



Plan Commission

Regular Meeting

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

Final Minutes

Monday, November 26, 2018

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	Alderpersion	Present	
Larry Lueck	Alderpersion	Excused	
Derek Beiderwieden	Commissioner	Present	
Amy Kundinger	Commissioner	Present	
Steve Taylor	Commissioner	Present	
Grant Schilling	Commissioner	Present	

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

2. Approval of the minutes of the October 22, 2018 Plan Commission meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Steve Taylor, Commissioner
SECONDER:	Derek Beiderwieden, Commissioner
AYES:	Walsh, Boyd, Beiderwieden, Kundinger, Taylor, Schilling
EXCUSED:	Larry Lueck

3. Recommendation regarding a rezoning request from R-1 (Single Family Residence District) to R-1 (PDD) Planned Development District, R-2 (Single and Two-Family Residence District) and R-3 (Multiple Family Residence District) at 2500 BLK Lawrence Drive (parts of Parcels WD-L482, WD-L483 & WD-L484). Submitted by Pat Kaster, TLKM Development LLC, authorized representative for R&M Garrity Farm LLC, property owner.*

Development Services Director Kim Flom provided a broad overview of the project for a new proposed subdivision on the west side of De Pere along Lawrence Drive, which would consist of single family, two-family, and multi-family apartment units. The subdivision would consist of:

- 46 Single Family
- 24 Single Family/PDD lots
- 8 Two-Family lots
- 24 multi-family units

The rezoning would include: R-1 Residential, R-1 Residential PDD, R-2 Residential, and R-3 Residential. Kim added that the existing neighborhood of Garrity's Glen was created as an Area Development Plan in 2005. She reported that staff had received several comments before the meeting, specifically regarding the proposed multi-family development. She noted that this type of development is quite common and is repeated throughout De Pere. Using duplex and multi-family properties as a buffer from the industrial park makes sense from a planning perspective. City Planner Peter Schlein reported on the rezoning request, specifying that the PDD overlay would change street frontage from 85 feet to 70 feet and sideyard setbacks from 10 feet to 8 feet, but only for the 24 single family PDD lots. He explained that the PDD lots would have a separate

homeowners association. He added that the review of the general development plan would be followed by a more formal Precise Implementation Plan. Staff recommended approval of the rezoning, subject to the conditions outlined in the staff report. Peter added that the rezoning will go to the Common Council meeting on December 18, 2018. Mayor Walsh moved, seconded by James Boyd, to open the meeting for public comments. Upon vote, motion carried unanimously. Dave Raasch, a resident living in the subdivision, presented the commission with over 100 signatures he collected from residents in the neighborhood who oppose the duplex and multi-family units. Derek Beiderwieden asked if there is any R-2 zoning in the existing subdivision and Kim answered that there are twindo units. Several residents spoke out against the multi-family units, voicing their concerns of increased traffic and decreased property values. Mayor Walsh addressed the concerns, stating that this type of development makes sense near a business park. Generally, people do not want to live right next to a business park, so by locating multi-family and duplexes near the business park, it provides a buffer to the single family homes. James Boyd added that De Pere is a very desirable area to live, but not everyone wants to own. Therefore, the City has to provide housing for those people also, not just people who want to own. He added that it is important for De Pere to be attractive to both homeowners and renters. Another resident asked when the proposed development would start construction. Development Services Director Kim Flom replied that the developer is planning to start in spring of 2019.

The developer, Pat Kaster addressed the commission. She explained that the homeowners association would be created to offer maintenance of lawn cutting and snow removal. However, there would be no common ownership of any kind. The homes would be single, free standing homes, not attached. She added that the price point for these homes would start at \$260,000, up to \$350,000 and would be totally landscaped. The next point she addressed was the duplex units. She stated that the duplex market is currently in high demand. The price of the duplex units would be \$300,000-\$350,000. Pat explained that parents are buying duplexes to live in one side and their kids & grandkids live in the other side. This gives older people the opportunity to live more independently and not have to go to a nursing home. Next, she addressed the multi-family units. There would be three buildings, with 8 units per building, for a total of 24 units. There will be an acre of green space on the biggest multi-family lot due to wetlands on the lot. Each unit would have a two stall attached garage and rent would be \$1100 per month. She stated that this would be high quality apartment living and would not be transient buildings with high turnover. Tim Halbbrook is the builder who would own the apartments and they would be totally landscaped. Pat added that Tim is currently building a similar apartment building in Howard and he would be more than willing to allow people to view the model themselves if interested. Pat explained that she wants this development to offer all the living styles to help De Pere fulfill it's housing needs. After explaining all of the types of homes in the development, Pat addressed the concern of decreasing property values. She explained that the homes will be similar to, but larger than the existing homes in the Garitty's Glen subdivision. It is more than likely that most of the new single family homes will have three stall garages, as opposed to the existing homes, which have two stall garages. Because of this, the homes will likely increase property values, not decrease them. Steve Taylor asked if most of the duplexes will have an on-sight owner. Pat answered that there may be some that are investors, but she can not answer specifically on the percentage at this early stage in the process. Steve then asked about the color variation of the homes in the PDD. Pat replied that the homes will be a mix of earth tones: browns, grays, tans, & whites. The buyer will be able to choose their colors, as well as their floor plan from six different options. Mayor Walsh moved, seconded by

