



Plan Commission

Regular Meeting

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

Agenda

Monday, February 24, 2020	7:00 PM	De Pere City Hall Council Chambers
---------------------------	---------	------------------------------------

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 **February 24, 2020 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 Spectrum 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 January 27, 2020 Plan Commission meeting.
3. Staff recommendation and possible action regarding a Proposed Extraterritorial 1 Outlot Certified Survey Map within the 4300 BLK of Monroe Road in the Town of Ledgeview (No Parcel Number, adjacent to D-445). *
4. Staff recommendation and possible action regarding a Site Plan request for an addition to an existing office and warehouse building with a parking lot at 2045 Profit Place (Parcel ED-2383).
5. Staff recommendation and possible action regarding a Conditional Use Permit request for a proposed new public utility and service use (Wisconsin Public Service Natural Gas District Regulator Station) at 806-808 Ash Street (Parcels WD-602, WD-603). *
6. Consideration of and Possible Action on an Easement Request from Wisconsin Public Service on City Owned Parcel ED-275.*

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.

*Items with an asterisk require City Council approval.

Agenda Sent To:

Alderspersons
City Administrator
Mayor
Department Heads
TV, Newspapers & Radio Stations
Kress Family Library
De Pere Chamber of Commerce
Dale Raisleger, PLS
Paul Fontecchio
Ron Tollifson, Bay Area Architects LLC
Jesse Hockers, JTH Real Estate LLC
Steven Paplham, Wisconsin Public Service

Fairchild Living Trust of 1995
Robert Laskowski, Wisconsin Public Service
Rick Bilotto, The PRG Team
Tony Meeuwsen, Boldt



City of De Pere, Wisconsin

Request For Plan Commission Action

MEETING DATE: February 24, 2020

DEPARTMENT: Planning

FROM: Kelly Barker

SUBJECT: Approval of the minutes of the January 27, 2020 Plan Commission meeting.

ATTACHMENTS:

- PC_Jan2020_Minutes_Draft (PDF)



Plan Commission

Regular Meeting

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

Draft Minutes

Monday, January 27, 2020

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	Aldersperson	Present	
Derek Beiderwieden	Commissioner	Present	
Brenda Busch	Commissioner	Present	
Mark Higgins	Commissioner	Excused	
Dean Raasch	Aldersperson	Present	
Grant Schilling	Commissioner	Present	

Also present: City Attorney Judy Schmidt-Lehman, City Administrator Larry Delo, City Planner Peter Schleinz, Development Services Director Daniel Lindstrom and members of the public.

2. Approval of the minutes of the November 25, 2019 Plan Commission meeting.

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

3. Introduction of Daniel Lindstrom, Development Services Director.

Mayor Walsh welcomed Daniel Lindstrom as the new Development Services Director and invited him to address the commission. Daniel introduced himself and provided a brief overview of his professional background.

RESULT:	NO ACTION
----------------	------------------

4. A Public Hearing on the proposed boundary amendment for Tax Increment Financing District #12 is scheduled for 7:00 PM, or as soon thereafter as can be heard.

A. Notice of Public Hearing.

Kelly Barker read the notice of public hearing, stating that it was published in the Green Bay Press Gazette on January 13 and January 20, 2020.

RESULT:	DISCUSSED
----------------	------------------

B. Review Proposed Boundary Amendment for Tax Increment Financing District #12. *

City Attorney Judy Schmidt-Lehman reviewed the proposed boundary amendment for TID #12, which is being done to include three additional parcels into the TID. She noted that there was a mistake in the agenda - Items 4C, 5C, and 6C should contain the * since these items require City Council approval, not items 4B, 5B, and 6B. Judy Schmidt-Lehman explained that Infinity Machine (parcel WD-1372) and Bayland Machine (parcel WD-1371) are both currently located in TID #6 and wish to undergo major expansions, while the third parcel

(WD-L482-1) is anticipated by City staff to develop into residential property in the very near future. The project plan for TID #12 is not changing, just the territory associated with the TID. Mayor Walsh declared the public hearing open at 7:07 pm. He called three times if anyone wished to speak. No one wished to speak and the public hearing was called to a close at 7:08 pm.

RESULT:	NO ACTION
----------------	------------------

C. Resolution PC20-01, Recommending Adoption of the Proposed Plan Amendment to Modify the Boundary for Tax Incremental Financing District No. 12.

Ald. Raasch moved, seconded by Derek Beiderwieden, to approve the resolution. Upon vote, motion carried unanimously. This resolution will be reviewed by Common Council on February 19, 2020, with final approval at the Joint Review Board meeting on February 21, 2020.

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

5. A Public Hearing on the proposed project plan for Tax Increment Financing District #15 is scheduled for 7:00 PM, or as soon thereafter as can be heard.

A. Notice of Public Hearing.

Kelly Barker read the notice of public hearing, stating that it was published in the Green Bay Press Gazette on January 13 and January 20, 2020.

RESULT:	DISCUSSED
----------------	------------------

B. Review Proposed Project Plan and District Boundary for Tax Increment Financing District #15. *

City Attorney Judy Schmidt-Lehman reviewed the proposed boundary plan and district boundary for TID #15, which is an overlay of parts of TID #8. TID #15 is being created as a mixed-use TID to facilitate a proposed office development for United Health Group on parcels WD-0036 and WD-D0035-1-1. The Humana and Foth parcels will be removed from TID #8 and added to TID #15. Mayor Walsh declared the public hearing open at 7:13 pm. Sue and Paul Bougie, homeowners who live within the proposed boundary for TID #15, addressed the commission. They wanted to know why their parcel (WD-L281-1) is included in the TID as the only residential property in the TID. Judy Schmidt-Lehman replied that their property is included in the TID to accommodate future development. The Bougies asked if inclusion in the TID would increase their taxes. Judy Schmidt-Lehman noted there is no cost associated with being in the TID and it will not increase their taxes. Resident John Cordry spoke next. He lives at 1985 French Road and owns two parcels. The first parcel, WD-L437-10 is not located in the TID but the second parcel, WD-L437-11, is located in the TID. He requested that parcel WD-L437-10 be added to the TID. Mayor Walsh called two more times if anyone wished to speak. No one else did and the public hearing was closed at 7:20 pm.

RESULT: NO ACTION

C. Resolution PC20-02, Recommending Adoption of the Proposed Boundaries of Tax Incremental Financing District No. 15 and the Adoption of the Tax Incremental Financing District No. 15 Project Plan.

Mayor Walsh made a motion to approve the resolution with the amendment to include parcel WD-L437-10 in the boundary for TID #15. Ald. Raasch seconded the motion. Upon vote, motion carried unanimously. This resolution will be reviewed by Common Council on February 19, 2020, with final approval at the Joint Review Board meeting on February 21, 2020.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Michael J. Walsh, Mayor

SECONDER: Dean Raasch, Alderperson

AYES: Walsh, Boyd, Beiderwieden, Busch, Raasch, Schilling

EXCUSED: Mark Higgins

6. A Public Hearing on the proposed project plan for Tax Increment Financing District #16 is scheduled for 7:00 PM, or as soon thereafter as can be heard.

A. Notice of Public Hearing.

Kelly Barker read the notice of public hearing, stating that it was published in the Green Bay Press Gazette on January 13 and January 20, 2020.

RESULT: DISCUSSED

B. Review Proposed Project Plan and District Boundary for Tax Increment Financing District #16. *

City Attorney Judy Schmidt-Lehman reviewed the proposed project plan and district boundary for TID #16. She explained that the TID is being created for the redevelopment of the City-owned parking lot on Broadway Street. It will be a four-story mixed-use building with commercial space on the first floor and three floors of residential space. Mayor Walsh declared the public hearing open at 7:24 pm. He called three times if anyone wished to speak. No one wished to speak and the public hearing was called to a close at 7:24 pm. Ald. Boyd asked if anything was being done to alleviate the parking that will be lost. City Administrator Larry Delo replied that the City will be adding a small parking lot of approximately 20 spaces behind the library to help offset the loss of parking from the Broadway lot, which was also 20 spaces.

RESULT: NO ACTION

C. Resolution PC20-03, Recommending Adoption of the Proposed Boundaries of Tax Incremental Financing District No. 16 and the Adoption of the Tax Incremental Financing District No. 16 Project Plan.

Ald. Raasch moved, seconded by Brenda Busch, to approve the resolution. Upon vote, motion carried unanimously. This resolution will be reviewed by Common Council on February 19, 2020, with final approval at the Joint Review Board meeting on February 21, 2020.

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

7. Staff recommendation and possible action regarding a Planned Development District Pre Application Concept Meeting for the proposed Mulva Cultural Center at 221 S. Broadway Street & 220 S. Michigan Street (Parcels ED-812, ED-920).

City Planner Peter Schleinz reviewed the PDD pre-application for the proposed Mulva Cultural Center. Peter explained that the Plan Commission will be reviewing 3 of the 5 steps in the Planned Development District Rezoning project, including the Pre-Application Review, Rezoning & General Plan Review, and Review of the Precise Implementation Plan. The representatives for the Mulva Cultural Center introduced themselves. Rick Bilotto is a consultant and representative for the Mulva family and Tony Meeuwsen represents Boldt, who is developing the \$58 million building. Rick and Tony gave a brief presentation of the proposed Mulva Cultural Center, which is aimed at creating a first class cultural designation, featuring museum-type traveling exhibits. The two story facility will feature a 10,000 square foot exhibit hall on the second floor devoted to national touring exhibits from leading firms like the Smithsonian and National Geographic. Also on the second floor will be a terrace overlooking the Fox River. The first floor will include a 250 seat auditorium, two educational classrooms, a restaurant, and a gift shop. A two story atrium will overlook the Fox River. There is also a full basement for deliveries and storage. The total number of parking spaces is 123, which is four more spaces than the required number of 119 per zoning code. Mayor Walsh moved, seconded by Grant Schilling, to approve the pre-application. Upon vote, motion carried unanimously.

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

8. Staff recommendation and possible action regarding a Rezoning Request from R-1 (Single Family Residence District) to R-4 (General Residence Office District) at 1602 Chicago Street (Parcel ED-1128-31). *

City Planner Peter Schleinz reviewed the rezoning request for 1602 Chicago Street. He reported that staff looks at the following criteria when evaluating a rezoning request: future land use recommendation of the Comprehensive Plan, surrounding land uses and desired development patterns. Because the proposed rezoning does not comply with the Comprehensive Plan and does not reflect surrounding and adjacent land uses, staff recommended denial of the rezoning request. Peter reported that staff received nine petitions against the rezoning. Mayor Walsh moved, seconded by Derek Beiderwieden, to open the meeting. Upon vote, motion carried unanimously. The petitioners, Joel Ehrfurth from Mach IV and Mike Cashman from DeLeers addressed the commission. They addressed some of the neighbors' concerns. As far as traffic goes, Chicago Street is a main thorough-fare in De Pere and a small dental office would not add much additional traffic. The overall length of construction will not last that long, so construction noise

should not be a big issue. They also noted that a dental office in a residential area bordered by a commercial corridor does not seem completely out of reach. Becky Dorsey at 325 Crestview Lane read a statement opposing the rezoning. She feels that safety is the top priority near a school and doesn't think a dental office is a good fit next to the school. Betty Johnson at 1601 Chicago Street spoke next. She added that she does not want a commercial business in a residential neighborhood. Jerry Henrigillis also spoke. He provided a brief history of the property, which has been in his family since 1956. He and his nine siblings grew up in the house. He explained that the house is in a trust since his mother, Beatrice Henrigillis, passed away a few years ago. He then went on to say that the school board did make an offer to purchase the house, but only gave the trust 10 days to respond. They decided to hire a realtor and list the house. That is when MAC Dental made the offer to purchase the home, contingent on the rezoning of the property. Because the house is very old and would require a lot of work to bring it up to code, the trust decided to accept the offer from MAC Dental. Jerry added that he understands the neighbors' opposition to the rezoning; he would not want this type of development in his neighborhood either. Next to speak was Randy Henrigillis. He asked if rezoning would be required if the school purchased the house. Peter explained that, since the school is already zoned R-1, the property would not require a rezoning. Norbert Henrigillis spoke next. He is also one of the Henrigillis brothers. He is currently living in the home at 1602 Chicago Street. He believes the accusations against the property are false and would like to purchase the house and continue to live in it. However, he does not have the financial means to buy the house at this time. Mayor Walsh moved, seconded by Ald. Raasch to go back to regular order. Upon vote, motion carried unanimously. Derek Beiderwieden moved, seconded by Ald. Boyd, to deny the rezoning request. Norbert Henrigillis requested to speak again. Mayor Walsh moved, seconded by Derek Beiderwieden, to open the meeting. Upon vote, motion carried unanimously. Norbert Henrigillis spoke again, saying he plans to apply to the Veteran's Assistance Program to improve the property. He restated his opinion that the property should not be torn down. Mayor Walsh explained that the Plan Commission and the City of De Pere does not have control over what happens to the house. That is up to the Henrigillis Family and the Trust that is in place. Jerry Henrigillis addressed the commission next. He clarified that all 10 of the Henrigillis siblings stood up in court and stated that they did not wish to buy the house. Mayor Walsh moved, seconded by Ald. Boyd to go back to regular order. Upon vote, motion carried unanimously. Ald. Raasch stated that he will support the denial of the rezoning, but believes that MAC Dental has been a good neighborhood business in the City of De Pere for a very long time. He does agree with City staff that the rezoning is not supported in this particular location. He added that he is hopeful that MAC Dental can find a suitable location to build their new dental office. Grant Schilling remarked that he is in favor of the denial for the same reasons. Peter Schleinze clarified that the rezoning request will go to the February 19, 2020 Council meeting.

