

PLAN COMMISSION AGENDA

May 15, 2017

5:30 PM

Meeting Room D
City-County Government Center

160 S Macy Street
Fond du Lac, Wisconsin

I. OPENING CEREMONIES

- A. Attendance**
- B. Declaration Quorum Present**

II. CONSENT AGENDA

- A. April 17, 2017 Minutes**

III. ELECTION OF OFFICERS

- A. Election of Chairperson**
- B. Election of Vice-Chairperson**

IV. PUBLIC HEARING

- A. 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)
- B. 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)

V. ACTION

- A. 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

VI. ADJOURN

**COMMISSION AGENDA
CITY OF FOND DU LAC, WISCONSIN
April 17, 2017 Minutes**

Subject:

Effect:

Initiator:

Location:

Recommendation:

ATTACHMENTS:

File Name

Minutes_2017_4_17_Meeting(333).pdf

PLAN COMMISSION MINUTES

April 17, 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
Stan Ramaker
Jordan Skiff
Derek Terbeest
Sarah Van Buren
David Washkoviak
Nicole Wiese

Absent

Dan Nielsen
Anne Pierce

Administrative Staff

Joellyn Dahlin

Declaration Quorum Present

Chairperson, David Washkoviak, declared a quorum present.

CONSENT AGENDA

February 13, 2017 Minutes

A Motion was made by Jordan Skiff to approve the minutes of February 13, 2017 and seconded by Nicole Wiese, and the motion was **Passed.**

Ayes: Longo, Ramaker, Skiff, TerBeest, Van Buren, Washkoviak, Wiese

Absent: Nielsen, Jr., Pierce

PUBLIC HEARING

Rezone

Effect: Rezone property from C-2 (General Business) to R-4 (Multifamily Residential).
Initiator: Davey Bartlett
Location: 14 6th Street

Spoke in support of rezoning the property at 14 6th Street

Davey Bartlett, 3563 Summer Dr, Cedarburg, WI

A Motion was made by Derek TerBeest to approve the request to rezone the property at 14 6th Street from C-2 (General Business) to R-4 (Multifamily Residential) and seconded by Stan Ramaker, and the motion was **Passed**.

Ayes: Longo, Ramaker, Skiff, TerBeest, Van Buren, Washkoviak, Wiese

Absent: Nielsen, Jr., Pierce

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 opposition of granting a Special Use Permit for Las Islas at 119 S Main St

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

Rita Manthey, 3 E 2nd St, Fond du Lac, WI

Joe Beck, 15 E 2nd St, Fond du Lac, WI

A Motion was made by David Washkoviak to postpone approval of Special Use Permit at 119 S Main St and seconded by Nicole Wiese, and the motion was **Passed**.

Ayes: Longo, Ramaker, Van Buren, Washkoviak, Wiese

Nays: Skiff, TerBeest

Absent: Nielsen, Jr., Pierce

ADJOURN

A Motion was made by Nicole Wiese to adjourn at 6:00 PM and seconded by Hertha Longo, and the motion was **Passed**.

Ayes: Longo, Ramaker, Skiff, TerBeest, Van Buren, Washkoviak, Wiese

Absent: Nielsen, Jr., Pierce

**COMMISSION AGENDA
CITY OF FOND DU LAC, WISCONSIN
Rezone**

Subject: 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)

Effect:

Initiator: BBL Real Estate, LLC

Location:

Recommendation:

ATTACHMENTS:

File Name

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
RZ_Neighborhood_Petition.pdf
PC_Memo_Rezone_-_BBL_Scenic_Ridge_2017.pdf
RZ_PublicNotificationRzCPA.pdf

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.