Steve Taylor, to go back to regular order. Upon vote, motion carried unanimously. Mayor Walsh moved, seconded by Amy Kundinger, to recommend approval of the rezoning request with PDD overlay and General Development Plan and forwarding it to the Common Council for final review. Upon vote, motion carried unanimously. A public hearing will be held at the December 18, 2018 Council meeting prior to review of the rezoning request.

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

4. Recommendation regarding the proposed 61 Lot and two Outlot Preliminary Plat of “Garrity’s Glen South” at 2500 BLK Lawrence Drive (parts of Parcels WD-L482, WD-L483 & WD-L484). Submitted by Pat Kaster, TLKM Development LLC, authorized representative for R&M Garrity Farm LLC, property owner.*

City Planner Peter Schleinz reviewed the preliminary plat for Garrity's Glen South, which is associated with the previous rezoning petition from agenda item one. He explained that the subdivision will have two outlots; one for stormwater management and one that is currently zoned R-1, but is likely to be used for future development of the business park. Peter noted that there are a significant number of conditions of approval linked to the preliminary plat, due to the fact that the submitted plat included extra reviewable details that are typically not submitted until a final plat is drafted. Staff recommended approval of the preliminary plat, subject to those conditions. James Boyd moved, seconded by Steve Taylor, to approve the preliminary plat and forward it to the Common Council for final approval. Upon vote, motion carried unanimously. Peter added that this item will be reviewed by the Council on December 4, 2018.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Boyd, Alderperson
SECONDER:	Steve Taylor, Commissioner
AYES:	Walsh, Boyd, Beiderwieden, Kundinger, Taylor, Schilling
EXCUSED:	Larry Lueck

5. Review and recommendation for a Conditional Use Permit application for a proposed combination motor vehicle service station and grocery store (e.g. a gas station and convenience store) to be developed at 1218 Grant Street, 1216 Renkens Court and part of the Renkens Court right-of-way (Parcels WD-D0208, WD-D0209 and part of Renkens Court right-of-way) within the Highway 41 Business Corridor: B district. Submitted by Michael F. Dura, RA, Riverview Architecture and Krist Oil CO, authorized representative for Michael & Ronald Vieau ETAL, Byrne Trust, and City of De Pere, property owners.*

Development Services Director Kim Flom provided an overview of the proposed commercial development for Krist Oil. The project requires taking two homes that were built as single family homes, combining those lots with some City-vacated right-of-way to create a lot that meets Highway B District standards in order to develop a gas station and convenience store. Kim added that this project does not work on it's own without the City giving right-of-way land. The conditional use permit is required for a combination motor vehicle service station and grocery store in order to ensure that the proposed

project does not result in any negative impacts to the surrounding areas and is also a good fit for the neighborhood. City Planner Peter Schleinz explained that there are five criteria that must be met to grant a conditional use permit. Those criteria are:

- 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.
- 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.

City Planner Peter Schleinz noted that all property owners within 300 feet of the subject area have been notified of this application. He added that staff did receive some concerns regarding traffic congestion from property owners to the south, especially at the times of the early morning and afternoon when there is more school traffic. Staff reviewed those five criteria and recommended approval of the conditional use request, subject to the conditions outlined in the staff report. Mayor Walsh moved, seconded by James Boyd, to open the meeting for public comments. Upon vote, motion carried unanimously. Stuart Frankenthal addressed the commission. He is the property owner of Jass Realty, which is the property to the north of Renkens Court. He stated that if the right-of-way was vacated, he would lose a possible access point to his property. Derek Beiderwieden clarified whether Renkens Court is currently an access point for Mr. Frankenthal's property. He replied that it currently is not, but he was under the impression that if that area was ever developed, it would become an access point. He added that there is a fire hydrant at the edge of his land that serves his property in the event of a fire. Development Services Director noted that Renkens Court is mainly a driveway which acts as a buffer and the existing easements will remain. Mayor Walsh added that the fire hydrant would likely remain in its location or be moved to another location in that area. City Planner Peter Schleinz noted that the fire hydrant will be addressed when the site plan is reviewed by the Fire Department. Mayor Walsh moved, seconded by Derek Beiderwieden, to go back to regular order. Upon vote, motion carried unanimously. Mayor Walsh moved, seconded by Amy Kunderinger, to approve the conditional use permit. Upon vote, motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael J. Walsh, Mayor
SECONDER:	Amy Kunderinger, Commissioner
AYES:	Walsh, Boyd, Beiderwieden, Kunderinger, Taylor, Schilling
EXCUSED:	Larry Lueck

