

CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN
Legislative Chambers
160 S Macy Street

May 24, 2017
5:30 PM

1. CALL TO ORDER

- a. Roll Call
- b. Declaration a Quorum Is Present
- c. Pledge of Allegiance
- d. Silent Reflection

2. PUBLIC HEARINGS

3. CONSENT AGENDA

- a. May 10, 2017 Regular Council Minutes
- b. May 10, 2017 Closed Session Council Minutes
- c. List Of Claims Dated May 17, 2017

4. INPUT

- a. Audience Comments

5. ACTIONS

- a. Ordinance No. 3634
An Ordinance Rezoning 3.73 Acres Of The Scenic Ridge Condominium
Plat From R-4 (Multifamily Residential) To C-2 (General Business)
Introduction: Community Development Director

Public Hearing On Or After 6:00 pm On Amending The City Of Fond du
Lac Comprehensive Plan 2010-2030
(This Hearing Becomes Moot If There Is No Rezoning Per Ordinance
No. 3634)
- b. Ordinance No. 3635
An Ordinance Amending The City Of Fond du Lac Comprehensive Plan
2010-2030
Introduction: Community Development Director
- c. Resolution No. 8677
A Resolution Approving McDermott Park Master Plan
Introduction: Director of Public Works
- d. Resolution No. 8678
A Resolution Granting A Special Use Permit To Patricia Andrews
Doing Business As Las Islas Allowing Amplified Music At 119 S Main
Street
Introduction: Community Development Director

e. Resolution No. 8679

A Resolution Authorizing The Submission Of A Wisconsin Economic Development Corporation (WEDC) Community Development Investment Grant Application For The Redevelopment Of The Retlaw Hotel
Introduction: Community Development Director

f. Resolution No. 8680

A Resolution Authorizing Waiving The Prohibition Against Possession Of Alcoholic Beverages On Specified Public Ways For Art All Around - June 2, 2017
Introduction: City Clerk

6. ADJOURN

**CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN**

Title: May 10, 2017 Regular Council Minutes

Subject: May 10, 2017 Regular Council Minutes

Initiator:

Recommendation:

ATTACHMENTS:

File Name

Minutes_2017_5_10_Meeting(344).pdf

CITY COUNCIL MEETING MINUTES
CITY OF FOND DU LAC, WISCONSIN
Legislative Chambers
160 S Macy Street

May 10, 2017
6:00 PM

CALL TO ORDER

Roll Call

Present

Catherine Block
Lee Ann Lorrigan
Greg Giles
Karyn Merkel
Brian Kolstad
Kay Miller
Derek Terbeest

Absent

None

Administrative Staff

Joe Moore, City Manager
Deb Hoffmann, City Attorney
Chad Wade, Asst City Attorney
Jordan Skiff, Director of Public Works
Jon Mark Bolthouse, Library Director
Bill Lamb, Chief of Police
Steve Klein, Asst Police Chief of Ops
Peter O'Leary, Fire Chief
Jennifer Chitwood, Asst HR Director

Declaration a Quorum Is Present

President Merkel declared a quorum present.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Silent Reflection

A moment of silent reflection was observed.

Proclamation Recognizing Police Memorial Week

President Merkel presented a proclamation designating May 15, 2017, as Peace Officers Memorial Day, and May 14 - 20, 2017, as Police Week in the City of Fond du Lac, honoring the men and women in law enforcement, recognizing their sacrifices and immeasurable contributions in protecting our community and its residents.

CONSENT AGENDA

April 26, 2017 Council Minutes

List Of Claims Dated May 3, 2017

A Motion was made by Greg Giles to approve the Consent Agenda and seconded by Lee Ann Lorrigan, and the motion was **Passed**.

Ayes: Block, Giles, Kolstad, Lorrigan, Merkel, Miller, TerBeest

INPUT

Audience Comments

No audience comments were made at this meeting.

Crime Stats/Analysis And Overview

Chief of Police, Bill Lamb, provided a recap and analysis of the 2016 crime statistics as well as historical trends.

Budget Amendment Process

Tracy Salter, Director of Administration, provided an explanation of the Budget Amendment Policy which provides guidance as to changes in adopted budgets.

ACTIONS

Permit To Sell Fermented Malt Beverages On Park Property

A Motion was made by Derek TerBeest to approve Permit to Sell Fermented Malt Beverages on Park Property for Fond du Lac Symphonic Band, Ltd at Buttermilk Creek Park Performance Arts Center and seconded by Brian Kolstad, and the motion was **Passed**.
Ayes: Block, Giles, Kolstad, Lorrigan, Merkel, Miller, TerBeest

"Class B" Intoxicating Liquor and Class "B" Fermented Malt License

A Motion was made by Kay Miller to approve "Class B" Intoxicating Liquor and Class "B" Fermented Malt License for Nette's Bar & Grill at 211 S Military Rd and seconded by Lee Ann Lorrigan, and the motion was **Passed**.
Ayes: Block, Giles, Kolstad, Lorrigan, Merkel, Miller, TerBeest

"Class B" Intoxicating Liquor and Class "B" Fermented Malt License

A Motion was made by Greg Giles to approve "Class B" Intoxicating Liquor and Class "B" Fermented Malt Beverage license for Fond du Lac Dock Spiders at 980 E Division St and seconded by Brian Kolstad, and the motion was **Passed**.

Ayes: Block, Giles, Kolstad, Lorrigan, Merkel, Miller, TerBeest

Resolution No. 8672

2017-003

A Motion was made by Derek TerBeest to approve Resolution No. 8672, making appointments to the Art Board, Redevelopment Authority, and Historic Preservation Committee and seconded by Brian Kolstad, and the motion was **Passed**.

Ayes: Block, Giles, Kolstad, Lorrigan, Merkel, Miller, TerBeest

Resolution No. 8673

2017-056

A Motion was made by Lee Ann Lorrigan to approve Resolution No. 8673 authorizing execution of the Department of Natural Resources Principal Forgiven Financial Assistance Agreement and seconded by Brian Kolstad, and the motion was **Passed**.

Ayes: Block, Giles, Kolstad, Lorrigan, Merkel, Miller, TerBeest

Resolution No. 8674

2017-057

A Motion was made by Catherine Block to approve Resolution No. 8674 approving and authorizing the execution of The Working Conditions Agreement with Fond du Lac Professional Police Association Local 12 and seconded by Lee Ann Lorrigan, and the motion was **Passed**.

Ayes: Block, Giles, Kolstad, Lorrigan, Merkel, Miller, TerBeest

Resolution No. 8675

2016-150

A Motion was made by Brian Kolstad to approve Resolution No. 8675, amending the 2017 Budget to authorize use of fund balance to make payments as outlined in the 2017 Police Local 12 and Police Supervisory agreements to pay a portion of Other Post-Employment Benefits (OPEB) that are accrued but not yet owed and seconded by Kay Miller, and the motion was **Passed**.

Ayes: Block, Giles, Kolstad, Lorrigan, Merkel, Miller, TerBeest

Resolution No. 8676

2017-058

A Motion was made by Catherine Block to approve Resolution No. 8676 authorizing the use of public streets and waiving the Prohibition Against Possession of Alcoholic Beverages on Specified Public Ways for the following events: Fond du Lac Children's Chorale 20th Anniversary Concert on June 7, 2017, Delbert McClinton Street Concert on August 12, 2017, and Fondue Festival Street Concert on September 9, 2017 and seconded by Greg Giles, and the motion was **Passed**.

Ayes: Block, Giles, Kolstad, Lorrigan, Merkel, Miller, TerBeest

ADJOURN

Adjourn To Closed Session

Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons require a closed session.

The subject of the closed session is:

Update on Association of Commerce/ Fond du Lac Economic Development Corporation Study

These subjects are exempt under Wisconsin Statutes Section 19.85 (1) (f)

A Motion was made by Lee Ann Lorrigan to adjourn to Closed Session at 6:42 PM and seconded by Greg Giles, and the motion was **Passed**.

Ayes: Block, Giles, Kolstad, Lorrigan, Merkel, Miller, TerBeest

Margaret Hefter
City Clerk

**CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN**

Title: May 10, 2017 Closed Session Council Minutes

Subject: May 10, 2017 Closed Session Council Minutes

Initiator:

Recommendation:

ATTACHMENTS:

File Name

**CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN**

Title: List Of Claims Dated May 17, 2017

Subject: List Of Claims Dated May 17, 2017

Initiator:

Recommendation:

ATTACHMENTS:

File Name

List_of_Claims_5-17-17.pdf

CITY OF FOND DU LAC - Memorandum

Department of Administration

Date: May 17, 2017

To: City Council

From: Tricia Davi, Deputy Comptroller

Re: List of Claims

The list of claims for goods and services for the payment periods April 29, 2017 through May 12, 2017 for all funds total \$1,213,159.82. Wisconsin statute 66.0609 (2) requires the comptroller to file, at least monthly with the City Council, a list of approved claims paid.

Suggested Motion: Receive and File

**CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN**

Title: Ordinance No. 3634

Subject: An Ordinance Rezoning 3.73 Acres Of The Scenic Ridge
Condominium Plat From R-4 (Multifamily Residential) To
C-2 (General Business)
Introduction: Community Development Director

Public Hearing On Or After 6:00 pm On Amending The City
Of Fond du Lac Comprehensive Plan 2010-2030
(This Hearing Becomes Moot If There Is No Rezoning Per
Ordinance No. 3634)

Initiator: BBL Real Estate, LLC

Recommendation: Plan Commission Recommendation: **Deny**

ATTACHMENTS:

File Name

3634_Rezone_Scenic_Ridge.pdf
PH_Notice_Rezone_2017.pdf
RZ_Application.pdf
RZ_Vicinity_Map.pdf
RZ_Rezone_Map_Exhibit.pdf
RZ_Description.pdf
RZ_Zoning_Maps.pdf
RZ_Site_Plan.pdf
RZ_Conceptual_Master_Site_Plan2016.pdf
RZ_Samples_-_Fence_and_Lights.pdf
RZ_Site_Comparisons.pdf
RZ_Correspondence_-_Schneider.pdf
RZ_-_Letter_of_Opposition.pdf
RZ_-_Letter_of_Opposition.2.pdf
Jeffery_Kraig.pdf
RZ_Neighborhood_Petition.pdf
PC_Memo_Rezone_-_BBL_Scenic_Ridge_2017.pdf
RZ_PublicNotificationRzCPA.pdf
Excerpt_-_05-15-17_PC_Rezone.pdf
Memo_Council_Re-Zoning_Ordinances_Procedure.docx

ORDINANCE NO. 3634

**AN ORDINANCE REZONING 3.73 ACRES OF THE SCENIC RIDGE
CONDOMINIUM PLAT FROM R-4 (MULTIFAMILY RESIDENTIAL)
TO C-2 (GENERAL BUSINESS)**

WHEREAS, BBL Real Estate, LLC, has petitioned for rezoning 3.73 Acres of the Scenic Ridge Condominium Plat from R-4 (Multifamily Residential) to C-2 (General Business); and

WHEREAS, the City Plan Commission recommended denial of the rezoning petition.

THEREFORE, the City Council of the City of Fond du Lac do ordain as follows:

Section 1. Chapter 720, CITY ZONING, Section 720-8., Zoning Map; district boundaries., of the Code of the City of Fond du Lac is hereby amended by rezoning the following parcel of land in the City of Fond du Lac from R-4 (Multifamily Residential) to C-2 (General Business):

3.73 Acres of the Scenic Ridge Condominium Plat (FDL-15-17-16-52-285-00) as shown on the attached Exhibit A incorporated herein by reference.

Section 2. This Ordinance shall take effect and be in force upon its passage and publication as provided by law.

ADOPTED:

Karyn Merkel, President
Fond du Lac City Council

Attest:

Margaret L. Hefter, City Clerk

City Attorney:

Reviewed 

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Plan Commission of the City of Fond du Lac, Wisconsin, will conduct a Public Hearing at 5:30 p.m. May 15, 2017 in Meeting Room D of the City-County Government Center, 160 South Macy Street, at the request of BBL REAL ESTATE, LLC to rezone property from R-4 (Multi Family Residential) to C-2 (General Business). The rezoning proposal affects 3.773 acres of land that is part of the Scenic Ridge Condominium plat on South Seymour Street. The land to be rezoned is described as follows:

A part of Lot 1, Certified Survey Map No. 6117, Volume 41, Page 6, Certified Survey Maps, Fond du Lac County Register of Deeds Office as Document No. 718858 and a part of the Scenic Ridge Condominium, recorded in Volume 6, Pages 31-33, Condominium Plats, said Fond du Lac County Register of Deeds Office as Document No. 887473, all being a part of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, Section 16, T.15N.-R.17E., City of Fond du Lac, Fond du Lac County, Wisconsin, and being more particularly described as follows:

Beginning at the Southwest corner of said Lot 1, thence North $00^{\circ}-12'03''$ East along the West line of said Lot 1, 506.31 feet; thence South $72^{\circ}-3'39''$ East, 81.57 feet; thence South $42^{\circ}-11'-42''$ East, 55.67 feet; thence South $01^{\circ}-31'-54''$ West, 196.56 feet; thence South $87^{\circ}-46'-12''$ East, 31.05 feet; thence South $88^{\circ}-55'-59''$ East, 32.44 feet; thence North $58^{\circ}-17'-50''$ East, 55.17 feet; thence North $79^{\circ}-37'-47''$ East, 29.08 feet; thence South $58^{\circ}-07'-50''$ East, 64.90 feet; thence South $51^{\circ}-17'-03''$ East, 84.90 feet; thence $74^{\circ}-51'-18''$ East, 109.10 feet; thence North $85^{\circ}-32'-57''$ East, 143.74 feet; thence South $00^{\circ}-24'-51''$ West, 184.52 feet; thence North $88^{\circ}49'-57''$ West, 619.54 feet to the point of beginning and containing 3.773 acres (164,354 Sq. Ft.) of land more or less and being subject to all easements and restrictions of record.

All persons having an interest in the area are invited to participate in the hearing and express their opinions. Written communications will also be considered. For further information you are invited to contact the Community Development Department at (920)-322-3440. Published in accordance with Section 62.23, Wisconsin Statutes.

Dated this 1st day of May 2017

MARGARET HEFTER
City Clerk

Published: May 7, 2017

City of Fond du Lac

REZONING Application

PROPERTY LOCATION: 0 SOUTH SEYMOUR ST

Tax Key Number: FDL-15 - 17 - 16 - 42 - 285 - 00

Project Applicant			
Name BBL REAL ESTATE, LLC			
Mailing Address 536 S SEYMOUR ST	City FOND DU LAC	State WI	ZIP Code 54935
Email Address [REDACTED]		Phone Number [REDACTED]	
Landowner (Complete this information if the project applicant is not the property owner.)			
Name PASCO, LLC			
Mailing Address 1989 PLEASANT VALLEY RD	City GRAFTON	State WI	ZIP Code 53024
Email Address [REDACTED]		Phone Number [REDACTED]	
Landowner Certification			
If the person requesting the rezoning is not the owner of the property affected by the proposal, the consent of the landowner is necessary. Refer to the LANDOWNER AUTHORIZATION form included with the rezoning application packet.			

Existing Property Zoning Classification: R-4

Proposed Zoning Classification: C-2

Description of present use of property: Vacant Land; abandoned condominium development

Purpose of rezoning. Description of proposed use of property and/or proposed site development:

Construct overflow inventory parking lot, detention pond and future lot maintenance building; all for the need of business expansion.

Time schedule for use and/or development of the property: 2017 for lot development, building later.

PROJECT APPLICANT SIGNATURE 

LANDOWNER AUTHORIZATION

TO: City of Fond du Lac

Community Development Department

Re: REZONING REQUEST

LOCATION: O SOUTH SEYMOUR ST FDL-15-17-16-42-285-00

PROPERTY ADDRESS AND/OR TAX KEY NUMBER

The undersigned Pasco LLC Paul Schneider is the owner of property
NAME OF PROPERTY OWNER (PLEASE PRINT)

referenced above. The undersigned authorizes BBL Real Estate, LLC

to sign and file a rezoning application that affects the referenced property.

Paul A. Schneider

SIGNATURE OF LAND OWNER OR AUTHORIZED AGENT

4-27-17

DATE

Rezone Application
April 20, 2017

City of Fond du Lac

Request to rezone parcel FDL-15-17-16-42-285-00 from R-4 to C-2.

The purchase of this parcel is contingent upon the rezoning and would allow BBL Real Estate, LLC (Applicant), and its tenant, Lenz Truck Center (a light truck sales and service center), the opportunity to expand their business footprint, being now a land-locked facility.

The current state of the parcel is as an abandoned condominium development with two derelict, unfinished condominium buildings.