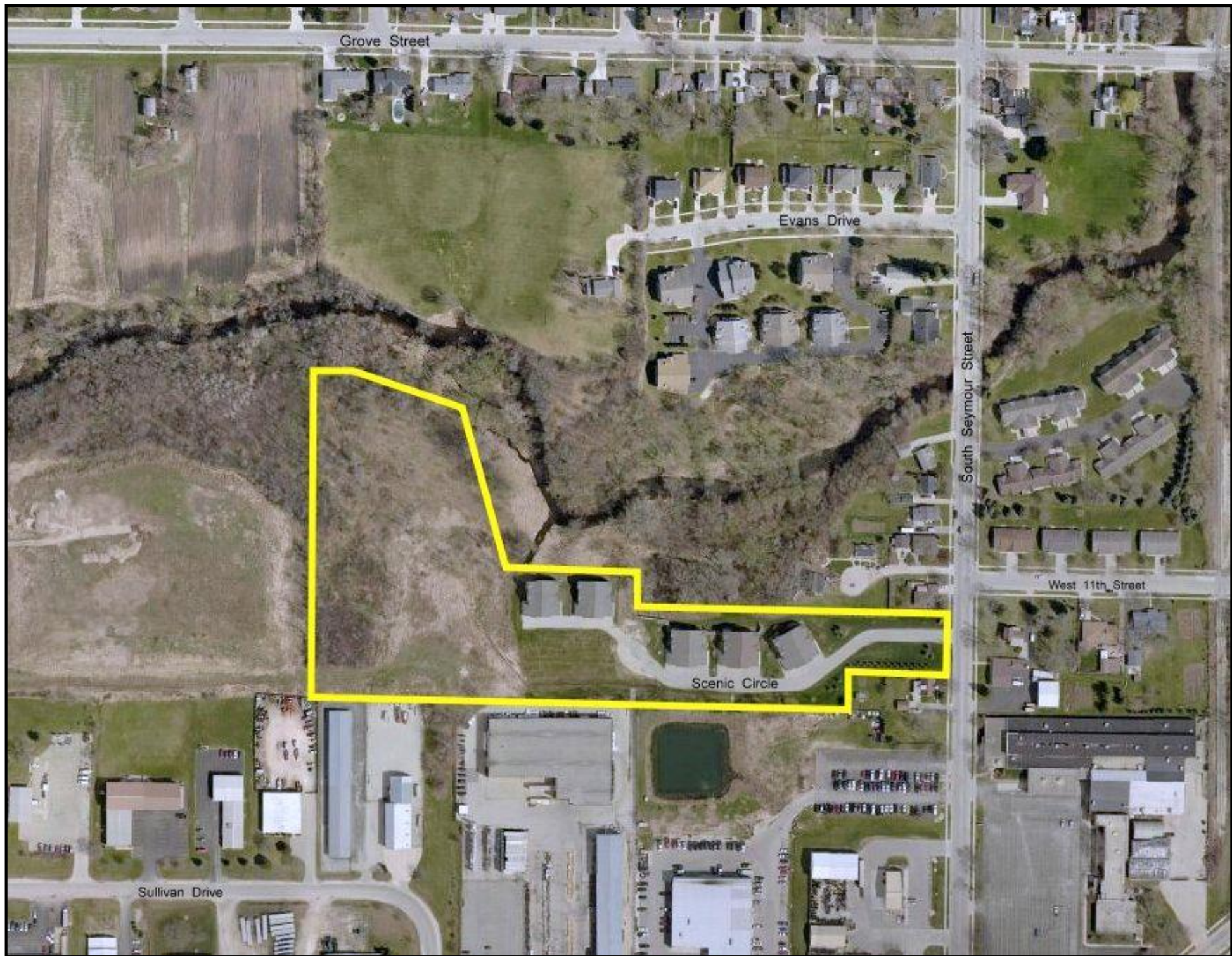
The Applicant intends to develop this unused parcel with a stormwater retention structure, paved inventory overflow lot and future lot maintenance building. The attached preliminary plans give an indication of that potential use, with exact specifics yet to be determined pending wetland and floodplain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