RESULT:	DEFEATED [UNANIMOUS]
MOVER:	Derek Beiderwieden, Commissioner
SECONDER:	James Boyd, Alderperson
AYES:	Walsh, Boyd, Beiderwieden, Busch, Raasch, Schilling
EXCUSED:	Mark Higgins

9. Staff recommendation and possible action regarding a proposed 34 lot preliminary plat of Honeysuckle Acres Fourth Addition at 1500 BLK Red Maple Rd (Parcels WD-L183-4 & WD-L183-4-1). *

City Planner Peter Schleinzi reviewed the preliminary plat for Honeysuckle Acres Fourth Addition. Mayor Walsh questioned if sidewalks are only planned for one side of the street on Fox Point Circle. Peter replied that the sidewalks are only on the east side of the street. Mayor Walsh noted that he is a proponent of sidewalks and would like to see sidewalks on both sides of the street. Peter Schleinzi stated that he will discuss the addition of sidewalks on both sides of Fox Point Circle with the developer's engineering staff and have it changed before the Council reviews the preliminary plat on February 19. Ald. Raasch moved, seconded by Mayor Walsh, to approve the preliminary plat with the additional condition that sidewalks be added to both sides of the street on Fox Point Circle. Upon vote, motion carried unanimously.

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

10. Staff recommendation and possible action regarding a Proposed Extraterritorial 3 Lot Certified Survey Map at 2048 Lasee Road in the Town of Rockland (Parcel R-329). *

City Planner Peter Schleinzi reviewed the proposed extraterritorial CSM in the Town of Rockland. Staff recommended approval of the CSM, subject to two conditions outlined in the report. Derek Beiderwieden moved, seconded by Ald. Boyd, to approve the CSM. Upon vote, motion carried unanimously.

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

11. Staff recommendation and possible action regarding a Proposed 3 Lot Certified Survey Map at the 1400 BLK Builders Court (Parcels WD-1138, WD-1138-1). *

City Planner Peter Schleinzi reviewed the proposed 2 lot CSM at the 1400 block of Builders Court. Peter explained that the land division is being created to accommodate the expansion of two businesses for Infinity Machine and Bayside Machine. Staff recommended approval of the CSM, subject to the conditions in the report. Derek Beiderwieden moved, seconded by Brenda Busch, to approve the CSM. Upon vote, motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Derek Beiderwieden, Commissioner
SECONDER:	Brenda Busch, Commissioner
AYES:	Walsh, Boyd, Beiderwieden, Busch, Raasch, Schilling
EXCUSED:	Mark Higgins

12. Staff recommendation and possible action regarding a Site Plan request for a warehouse and parking lot expansion at 2249 American Boulevard (Parcel WD-1372 and part of Parcel WD-1138-1).

City Planner Peter Schleinzi reviewed the site plan request for a warehouse addition at 2249 American Boulevard for Infinity Machine. Peter explained that the applicant is

requesting that the Plan Commission approve the use of metal paneling on the rear and EIFS on the side facades. The use of these materials is requested to remain consistent with the existing building. Staff recommended approval of the site plan subject to the conditions in the report and also recommended approval of the use of metal and EIFS at the rear end of the side facades and the rear facade to continue the building design. Ald. Raasch moved, seconded by Derek Beiderwieden, to approve the site plan and building materials. Upon vote, motion carried unanimously.

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

13. Staff recommendation and possible action regarding a Site Plan request for the West De Pere High School building addition and parking lot expansion at 665 Grant Street (Parcel WD-864, etc.).

City Planner Peter Schleinzi reviewed the site plan request for the West De Pere High School addition and parking lot expansion. He reported that variances were granted by the Board of Appeals in November 2019 which were related to building height and building materials. Staff recommended approval of the site plan, subject to conditions in the report. Mayor Walsh moved, seconded by Ald. Raasch, to approve the site plan. Upon vote, motion carried unanimously.

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

14. Staff recommendation and possible action regarding a Site Plan request for the West De Pere Intermediate School new building and parking lot at 1177 Ninth Street (Parcel WD-D0220).

City Planner Peter Schleinzi reviewed the site plan request for a new intermediate school for the West De Pere School District. Staff recommended approval of the site plan subject to the conditions in the report and also recommended approval of the use of architectural paneling as a design feature at the entries of the school. Ald. Raasch stated that there has been some concerns from the surrounding neighborhoods regarding traffic increase in the area. Ald. Raasch moved, seconded by Mayor Walsh, to open the meeting. Upon vote, motion carried unanimously. Brian Walters, representative for the West De Pere School District, and Clint Sully with Bray Architects, addressed the commission. They reported that a traffic impact analysis was conducted and the results did not flag anything related to Lourdes Avenue. Ald. Raasch suggested possibly adding a stop or yield sign on St Marys and St Josephs Streets since they are both uncontrolled intersections. Derek Beiderwieden commented that the traffic team would need to analyze these streets to determine if traffic signs would be needed there, as well as a potential four-way stop sign at Lourdes Avenue. Resident Don Sliwka commented that he is concerned about traffic on Ninth Street. Brian Walters clarified that bus drop-off will occur in the back of the school and will not be using Ninth Street, which should alleviate some of the traffic on Ninth Street. Mayor Walsh moved, seconded by Ald. Raasch, to go

back to regular order. Upon vote, motion carried unanimously. Mayor Walsh moved, seconded by Ald. Raasch, to approve the site plan and the use of architectural paneling as a design feature. Upon vote, motion carried unanimously.

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

15. Staff recommendation and possible action regarding a Site Plan request for three new multifamily structures (8-units each) with parking lot at 1600 BLK Garroman Drive (Parcels WD-2018, WD-2019).

City Planner Peter Schleinz reviewed the site plan request for a new multifamily development for Garrity's Glen South Apartments. The three new multifamily apartment buildings will each have 8 units for a total of 24 residential units. Peter noted that the petitioner plans on presenting a new building material at the meeting which was not seen by staff yet. Mayor Walsh moved, seconded by Brenda Busch, to open the meeting. Upon vote, motion carried unanimously. Joel Ehrfurth from Mach IV and Tim Halbrook addressed the commission. They proposed the use of LP Smart Siding above the garages. Peter noted that staff is open to allowing the use of this type of material. It is a sturdy material which has a 30 year warranty. The sample of the siding was passed around to the Plan Commission members to get a closer look at it. Mayor Walsh moved, seconded by Derek Beiderwieden, to go back to regular order. Upon vote, motion carried unanimously. Ald. Raasch moved, seconded by Ald. Boyd, to approve the site plan and the use of the siding. Upon vote, motion carries unanimously.

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

16. Staff recommendation and possible action regarding a Site Plan request for a new office and warehouse building with parking lot at 1536 American Court (Parcel WD-864, etc.).

City Planner Peter Schleinz reviewed the site plan request for a new office and warehouse building at 1536 American Ct. Staff recommended approval of the site plan, subject to conditions in the report. Peter noted that there is metal on the sides & rear, which meets the minimum 75% criteria. Staff also recommended approval of the use of metal on the interior and side facades, as shown on the site plan. Ald. Raasch moved, seconded by Derek Beiderwieden, to approve the site plan and the use of metal on the interior and side facades. Upon vote, motion carried unanimously.

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

Adjournment

Mayor Walsh moved, seconded by Ald. Raasch, to adjourn the meeting at 9:11 pm. Upon vote, motion carried unanimously.

Respectfully submitted,
Kelly Barker



City of De Pere, Wisconsin

Request For Plan Commission Action

MEETING DATE: February 24, 2020

DEPARTMENT: Planning

FROM: Peter Schleinz

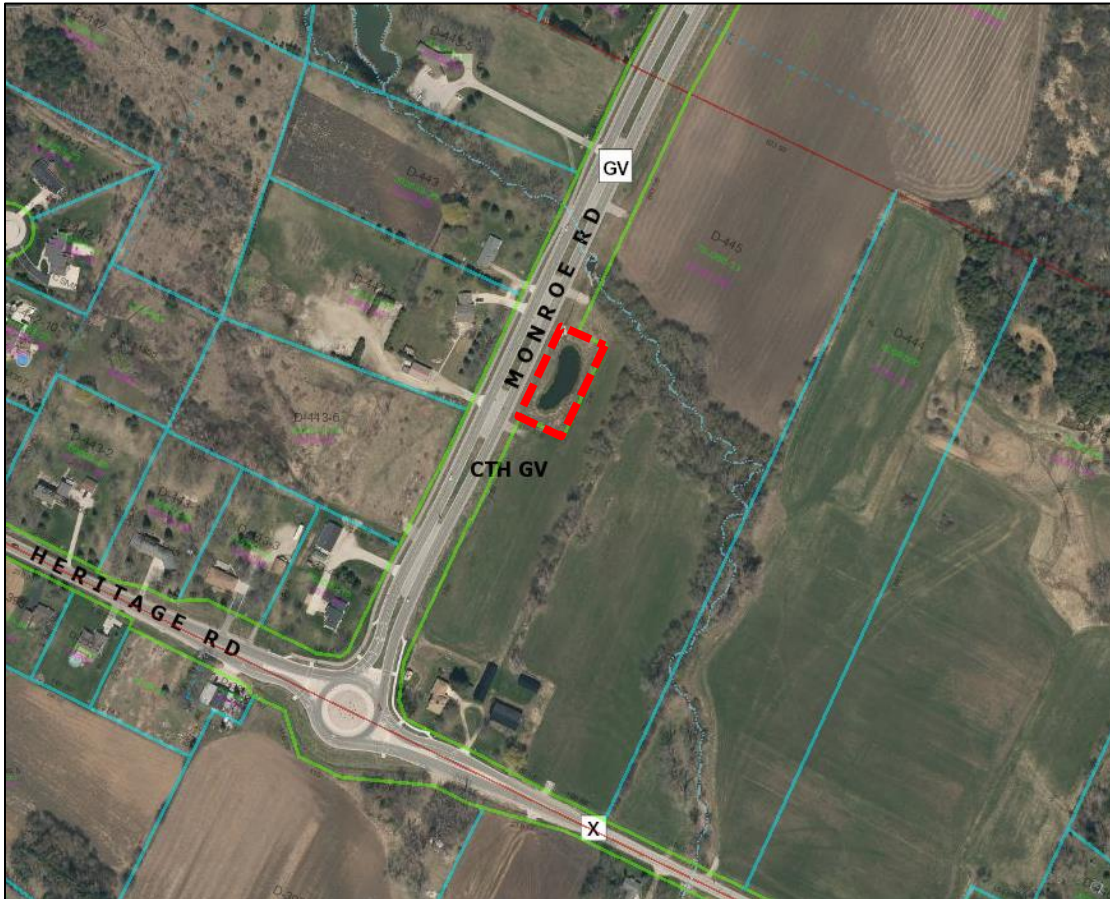
SUBJECT: Staff recommendation and possible action regarding a Proposed Extraterritorial 1 Outlot Certified Survey Map within the 4300 BLK of Monroe Road in the Town of Ledgeview (No Parcel Number, adjacent to D-445). *

ATTACHMENTS:

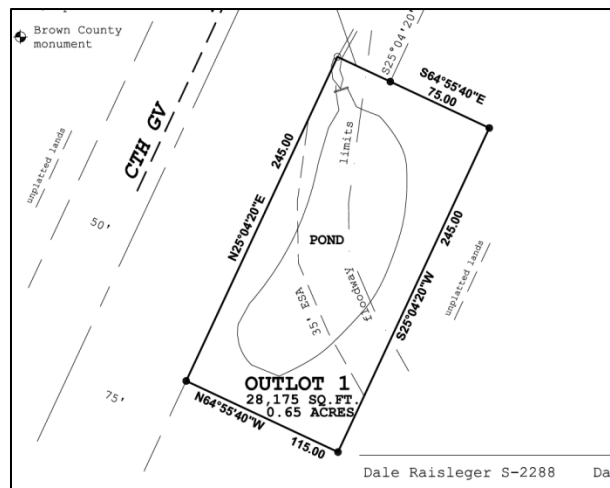
- 02-24-20 Plan Commission Report - CSM on Monroe RD (DOCX)
- Application Form (PDF)
- Preliminary CSM (PDF)

- ITEM 3:** Staff recommendation and possible action regarding a Proposed Extraterritorial 1 Outlot Certified Survey Map within the 4300 BLK of Monroe Road in the Town of Ledgeview (No Parcel Number, adjacent to D-445). *

SITE MAP



PROPOSED CERTIFIED SURVEY MAP AREA



REQUESTED ACTION: Extraterritorial Certified Survey Map Review

NOTE: the proposed Outlot 1 is part of the Monroe Road right-of-way. Brown County informed De Pere that a vacation/discontinuance is not required because the area was previously purchased. The intent is to create an outlot and turn the ownership of the outlot over to Ledgeview.

COMMON DESCRIPTION: 4300 BLK of Monroe Road in the Town of Ledgeview (part of Monroe Road, located north and east from the Monroe Road and Heritage Road intersection.

PARCEL NUMBER(S): None. Located adjacent to D-445

EXISTING ZONING: None.

SURROUNDING LAND USES: Residential, agricultural, and natural areas to the north, south, and east.

COMPREHENSIVE PLAN: Planned Business (Ledgeview).

APPLICANT/OWNER NAME:	Dale Raisleger, PLS Authorized Representative Brown County Public Works 2198 Glendale Avenue Green Bay, WI 54303	Paul Fontecchio Land Owner (per application) Brown County Public Works 2198 Glendale Avenue Green Bay, WI 54303
------------------------------	--	---

SITE HISTORY: After a review of air photographs, the site has had an agricultural use from 1938 until a few years ago when a storm pond was created.

