

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

August 23, 2017  
6:00 PM

**1. CALL TO ORDER**

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

**2. PUBLIC HEARINGS**

- a. FY2017 Justice Assistance Grant (JAG) Program

**3. CONSENT AGENDA**

- a. List Of Claims Dated August 15, 2017
- b. August 9, 2017 Regular Council Minutes

**4. INPUT**

- a. Audience Comments
- b. Presentation Of Comprehensive Annual Financial Report (CAFR)  
Presented By: Tom Karman, Vice President, Schenck SC
- c. Debt Issues -- 2017B Go Refunding Bonds Debt Issue  
Preliminary Interest Rates and Debt Repayment Schedules  
Presented By: Paul Thompson, Senior Vice President, Hutchinson,  
Shockey, Erley & Co.
- d. Community Development 2018 Budget Update  
Presented By: Community Development Director

**5. ACTIONS**

- a. Resolution No. 8691  
A Resolution Naming Authorized Representative To File Applications  
For Financial Assistance From State Of Wisconsin Environmental  
Improvement Fund  
Introduction: Director of Administration
- b. Resolution No. 8692  
A Resolution Declaring Official Intent To Reimburse Expenditures  
From Proceeds Of Borrowing  
Introduction: Director of Administration
- c. Resolution No. 8694  
A Resolution Making Appointments To The Downtown Architectural  
Review Board, Art Board and Library Board

Introduction: City Manager

d. Resolution No. 8695

A Resolution Reviewing and Approving Grant Application From The Edward Byrne Memorial Justice Assistance Grant (JAG) Program

Introduction: Assistant Chief of Police, Steve Thiry

e. Resolution No. 8696

A Resolution Granting A Special Use Permit To Joe Ziegler To Allow Residential Development On Vacant Land At 1212 Ducharme Parkway

Introduction: Community Development Director

f. Resolution No. 8697

A Resolution Authorizing The Use Of Public Streets And Waiving The Prohibition Against Possession Of Alcoholic Beverages On Public Ways For An Additional Outdoor Concert At The Thelma On August 31, 2017

Introduction: City Clerk

**6. ADJOURN**

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

Title: FY2017 Justice Assistance Grant (JAG) Program

Subject:

Initiator:

Recommendation:

**ATTACHMENTS:**

File Name

2017\_Public\_Hearing\_Notice.pdf

## **LEGAL NOTICE**

“Public Hearing”

August 23, 2017

### **FY2017 Justice Assistance Grant (JAG) Program**

The Fond du Lac Police Department has been notified by the Bureau of Justice Assistance that it is eligible to receive \$13,850 in funding for local law enforcement needs. The department is requesting to use the funds to purchase the following:

- (1) Evidence freezer
- (1) Evidence refrigerator

There will be a public hearing on this matter during the City Council meeting on August 23, 2017 at 6:00pm.

CITY OF FOND DU LAC POLICE DEPARTMENT

William Lamb, Chief of Police

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

Title: List Of Claims Dated August 15, 2017

Subject: List Of Claims Dated August 15, 2017

Initiator:

Recommendation:

**ATTACHMENTS:**

File Name

List\_of\_Claims\_8-15-17.pdf

# ***CITY OF FOND DU LAC - Memorandum***

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## **Department of Administration**

**Date:** August 15, 2017

**To:** City Council

**From:** Tracy Salter, Director of Administration

**Re:** List of Claims

The list of claims for goods and services for the payment periods July 29, 2017 through August 11, 2017 for all funds total \$1,259,559.28. 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: August 9, 2017 Regular Council Minutes

Subject: August 9, 2017 Regular Council Minutes

Initiator:

Recommendation:

**ATTACHMENTS:**

File Name

Minutes\_2017\_8\_9\_Meeting(360).pdf

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

Legislative Chambers  
160 S Macy Street

August 9, 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  
Dyann Benson, Dir of Comm Dev  
Tracy Salter, Dir of Admin  
Deb Hoffmann, City Attorney  
Jordan Skiff, Dir of Public Works  
Paul De Vries, City Engineer  
Autumn Fisher, WCTS Operations Mgr  
Pete Hartz, Water Operations Mgr  
John Redmond, Park Superintendent  
Richard Flynn, Operations Director  
Ray Dilts, Fleet Manager  
Jon Mark Bolthouse, Library Director  
Bill Lamb, Chief of Police  
Peter O'Leary, Fire Chief  
Cathy Loomans, Senior Center 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.

A Proclamation Recognizing September As Senior Center Month



President Merkel issued a proclamation designating September as Senior Center Month and encouraged all citizens to recognize the special contributions of the Fond du Lac Senior Center, the Friends of the Fond du Lac Senior Center, and the staff and volunteers who work to enhance the well-being of the seniors in our community.

## **CONSENT AGENDA**

July 26, 2017 Regular Council Minutes

List Of Claims Dated August 2, 2017

A Motion was made by Greg Giles to approve the Consent Agenda and seconded by Catherine Block, and the motion was **Passed**.  
Ayes: Block, Giles, Kolstad, Lorrigan, Merkel, Miller, TerBeest

## **INPUT**

Audience Comments

### **Spoke in support of Downtown Fond du Lac Partnership Update**

Craig Molitor, 295 Woodward Ave, Fond du Lac, WI

### **Spoke to thank volunteers of the Greenway Arboretum**

Laura DeGolier, 289 14th St, Fond du Lac, WI

Downtown Fond du Lac Partnership Update

Amy Hansen, Executive Director of Downtown Fond du Lac Partnership and DFP Board Member Nicole Wiese, presented an update. Topics included a recap of improvements made over the last few years and upcoming renovations. Ms. Hansen also explained the implementation strategy of the recommendations set forth by the Downtown Exploratory Committee, i.e. targeted redevelopment, new residential planning, improvement of the Arts & Entertainment District, and downtown landscaping and streetscaping. Other programs such as the Storefront Beautification Program, Residential Feasibility Program, and Retail & Restaurant Expansion Program were highlighted.

Public Works 2018 Budget Presentation

Director of Public Works, Jordan Skiff, presented the proposed 2018 Public Works Budget. Mr. Skiff provided a high level review of the proposed 2018 projects as well as staffing plans and recent accomplishments which included the Fond du Lac Loop additions, the Lead Service Replacement plan, Neighborhood Drainage Program, and the Emerald Ash Borer Crisis Management Plan. Upcoming 2018 budget items were also highlighted, i.e. the Annual Clearwater Program, upcoming street construction, Lakeside Park improvements, and

Wastewater Treatment & Resource Recovery Facility initiatives. Mr. Skiff also touched on 2019 and 2020 proposed budget items.

## **ACTIONS**

### Permit To Sell Fermented Malt Beverages On Park Property

A Motion was made by Derek TerBeest to approve a permit to sell fermented malt beverages on park property for The Labor Day Celebration on September 4th, 2017 at Lakeside Park Oven Island and seconded by Brian Kolstad, and the motion was **Passed**.  
Ayes: Block, Giles, Kolstad, Lorrigan, Merkel, Miller, TerBeest

### Class "B" Fermented Malt & "Class B" Intoxicating Liquor License

A Motion was made by Kay Miller to approve a Class "B" Fermented Malt & "Class B" Intoxicating Liquor License for Pump N Pantry at 329 W Pioneer Road and seconded by Greg Giles, and the motion was **Passed**.  
Ayes: Block, Giles, Kolstad, Lorrigan, Merkel, Miller, TerBeest

### Ordinance No. 3637

2017-080

A Motion was made by Brian Kolstad to approve Ordinance 3637 amending Chapter 630, Vehicles and Traffic of the Code of the City of Fond du Lac to add Camelot Drive as a through street and add controlled intersections to the areas of Police Memorial Drive, Knights Drive, and Mihill Avenue and seconded by Kay Miller, and the motion was **Passed**.  
Ayes: Block, Giles, Kolstad, Lorrigan, Merkel, Miller, TerBeest

### Resolution No. 8693

2017-081

A Motion was made by Brian Kolstad to approve Resolution 8693 authorizing a Tax Incremental District Development Agreement with Hotel Retlaw, LLC and Midwest Hotel Finance Corporation (MHFC) for the redevelopment of The Retlaw Hotel and seconded by Catherine Block, and the motion was **Passed**.  
Ayes: Block, Giles, Kolstad, Lorrigan, Merkel, Miller, TerBeest

## **ADJOURN**

A Motion was made by Kay Miller to adjourn at 7:18 PM and seconded

by Derek TerBeest, 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: Resolution No. 8691

Subject: A Resolution Naming Authorized Representative To File  
Applications For Financial Assistance From State Of  
Wisconsin Environmental Improvement Fund  
Introduction: Director of Administration

Initiator:

Recommendation:

**ATTACHMENTS:**

File Name

8691\_Res\_Auth\_Rep-EIF\_8\_14\_17.pdf

## RESOLUTION NO. 8691

### A RESOLUTION NAMING AUTHORIZED REPRESENTATIVE TO FILE APPLICATIONS FOR FINANCIAL ASSISTANCE FROM STATE OF WISCONSIN ENVIRONMENTAL IMPROVEMENT FUND

**WHEREAS**, it is the desire of the City of Fond du Lac, Wisconsin, a municipal corporation, to file several applications for state financial assistance for its Wastewater Treatment and Resource Recovery Facility under the Wisconsin Environmental Improvement Fund (ss. 281.58, 281.59, 281.60, and 281.61, Wis. Stats.); and

**WHEREAS**, it is necessary to designate a representative for filing said applications.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Fond du Lac that the Director of Administration is hereby appointed as the authorized representative for the City of Fond du Lac for the purpose of filing these applications, and that the representative is further authorized and empowered to do all things necessary in connection with said applications.

#### ADOPTED:

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Karyn Merkel, President  
Fond du Lac City Council

Attest:

City Attorney:

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Margaret Hefter, City Clerk

Reviewed 

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

Title: Resolution No. 8692

Subject: A Resolution Declaring Official Intent To Reimburse  
Expenditures From Proceeds Of Borrowing  
Introduction: Director of Administration

Initiator:

Recommendation:

**ATTACHMENTS:**

File Name

8692\_Res\_Decl\_intent-option\_2\_8\_14\_17.pdf

## RESOLUTION NO. 8692

### A RESOLUTION DECLARING OFFICIAL INTENT TO REIMBURSE EXPENDITURES FROM PROCEEDS OF BORROWING

**WHEREAS**, the City of Fond du Lac, Fond du Lac County, Wisconsin (the "Municipality") intends to incur and pay, or has incurred and paid, capital expenditures aggregating approximately \$4,000,000 (the "Capital Expenditures") for the construction of improvements and extensions to the Wastewater Treatment and Resource Recovery Facility (the "Project") ; and

**WHEREAS**, payment of the Capital Expenditures will be, or has been, financed, in whole or in part, on an interim basis from moneys other than proceeds of a borrowing (collectively, the "Temporary Advances"); and

**WHEREAS**, it is reasonably expected that the Temporary Advances will be reimbursed with the proceeds of tax-exempt bonds or promissory notes not later than 18 months after the later of (i) the date on which the first Capital Expenditure financed by a Temporary Advance was paid, or (ii) the date on which the Project is placed in service or abandoned (but in no event more than 3 years after the date on which the first Capital Expenditure financed by a Temporary Advance was paid); and

**WHEREAS**, except for architectural, engineering and similar preliminary expenditures incurred prior to the acquisition or commencement of construction of the Project (but not including site preparation and other similar costs incident to the commencement of construction of the Project), this Resolution is being adopted prior to or within 60 days after the payment of the first Capital Expenditure financed by a Temporary Advance.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Fond du Lac, that the Municipality hereby declares its official intent for purposes of Treasury Regulation Section 1.150-2 to reimburse the Capital Expenditures for the Project financed by Temporary Advances with the proceeds of one or more borrowings, the maximum aggregate principal amount of which is not expected to exceed \$4,000,000.