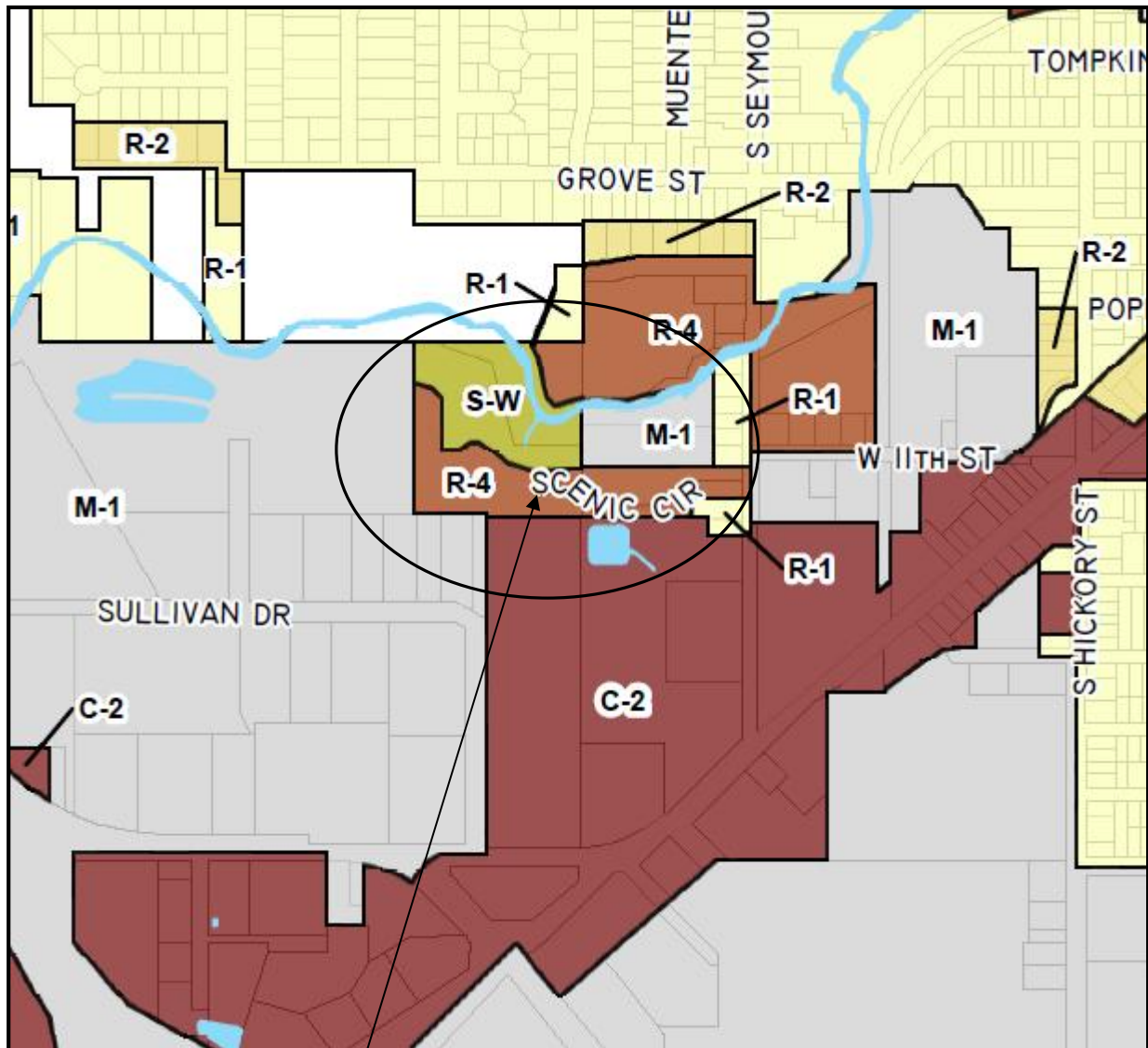
**DESCRIPTION OF A PARCEL OF LAND TO BE REZONED FROM THE
R-4 (MULTI-FAMILT RESIDENTIAL DISTRICT) TO C-2 (GENERAL
BUSINESS DISTRICT), BEING A PART OF LOT 1, CERTIFIED SURVEY
MAP NO. 6117, VOLUME 41, PAGE 6, CERTIFIED SURVEY MAPS,
FOND DU LAC COUNTY REGISTER OF DEEDS OFFICE AS
DOCUMENT NO. 718858, AND 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)