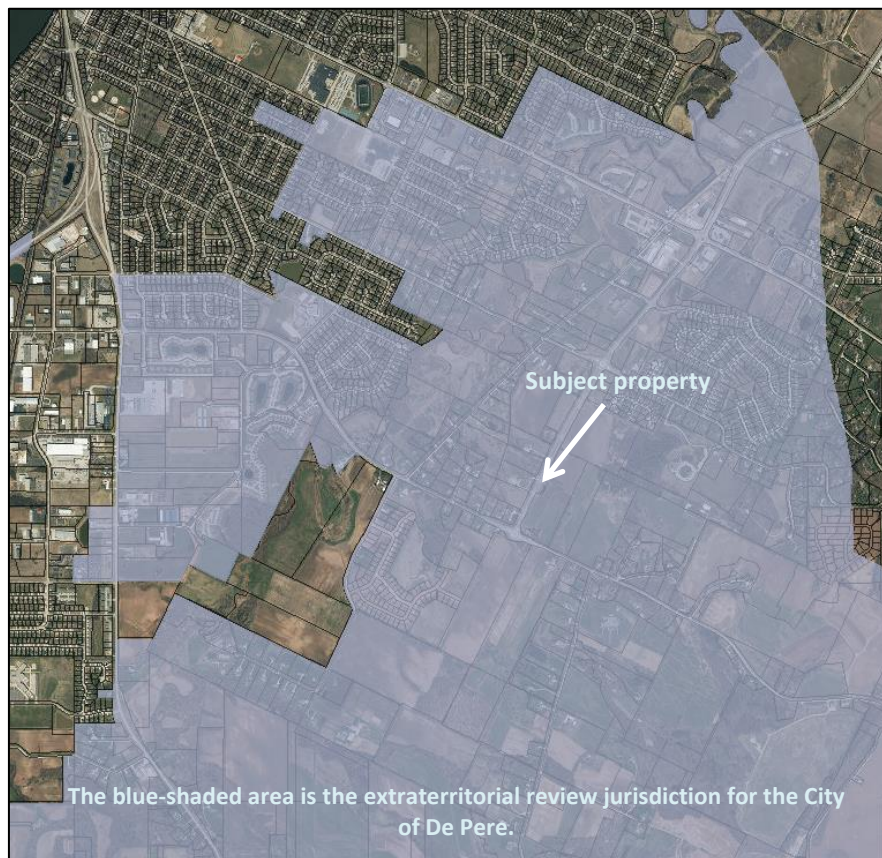
In February 2020, a CSM was submitted to the City for review. The intent of the land division was to create an outlot around the storm pond. The outlot ownership is expected to transfer from Brown County to the Town of Ledgeview.

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 proposed CSM is located in Ledgeview, about 0.5 miles from the De Pere City limits, and within the extraterritorial review jurisdiction of the City.
- The proposed land division will create a new outlot that surrounds a storm pond.
- The submitted information did not identify a proposed Ledgeview zoning category for the outlot.
- Because the proposed land division is an outlot, there is not minimum street frontage or lot size that must be met for the

storm pond because the lot is unbuildable. However, City minimum lot (8,000 SF) and street frontage (75 FT) requirements have been met.

- There are no City related issues to be addressed on the CSM.



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 development and does not impact the Comprehensive Plan negatively. The proposed lot sizes, street frontages, and setbacks meet City requirements.

REVIEW PROCESS:

For extraterritorial certified survey map petitions the Plan Commission provides either an approval, rejection with reason, or approval with conditions decision. The Common Council also reviews and provides a final decision of approval or rejection. Common Council is expected to take action on March 17, 2020.

**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 and Town of Ledgeview.

 DE PERE RUNS DEEPER	CITY OF DE PERE APPLICATION FOR CSM REVIEW	Fee: \$ 368.00
		Receipt #: 149791
		Date: 207-20

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) Brown County Public Works	Authorized Representative Dale Raisleger	Title Engineering Technician II	
Mailing Address 2198 Glendale Av	City Green Bay	State WI	ZIP Code 54303
Email Address dale.raisleger@browncountywi.gov	Phone Number (incl. area code) 920-662-2173	Fax Number (incl. area code) 920-434-4576	

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

Name (Ind. Org. or Entity) Brown County Public Works	Contact Person Paul Fontecchio	Title Public Works Director	
Mailing Address 2198 Glendale Av	City Green Bay	State WI	ZIP Code 54303
Email Address paul.fontecchio@browncountywi.gov	Phone Number (incl. area code) 920-662-2170	Fax Number (incl. area code) 920-434-4576	

SECTION 3: Project or Site Location

Project Address/Description CTH GV) Monroe - North From Heritage RD	Parcel No. none / Adj. to D-445
--	------------------------------------

SECTION 4: CSM Information

Existing Zoning:	None
Present Use of Parcel:	highway right of way
Proposed Use of Lots:	storm water detention pond

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) Paul Fontecchio	Title Public Works Director	Phone Number 920-662-2170
Signature of Applicant Dale Raisleger		Date Signed 1/16/2020

TO BE COMPLETED BY CITY STAFF

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

Attachment: Application Form (9226 : Staff recommendation and possible action regarding a Proposed Extraterritorial 1 Outlot Certified Su)

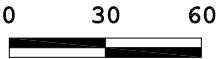
Sheet 1 of 4

CERTIFIED SURVEY MAP

Part of the Lot 5, T.O. Howes
Subdivision of Private Claim 38, E.S.F.R.
Town of Ledgeview, Brown County, Wisconsin

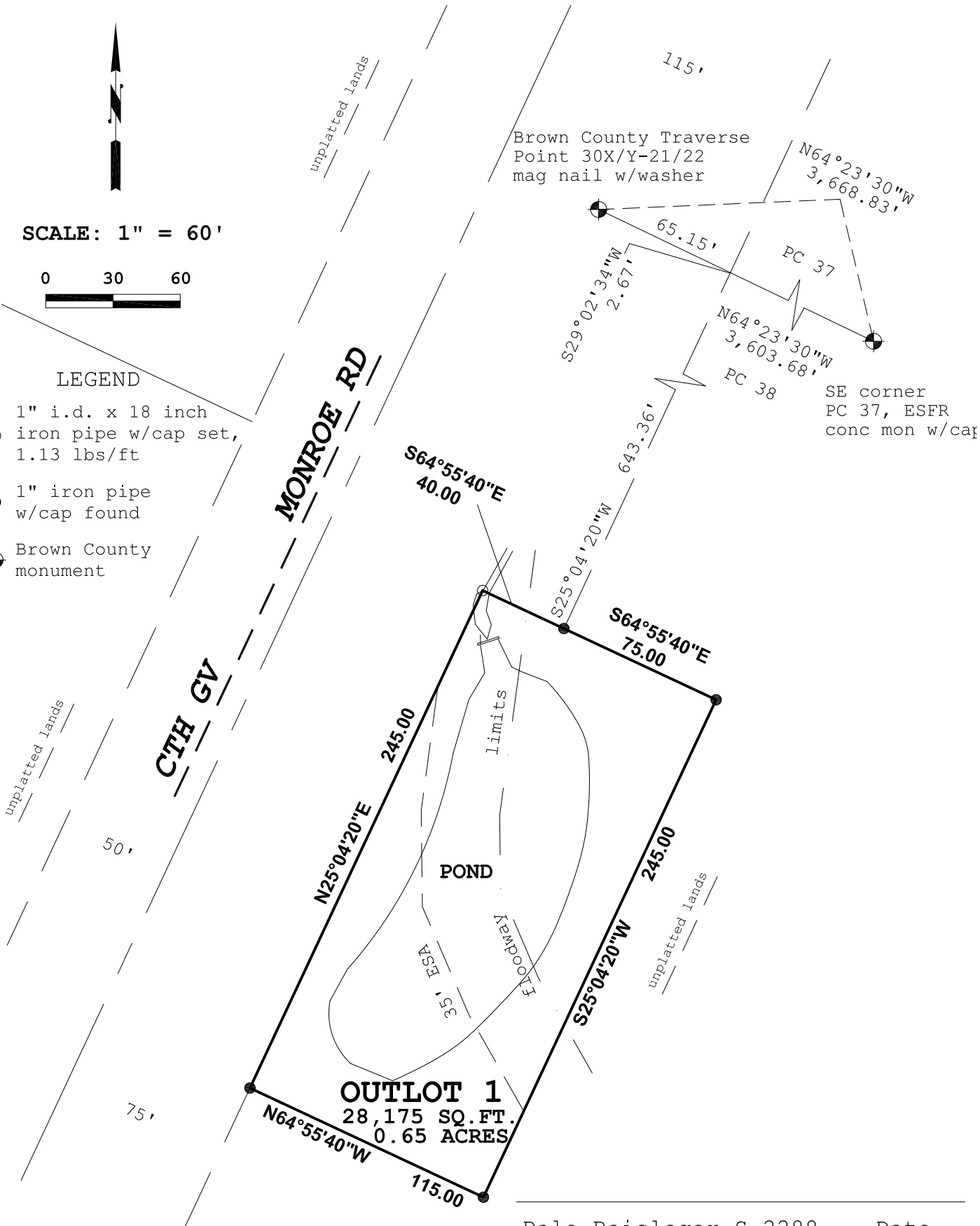


SCALE: 1" = 60'



LEGEND

- 1" i.d. x 18 inch
○ iron pipe w/cap set,
1.13 lbs/ft
- 1" iron pipe
w/cap found
- ⊙ Brown County
monument



Dale Raisleger S-2288 Date

Bearings referenced to the north line of PC 38, ESFR, recorded to bear N64°23'30"W.
Road right of way is delineated by the right of way plat for Brown County Public Works
Project GV-10.

Attachment: Preliminary CSM (9226 : Staff recommendation and possible action regarding a Proposed Extraterritorial 1 Outlot Certified Su)

CERTIFIED SURVEY MAP

Part of Lot 5, T.O. Howes Subdivision of Private Claim 38, E.S.F.R.,
Town of Ledgeview, Brown County, Wisconsin

BROWN COUNTY PLANNING COMMISSION APPROVAL

Approved by the Brown County Planning Commission this _____ day of _____, 2020

Dan Teaters
Senior Planner

TOWN OF LEDGEVIEW APPROVAL

Approved for the Town of Ledgeview, this _____ day of _____, 2020

Charlotte Nagel
Town Clerk

CITY OF DEPERE APPROVAL

Approved for the City of DePere Common Council on _____ day of _____, 2020

Carey E. Danen
City Clerk

_____ date

TREASURER’S CERTIFICATE

As duly elected Brown County Treasurer, I hereby certify that the records in my office show no unredeemed tax sales and 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. Zeller
Brown County Treasurer

_____ date

SURVEYORS CERTIFICATE

I, Dale E. Raisleger, Registered Land Surveyor, do hereby certify that I have surveyed, divided and mapped the land described hereon: that I have made such survey and map by the direction of the owners listed hereon; that I have complied with the provisions of Chapter 236, Section 236.34 of the Wisconsin Statutes, the Town of Ledgeview, the City of DePere and the Brown County Planning Commission in surveying, dividing and mapping said land, and that the map herein is a true and correct representation of the survey.

Dale E. Raisleger S-2288

_____ date

Attachment: Preliminary CSM (9226 : Staff recommendation and possible action regarding a Proposed Extraterritorial 1 Outlot Certified Su

CERTIFIED SURVEY MAP

Part of Lot 5, T.O. Howes Subdivision of Private Claim 38, E.S.F.R.,
Town of Ledgeview, Brown County, Wisconsin

RESTRICTIVE COVENANTS

1. The land on all side and rear lot lines shall be graded by the property owner and maintained by the abutting property owners to provide for adequate drainage of surface water.
2. Outlot 1 contains an environmentally sensitive area (ESA) as defined in the Brown County Sewage Plan. The ESA includes floodway, all land within 35 feet of the floodway or 75 feet beyond the ordinary high water mark – whichever is greater. Development 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. Use of Outlot 1 is to be a storm water detention pond and ownership and maintenance of the pond shall be transferred to the Town of Ledgeview upon the recording of this Certified Survey Map.

NOTES

1. The property owner, at the time of construction, shall implement the appropriate soil erosion control methods outlined in the Wisconsin Department of Natural Resources applicable WDNR Technical Standards to prevent soil erosion. However, if the Town, at any time of construction, has adopted a soil control ordinance, it shall govern over this requirement. This provision applies to any grading, construction or installation related activities.
2. A shoreland permit from the Brown County Zoning Administrator's office is required for Outlot 1 prior to construction, fill, excavation, or grading activity within 300 feet of a stream.
3. A Brown County Highway Department access permit must be obtained prior to any construction of a new street/road connection or driveway to a County Trunk Highway.
4. Floodway/Floodplain information derived from FEMA Firm Panel #55009C0267F.

WDNR NOTES

1. The parcel is not mapped as wetland and wetland indicator soils are not present. If wetlands are present, a project that may result in filling of wetlands (through land disturbing activities) will need to comply with wetland regulations. For more information on wetlands, please visit <http://dnr.wi.gov/topic/waterways/construction/wetlands.html>.
2. It appears that a public (navigable) waterway is within 500 feet of the property. Permits may be required for proposed projects in/around a public waterway. For more information on waterway activities, please visit the Department's homepage on wetland/waterway activities at <http://dnr.wi.gov/topic/waterways/>.
3. For planned land disturbances over 1 acre, please visit <http://dnr.wi.gov/topic/stormwater/> to learn if you need a storm water construction site permit.
4. For federal regulations and determinations, please contact the Army Corps of Engineers at 920-448-2824 to learn if a federal wetland approval is required for site development.