#### **ADOPTED:**

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Karyn Merkel, President  
Fond du Lac City Council

Attest:

City Attorney:

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Margaret Hefter, City Clerk

Reviewed 

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

Title: Resolution No. 8694

Subject: A Resolution Making Appointments To The Downtown  
Architectural Review Board, Art Board and Library Board  
Introduction: City Manager

Initiator:

Recommendation:

**ATTACHMENTS:**

**File Name**

8694\_Res\_appointments\_Art\_DARB\_and\_Library.pdf

Pauly.pdf

Application\_for\_Art\_Board\_Redacted.pdf

Emanuel-ARt\_Board.pdf

Library\_Board\_App\_-\_Wood\_Taylor\_Redacted.pdf



## RESOLUTION NO. 8694

### A RESOLUTION MAKING APPOINTMENTS TO THE DOWNTOWN ARCHITECTURAL REVIEW BOARD, ART BOARD AND LIBRARY BOARD

**BE IT RESOLVED** by the City Council of the City of Fond du Lac that the following appointments by the City Manager to the Downtown Architectural Review Board, Art Board and the Library Board are hereby confirmed:

<u>Downtown Architectural Review Board</u>	<u>Beginning</u>	<u>Ending</u>
Lisa Pauly	9/01/2017	8/30/2020
<u>Art Board</u>		
Jacqueline Corsi	8/24/2017	4/30/2019
Terri Emanuel	8/24/2017	4/30/2020
<u>Library Board</u>		
Brendan Wood-Taylor	8/24/2017	6/30/2020

#### **ADOPTED:**

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Karyn Merkel, President  
Fond du Lac City Council

Attest:

City Attorney:

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Margaret Hefter, City Clerk

Reviewed 

**CITY OF FOND DU LAC  
APPLICATION FOR APPOINTMENT TO  
CITY BOARDS, COMMISSIONS, AND COMMITTEES**

Downtown Architectural Review Board

7-14-17

Name of Board, Commission or Committee

Lisa Pauly

Full Name

Director of Operations

Occupation

Address

Fdl Convention and Visitors Bureau

Employer

18 Years of Age or Older? Yes ☒ No ☐ Home Phone [REDACTED] Business Phone [REDACTED]

E-Mail Address: [REDACTED] Cellular Phone [REDACTED]

Are you currently a resident of Fond du Lac? Yes ☒ No ☐ No. of Years: 51

Education: MPTC

List potential conflicts of interest: \_\_\_\_\_

List City boards, commissions or committees on which you have served:	Yrs	List other civic, church or club committees on which you have served:	Yrs
Historic Preservation	9	Fond du Lac County	
		Historical Society	23
		Several downtown committees	10

I have read the information sheet outlining the desired qualifications for this board. My background and interests meet these desired qualifications as follows:

former chair of Historic Preservation Commission, former president and current curator of the Fond du Lac County Historical Society, member of WAHPC & WHS, frequent attendee of preservation and local history conferences for continuing education in historic artifacts, records, and buildings, 2015 Friend of DFP for volunteer work in the downtown

If selected, I would like to work towards bettering the community through my service in the following ways:

Continuing in my efforts in historic preservation and my interest in a vibrant downtown, my 31-year career has been to serve and promote Fond du Lac with the best interest of Fond du Lac as a community in both short and long-term results

Please note: By filing this application with the City of Fond du Lac, applicant acknowledges that personal information on this form may be published in the annual Fond du Lac Boards and Commissions Directory and distributed to members, staff and the public.

**CITY OF FOND DU LAC  
APPLICATION FOR APPOINTMENT TO  
CITY BOARDS, COMMISSIONS, AND COMMITTEES**

Art Board

7/25/2017

Name of Board, Commission or Committee

Date

Jacqueline Corsi

Full Name

Address

Interim Executive Director

Occupation

Thelma Sadoff Center for the Arts

Employer

18 Years of Age or Older? Yes ☒ No ☐ Home Phone \_\_\_\_\_ Business Phone \_\_\_\_\_

E-Mail Address: \_\_\_\_\_ Cellular Phone \_\_\_\_\_

Are you currently a resident of Fond du Lac? Yes ☐ No ☒ No. of Years: \_\_\_\_\_

Education: Master's of Education

List potential conflicts of interest: None

List City boards, commissions or committees on which you have served:	Yrs	List other civic, church or club committees on which you have served:	Yrs
Downtown Fond du Lac Partnership Organization Committee	4		
Downtown Fond du Lac Partnership Marketing Committee	4		

I have read the information sheet outlining the desired qualifications for this board. My background and interests meet these desired qualifications as follows:

As a leader in the arts for this community, I believe THELMA's director should have a seat on this committee.

If selected, I would like to work towards bettering the community through my service in the following ways:

I would work together to create better results. I would share my knowledge, resources when possible, to assist in making Fond du Lac an even greater community.

**Please note:** By filing this application with the City of Fond du Lac, applicant acknowledges that personal information on this form may be published in the annual Fond du Lac Boards and Commissions Directory and distributed to members, staff and the public.

RECEIVED

AUG 14 2017

CITY OF FOND DU LAC  
APPLICATION FOR APPOINTMENT TO  
CITY BOARDS, COMMISSIONS, AND COMMITTEES

COMMUNITY DEVELOPMENT

Arts Board  
Name of Board, Commission or Committee

8/11/17  
Date

Terri L. Emanuel  
Full Name

[Redacted Address]

Business Owner  
Occupation

The Goldsmith  
Employer

18 Years of Age or Older? Yes ☒ No ☐ Home Phone [Redacted] Business Phone [Redacted]

E-Mail Address [Redacted] Cellular Phone [Redacted]

Are you currently a resident of Fond du Lac? Yes ☒ No ☐ No. of Years: 45

Education: BA Education

List potential conflicts of interest: —

List City boards, commissions or committees on which you have served:	Yrs	List other civic, church or club committees on which you have served:	Yrs
		<u>Marian University</u>	<u>10+</u>
		<u>Benson House</u>	<u>6+</u>
		<u>Lutheran Home + Health Services</u>	<u>6+</u>

I have read the information sheet outlining the desired qualifications for this board. My background and interests meet these desired qualifications as follows:

I've had numerous responsibilities, fund raising experience, coordination and background in the arts, in many of the disciplines. I have a connection with many of the individuals and organization that comprise "arts" and have for many years.

If selected, I would like to work towards bettering the community through my service in the following ways:

Integrating the arts in various facets in the Fond du Lac and surrounding communities to better serve the holistic needs of its citizenry.

**Please note:** By filing this application with the City of Fond du Lac, applicant acknowledges that personal information on this form may be published in the annual Fond du Lac Boards and Commissions Directory and distributed to members, staff and the public.

**CITY OF FOND DU LAC  
APPLICATION FOR APPOINTMENT TO  
CITY BOARDS, COMMISSIONS, AND COMMITTEES**

Fond du Lac Public Library Board of Trustees  
Name of Board, Commission or Committee

August 1, 2017  
Date

Brendan Wood-Taylor  
Full Name

[REDACTED]  
Address

General Manager  
Occupation

Paladen LLC  
Employer

18 Years of Age or Older? Yes ☒ No ☐ Home Phone [REDACTED] Business Phone [REDACTED]

E-Mail Address: [REDACTED] Cellular Phone [REDACTED]

Are you currently a resident of Fond du Lac? Yes ☒ No ☐ No. of Years: 31

Education: Bachelors of Science, Geography University of Wisconsin - Oshkosh

List potential conflicts of interest: \_\_\_\_\_

List City boards, commissions or committees on which you have served:	Yrs	List other civic, church or club committees on which you have served:	Yrs
		Groffried Prairie and Arboretum	4
		Mahala's Hope - Fund Development Comm	2.5

I have read the information sheet outlining the desired qualifications for this board. My background and interests meet these desired qualifications as follows:

My background as a Fond du Lac native and current resident is foundation for having the library's interest first and foremost. Having served this community in a multitude of ways for most of my life adds to that foundation. I have served on several committees throughout my life to enhance the quality of life of my community and will bring those experiences to the library.

If selected, I would like to work towards bettering the community through my service in the following ways:

To continue the amazing work already accomplished at the Library. I look forward to building and enhancing the relationships within the community. As a gathering place for all community members, the Library serves as a vital institution. Expanding on outreach to those who may not realize it's diverse offerings is exciting to work on.

Please note: By filing this application with the City of Fond du Lac, applicant acknowledges that personal information on this form may be published in the annual Fond du Lac Boards and Commissions Directory and distributed to members, staff and the public.

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

Title: Resolution No. 8695

Subject: A Resolution Reviewing and Approving Grant Application  
From The Edward Byrne Memorial Justice Assistance Grant  
(JAG) Program  
Introduction: Assistant Chief of Police, Steve Thiry

Initiator:

Recommendation:

**ATTACHMENTS:**

**File Name**

8695\_Byrne\_Grant\_2017.pdf

2017\_Memo\_to\_City\_Manager.pdf

## RESOLUTION NO. 8695

### A RESOLUTION REVIEWING AND APPROVING GRANT APPLICATION FROM THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM

**WHEREAS**, the City of Fond du Lac has been notified it is eligible for \$13,850 in funding from the 2017 Edward Byrne Memorial Justice Assistance Grant (JAG) Program. The amount of funding available to local units of government is determined by the size of the population served and the level of Part 1 violent crime statistics reported. The purpose of the grant funding is to support a broad range of program areas including law enforcement activities based on local needs and conditions; and

**WHEREAS**, the City of Fond du Lac Police Department would like to apply for this grant to improve the operations of the Department. Specifically, the Police Department would like to purchase an evidence freezer and an evidence refrigerator; and

**WHEREAS**, the City of Fond du Lac would be required to provide \$1,150.00 in match funding for completion of the overall proposed grant project.

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Fond du Lac that the City Council has held a public hearing on the proposed grant, has reviewed the proposed grant and approves the same.

**BE IT FURTHER RESOLVED** that City officials and/or City staff are authorized and directed to take any actions appropriate in furtherance of the grant.

**ADOPTED:**

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Karyn Merkel, President  
Fond du Lac City Council

Attest:

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Margaret Hefter, City Clerk

City Attorney:

Reviewed 

# Fond du Lac Police Department

## MEMO



To: Joe Moore, City Manager  
From: William Lamb, Chief of Police  
RE: ***2017 Edward Byrne Justice Assistance Grant***  
Date: 08/11/17

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The City of Fond du Lac Police Department has been notified by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance that it is eligible for \$13,850 in grant funding for use in late 2017 and 2018.

This funding is distributed to local units of government through the FY2017 Edward Byrne Memorial Justice Assistance Grant (JAG) Program. This is a “formula” grant; therefore the amount of funding available to local units of government is determined by the size of the population served and the level of Part 1 violent crime statistics reported via the National Incident-Based Reporting System (NIBRS). The purpose of the grant funding is to support a broad range of activities to prevent and control crime based on local needs and conditions. As this grant is a “formula” grant, there is no match funding requirement for the City of Fond du Lac. Despite this fact, the Department's proposed project for 2017 exceeds the funding available from the grant allocation so there would be City funding required to complete this project in its entirety.

The City of Fond du Lac Police Department would like to apply for this grant and use the funding to purchase equipment in order to enhance Department capabilities in the areas of forensics science and criminal prosecution. Specifically, the Fond du Lac Police Department would like to purchase one (1) evidence preservation freezer and one (1) evidence preservation refrigerator for use in our property and evidence room.