6. Review and recommendation for a Proposed Right-Of-Way Vacation of all of Renkens Court (Adjacent to Parcels WD-D0207, WD-D0208, WD-D0209, WD-D0210). Submitted by Michael F. Dura, RA, Riverview Architecture and Krist Oil CO.*

City Planner Peter Schleinz reviewed the right of way vacation for Renkens Court. He noted that typically when a right of way is vacated, the land is divided in half and attached to each adjacent property owner. However, when all of the land was originally dedicated by an owner on one side of the right of way to create a street, all of the right of way then is attached back to the original land that dedicated the right of way. This is the case with the right of way vacation for Renkens Court, so the right of way is attached only to the two properties that dedicated the land, rather than to all four adjacent properties. The two adjacent properties that are proposed for redevelopment are less than two acres. The right of way vacation would increase the area to over two acres, which meets the minimum lot size for the Hwy B Zoning District if the parcels were combined with vacated right of way. Mayor Walsh moved, seconded by Derek Beiderwieden, to open the meeting. Upon vote, motion carried unanimously. Stuart Frankenthal, the owner of one of the adjacent parcels, resubmitted his objections to the vacation that he brought up in the previous agenda item for the conditional use permit: 1) Economic impact to his property due to the additional land attachment and 2) Loss of future access to his property from Renkens Court. City Planner Peter Schleinz explained that if an adjacent property owner objects to a proposed vacation, then the need for a simple majority vote of approval from the Common Council changes to the need for a 2/3 vote (6 out of 8 Council members must vote in favor, not just 2/3 of Council members in attendance when voting). Mayor Walsh moved, seconded by James Boyd, to go back to regular order. Upon vote, motion carried unanimously. Mayor Walsh moved, seconded by Steve Taylor, to approve the right of way vacation for all of Renkens Court and forward it to the Common Council for final approval with the conditions that all existing easements remain in place and subject to Common Council approval of a related conditional use permit and site plan for lands located west from the right of way. Upon vote, motion carried unanimously.

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

7. Recommendation regarding a Site Plan for proposed new gas station and convenience store at 1218 Grant Street, 1216 Renkens Court and part of the Renkens Court right-of-way (Parcels WD-D0208, WD-D0209 and part of Renkens Court right-of-way). Submitted by Michael F. Dura, RA, Riverview Architecture and Krist Oil CO, authorized representative for Michael & Ronald Vieau ETAL, Byrne Trust, and City of De Pere, property owners.

City Planner Peter Schleinz reviewed the site plan for Krist Oil for a gas station and convenience store. He noted that the two parcels along with the right of way land would be combined to meet the two acre minimum size requirement for the development. He added that the site plan was drawn assuming that only half of the Renkens Court property would be deeded to the development parcel upon vacation. This site plan review is linked to a number of other reviews, including the right of way vacation of Renkens Court, the approval of a conditional use permit that would allow a gas station/convenience store in the Hwy B District, and a combination CSM to consolidate all parcels which will be reviewed by the Brown County Planning Commission. Peter noted that although the minimum landscaping requirement has been met, it is strongly recommended that the Plan Commission request a significant increase of landscaping (trees and ground cover)

along the street frontages and along the west and south sides of the building to soften and screen the view of the massive paving area of the site. Peter added that the business owner is aware of the landscaping request and expressed a willingness to increase landscaping on the site. Staff recommended approval of the site plan, subject to the conditions outlined in the staff report. Mayor Walsh moved, seconded by Steve Taylor, to open the meeting. Upon vote, motion carried unanimously. Stuart Frankenthal asked how a site plan can be approved before the right of way vacation has been approved. Development Services Director Kim Flom commented that nothing can be done on the site until the right of way vacation has been approved. The reviews are being handled concurrently to save time. Mayor Walsh moved, seconded by Derek Beiderwieden, to go back to regular order. Upon vote, motion carried unanimously. James Boyd moved, seconded by Amy Kunding, to approve the site plan. Upon vote, motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Boyd, Alderperson
SECONDER:	Amy Kunding, Commissioner
AYES:	Walsh, Boyd, Beiderwieden, Kunding, Taylor, Schilling
EXCUSED:	Larry Lueck

8. Status Report of City of De Pere Zoning Ordinance and Sign Ordinance Rewrite—November 2018.

City Planner Peter Schleinz provided an update to the Zoning Code Rewrite. He noted that the consultant will present Module 2 later this month, which includes a proposed zoning map with proposed new zoning categories for the Technical Advisory Group to consider. It is expected that the draft of the modules will be ready for public review and input by early January 2019.

RESULT:	NO ACTION
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Adjournment

Mayor Walsh moved, seconded by Amy Kunding, to adjourn the meeting at 9:21 PM. Upon vote, motion carried unanimously.

Respectfully submitted,
Kelly Barker