City of De Pere, Wisconsin

Request For Plan Commission Action

MEETING DATE: February 24, 2020

DEPARTMENT: Planning

FROM: Peter Schleinz

SUBJECT: Staff recommendation and possible action regarding a Site Plan request for an addition to an existing office and warehouse building with a parking lot at 2045 Profit Place (Parcel ED-2383).

ATTACHMENTS:

- 02-24-20 Plan Commission Report - Hockers Plumbing (DOCX)
- Application Form (PDF)
- Site Plan - PRELIMINARY - 10 Feb 2020 (PDF)

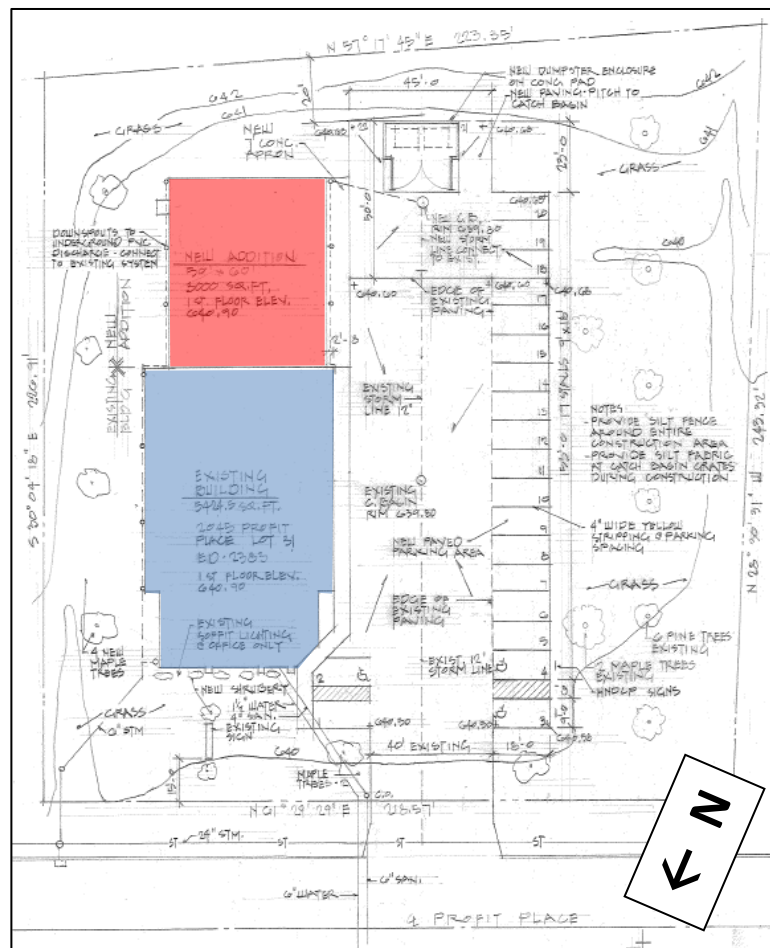
APPLICANT / OWNER:	Ron Tollifson Authorized Representative Bay Area Architects LLC 901 Parkview Road Green Bay, WI 54304 JTH Real Estate LLC ATTN: Jesse Hockers Property Owner 5777 Jennifer Lane De Pere, WI 54115
SITE HISTORY:	The site has been used for agricultural purposes since at least 1938. The street named Profit Place was constructed in the early 2000's. The original Hockers Plumbing building was constructed in 2005. On July 29, 2019 staff approved a site plan for a new dumpster and modified paved area at the rear (southeast) end of the property. The dumpster and paving was never constructed. On February 10, 2020 the petitioner submitted a site plan for a warehouse expansion, parking lot reconfiguration, and new dumpster. This site plan replaces the July 29, 2019 site plan that was not constructed.
STAFF REVIEW:	When reviewing a Site Plan request, staff considers the future land use recommendation of the Comprehensive Plan, surrounding land uses and desired development patterns, as well as the criteria identified in Zoning Code Section 14-60. The site plan includes a 3,000 SF warehouse addition to an existing 5,424 SF office and warehouse. The site plan includes altering the existing parking lot, which holds 8 cars, so that the parking lot more effectively holds 22 vehicles on-site. The site plan also includes the addition of a new dumpster/trash enclosure. The site has an existing driveway that connects to Profit Place. The location and number of driveway connections remain unchanged. The site has an existing monument sign proposed to remain. No new signage is proposed. The building façade materials facing the streets (north and east) are split face CMU and glass, colored 'sienna cream.' It is suggested that articulation be added to the façade, particularly on the north side to improve building design interest. The building façade materials on the two side walls include 64% metal paneling, and 34% split face concrete block. The metal is an off-white color and the split face concrete block is uncolored. The rear of the building is 100% metal. The use of metal may be allowed if approved by Plan Commission and the percentage does not exceed 75% of each side façade, but the rear façade may be 100%. • The applicant requests that the Plan Commission approve use of metal wall panel on the interior side and rear of the building. The site plan complies with the following massing and setback requirements set by the I-1 District (Code Section 14-47):

- Land Use: Existing & proposed Office/Warehouse (permitted)
- Lot Size: 1.197 acres (No minimum required)
- Front Yard Setback: ~45 feet (40 feet required)
- Interior Side Yard Setbacks: ~30 feet (25 feet required)
- Rear Yard Setback: ~30 feet (25 feet required)
- FAR: 0.16 (0.6 or less required)
- Building Height: 20 feet (35 feet, with setback exceptions)
- Landscaping: 6 new trees and shrubbery added (6 trees required)

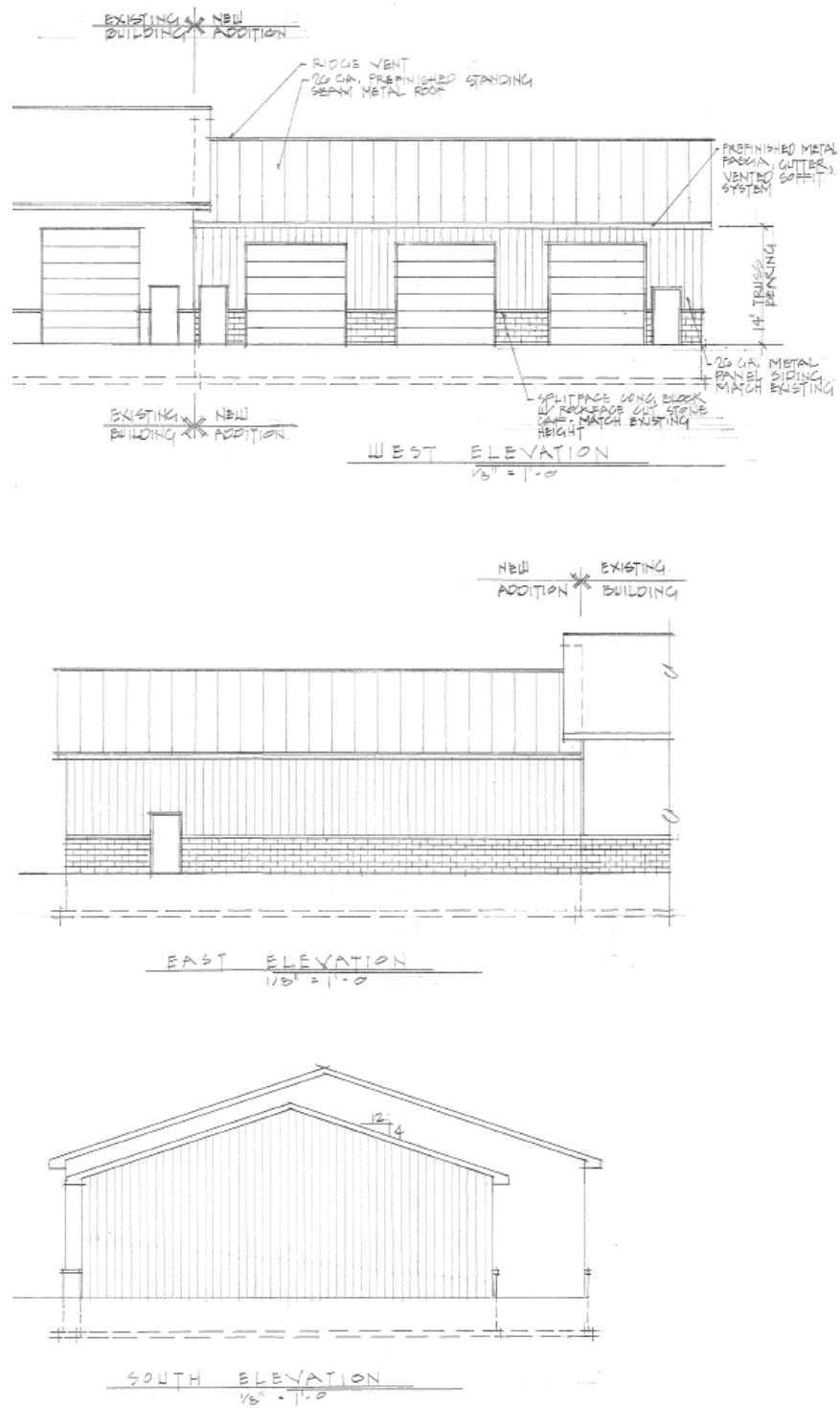
Parking requirements have been met with 14 proposed new vehicle stalls. The below chart summarizes the existing and proposed stalls to be added, and the required stalls:

LOCATION	EXISTING	ADDED	REQUIRED	CRITERIA MET?
Staff & Visitor	8	14	12	10 surplus
TOTAL	8	14	5	YES

Proposed site plan with parking lot landscaping



Front, side, and rear building facades.



STAFF COMMENTS:

Engineering:

1. Provide North Arrow.
2. Provide Owner information.
3. On-site inlets and nearest inlets within the public right-of-way will need to be protected by inlet protection type D where feasible per WisDNR standards.
4. Provide WisDNR soil loss sediment discharge calculations with a corresponding map.
5. Identify updates to lighting on the site plan. Identify on the plans if there are no updates.
6. Identify if there are any updates to water or sanitary sewer on the site plan.
7. Call in locates for facilities in the public right-of-way.
8. Provide parking stall dimensions and access aisle dimensions.

Fire: None.

Forestry:

1. The only mention of additions to the landscape plan says '4 new maple trees'. Plans need to specify what variety will be planted.
2. Need to include planting specifications/plan for new trees per WDNR recommendations.

Health: None.

Planning:

1. Sides of warehouse expansion have 64% metal paneling, and 34% split face block, on the two side walls. The use of metal (up to 75%) requires Plan Commission approval.
2. The rear of warehouse expansion has 100% metal paneling, and 0% split face block. The use of metal (up to 100%) requires Plan Commission approval.
3. Landscaping is required along the rear (southwest) wall of the dumpster. The site cannot be grass only.

Inspection: None.

REVIEW PROCESS

For Site Plan Requests, the Plan Commission either approves or denies the project. Conditions of approval must be resolved between the petitioner and staff before a final approval memo is issued and building permits are released. This site plan is not reviewed by the Common Council.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the site plan request for the warehouse addition with parking lot and dumpster, subject to compliance with the conditions listed in the 'Staff Comments' section of this report.

Staff also recommends APPROVAL of the use of metal on part of both side facades, and on the entire rear façade, as shown on the site plan.

	CITY OF DE PERE APPLICATION FOR SITE PLAN REVIEW		Fee: \$ 305.00 Receipt #: 00149846 Date: 10 Feb 2020

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>Hockers Plumbing Inc</i>	Authorized Representative <i>Jesse Hockers</i>	Title <i>President Hockers Plb Inc</i>	
Mailing Address <i>2045 Profit Place</i>	City <i>DePere</i>	State <i>WI</i>	ZIP Code <i>54115</i>
Email Address <i>jesse@hockersplumbing.com</i>	Phone Number (incl. area code) <i>920-336-7035</i>	Fax Number (incl. area code) <i>920-336-2928</i>	

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

Name (Ind. Org. or Entity) <i>JTH Redacted Redacted</i>	Contact Person <i>Jesse Hockers</i>	Title	
Mailing Address <i>5772 Jennifer Lane</i>	City <i>DePere</i>	State <i>WI</i>	ZIP Code <i>54115</i>
Email Address <i>jesse@hockersplumbing.com</i>	Phone Number (incl. area code) <i>920-336-7035</i>	Fax Number (incl. area code)	

SECTION 3: Project or Site Location

Project Address/Description <i>2045 Profit PL</i>	Parcel No. <i>ED-2383</i>
--	------------------------------

SECTION 4: Project Information

Existing Zoning: <i>I-1</i>			
Present Use of Parcel: <i>Plumbing - office + warehouse</i>			
Proposed Use of Parcel: <i>Same</i>			
Estimated Start Date:		Estimated Completion Date:	

Please submit 1 hard copy 24x36, 1 hard copy 11x17 and 1 PDF copy of the submittal.

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.