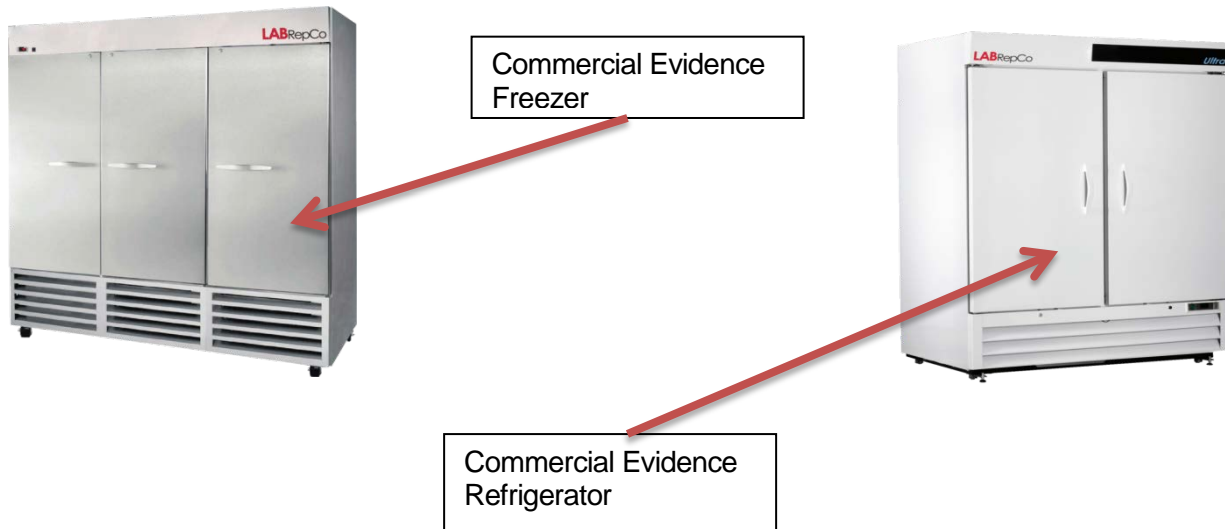
The collection and preservation of evidence and property must be supported with proper equipment to sustain a successful prosecution. Proper equipment ensures the maintenance of the chain of custody to the integrity of evidence from scene to trial to include long-term storage for appeals and incarceration cases. The department is mandated with the responsibility to protect all property and evidence coming into its possession with equipment that contributes to its control and protection. Currently, the department is using residential freezer and refrigerator appliances not intended for evidence storage. These appliances are also near the end of their life cycle.

In an effort to maintain what we are doing and to meet industry best practices there are freezer and refrigerator storage devices that are specifically engineered and built for use in long-term retention and preservation of forensic and DNA evidence. This equipment is designed with features to safely store temperature-critical evidence. From rigorous temperature control measures to audible and visual alarm systems these pieces of equipment are specifically designed to ensure maximum evidence protection.

The Fond du Lac Police Department needs a commercial freezer and refrigerator because they provide a consistent temperature, eliminate humidity, and monitor for any problems with



audible alarms. All of these are essential components to mitigate temperature fluctuation that causes the biological evidence to degrade over time ultimately protecting the integrity of the evidence.



Costs associated with the evidence freezer and evidence refrigerator are listed in the budget chart below:

FY2016 Edward Byrne Justice Assistance Grant Equipment Budget		
Quantity	Description	Cost
1	Evidence Refrigerator	4,500
1	Evidence Freezer	10,500
	2017 Edward Byrne (JAG) Award Allocation	13,850
	Remaining Local Match Funding	\$1,150

Costs associated with this project that exceed the grant allocation amount (\$1,150) will need to be funded through the Department's 2018 Operating Budget or Special Revenue Fund Accounts if approved by City Council.

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

Title: Resolution No. 8696

Subject: A Resolution Granting A Special Use Permit To Joe  
Ziegler To Allow Residential Development On Vacant Land  
At 1212 Ducharme Parkway  
Introduction: Community Development Director

Initiator:

Recommendation: Plan Commission Recommendation: **Approve**

**ATTACHMENTS:**

**File Name**

Ziegler\_SUP.pdf

JOE\_ZIEGLER\_information.pdf

SUP\_letters.pdf

Excerpt\_-\_08-14-17\_PC\_SUP.pdf

8696\_Res\_Approving\_SUP\_for\_Joe\_Ziegler.pdf

City of Fond du Lac

**SPECIAL USE PERMIT**

**Application**

**PROPERTY LOCATION:** Lot #62 Hunter's Grove (1212 DuCharme Parkway)

Tax Key Number (Vacant Land): FDL-15-18-06-533-00

Project Applicant			
Name Joe Ziegler			
Mailing Address 439 S Main Street	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			
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:

Vacant Farm Field Part of Hunters  
Grove Subdivision, Zoned "Office"

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

30 unit Single Story Cottage Style Multi  
Family units.

Time schedule for use and/or development of the property:

START site work  
Fall of 2017 -  
2018 Complete.

PROJECT APPLICANT SIGNATURE

Joe Ziegler





SITE



## PROFESSIONAL SEA

JUNE 14, 2017  
JULY 18, 2017

SHEET INFORMATION

## SITE PLAN



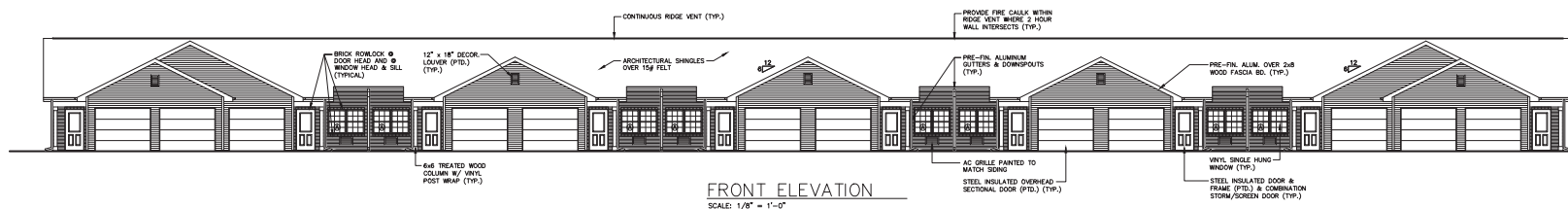
## CONCEPT PLAN

1" = 40'

SCALE

FIG. 1





FRONT ELEVATION  
SCALE: 1/8" = 1'-0"



SIDE ELEVATION  
SCALE: 1/8" = 1'-0"

WINDOW SCHEDULE				
SYM.	MAT'L	DESCRIPTION	CATALOG NO.	NOM. UNIT SIZE W x H
①	VNLT	PLYDEN PRO SERIES - CLASSIC SINGLE HUNG	TW9H3040-2	6'-0" x 4'-0"
②	VNLT	PLYDEN PRO SERIES - CLASSIC SINGLE HUNG	TW9H3052-2	6'-0" x 5'-2"
③	VNLT	PLYDEN PRO SERIES - CLASSIC SINGLE HUNG	TW9H3052	5'-0" x 5'-2"

- ENERGY STAR WINDOWS  
- WINDOWS TO HAVE GRILLES BETWEEN GLAZING  
- PER ICC-2006.3.5 SAFETY GLAZING ADJACENT TO A DOOR WHERE THE NEAREST EXPOSED EDGE OF THE GLAZING IS WITHIN 24"  
\* WINDOW UNIT TO MEET EGRESS CLEAR OPENING REQUIREMENTS  
20" CLEAR WIDTH NET OPENING  
24" CLEAR HEIGHT NET OPENING  
5.7 MIN. S.F. CLEAR OPENING FOR EGRESS (GRADE-LEVEL OPENINGS)

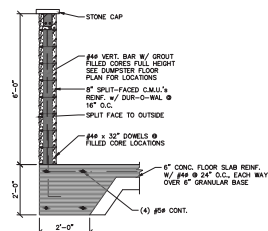


SIDE ELEVATION  
SCALE: 1/8" = 1'-0"

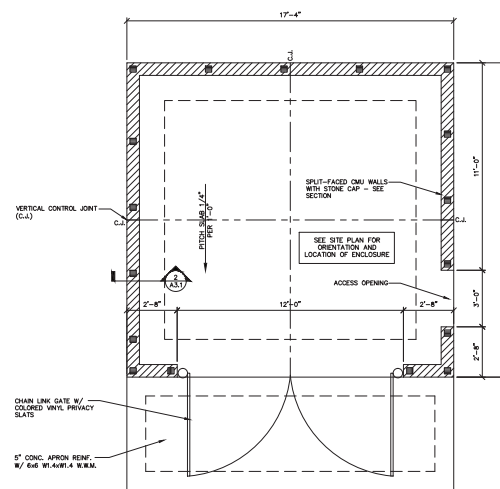


REAR ELEVATION  
SCALE: 1/8" = 1'-0"

NOTE:  
EXTERIOR ELEVATIONS SHOWN APPLY TO BOTH BUILDINGS 'A' & 'B'



2 SECTION  
A2.0 SCALE: 1/2" = 1'-0"



1 DUMPSTER ENCLOSURE PLAN  
A2.0 SCALE: 3/8" = 1'-0"

# ***CITY OF FOND DU LAC - Memorandum***

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Department of Community Development

**Date:** August 9, 2017

**To:** Plan Commission

**From:** Joellyn Dahlin, Principal Planner

**Re:** Special Use Permit – **1212 Ducharme Parkway**

**Applicant:** Joe Ziegler

**Request:** Develop vacant land for residential use.

**Zoning:**

Site:	O (Office)
North:	C-2 (General Business)
South:	A (Agricultural)
East:	A
West:	R-1 (Single Family Residential)

**Land Use:**

Site:	Undeveloped Land
North:	Undeveloped Land (Future Business Use)
South:	Prairie Trail
East:	Prairie Trail/USH 151
West:	Spring Lake Subdivision

<b>Analysis</b>
-----------------

The subject property is 5.94 acres of undeveloped land on the south side of Ducharme Parkway west of USH 151. The Prairie Trail separates the property from the highway. The surrounding area is largely undeveloped except for several homes on Ducharme Parkway and North Country Lane. Undeveloped land on Ducharme Parkway opposite the subject site is zoned for business use and will allow future commercial development. The Spring Lake subdivision to the west is zoned for single family use, as is land to the northwest on the north side of Ducharme Parkway.

Zoning regulations categorize development as a *permitted* use or a *special* use. A permitted land use is allowed as a matter of right. The zoning of the subject site allows professional offices, medical clinics and similar businesses as permitted land uses. Residential use of the property is allowed as a special use. Special uses are evaluated on an individual basis and require an extra level of review.

The property owner would like to develop the site for residential use, consisting of four single story buildings with a total of 30 apartment units. Three buildings would provide

eight apartments each and one building would offer six. The expected demographic for the apartments are professional persons of single or two-person households. The apartments would not be age restricted, but would be attractive to mature residents because of the building layout and single-story building design.

Residential development in the O (Office) district is regulated by the standards of the R-4 (Multifamily) district. The R-4 standards consider the proximity of properties that are zoned for single family use, limiting allowable density and requiring enhanced building setbacks. Reflective of the property size, the number of apartments proposed (30) is significantly less than what the site would potentially allow (58 units). In comparison, development of the property for detached single family condominium homes would allow 43 separate dwellings.

The site configuration, highway setback restrictions, utility easements, and wetland areas limit the placement of buildings within the northerly half of the property, thereby allowing a significant area of open space. One building is positioned parallel to Ducharme Parkway; the building has a setback of more than 50 feet from the east lot line along the Prairie Trail and a setback of more than 100 feet from the west lot line that adjoins the Spring Lake subdivision. Building 2 (eight units) and Building 3 (eight units) are oriented in a north-south direction and are situated on the east side of the property; the buildings are more than 150 feet from the west lot line. Building 4 is also oriented in a north-south configuration and is situated on the west side of the site. Building 4 is the smallest of the buildings, with 6 living units. The nearest point of Building 4 to the west lot line is 37 feet; the setback increases to nearly 80 feet at the north end of the structure. The proposed development exceeds minimum setback requirements.