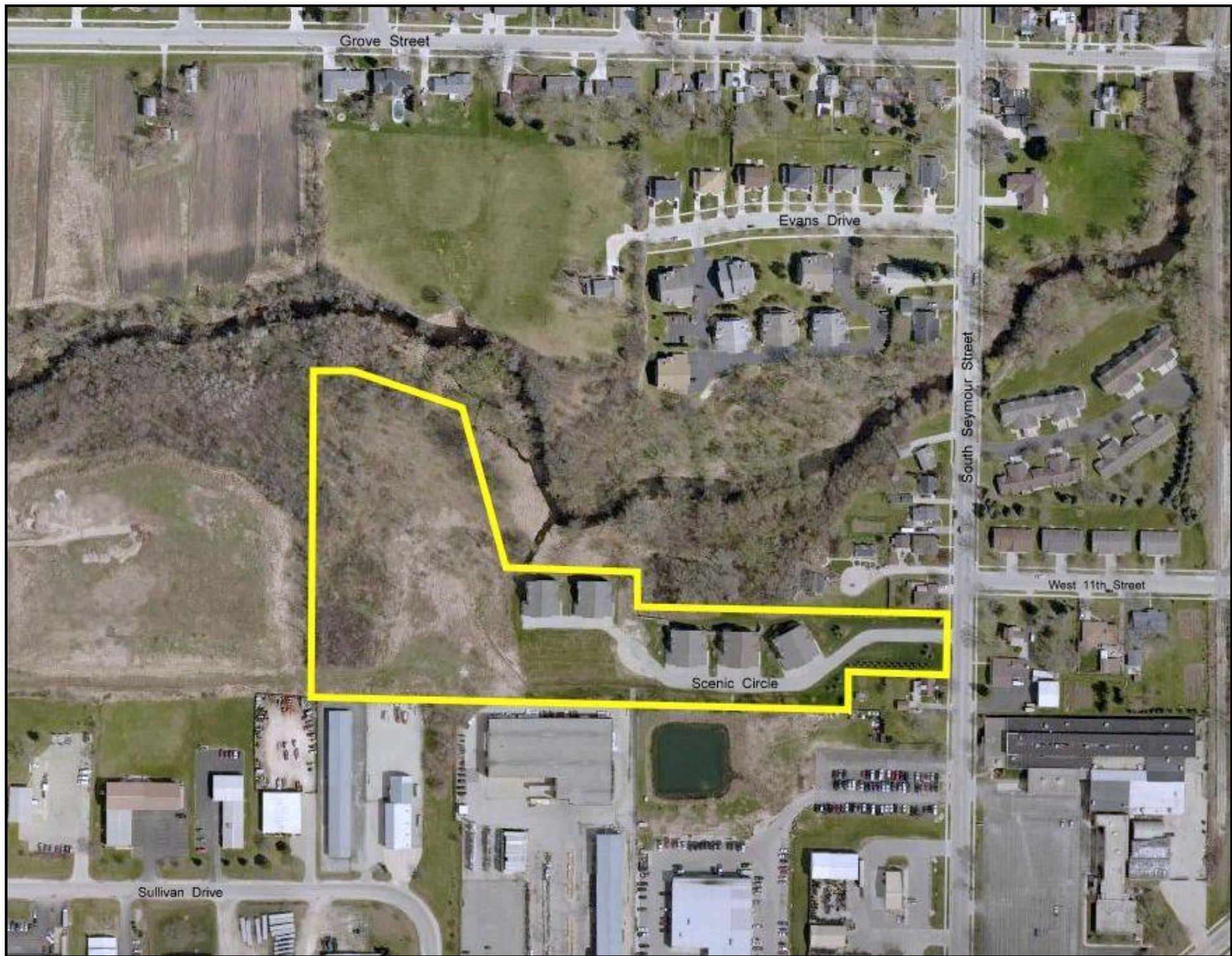
The Applicant intends to develop this unused parcel with a stormwater retention structure, paved inventory overflow lot and future lot maintenance building. The attached preliminary plans give an indication of that potential use, with exact specifics yet to be determined pending wetland and floodplain locations, stormwater engineering and final design of all required elements.

Access to this parcel would be through a mutually agreed-upon permanent easement at the southeast corner of the parcel, common with property already held by the Applicant at 536 South Seymour Street. With that, this parcel as developed, would be independent from the active Scenic Ridge development, having its own access, fire hydrants and utility connections.

The Applicant intends to use this lot for storage of vehicles awaiting delivery, detailing, repair or sale. It is not the intent to have this a customer lot.

Being cognizant of the neighboring Scenic Ridge development, the Applicant has endeavored to include extensive green screening, opaque fencing, limits in the hours of operation and non-spill lighting. Examples of the type of fencing and site lighting that could be incorporated are attached. The future lot maintenance building is positioned to be as far from the occupied residential units as possible.

Additionally, to provide the proper services to the existing Scenic Ridge neighbors, a cul-de-sac will be constructed to terminate the existing Scenic Circle which will accommodate fire services, EMS and garbage disposal. There would be no cross-connection to the Applicant's proposed parcel. Additional resident parking space is also planned.



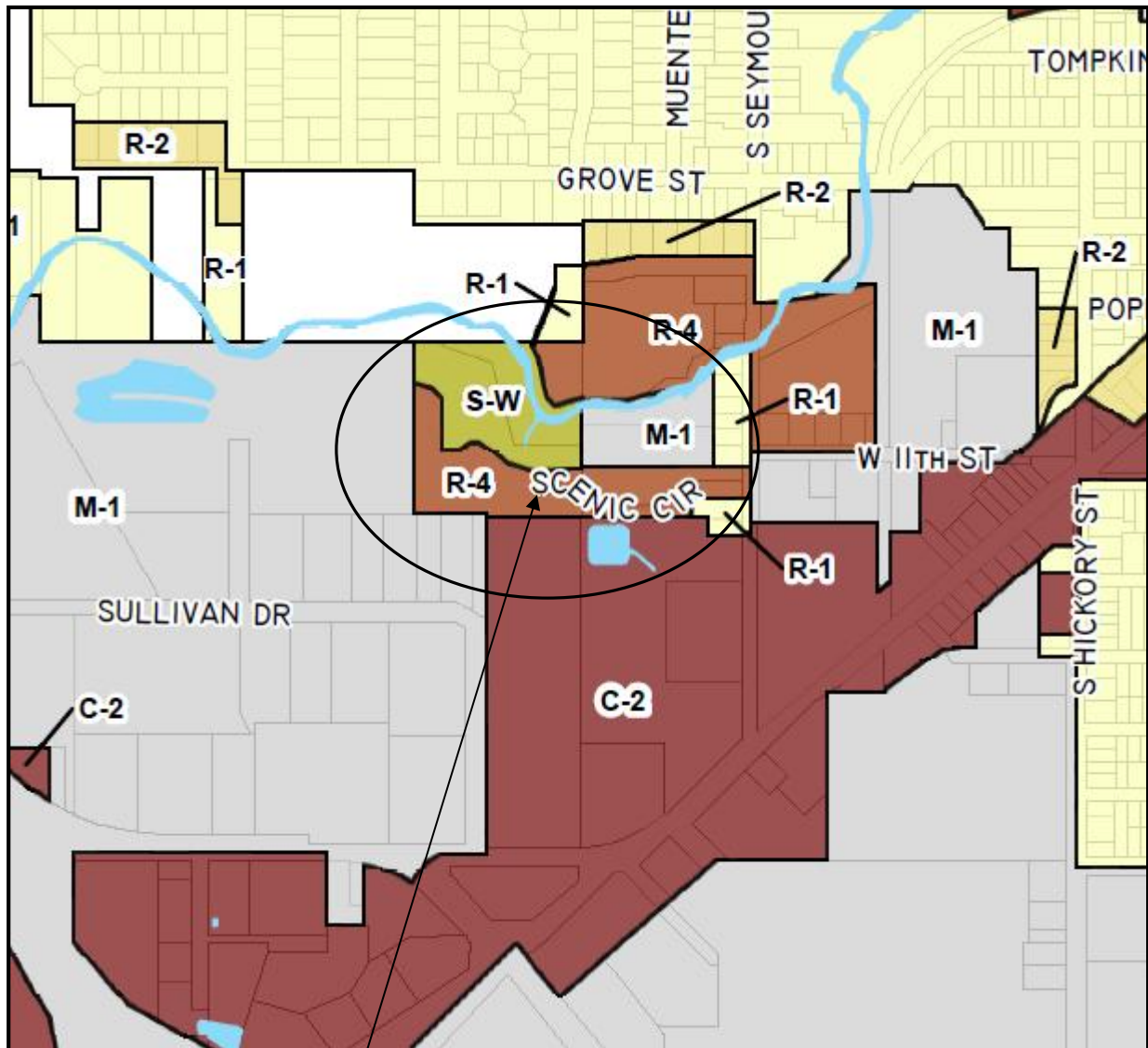
**DESCRIPTION OF A PARCEL OF LAND TO BE REZONED FROM THE
R-4 (MULTI-FAMILT RESIDENTIAL DISTRICT) TO C-2 (GENERAL
BUSINESS DISTRICT), BEING A PART OF LOT 1, CERTIFIED SURVEY
MAP NO. 6117, VOLUME 41, PAGE 6, CERTIFIED SURVEY MAPS,
FOND DU LAC COUNTY REGISTER OF DEEDS OFFICE AS
DOCUMENT NO. 718858, AND A PART OF SCENIC RIDGE
CONDOMINIUM PLAT BEING RECORDED IN VOLUME 6, PAGES 31-
33, CONDOMINIUM PLATS, SAID REGISTER OF DEEDS OFFICE AS
DOCUMENT NO. 887473, ALL BEING A PART OF THE NORTHWEST
1/4 OF THE SOUTHEAST 1/4, SECTION 16, T. 15 N.-R. 17 E.,
CITY OF FOND DU LAC, FOND DU LAC COUNTY, WISCONSIN.**

A part of Lot 1, Certified Survey Map No. 6117, Volume 41, Page 6, Certified Survey Maps, Fond du Lac County Register of Deeds Office as Document No. 718858 and a part of the Scenic Ridge Condominium, recorded in Volume 6, Pages 31-33, Condominium Plats, said Fond du Lac County Register of Deeds Office as Document No. 887473, all being a part of the Northwest 1/4 of the Southeast 1/4, Section 16, T. 15 N.-R. 17 E., City of Fond du Lac, Fond du Lac County, Wisconsin, and being more particularly described as follows:

Beginning at the Southwest corner of said Lot 1, thence North 00°-12'-03" East along the West line of said Lot 1, 506.31 feet; thence South 72°-36'-39" East, 81.57 feet; thence South 42°-11'-42" East, 55.67 feet; thence South 01°-31'-54" West, 196.56 feet; thence South 87°-46'-12" East, 31.05 feet; thence South 88°-55'-59" East, 32.44 feet; thence North 58°-17'-50" East, 55.17 feet; thence North 79°-37'-47" East, 29.08 feet; thence South 58°-07'-50" East, 64.90 feet; thence South 51°-17'-03" East, 84.90 feet; thence 74°-51'-18" East, 109.10 feet; thence North 85°-32'-57" East, 143.74 feet; thence South 00°-24'-51" West, 184.52 feet; thence North 88°-49'-57" West, 619.54 feet to the point of beginning and containing 3.773 acres (164,354 Sq. Ft.) of land more or less and being subject to all easements and restrictions of record.

EXISTING ZONING – SCENIC CIRCLE

Existing Zoning: R-4 (Multifamily Residential) and S-W (Shoreland-Wetland)

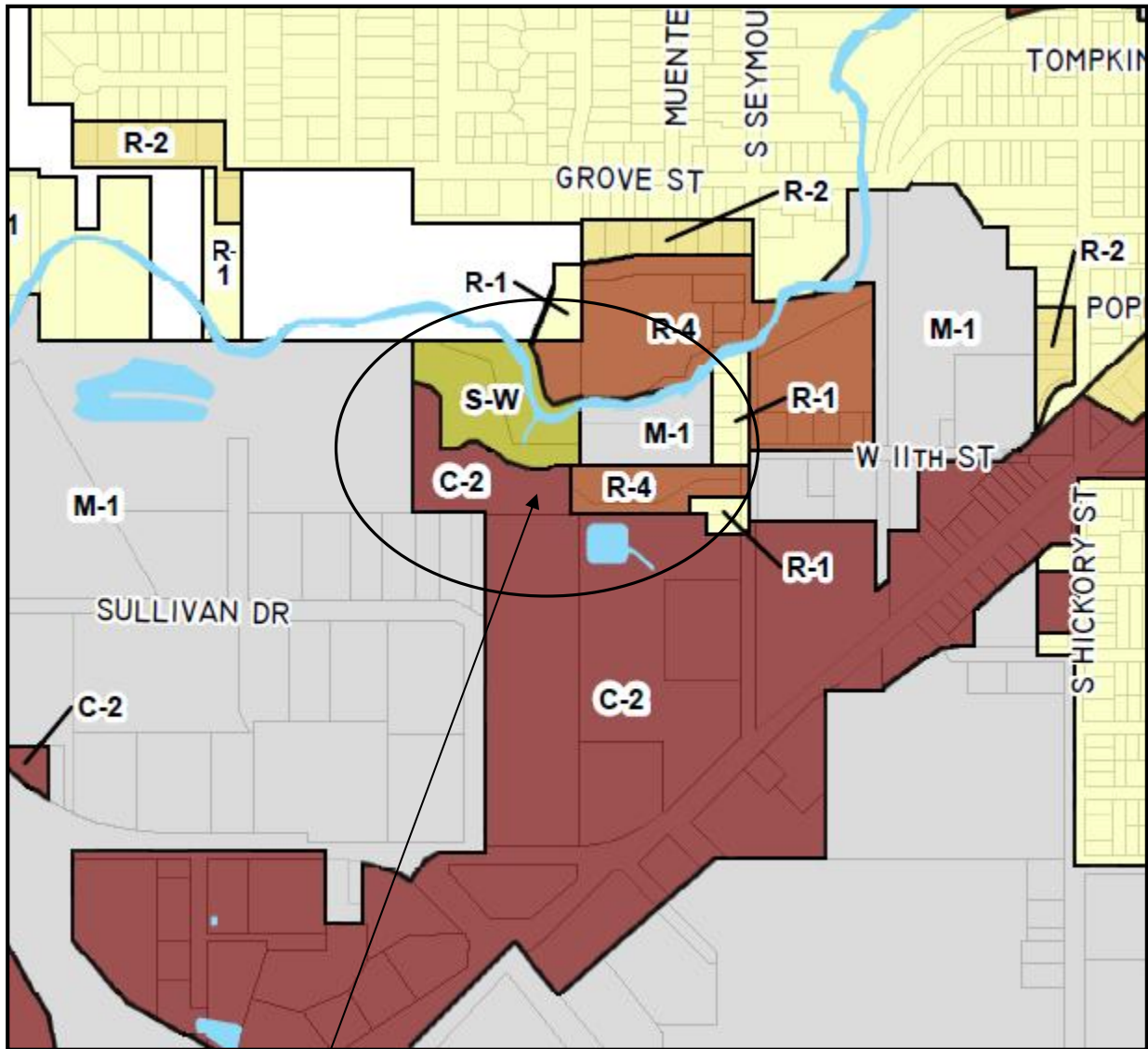


Scenic Circle Condominium Development

REZONING REQUEST– SCENIC CIRCLE

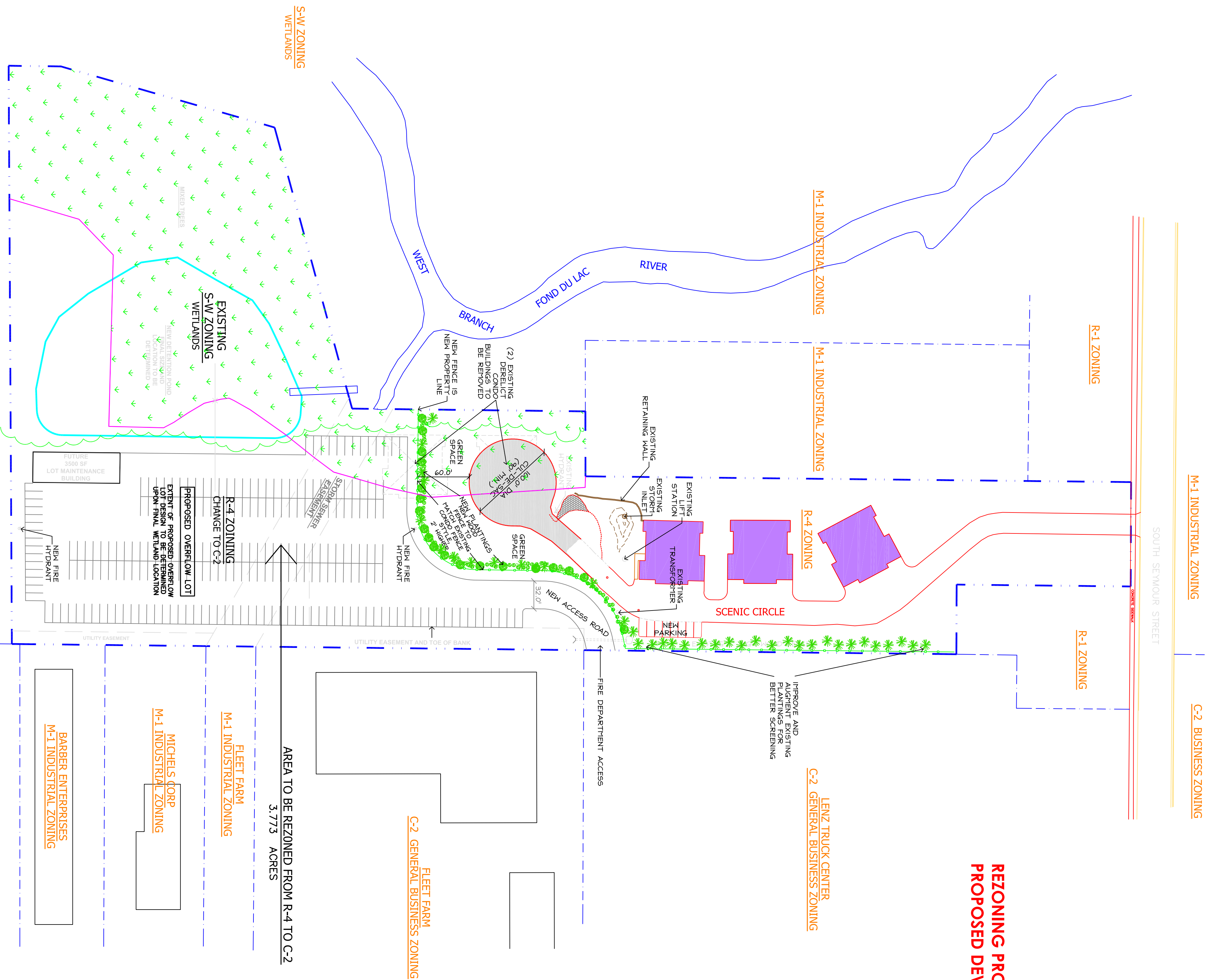
Proposed Zoning: C-2 (General Business)