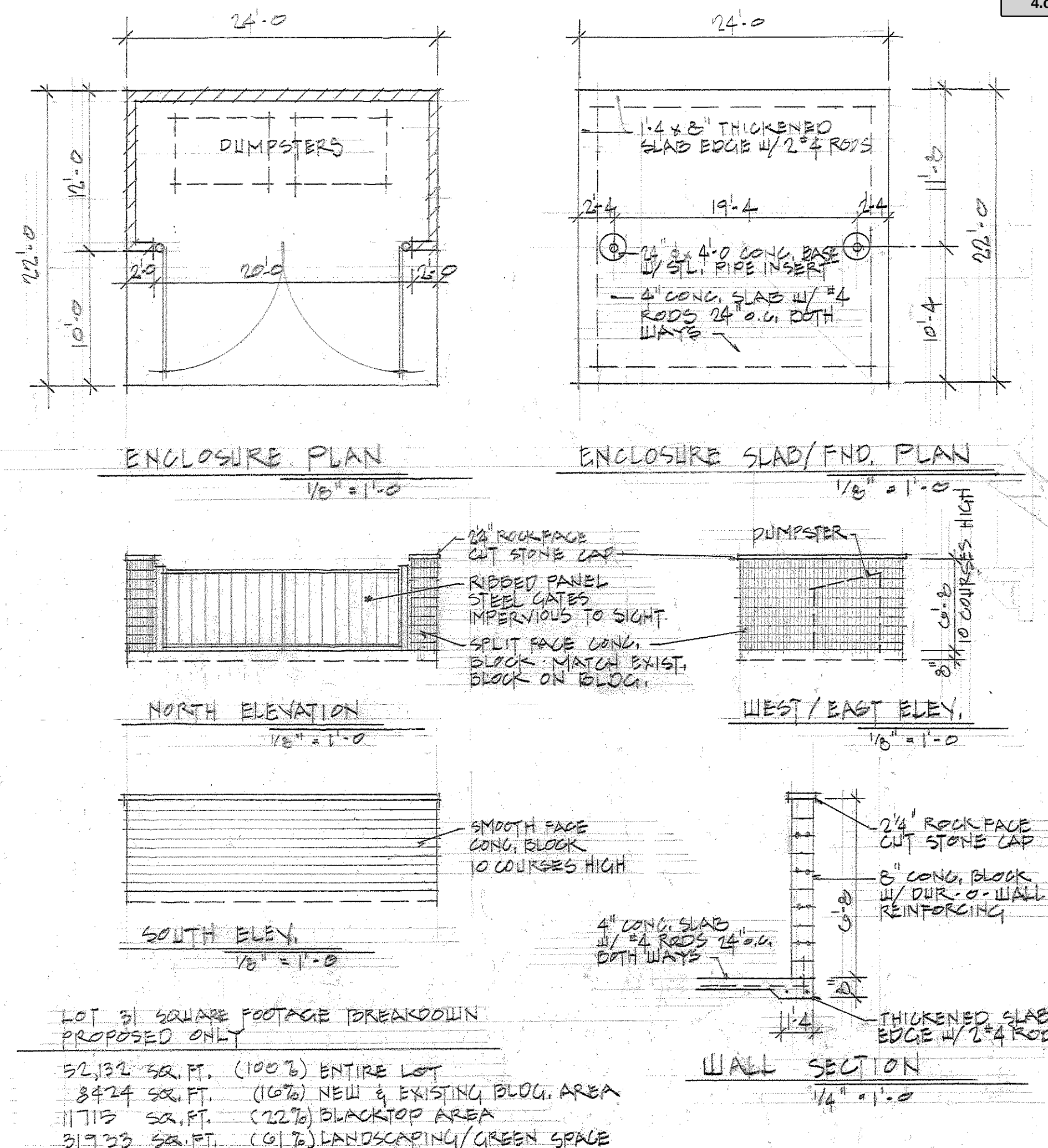
Name of Owner/Authorized Representative (please print) <i>Jesse Hockers</i>	Title	Phone Number <i>336-7035</i>
Signature of Applicant <i>Jesse Hockers</i>		Date Signed <i>2-6-2020</i>

TO BE COMPLETED BY CITY STAFF

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



Attachment: Application Form (9227 : Staff recommendation and possible action regarding a Site Plan request for an addition to an existing)



BUILDING OCCUPANCY	PARKING REQUIREMENTS
1. B.C. USE GROUP "B"	OFFICE = 1200 SQ. FT. ÷ 275 SQ. FT.
2. TYPE OF CONST. V.B.	= 4.3 SPACES
BUILDING SQUARE FOOTAGE	WAREHOUSE = 7200 SQ. FT. + 1000 SQ.
EXISTING BUILDING 5424 SQ. FT.	= 7.2 SPACES
NEW ADDITION 3000 SQ. FT.	PARKING PROVIDED = 22 SPACES

JOB SITE LOCATION
2045 PROFIT PLACE
DE PERE, WI LOT 31

INDEX TO DRAWINGS

1. SITE PLAN
2. FLOOR PLAN
3. EXTERIOR ELEVATIONS
4. FOUNDATION PLAN, WALL SECTIONS

NOTE:
ALTHOUGH EVERY
EFFORT HAS BEEN MADE
IN PREPARING THESE
PLANS AND CHECKING
THEM FOR ACCURACY,
THE CONTRACTOR MUST
CHECK ALL DETAILS &
DIMENSIONS AND BE
RESPONSIBLE FOR THE
SAME

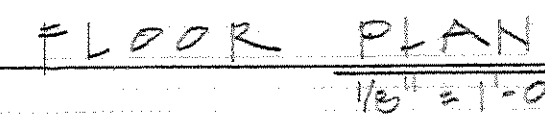
PROPOSED BUILDING ADDITION FOR
HOCKERS PLUMBING
DE PERE, WISCONSIN

BAY AREA ARCHITECTS L.L.C. DVL@BAYARCH.NE

901 PARKVIEW RD.
GREEN BAY, WI 54304

PHONE: 920.337.9400
FAX: 920.337.9418

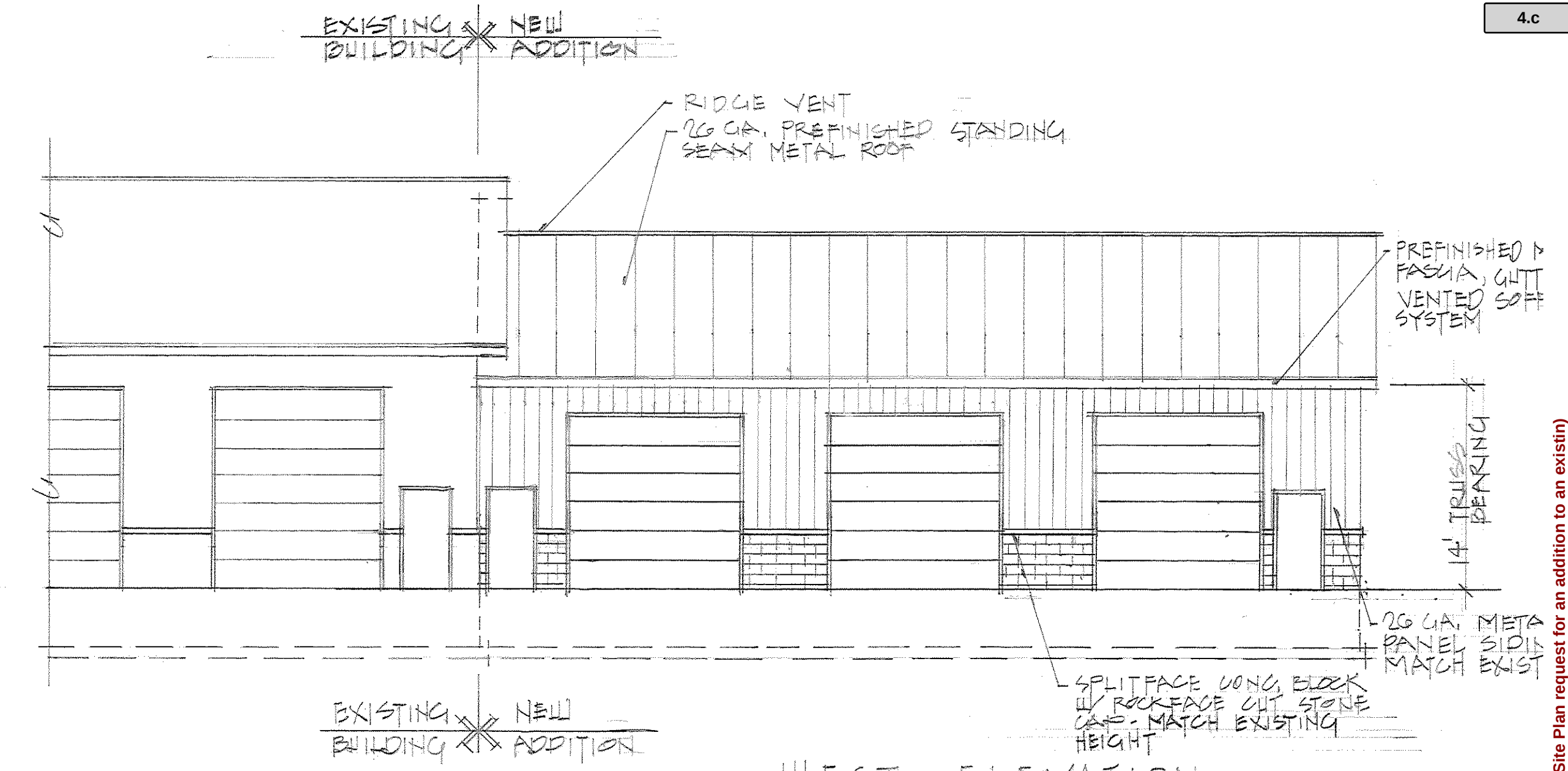
DATE: FEB 6 2010
FILE:
JOB NO. 1



ALL MATERIALS SHALL BE INSTALLED PER MANUFACTURERS REQUIREMENTS AND RECOMMENDATIONS.

