Plan Commission

Regular Meeting

Final Minutes

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

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	Alderperson	Present	
Derek Beiderwieden	Commissioner	Present	
Brenda Busch	Commissioner	Present	
Mark Higgins	Commissioner	Excused	
Dean Raasch	Alderperson	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, Alderperson
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 Schleinz 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 Schleinz 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 Schleinz 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 Schleinz 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 Schleinz 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 Schleinz 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 Schleinz 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 Schleinz 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 appove 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