Rezone 3.773 acres of land from R-4 (Multifamily Residential) to C-2 (General Business)



Area of Proposed Zoning: C-2 (General Business)

REZONING PROPOSAL
PROPOSED DEVELOPMENT PLAN



PROPOSED SITE PLAN
SCALE 1" = 70'-0"

PROJECT

PROPOSED OVERFLOW LOT
LENZ TRUCK CENTER
536 SOUTH SEYMOUR
FOND DU LAC, WI 54935

OWNER

BBL REAL ESTATE, LLC
536 S SEYMOUR ST
FOND DU LAC, WI 54935

CADRE INC.
design bureau

po box 983 fond du lac, wi 54936
phone: 920-924-0110 fax: 920-924-0277

DATE

APR 20, 2017

REVISIONS

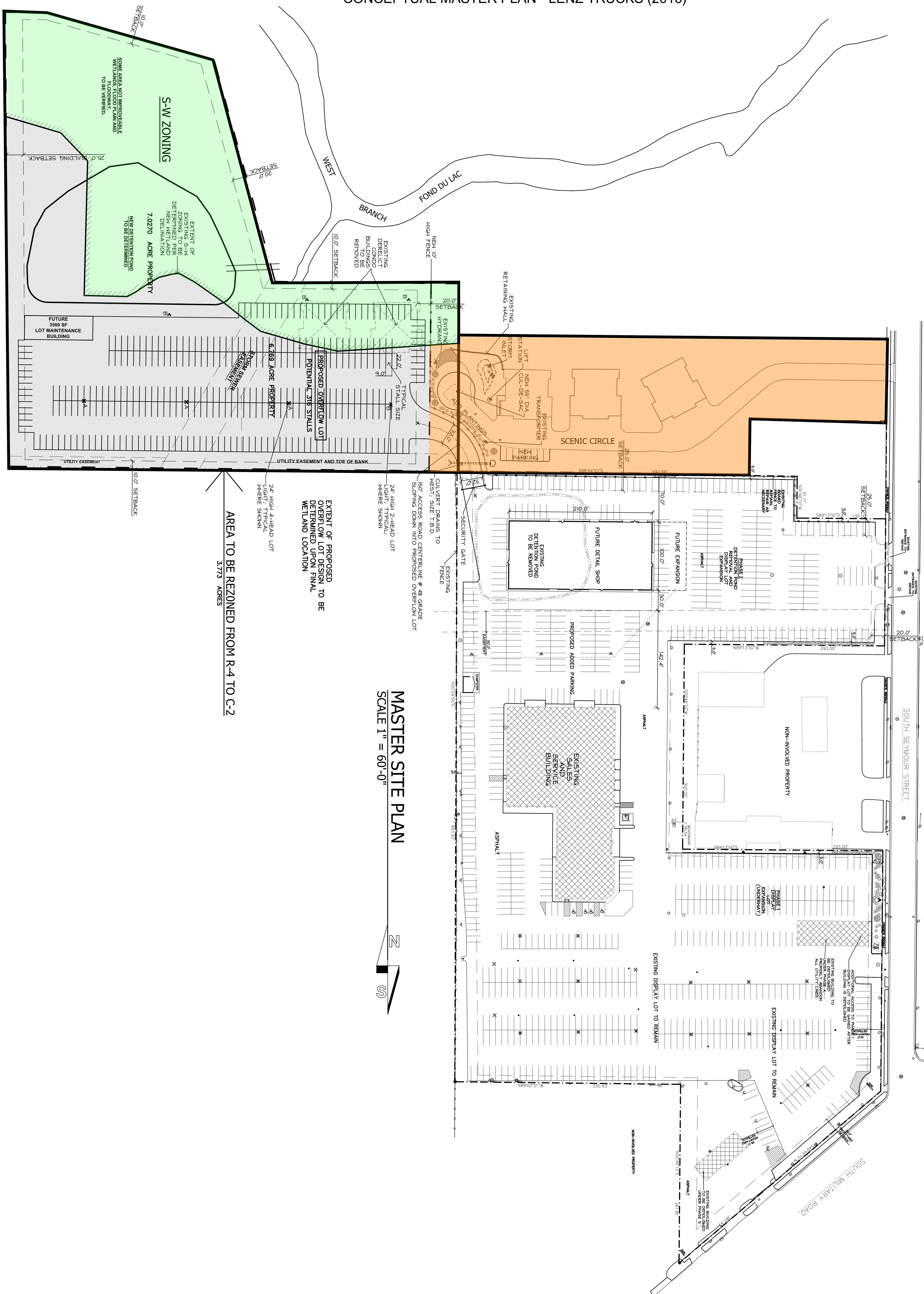
PROJECT

14134

PAGE

C1.1

CONCEPTUAL MASTER PLAN - LENZ TRUCKS (2016)



MASTER SITE PLAN
SCALE 1" = 60'-0"

SCALE 1" = 60'-0"



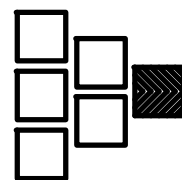
DATE	JUL 7, 2014
REVISIONS	
7/14/14	

PROJECT

LOT IMPROVEMENTS
LENZ TRUCK CENTER
536 SOUTH SEYMOUR
FOND DU LAC, WI 54935

OWNER

BBL REAL ESTATE, LLC
536 S SEYMOUR ST
FOND DU LAC, WI 54935



CADRE INC.
design bureau

po box 983 fond du lac, wi 54936
phone: 920-924-0110 fax: 920-924-0277

CIMARRON HIGH PERFORMANCE LED area/site lighting

Cimarron

DIE-CAST ARCHITECTURAL LUMINAIRES







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WOODGRAND
Quality engineered vinyl





EXISTING SITE PLAN
SCALE 1" = 70'-0"



DATE

APR 20, 2017

REVISIONS

PROJECT

14139

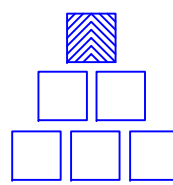
PAGE

C1.0

OWNER

PASCO, LLC
1989 PLEASANT VALLEY RD
GRAFTON, WI 53024

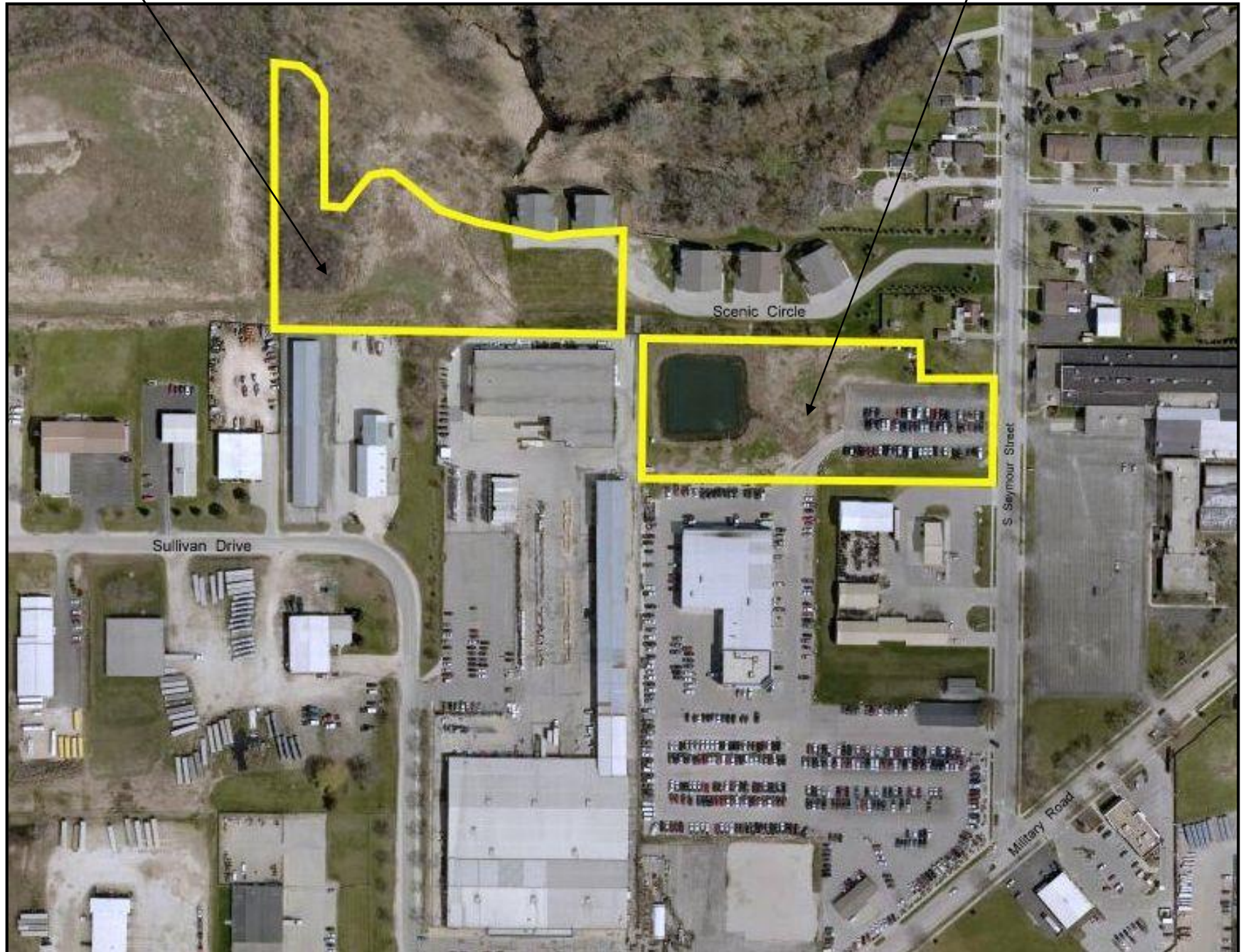
CADREX INC.
design bureau



po box 985
phone: 920-924-0110
fond du lac, wi 54956
fax: 920-924-0277

AREA OF PROPOSED REZONE: 3.773 ACRES

AREA OF EXISTING LENZ PROPERTY
AVAILABLE FOR ADDITIONAL BUILDING AND
PARKING: 3.36 ACRES



SCENIC RIDGE CONDOMINIUM ASSOCIATION

c/o Paul Schneider
1989 Pleasant Valley Road
Grafton, WI 53204
Phone (262) 377-9190
Fax (262) 377-9190
Email: paul4nick@att.net

April 6, 2017

Dear Association Members,

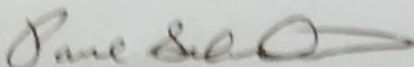
The phase two remaining land is now under contract with Lenz truck. We have deliberated months to come this mutually beneficial agreement. This will be a wonderful benefit for all unit owners. In a couple days, the city will be sending you information regarding the zoning change. The layout for the expansion area has changed for your benefit as well. They have also addressed your concerns with the changes.

Please note in the Disclosure Materials of the Executive Summary the first paragraph explains expansion plans. The second sentence states; "Declarant does not guarantee that the condominium will ultimately be expanded to include all of such buildings and units, referring to phase two remaining land".

Also note page 20 and 21 The Right to Expand 10.2 in the Declarations. Line number 638, page 21, "Any such expansion shall be in the sole discretion of Declarant, and no unit owner or other person shall have the right to require or prevent the same. Each Owner, by accepting a deed to a unit, acknowledges that the expansion area or parts thereof may be developed for uses other than as part of the Condominium."

We thank you in advance for your cooperation.

Sincerely,



Paul Schneider
President

May 4, 2017

RE: Rezoning of Scenic Circle

To Whom It May Concern:

As a unit owner of 55 Scenic Circle, I want to say I am against the proposed rezoning petition requested by a Paul Schneider of Scenic Ridge Condominium Association and Lenz Truck of Fond du Lac, I am writing to state my objections to this rezoning from multifamily to commercial for a multitude of reasons. Listed below are some of the ways this rezoning would negatively affect those of us living in close proximity.

I purchased my condo unit after the death of my husband approximately 3 years ago from Passco LLC. At the time of purchase, I was told that the back two, four condo units were scheduled to be completed in the near future. At no point did they say that they were in discussion with Lenz Truck on a possible expansion project. The original plans were date April 2014. If I was aware of this I may have reconsidered my purchase of the end unit. (Which will be overlooking the 316-stall overflow lot expansion project).

In the letter, I received from the City Clerk Office, it stated that Lenz Truck is looking to expand their business footprint that is currently land locked. But with the possible rezoning of the back parcel of Scenic Ridge property to accommodate for the Lenz expansion it will in turn land lock the residence of Scenic Ridge by fencing us in on 2 sides and the river to the north.

I am waiting to hear back on how this will affect my property value as well as my resale value if I chose to resell my unit. I have inquired multiple times to the city with questions and concerns about water runoff and have not heard back as of yet. I have contacted my insurance company to find out if my coverage needs to be increased because of security concerns and possible flood insurance due to possible water runoff issues in the future. I feel I/we need time to look into and gather information on how this will directly affect me/us financially in the future.

I/we work hard to provide a good home and life for our families. I know that \$150,000.00 is not a lot of money to Lenz Truck and to Passco LLC but to me/us it is our lifetime of hard work. I/we ask that before you vote on the rezoning of Scenic Circle you take into consideration the lives and homes that it will directly affect by the outcome.

Please feel free to contact me directly with any questions

Dawn M. Rehrauer
55 Scenic Circle
Fond du Lac WI 54935
920-960-6552

Below are the lists of my/our concerns with the rezoning:

Security and Lighting- Lenz currently uses security lighting on their lots. This type of security lighting causes what is called skyglow. The most common cause of **Skyglow** is artificial light that emits light pollution, which accumulates into a vast glow that can be seen from miles away and from high in the sky. Skyglow from artificial lights is common throughout the world and can be observed over most cities and towns as a glowing dome of the populated area. The use of these types of lights will directly affect the condo owners and area's resident's quality of life. These new LED lights will be installed less than 50 yards from condo unit at Scenic Ridge. As well as increased traffic flow of people wanting/trying to drive and walk through the overflow lot, both during and after business hours. Our security would then be at risk with the proposed lot being so close to our homes.



Storm water and Snowmelt- as per proposed plan, the existing pond on Lenz property would be filled in and a service-type structure would be built directly behind our existing border fence. The question is, where will all the runoff and snowmelt go? We currently, experience a lot of standing water on our property from the over flow of the current detention pond, that is planned to be removed as part of the expansion project. We fear that the water run off created by the newly expanded parking lot will cause even more flooding of Scenic Circle and may end up flooding our basements and ground level condos. At times the water runoff from the detention pond is so much that the fish end up swimming in the runoff in our yard.



Wildlife-as the property runs parallel to the Fond du Lac river, it is both home and passageway to an abundance of wildlife including, deer, fox, Owls, turkey, and even eagles, as well as a variety of seldom seen birds. The disruption to the area would be a huge loss. This is why I purchased my condo, it gave me the best of both worlds, living in the city with nature right outside my bedroom window. Please do not allow this precious gift to be taken away from us and the creatures that live in harmony with us.





Wise old Horn Owl that watches by night.



The Bald Eagle that sits watch over meadow and river by day



A safe home to Pokie and Dottie our fawns



This is home to Larry our one-legged Woodpecker



Home to over 100 cardinals and other types of birds.

Quality of life- our homes were purchased largely due to the peaceful and quiet surroundings. There are 12 owner-occupied units in the Scenic Ridge Association, a large condo association directly across the river, and many single-family homes in the area. I ask that you consider stopping by Scenic Ridge and see why I'm so strongly against the rezoning of the back portion of Scenic Circle. The open space and mature scenic view and wildlife is how why we are named Scenic Ridge.



Noise and traffic-Lenz currently locates vehicles on their lot by setting off car alarms, which are extremely loud and consistent. Traffic flowing down the proposed entry road next to Fleet Farm would be loud and in very close proximity to the existing condos, especially the end building. Demolition and reconstruction noise and traffic would also be unbearable. No concern has been shown by the negotiating parties, for the impact an overly lit, dirty, noisy, loud, car lot will have on my family, the nearby property owners.

Before taking a vote, I invite you out to the property in question to see what our concerns are.

Thank you,

Dawn M Rehrauer

To: City of Fond du Lac

Re: Rezoning and Comprehensive Plan Amendment

I am still opposed to rezoning the land that is part of the Scenic Ridge condominium plat. I, along with several other neighborhood residents, were opposed in 2016 when the proposal was first brought up. As a home owner in Wood Ridge condominiums, I initiated a petition in 2016 signed by several members of my association opposing the rezoning proposal.

Changing the lighting, developing green screening, building an opaque fence and reducing business hours will not make this okay. The problem is allowing a truck dealership to encroach on a residential neighborhood. This would devalue neighborhood property, reduce the quality of the land which is now an open, green space and endanger the river that runs along the north side of this property.

The waterway is especially valuable for birds and a few animals that use the river as a passageway through the city. This natural resource must be protected by the city and its citizens. Runoff from an asphalt-covered truck lot is more likely to affect the river with pollutants than runoff from a green space.

I urge the Planning Commission to vote no on the proposal to rezone the almost four acres of land that is part of the Scenic Ridge condominium plat and adjacent the West Branch of the Fond du Lac River.

Jane Dennis
570 D Evans Dr.
Fond du Lac, WI 54935

My name is Jeffrey Krieg and I am a resident of Scenic Ridge Condominium Community at Scenic Circle, Fond du Lac. I attended and spoke at the Plan Commission meeting on July 16, 2016. Numerous residents from this complex, as well as from the complex across the river on Evans and from the complex on Riverside Ct. were also present, as well as local homeowners. Many spoke very plainly in objection to any zoning change at that time. As I am unable to attend the meeting scheduled for tomorrow, May 15th, I want to add my voice to those speaking AGAINST this rezoning proposal. I understand that the property owner has decided to reach an agreement with Lenz Truck. That is his right and, should the commission consent, I can't do anything about it. I do not own that land. But, as was made plain to the Condominium President at our last Condo Association meeting, there were no residents of the community who favored this change. Why? Several reasons include: the overall effect on the quality of life here, fencing off our condominium units on the two sides, the increased lighting & noise that will inevitably follow, as well as the impact on the overall value of this property (which represents a significant investment on my part.) If & when I sell my unit, I don't want to have to face the possibility that it won't sell or it has to be sold at a greatly reduced price because the Scenic Ridge complex is surrounded by business from two directions. People don't eagerly buy property adjacent to businesses.