The setback requirements for the proposed development are more restrictive than the setback requirements for a commercial building(s) that could be constructed as a matter of right. The minimum side yard setback along the west lot line for a commercial building is 20 feet; a minimum setback of 30 feet is required for the proposed residential use. Zoning regulations in the Office district do not regulate building height, allowing the potential for a multistory commercial building. The building height for a residential use is limited to 35 feet, which is the same height allowed in the adjacent single family district.

Access to the property would be provided with one driveway on Ducharme Parkway approximately 400 feet west of the intersection at USH 151. The exact location of the driveway would be determined in the City's review of a site plan and would consider visibility for pedestrians and vehicles, and traffic safety. The proposed driveway width is the same width at the right-of-way that is allowed for single family development.

Given the property location and the type of development planned, the proposed use is suitable for the site. The low profile of the single story buildings, along with an attractive building design with materials comparable to or similar to materials used in homes in the area, will complement existing and future development.



<b>Recommendation</b>
-----------------------

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

1. A detailed site plan prepared by a licensed professional shall be reviewed and approved by the Site Plan Committee prior to the issuance of required permits for site development. The site plan shall effectively address site drainage, lighting, erosion control, stormwater management, fire protection, and utilities. The required landscape plan shall address required setback areas, foundation plantings and screening of open parking areas. In addition, the landscape plan shall include a substantial arrangement of plantings along the west lot line to provide a visual buffer for the adjacent subdivision.

## Public Notification - Special Use Permit/Ziegler

Parcel Number	Site Address	Mailing Address 1	Mailing City	Mailing State	Mailing Zip
FDL-15-17-01-44-772-00	1151 DEER RUN	843 MULLEN DR	FOND DU LAC	WI	54935
FDL-15-17-01-44-750-00	551 N COUNTRY LA	889 E JOHNSON ST	FOND DU LAC	WI	54935
FDL-15-17-01-44-751-00	543 N COUNTRY LA	889 E JOHNSON ST	FOND DU LAC	WI	54935
FDL-15-17-01-44-752-00	531 N COUNTRY LA	889 E JOHNSON ST	FOND DU LAC	WI	54935
FDL-15-17-01-44-754-00	507 N COUNTRY LA	889 E JOHNSON ST	FOND DU LAC	WI	54935
FDL-15-17-01-44-755-00	493 N COUNTRY LA	889 E JOHNSON ST	FOND DU LAC	WI	54935
FDL-15-17-01-44-756-00	477 N COUNTRY LA	889 E JOHNSON ST	FOND DU LAC	WI	54935
FDL-15-17-01-44-757-00	1150 DEER RUN	889 E JOHNSON ST	FOND DU LAC	WI	54935
FDL-15-17-01-44-773-00	1148 DUCHARME PKY	889 E JOHNSON ST	FOND DU LAC	WI	54935
FDL-15-17-01-44-774-00	1138 DUCHARME PKY	889 E JOHNSON ST	FOND DU LAC	WI	54935
FDL-15-18-06-33-070-00		% CITY CLERK	FOND DU LAC	WI	54936
FDL-15-17-01-44-753-00	517 N COUNTRY LA	517 N COUNTRY LN	FOND DU LAC	WI	54935
FDL-15-17-01-44-788-00	1153 DUCHARME PKY	1153 DUCHARME PKWY	FOND DU LAC	WI	54935
FDL-15-18-06-33-531-00	1227 DUCHARME PKY	1718 VAN ZEELAND CT	LITTLE CHUTE	WI	54140
FDL-15-18-06-33-532-00	1207 DUCHARME PKY	1718 VAN ZEELAND CT	LITTLE CHUTE	WI	54140
FDL-15-18-06-33-533-00	1212 DUCHARME PKY	1718 VAN ZEELAND CT	LITTLE CHUTE	WI	54140
FDL-15-18-06-33-513-00	448 HUNTER DR	1718 VAN ZEELAND CT	LITTLE CHUTE	WI	54140
FDL-15-18-06-33-523-01	1289 DUCHARME PKY	1718 VAN ZEELAND CT	LITTLE CHUTE	WI	54140
FDL-15-18-06-33-529-01		1718 VAN ZEELAND CT	LITTLE CHUTE	WI	54140
FDL-15-17-01-44-997-00	0 PRAIRIE RD	1325 S MAIN ST	FOND DU LAC	WI	54935
FDL-15-18-06-33-535-00	0 DUCHARME PKY	944 VANDERPERREN WAY	GREEN BAY	WI	54304

~Project to consist of up to 30 dwelling units.

~Resident base.

- Older semi-retired or retired professional – 1 to 2 per unit

~Quality of life and location.

- The area for all to benefit from. Not just a few.

~Some residents don't want to own, but rather lease.

- It's been thought that lease ownership residents do not take pride in their place as do people by fee simple ownership by title.

~Diversity.

- Not just for race but for a location for all citizens to enjoy.
- The area is meant to serve all by its recreational trail, shopping and medical services provided in the area.

## Equal Location for Lifestyle and Housing

~Housing plays a large roll in quality of life.

~Location plays a large roll in the access to community amenities.

- Medical
- Shopping
- Recreational and travel among others

~Housing location discrimination is an obstacle to housing choice for residents of the community.

~It denies people to fully enjoy the experience of the American dream. Regardless of ownership style. Fee simple or lease interest.

~It has been the old adage of thought..."Great idea as long as it is not in my neighborhood."

This project is needed for our community.

This location is needed to accomplish this resource for enjoyment and the quality of living and the community it serves for the community as a whole.

I ask the board for your recommendations to approve my request.

Thank you.

Respectfully Yours,

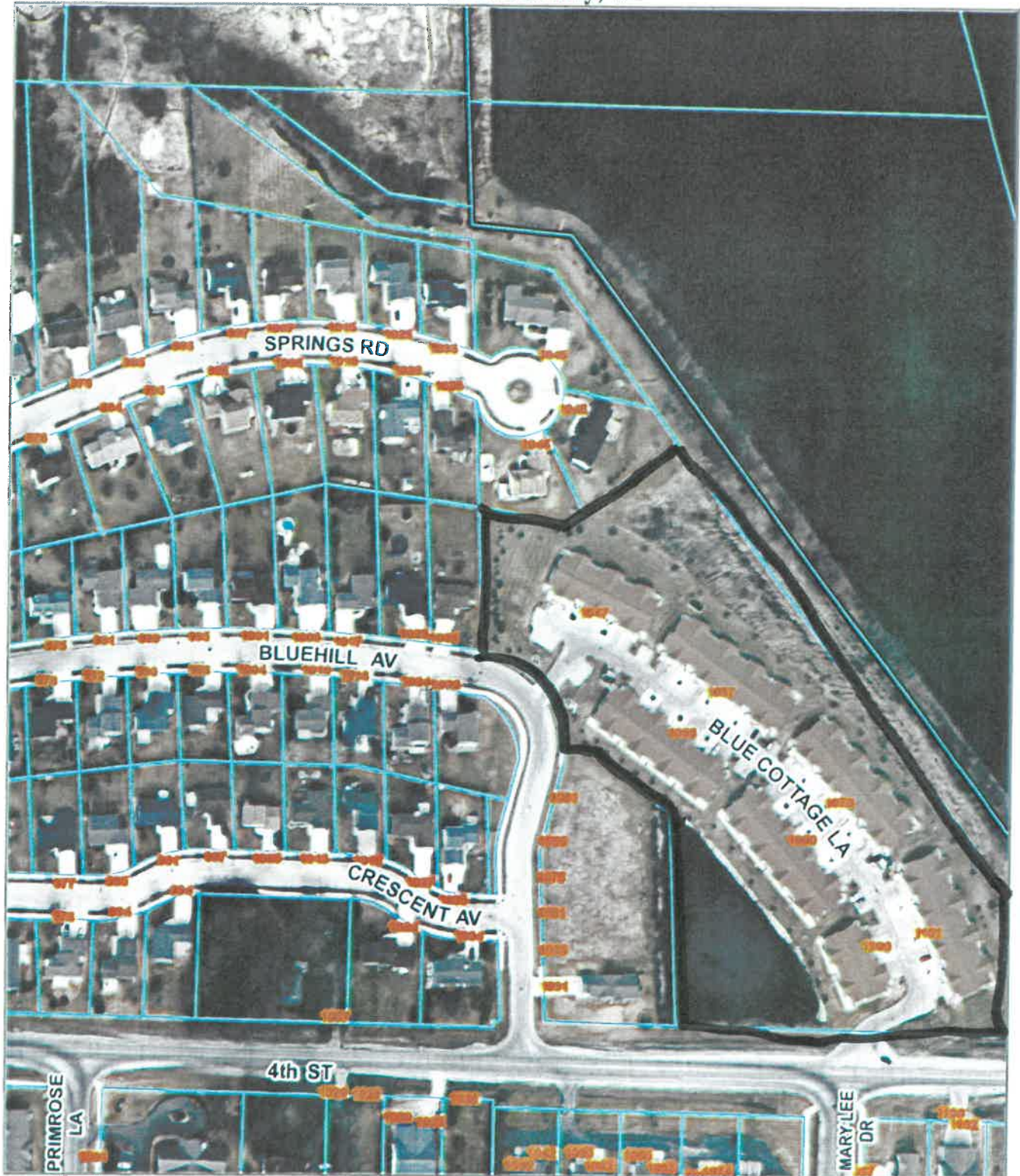
Joseph L. Ziegler

EXISTING UNITS I HAVE BUILT





**SOUTHVIEW ACRES**  
**Fond du Lac County, WI**



*Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.*

**Map Scale**  
**1 inch = 200 feet**  
**8/11/2017**



PHEASANT DR/CT & S NATIONAL AVE

Fond du Lac County, WI



*Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.*

Map Scale  
1 inch = 200 feet  
8/11/2017



# MEADOW LANDS SUBDIVISION

Fond du Lac County, WI



*Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.*

Map Scale  
1 inch = 200 feet  
8/11/2017



WILDLIFE ACRES HWY 151 7 CTY V



**Statistics by the National Trip Generation institute**  
**Manual 9<sup>th</sup> Edition Data**

Trips per day per specific use/zoning

Single family    9.24 – 9.52

Apartments      4.41 – 6.65

Town Homes     5.49 – 5.81

Day Care        31.35 – 74.06

Medical Use    33.22 – 36.13

Bank/Financial 139.25 – 167.93

**Permitted use in Office Business District  
City of Fond du Lac**

- 1) Tattoo/Piercing establishment
- 2) Barbershop
- 3) Salon/hair/nails/tanning
- 4) Pet Grooming
- 5) National or Regional office headquarters facilities
- 6) Library
- 7) Government service including municipal utility facility
- 8) Day care/Family care
- 9) Club or lodge
- 10) Church
- 11) Bank and financial institutions
- 12) Art gallery, art studio, Photography and museum
- 13) Hospital, medical, clinics and offices
- 14) Indoor Recreation Facility
- 15) Mobile service facility ie: Towers
- 16) Nursing/Convalescent Homes
- 17) Planned Development
- 18) Shelter Facility
- 19) Utility transmission Substation
- 20) Bed and Breakfast
- 21) Community Garden
- 22) Day Care Adult
- 23) Day Care Group
- 24) Dwelling(s)

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## **§ 720-76.2 Dwelling units; Office Zoning District.**

[Added 12-10-2014 by Ord. No. 3568]

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- A. A dwelling unit(s) may be allowed in a nonresidential building, provided that such dwelling unit(s) is located entirely above the ground floor of a building and is distinctly and physically separate from a nonresidential use(s) in the building, and provided that such building and dwelling unit(s) is adjacent to or in the near vicinity of other similar development. Off-street parking spaces required in Article X shall be provided on the same lot.