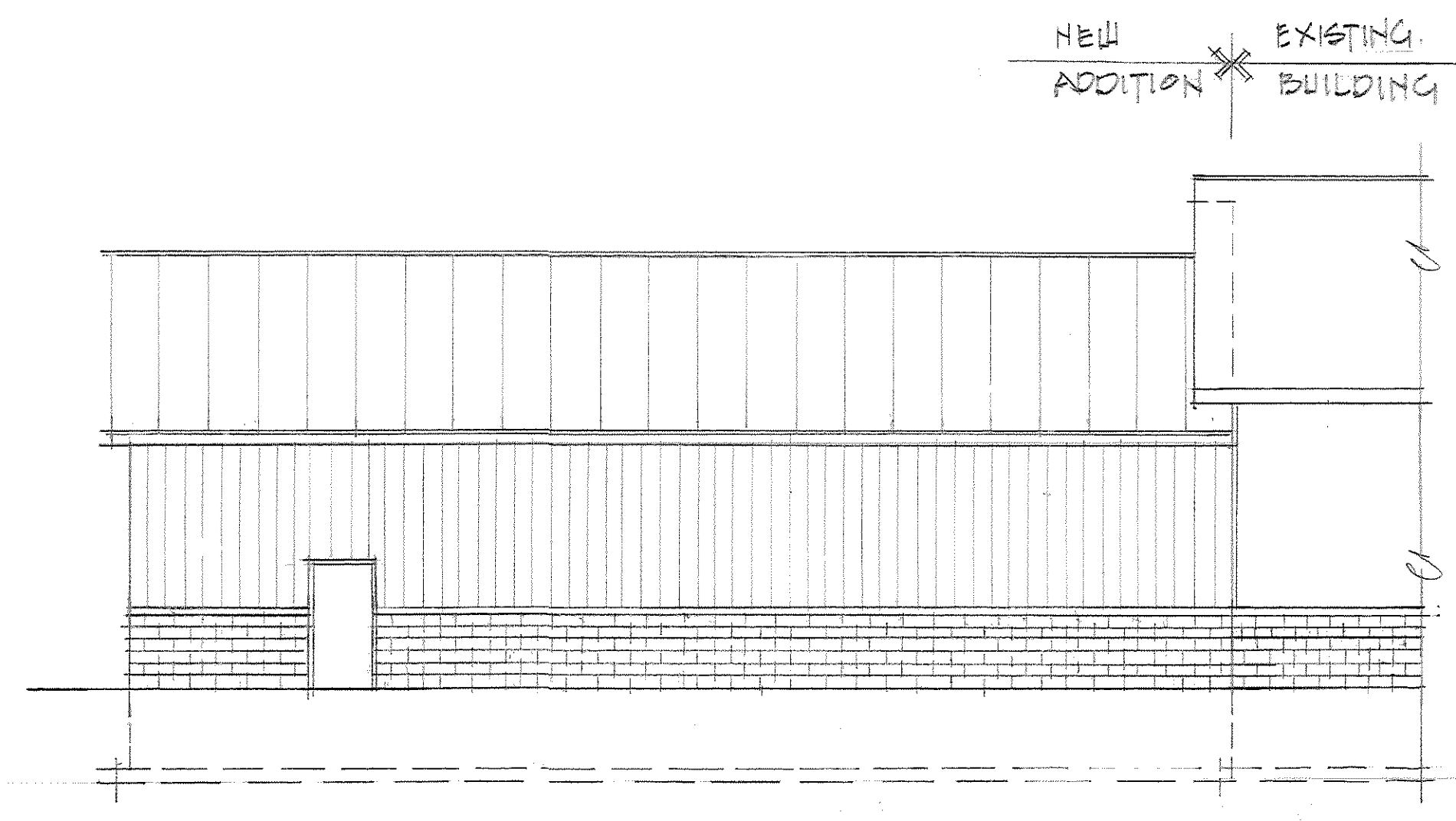
HOCKERS PLUMBING
DE PERE W

2.6.20



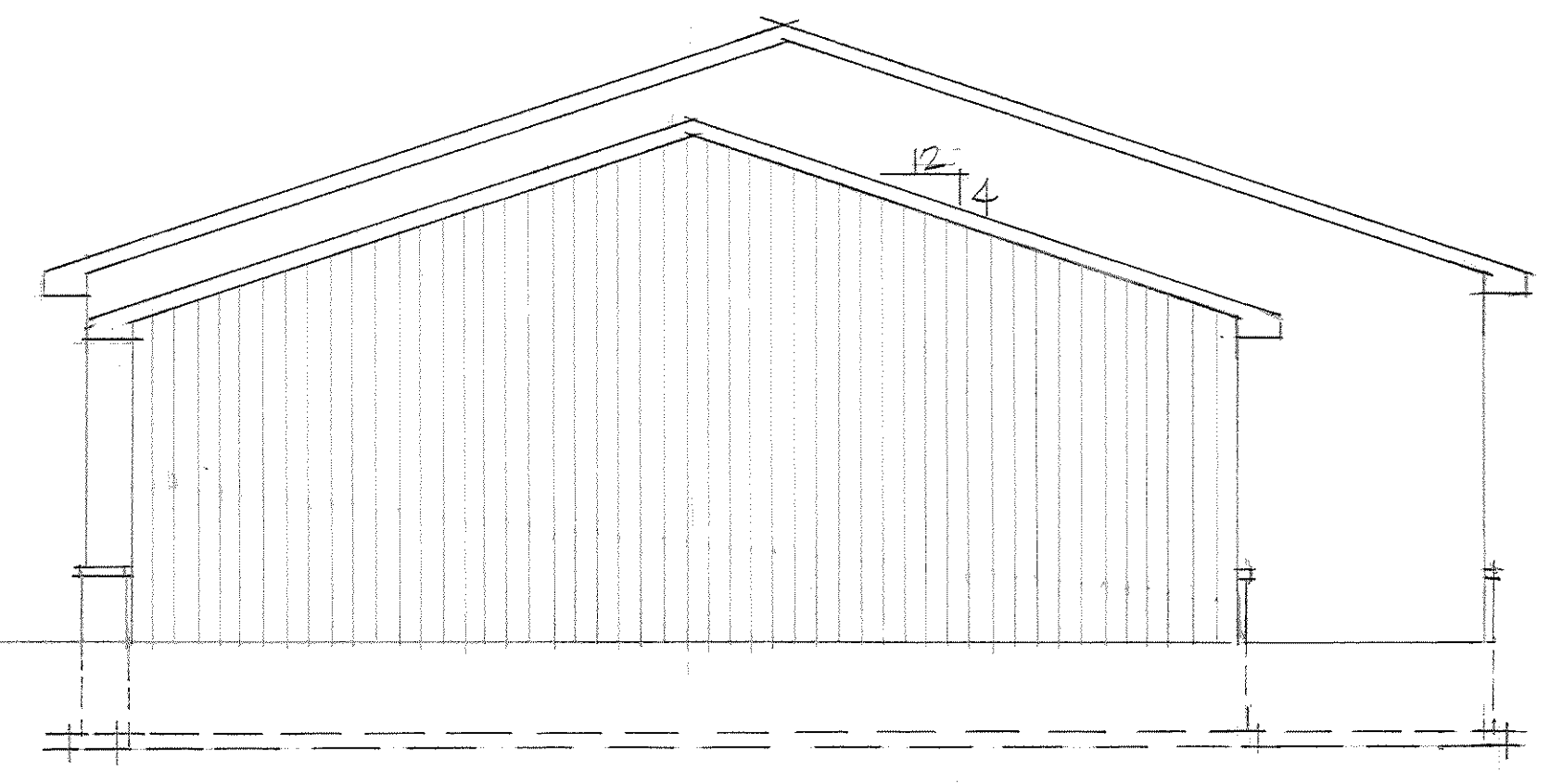
EXISTING BUILDING * NEW ADDITION

WEST ELEVATION
1/8" = 1'-0"



NEW ADDITION * EXISTING BUILDING

EAST ELEVATION
1/8" = 1'-0"



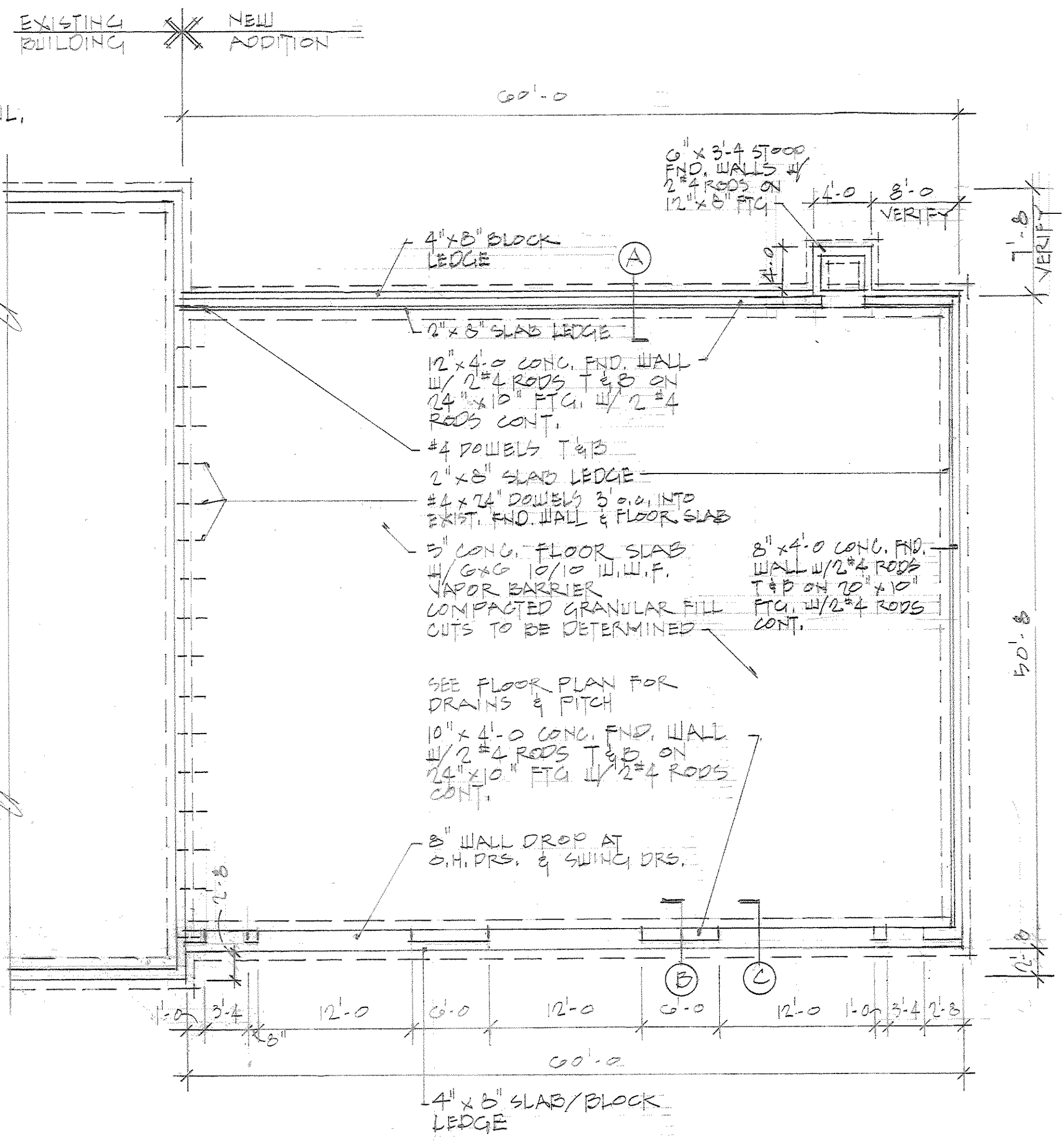
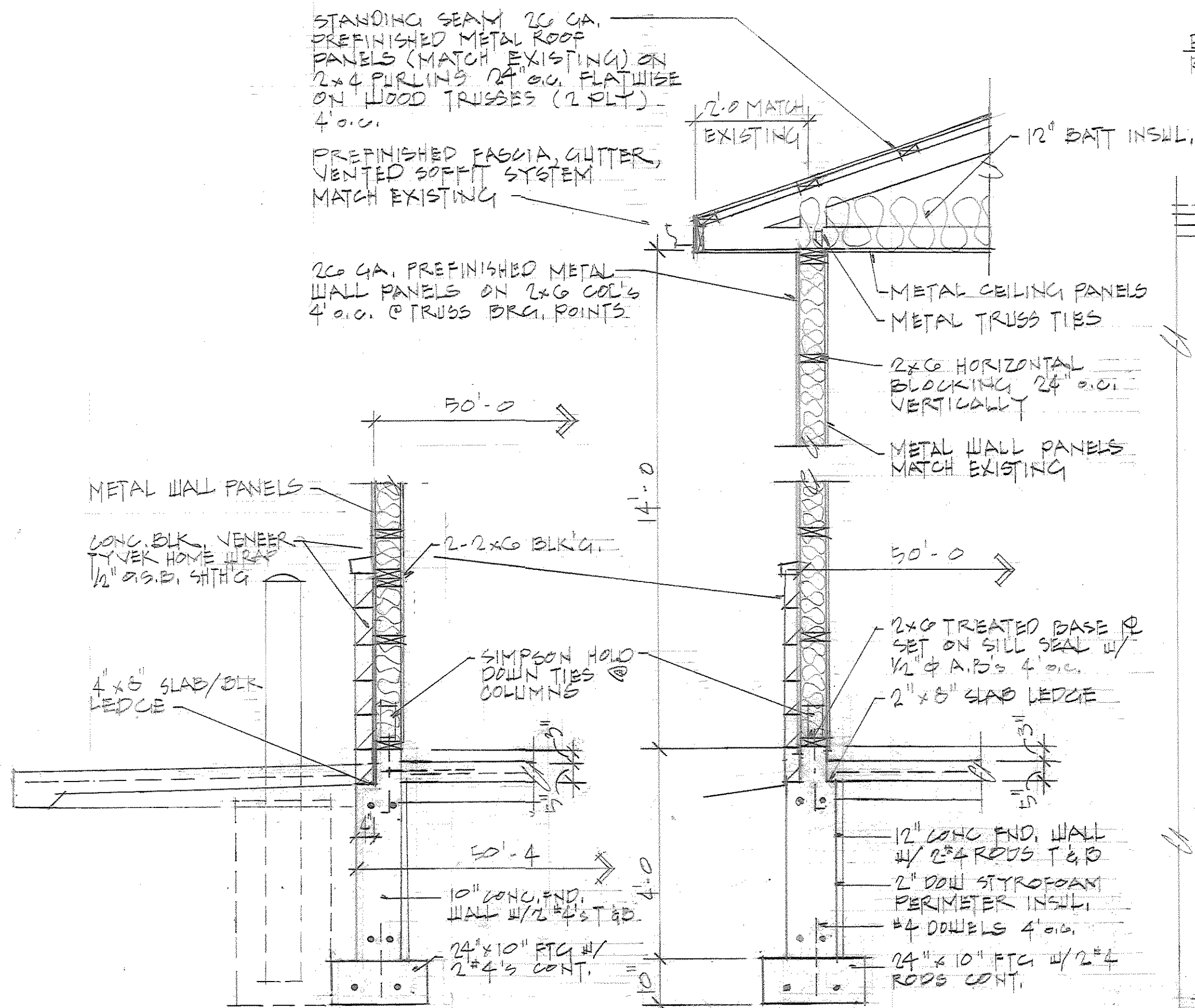
SOUTH ELEVATION
1/8" = 1'-0"

Attachment: Site Plan - PRELIMINARY - 10 Feb 2020 (9227 - Staff recommendation and possible action regarding a Site Plan request for an addition to an existin)

2.6.20

HOCKERS PLUMBING
DE PERE WI

(3/4)



FOUNDATION PLAN
1/8" = 1'-0"

WALL SECTIONS
1/2" = 1'-0"

Attachment: Site Plan - PRELIMINARY - 10 Feb 2020 (9227 - Staff recommendation and possible action regarding a Site Plan request for an addition to an existing)