I moved to this complex six years ago for peace and quiet. I get that quiet from the north facing side of my building, the one facing the river. The south facing side overlooks a Lenz lot. There's plenty of noise from that direction, despite what Lenz may argue: noise from cars & pickups, doors slamming, car alarms going off (as early as 7:00 a.m. car alarms go off in that lot for several minutes), people talking or yelling, a dog barking, not to mention the lot lights glaring all night long, etc. Expanding the property onto the Scenic Ridge complex would no doubt greatly increase that level of noise and commotion. I certainly don't want more noise from another direction, more traffic or more busyness. And I certainly don't want the property value of this complex to end up going down.

As stated above, I cannot control to whom the property owner sells his property. I am appealing to the Plan Commission to hear the objections of residents (and taxpayers) and reject this proposal.

Thank you for your consideration,

Jeffrey Krieg
33 Scenic Circle
Fond du Lac 54935

PETITION TO ACTION

Petition Summary: We, the undersigned, have serious objections to the re-zoning proposal in our neighborhood. Homeowners object to the usage affecting our quality of life, noise and property values.

Action Petitioned For: We, the undersigned, are concerned citizens who urge our leaders to act now to block the re-zoning from multi-family to commercial at Scenic Ridge.

DATE	SIGNATURE	PRINTED NAME	ADDRESS	COMMENT
5/1/17	D. Rehauer	D. Rehauer	55 Scenic Cir	
5/1/17	Megan Rehauer	Megan Rehauer	55 Scenic Cir	
5/1/17	Pat Pittler	PAT Pittler	47 Scenic Cir.	
5/1/17	Joyce Vinge	Joyce Vinge	43 Scenic Cir	
5/1/17	Joyce Baktelt	Joyce Baktelt	49 Scenic Circle	
5/1/17	David Howell	DAVID Howell	53 Scenic Circle	
5-1-17	Renee Will	Renee Will	45 Scenic Circle	
5-1-17	Jeffrey Will	Jeff Will	45 Scenic Circle	
5-4-17	Bonnie Harmer	BONNIE HARMER	600 EVANS DR F.D.L.	
5-4-17	Dan Casareide	DAN CASAREIDE	460 S. SEYMOUR ST.	
5-5-17	Barb Higgins	BARB HIGGINS	381 Divi St. FDL	
5-7-17	Jeffrey Krieg	Jeffrey Krieg	33 Scenic Circle FDL	
5-7-17	Robert Roe	Robert Roe	35 Scenic Circle FDL	
5-7-17	Kerry L. Perkins	Kerry L. PERKINS	440 S. SEYMOUR	

PETITION TO ACTION

Petition Summary: We, the undersigned, have serious objections to the re-zoning proposal in our neighborhood. Homeowners object to the usage affecting our quality of life, noise and property values.

Action Petitioned For: We, the undersigned, are concerned citizens who urge our leaders to act now to block the re-zoning from multi-family to commercial at Scenic Ridge.

DATE	SIGNATURE	PRINTED NAME	ADDRESS	COMMENT
5/7/17	Karen Rasse	Karen Rasse	14 Riverside Ct.	
5/7/2017	Richard Rasse	RICHARD RASSE	14 RIVERSIDE CT.	
5/7/2017	Janice Casper	Janice Casper	17 Riverside Ct	
5/7/2017	Richard Casper	RICHARD CASPER	17 RIVERSIDE Ct FDL	
5/7/17	Sharon Paul	Sharon Paul	16 Riverside Ct	
5/7/17	Jeanette Rinke	Jeanette Rinke Sharon	21 Riverside Ct FDL	
5-7-17	John J. Fuller	22 Riverside Ct. FDL		
5-7-17	Matthew Thomas	Matthew Thomas	51 Scenic Cir	No to Lenz Truck
5-7-17	Jeff Bellin	Jeff Bellin	41 Scenic Circle	
5-7-17	Rita Bellin	Rita Bellin	41 Scenic Circle	

CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: May 10, 2017

To: Plan Commission

From: Joellyn Dahlin, Principal Planner

Re: Request for Rezoning – 0 S Seymour Street (Portion of FDL-15-17-16-42-285-00)

Applicant: BBL Real Estate, LLC

Request: Rezone 3.773 acres of land from R-4 (Multifamily Residential) to C-2 (General Business)

Location: Parcel 2 of the Scenic Ridge condominium plat, South Seymour Street.

Zoning: Site: R-4 (Multifamily Residential) and S-W (Shoreland-Wetland)
North: S-W and R (Residential)
South: C-2 (General Business) and M-1 (Industrial)
East: R-4
West: M-1

Land Use: Site: Scenic Ridge Condominiums
North: Fond du Lac River
South: Lenz Truck/Mills Fleet Farm/Sullivan Industrial Park
East: Residential Dwellings
West: City Stormwater Ponds and Fill Site

The rezoning proposal is the same request submitted to the City of Fond du lac last year where a public hearing was set for the Plan Commission on July 18, 2016. Several hours prior to the Plan Commission meeting the property owner (Pasco LLC) asked that the proposal be postponed. The Plan Commission was obligated to open the public hearing pursuant to the legal notice; however, the Plan Commission did not discuss the proposal or take action. The rezoning request was formally withdrawn by Pasco LLC on July 27, 2016.

Rezoning Request

The Scenic Ridge condominium development is located on South Seymour Street north of the Lenz truck dealership. A condominium plat was recorded in 2007 to establish two areas for residential development. The *parcels* described in the plat are not separate *lots*. A *condominium plat* does not subdivide land – it is a form of property ownership in which each owner holds title to an individual unit, plus a fractional interest in common areas.

Parcel 1 is 2.509 acres in size and is developed with three 4-unit condo buildings, all of which are owner-occupied. Access to the homes is provided via a private roadway (Scenic Circle) that extends west from Seymour Street. Parcel 2 is 7.027 acres and is mostly undeveloped except for two unfinished buildings; the unfinished construction reflects a decision of the property owner to abandon the original development plan.

The area of the condominium plat is affected by two zoning designations: R-4 (Multifamily Residential) and S-W (Shoreland-Wetland). The Shoreland-Wetland zoning reflects the proximity of the Fond du Lac River and DNR designated wetland areas. The area of Parcel 1 is entirely within the area of R-4 zoning. The area of Parcel 2 is within the R-4 and S-W districts. BBL Real Estate LLC (on behalf of *Lenz Truck Center*) would like to purchase Parcel 2 to expand the business footprint of the truck dealership. A change of zoning from R-4 (Multifamily Residential) to C-2 (General Business) is proposed for 3.773 acres of Parcel 2.

Analysis

Several questions must be answered in action to rezone property: (1) Is the proposed development compatible with existing development; (2) Is the proposed zoning a logical extension of similar zoning in the area; and (3) Is the proposed zoning consistent with the land use designation of the Comprehensive Plan.

Wisconsin's comprehensive planning legislation requires that actions taken for rezoning be consistent with the adopted Comprehensive Plan. In other words, the *zoning* of a property must reflect the *use* of the property. The proposed zoning (commercial) for the subject property conflicts with the Comprehensive Plan land use designation (residential) for the property; therefore, a change to the Comprehensive Plan is necessary in order for the zoning to change.

The rezoning proposal and an amendment to the Comprehensive Plan will be considered as separate items on the May 15th Plan Commission meeting agenda.

Proposed Development

The purpose of the proposed rezoning is for expansion of the Lenz truck dealership. The rezoning proposal affects physical changes to both parcels of the Scenic Ridge property as well as the Lenz property. A summary of planned changes to the properties includes:

-)] Demolish the two unfinished condominium buildings on Parcel 2.
-)] Fill the Lenz storm water pond to make way for an access road from the Lenz property to Parcel 2 and for additional development on the existing Lenz site. The access road would cross through a portion of Parcel 1 and would be adjacent to but separate from the roadway of Scenic Circle.
-)] Construct a new pond on Parcel 2 to manage drainage and storm water runoff for the Lenz property and the new development on Parcel 2.

- J Construct a paved parking lot on Parcel 2 for the storage of vehicles awaiting delivery, detailing, repair or sale, along with a property maintenance building for the storage of snow removal and landscape maintenance equipment for the Lenz dealership.
- J Construct a cul-de-sac configuration for Scenic Circle to create a separate roadway for the condominium homes, and install a fence and plantings for screening.

Development Issues

The purpose of a conceptual development plan for a rezoning request is to demonstrate the effect of a change of zoning and to show that the intended development would be suitable for the affected property and for the surrounding area. A conceptual plan is not a guarantee that development will occur as proposed. The proposed development plan submitted for the rezoning of Parcel 2 raises a number of concerns:

1. Access. The land proposed for commercial zoning is not contiguous to land zoned for the same purpose, and direct access between Parcel 2 and the Lenz property is not physically possible. Access from the Lenz lot to Parcel 2 would require an easement to cross Parcel 1, the lot area of the existing condominium homes. The access easement(s) would be a requirement of site plan approval for the development of Parcel 2 and would be an issue to be resolved between all affected property owners.
2. Storm water management. The storm water pond on the Lenz lot would be filled to create buildable area for a new structure and additional parking on the Lenz site, and provide an access road to Parcel 2. This would be allowed if a new pond is constructed to manage the storm water requirements for the Lenz site (existing development and any new development) and the new construction (pavement and maintenance building) planned for Parcel 2. A storm water analysis has not been initiated to determine the potential size and suitable location of a new pond on Parcel 2, and if this is feasible.
3. Drainage. Parcel 2 is significantly lower than the Lenz lot which affects the grading plan for use of the property. The master drainage plan for the condominium plat included ponds and rain gardens; however, the storm water facilities were not constructed as planned because the second phase of the condos did not move forward. The use of Parcel 2 for a commercial use will cause a re-evaluation of the drainage requirements for the new use and the existing condo development.
4. Shoreland-Wetland zoning and DNR wetlands: The concept plan sites the new cul-de-sac of Scenic Circle within the existing area of Shoreland-Wetland zoning and also within the proposed area of C-2 (General Business) zoning. Pavement, buildings and ponds are not permitted in a Shoreland-Wetland area or within a DNR-designated wetland area. Relocation of the roadway area of Scenic Circle will reduce the usable area of Parcel 2.
5. Fire safety. Changes to Scenic Circle to construct a cul-de-sac must provide adequate pavement to accommodate emergency vehicle access. Additionally, the new

driveway between the Lenz lot and Parcel 2 must provide adequate width and design to accommodate emergency vehicles.

6. Land division. Parcel 1 and Parcel 2 are *land descriptions* of the Scenic Ridge condominium plat. A certified survey map will be necessary to create a legal *lot of record* for the area of Parcel 2 that would be sold to BBL Real Estate. A certified survey map will require special approval by the Plan Commission and City Council for an exception to the subdivision code because the new lot would be landlocked.

Site Comparisons

The rezoning proposal affects 3.773 acres of land and proposes 230 new parking spaces. Use of the entire 3.773 acres is not likely because of design changes to the proposed development plan that are necessary to meet wetland regulations and Shoreland-Wetland zoning requirements. In addition, the usable area of Parcel 2 is affected by the design of the driveway to/from the Lenz site, the presence of wetland areas, and storm water management requirements for the Lenz site and for the new development planned for Parcel 2.

The property area of the Lenz site that is occupied by the existing pond, along with unused and/or underutilized site area between the pond and Seymour Street, is 3.36 acres in size. If the pond is filled and the existing parking lot at the north end of the property is reconfigured, the site could reasonably accommodate the proposed detail shop along with approximately 200 parking spaces. (Note: This option would rely on the construction of a new pond on Parcel 2 to meet storm water requirements of the Lenz property.)

Neighborhood Concerns

Owners of the Scenic Ridge condominiums purchased their homes with the expectation that the undeveloped land of the plat would be used for residential purposes. Specific concerns include the aesthetic intrusion of a commercial use on land intended for residential use, the visual appearance of a 10'-high fence, noise, parking lot lighting, building appearance, drainage, and the inadvertent use of Scenic Circle by persons attempting to access the Lenz vehicle storage area. Also of concern is the timing for construction of the Scenic Circle cul-de-sac and the new access road, and the means for demolition equipment and construction vehicles to access Parcel 2.

To mitigate neighborhood concerns BBL Real Estate proposes to provide a fence and landscape plantings to visually screen and separate the condo homes and Scenic Circle from Parcel 2, utilize non-spill lighting, limit the hours of operation, and site the maintenance building at maximum distance from the condominium buildings.

Conclusion

The site was annexed and zoned for residential use. Although the property is located on the fringe of heavier commercial uses and light industrial uses, the site is near other residential uses. Use of the undeveloped land is not without reasonable alternatives that do not require rezoning.

One option to rezoning would be to construct condominium homes as originally planned or construct apartments instead. Another alternative would be to use Parcel 2 only for a storm water pond. This option would give due regard to the existing condominium homes and also increase the buildable site area of the Lenz property to accommodate a new building and additional parking on property already zoned for commercial use. The use of Parcel 2 for a pond would not require rezoning and a paved access road would not be required.

Recommendation

Reflective of the existing land uses and zoning, and considering that reasonable options for property use are available without rezoning, Community Development staff suggests the Plan Commission recommend to the City Council denial of the rezoning request.

PUBLIC NOTIFICATION

Parcel Number	Site Address	Mailing Address 1	Mailing City	Mailing State	Mailing Zip
FDL-15-17-16-43-521-01	661 SULLIVAN DR	480 N PIONEER RD	FOND DU LAC	WI	54937
FDL-15-17-16-42-297-00	49 SCENIC CIR	49 SCENIC CIR	FOND DU LAC	WI	54935
FDL-15-17-16-43-508-02	536 S SEYMOUR ST	536 S SEYMOUR ST	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-32	594D EVANS DR	594D EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-22	584B EVANS DR	584B EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-34-751-00	695 SULLIVAN DR	W2742 KIEL RD	MALONE	WI	53049
FDL-15-17-16-42-279-00	0 S SEYMOUR ST	160 S MACY STREET	FOND DU LAC	WI	54936
FDL-15-17-16-42-285-01	0 S SEYMOUR ST	160 S MACY STREET	FOND DU LAC	WI	54936
FDL-15-17-16-31-249-00	751 SULLIVAN DR	160 S MACY STREET	FOND DU LAC	WI	54936
FDL-15-17-16-42-274-10	570B EVANS DR	570B EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-12	570D EVANS DR	570D EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-20	580D EVANS DR	580D EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-34-750-00	683 SULLIVAN DR	683 SULLIVAN DR	FOND DU LAC	WI	54937
FDL-15-17-16-42-274-29	594A EVANS DR	594A EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-09	570A EVANS DR	570A EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-14	576B EVANS DR	576B EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-18	580B EVANS DR	580B EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-16	576D EVANS DR	576D EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-31	594C EVANS DR	594C EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-273-00	600 EVANS DR	600 EVANS DR	FOND DU LAC	WI	54935
T09-15-17-16-14-001-00		600 EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-13	576A EVANS DR	576A EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-299-00	53 SCENIC CIR	53 SCENIC CIR	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-30	594B EVANS DR	594B EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-04	560D EVANS DR	560D EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-34-752-00	715 SULLIVAN DR	715 SULLIVAN DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-291-00	33 SCENIC CIR	33 SCENIC CIR	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-02	560B EVANS DR	560B EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-19	580C EVANS DR	580C EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-283-00	436 S SEYMOUR ST	N1638 CANARY LN	CAMPBELLSPORT	WI	53010
FDL-15-17-16-42-274-11	570C EVANS DR	570C EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-03	560C EVANS DR	560C EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-17	580A EVANS DR	580A EVANS DR	FOND DU LAC	WI	54935

Public Notification

FDL-15-17-16-43-519-00	629 ROGERSVILLE RD	PO BOX 1199	APPLETON	WI	54912
FDL-15-17-16-43-521-00	655 SULLIVAN DR	817 W MAIN ST	BROWNSVILLE	WI	53006
FDL-15-17-16-43-520-00	0 SULLIVAN DR	8020 EXCELSIOR DR SUITE 200	MADISON	WI	53717
FDL-15-17-16-42-274-15	576C EVANS DR	576C EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-21	584A EVANS DR	N5357 ORCHARD CT	LAMARTINE	WI	54937
FDL-15-17-16-42-274-07	566C EVANS DR	566C EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-285-00	0 S SEYMOUR ST	1989 PLEASANT VALLEY RD	GRAFTON	WI	53024
FDL-15-17-16-42-290-00	31 SCENIC CIR	31 SCENIC CIR	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-05	566A EVANS DR	566A EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-296-00	47 SCENIC CIR	47 SCENIC CIR	FOND DU LAC	WI	54935
FDL-15-17-16-42-300-00	55 SCENIC CIR	55 SCENIC CIR	FOND DU LAC	WI	54935
FDL-15-17-16-42-289-00	29 SCENIC CIR	29 SCENIC CIRCLE	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-23	584C EVANS DR	1452 S ELLSWORTH RD 2705	MESA	AZ	85209
FDL-15-17-16-42-274-08	566D EVANS DR	566D EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-06	566B EVANS DR	566B EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-293-00	41 SCENIC CIR	41 SCENIC CIR	FOND DU LAC	WI	54935
T09-15-17-16-09-002-00	W6322 GROVE ST	W7221 COUNTY ROAD 000	FOND DU LAC	WI	54937
FDL-15-17-16-42-298-00	51 SCENIC CIR	51 SCENIC CIR	FOND DU LAC	WI	54935
FDL-15-17-16-42-292-00	35 SCENIC CIR	35 SCENIC CIR	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-01	560A EVANS DR	560A EVANS DR BLDG 1	FOND DU LAC	WI	54935
FDL-15-17-16-42-294-00	43 SCENIC CIR	43 SCENIC CIR	FOND DU LAC	WI	54935
FDL-15-17-16-42-295-00	45 SCENIC CIR	45 SCENIC CIR	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-24	584D EVANS DR	584D EVANS DR	FOND DU LAC	WI	54935

PLAN COMMISSION MINUTES

May 15, 2017

5:30 PM

Meeting Room D
City-County Government Center

160 S Macy Street
Fond du Lac, Wisconsin

OPENING CEREMONIES

Attendance

Present

Hertha Longo
Dan Nielsen
Jordan Skiff
Derek Terbeest
Sarah Van Buren
David Washkoviak
Nicole Wiese

Absent

Stan Ramaker
Anne Pierce

Administrative Staff

Joellyn Dahlin, Principal Planner
Dyann Benson, Community Development Director

Declaration Quorum Present

Chairperson, David Washkoviak, declared a quorum present.