[Amended 7-22-2015 by Ord. No. 3586]

- B. One or more dwelling units may be constructed as a principal land use when such residential use is developed in conformance with the requirements of the R-4 Multifamily Residential District. (See Schedule III.) Off-street parking spaces required in Article X shall be provided on the same lot.

## **§ 720-76.3 Dwelling units; C-2 Zoning District.**

[Added 7-22-2015 by Ord. No. 3586]

A dwelling unit(s) in a C-2 district may be allowed, provided that such dwelling unit(s) is located entirely above the ground floor of a building and is distinctly and physically separate from a nonresidential use(s) in the building, and provided that such building and dwelling unit is adjacent to or in the near vicinity of other similar development. A dwelling unit(s) shall conform to all housing, building, heating, electrical, plumbing and fire protection regulations in effect and which apply to new construction. Off-street parking spaces required in Article X shall be provided.

## Chapter 720 Zoning

**Article IX: Special Use Permits****§ 720-63 General provisions.**

- A. Those land uses or activities set forth in this chapter as requiring a special use permit are considered to be sufficiently distinctive in terms of their nature, location and impact on the surrounding area as to warrant special evaluation of each individual case. Special use permits shall be issued upon authorization by the City Council, after review by the Plan Commission. Authorization by the City Council shall be based on a determination that the land use or activity requiring a special use permit complies with specific requirements for certain land uses and activities as may be set forth in this article.
- B. General requirements.
- (1) The land use or activity is to be designed, located and operated so as to protect the public health, safety, welfare and convenience.
  - (2) The land use or activity will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
  - (3) The land use or activity will be compatible with existing adjoining development and the implied character of the zoning district where it is to be located.
  - (4) Effective landscaping and visual screening are provided as may be required herein.
  - (5) Adequate off-street parking and loading are provided in accordance with this chapter and ingress and egress are so designed as to cause minimum interference with traffic on abutting streets.
  - (6) The land use or activity conforms to all applicable regulations governing the zoning district where it is to be located, except as may be otherwise set forth elsewhere in this article.
  - (7) Any conditions determined to be necessary to accomplish the purposes of this chapter.
  - (8) Construction of the land use or activity shall begin within one year from the date the permit was granted by the City Council and shall continue with due diligence or the permit shall be null and void. A one-year extension to an approved special use permit may be administratively authorized by the Community Development Department upon submission of a written request setting forth the facts which require an extension.
- C. Revocation. Upon determination by the Community Development Department that the conditions and/or stipulations of an approved special use permit have not been completed or have been violated, written notice shall be provided to the party granted the special use permit of the actions necessary for compliance. The notice shall specify that failure to comply with the required conditions or stipulations within 30 days will invalidate the special use permit approval. Failure to comply may cause an order for revocation of the special use permit. This notice of revocation will be served on the party and may be appealed to the Plan Commission. Such appeal shall be submitted in writing to the Community Development Department within 30 days of service of the written notice of revocation.
- [Added 7-22-2015 by Ord. No. 3586]

**§ 720-64 Specific requirements for certain land uses and activities.**

In addition to the above general requirements, other specific requirements shall pertain, as applicable, to certain land uses and activities as follows.



# ZONING

## 720 Attachment 6

### City of Fond du Lac

#### Schedule VI

#### Land Uses or Activities

#### Commercial-Recreation, Office and Industrial Districts

[Amended 5-14-2014 by Ord. No. 3547; 6-25-2014 by Ord. No. 3553;

12-10-2014 by Ord. No. 3568; 7-22-2015 by Ord. No. 3586; 4-27-2016 by Ord. No. 3604]

#### KEY:

P = Permitted

SC = Permitted with special conditions (Article VIII)

SP = Special permit required (Article IX)

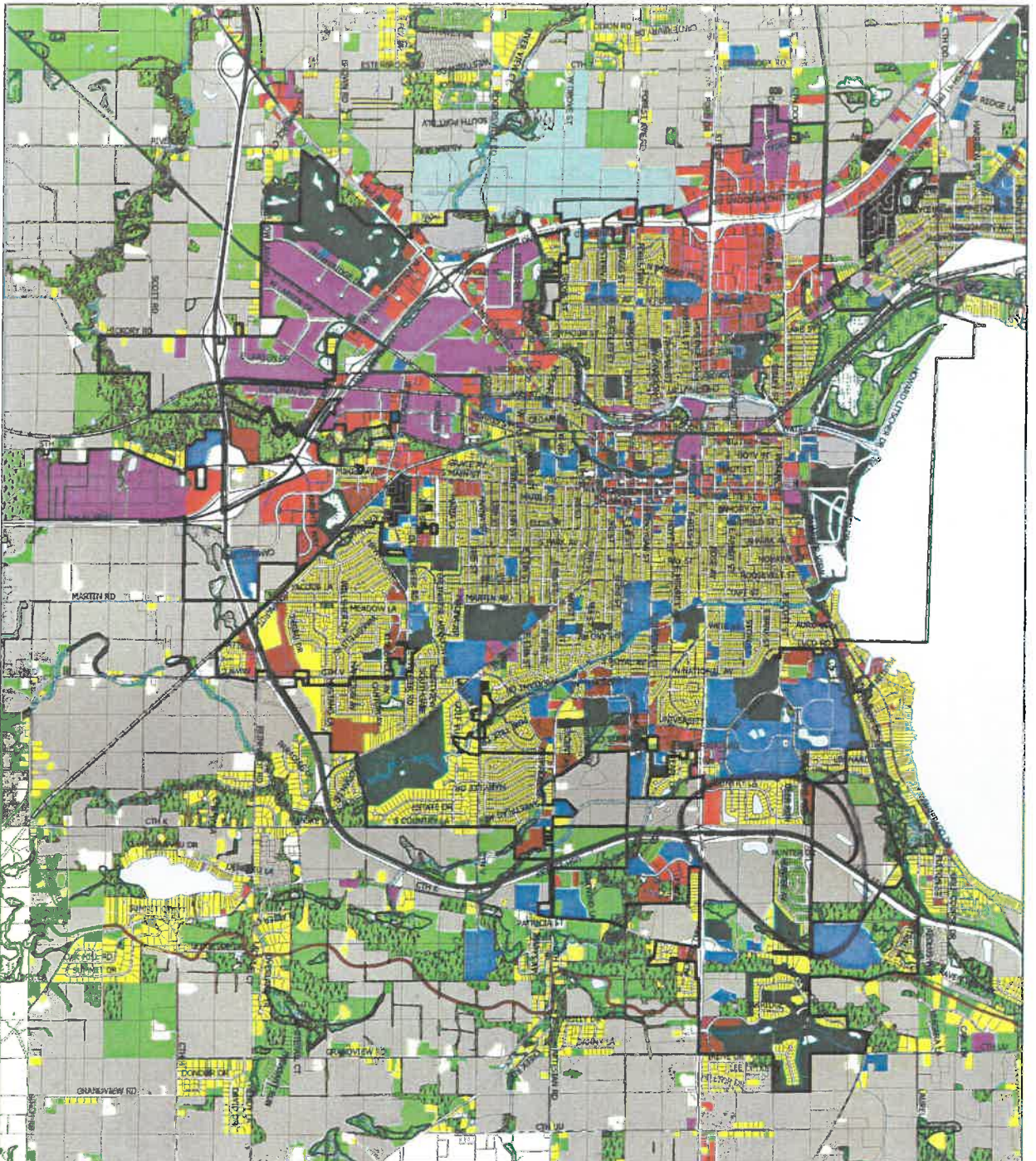
Land Use or Activity	C-R	O	M-1	M-BP	Reference
1. Aboveground storage, sale or distribution of flammable liquids and materials			SP		
2. Aircraft hangars and other aircraft service facilities			P		
3. Alternate energy installation			SP		
4. Art gallery, artist studio, photography studio, museum	P	P			
5. Automotive, car wash			P		
6. Automotive, engine repair; body shop, detail shop, painting, service garage			P		
7. Automotive, service station			P		
8. Bank and financial institution		P		SP	
9. Bathhouse and cabana	SP				
10. Bed and breakfast inn		SP			§ 720-76
11. Billboard, off-premises advertising	SP		SP		§§ 720-75, 720-85
12. Business service uses				SP	
13. Charter, excursion and sight-seeing boat	SP				
14. Church, chapel, place of worship		P			
15. Club or lodge, private		P			
16. Commercial cleaning service, professional janitorial establishment			P		
17. Contractor facility, including material and equipment storage			P		
18. Community garden	P	SP			§ 720-19.1
19. Day care, adult		SP		SC	§ 720-55 (SC)
20. Day care, family		P			
21. Day care, group		SP		SC	§ 720-55 (SC)
22. Dwelling		SP			§ 720-76.2

# FOND DU LAC CODE

Land Use or Activity	C-R	O	M-I	M-BP	Reference
23. Government service, including municipal utility facilities	P	P	P		
24. Greenhouse, landscape nursery			P		
25. Hospital, medical clinics and offices		SP		SP	
26. Hotel and conference center	SP			SP	
27. Indoor recreation facility	SP	SP	SP		
28. Library		P			
29. Manufacturing, research/development and testing			P	P	
30. Marine sales and service, boat docks, fuel sales, marina	SP				
31. Mobile service facility	SP	SP	SP	SP	§ 720-18, § 720-72
32. Motor freight terminal; air and rail freight terminal, parcel delivery facility			P		
33. National or regional headquarters office facilities		P		P	
34. Nonmetallic mining			P		
35. Nursing home; convalescent home		SP			
36. Offices: governmental, business or professional, including medical clinics		P		SP	
37. Outdoor amusement and recreational facilities	SP		SP		
38. Personal services, i.e., barbershop, salon (hair/nails/tanning), massage, pet grooming, tattoo/piercing establishment		P		SC	§ 720-55 (SC)
39. Planned development		SP			§ 720-66
40. Private parking garage or parking lot not accessory to another use			P		
41. Processing, packaging, fabricating, cleaning, bottling, distribution, servicing, testing facilities			P		
42. Public or privately owned resort	SP				
43. Publishing and printing			P	SP	
44. Railroad switching and repair facility			P		
45. Rental service facility, rental trucks/trailers			P		
46. Restaurant	SC			SC	§§ 720-55, 720-61
47. Retail business	SP				
48. Salvage and recycling facility			SP		
49. Shelter facility		SP	SP		§ 720-74
50. Utility transmission line and substation		SP	P	SP	§ 720-71
51. Warehouse, storage, mini storage			P		
52. Wholesale establishment			P		



# Map 1 City of Fond du Lac Existing Land Use



## Legend

- Land Use Categories
- Farmssteads
- Single Family Residential
- Multi-Family
- Mobile Home Parks
- Commercial
- Industrial
- Quarries
- Utilities/Communications
- Institutional Facilities
- Airport
- Recreational Facilities
- Agriculture
- Open Land
- Water Features
- Coverages
- Wetlands <2 acres
- Wetlands
- Woodlands
- Public & Private Trails
- Niagara Escarpment
- Railroad Tracks
- Corporate Limits

The wetlands digital data was created from the Wisconsin Wetland Inventory Maps by the DNR Bureau of Wetland Management, which is the standard and used statewide to this date. The DNR will not be responsible for any errors or omissions in the data or the results of any tests resulting from the data.

The base map data was created by the City of Fond du Lac and the 2000 Census data was created by the U.S. Census Bureau. The City of Fond du Lac is not responsible for any errors or omissions in the data or the results of any tests resulting from the data or the results of any tests resulting from the data.