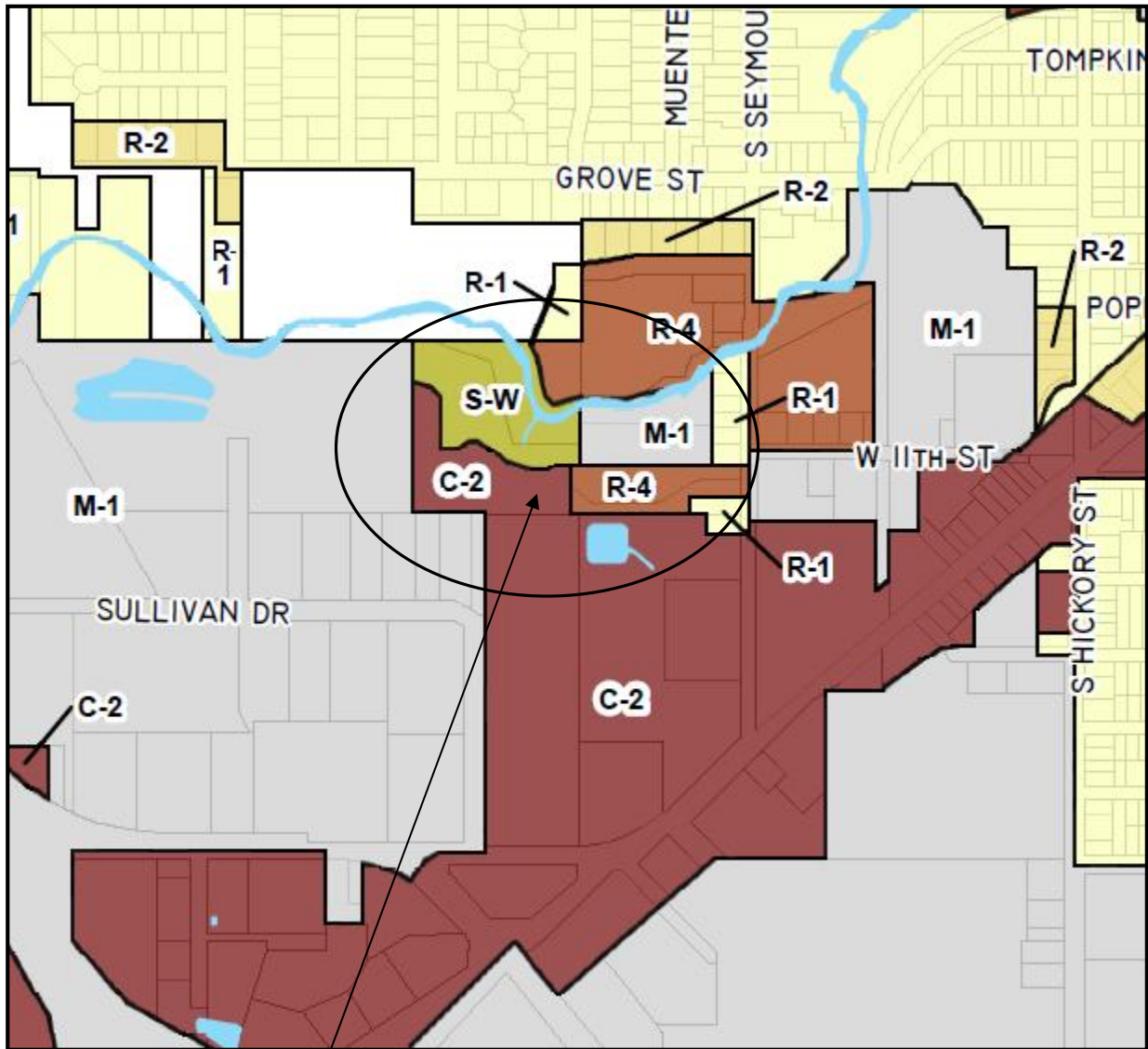


Scenic Circle Condominium Development

REZONING REQUEST– SCENIC CIRCLE

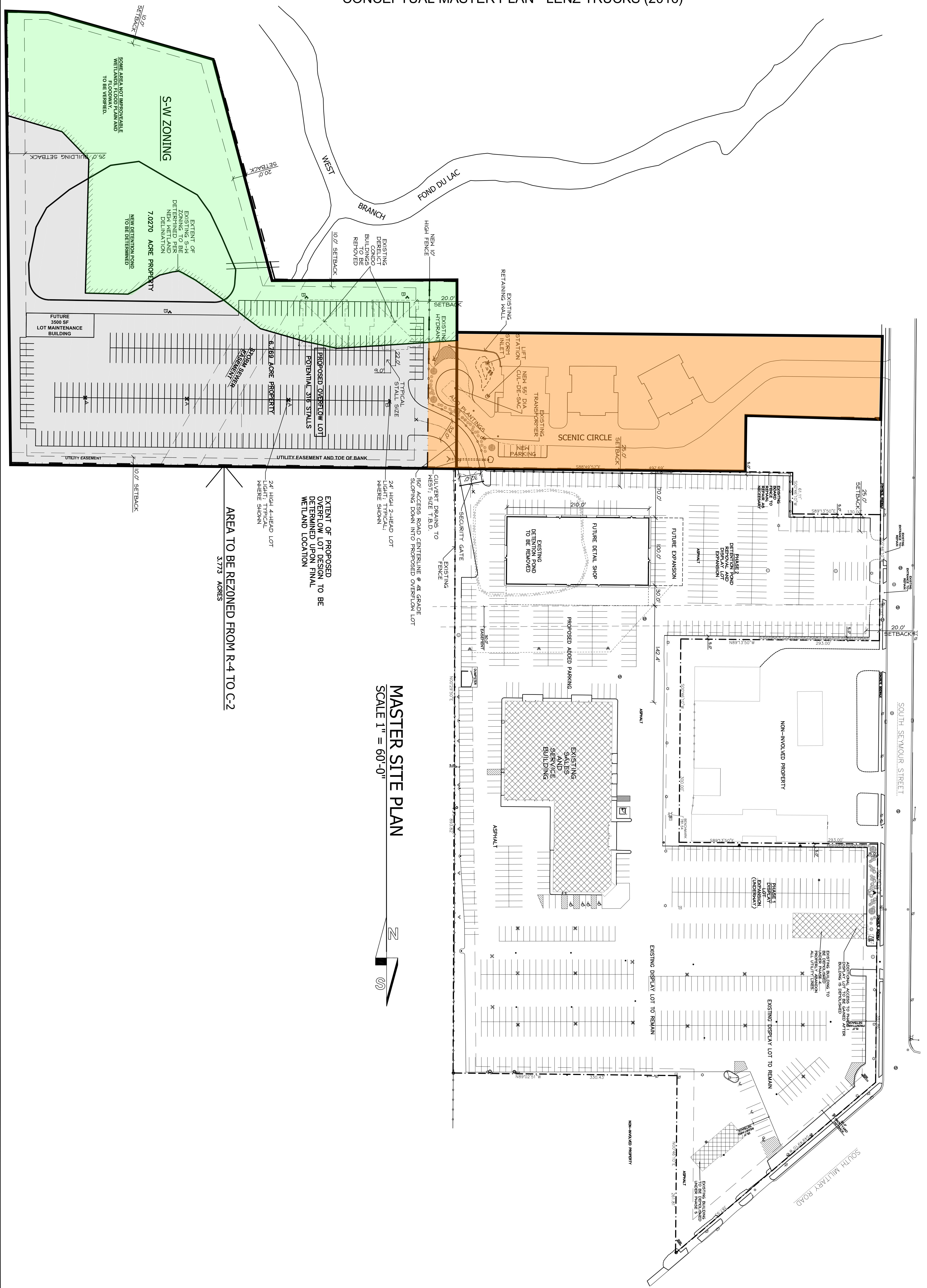
Proposed Zoning: C-2 (General Business)

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



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

CONCEPTUAL MASTER PLAN - LENZ TRUCKS (2016)



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

	OWNER	PROJECT
	BBL REAL ESTATE, LLC	LOT IMPROVEMENTS
	536 S SEYMOUR ST	LENZ TRUCK CENTER
	FOND DU LAC, WI 54935	536 SOUTH SEYMOUR
		FOND DU LAC, WI 54935
DATE JUL 7, 2014		REVISIONS
7/4/14		7/5/14
10/8/14		11/3/14
11/26/14		12/10/15
04/15/16		05/10/16
05/27/16		
PROJECT		PAGE
14134		C1.0