*****OTHER BUSINESS*****

ACTION

Rezone

Effect: Rezone property from R-4 (Multifamily Residential) to C-2 (General Business).

Initiator: BBL Real Estate, LLC

Location: 3.73 Acres of the Scenic Ridge Condominium Plat (FDL-15-17-16-52-285-00)

Spoke in support of Rezoning the Scenic Ridge Condominium Plat from R-4 (Multifamily Residential) to C-2 (General Business)

Jeff Butzke, 611 Kingswood Ave, Fond du Lac
Howard Floeter, 375 E Division St, Fond du Lac
Paul Schneider, 1989 Pleasant Valley Rd, Grafton
Alex Zabel, PO Box 219, Green Lake

Appeared in support of Rezoning the Scenic Ridge Condominium Plat from R-4 (Multifamily Residential) to C-2 (General Business)

Steve Schowalter, Port Washington, WI

Spoke in regards to the Rezoning the Scenic Ridge Condominium Plat from R-4 (Multifamily Residential) to C-2 (General Business)
Felix Fudge, 658 16th St N, St Petersburg, FL

Spoke in opposition of Rezoning the Scenic Ridge Condominium Plat from R-4 (Multifamily Residential) to C-2 (General Business)
Joyce Bartelt, 49 Scenic Cir, Fond du Lac
Jane Dennis, 570D Evans Dr, Fond du Lac
David Howell, 53 Scenic Cir, Fond du Lac
Dawn Rehrauer, 55 Scenic Cir, Fond du Lac

Spoke in opposition of Rezoning the Scenic Ridge Condominium Plat from R-4 (Multifamily Residential) to C-2 (General Business)
John Zorn, 749 Bragg St, Fond du Lac

Appeared in opposition of Rezoning the Scenic Ridge Condominium Plat from R-4 (Multifamily Residential) to C-2 (General Business)
Renee Will, 45 Scenic Cir, Fond du Lac
Gwen Mazer, 580B, Evans Dr, Fond du Lac
Jeryl Mathwig, 580A Evans Dr, Fond du Lac

Read into record as being in opposition of Rezoning the Scenic Ridge Condominium Plat from R-4 (Multifamily Residential) to C-2 (General Business)
Jeryl Mathwig, 580A Evans Dr, Fond du Lac
Mouna Flannery, 570A Evans Dr, Fond du Lac
Susanne Sabl, 566D Evans Dr, Fond du Lac
Gwen Mazer, 580B Evans Dr, Fond du Lac
Collette Erikson, 580D Evans Dr, Fond du Lac
Jane Dennis, 570D Evans Dr, Fond du Lac
Carol Pierce, 566A Evans Dr, Fond du Lac
James Deanovich, 570B Evans Dr, Fond du Lac
Carol Nachreiner, 584A Evans Dr, Fond du Lac
Bonnie Georg, 576B Evans Dr, Fond du Lac
Kara Blanc, 584B Evans Dr, Fond du Lac
Jeffrey Krieg, 33 Scenic Cir, Fond du Lac

A Motion was made by David Washkoviak to recommend to the City Council, denial of the request to rezone the Scenic Ridge Condominium Plat from R-4 (Multifamily Residential) to C-2 (General Business) and seconded by Jordan Skiff, and the motion was **Passed**.

Ayes: Longo, Nielsen, Jr., Skiff, Van Buren, Washkoviak, Wiese
Nays: TerBeest
Absent: Pierce, Ramaker

*****OTHER BUSINESS*****

CITY OF FOND DU LAC - Memorandum

Human Resource Department

Date: May 18, 2017

To: Joe Moore, City Manager
Members of the City Council

From: Deborah S. R. Hoffmann, City Attorney

Re: Procedural Guidance on Re-Zoning and Comprehensive Plan Ordinances

On the May 24th agenda, City Council has received a recommendation from the Plan Commission to deny a re-zoning application from BBL Real Estate, along with the accompanying request to amend the Comprehensive Plan. While the recommendation is to deny, the ordinances are written in the positive. This means, in order to accept the Plan Commission's recommendation, the Council member that makes the Motion must move to deny the Ordinances. If the Council member would want to reject the Plan Commission recommendation, their Motion would be to approve the Ordinances.

More specifically, for Ordinance No. 3634

AN ORDINANCE REZONING 3.73 ACRES OF THE SCENIC RIDGE CONDOMINIUM PLAT FROM R-4 (MULTIFAMILY RESIDENTIAL) TO C-2 (GENERAL BUSINESS)

A Motion to deny Ordinance No. 3634 affirms the Plan Commission recommendation to NOT approve the rezoning of 3.73 Acres of the Scenic Ridge Condominium Plat. The result of the passage of such a Motion would be denial of the rezoning application and the status quo would be maintained.

A Motion to approve Ordinance No. 3634 rejects the Plan Commission recommendation and the rezoning application would be approved. The rezoning to General Business from Multifamily Residential would occur.

Regarding Ordinance No. 3635, this ordinance is only necessary if the re-zoning is approved. The City's current Comprehensive Plan designates the property at issue as residential. The Plan would need to be amended if the zoning is changed. Again, this ordinance is written in the positive, though the Plan Commission recommendation is to deny.

Deborah S. R. Hoffmann, City Attorney

Re:

May 18, 2017

Page 2

**AN ORDINANCE AMENDING THE
CITY OF FOND DU LAC COMPREHENSIVE PLAN 2010-2030**

A Motion to deny Ordinance No. 3635 affirms the Plan Commission recommendation to NOT approve the rezoning of 3.73 Acres of the Scenic Ridge Condominium Plat nor amend the Comprehensive plan.

A Motion to approve Ordinance No. 3635 rejects the Plan Commission recommendation and the Comprehensive plan will be amended. If the re-zoning is not approved, there is no need to amend the Comprehensive Plan.

I hope this guidance is useful. Please feel free to contact me with any questions or concerns. Thank you for your attention.

**CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN**

Title: Ordinance No. 3635

Subject: An Ordinance Amending The City Of Fond du Lac
Comprehensive Plan 2010-2030
Introduction: Community Development Director

Initiator:

Recommendation: Plan Commission Recommendation: **Deny**

ATTACHMENTS:

File Name

3635_Comp_plan.pdf
PH_Notice_CompPlanAmendment.pdf
CompPlan_MAPS_-_Scenic_Circle.pdf
PC_Memo_CompPlan_-_BBLScenic_Ridge2017.pdf
RZ_PublicNotificationRzCPA.pdf
Excerpt_-_05-15-17_PC_Comprehensive_Plan.pdf

ORDINANCE NO. 3635

**AN ORDINANCE AMENDING THE
CITY OF FOND DU LAC COMPREHENSIVE PLAN 2010-2030**

WHEREAS, BBL Real Estate, LLC, has petitioned to rezone 3.73 Acres of the Scenic Ridge Condominium Plat from R-4 (Multifamily Residential) to C-2 (General Business); and

WHEREAS, the rezoning of the above property would require the amendment of the City of Fond du Lac Comprehensive Plan 2010-2030, and

WHEREAS, the City Plan Commission recommended denial of the rezoning and denial of an amendment to the Comprehensive Plan 2010-2030.

THEREFORE, the City Council of the City of Fond du Lac do ordain as follows:

Section 1. That the City of Fond du Lac Comprehensive Plan 2010-2030 is hereby amended as follows:

0 S Seymour Street - Parcel 2 of Scenic Ridge Condominium Plat (FDL-15-17-16-42-285-00) to change land use designation from multifamily residential (R-4) to commercial (C-2) as shown on the attachment incorporated herein.

Section 2. All other ordinances and resolutions inconsistent with the provisions of this Ordinance are hereby repealed.

Section 3. This Ordinance shall take effect and be in force upon its passage and publication as provided by law.

ADOPTED:

Karyn Merkel, President
Fond du Lac City Council

Attest:

City Attorney:

Margaret Hefter, City Clerk

Reviewed 

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of Fond du Lac, Wisconsin, will conduct a Public Hearing at 6:00 PM, May 24, 2017 in the Legislative Chambers of the City-County Government Center, 160 South Macy Street, Fond du Lac, Wisconsin to amend the Comprehensive Plan for the City of Fond du Lac.

The Comprehensive Plan identifies where growth should occur and makes recommendations of future development in the City. The purpose of the proposed Amendment is to permit future commercial use of property currently designated for residential use. The proposed amendment to the land use plan is related to a request for rezoning submitted by BBL REAL ESTATE, LLC for land situated within the Scenic Ridge condominium plat. The affected property of the Rezone proposal and the Comprehensive Plan Amendment is identified as:

A part of Lot 1, Certified Survey Map No. 6117, Volume 41, Page 6, Certified Survey Maps, Fond du Lac County Register of Deeds Office as Document No. 718858 and a part of the Scenic Ridge Condominium, recorded in Volume 6, Pages 31-33, Condominium Plats, said Fond du Lac County Register of Deeds Office as Document No. 887473, all being a part of the Northwest ¼ of the Southeast ¼, Section 16, T.15N.-R.17E., City of Fond du Lac, Fond du Lac County, Wisconsin, and being more particularly described as follows:

Beginning at the Southwest corner of said Lot 1, thence North 00°-12'03" East along the West line of said Lot 1, 506.31 feet; thence South 72°-3.6'-39" East, 81.57 feet; thence South 42°-11'-42" East, 55.67 feet; thence South 01°-31'-54" West, 196.56 feet; thence South 87°-46'-12" East, 31.05 feet; thence South 88°-55'-59" East, 32.44 feet; thence North 58°-17'-50" East, 55.17 feet; thence North 79°-37'-47" East, 29.08 feet; thence South 58°-07'-50" East, 64.90 feet; thence South 51°-17'-03" East, 84.90 feet; thence 74°-51'-18" East, 109.10 feet; thence North 85°-32'-57" East, 143.74 feet; thence South 00°-24'-51" West, 184.52 feet; thence North 88°49'-57" West, 619.54 feet to the point of beginning and containing 3.773 acres (164,354 Sq. Ft.) of land more or less and being subject to all easements and restrictions of record.

For further information you are invited to contact the City of Fond du Lac Community Development Department at (920) 322-3440. A copy of the proposed Comprehensive Plan Amendment is on file in the office of the City Clerk and the Community Development Department.

All persons having an interest in the area are invited to participate in the hearing and express their opinions. Written communications will also be considered.

Published in accordance with Section 62.23, Wisconsin Statutes.

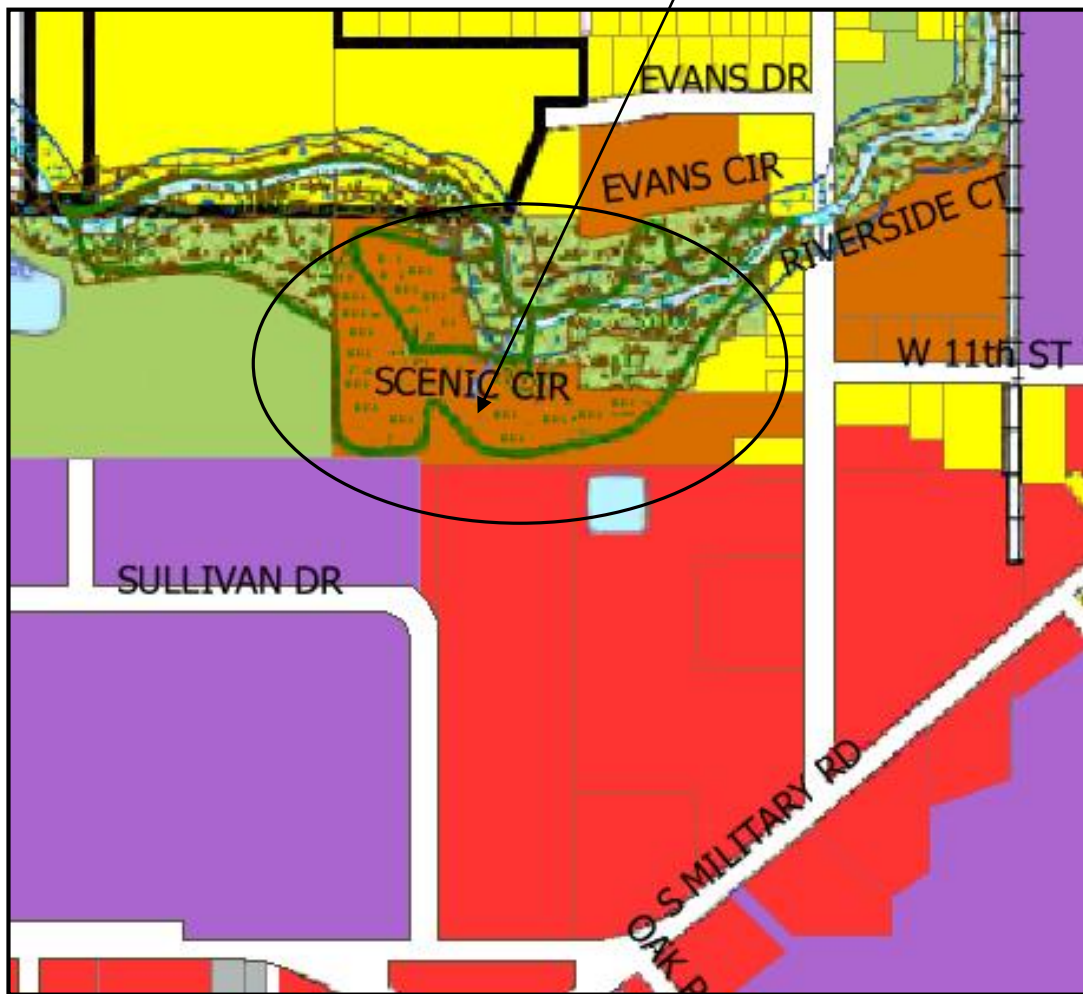
Dated this 1st day of May 2017

MARGARET HEFTER
City Clerk

Published: May 7, 2017

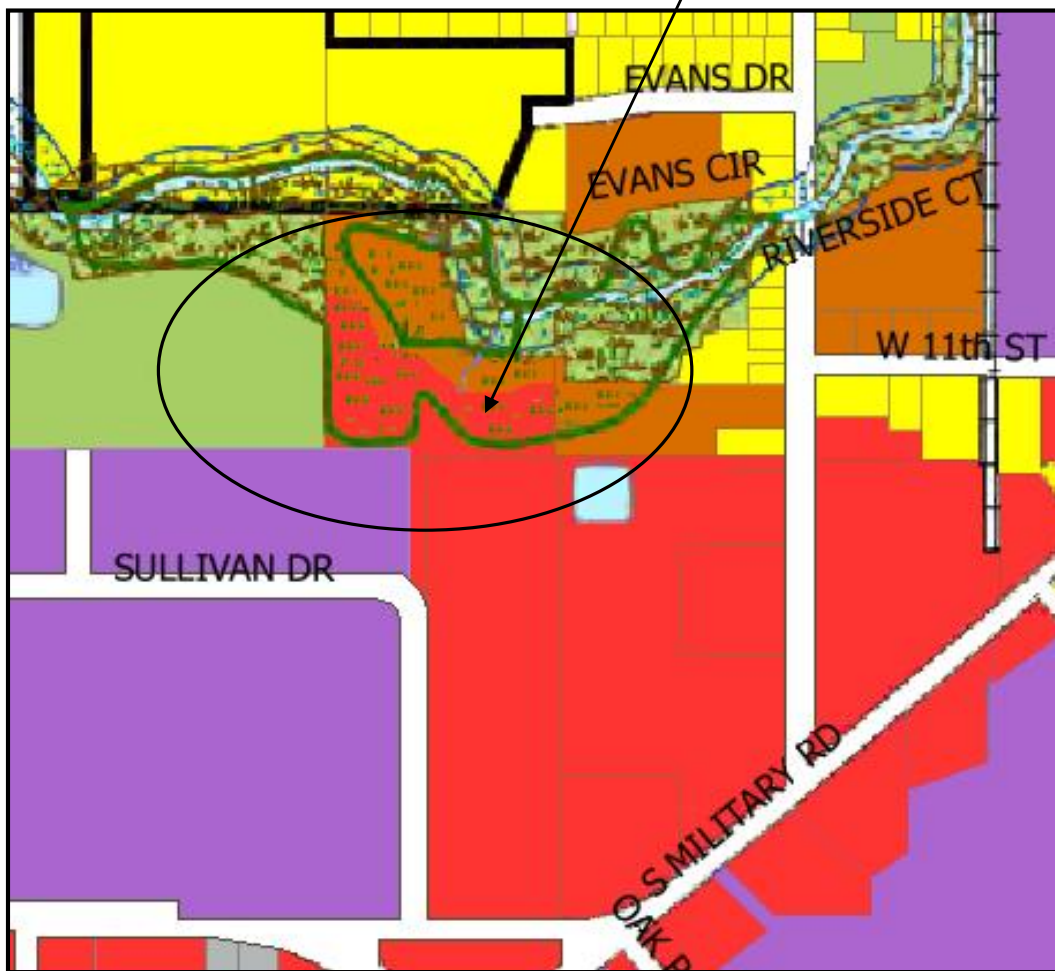
COMPREHENSIVE PLAN AMENDMENT NO. 6
LAND USE MAP – EXISTING

EXISTING LAND USE DESIGNATION: MULTIFAMILY



COMPREHENSIVE PLAN AMENDMENT NO. 6
LAND USE MAP – PROPOSED

PROPOSED LAND USE DESIGNATION: COMMERCIAL



CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: May 10, 2017

To: Plan Commission

From: Joellyn Dahlin, Principal Planner

Re: Comprehensive Plan Amendment No. 6 – Scenic Ridge

Applicant: BBL Real Estate LLC

Location: 0 S Seymour Street – Parcel 2 of Scenic Ridge Condominium Plat (FDL-15-17-16-42-285-00)

Request: Change comprehensive plan land use designation from *multifamily residential* to *commercial*.

