Plan Commission

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

Regular Meeting

Final Minutes

Monday, September 22, 2014 | **7:00 PM** | **De Pere City Hall Council Chambers**

Call to Order

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

Attendee Name	Title	Status	Arrived
Derek Beiderwieden	Commissioner	Present	
James Boyd	Alderperson	Present	
Jim Kalny	Commissioner	Present	
Larry Lueck	Alderperson	Excused	
Elizabeth Runge	Commissioner	Present	
Steve Taylor	Commissioner	Present	
Michael J. Walsh	Mayor	Present	

Also present: city Planning Director Ken Pabich and members of the public.

2. Approval of the minutes of the August 25, 2014 joint meeting of the Plan Commission and the Redevelopment Authority.

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

Approval of the minutes of the September 16, 2014 special meeting of the Plan Commission.

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

3. Public Hearing on the formation of a Business Improvement District (BID) for downtown De Pere.

A. Review of BID operating plan.*

Ken Pabich provided an overview of the proposed operating plan and the process for BID district formation. The City has received a petition for the creation of a district, and a certified mailing was sent on September 2nd to notify all property owners in the district. The Plan Commission will consider a resolution tonight as part of the process. If approved, there will be a 30 day period for protest petitions opposing the BID to be submitted. If no petition is submitted, the City Council would then act to create the BID at its November 5th meeting and make board appointments. The operating plan includes the goals of the BID, the boundary of the district, the financing model, and assessment rates (residential properties are excluded). The plan also includes a summary of responsibilities, performance measures, and the process by which the district could be discontinued.

B. Notice of Public Hearing.

The Public Hearing notice was published in the Green Bay Press Gazette on September 4th and 11th, 2014.

C. Public Hearing.

Mayor Walsh declared the public hearing open at 7:07 p.m.

Joe Secor came forward to express his opposition to the creation of the BID district.

Scott Hemauer, Definitely De Pere board member, spoke in favor of the proposed BID.

Ryan Jennings, Definitely De Pere board member, spoke in favor of the BID district.

James Kropp expressed his opposition to the plan.

Keith Vanden Avond came forward to express his support for the events hosted by Definitely De Pere.

Jerry Gillespie stated that he is not completely against the idea of the BID district, but has concerns about several items in the operating plan that he would like to see addressed: 1) the lack of benefit to non-retail businesses in the district; 2) the operating plan states that the BID has the power to acquire, improve, lease, and sell properties in the district, which could compete directly with the property owners that are paying the assessment; 3) The operating plan shows that 82% of assessment dollars are used for operations (salaries, rent, and professional development), while only 18% percent of the budget would benefit owners; and 4) the structure of the BID allows one property owner to initiate a petition to create the BID, but it requires 50% of owners to dissolve the district.

Julie Fronsee, president of Definitely De Pere, spoke in favor of the proposal.

Corey Kroll expressed his opposition to the BID; he also inquired whether the assessment rate could change in the future.

Ralph & Lynn Sanders came forward to speak in opposition to the project.

Kathy Rupiper expressed her support for the BID.

Pat Olejniczak spoke in favor of the BID district.

Rick Nell stated that he is in favor of the BID, but feels that the operating plan is incomplete. He suggested that the composition and selection of board members should be addressed to ensure that it contains a majority of landowners. He also recommended adding more detail to the operating plan regarding goals and strategies, addressing the loss of retail businesses on the West side, and including representation in the bylaws for all business types.

Two e-mails from affected property owners were also read into the record.

No one else wished to speak, so Mayor Walsh declared the public hearing closed at 8:00 pm.

Ken Pabich then responded to the comments from the public hearing:

The development committee analyzed BID assessment rates in other communities, and this information was included in the UW Extension handout in the agenda packet. The committee is proposing a rate that is lower than many other average rates. Ken also pointed out a typographical error in the plan document: the $250 cap is actually $275. Regarding the budget percentage that is designated for operations, Ken stated that the city's contribution and other funding sources must also be taken into consideration. The total operating budget is $142,000. The BID board would develop a new budget and plan each year that would be submitted to the Plan Commission and City Council. Ken also stated that it is not the intention of the group to include acquisition of property as part of the BID's functions.