**Martenson & Eisele, Inc.**

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info@martenson-eisele.com  
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Planning  
Environmental  
Surveying  
Engineering  
Architecture

proje0033711801.mxd, 10/14/2009



## Percent Difference from TripGeneration.org to ITE Trip Generation Manual, 9th

### Edition Data

#### Weekday Data

Land Use	ITE Code	Unit	Time Period	TripGeneration.org Data			ITE Trip Gen Data			Percent Difference		
				Enter %	Exit %	Rate of Trips per Unit	Enter %	Exit %	Rate of Trips per Unit	Enter %	Exit %	Rate of Trips per Unit
Warehouse	150	RSF	Daily	40%	51%	1.93	50%	50%	3.56	-2%	2%	-59%
			AM Generator	54%	46%	0.26	65%	35%	0.42	-19%	28%	-48%
			AM Adjacent	35%	15%	0.25	79%	21%	0.30	8%	-35%	-17%
			PM Generator	32%	68%	0.33	19%	81%	0.45	50%	-17%	-32%
			PM Adjacent	19%	81%	0.31	25%	75%	0.32	-29%	8%	-2%
Storage Units	151	Storage Units	Daily	50%	50%	0.22	50%	50%	0.25	0%	0%	-12%
			AM Generator	50%	50%	0.05	60%	40%	0.03	-18%	27%	46%
			AM Adjacent	0%	0%	0.00	50%	50%	0.02	-200%	-200%	-200%
			PM Generator	56%	44%	0.05	47%	53%	0.03	17%	-18%	55%
			PM Adjacent	70%	30%	0.04	48%	52%	0.02	37%	-54%	63%
Delivery Distribution Center	152	KSF	Daily	50%	50%	5.78	50%	50%	1.68	0%	0%	110%
			AM Generator	34%	66%	0.89	71%	39%	0.14	-71%	52%	145%
			AM Adjacent	47%	53%	0.72	69%	31%	0.11	-39%	53%	147%
			PM Generator	65%	34%	0.71	37%	63%	0.16	56%	-59%	126%
			PM Adjacent	68%	32%	0.66	31%	69%	0.12	75%	-74%	138%
Single Family Homes	210	Dwelling Units	Daily	50%	50%	9.24	50%	50%	9.52	-1%	1%	-3%
			AM Generator	31%	69%	0.70	26%	74%	0.77	17%	-7%	-10%
			AM Adjacent	26%	74%	0.69	25%	75%	0.75	4%	-1%	-9%
			PM Generator	57%	43%	0.95	64%	36%	1.02	-12%	18%	-7%
			PM Adjacent	58%	42%	0.91	63%	37%	1.00	8%	12%	-9%
Apartments	220	Dwelling Units	Daily	50%	50%	4.41	50%	50%	6.65	0%	0%	-40%
			AM Generator	26%	74%	0.36	29%	71%	0.55	-11%	4%	-43%
			AM Adjacent	13%	87%	0.31	20%	80%	0.51	-41%	8%	48%
			PM Generator	61%	39%	0.45	61%	39%	0.67	10%	0%	-40%
			PM Adjacent	65%	35%	0.43	65%	35%	0.62	0%	0%	-30%
Student Housing	229	Dwelling Units	Daily	49%	49%	11.81	50%	50%	8.65	-3%	-2%	56%
			AM Generator	41%	59%	0.64	29%	71%	0.55	32%	-25%	14%
			AM Adjacent	31%	69%	0.45	20%	80%	0.51	47%	-20%	-12%
			PM Generator	52%	48%	0.99	61%	39%	0.67	-17%	17%	38%
			PM Adjacent	49%	49%	0.92	65%	35%	0.62	-28%	33%	38%
Townhomes	230	Dwelling Units	Daily	50%	50%	5.49	50%	50%	5.81	1%	-1%	6%
			AM Generator	26%	72%	0.50	19%	81%	0.44	38%	-12%	13%
			AM Adjacent	25%	75%	0.49	17%	83%	0.44	40%	-11%	12%
			PM Generator	63%	37%	0.55	64%	36%	0.52	-1%	2%	0%
			PM Adjacent	63%	37%	0.53	67%	33%	0.52	-6%	11%	1%
Hotel	310	Dwelling Units	Daily	50%	50%	4.32	50%	50%	8.92	0%	0%	-69%
			AM Generator	35%	65%	0.36	55%	45%	0.54	-48%	86%	-56%
			AM Adjacent	34%	66%	0.34	58%	42%	0.67	-51%	44%	-66%
			PM Generator	58%	42%	0.42	57%	53%	0.74	2%	-24%	-55%
			PM Adjacent	55%	45%	0.37	49%	51%	0.70	32%	-13%	-62%
Community Center	495	KSF	Daily	50%	50%	21.49	50%	50%	33.82	0%	0%	-45%
			AM Generator	65%	35%	1.84	57%	43%	2.89	13%	-21%	-55%
			AM Adjacent	65%	35%	1.64	66%	34%	2.05	-1%	3%	-22%
			PM Generator	61%	39%	2.65	48%	52%	3.35	24%	-28%	-23%
			PM Adjacent	61%	39%	2.65	49%	51%	2.74	22%	-26%	-3%
			Daily	50%	50%	1.51	50%	50%	1.29	-1%	1%	16%

Notes: Student housing rates from data collected in Minnesota are significantly lower than rates from data collected in Florida.

Elementary School	520	Students	AM Generator	52%	38%	0.45	55%	45%	0.45	12%	-18%	0%
			AM Adjacent	62%	38%	0.45	n/a	n/a	n/a	n/a	n/a	n/a
			PM Generator	43%	57%	0.21	45%	55%	0.28	-5%	4%	-28%
			PM Adjacent	39%	61%	0.14	49%	51%	0.15	-22%	18%	-4%
Charter School	520	Students	Daily	50%	50%	1.85	50%	50%	1.29	0%	0%	36%
			AM Generator	53%	47%	0.79	55%	45%	0.45	-3%	4%	54%
			AM Adjacent	52%	47%	0.79	n/a	n/a	n/a	n/a	n/a	n/a
			PM Generator	40%	60%	0.36	45%	55%	0.28	-12%	9%	24%
			PM Adjacent	39%	61%	0.24	49%	51%	0.15	-22%	17%	48%
Middle School	522	Students	Daily	50%	50%	2.35	50%	50%	1.62	0%	0%	37%
			AM Generator	56%	44%	0.61	55%	45%	0.54	2%	-3%	11%
			AM Adjacent	56%	44%	0.58	n/a	n/a	n/a	n/a	n/a	n/a
			PM Generator	40%	54%	0.34	45%	55%	0.30	3%	-3%	12%
			PM Adjacent	47%	53%	0.26	49%	51%	0.16	-5%	5%	47%
Daycare Center	585	KSF	Daily	50%	50%	31.35	50%	50%	74.06	0%	0%	-81%
			AM Generator	54%	46%	6.88	53%	47%	13.44	1%	-1%	-65%
			AM Adjacent	53%	47%	6.88	53%	47%	12.18	0%	-1%	-56%
			PM Generator	45%	55%	6.98	47%	53%	13.75	-4%	4%	-65%
			PM Adjacent	45%	55%	6.98	47%	53%	12.34	-4%	4%	-55%
Urgent Care/Emergency Room	610	KSF	Daily	50%	50%	20.70	50%	50%	13.22	0%	0%	44%
			AM Generator	80%	20%	2.32	59%	41%	0.96	31%	-71%	83%
			AM Adjacent	80%	20%	2.32	63%	37%	0.95	24%	-62%	84%
			PM Generator	46%	54%	1.98	40%	60%	1.42	13%	-10%	33%
			PM Adjacent	19%	81%	1.85	38%	62%	0.93	-65%	26%	66%
General Office	720	KSF	Daily	50%	50%	4.00	50%	50%	11.03	0%	0%	-94%
			AM Generator	93%	7%	0.56	88%	12%	1.56	6%	-59%	-94%
			AM Adjacent	93%	7%	0.56	n/a	n/a	n/a	n/a	n/a	n/a
			PM Generator	8%	92%	0.61	17%	83%	1.49	-77%	11%	-84%
			PM Adjacent	10%	90%	0.48	n/a	n/a	n/a	n/a	n/a	n/a
Medical-Dental Office	720	KSF	Daily	50%	50%	33.22	50%	50%	36.13	0%	0%	-8%
			AM Generator	45%	55%	3.05	67%	33%	3.50	-40%	50%	-14%
			AM Adjacent	64%	36%	2.58	79%	21%	2.39	-22%	54%	8%
			PM Generator	34%	66%	4.42	39%	61%	4.27	-15%	8%	3%
			PM Adjacent	34%	66%	4.42	28%	72%	3.57	18%	-3%	21%
City Hall	730	KSF	Daily	49%	51%	11.19	n/a	n/a	n/a	n/a	n/a	n/a
			AM Generator	64%	36%	1.35	n/a	n/a	n/a	n/a	n/a	n/a
			AM Adjacent	80%	21%	1.23	n/a	n/a	n/a	n/a	n/a	n/a
			PM Generator	56%	44%	1.49	31%	69%	1.21	58%	-45%	21%
			PM Adjacent	23%	76%	1.14	n/a	n/a	n/a	n/a	n/a	n/a
Public Works	730	KSF	Daily	50%	50%	5.66	n/a	n/a	n/a	n/a	n/a	n/a
			AM Generator	50%	50%	0.72	n/a	n/a	n/a	n/a	n/a	n/a
			AM Adjacent	51%	49%	0.59	n/a	n/a	n/a	n/a	n/a	n/a
			PM Generator	54%	46%	0.64	31%	69%	1.21	55%	-41%	-62%
			PM Adjacent	7%	93%	0.13	n/a	n/a	n/a	n/a	n/a	n/a
Dollar Store	814	KSF	Daily	50%	50%	72.93	50%	50%	64.03	0%	0%	13%
			AM Generator	52%	48%	7.17	n/a	n/a	3.81	n/a	n/a	61%
			AM Adjacent	58%	42%	3.70	n/a	n/a	3.81	n/a	n/a	-3%
			PM Generator	52%	48%	8.21	n/a	n/a	6.99	n/a	n/a	16%

