.

RESULT:	**ADOPTED AS AMENDED [4 TO 1]**
MOVER:	Derek Beiderwieden, Commissioner
SECONDER:	Jim Kalny, Commissioner
AYES:	Derek Beiderwieden, Jim Kalny, Elizabeth Runge, Michael J. Walsh
NAYS:	Larry Lueck
EXCUSED:	James Boyd, Steve Taylor

5. Review the Rezoning Application for parcel ED-477 (428 N Superior St) from General Business with a Planned Development District Overlay (B2-PDD) to Single and Two Family Residence with a Planned Development District Overlay (R2-PDD). Applicant: Tadych Investment Partners.*

Ken Pabich explained that this parcel came before the Plan Commission in 1988, to change the zoning from R-2 to a Planned Development District with underlying B-2 zoning. The current application requests a rezone to return the parcel to R-2 with a PDD overlay. The site has been vacant for more than six years, and the existing building and parking lot are in need of serious repair. The general plan proposes to create 10 lots for single family homes, which would be accessed by a private alley. Ken displayed a map of the original plat which contained seven lots before the school was built. From a density standpoint, this could have potentially been 14 units for the R-2 zoning. Staff recommends that the proposed zoning is compatible, and feels it could be a compatible project if City Council and the Plan Commission approve the specific plans. Tonight the Plan Commission will consider the rezoning request and the general development plan. If approved, it will then forward to a public hearing at City Council. The final detailed plans would come before the Plan Commission and Council again after that.

Mayor Walsh motioned, seconded by Jim Kalny, to open the meeting for public comments. Upon vote, motion carried unanimously.

Penny & Mike Gebelein expressed concern about lot size, minimum square footage requirements, the proposed setbacks between houses, and lack of green space and its effect on the appearance of the development. They also inquired whether the city would be responsible for alley maintenance.

Linda Beane-Katner stated that this site is located in a historic district, and neighboring residents have worked hard to obtain and maintain that status. She inquired if the city has assessed whether the existing building can be renovated. She also expressed concern about the look of the new homes, the spacing of the units, and the method that would be used to raze the building.

Amy Ritter expressed concern that if the proposed homes do not sell at the asking price, the quality of the homes might drop. She inquired whether the city has considered making the site into a park, and also asked if it could be zoned R-1 to prevent crowding duplexes into the space.

Emily Schultz voiced her opinion that ten homes would make the site too crowded and that it would be inconsistent with the layout of other properties in the neighborhood.

Erica Van Kirk expressed concern about losing the mature trees on the lot.

Developer Jason Tadych then addressed the group and responded to comments from the public. The existing building and parking lot are in rough condition; there is water in the building, and the roof has issues. Renovation would require a significant

investment. They looked at converting the building to a multifamily use, but the interior structure is concrete which is very limiting; therefore it did not make sense to pursue a conversion. They plan to raze the structure and return the site to its historic roots with single family homes that have a basis in historic architecture such as wraparound front porches, lap or shingle siding, etc. The would like to salvage the brick from the original structure to use in the development. They have not yet established the exact method of demolition, but have reached out to several demolition contractors. Tadych acknowledged they would not be able to save all of the trees, but would try to save the ones along Superior St. The PDD would stipulate single family homes only, and would require the submission of a landscape plan as well. The alley would be private and as such the City would not be responsible for maintenance.

Ken reported that the Parks department did not consider the site for a city park because the price point to acquire it was too high. He pointed out that while ten units is higher than the existing, it could potentially have been 14 for R-2 zoning; ten is not out of line for an infill project. Jim Kalny inquired if the developer considered eight lots; Tadych responded that the cost of acquiring the land, razing, utility improvements etc necessitated ten.

Mayor Walsh motioned, seconded by Jim Kalny, to return to regular order. Upon vote, motion carried unanimously.

Discussion followed regarding lot sizes in other PDD districts; Ken displayed examples for the Commission to view. Building Inspector Dave Hongisto stated that in his opinion, the cost to renovate the existing structure would be prohibitive and that this development proposal is the best use for the site. The PDD zoning provides a safeguard for the neighborhood. The overlay gives the developer flexibility within reason to deviate from the standards of the zoning code, but also gives the city the ability to place additional restrictions and conditions above and beyond the zoning code.

Larry Lueck expressed concern about the density, and requested visual renderings as well as documentation regarding attempts to save the building. Staff will request that the developer present those items at the City Council meeting. Discussion followed regarding front yard setbacks; the developer is proposing 15 feet, and existing setbacks on the street vary; one example is 12 feet. The Historic Preservation Commission will work with the developer to document anything of historical significance and coordinate salvage. Ken noted that the site was previously converted to office space, so interior items may already have been removed.

Discussion followed regarding methods to ensure that the project moves forward if approved. Ken explained that the general plan would traditionally have a schedule of implementation. While factors like an economic downturn can't be controlled, this Commission can place conditions such as timelines, a set number of pre-sales, etc.

Jim Kalny motioned, seconded by Elizabeth Runge, to approve the rezoning and general development plan and forward to City Council for a public hearing. Upon vote, motion carried unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Jim Kalny, Commissioner
SECONDER:	Elizabeth Runge, Commissioner
AYES:	Beiderwieden, Kalny, Lueck, Runge, Walsh
EXCUSED:	James Boyd, Steve Taylor

6. Review the CSM Application for a two lot CSM on the south end of American Boulevard parcel WD-L492-B. Surveyor: Mau & Associates.*

   Ken Pabich provided an overview of the application; he noted that the City will reserve two access points on Lot 2. Jim Kalny motioned, seconded by Larry Lueck, to approve the request and forward to City Council for approval. Upon vote, motion carried unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Jim Kalny, Commissioner
SECONDER:	Larry Lueck, Alderperson
AYES:	Beiderwieden, Kalny, Lueck, Runge, Walsh
EXCUSED:	James Boyd, Steve Taylor

7. Review the CSM Application which divides WD-1377 into two and combines them with neighboring parcels on American Boulevard. Surveyor: Mau & Associates.*

   Derek Beiderwieden motioned, seconded by Jim Kalny, to approve the application and forward to City Council for approval. Upon vote, motion carried unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Derek Beiderwieden, Commissioner
SECONDER:	Jim Kalny, Commissioner
AYES:	Beiderwieden, Kalny, Lueck, Runge, Walsh
EXCUSED:	James Boyd, Steve Taylor

8. Review the CSM Application for a two lot CSM on the north west corner of American Boulevard and Southbridge Road parcel WD-L179-1. Surveyor: Mau & Associates.*

   Mayor Walsh motioned, seconded by Elizabeth Runge, to approve the application and forward to City Council for approval. Upon vote, motion carried unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Michael J. Walsh, Mayor
SECONDER:	Elizabeth Runge, Commissioner
AYES:	Beiderwieden, Kalny, Lueck, Runge, Walsh
EXCUSED:	James Boyd, Steve Taylor

9. Review the CSM Application for an extraterritorial CSM for a 3 lot CSM and road dedication in the Town of Rockland. Surveyor: Zeitler.*

   Mayor Walsh motioned, seconded by Larry Lueck, to approve the application and forward to City Council for approval. Upon vote, motion carried unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Michael J. Walsh, Mayor
SECONDER:	Larry Lueck, Alderperson
AYES:	Beiderwieden, Kalny, Lueck, Runge, Walsh
EXCUSED:	James Boyd, Steve Taylor

Adjournment

Mayor Walsh motioned, seconded by Elizabeth Runge, to adjourn the meeting at 9:10 PM. Upon vote, motion carried unanimously.

Respectfully submitted,
Carey Danen