CIMARRON HIGH PERFORMANCE LED area/site lighting

Cimarron

DIE-CAST ARCHITECTURAL LUMINAIRES





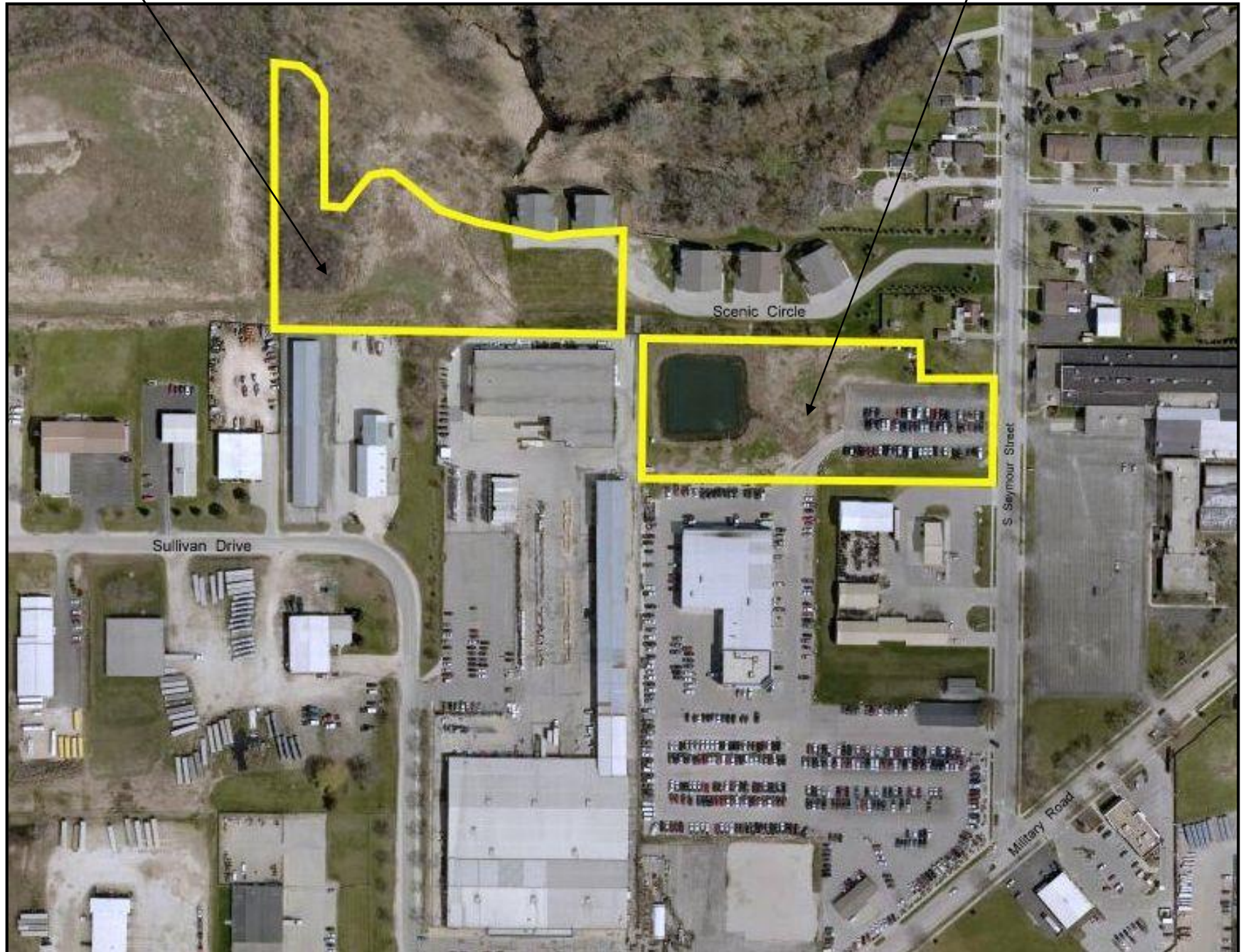


MADE IN THE USA
VINYL
WOODBOND
A DIVISION OF WOODBOND
A DIVISION OF WOODBOND



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,

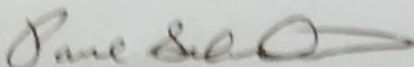
The phase two remaining land is now under contract with Lenz truck. We have deliberated months to come this mutually beneficial agreement. This will be a wonderful benefit for all unit owners. In a couple days, the city will be sending you information regarding the zoning change. The layout for the expansion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

