

PLAN COMMISSION AGENDA

August 16, 2021

5:30 PM

Meeting Room A

City-County Government Center

160 South Macy Street

Fond du Lac, Wisconsin

I. OPENING CEREMONIES

A. Attendance

Virtual

Instructions

B. Declaration Quorum Present

II. CONSENT AGENDA

A. July 19, 2021

III. PUBLIC HEARING

A. Special Use Permit

Request: To allow a non-student use of a student housing facility located within the campus of UW-Oshkosh at Fond du Lac.

Applicant: FDL Housing Properties LLC

Location: 325 Campus Drive

IV. ADJOURN

**COMMISSION AGENDA
CITY OF FOND DU LAC, WISCONSIN
Virtual Instructions**

Subject: **Plan Commission - August 16, 2021**
Mon, Aug 16, 2021 5:30 PM - 6:30 PM (CDT)

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COMMISSION AGENDA
CITY OF FOND DU LAC, WISCONSIN
July 19, 2021

Subject:

Effect:

Initiator:

Location:

Recommendation:

ATTACHMENTS:

File Name

July_2021_PC_Minutes.pdf

PLAN COMMISSION MINUTES

Monday, July 19, 2021

5:30 P.M.

Meeting Room A / Go to Meeting
City-County Government Center

160 South Macy Street
Fond du Lac, Wisconsin

OPENING CEREMONIES

Attendance

Present

Ben Giles

Antonio Godfrey Sr (virtual)

Alicia Hans

Craig Much

Dan Nielsen (virtual)

Derek TerBeest

Sarah Van Buren

Absent

None

Administrative Staff

Dyann Benson, Community Development Director

Kolin Erickson, Principal Planner

Declaration Quorum Present

Community Development Director Benson declared a quorum present at 5:30 p.m.

CONSENT AGENDA

Community Development Director Benson welcomed new members.

June 21, 2021 Minutes

A Motion was made by TerBeest to approve the June 21, 2021 minutes and seconded by Van Buren, and the motion was **Passed**.

Ayes: Giles, Godfrey, Nielsen, TerBeest, Van Buren

Nays: None

Abstain: Hans, Much

ELECTION OF OFFICERS

Motion made by TerBeest to elect Van Buren as Chair.

Seconded by Giles.

ROLL CALL VOTE:

Aye – Giles, Godfrey, Hans, Much, Nielsen, TerBeest,
Van Buren

Nay – None

Carried.

PLAN COMMISSION MINUTES

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Motion made by Van Buren to elect TerBeest as Vice-Chairperson.

Seconded by Much.

ROLL CALL VOTE: Aye – Giles, Godfrey, Hans, Much, Nielsen, TerBeest,
Van Buren
Nay – None

Carried.

PUBLIC HEARING

Special Use Permit

Request: Install an electronic message center as a component of an existing ground sign.

Location: 399 South Main Street (Georgetown Cleaners)

Applicant: Able Signs & Lighting o/b/o JKH Development LLC

Spoke in Support of Special Use Permit:

Querubin Ramirez, Able Signs & Lighting, W8246 N Crystal Lake Rd, Beaver Dam

Conditions of Approval:

1. Illumination of the electronic message center shall be programmed to reduce intensity based on outdoor/exterior lighting levels.
2. The minimum interval between copy changes shall be not less than two seconds. Video displays are prohibited.
3. No part of a message or background shall in any way be similar to traffic signals and/or emergency signals.
4. An electronic message center shall not display off-premises commercial advertising

A Motion was made by Hans approve a Special Use Permit to allow for an electronic message center as a component of an existing ground sign at 399 South Main Street with the conditions listed and seconded by Much, and the motion was **Passed**.

Ayes: Giles, Godfrey, Hans, Much, TerBeest, Van Buren

Nays: None

Abstain: Nielsen

Rezone

Request: Rezone property from C-2 (General Business) to M-1 (Industrial).

Location: 825 S Hickory St (FDL-15-17-22-23-503-08)

Applicant: Excel Engineering o/b/o Spence Storage LLC

Spoke in Support of Rezoning:

Bob Poch, Keller Inc., N216 WI-55, Kaukauna

A Motion was made by TerBeest to recommend to the City Council rezoning of the subject property from C-2 (General Business) to M-1 (Industrial) and seconded by

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Giles, and the motion was **Passed**.

Ayes: Giles, Godfrey, Hans, Much, Nielsen, TerBeest, Van Buren

Nays: None

Rezone

Request: Rezone property from A (Agricultural) to R-1 (Single-Family Residential).

Location: FDL-15-18-07-14-752-00, FDL-15-18-07-13-500-00, FDL-15-18-07-13-501-00

Applicant: St. Mary's Springs Academy

Spoke in Support of Rezoning:

Brad Seubert, Harwood Engineering Consultants, 255 N 21st St, Milwaukee

Bill Everson, Everson & Gibbs, 885 Western Ave Suite 100

A Motion was made by Much to recommend to the City Council rezoning of the subject properties from A (Agricultural) to R-1 (Single-Family Residential) and seconded by Godfrey, and the motion was **Passed**.