Existing Land Use:

Site:	Scenic Ridge condominiums and undeveloped land reserved for future condominium development
North:	Fond du Lac River
South:	Mills Fleet Farm/Sullivan Industrial Park/Lenz Truck
East:	Scenic Ridge Condominium Homes (12 units)
West:	City Stormwater Ponds and Fill Site

Comprehensive Plan – Land Use

The Comprehensive Plan is an official tool adopted by the City Council that identifies where growth should occur and it makes recommendations of future development in the City. Modification of the land use plan is sometimes necessary due to the dynamics of development and growth. Changes to the Comprehensive Plan are most common when property is annexed to the City.

Wisconsin’s comprehensive planning legislation requires that actions taken for rezoning be consistent with the Comprehensive Plan. In other words, the *zoning* of a property must reflect the *use* of the property. The process for amending the Comprehensive Plan is the same process originally used for adoption of the Plan. The Plan Commission must make a recommendation to the City Council and the City Council takes the final action for approval.

The proposed change of zoning of the subject property conflicts with the land use designation for the property; therefore, a change to the Comprehensive Plan is necessary in order for the zoning to change. The Comprehensive Plan Amendment and the rezoning proposal will be considered as separate items on the May 15th Plan Commission meeting agenda.

Analysis

The Scenic Ridge condominium plat was recorded in 2007 and created two areas for potential development. Parcel 1 is 2.509 acres in size and developed with three 4-unit condominium dwellings pursuant to the condominium plat. Parcel 2 is 7.027 acres in size and is mostly undeveloped except for two unfinished residential buildings; the unfinished state of the buildings reflects a decision of the property owner to abandon the original development plan. *BBL Real Estate LLC* (on behalf of *Lenz Truck Center*) would like to purchase Parcel 2 to expand the business footprint of the truck dealership. A change of zoning is proposed, from R-4 (Multifamily Residential) to C-2 (General Business).

The Comprehensive Plan designates the subject property for multifamily use. The land use designation reflects the plan for development of the property when it was annexed in 2001. Although the property is located on the fringe of heavier commercial uses and light industrial uses, the site is near other residential uses.

A commercial land use designation for Parcel 2 would be required for rezoning of the property as proposed.

Recommendation

In considering a change of land use designation and a change of zoning, the proposed land use should be compatible with existing land uses and it should be a logical extension of similar uses in the area. The site was annexed, zoned and designated for residential use. Use of the undeveloped plat area is not without reasonable alternatives that do not require rezoning and a change of land use designation.

The Plan Commission's recommendation to the City Council for the proposed Comprehensive Plan Amendment should reflect the Plan Commission's recommendation for the proposed rezoning.

Reflective of the existing land uses and zoning of the area, and considering reasonable options for property use are available that do not require a change of zoning, Community Development staff has suggested the Plan Commission recommend to the City Council denial of the rezoning request. Community Development staff therefore suggests the Plan Commission recommend to the City Council denial of the Comprehensive Plan Amendment.

PUBLIC NOTIFICATION

Parcel Number	Site Address	Mailing Address 1	Mailing City	Mailing State	Mailing Zip
FDL-15-17-16-43-521-01	661 SULLIVAN DR	480 N PIONEER RD	FOND DU LAC	WI	54937
FDL-15-17-16-42-297-00	49 SCENIC CIR	49 SCENIC CIR	FOND DU LAC	WI	54935
FDL-15-17-16-43-508-02	536 S SEYMOUR ST	536 S SEYMOUR ST	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-32	594D EVANS DR	594D EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-22	584B EVANS DR	584B EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-34-751-00	695 SULLIVAN DR	W2742 KIEL RD	MALONE	WI	53049
FDL-15-17-16-42-279-00	0 S SEYMOUR ST	160 S MACY STREET	FOND DU LAC	WI	54936
FDL-15-17-16-42-285-01	0 S SEYMOUR ST	160 S MACY STREET	FOND DU LAC	WI	54936
FDL-15-17-16-31-249-00	751 SULLIVAN DR	160 S MACY STREET	FOND DU LAC	WI	54936
FDL-15-17-16-42-274-10	570B EVANS DR	570B EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-12	570D EVANS DR	570D EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-20	580D EVANS DR	580D EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-34-750-00	683 SULLIVAN DR	683 SULLIVAN DR	FOND DU LAC	WI	54937
FDL-15-17-16-42-274-29	594A EVANS DR	594A EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-09	570A EVANS DR	570A EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-14	576B EVANS DR	576B EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-18	580B EVANS DR	580B EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-16	576D EVANS DR	576D EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-31	594C EVANS DR	594C EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-273-00	600 EVANS DR	600 EVANS DR	FOND DU LAC	WI	54935
T09-15-17-16-14-001-00		600 EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-13	576A EVANS DR	576A EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-299-00	53 SCENIC CIR	53 SCENIC CIR	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-30	594B EVANS DR	594B EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-04	560D EVANS DR	560D EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-34-752-00	715 SULLIVAN DR	715 SULLIVAN DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-291-00	33 SCENIC CIR	33 SCENIC CIR	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-02	560B EVANS DR	560B EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-19	580C EVANS DR	580C EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-283-00	436 S SEYMOUR ST	N1638 CANARY LN	CAMPBELLSPORT	WI	53010
FDL-15-17-16-42-274-11	570C EVANS DR	570C EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-03	560C EVANS DR	560C EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-17	580A EVANS DR	580A EVANS DR	FOND DU LAC	WI	54935

Public Notification

FDL-15-17-16-43-519-00	629 ROGERSVILLE RD	PO BOX 1199	APPLETON	WI	54912
FDL-15-17-16-43-521-00	655 SULLIVAN DR	817 W MAIN ST	BROWNSVILLE	WI	53006
FDL-15-17-16-43-520-00	0 SULLIVAN DR	8020 EXCELSIOR DR SUITE 200	MADISON	WI	53717
FDL-15-17-16-42-274-15	576C EVANS DR	576C EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-21	584A EVANS DR	N5357 ORCHARD CT	LAMARTINE	WI	54937
FDL-15-17-16-42-274-07	566C EVANS DR	566C EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-285-00	0 S SEYMOUR ST	1989 PLEASANT VALLEY RD	GRAFTON	WI	53024
FDL-15-17-16-42-290-00	31 SCENIC CIR	31 SCENIC CIR	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-05	566A EVANS DR	566A EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-296-00	47 SCENIC CIR	47 SCENIC CIR	FOND DU LAC	WI	54935
FDL-15-17-16-42-300-00	55 SCENIC CIR	55 SCENIC CIR	FOND DU LAC	WI	54935
FDL-15-17-16-42-289-00	29 SCENIC CIR	29 SCENIC CIRCLE	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-23	584C EVANS DR	1452 S ELLSWORTH RD 2705	MESA	AZ	85209
FDL-15-17-16-42-274-08	566D EVANS DR	566D EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-06	566B EVANS DR	566B EVANS DR	FOND DU LAC	WI	54935
FDL-15-17-16-42-293-00	41 SCENIC CIR	41 SCENIC CIR	FOND DU LAC	WI	54935
T09-15-17-16-09-002-00	W6322 GROVE ST	W7221 COUNTY ROAD 000	FOND DU LAC	WI	54937
FDL-15-17-16-42-298-00	51 SCENIC CIR	51 SCENIC CIR	FOND DU LAC	WI	54935
FDL-15-17-16-42-292-00	35 SCENIC CIR	35 SCENIC CIR	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-01	560A EVANS DR	560A EVANS DR BLDG 1	FOND DU LAC	WI	54935
FDL-15-17-16-42-294-00	43 SCENIC CIR	43 SCENIC CIR	FOND DU LAC	WI	54935
FDL-15-17-16-42-295-00	45 SCENIC CIR	45 SCENIC CIR	FOND DU LAC	WI	54935
FDL-15-17-16-42-274-24	584D EVANS DR	584D EVANS DR	FOND DU LAC	WI	54935

PLAN COMMISSION MINUTES

May 15, 2017
5:30 PM

Meeting Room D
City-County Government Center

160 S Macy Street
Fond du Lac, Wisconsin

OPENING CEREMONIES

Attendance

Present

Hertha Longo
Dan Nielsen
Jordan Skiff
Derek Terbeest
Sarah Van Buren
David Washkoviak
Nicole Wiese

Absent

Stan Ramaker
Anne Pierce

Administrative Staff

Joellyn Dahlin, Principal Planner
Dyann Benson, Community Development Director

Declaration Quorum Present

Chairperson, David Washkoviak, declared a quorum present.

*****OTHER BUSINESS*****

ACTION

Comprehensive Plan Amendment

Effect: Change the Comprehensive Plan Land Use Designation of
Land Proposed for Rezoning

Location: West Lot of Scenic Ridge Condominium Plat (FDL-15-17-16-
52-285-00)

**Appeared in support of the Comprehensive Plan Amendment of the
West Lot of the Scenic Ridge Condominium Plan**

Steve Schowalter, Port Washington, WI
Felix Fudge, 658 16th St N, St Petersburg, FL

**Appeared in opposition of the Comprehensive Plan Amendment of the
West Lot of the Scenic Ridge Condominium Plan**

John Zorn, 749 Bragg St, Fond du Lac
Jane Dennis, 570 D Evans Dr, Fond du Lac

A Motion was made by Sarah Van Buren to recommend to the City Council, denial of the request to change the Comprehensive Plan Land Use Designation of Land Proposed for Rezoning for the West Lot of Scenic Ridge Condominium Plat and seconded by Hertha Longo, and the motion was **Passed**.

Ayes: Longo, Nielsen, Jr., Skiff, Van Buren, Washkoviak, Wiese

Nays: TerBeest

Absent: Pierce, Ramaker

*****OTHER BUSINESS*****

**CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN**

Title: Resolution No. 8677

Subject: A Resolution Approving McDermott Park Master Plan
Introduction: Director of Public Works

Initiator:

Recommendation: Park Board Recommendation: **Approve**

ATTACHMENTS:

File Name

8677_Res_Approving_McDermott_Park_Master_Plan.docx

Back_up_information_for_McDermott_Park.pdf

Excerpt_-_03-27-17_Park_Board.pdf

RESOLUTION NO. 8677

**A RESOLUTION APPROVING MCDERMOTT PARK
MASTER PLAN**

WHEREAS, at its March 27, 2017 meeting, the Advisory Park Board approved the Master Plan as presented by the Director of Public Works and illustrated by the site design created by Xue Xiong, and

WHEREAS, the Director of Public Works gave a presentation at the April 26, 2017 City Council Meeting on the proposed plan and solicited input from City Council and the public.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fond du Lac that Council endorses the concept of the Master Plan for McDermott Park as shown in the site design created by Xue Xiong and sponsored by the Friends of McDermott Park.

ADOPTED:

Karyn Merkel, President
Fond du Lac City Council

Attest:

Margaret Hefter, City Clerk

City Attorney:

Reviewed 

SITE DESIGN

Figure 7.00 – Site Plan





Figure 7.01 - Central Wharf Plaza

PROGRAM ELEMENTS

1 E. JOHNSON STREET UNDERPASS

This will link the proposed multi-purpose trail within McDermott Park to the FDL Loop from the north and provide a safe option for users to get to the park by avoiding vehicular traffic along E. Johnson Street.

2 OVERLOOK DECK

An outdoor space with terraced seating allows for individuals and groups to gather for educational and passive recreational purposes.

3 BIOSWALES

These features collect, slow down, and infiltrate stormwater into the ground. Plants are selected to remove toxins to increase the air and water quality throughout the park.

4 OPEN LAWN

Unprogrammed space provides a variety of activities for users of all ages to enjoy throughout the year. This space can be used as a softball field, ice rink, and or host events. A cistern is constructed along its east side which allows for water to be captured and stored and pumped to supply for irrigation uses as well as for the ice rink.

5 OAK GROVE PLAZA

The plaza with mature oaks create a year-round space for users to enjoy with scattered seating options and views across the park.



SECTION A-A' SCALE: 1/4" = 20'-0"

*Red dotted line represents existing elevation

Figure 7.02 - Section Cut A-A'

PROGRAM ELEMENTS

6

AMPHITHEATER

A gathering space for public events, group events and classes, classrooms, and or passive recreation. It is also a stormwater management mechanism with a level spreader constructed below to slowly infiltrate water runoff from the surrounding sites before reaching the creek. This space is ADA accessible and can hold up to 40 individuals.

7

LEISURE GARDEN

Located at the highest elevation of the park, this passive space is planted with select plants to provide year-round interest as well as an ecosystem hub to attract pollinators, birds, and butterflies into the area. There are multiple benches located throughout the garden to allow visitors to relax with different views of the entire park. This garden can resemble a botanical garden by including signage to educate visitors of the plants in this site.

8

EDUCATIONAL NODES

These signage elements display information of the park's history and wildlife habitats for visitors. These smaller passive spaces are located throughout the park.

9

MULTI-PURPOSE TRAIL

An 8 to 10 feet wide trail designed to link McDermott Park to its neighboring businesses, parks, and existing trails. This allows for users to walk, jog, bike, roller-blade, or use a non-motorized mode of transportation to navigate through the park although it can be used by emergency service vehicles as well as vehicles to transport equipment for events.

10

PASSIVE NODES

Similar to the educational nodes, these smaller spaces allow users to relax while on breaks or a quick walk in the park.



SECTION B-B' SCALE: 1/4" = 10'-0"

*Red dotted line represents existing elevation

Figure 7.04 - Section Cut B-B'

ADVISORY PARK BOARD MINUTES

March 27, 2017

5:30PM

Meeting Room D
City-County Government Center

160 S Macy Street
Fond du Lac, WI

ROLL CALL

Attendance

Present

Catherine Block
Jane Dennis
Deb Doll
Velesca Fleischman
John Kiefer
Shawn McCrary
John Piper
Renee Wagner

Absent

Doug Teletzke

Administrative Staff

John Redmond, Parks Superintendent
Jordan Skiff, Director of Public Works

Declaration Quorum Present

Chairperson John Piper declared a quorum present.

*****OTHER BUSINESS*****

ACTIONS

Consider McDermott Park Master Plan

Initiator: Friends of McDermott Park

Oliver Clements, representing Friends of McDermott Park, presented the McDermott Park Redevelopment plan in which he provided a brief history of the formation of Friends of McDermott Park and their vision for the park. Dr. Clements provided a brief overview of the redevelopment plan including a Johnson Street underpass, overlook deck, various gardens, trails, and educational areas.

A Motion was made by Shawn McCrary to to table until April and seconded by Velesca Fleischman, and the motion was **Failed**.

Ayes: Fleischman, McCrary

Nays: Block, Dennis, Doll, Kiefer, Piper III, Wagner

Absent: Teletzke

Consider McDermott Park Master Plan

A Motion was made by Catherine Block to recommend approval to City Council and seconded by Deborah Doll, and the motion was **Passed**.

Ayes: Block, Dennis, Doll, Kiefer, Piper III, Wagner

Nays: Fleischman, McCrary

Absent: Teletzke

*****OTHER BUSINESS*****

**CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN**

Title: Resolution No. 8678

Subject: A Resolution Granting A Special Use Permit To Patricia
Andrews Doing Business As Las Islas Allowing Amplified
Music At 119 S Main Street
Introduction: Community Development Director

Initiator:

Recommendation: Plan Commission Recommendation: **Approve**

ATTACHMENTS:

File Name

8678_SUP_Amplified_music_fka_Pockets.docx

SUP_Application.pdf

119_S_Main_-_Bldg_Photos.pdf

PC_Memo_-_SUP_Las_Islas.pdf

119_S_Main_-_Public_Notification.pdf

Excerpt_-_05-15-17_PC_Special_Use_Permit.pdf

RESOLUTION NO. 8678

A RESOLUTION GRANTING A SPECIAL USE PERMIT TO PATRICIA ANDREWS DOING BUSINESS AS LAS ISLAS ALLOWING AMPLIFIED MUSIC AT 119 S MAIN STREET

WHEREAS, Patricia Andrews d/b/a Las Islas has petitioned for a special use permit to allow indoor amplified music/sound as part of the business operations of a restaurant/bar located at 119 South Main Street next to residential living units; and

WHEREAS, City staff has reviewed the application and recommends approval of the request; and

WHEREAS, the City Plan Commission recommended the issuance of the requested special use permit at its meeting on May 15, 2017 with the following conditions:

1. An occupancy permit is required. A Certificate of Occupancy shall be issued by the Chief Building Inspector prior to the start of business operations.
2. Exterior doors, and interior doors that open into a common hallway, shall not be propped open and shall remain closed except for the normal exit/entry of persons.
3. Sound shall be muffled or controlled so as not to become objectionable due to volume, intermittence, duration, beat frequency, impulse character, periodic character or shrillness. No activity shall emit vibration that is discernible without instruments at or beyond the property line of the premises. The use of soundproofing and/or other measures to prevent sound and vibration intrusions to adjacent properties may be required.
4. The verification and documentation of a substantial number of complaints for amplified sound or other activity that intrudes upon the neighborhood shall constitute grounds for violation of the special use permit. Complaints shall be verified and documented with the Police Department and brought to the attention of the offending business owner/operator in writing. If the terms of the special use permit have

been violated, or if the use is substantially detrimental to persons or property in the neighborhood, the Plan Commission shall recommend to the City Council revocation of the special use permit.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fond du Lac that a special use permit subject to the conditions specified above be granted to allow indoor amplified music/sound as part of the business operations of a restaurant/bar located at 119 South Main Street which is located next to residential living units.