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

**COMMISSION AGENDA
CITY OF FOND DU LAC, WISCONSIN
Comprehensive Plan Amendment**

Subject: 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)

Effect:

Initiator:

Location:

Recommendation:

ATTACHMENTS:

File Name

PH_Notice_CompPlanAmendment.pdf

CompPlan_MAPS_-_Scenic_Circle.pdf

PC_Memo_CompPlan_-_BBLScenic_Ridge2017.pdf

RZ_PublicNotificationRzCPA.pdf

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°-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.

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.

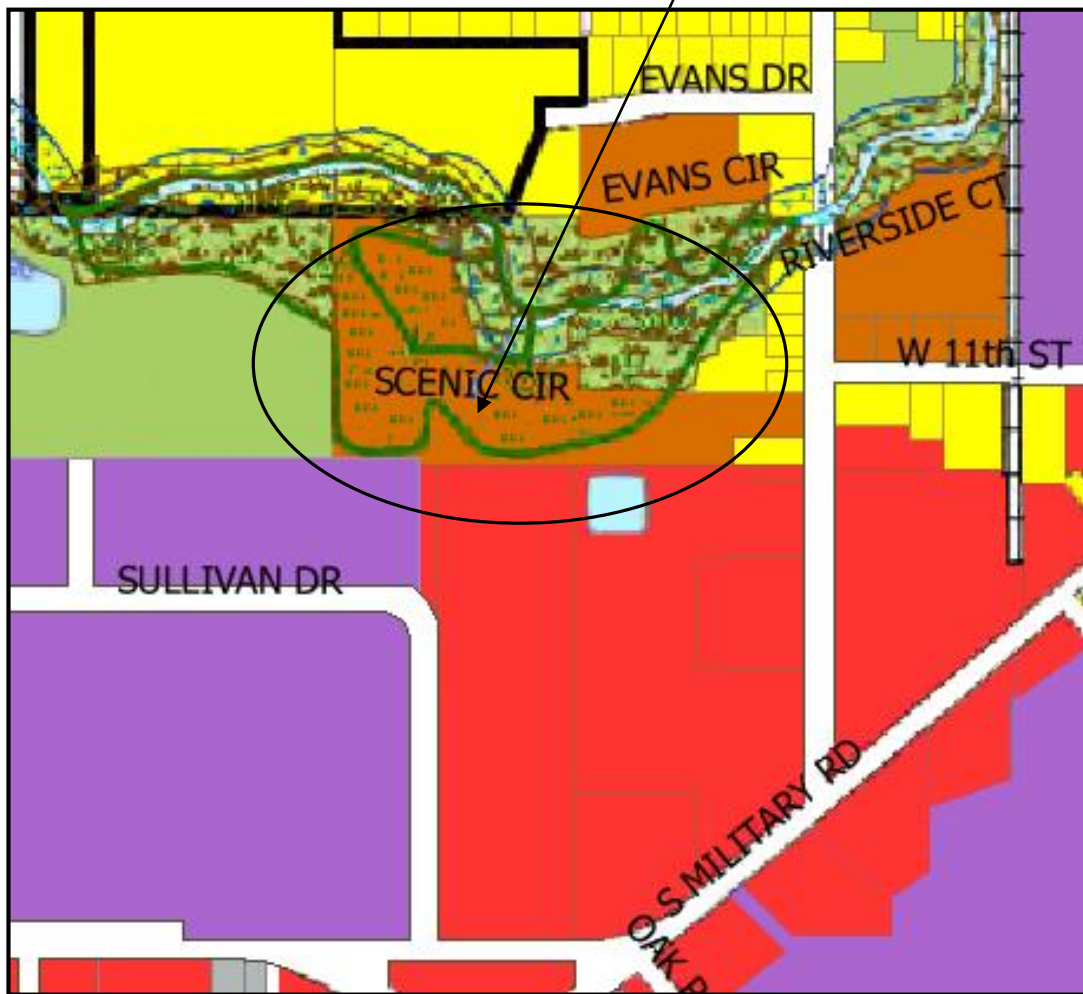
Dated this 1st day of May 2017

MARGARET HEFTER
City Clerk

Published: May 7, 2017