City of De Pere, Wisconsin

Request For Plan Commission Action

MEETING DATE: February 24, 2020

DEPARTMENT: Planning

FROM: Peter Schleinz

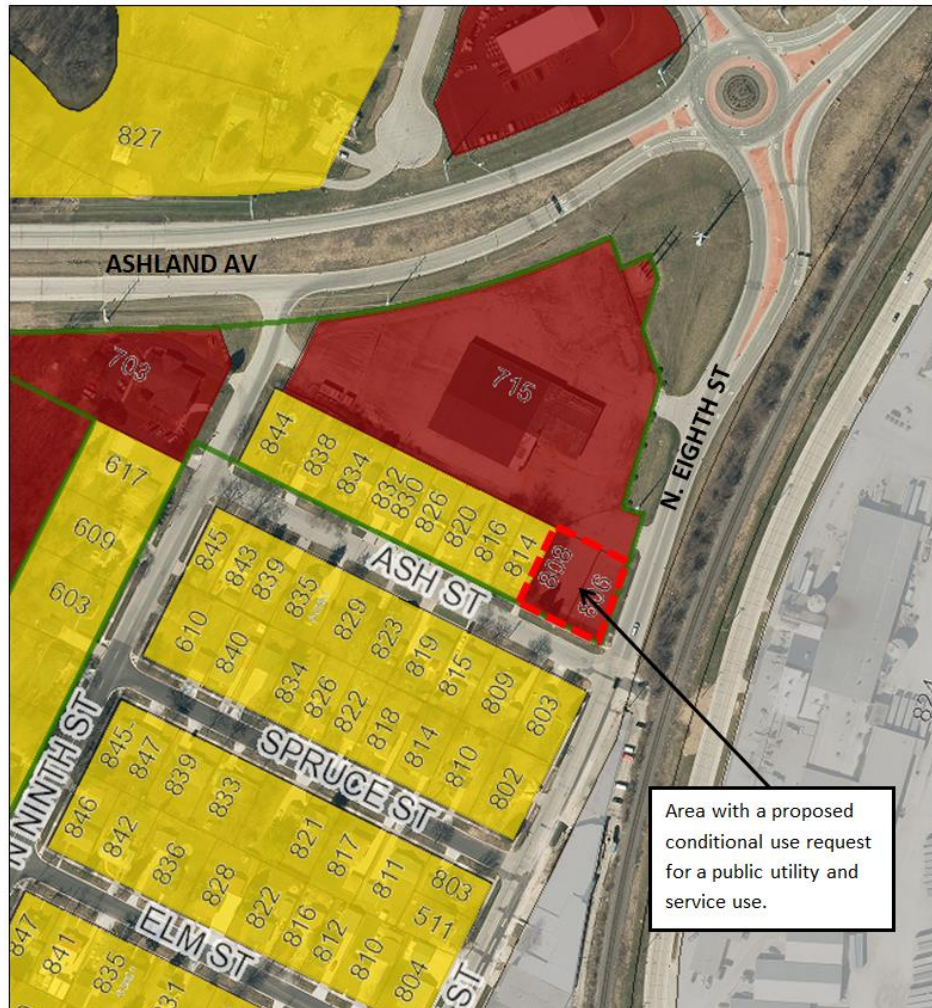
SUBJECT: Staff recommendation and possible action regarding a Conditional Use Permit request for a proposed new public utility and service use (Wisconsin Public Service Natural Gas District Regulator Station) at 806-808 Ash Street (Parcels WD-602, WD-603). *

ATTACHMENTS:

- 24 Feb 2020 Plan Commission Report - CUP in B-2 at 806-808 Ash ST(DOCX)
- Application and Support Information (PDF)

- ITEM 5:** Staff recommendation and possible action regarding a Conditional Use Permit request for a proposed new public utility and service use (Wisconsin Public Service Natural Gas District Regulator Station) at 806-808 Ash Street (Parcels WD-602, WD-603). *

SITE MAP



REQUESTED ACTION: Conditional Use Permit Approval for a public utility and service use.

Requested to facilitate a proposed Wisconsin Public Service natural gas district regulator station.

COMMON DESCRIPTION: 806-808 Ash Street, located northwest from the Ash Street and N. Eighth Street intersection.

PARCEL NUMBER(S): WD-602, WD-603

EXISTING ZONING: B-2 (General Business District)

SURROUNDING LAND USES:	Business and industrial to the north and east. Residential to the south and west.	
COMPREHENSIVE PLAN:	Commercial.	
APPLICANT / OWNER:	Steven Paplham, Major Projects Supervisor Authorized Representative Wisconsin Public Service 700 N. Adams Street PO BOX 19001 Green Bay, WI 54307-9001	Fairchild Living Trust of 1995 Property owner 1444 Fox River Drive De Pere, WI 54115
SITE HISTORY:	Year 1938-1960 air photographs identify the subject property as having residential houses. In the 1970's an auto dealership was built to the north, and the houses were removed by the 1990's. The two parcels have remained vacant with a hard paved surface since. The subject property was zoned to B-3 in the 1970's when the aforementioned auto dealership developed. In February, 2018 the property was rezoned to B-2 in anticipation of a redevelopment. However, the subject lots remained vacant when a redevelopment of the former auto dealership occurred in late 2019. On February 7, 2020, Wisconsin Public Service petitioned the City for a conditional use permit to build a natural gas district regulator station on the property. Wisconsin Public Service agreed to develop a site plan to aesthetically meet certain design standards set forth in the Municipal Code Development & Design Standards Section 14-60 in addition to requirements for a conditional use permit.	
STAFF REVIEW:	Attached is a document, written by the petitioner to summarize the conditional use permit submittal. The petitioner plans to construct a natural gas district regulator station that is surrounded by a 6-foot tall chain link fence with arborvitae trees on three sides of the fence. The site will include a brick building and a heater system. There is piping outside of the brick building. Per WPS measurements, noises created by the site are estimated at 65 decibels with street noise on 8th Street being 70-80 decibels). The site operates continuously and is maintained remotely with additional monthly site visits. The proposed new conditional use permit should include the following limitations, which the petitioner agrees with: • The conditional use will allow for a public utility and service use, specifically a natural gas district regulator station. • Prior to developing the site, a site plan must be submitted to Plan Commission for review and approval that includes the following:	

- A brick building that is surrounded by a 6-foot tall fence. If the fence is chain link, then the fence must be epoxy coated with a dark or natural color.
- Barbed wire is not permitted on any fence. Slats are not permitted in a chain-linked fence
- Dense landscaping in the form of arborvitae trees that are high enough to screen the fence are required on the east, west, and south sides of the fence.
- Any areas where motor vehicles will drive or park require a bituminous surface.
- Driveway access into the site from the north is preferred. If access must be from Ash Street then the maximum driveway width at the property line is 25 feet (preferably much less than 25 feet due to being in a small lot residential neighborhood).
- No exterior lighting should be used due to being adjacent to a residential neighborhood.
- The subject parcels WD-602 and WD-603 must be combined into one parcel.

Petitioner Evidence/Information:

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). The following responses in italics were provided directly by the petitioner:

- 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;

The new facility will not be detrimental to the public health and welfare. The facility will be designed to meet or exceed all relevant safety codes for the natural gas industry. Security fencing is included at the facility. The facility will be remotely monitored 24/7 by WPS Gas Control to ensure safe, reliable operation. WPS personnel will also visit the site approximately once per month to perform inspections and annual equipment maintenance. While some noise will be generated at the site, the noise generating components will be located inside an insulated building. Projected noise levels inside the building on peak cold days will be less than 85 db. Past studies indicate this noise will be reduced by approximately 20 decibels by the insulated building bringing noise levels down below 65 db just outside the building which will be less than the existing traffic noise coming from N. 8th Street (70-80 db). Noise levels during non-cold weather periods will typically be much less due to lower gas demand. The heater proposed at the site operates very similar to a home boiler, just at a larger scale. The heater is efficient, quiet when

in operation, and will not be harmful to the residents in the area.

- 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;

The new facility will not prohibit the improvement nor substantially diminish property values of the surrounding area. The new facility is needed to provide safe and reliable natural gas to the residents, business, and industry in the surrounding area. Landscaping beds, trees, fencing, and brick building facade are being added to the site to provide screening and visual appeal, similar or better than the existing surroundings. Upkeep at the facility will be consistent with the surrounding area and municipal requirements.

- c) That adequate facilities, access roads, drainage, and/or necessary facilities have been or are being provided;

The preferred access to the facility is from the north using the existing N. 8th St. access and driveway owned by the adjacent commercial property to the north. Since this access would be contingent on WPS securing an access easement from the adjacent property owner, the proposal also includes an alternative access from the south off Ash Street in case an agreement to access from the north cannot be reached. The new facility will utilize the same storm water drainage that exists at the location today. The addition of landscape beds allows for a slight decrease in the amount of impervious surface at the site when compared to what exists today.

- 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

The new facility will not cause increased traffic or congestion in the area. Once construction is complete, the site will be visited approximately once a month by WPS personnel to perform inspections and annual equipment maintenance. Typically these maintenance vehicles will be parked within the fenced area or in the driveway to eliminate any traffic impacts. The facility will be remotely monitored 24/7 by WPS gas to ensure safe and reliable operation.

- 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.

To the best of our knowledge, the current plans meet all existing regulations including setback requirements.

Staff findings regarding Conditional Use Permit Request Meeting Requirements and Conditions Specified in Ordinance or Imposed by the Plan Commission/Common Council:

The use may be allowed as a conditional use in the B-2 District. The petitioner agreed to develop a project that meets and exceeds the design criteria of a site plan. The conditions are listed at the beginning of this report and within the conditions of approval at the end of the report. Staff did not find other reason to object to the request. For that reason, staff finds that the criteria have been met to permit the proposed conditional use permit.

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 March 17, 2020.

Project notification letters have been sent to property owners within 300 feet of the parcel boundary. In addition, Wisconsin Public Service Staff went door-to-door in the residential neighborhood to answer questions that residents may have had. No comments about the request were received by City staff.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the conditional use permit application to allow for a public utility and service use (a Wisconsin Public Service natural gas district regulator station), located at 806-808 Ash Street, subject to the following:

1. The conditional use will allow for a public utility and service use, specifically a natural gas district regulator station.
2. The City reserves the right to review the conditional use permit if the noise levels on the property exceed 65 decibels.
3. Prior to developing the site, a site plan must be submitted to Plan Commission for review and approval that includes the following:
 - a. A brick building that is surrounded by a 6-foot tall fence. If the fence is chain link, then the fence must be epoxy coated with a dark or natural color.
 - b. Barbed wire is not permitted on any fence. Slats are not permitted in a chain-linked fence.
 - c. Dense landscaping in the form of arborvitae trees that are high enough to screen the fence are required on the east, west, and south sides of the fence.
 - d. Any areas where motor vehicles will drive or park require a bituminous surface.
 - e. Driveway access into the site from the north is preferred. If access must be from Ash Street then the maximum driveway width at the property line is 25 feet (preferably much less than 25 feet due to being in a small lot residential neighborhood).

- f. No exterior lighting should be used due to being adjacent to a residential neighborhood.
- g. The subject parcels WD-602 and WD-603 must be combined into one parcel.

	CITY OF DE PERE APPLICATION FOR CONDITIONAL USE	Fee: \$ 305.00
		Receipt #: 00149-790
		Date: 07 Feb 2020

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) Wisconsin Public Service	Authorized Representative Steven Paplham	Title Major Projects Supervisor	
Mailing Address 700 N. Adams St, PO Box 19001	City Green Bay	State WI	ZIP Code 54307-9001
Email Address steven.paplham@wisconsinpublicservice.com	Phone Number (incl. area code) 920-433-2645	Fax Number (incl. area code) 920-433-1360	

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 806 & 808 Ash St, De Pere, WI	Parcel No. WD-602 & WD-603
--	-------------------------------

SECTION 4: Proposed Conditional Use

Existing Zoning:	B2 - Business District
Present Use of Parcel:	Empty Asphalt Lot
Proposed Use of Parcel:	Natural Gas District Regulator Station
Present Use of Adjacent Properties:	Mostly Residential with Commercial Property to the North

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) Steven Paplham	Title Major Projects Supervisor	Phone Number 920-433-2645
Signature of Applicant 		Date Signed 2/5/20

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):	
--	---

Attachment: Application and Support Information (9225 : Staff recommendation and possible action regarding a Conditional Use Permit request

CONDITIONAL USE SUBMITTAL REQUIREMENTS

- A. Name of project/development.
- B. Summary of the Conditional Use and general operation of proposed use.
- C. Written responses to the Conditional Use Standards:
 - 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.
- D. If applicable, scale site map of project/development. If site plan review is required for the project, all efforts should be made to review the site plan and conditional use permit request at the same Plan Commission meeting.
- E. Project timeline.
- F. Other information as requested by staff that would be considered pertinent by the Plan Commission.

Conditional Use Submittal Requirements – Written Responses

- A. Wisconsin Public Service (WPS) – De Pere Natural Gas District Regulator Station
- B. This project is being driven by an increased natural gas demand in the area. The most cost effective solution to meet this new demand is to increase the pressure in one of the existing gas lines which in turn increases the capacity of the system. In order to increase the pressure, a district regulator station is required to maintain proper service to our existing customers.

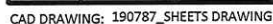
A district regulator station is a common facility used in the distribution of natural gas where higher pressure gas is brought into the facility and then reduced to a lower pressure so it can be utilized by the end user. The facility includes the piping, valves, and regulators required to safely lower the pressure, and many times, includes a heater to prevent the moisture in the gas from freezing during the pressure cut which can lead to equipment malfunction.

WPS has an accepted offer to purchase from the existing property owner of 806 and 808 Ash Street. This purchase is contingent on receiving all necessary approvals from the City of De Pere for this project. If approval is received, WPS proposes to combine the two parcels into one and construct a natural gas district regulator station on the property.

- C.a. The new facility will not be detrimental to the public health and welfare. The facility will be designed to meet or exceed all relevant safety codes for the natural gas industry. Security fencing is included at the facility. The facility will be remotely monitored 24/7 by WPS Gas Control to ensure safe, reliable operation. WPS personnel will also visit the site approximately once per month to perform inspections and annual equipment maintenance. While some noise will be generated at the site, the noise generating components will be located inside an insulated building. Projected noise levels inside the building on peak cold days will be less than 85 db. Past studies indicate this noise will be reduced by approximately 20 decibels by the insulated building bringing noise levels down below 65 db just outside the building which will be less than the existing traffic noise coming from N. 8th Street (70-80 db). Noise levels during non-cold weather periods will typically be much less due to lower gas demand. The heater proposed at the site operates very similar to a home boiler, just at a larger scale. The heater is efficient, quiet when in operation, and will not be harmful to the residents in the area.
- C.b. The new facility will not prohibit the improvement nor substantially diminish property values of the surrounding area. The new facility is needed to provide safe and reliable natural gas to the residents, business, and industry in the surrounding area. Landscaping beds, trees, fencing, and brick building facade are being added to the site to provide screening and visual appeal, similar or better than the existing surroundings. Upkeep at the facility will be consistent with the surrounding area and municipal requirements.
- C.c. The preferred access to the facility is from the north using the existing N. 8th St. access and driveway owned by the adjacent commercial property to the north. Since this access would be contingent on WPS securing an access easement from the adjacent property owner, the proposal also includes an alternative access from the south off Ash Street in case an agreement to access from the north cannot be reached. The new facility will utilize the same stormwater

drainage that exists at the location today. The addition of landscape beds allows for a slight decrease in the amount of impervious surface at the site when compared to what exists today.

