



Plan Commission

Regular Meeting

Final Minutes

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

Tuesday, May 28, 2019

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	Present	
Dean Raasch	Aldersperson	Present	
Grant Schilling	Commissioner	Present	

Also present: Development Services Director Kim Flom and members of the public.

- Approval of the minutes of the April 22, 2019 Plan Commission meeting.

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

- Staff recommendation and possible action regarding a Site Plan for a new playground, two softball diamonds with dugouts and concessions area, electrical conduit, and additional parking for the Westwood Elementary School and West De Pere Middle School at 1155 Westwood Drive (Parcel WD-D0022 & WD-D0220). Submitted by Dan Peplinski, Point of Beginning INC, authorized representative for School District of West De Pere, property owner.

Development Services Director Kim Flom reviewed the site plan for the West De Pere School District to add two softball diamonds at 1155 Westwood Drive. This item was initially presented at the April Plan Commission meeting but was referred back to staff to allow for the school district to hold an open house and notify neighbors within 300 feet of the proposed site plan. The open house was held on May 9, 2019 and a total of two people attended. Kim reported that the only change that has been made since the April meeting was that the petitioner has added 41 trees to strengthen the buffer to the residential neighborhood. Mayor Walsh moved, seconded by Derek Beiderwieden, to open the meeting for public comment. Upon vote, motion carried unanimously. A resident, Jennifer Mornard, who lives on Meadow View Lane and whose house abuts the property, thanked the School Board and the Plan Commission for their consideration of the residents in the area. She spoke about the lighting provision and her concern that there will not be any public notification when the school district decides to put in the lighting. She asked the Plan Commission to require the school district to have a public notification as a condition of approval of the site plan. Mayor Walsh moved, seconded by Aldersperson Raasch, to go back to regular order. Upon vote, motion carried unanimously. Mayor Walsh asked Development Services Director Kim Flom to address the lighting condition. Kim noted that there is nothing in the Municipal Code that requires the school district to notify the neighbors when they decide to add lighting to the ball diamonds. Kim suggested that the Plan Commission could add a provision for the school district to

notify the neighbors, but she is not sure of the legal ramifications and if it could be enforced. Mayor Walsh moved, seconded by Alderperson Raasch, to open the meeting. Upon vote, motion carried unanimously. John Zegers, the superintendent of West De Pere School District, addressed the commission. He stated that the motivation from the administration and the School Board was to save taxpayers' money by adding the conduit now rather than later. Mayor Walsh asked if the plan includes a fence along the property line. John replied that he feels we should wait and see if it becomes an issue and then possibly add the fence if it is needed. Mayor Walsh moved, seconded by Alderperson Raasch, to go back to regular order. Upon vote, motion carried unanimously. Alderperson Raasch moved, seconded by Alderperson Boyd, to approve the site plan. Alderperson Boyd questioned the lighting and if a public notification could be added as a condition of approval. Alderperson Raasch stated that the School Board would have to agree on such a condition and since they were not in attendance, it would be difficult to add it as a condition without holding up the project even further. The rest of the commission agreed and decided not to add it as a condition. Upon vote, motion carried unanimously.

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

4. Staff recommendation and possible action regarding a proposed extraterritorial Two Lot Certified Survey Map at 5813 Blake Road in the Town of Rockland (Parcel R-376). Submitted by Aaron P. Schroeder, PLS, CQM INC, authorized representative for Timothy J. & Lynn A. Jonet, property owners.*

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

5. Staff recommendation and possible action regarding a Site Plan for a new dental office and off-street parking areas at 221-233 S. Erie Street (Parcels ED-1112, ED-1113, ED-1114). Submitted by Katie Nemitz, Design Unlimited, authorized representative for HNM LLC, property owner.