			PM Adjacent	52%	48%	8.21	n/a	n/a	6.82	n/a	n/a	18%
			Daily	50%	50%	207.98	50%	50%	42.70	0%	0%	133%
			AM Generator	52%	48%	27.98	n/a	n/a	n/a	n/a	n/a	n/a
			AM Adjacent	53%	47%	23.74	52%	38%	0.96	-16%	22%	184%
			PM Generator	49%	51%	27.22	n/a	n/a	n/a	n/a	n/a	n/a
			PM Adjacent	50%	50%	11.01	48%	52%	3.71	3%	-3%	99%
			Daily	50%	50%	46.39	50%	50%	42.70	0%	0%	8%
			AM Generator	54%	46%	4.07	n/a	n/a	n/a	n/a	n/a	n/a
			AM Adjacent	58%	42%	1.20	52%	38%	0.96	-7%	10%	22%
			PM Generator	50%	50%	4.33	n/a	n/a	n/a	n/a	n/a	n/a
			PM Adjacent	50%	50%	4.11	48%	52%	3.71	3%	-3%	10%
			Daily	50%	50%	60.29	50%	50%	44.32	0%	0%	31%
			AM Generator	53%	47%	5.22	48%	52%	6.84	9%	-9%	-27%
			AM Adjacent	58%	42%	2.65	n/a	n/a	n/a	n/a	n/a	n/a
			PM Generator	50%	50%	7.43	56%	44%	5.07	-12%	13%	39%
			PM Adjacent	49%	51%	6.80	44%	56%	2.71	11%	-10%	86%
			Daily	50%	50%	35.96	50%	50%	24.87	-1%	1%	30%
			AM Generator	62%	38%	4.04	50%	50%	3.45	21%	-27%	16%
			AM Adjacent	57%	43%	2.69	63%	37%	2.89	-10%	15%	-7%
			PM Generator	44%	56%	5.19	42%	58%	3.26	6%	-4%	46%
			PM Adjacent	38%	62%	3.46	43%	57%	4.15	-25%	16%	-18%
			Daily	50%	50%	152.32	50%	50%	102.24	0%	0%	39%
			AM Generator	52%	48%	14.51	52%	48%	7.07	0%	1%	69%
			AM Adjacent	54%	46%	4.77	62%	38%	3.40	-13%	18%	34%
			PM Generator	51%	49%	17.71	52%	48%	8.37	-3%	3%	72%
			PM Adjacent	49%	51%	16.69	51%	49%	9.48	-4%	4%	55%
			Daily	50%	50%	28.75	n/a	n/a	n/a	n/a	n/a	n/a
			AM Generator	49%	51%	2.69	n/a	n/a	n/a	n/a	n/a	n/a
			AM Adjacent	79%	21%	0.61	n/a	n/a	n/a	n/a	n/a	n/a
			PM Generator	49%	51%	3.04	n/a	n/a	n/a	n/a	n/a	n/a
			PM Adjacent	49%	51%	3.04	48%	52%	1.84	3%	-3%	49%
			Daily	50%	50%	179.61	50%	50%	96.91	0%	0%	60%
			AM Generator	53%	47%	15.31	50%	50%	8.36	5%	-5%	59%
			AM Adjacent	51%	49%	7.03	52%	48%	3.45	-2%	2%	68%
			PM Generator	49%	51%	14.84	50%	50%	9.72	-1%	1%	42%
			PM Adjacent	47%	53%	14.69	50%	50%	9.91	-5%	5%	39%
			Daily	50%	50%	157.33	50%	50%	139.25	0%	0%	19%
			AM Generator	51%	49%	20.03	56%	44%	21.64	-10%	11%	-8%
			AM Adjacent	61%	39%	9.08	60%	40%	9.29	2%	-3%	-2%
			PM Generator	50%	50%	23.36	49%	51%	29.05	2%	-1%	-22%
			PM Adjacent	45%	55%	17.56	49%	51%	33.24	-8%	7%	-62%
			Daily	0%	0%	0.00	50%	50%	127.15	-200%	-200%	-200%
			AM Generator	0%	0%	0.00	53%	47%	13.33	-200%	-200%	-200%
			AM Adjacent	0%	0%	0.00	55%	45%	10.81	-200%	-200%	-200%
			PM Generator	0%	0%	0.00	54%	46%	18.49	-200%	-200%	-200%
			PM Adjacent	0%	0%	0.00	60%	40%	9.85	-200%	-200%	-200%
			Daily	50%	50%	481.84	50%	50%	496.12	0%	0%	-3%
			AM Generator	51%	49%	63.30	51%	49%	53.61	0%	0%	17%

RECEIVED BY CITY CLERK  
8-14-17 5:25 PM

James Roberts

1315 S Main Street

Fond du Lac, WI 54935

Re: Variance Request – Appeal No. 2017-10

To: Fond du Lac Community Development

Fond du Lac Board of Appeals

Fond du Lac City Plan Commission

Fond du Lac City Council

I wish to state my strong objection to the proposed project at 1212 Ducharme Parkway. Although I have a favorable relationship and opinion of Mr. Ziegler, I do not feel that the project is consistent with the neighborhood, in its best interest or in the best interest of the existing property owners.

I co-own the adjacent 15+ Acres (Spring Lake Development FDL LLC). Our neighborhood along with the Spring Lake neighborhood to the south, has consistent protective covenants which has afforded a beautiful array of homes ranging from values of \$300,000 - \$750,000+. In addition to a favorable tax base for the City of Fond du Lac and a very aesthetically pleasing entrance to the City's 151 Corridor, these existing and future homeowners benefit from consistent development standards.

I find the proposed plan to be substandard in the use of space, materials and aesthetic appearance. If this development were allowed to move forward, not only will it negatively impact the property values for current Spring Lake homeowners it will also detrimentally impact the value of future lot sales.

We chose to purchase the land with the understanding that a future commercial application may exist on the subject property, however if we had known that the possibility of a multi-family development could take place, we would not have made the financial commitment that we did. We trusted that our City would protect our investment. I am also certain that many of the existing homeowners would not have made their personal financial investments had this been the case. For these reasons, I plea with the above leadership to reject the proposed variance and plan.

Yours Truly,

Jim Roberts

8-14-17

Plan and Commission-

Good evening. I am writing in response to the Planning Committee review of Mr. Ziegler's request for a special use permit at 1212 Ducharme Pkwy at a parcel currently zoned O-Office. The proposal is to build a 30-unit apartment in Spring Lake Estates subdivision that is zoned R-1 for single family homes. This subdivision also holds covenants that provide perquisites to insure some neighborhood conformity and safety.

As a husband, a father of two elementary aged children, and resident of Spring Lake Estates for (7) years I OBJECT this request for a special use permit.

I feel like the living environment that my family has grown to love is going to have its integrity and safety changed with the proposed apartments in what I understood to be currently zoned O. And previously zoned Agriculture. I believe our city residents truly enjoy the landscape and existing single family homes this neighborhood presents. Please understand that I have worked very hard to provide for my family over the years. My house and neighborhood are the resemblance of the things I've done. It allowed me to select a home that I felt safe and beneficial for raising a family. The uniqueness of having a neighborhood holding covenants was very appealing to raise a family.

It is my hope that the utmost consideration of human safety has been thoroughly evaluated as it seems to be a reiterated fact(see Heller's letter-who live in immediate traffic area)that the proposal of a 30-unit apartment complex increases risk of lives that would allow more vehicles closer to more people, including the walking trail pedestrian traffic, in a zoned O-office district. My hope is that all life safety points considered regardless of economic gains.

Thank you for taking consideration of my letter.

Ashton Winter

RECEIVED BY CITY CLERK  
8-11-17 11:40 AM

**Fortune Law Office, S.C.**

*Mike P. Fortune admitted to Bar in Wisconsin and Florida*

Telephone: (920) 929-6599	101 Camelot Drive, Suite One P.O. Box 589 Fond du Lac, Wisconsin 54936-0589 fortunelaw@mpfortunelaw.com	Facsimile: (920) 929-8726
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August 14, 2017

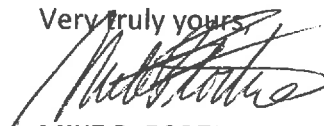
Ms. Margaret Hefter, City Clerk  
City-County Government Center  
130 S. Macy Street  
Fond du Lac, WI 54935

Re: Special Use Permit Proposal  
1212 Ducharme Parkway

Dear Ms. Hefter:

Enclosed herein please find an objection to the granting of a Special Use Permit for the property located at 1212 Ducharme Parkway. This objection is being filed on behalf of my client, BASM LLC. Would you please provide a copy of this objection to each member of the Plan Commission prior to its meeting on Monday, August 14, 2017. If you have any questions concerning this manner, please contact the undersigned.

Very truly yours,



MIKE P. FORTUNE

MPF:mm

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**Fortune Law Office, S.C.**

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*Mike P. Fortune admitted to Bar in Wisconsin and Florida*

	101 Camelot Drive, Suite One	
	P.O. Box 589	
Telephone:	Fond du Lac, Wisconsin 54936-0589	Facsimile:
(920) 929-6599	fortunelaw@mpfortunelaw.com	(920) 929-8726

August 14, 2017

Fond du Lac Plan Commission  
City-County Government Center  
160 S. Macy St.  
Fond du Lac, WI 54935

**Re: Special Use Permit Proposal  
1212 Ducharme Parkway**

Please be advised that I represent BASM LLC, the owner of numerous vacant lots in Spring Lake Estates subdivisions, including lots adjacent and contiguous to the parcel of real estate for which Joe Ziegler is seeking a Special Use Permit for 1212 Ducharme Parkway.

My client opposes and objects to the granting of a Special Use Permit to the Applicant for the development of a 30-unit apartment complex in a single family residential subdivision.

The burden of proof is placed on the applicant seeking a special use permit. Hence, the applicant has "the laboring oar to prove that it met the conditions under the ordinance." *Hearst-Argyle Stations v. Board of Zoning Appeals of the City of Milwaukee*, 260 Wis. 2d 494, 506, 659 N.W. 2d 424 (Ct. App. 2003). However, even if an applicant met all the conditions or requirements, this does not guaranty that a special use permit shall be granted, for there is no language in the City of Fond du Lac municipal code which guarantees that a special use permit shall be granted if all requirements are met.

Preserving the public health, public safety and the character of the surrounding area are important factors to consider in determining whether to approve a special use permit. Factors to be considered include determining whether the subject project will be contrary to the public interest, will be detrimental to or injurious to the public health or safety or to the character of the surrounding area.

In this particular case, the subject project would not only be detrimental and injurious to the character of the surrounding area which consists of single family residences but would also create safety issues because of the increased traffic flow and resulting congestion created by adding 30 rental units to a confined area. What incentives would young families have to stay in

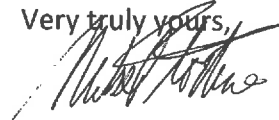


this area or locate in this area given these conditions and concerns for the safety of their children and family?

As our supreme court stated in *Delta Biological Resources v. BOZA*, 160 Wis. 2d 905, 913, 467 N.W. 2d 164 (Ct. App.), "After characterizing special uses as flexible devices designed to cope with special problems arising from the development and location of permitted uses, the supreme court defined flexibility in light of *Zylka v. City of Crystal*, 167 N. W. 2d 45 (Minn. 1969), *Skelly*, 58 Wis. 2d at 701, 207 N. W. 2d at 587. Recognizing certain desirable uses as churches, schools and hospitals, the Minnesota court determined that these uses may be denied because of special factors including traffic congestion, population density, noise and public health..." Our supreme court adopted this same reasoning in the *Skelly* case. The presumption that a special use serves the public interest does not exist in Wisconsin.

The development of 30 apartment units is totally unsuitable for this area and would be contrary to the best interests of the families residing in the adjacent subdivision as well as to all Fond du Lac residents who find it necessary to utilize Ducharme Parkway which provides direct access to Fond du Lac High School, Lakeside Elementary and the UW Extension

Very truly yours,

A handwritten signature in black ink, appearing to read "Mike P. Fortune", written over a horizontal line.

MIKE P. FORTUNE

MPF:mm

August 3, 2017

RECEIVED BY CITY CLERK  
8-10-17

Fond du Lac Plan Commission  
160 S. Macy St.  
Fond du Lac, WI 54935

We are writing this letter as a result of receiving a notice about APPEAL No. 2017-10  
Location of Variance Request: 1212 Ducharme Parkway.

We currently live at 1153 Ducharme Parkway and have done so for the past two years  
and request this variance be denied for the following reasons.

1. There is a great deal of traffic on Ducharme Parkway at all times, but we believe if a traffic count would be done anytime between September and mid June this proposed development would not even be considered.
2. Traffic is not just due to the high school, but also Lakeshore Elementary, U.W. Fond du Lac, Moraine Park Technical College, Festival Foods, and other businesses in that complex. Many people use Country Lane, which is just a short distance to the west of this proposed driveway to avoid delays with lights on Johnson St. Add to the traffic, school buses, construction trucks and equipment, and walkers, runners and bicyclists heading to and from the hiking and biking trail along Hwy 151. At a really busy time we've had to wait 10 minutes just to get out of our driveway. At times, traffic is so backed up on Hwy 151 North with drivers trying to turn left onto Ducharme Parkway that they extend into the northbound lanes not just the designated turn lane.
3. Posted speed limits are not monitored and respected. People are in a hurry and speed accordingly which can make for dangerous conditions. It would be dangerous to add a whole new development of 30 apartments with renters trying to pull out on a busy road which is just a few feet west of where people are pulling off a busy state highway, and the driveway they would be using is just east of a rather significant curve in the road.
4. The proposed area for development is very low land and often has standing water, but also much wildlife as you can see by one of accompanying photographs of turkeys crossing the road. We've also had three deer struck and killed on Ducharme Parkway since we've lived in our home.