In summary, Ken stated that the Plan Commission can consider changes to the operating plan, however the City attorney is recommending that amendments not be made tonight. After the 30 day petition period, the City Council could make amendments on the floor. Any input from Plan Commission members will be shared prior to that meeting. A protest petition must be signed by a certain number of property owners, or a percentage of the property values of the entire district. At its November 5th meeting, the City Council will provide an opportunity for the public to speak, and then could take action to adopt or oppose the BID. If adopted, the next step would be appointment of board members and establishment of bylaws. At that point the board could consider changes to the plan that would address some of the issues raised during the public hearing.

Alderperson Boyd motioned, seconded by Derek Beiderwieden, to open the meeting for public comments. Upon vote, motion carried unanimously.

Alyson Watson provided additional information on the promotion and marketing activities conducted by Definitely De Pere. She also stated that other BID districts in the state have rarely raised assessment rates; it has usually only occurred in order to fund major projects.

Jerry Gillespie inquired when the assessments would be placed on the tax roll. If the Council delays action it would not occur until next December.

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

Discussion followed regarding the public improvements section of the plan document and the involvement of the Plan Commission and Public Works in that process.

The city's ability to eliminate the BID in the case of unsatisfactory performance was also discussed. Ken Pabich will clarify this question with the city attorney and provide a response at the November Council meeting.

D. Resolution PC14-03, Designating Business Improvement District #1 and Adopting Proposed Initial Operating Plan.

Upon vote, motion carried unanimously to approve the resolution. Mayor Walsh stated that district property owners have until October 22nd, 2014 to initiate a protest petition opposing the BID; all are invited to attend the November 5th City Council meeting.

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

4. Review a Conditional Use Application for an Overnight Shelter Facility at 290 Reid Street (Pennings Building) in a Single & Two Family Residential District. Applicant: St. Norbert College.*

Ken Pabich reported that this item is the same as the one submitted by St. Norbert College last year, except for the dates of service and duration of operation. St. Norbert is also requesting to apply for multiple years instead of having to come back every year. It does provide for an option to reappear before the board earlier if there are concerns. Staff review and conditions did not change from last year's application. Discussion followed regarding time frame, hours of operation, transportation, and any potential problems from last winter. Elizabeth Runge motioned, second by Steve Taylor, to recommend approval of the request and forward to City Council. Upon vote, motion carried unanimously.

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

5. Request for zoning code interpretation for screening of mechanicals for a future addition at Syble Hopp. Applicant: Performa.

The site plan for this project has not been submitted yet; the contractor is requesting guidance as to whether the mechanicals will require screening.

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

Mark Robbins of Performa Inc. presented an overview of the project plans. The larger unit would be located on the new addition, and two smaller units would be added to the original structure. Adding screens would affect the integrity of the roof material and cause leaks over time. Discussion followed regarding unit location.

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

Derek Beiderwieden motioned, seconded by Steve Taylor, to approve the request. Upon vote, motion carried unanimously.

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

6. Review the minor amendment to the Precise Implementation Plan for 150 S. Wisconsin St (Walgreens) to allow for a dumpster enclosure. Applicant: Midland Development.

Ken Pabich explained that the amendment request is necessary because the original design concept that included interior garbage and recycling storage was not conveyed after the death of the project architect. Walgreens has made modifications so that materials can be processed inside by the loading dock, but they now require an exterior dumpster enclosure. They are proposing to use one parking stall, and are willing to increase the frequency of garbage pickup. The enclosure will be constructed of matching materials.

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

Mark Robbins of Performa Inc. expressed concern about a potential blind spot for pedestrian traffic entering the crosswalk. Ken stated that the actual footprint of the enclosure doesn't extend past the edge of building.

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

James Boyd motioned, seconded by Steve Taylor, to approve the minor amendment. Upon vote, motion carried unanimously.

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

7. Review the extra territorial CSM Application for a 2 outlot and road dedication CSM in the Town of Lawrence. Applicant: Mach IV.*

Ken Pabich reviewed the CSM application and staff comments. Upon vote, motion carried unanimously to forward the CSM to Common Council for approval.

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

Adjournment

Mayor Walsh motioned, seconded by Elizabeth Runge, to adjourn the meeting at 9:05 PM. Upon vote, motion carried unanimously.

Respectfully submitted,
Carey Danen