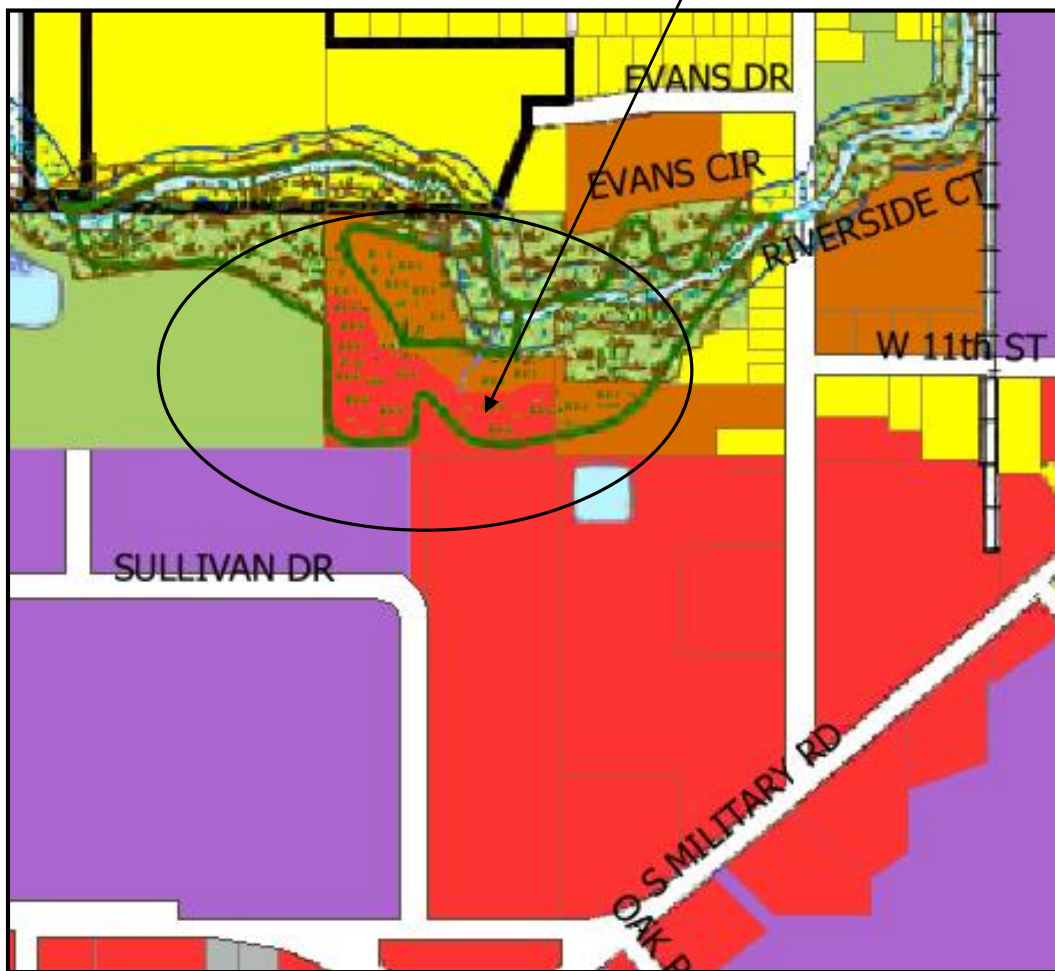
COMPREHENSIVE PLAN AMENDMENT NO. 6
LAND USE MAP – EXISTING

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
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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
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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

**COMMISSION AGENDA
CITY OF FOND DU LAC, WISCONSIN
Special Use Permit**

Subject: 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

Effect:

Initiator:

Location:

Recommendation:

ATTACHMENTS:

File Name

SUP_Application.pdf

119_S_Main_-_Bldg_Photos.pdf

PC_Memo_-_SUP_Las_Islas.pdf

119_S_Main_-_Public_Notification.pdf

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