5. We have tried without success to get a sign posted on Ducharme Parkway to notify drivers that there is no left turn onto Hwy 151. People forget or are not familiar with this area and when they get there and can't turn they either back-up or turnaround in the middle of the road, or if really frustrated turn on the terrace as you can see by the accompanying photograph. This occurs in the immediate area of the proposed driveway for this project.
6. We believe there are other suitable sites for a development such as this. Not sure who would want to rent these apartments located just west of a noisy state highway and just east of the largest power lines and power poles in the entire community.
7. We have submitted this letter because we may be out of town on the date of the hearing, but realize sometimes verbal communication is very important so we will be available by our cell phones if necessary. Larry Heller (920) 579-3500, Debra Heller (920) 579-1094. We thank-you for considering our concerns about the proposed project.

Larry and Debra Heller  
1153 Ducharme Parkway  
Fond du Lac, WI 54935









**PLAN COMMISSION MINUTES**  
**August 14, 2017**  
**5:30 PM**

**Meeting Room A & B**  
City-County Government Center

160 S Macy Street  
Fond du Lac, Wisconsin

**OPENING CEREMONIES**

**Attendance**

**Present**

Hertha Longo  
Stan Ramaker  
David Washkoviak  
Nicole Weise  
Dan Nielsen  
Anne Pierce  
Derek TerBeest  
Jordan Skiff

**Absent**

Sarah Van Buren

**Administrative Staff**

Joellyn Dahlin, Principal Planner  
Dyann Benson, Dir of Comm Development

**Declaration Quorum Present**

Chairperson Washkoviak declared a quorum present.

\*\*\*\*\*OTHER BUSINESS\*\*\*\*\*

**Special Use Permit**

Effect: Develop land for residential use.  
Location: 1212 Ducharme Parkway  
Initiator: Joe Ziegler

Chairperson Washkoviak recused himself from the Special Use Permit Action Item and Commission Member Derek TerBeest chaired the meeting moving forward.

Joe Ziegler, initiator of Special Use Permit, presented the development plan to the Commission and spoke in support of permit approval.

**Spoke in support of Special Use Permit at 1212 Ducharme Parkway**

Theron Bashaw, 1091 Bluehill Ave, Fond du Lac, WI  
George Rawson, N7650 Cty Rd WH, #8, Fond du Lac, WI  
Dale Hansen, N2652 Cty Rd WH #11, Fond du Lac, WI

**Read into record, written opposition to Special Use Permit at 1212 Ducharme Parkway**

James Roberts, 1315 S Main St, Fond du Lac, WI  
Ashton Winter, 1135 Spring Lake Dr, Fond du Lac, WI  
Mike Fortune, 34 Oakridge Ct, Fond du Lac, WI  
Larry and Debra Heller, 1153 Ducharme Pkwy, Fond du Lac, WI

**Spoke in opposition to the Special Use Permit at 1212 Ducharme Parkway**

Christine Carew, 421 N Country Ln, Fond du Lac, WI  
Bentley Curran, 447 N Country Ln, Fond du Lac, WI  
John Redding, 383 N Country Ln, Fond du Lac, WI  
Kerry McGrath, 1107 Spring Lake Rd, Fond du Lac, WI  
Debra Heller, 1153 Ducharme Pkwy, Fond du Lac, WI  
Larry Heller, 1153 Ducharme Pkwy, Fond du Lac, WI  
Tom Guilfoile, 517 N Country Ln, Fond du Lac, WI  
Doug Kohlman, 401 N Country Ln, Fond du Lac, WI  
David Washkoviak, 339 E Division St, Fond du Lac, WI  
Mike Fortune, 34 Oakridge Ct, Fond du Lac, WI  
Tamara Waidelich, 429 N Country Ln, Fond du Lac, WI  
Paul Smedberg, 1066 Pine Lake Dr, Fond du Lac, WI

**Appeared in regards to Special Use Permit at 1212 Ducharme Parkway**

Chris Maury, 1151 Spring Lake Dr, Fond du Lac, WI

**Appeared in opposition to Special Use Permit at 1212 Ducharme Parkway**

Ann Bartelt, 441 N Country Ln, Fond du Lac, WI  
Sarah Haubenschild, 1148 Spring Lake Dr, Fond du Lac, WI

Community Development staff recommends to the City Council approval of the Special Use Permit, subject to the following condition:

1. A detailed site plan prepared by a licensed professional shall be reviewed and approved by the Site Plan Committee prior to the issuance of required permits for site development. The site plan shall effectively address site drainage, lighting, erosion control, stormwater management, fire protection, and utilities. The required landscape plan shall address required setback areas, foundation plantings and screening of open parking areas. In addition, the landscape plan shall include a substantial arrangement of plantings along the west lot line to provide a visual buffer for the adjacent subdivision.

A Motion was made by Jordan Skiff to recommend to City Council, approval of the Special Use Permit with condition as listed and seconded by Daniel Nielsen, Jr., and the motion was Passed.

Ayes: Longo, Nielsen, Jr., Pierce, Ramaker, Skiff, TerBeest, Wiese

Abstain: Washkoviak

Absent: Van Buren

\*\*\*\*\*OTHER BUSINESS\*\*\*\*\*



## RESOLUTION NO. 8696

### A RESOLUTION GRANTING A SPECIAL USE PERMIT TO JOE ZIEGLER TO ALLOW RESIDENTIAL DEVELOPMENT ON VACANT LAND AT 1212 DUCHARME PARKWAY

**WHEREAS**, Joe Ziegler has petitioned for a special use permit to develop vacant land for residential use at 1212 Ducharme Parkway; 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 August 14, 2017 with the following condition:

1. A detailed site plan prepared by a licensed professional shall be reviewed and approved by the Site Plan Committee prior to the issuance of required permits for site development. The site plan shall effectively address site drainage, lighting, erosion control, stormwater management, fire protection, and utilities. The required landscape plan shall address required setback areas, foundation plantings and screening of open parking areas. In addition, the landscape plan shall include a substantial arrangement of plantings along the west lot line to provide a visual buffer for the adjacent subdivision.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Fond du Lac that a special use permit subject to the condition specified above be granted to allow the development of vacant land for residential use at 1212 Ducharme Parkway.

#### **ADOPTED:**

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Karyn Merkel, President  
Fond du Lac City Council

Attest:

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Margaret Hefter, City Clerk

City Attorney:

Reviewed 

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

Title: Resolution No. 8697

Subject: A Resolution Authorizing The Use Of Public Streets And  
Waiving The Prohibition Against Possession Of Alcoholic  
Beverages On Public Ways For An Additional Outdoor  
Concert At The Thelma On August 31, 2017  
Introduction: City Clerk

Initiator:

Recommendation:

**ATTACHMENTS:**

File Name

8697\_Thelma\_Concerts\_Alcohol\_Waiver\_8\_31\_2017.pdf

11\_Thursdays\_Street\_Closure\_Request\_2.pdf

PL\_Summer\_Concerts\_2017.pdf

## RESOLUTION NO. 8697

### **A RESOLUTION AUTHORIZING THE USE OF PUBLIC STREETS AND WAIVING THE PROHIBITION AGAINST POSSESSION OF ALCOHOLIC BEVERAGES ON PUBLIC WAYS FOR AN ADDITIONAL OUTDOOR CONCERT AT THE THELMA ON AUGUST 31, 2017**

**WHEREAS**, an Outdoor Concert at the THELMA will take place in the City of Fond du Lac on August 31, 2017; and

**WHEREAS**, to permit this event and encourage participation, it is in the interest of the City to authorize the use of certain streets as contemplated by Section 568-4., of the Code of the City of Fond du Lac, Wisconsin, and to waive the prohibition against public consumption in Section 400-15., of such Code as described herein.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Fond du Lac that it is hereby determined to be in the interest of the City to authorize in accordance with Code Section 568-4., the use on August 31, 2017 the public streets indicated on the accompanying map for the THELMA Concert and to waive the prohibition against public consumption contained in Code Section 400-15., between 9:00 a.m. and 10:00 p.m. on that date in the area of Sheboygan Street bounded by the inner-most sides of Portland Street and Marr Street; and the same is hereby authorized and waived except as provided below.

**BE IT FURTHER RESOLVED** that notwithstanding anything in this Resolution, no glass containers or carry-ins are permitted in the area where the public consumption prohibition hereby waived would otherwise apply, 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 and all actions in furtherance hereof and in furtherance of such event.

#### **ADOPTED:**

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Karyn Merkel, President  
Fond du Lac City Council

Attest:

City Attorney:

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Margaret Hefter, City Clerk

Reviewed 

# THELMA

August 7, 2017

To the Fond du Lac City Council,

On August 31, Thelma Sadoff Center for the Arts (THELMA) will be hosting a free concert on Sheboygan Street between Marr Street and Portland Street. Sheboygan Street will serve as overflow seating for this event and will be blocked off with barricades to prevent traffic access. The concert takes place on our outdoor plaza.

THELMA is requesting the City of Fond du Lac suspend the ordinance that forbids the consumption of alcohol in public from 9:00 AM until 10:00 PM on August 31, 2017. The area effected by the suspension of the ordinance will be the street and sidewalks of Sheboygan Street from Marr Street to Portland Street. Portland and Marr Street will be open.

Beginning immediately after the conclusion of the event, THELMA will clean the area and remove all debris created by the event. THELMA will cease the sale of alcoholic beverages at 9:30 PM on the requested date to facilitate the expedited cleanup of the venue area.

Thank you for your consideration of this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jacqui Corsi", written in a cursive style.

Jacqui Corsi

Interim Executive Director



DFP

Portland Street



Former Elks  
Lodge



Bar 10x10 tent

Band

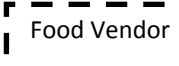
THELMA

Plaza

Lobby



Food Vendor



Food Vendor

Sheboygan Street

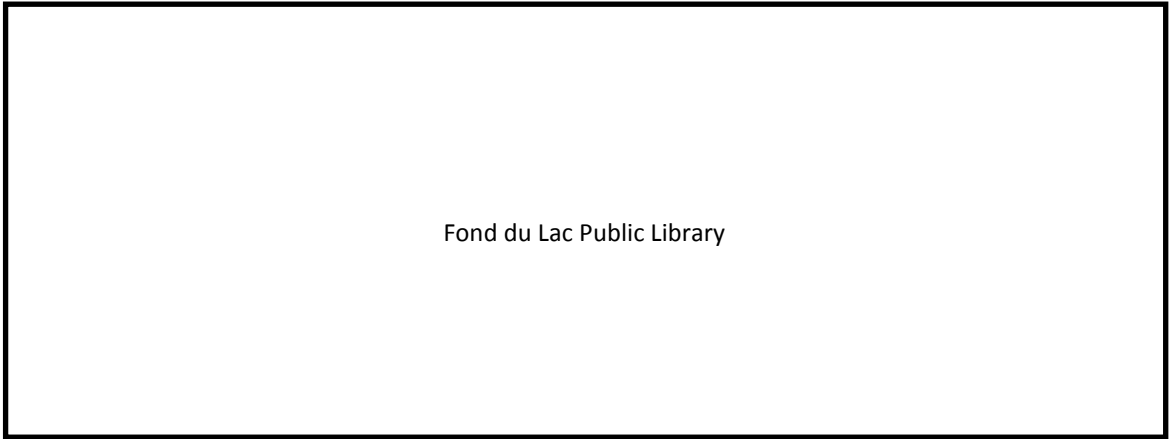
Barricades



Emergency Responder Access



US Bank  
Parking Lot



Fond du Lac Public Library

Marr Street