Development Services Director Kim Flom reviewed the site plan for the proposed expansion for MAC Dental. The original dental office was built in 1973, when a conditional use permit was approved to allow a dental office at the current location on Erie Street. The proposed expansion is to demolish the existing building and replace it with a new 5300 sq.ft. building that is 33 feet high. This project requires several different reviews, including a site plan, rezoning, conditional use, and a setback variance. The first three reviews will occur tonight, while the setback variance will be reviewed at the June Board of Appeals meeting on June 24, 2019. Kim noted that the proposed building is very residential in nature, with cement board siding as opposed to masonry. The proposed plan centralizes the building on the site and shifts the parking lot to the south with access on Lewis Street. It will have the look of a two story structure from the outside, but with only one story on the interior. The plan also proposes substantial landscaping, well above code requirements as well as a fence along the north property line. Three parking stalls located on the alley will be reserved for staff parking while the new parking lot will be accessed from Lewis Street, with 17 parking stalls. Earlier in May, the petitioner hosted an open house to allow neighbors to provide feedback on the project. Staff recommended

approval of the site plan subject to conditions in the staff report. Mayor Walsh moved, seconded by Grant Schilling, to open the meeting. Upon vote, motion carried unanimously.

Elaine & Dave Flora, residents in the area who have lived here since 1972 presented the commission with 111 signed petitions in objection to the proposal. Dave reported that 75% of the petitioners live directly in the surrounding neighborhood, while the other 25% are residents of De Pere who also object to the project. Elaine and Dave stated that they vehemently opposed the expansion.

Next, Jack Pasterski voiced his objection to the expansion. He has lived in the neighborhood for 72 years and is concerned with the added traffic he perceives will follow with this new development.

Lisa Cherney purchased her home in 2017 and stated that she would not have purchased it had she known about this proposed development. Her house is next door to the vacant property owned by MAC Dental, which has not been maintained since they purchased the lot. She reported that the lawn was not kept up and the front door was left unsecured throughout the winter.

Chris Button also spoke against the development. He has lived on Erie Street for 22 years and wants to preserve the charm of the old neighborhood. He added that he does not feel the expansion will fit in with the rest of the neighborhood.

Aldersperson Jonathon Hansen spoke next. He represents District 2, where the MAC dental site is located. He noted that a lack of trust has built up between MAC Dental and the residents in the area due to the fact that the vacant property was not maintained after MAC Dental purchased it.

Aldersperson Ryan Jennings, the other aldersperson in District 2, spoke next. He noted that the architects did a good job with the layout of the new building. However, he does not believe that the site plan would be approved if it was a brand new development being brought before the Plan Commission now.

Noah Wentland, whose house faces the proposed parking lot, voiced his opposition to the development also.

Development Services Director Kim Flom explained the reason for the agenda order. Typically, rezoning and conditional uses are approved first, followed by the site plan. However, in this case, staff felt that reviewing the site plan first was a good way to explain the project in less complex terms. She added that all reviews are contingent upon one another; therefore, the order does not matter. The authorized representative, Chris Halwig, the architect with Design Unlimited addressed the commission. He stated that aspects of the site plan were altered after hearing neighbors concerns regarding the proposed site plan. One of the changes was the addition of a 6 foot high fence along the north property line to screen the office from the residential properties. Other changes made included altering the office hours from 8 am to 8 pm to 8 am to 7 pm, turning off the exterior lighting at 7 pm, and increasing the landscaping on the site. Mayor Walsh asked if the owners plan on leasing any of the office space and Chris replied no. Mayor Walsh then asked if there are any assurances that the owner will keep up the landscaping since it wasn't kept up in the past. Kim replied that the City can issue violation notices and citations if the landscaping is not kept up since it is a condition of the site plan.

Aldersperson Raasch asked if the height of the building is an issue, would the owners be willing to reduce the height. Chris replied that it is structurally feasible to reduce the height, but cannot answer whether the owners are amenable to reducing the height.

Mayor Walsh moved, seconded by Derek Beiderwieden, to go back to regular order. Upon vote, motion carried unanimously. Mark Higgins moved, seconded by Aldersperson Boyd, to refer the item back to staff in order for the owner to attend the June 24 Plan

Commission meeting and answer questions about the project. Upon vote, motion carried unanimously.

RESULT: **REFERRED BACK TO STAFF [UNANIMOUS]**

Next: 6/24/2019 7:00 PM

MOVER: Mark Higgins, Commissioner

SECONDER: James Boyd, Alderperson

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

6. Staff recommendation and possible action regarding a Rezoning Request from R-2 (Single and Two-Family Residence District) to R-3 (Multiple Family Residence District) at 221 S. Erie Street (Parcel ED-1114). Submitted by Katie Nemitz, Design Unlimited, authorized representative for HNM LLC, property owner.*

Development Services Director Kim Flom reviewed the rezoning request for 221 S Erie Street. Mayor Walsh moved, seconded by Grant Schilling, to open the meeting. Upon vote, motion carried unanimously. No one wished to speak. Mayor Walsh moved, seconded by Derek Beiderwieden, to close the meeting. Upon vote, motion carried unanimously. Discussion followed that it would be difficult to act on the rezoning since the site plan was referred back to staff. Alderperson Raasch moved, seconded by Alderperson Boyd, to refer the item back to staff. Upon vote, motion carried unanimously.