- C.d. The new facility will not cause increased traffic or congestion in the area. Once construction is complete, the site will be visited approximately once a month by WPS personnel to perform inspections and annual equipment maintenance. Typically these maintenance vehicles will be parked within the fenced area or in the driveway to eliminate any traffic impacts. The facility will be remotely monitored 24/7 by WPS gas to ensure safe and reliable operation.
- C.e. To the best of our knowledge, the current plans meet all existing regulations including setback requirements.
- D. As part of this application, the following items have been included in order to provide a better understanding of the proposed facility.
 - Site Plan
 - Site Aerial with Survey Information
 - Landscape Plan
 - Site Renderings
 - Streetview photo Looking Northwest from Intersection of Ash and N. 8th St.
- E. Construction on this project is anticipated to begin in early summer of 2020 and be completed by the end of 2020. The heater shown in the drawings is not planned to be installed during the initial construction, but rather, easily added to the facility when/if the need for it arises. WPS wanted all parties to be aware of the heater as it may be needed at some point depending on system growth and potential upgrades.
- F. Through discussions with City of De Pere Staff, the following features will be incorporated into the design of the site:
 - Proposed building will have brick façade and metal roof similar to the site renderings submitted with this application.
 - Gravel surfaces within the fence will be constructed using a dust free aggregate or recycled asphalt gravel substitute.
 - Any area within the fence with anticipated vehicle traffic will be constructed with a concrete or asphalt surface.
 - The proposed fence is a 6' high, epoxy coated chain link fence to provide an acceptable level of security, screening, and aesthetics. All components of the fence (posts, fabric, gates) will be color matched with the same epoxy coating. The proposed color of the fence is dark brown but this can be modified if another color is preferred. The fence will not contain barbed wire or privacy slats.
 - Arborvitae trees were preferred over other types of plantings and shrubs for screening so the design of the site will incorporate these around the west, south, and east sides of the facility.
 - A 30 foot vision triangle was reviewed for the intersection of Ash and N. 8th Streets. The proposed site layout will not impact this vision corner.







View 1 - Looking North



View 2 - Looking North (elevated)



View 3 - Looking Southwest



View 4 - Looking Northeast



View 5 - Looking Southwest (elevated)

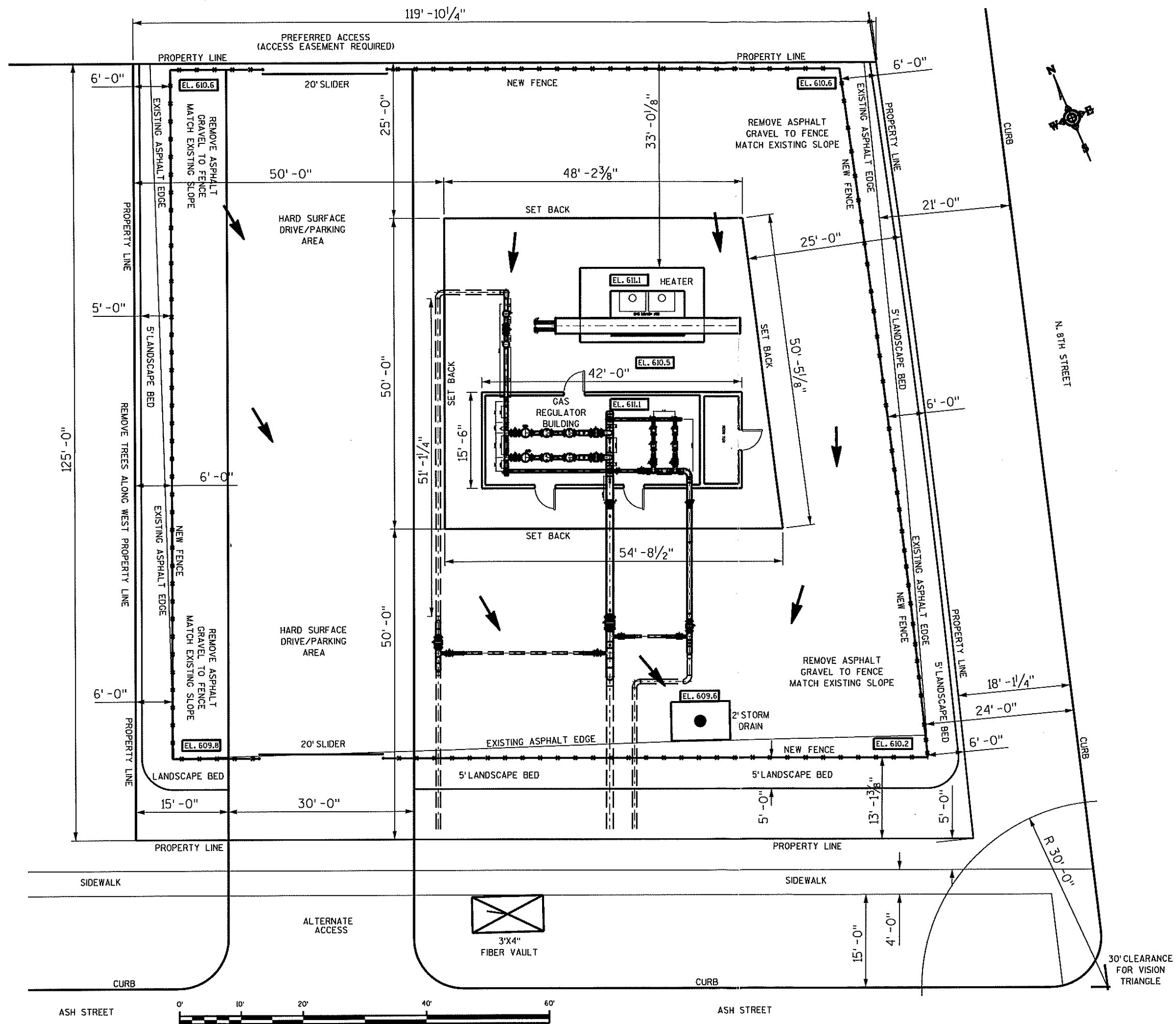


View 6 - Looking South



2020_0207

Landscape Plan - Plan View



SITE AREA SQ. FT.: 15960
 IMPERVIOUS SURFACE SQ. FT.: 12860
 PERVIOUS SURFACE SQ. FT.: 3100
 % LANDSCAPED AREA: 19.4%
 FLOOR AREA RATIO: .04

LOCATION:
 806 AND 808 ASH ST., DEPERE,
 PARCEL WD-602 AND WD-603

WISCONSIN PUBLIC SERVICE CORP.

SITE PLAN
 DEPERE DISTRICT REGULATOR STATION
 DEPERE, WISC.

Packet Pg. 50



City of De Pere, Wisconsin

Request For Plan Commission Action

MEETING DATE: February 24, 2020

DEPARTMENT: City Attorney

FROM: Judith Schmidt-Lehman

SUBJECT: Consideration of and Possible Action on an Easement Request from Wisconsin Public Service on City Owned Parcel ED-275.*

ATTACHMENTS:

- Mayor-Plan C-Council WPS Easement Request ED-275 (PDF)
- Easement_City of De Pere_3001753 redlined 2-6-20 (DOCX)
- Easement ED-275 Exhibit A (PDF)

MEMORANDUM

TO: Mayor Michael J. Walsh
Plan Commission Members
Common Council Members

FROM: Judith Schmidt-Lehman, City Attorney

DATE: February 24, 2020 (Plan Commission meeting date)

RE: Request of Wisconsin Public Service for a Utility Easement on City owned
Property (ED-275)

In Connection with the De Pere Cultural Foundation Inc. (Mulva Center) development, Wisconsin Public Service is requesting a utility easement on City Property (ED-275) currently used for Fire Department parking. City Public Works staff will be meeting with Wisconsin Public Service staff on site on February 25, 2020 to work through site logistics and minimizing adverse impacts to the parking area.

Staff requests this easement request be approved in concept and forwarded to the Council for its final approval. Any final Easement language will be subject to final approval of the De Pere Cultural Foundation Inc. and the City Attorney's office

If you have any questions or concerns in advance of the meeting on feel free to call me at 339-4042.
JSL

1048561 WPSC

DOCUMENT NUMBER

~~ELECTRIC UNDERGROUND UTILITY~~ EASEMENT

THIS INDENTURE is made this _____ day of _____, _____, by and between **City of De Pere, a municipal corporation**, ("Grantor") and **WISCONSIN PUBLIC SERVICE CORPORATION**, a Wisconsin Corporation, along with its successors and assigns **Charter Communications, Inc. and Wisconsin Bell Inc. d/b/a AT&T of Wisconsin, a Wisconsin Corporation**, (collectively, "Grantee") for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor, owner of land, hereby grants and warrants to, Grantee, a permanent easement upon, within, beneath, over and across a part of Grantor's land hereinafter referred to as "easement area" more particularly described as follows:

Part of Reserve Block 63 of the recorded plat of Dickison's Addition to the Plat of De Pere, being part of Private Claims 33 and 34 East side of the Fox River, **City of De Pere, County of Brown, State of Wisconsin**, as shown on the attached Exhibit "A".

Return to:
Wisconsin Public Service Corp.
Real Estate Dept.
P.O. Box 19001
Green Bay, WI 54307-9001

Parcel Identification Number (PIN)
ED-275

Comment [SM1]: Ok

- Purpose:** ~~ELECTRIC UNDERGROUND UTILITY~~ - The purpose of this easement is to construct, install, operate, maintain, repair, replace and extend underground utility facilities, conduit and cables, ~~electric pad-mounted transformers, manhole, electric pad-mounted switch fuse units, electric pad-mounted vacuum fault interrupter~~, concrete slabs, ~~power pedestals, riser equipment, terminals and markers~~, together with all necessary and appurtenant equipment under and above ground as deemed necessary by Grantee, all to transmit electric energy, signals, television and telecommunication services, including the customary growth and replacement thereof. Trees, bushes, branches and roots may be trimmed or removed so as not to interfere with Grantee's use of the easement area.
- Access:** Grantee shall have the right to enter on and across any of the Grantor's property outside of the easement area as may be reasonably necessary to gain access to the easement area and as may be reasonably necessary for the construction, installation, operation, maintenance, inspection, removal or replacement of the Grantee's facilities.
- Buildings or Other Structures:** Grantor agrees that no structures will be erected in the easement area or in such close proximity to Grantee's facilities as to create a violation of all applicable State of Wisconsin electric and gas codes or any amendments thereto.
- ~~**Elevation:** Grantor agrees that the elevation of the ground surface existing as of the date of the initial installation of Grantee's facilities within the easement area will not be altered by more than 4 inches without the written consent of Grantee.~~
- Restoration:** Grantee agrees to restore or cause to have restored Grantor's land, ~~as nearly as is reasonably possible~~, to the condition existing prior to such entry by Grantee or its agents. This restoration, however, does not apply to any trees, bushes, branches or roots which may interfere with Grantee's use of the easement area.

Comment [SM2]: Ok

Comment [JLB3]: This is actually okay are allowing for necessary and appurtenant equipment under and above ground later in paragraph.

Comment [SM4]: Language needs to re Primary, service line & transformer located parking lot

Comment [JLB5]: We need to understand they don't want this in there. We need some grading protection with every underground installation and this needs to remain.

Comment [JLB6]: This language needs to stay in this easement due to the fact are probably crossing a parking lot?? And not going to be repaving a whole parking lot

Attachment: Easement City of De Pere_3001753 redlined 2-6-20 (9277 : Easement Request from Wisconsin Public Service ED-275.)

6. **Exercise of Rights:** It is agreed that the complete exercise of the rights herein conveyed may be gradual and not fully exercised until sometime in the future, and that none of the rights herein granted shall be lost by non-use.
7. **Binding on Future Parties:** This grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.
8. **Easement Review:** Grantor acknowledges receipt of materials which describe Grantor's rights and options in the easement negotiation process and furthermore acknowledges that Grantor has had at least 5 days to review this easement document *or* voluntarily waives the five day review period.

[REMAINDER OF PAGE LEFT BLANK]

WITNESS the hand and seal of the Grantor the day and year first above written.

City of De Pere, a municipal corporation

Corporate Name

Sign Name

Print name & title

Sign Name

Print name & title

STATE OF _____)
COUNTY OF _____)SS

This instrument was acknowledged before me this _____ day of _____, _____, by the above-named _____

City of De Pere, a municipal corporation, to me known to be the Grantor(s) who executed the foregoing instrument on behalf of said Grantor(s) and acknowledged the same

Sign Name _____
Print Name _____

Notary Public, State of _____
My Commission expires: _____

This instrument drafted by: Michelle Somers
Wisconsin Public Service Corporation

Date	County	Municipality	Site Address	Parcel Identification Number
January 16, 2020	Brown	City of De Pere	335 S Broadway St	ED-275
Real Estate No.	WPSC District	WR#	WR Type	I/O
1048561	Green Bay	3001753	ERU	21810176EC

EXHIBIT "A"
NOT TO SCALE
FOR REFERENCE ONLY

12 FOOT WIDE EASEMENT

NORTH

Attachment: Easement ED-275 Exhibit A (9277 : Easement Request from Wisconsin Public Service ED-275.)