ADOPTED:

Karyn Merkel, President
Fond du Lac City Council

Attest:

City Attorney:

Margaret Hefter, City Clerk

Reviewed 

City of Fond du Lac

SPECIAL USE PERMIT

Application

PROPERTY LOCATION: 119 S Main Street

Tax Key Number (Vacant Land): FDL- - - - -

Project Applicant			
Name Patricia Andrews Patricia Andrews (d/b/a Las Islas)			
Mailing Address	City	State	ZIP Code
Email Address		Phone Number	
Landowner (Complete this information if the project applicant is not the property owner.)			
Name Ronald E. Boda			
Mailing Address	City	State	ZIP Code
Email Address		Phone Number	
Landowner Certification			
If the person requesting the special use permit is not the owner of the property affected by the proposal, the consent of the landowner is necessary. Refer to the LANDOWNER AUTHORIZATION form included with the special use permit application packet.			

Description of present use of property:

Former "Pockets" bar.

Description of proposed use of property and/or proposed site development:

"Las Islas" is an authentic Puerto Rican style restaurant; hours of operation Monday-Sunday 11:00 a.m. – 2:00 a.m.
The restaurant will provide food service until 10:00 p.m. The restaurant and bar will utilize amplified music: jukebox, DJ, live bands. Dance lessons will be part of the bar activities.

Time schedule for use and/or development of the property: May 1, 2017

PROJECT APPLICANT SIGNATURE

Executive Summary

Venture Description

Las Islas is an authentic Puerto Rican style restaurant providing both food and the environment. We are presenting an atmosphere of dining in Puerto Rico with the convenience of a locally located restaurant. The food will be prepared from recipes true to the Puerto Rican culture that have been handed down through the generations. Also, the bar will offer beverages customary to the Puerto Rican dining experience such as Liquors, Fruit Drinks, Sodas, etc.

In today's highly competitive environment, it is becoming increasingly difficult to differentiate one restaurant concept from another. Thus, La Islas offers an entire menu of authentic Puerto Rican style dishes without the confusion of choosing amongst other food cultures. We are also offering an entire drink menu of exclusive Puerto Rican Rums that are customary to the country. Both the restaurant and the bar will be designed to contemporary styles seen in modern Puerto Rico and the staff will also be dress in attire suitable for the atmosphere.

Facilities

Las Islas will be operating out of a restaurant facility with a room set up with tables and chairs for dining and a bar attachment set-up for waiting and entertainment. The restaurant bar will be designed around a Puerto Rican theme with plants and murals customary to the culture and music to compliment the atmosphere. The restaurant and the bar can accommodate what the capacity will exceed to.

Suppliers

We will set up a contract with the two main wholesalers who operate locally and also a few other wholesalers that are not local but are offering products that are difficult to find. Since we have a product that is unique, we have to form contracts that might be less stable than that of local and reputable suppliers.

Related Products/Services and Spin-offs

In the current restaurant industry, our Puerto Rican restaurant would be categorized as an ethnic style restaurant along with Chinese and Mexican style restaurants. Our main competitors would consist of the Mexican style restaurants, because their Spanish style would resemble the type of food that Las Islas will be offering. With family members native to Puerto Rico, that we will be consulting with on a regular bases, we can constantly update and circulate certain products that are offered to our customers.

LANDOWNER AUTHORIZATION

TO: City of Fond du Lac

Community Development Department

Re: SPECIAL USE PERMIT REQUEST

LOCATION: 119 S Main St. Fond du Lac

The undersigned BODA PARTNERSHIP LLC is the owner of property
NAME OF PROPERTY OWNER (PLEASE PRINT)

referenced above. The undersigned authorizes has ISLAS LLC

to sign and file a special use permit application that affects the referenced property.


SIGNATURE OF LAND OWNER OR AUTHORIZED AGENT

3/6/17
DATE



119 S. MAIN ST. FOND DU LAC WI

Former Pockets Bar - Downtown Fond du Lac



CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: April 7, 2017

To: Plan Commission

From: Joellyn Dahlin, Principal Planner

Re: Special Use Permit – **119 S Main Street**

Applicant: Patricia Andrews d/b/a *Las Islas*

Request: Use indoor amplified music/sound as part of the business operations of a restaurant/bar located next to residential living units.

Zoning:

Site:	C-1 (Central Business District)
North:	C-1
South:	C-1
East:	C-1
West:	C-1

Land Use:

Site:	Vacant Bar & Grill (Former <i>Pockets</i>)
North:	Vacant Commercial Building (Former <i>As You Wish</i>)
South:	<i>Reminiscence Antiques</i> /Second Floor Apartment
East:	Alley/2 nd Street Businesses
West:	<i>National Exchange Bank</i> / <i>The Wood Sampler</i> /Businesses

Analysis

The subject property is located on the east side of South Main Street just north of 2nd Street. The two-story building provides commercial space on the first floor and two apartments within the second floor area. The first floor of the building has accommodated several different bars in past years, the most recent of which was *Pockets*. A new tenant would like to continue the building's tradition of use as a bar and grill. Approval of a special use permit is requested to allow the use of amplified music as part of the business operations. An operational summary of the proposed establishment – *Las Islas* – is included with the special use permit request.

The petitioner describes *Las Islas* as an authentic Puerto Rican style restaurant. The business will operate Monday-Sunday, 11:00 a.m. to 2 a.m., with food service until 10 p.m. The business will utilize amplified music (jukebox, DJ, live bands); dance lessons are planned as part of the bar activities.

Taverns, bars and restaurants are permitted in the Downtown Business District. A special use permit is required when amplified music or sound is used as a regular part of the business operations if the property is located adjacent to residential living units. The subject property is situated adjacent to a building with a residential use on the second floor. By virtue of proximity, the neighboring apartment – and the second floor apartments on the second floor above *Las Islas* – could potentially be affected by the business's use of amplified music.

The purpose of a special use permit for amplified music or sound is to assure compatibility between a commercial use and a residential use, and specifically protect the livability of residential housing in the downtown. The requirement for a special use permit and the zoning code regulations for the use of amplified music or sound were implemented as the direct result of the effects of sound and vibration generated by a former downtown business.

To clearly state the expectation of land use compatibility, the zoning code provides operational criteria for a sound-generating establishment to protect nearby residential uses. To ensure a clear understanding of code requirements and expectations for the use of amplified music and sound, it would be appropriate to include the zoning code regulations as conditions of the special use permit approval.

Recommendation

Community Development staff suggests a motion to recommend to the City Council approval of the Special Use Permit, subject to the following conditions:

1. An occupancy permit is required. A Certificate of Occupancy shall be issued by the Chief Building Inspector prior to the start of business operations.
2. Exterior doors, and interior doors that open into a common hallway, shall not be propped open and shall remain closed except for the normal exit/entry of persons.
3. Sound shall be muffled or controlled so as not to become objectionable due to volume, intermittence, duration, beat frequency, impulse character, periodic character or shrillness. No activity shall emit vibration that is discernible without instruments at or beyond the property line of the premises. The use of soundproofing and/or other measures to prevent sound and vibration intrusions to adjacent properties may be required.
4. The verification and documentation of a substantial number of complaints for amplified sound or other activity that intrudes upon the neighborhood shall constitute grounds for violation of the special use permit. Complaints shall be verified and documented with the Police Department and brought to the attention of the offending business owner/operator in writing. If the terms of the special use permit have been violated, or if the use is substantially detrimental to persons or property in the neighborhood, the Plan Commission shall recommend to the City Council revocation of the special use permit.

Parcel Number	Site Address	Mailing Address 1	Mailing City	Mailing State	Mailing Zip
FDL-15-17-15-12-268-00	113 S MAIN ST	115 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-15-11-023-00	13 E 1ST ST	PO BOX 1363	FOND DU LAC	WI	54936
FDL-15-17-15-12-310-00	88 S MAIN ST	W3895 SCHUSTER DR	WEST BEND	WI	53095
FDL-15-17-15-12-309-00	94 S MAIN ST	94 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-15-11-051-00	11 E 2ND ST	28 4TH ST	FOND DU LAC	WI	54935
FDL-15-17-15-11-052-00	15 E 2ND ST	28 4TH ST	FOND DU LAC	WI	54935
FDL-15-17-15-12-271-00	119 S MAIN ST	440 SATTERLEE ST	FOND DU LAC	WI	54935
FDL-15-17-15-12-303-00	116 S MAIN ST	116 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-15-12-302-00	118 S MAIN ST	118 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-15-12-301-00	120 S MAIN ST	116 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-15-12-307-00	106 S MAIN ST	W2697 GOLF COURSE DR	MT CALVARY	WI	53057
FDL-15-17-15-12-308-00	17 W 2ND ST	PO BOX 150	FOND DU LAC	WI	54936
FDL-15-17-15-11-079-00	40 E 2ND ST	160 S MACY ST	FOND DU LAC	WI	54936
FDL-15-17-15-11-080-00	30 E 2ND ST	160 S MACY ST	FOND DU LAC	WI	54936
FDL-15-17-15-11-081-00	26 E 2ND ST	160 S MACY ST	FOND DU LAC	WI	54936
FDL-15-17-15-11-082-00	18 E 2ND ST	160 S MACY ST	FOND DU LAC	WI	54936
FDL-15-17-15-11-055-00	33 E 2ND ST	160 S MACY ST	FOND DU LAC	WI	54936
FDL-15-17-15-11-050-00	16 E 1ST ST	160 S MACY ST	FOND DU LAC	WI	54936
FDL-15-17-15-12-305-00	110 S MAIN ST	W4330 ARTESIAN RD	FOND DU LAC	WI	54937
FDL-15-17-15-12-263-00	103 S MAIN ST	34 ROBERTS CT	FOND DU LAC	WI	54935
FDL-15-17-15-12-264-00	105 S MAIN ST	105 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-15-11-026-00	51 E 1ST ST	51 E 1ST ST	FOND DU LAC	WI	54935
FDL-15-17-15-12-274-00	9 E 2ND ST	PO BOX 310	FOND DU LAC	WI	54936
FDL-15-17-15-11-053-00	17 E 2ND ST	300 GERTRUDE AVE	FOND DU LAC	WI	54935
FDL-15-17-15-11-054-00	21 E 2ND ST	300 GERTRUDE AVE	FOND DU LAC	WI	54935
FDL-15-17-15-12-275-00	131 S MAIN ST	6044 STATE ROAD 144	WEST BEND	WI	53095
FDL-15-17-15-11-025-00	19 E 1ST ST	PO BOX 843	FOND DU LAC	WI	54936
FDL-15-17-15-11-088-00	25 3RD ST	PO BOX 843	FOND DU LAC	WI	54936
FDL-15-17-15-11-085-00	0 3RD ST	130 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-15-12-275-01	137 S MAIN ST	130 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-15-12-279-00	143 S MAIN ST	130 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-15-12-299-00	130 S MAIN ST	130 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-15-12-300-00	1 W 2ND ST	130 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-15-12-259-00	87 S MAIN ST	91 S. MAIN ST.	FOND DU LAC	WI	54935
FDL-15-17-15-12-261-00	91 S MAIN ST	91 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-15-12-267-00	111 S MAIN ST	12 STONE CASTLE DR	FOND DU LAC	WI	54935
FDL-15-17-15-11-087-01	19 3RD ST	19 3RD ST	FOND DU LAC	WI	54935
FDL-15-17-15-11-083-00	16 E 2ND ST	65 SUNSET CIR	FOND DU LAC	WI	54935
FDL-15-17-15-11-084-00	14 E 2ND ST	65 SUNSET CIR	FOND DU LAC	WI	54935
FDL-15-17-15-12-262-00	101 S MAIN ST	101 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-15-12-273-00	123 S MAIN ST	PO BOX 587	FOND DU LAC	WI	54936
FDL-15-17-15-11-056-00	54 E 1ST ST	50 E 1ST ST	FOND DU LAC	WI	54935
FDL-15-17-15-11-049-00	40 E 1ST ST	427 N MAIN ST	OSHKOSH	WI	54901
FDL-15-17-15-11-086-00	15 3RD ST	15 3RD ST	FOND DU LAC	WI	54935
FDL-15-17-15-12-266-00	109 S MAIN ST	PO BOX 1151	FOND DU LAC	WI	54936
FDL-15-17-15-12-265-00	107 S MAIN ST	516 MORSE ST	WAUPUN	WI	53963
FDL-15-17-15-12-304-00	114 S MAIN ST	15200 BRIARIDGE CT.	ELM GROVE	WI	53123

PLAN COMMISSION MINUTES

May 15, 2017

5:30 PM

Meeting Room D
City-County Government Center

160 S Macy Street
Fond du Lac, Wisconsin

OPENING CEREMONIES

Attendance

Present

Hertha Longo
Dan Nielsen
Jordan Skiff
Derek Terbeest
Sarah Van Buren
David Washkoviak
Nicole Wiese

Absent

Stan Ramaker
Anne Pierce

Administrative Staff

Joellyn Dahlin, Principal Planner
Dyann Benson, Community Development Director

Declaration Quorum Present

Chairperson, David Washkoviak, declared a quorum present.

*****OTHER BUSINESS*****

ACTION

Special Use Permit

Proposal: Use indoor amplified music as part of the
business operations of a bar and grill. Location: 119 S
Main Street

Initiator: Patricia Andrews d/b/a Las Islas

Spoke in support of the Special Use Permit at 119 S Main St

Joseph Paasch, 7 E 2nd St, Fond du Lac
Ron Boda, 440 Satterlee St, Fond du Lac
Patricia Andrews, 475 W Scott St, Fond du Lac

Spoke in regards to the Special Use Permit at 119 S Main St

Rita Manthey, 123 S Main St, Fond du Lac
Brad Manthey, 123 S Main St, Fond du Lac

A Motion was made by Nicole Wiese to recommend to the City
Council, approval of a Special Use Permit to use indoor amplified

sound as part of the business operations of a bar and grill at 119
S Main Street and seconded by Sarah Van Buren, and the motion was
Passed.

Ayes: Longo, Nielsen, Jr., Skiff, TerBeest, Van Buren, Washkoviak,
Wiese

Absent: Pierce, Ramaker

*****OTHER BUSINESS*****

**CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN**

Title: Resolution No. 8679

Subject: A Resolution Authorizing The Submission Of A Wisconsin
Economic Development Corporation (WEDC) Community
Development Investment Grant Application For The
Redevelopment Of The Retlaw Hotel
Introduction: Community Development Director

Initiator: Community Development Director

Recommendation:

ATTACHMENTS:

File Name

8679_WEDC_CDIG_Resolution05.24.17.pdf

CC_Memo_-_CDI_Grant.doc

RESOLUTION NO. 8679

A RESOLUTION AUTHORIZING THE SUBMISSION OF A WISCONSIN ECONOMIC DEVELOPMENT CORPORATION (WEDC) COMMUNITY DEVELOPMENT INVESTMENT GRANT APPLICATION FOR THE REDEVELOPMENT OF THE RETLAW HOTEL PROPERTY

WHEREAS, the Wisconsin Economic Development Corporation (WEDC) accepts applications for the Community Development Investment Grant Program (CIP) to assist with funding of redevelopment efforts within downtown districts; and

WHEREAS, the applicant for a CIP grant must be a unit of local government, even though such grants may be used to assist a privately owned business; and

WHEREAS, Hotel Retlaw, LLC has proposed redevelopment of the Retlaw Hotel into a full-service independent hotel that provides affordable luxury with modern amenities, restaurant, and event meeting space; and

WHEREAS, the proposed redevelopment will rehabilitate and reuse a historic downtown building that will further support the quality of life and economic health of Main Street; and

WHEREAS, without the grant assistance, the City of Fond du Lac cannot help facilitate the redevelopment of the property.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Fond du Lac that the Council hereby authorizes the submission of an application to the Wisconsin Economic Development Corporation and authority is granted to the proper City Officials to take the necessary steps to prepare and file the appropriate application for funds under this program in accordance with this resolution and that they are hereby authorized to sign all necessary documents on behalf of the City of Fond du Lac.

ADOPTED:

Karyn Merkel, President
Fond du Lac City Council

Attest:

Margaret Hefter, City Clerk

Reviewed 

CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: May 18, 2017

To: Joe Moore, City Manager

From: Dyann Benson, Community Development Director

Re: Community Development Investment Grant – Application

The Retlaw Hotel is being redeveloped into a full-service independent hotel that provides affordable luxury with modern amenities, restaurant, and event meeting space. Representatives of Hotel Retlaw, LLC and Legendary Hospitality, LLC, Steve Frantz and Dennis Doucette, have previously presented their plans and vision for the redeveloped hotel with Council.

In order to help facilitate the project, the City will be applying for a Community Development Investment (CDI) grant through the Wisconsin Economic Development Corporation (WEDC). The CDI grant program provides funding to projects that create a significant, positive impact in downtown areas. The City will be applying for a \$250,000 CDI grant, the maximum grant amount available under the program, to support the approximate \$14 million renovation (construction costs only).

The City serves as the recipient of the grant funds and it is a reimbursement grant. The developer, Hotel Retlaw, LLC, incurs all of the costs related to the construction. Upon completion of the construction and submittal of the appropriate documents, the City will seek a reimbursement of the developer's costs. When the City receives the \$250,000 reimbursement, the funds are then paid to Hotel Retlaw, LLC.