RESULT: **REFERRED BACK TO STAFF [UNANIMOUS]**

Next: 6/24/2019 7:00 PM

MOVER: Dean Raasch, Alderperson

SECONDER: James Boyd, Alderperson

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

7. Staff recommendation and possible action regarding a Conditional Use Permit request for a proposed new health and medical institution (dental office) at 221 S. Erie Street (Parcel ED-1114). Submitted by Katie Nemitz, Design Unlimited, authorized representative for HNM LLC, property owner.*

Development Services Director Kim Flom suggested that the Plan Commission refer this item back to staff since the conditional use cannot be approved unless the rezoning is approved. Alderperson Raasch moved, seconded by Mayor Walsh, to refer the item back to staff. Upon vote, motion carried unanimously.

RESULT: **REFERRED BACK TO STAFF [UNANIMOUS]**

Next: 6/24/2019 7:00 PM

MOVER: Dean Raasch, Alderperson

SECONDER: Michael J. Walsh, Mayor

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

8. Consideration and staff recommendation regarding Planned Development District Pre Application Concept Meeting for proposed Notre Dame School at 100 S Huron Street (Parcel ED-1013). Submitted by Groth Design Group.

Development Services Director Kim Flom introduced the design consultants for the Notre Dame School to the Plan Commission. She explained that this is a pre-application

conference where the applicant meets with the Plan Commission for a preliminary discussion as to the scope and nature of the proposed development. Mayor Walsh moved, seconded by Alderperson Raasch, to open the meeting. Upon vote, motion carried unanimously. The petitioners, Peter Schneider with Groth Design Group along with Craig Sachs from Miron Construction addressed the commission. The proposal is for the redevelopment of the Notre Dame Middle and Elementary schools into one new combined school on the existing elementary school site. Because of the constraints of the site, the school building will be placed at the northern end of the property with primary street frontage along George Street and the northern parts of Superior and Huron Street. The design shows two drop off sites: a car drop off on Superior Street and a bus drop off on Huron Street. The project has a very tight timeline, since they are planning on the school being open in time for the 2020 school year. Mayor Walsh commented that this is a great project. However, his major concern is the traffic pattern. Derek Beiderwieden also voiced his concern with the traffic, especially the parking and drop off sites. Huron Street is a narrow street, which would be hard to maintain a drop off lane and a drive lane. He commented that one way streets would probably help the situation. In addition, having temporary traffic control in the morning and after school would help alleviate traffic. Alderperson Raasch added that the petitioner should conduct traffic studies. The petitioner noted that the traffic studies are underway and that the review of traffic analysis will be a big part of the next project review. Mayor Walsh asked when construction would begin and the petitioner replied September 1, 2019, with an opening of Fall 2020. Development Services Director Kim Flom commented that the rest of the Plan Commission reviews will likely occur in June and July. Mayor Walsh moved, seconded by Brenda Busch, to go back to regular order. Upon vote, motion carried unanimously. Brenda Busch moved, seconded by Alderperson Raash, to approve the concept for the new Notre Dame School and Planned Development District. Upon vote, motion carried unanimously.

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

9. Presentation, discussion, and possible action regarding the DRAFT De Pere Zoning Code Rewrite, portion of Module 2 of 3, related to Districts and Uses, by Leslie Oberholzer, Codametrics, consultant.

The consultant, Leslie Oberholzer, with Codametrics presented a review of Module 2 of the zoning code rewrite. She reported that Module 2 is still under staff review. This item was a discussion only item, so no action needed to be taken at this time.

RESULT:	NO ACTION
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Adjournment

Mayor Walsh moved, seconded by Alderperson Raasch, to adjourn the meeting at 9:43 PM. Upon vote, motion carried unanimously.

Respectfully submitted,
Kelly Barker