In order to apply for the grant, WEDC requires a resolution by the governing body authorizing the appropriate staff to submit the application for the project and execute any required documents that result from the grant award.

Staff is requesting approval and authorization to submit the WEDC CDI grant application on behalf of the Retlaw Hotel project.

**CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN**

Title: Resolution No. 8680

Subject: A Resolution Authorizing Waiving The Prohibition Against
Possession Of Alcoholic Beverages On Specified Public
Ways For Art All Around - June 2, 2017
Introduction: City Clerk

Initiator:

Recommendation:

ATTACHMENTS:

File Name

8680_Art_All_Around_2017.pdf

ART_ALL_AROUND_(2).pdf

RESOLUTION NO. 8680

A RESOLUTION AUTHORIZING WAIVING THE PROHIBITION AGAINST POSSESSION OF ALCOHOLIC BEVERAGES ON SPECIFIED PUBLIC WAYS FOR ART ALL AROUND - JUNE 2, 2017

WHEREAS, the Convention and Visitor's Bureau is planning an event called "Art All Around" to be held downtown Fond du Lac; and

WHEREAS, the Convention and Visitor's Bureau would like to close the alley between the Coliseum and Trista Holz Studios as shown on the attachment and serve alcohol between the hours of 5:00 p.m. to 8:00 p.m.;

WHEREAS, Section 400-15, of the Code of the City of Fond du Lac, Wisconsin, allows the City Council to waive the prohibition against public consumption, as described herein between the hours of 5:00 p.m. to 8:00 p.m.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fond du Lac that it is in the interest of the City to authorize, in accordance with Code Section 400-15., prohibition against public consumption in the area described above and properly barricaded between the hours of 5:00 p.m. to 8:00 p.m.

BE IT FURTHER RESOLVED that notwithstanding anything in this Resolution, no glass containers or carry-ins are permitted in the barricaded areas shown on the diagrams, meaning that the prohibition contained in Code Section 400-15., shall continue to apply to glass containers and carry-ins.

BE IT FURTHER RESOLVED that proper City officials and/or City staff are hereby authorized and directed to take any necessary actions in furtherance hereof and in support of such events.

ADOPTED:

Karyn Merkel, President
Fond du Lac City Council

Attest:

City Attorney:

Reviewed 

Margaret Hefter, City Clerk

To: Fond du Lac City Council
From: Pete Wilke, Director of Festivals & Special Events
Date: May 19, 2017
Re: Open Intoxicants Waiver for June 2, 2017

The Fond du Lac Convention & Visitors Bureau (CVB) is requesting a Waiver of the Open Intoxicants Ordinance for the date of June 2, 2017 for the Art All Around Gallery Night Event. The event runs from 5 p.m. to 8 p.m. and we request the Waiver cover the time the event is active.

For the event, the alley between Coliseum Sports Bar and Trista Holz Studios will be closed. This area will serve as the event space. The CVB requests the Waiver cover this event area.

The CVB thanks the City and the Council for their time in this matter.

CITY OF FOND DU LAC SPECIAL EVENT APPLICATION

SECTION 1 – Organization Information				Print Clearly	
Name of Organization <u>Fond du Lac Convention and Visitors Bureau</u>					
Street Address <u>171 S. Pioneer Road</u>		City <u>Fond du Lac</u>		State <u>WI</u>	Zip <u>54935</u>
Telephone Number <u>920-923-3010</u>			Are you a 501(c)3 Organization? <u>501(c)6</u>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Individual Organizing the Event (Contact person) <u>Peter Wilke</u>			THIS INFORMATION MUST BE PROVIDED		
Address <u>171 S. Pioneer Road</u>		City <u>Fond du Lac</u>		State <u>WI</u>	Zip <u>54935</u>
Date of Birth <u>06/07/1981</u>		Event Day Telephone Number <u>920-238-1282</u>			
Email <u>pwilke@fdl.com</u>		Telephone Number <u>920-923-3010</u>			

SECTION 2 – EVENT INFORMATION – Answer all questions completely.				
Please PRINT clearly				
Name of Event <u>Art All Around Gallery Night</u>	Date(s) of Event <u>June 2</u>	Time event will start and end: <i>Please specify AM or PM</i> <u>June 2nd 5pm-8pm</u>	Actual Start Time: <u>5pm</u>	Finish Time: <u>8pm</u>
LOCATION OF THE EVENT: <u>Multiple Locations (See additional pages)</u> <i>You MUST attach a detailed map or diagram of your event indicating the specific location, layout of your event, the direction of the route, including all turns and the number of traffic lanes to be used.)</i>				
Generally describe your event and its purpose: <u>Art All Around Gallery Night is an opportunity to showcase the galleries in Fond du Lac's Downtown District. It is also an opportunity to raise awareness for other Art events in the area (Art on the Farm, Art on the Island)</u>				
What is the estimated attendance at your event? <u>1,000 - 2,000</u>	Number of observers? <u>same</u>	Number of vendors? <u>None</u> <u>7 "Buskers"</u>	Number of vehicles? <u>None</u>	

CITY OF FOND DU LAC SPECIAL EVENT APPLICATION

SECTION 3 – ADDITIONAL INFORMATION. IT IS THE RESPONSIBILITY OF THE EVENT ORGANIZER TO MAKE THE APPROPRIATE CONTACT WITH THE DEPARTMENT COORDINATORS LISTED BELOW.

HEALTH DEPARTMENT – If you answer Yes to any question in this SECTION, you are required to contact the Fond du Lac County Health Department (920-929-3085) for additional permits or approvals.

	No	Yes	Action to be taken:
Will food be prepared and/or served at the event?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	A permit to sell/serve must be obtained
Who will be preparing the food?			
Will portable restrooms be used?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

FIRE DEPARTMENT – If you answer Yes to any question in this SECTION, you are required to contact the City of Fond du Lac Fire Department (920-322-3807) for additional permits, requirements and necessary approvals.

	No	Yes	Action to be taken:
Do you have a plan in place to deal with any medical emergencies that may occur during your event? <u>(Include a summary of medical plan for your event)</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Assistant Chief of Emergency Medical Services shall approve event's emergency medical plan (920-322-3839)
Will the event be held indoors? <u>Indoors and outdoors</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	If Yes, what building (Provide street address)
Will a tent or any other temporary structure be erected?	<input type="checkbox"/>	<input type="checkbox"/>	Structure plans must be reviewed
Will the tent be larger than 200 square feet?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	A tent permit is required
Will any fireworks or pyrotechnic devices be used during the event?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The Fire Department will assist you with obtaining the proper permit.

STREET CLOSURES – If you answer Yes to any question in this SECTION, you are required to contact the City of Fond du Lac Director of Public Works (920-322-3472) and the Chief of Police (920-322-3706) for review and approval of the street closure(s). Fire Department requires 20-foot lane for emergency purposes.

NOTE: Dumpsters and barricading of streets and portable toilets will NOT be provided by the City. You will be responsible to contract these services with an outside provider.

	No	Yes	Action to be taken:
Has your street closure request been approved? <u>not needed</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Your barricading contract provider will be required to submit a Traffic Plan.
Are you requesting any special parking restrictions?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Please contact the City of Fond du Lac Chief of Police to discuss this request (920-322-3706)

PARKS DEPARTMENT – You are required to contact the Parks Department (920-322-3460) to obtain park capacities and rules and for additional permits which may be needed.

	No	Yes	Action to be taken:
Will the event be held in a City of Fond du Lac park or utilize any park facilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Which park? <u>Berger County and</u>
Have you reserved the park or pavilion for this purpose?	<input type="checkbox"/>	<input type="checkbox"/>	If No, immediately contact Central Services at (920-322-3460)

SECURITY AND CONTROL SECTION – If you answer Yes to any question in this SECTION, you are required to contact the TELEPHONE NUMBER LISTED for additional permits or approvals.

	No	Yes	Action to be taken:
Is security needed for this event?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The City of Fond du Lac Chief of Police will assist you with defining your safety/security needs (920-322-3706)
Will alcoholic beverages be served/sold? If yes, wristbands are required to identify people who are 21 and older.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contact the Office of the City Clerk to obtain a "Special Class B" license to allow you to sell/serve beer and/or wine (920-322-3430)
Will you be having a band or amplified music?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contact City Clerk (920.322-3430) <u>permits obtained</u>
Do you have the correct level of insurance for your special event? (Your permit will not be issued without Insurance Cert.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contact the City Clerk's Office (920-322-3430)

CITY OF FOND DU LAC SPECIAL EVENT APPLICATION

SECTION 4 – LEGAL NOTICE

I understand the filing of this application does not ensure the issuance of this permit. I also understand that all Special Event organizers and participants must comply with all applicable city ordinances, traffic rules, park rules, state health laws, fire codes and liquor licensing regulations. Fees for park facilities, food sales permits, tent and fireworks permits are in addition to the fees submitted for the Special Events Application. I further understand that an incomplete application may be cause for denial of the event.

HOLD HARMLESS INDEMNIFICATION AND DEFENSE.

FOR GOOD AND VALUABLE CONSIDERATION THE APPLICANT AND/OR THE ORGANIZATION AGREES TO INDEMNIFY, DEFEND AND HOLD HARMLESS THE CITY OF FOND DU LAC AND ITS OFFICERS, OFFICIALS, EMPLOYEES AND AGENTS FROM AND AGAINST ANY AND ALL LIABILITY, LOSS, DAMAGE, EXPENSES, COSTS, INCLUDING ATTORNEY FEES ARISING OUT OF THE ACTIVITIES PERFORMED AS DESCRIBED HEREIN, CAUSED IN WHOLE OR IN PART BY ANY NEGLIGENT ACT OR OMISSION OF THE APPLICANT/ORGANIZATION, ANYONE DIRECTLY OR INDIRECTLY EMPLOYED BY ANY OF THEM OR ANYONE WHOSE ACTS ANY OF THEM MAY BE LIABLE, EXCEPT WHERE CAUSED BY THE SOLE NEGLIGENCE OR WILLFUL MISCONDUCT OF THE CITY.

I agree to pay the costs of City services that shall be provided. The costs may include expense from the Police and Fire Department, Public Works Department and any other City agencies that provide service to the event. I understand that I will be given an itemized bill.

Signature of Applicant: _____

[Handwritten Signature]

The City of Fond du Lac will utilize recognized practices of Incident Management Systems which is more commonly known as N.I.M.S. or National Incident Management System. Under the Unified Command model, City Police and Fire Chief's will determine what event(s) would require a unified command presence. In those cases where a Unified Command is dictated, a centralized command post will be determined and communicated to those agencies affected by the special event. The incident commander (IC) will have the authority to suspend, postpone or cancel any special event due to circumstances which cause a concern to public safety.

Submit Application to:
Office of the City Clerk
160 South Macy Street
Fond du Lac WI 54935
920-322-3430

Transit

✓

Lynn G.

FOR OFFICE USE ONLY

Department	Approve	Deny	By	Reason
FIRE	✓		Todd J.	
HEALTH				
INSPECTION				
PARKS & REC				
POLICE				
PUBLIC WORKS				
COMMUNITY DEVELOPMENT				
GIS	Map prepared:			
INSURANCE				

Date permit issued ____/____/____

Notes:

Peter Wilke

To: Fond du Lac City Clerk
Subject: Request for Amplified Music

To: Fond du Lac City Clerk

From: Peter Wilke
Fond du Lac Visitors Bureau
171 S. Pioneer Road

Date: May 16th, 2017

Re: Request for Amplified Music during Art All Around Event (Friday, June 2nd)
Attachment to: Application for Loud Speaker Permit

This request is to allow for amplified music on the date of Friday, June 2nd between the times of 5:00 PM and 8:00 PM. This is for the purpose of promoting the downtown Art Galleries during the Art All Around Gallery Night event. The locations of the amplified music will be as follows:

1. Gallery & Frame Shop 94 S. Main Street
2. Macy Place 82 S. Macy Street
3. Riverwalk Art Center 33 W. 2nd Street
4. Trista Holz Studios 13 E. 1st Street
5. Ubuntu Art Space 52 E. Division Street
6. Downtown Deli to Go 74 S. Main Street
7. Main Street Plaza 30 S. Main Street

One or two person acts will be playing musical instruments and some have requested to be plugged in, so therefore I am submitting this request. Clear walking paths on main sidewalks will be maintained by our event organizers during the event hours.

The Fond du Lac Visitors Bureau thanks the City and the Council for their time in this matter. Please let me know if there are any questions in this matter.

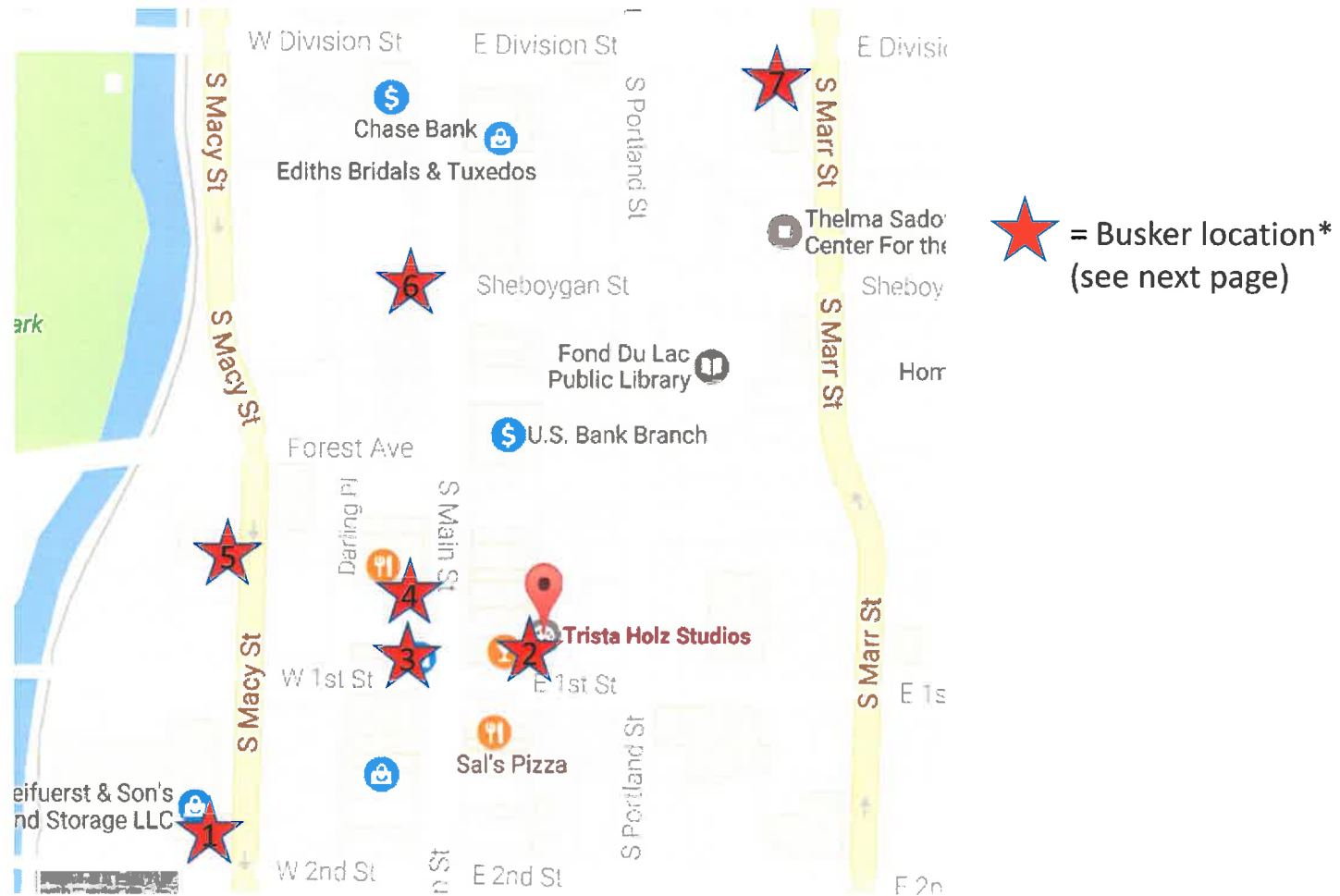
Pete Wilke | Director of Festivals and Events
Fond du Lac Area Convention & Visitors Bureau
171 South Pioneer Road
Fond du Lac, Wisconsin 54935
P: 920.923.3010 | 800.937.9123
C: 920.238.1282 | F: 920.929.6846
www.fdl.com



Art All Around Gallery Night

- Galleries will be having an open house at each of their locations from 5 – 8pm. They will be having art demonstrations or exhibits
- The Fond du Lac Convention & Visitors Bureau will be hiring musicians to be playing in front or adjacent to these galleries and a couple other businesses. All street musicians will be instructed to keep equipment off and themselves stay off the main walking sidewalk. Locations shown in following pages.

Art All Around Gallery Night – Friday, June 2nd (5pm – 8pm)



Art All Around Gallery Night – Friday, June 2nd (5pm – 8pm)

Star #	Location	Address
1	Riverwalk Art Center (inlet off sidewalk, near entrance to bldg.)	33 W. 2 nd Street
2	Trista Holz Studios (alleyway between Coliseum & Studio)	13 E. 1 st Street
3	Gallery & Frame Shop (inlet off sidewalk, near entrance to bldg.)	94 S. Main Street
4	Downtown Deli to Go (outside south entrance, Berger courtyard)	74 S. Main Street
5	Macy Place (inlet off sidewalk, near entrance to bldg.)	82 S. Macy Street
6	Main Street Plaza (Across from Lillian's, plaza area)	30 S. Main Street
7	Ubuntu Art Space (inlet off sidewalk, east of entrance)	52 E. Division Street

Emergency Medical Plan

- In the event of a medical or fire emergency, authorities (9-1-1) will be called by the location host (gallery owner/manager)
- Location host will notify Event Manager
 - Event Manager: Pete Wilke 920-238-1282

Alley for Art All Around - 6.2.17



May 19, 2017