Ayes: Giles, Godfrey, Hans, Much, Nielsen, TerBeest, Van Buren

Nays: None

Rezone

Request: Rezone property from C-2 (General Business) to R-1 (Single-Family Residential).

Location: FDL-15-18-18-13-500-01

Applicant: Holy Family Congregation

Spoke in Support of Rezoning:

Mike Fortune, Fortune Law, 34 Oakridge Ct

Fr. Ryan Pruess, Holy Family (virtual)

A Motion was made by Van Buren to recommend to the City Council rezoning of the subject property from C-2 (General Business) to R-1 (Single-Family Residential) and seconded by Giles, and the motion was **Passed**.

Ayes: Giles, Godfrey, Hans, Much, Nielsen, TerBeest, Van Buren

Nays: None

ACTION

Downtown Mural Project

Request: Installation of permanent mural at 82 North Main Street.

Initiator: Downtown Fond du Lac Partnership

Spoke in Support:

Amy Hansen, Downtown Fond du Lac Partnership, 131 S Main St Suite 101

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A Motion was made by Hans to approve the proposed mural concept at 82 North Main Street, and seconded by Much, and the motion was Passed.

Ayes: Giles, Godfrey, Hans, Much, Nielsen, TerBeest, Van Buren

Nays: None

ADJOURN

A Motion was made by TerBeest to adjourn at 5:55 p.m. and seconded by Giles, and the motion was **Passed.**

Ayes: Giles, Godfrey, Hans, Much, Nielsen, TerBeest, Van Buren

Nays: None

KE/ss

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

Subject: Request: To allow a non-student use of a student housing facility located within the campus of UW-Oshkosh at Fond du Lac.
Applicant: FDL Housing Properties LLC
Location: 325 Campus Drive

Effect:

Initiator:

Location:

Recommendation:

ATTACHMENTS:

File Name

SUP_2021-07_UW-FDL_student_housing_(325_Campus_Dr)_agenda_redacted.pdf

SitePhotosAgenda.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. on August 16, 2021, in Meeting Room A of the City-County Government Center, 160 South Macy Street, to consider a special use permit to allow non-student use of a student housing facility located within the campus of UW-Oshkosh at Fond du Lac at 325 Campus Drive.

The meeting will be conducted in both in-person and virtual formats. Instructions for participating in the virtual meeting will be provided on the meeting agenda available on the City's website. The meeting agenda for the Plan Commission can be accessed on the Calendar tab on the home page of the City's website; www.fdl.wi.gov.

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 28th day of July, 2021

MARGARET HEFTER
City Clerk

Published: August 8, 2021



SPECIAL USE PERMIT

Application

PROPERTY LOCATION: 325 CAMPUS DRIVE

Tax Key Number (Vacant Land):

Project Applicant			
Name STEVEN K HARMS			
Mailing Address 3175 CAMDEN LANE	City SUN PRAIRIE	State WI	ZIP Code 53590
Email Address		Phone Number	
Landowner (Complete this information if the project applicant is not the property owner.)			
Name FDL HOUSING PROPERTIES, LLC			
Mailing Address 3175 CAMDEN LANE	City SUN PRAIRIE	State WI	ZIP Code 53590
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:

Student housing known as Vue Campus Student Living - total of 33 units

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

We propose a mix of students and non-students. Non-students would not exceed Fifty percent (50%)

Time schedule for use and/or development of the property: as soon as possible.

PROJECT APPLICANT SIGNATURE

LANDOWNER AUTHORIZATION

TO: City of Fond du Lac

Community Development Department

Re: SPECIAL USE PERMIT PROPOSAL

LOCATION: 325 CAMPUS DRIVE

PROPERTY ADDRESS AND/OR TAX KEY NUMBER

The undersigned Fond du Lac County **is the owner of property**

NAME OF PROPERTY OWNER (PLEASE PRINT)

referenced above. The undersigned authorizes FDL HOUSING PROPERTIES, LLC / STEVE HARMS

to sign and file an application for a Special Use Permit that affects the referenced property.

Allen J. Buechel
SIGNATURE OF LAND OWNER OR AUTHORIZED AGENT

July 22, 2021
DATE

FDL Housing Properties, LLC
Vue Campus Apartments
325 Campus Drive
Fond du Lac, WI 54935

July 16, 2021

To: City of Fond du Lac
Community Development

Re: Special Use Permit – 325 Campus Drive

Ladies and Gentlemen:

We are requesting the ability to lease to non-students or conventional apartment dwellers in response to the low occupancy rates since we opened in 2017. Despite fostering good relationships with UW Fond du Lac, Moraine Tech, and Marian, we have never been above 65% occupancy. (Last year was less than half that due to Covid)

We planned this year to lower rents to a break-even point assuming we'd fill all the beds (121). The concept is to create excitement and use that momentum to keep it full and eventually get rates back up to proforma. As of the end of June we'd normally expect to be about half full. However we were only 15% occupied for fall. Given the \$299/mo. rate or \$2990 for the school year, price should not be an obstacle. It appears that there aren't enough students in the market regardless of price and the investors/owners are extremely concerned. Part of the issue is the UW FDL enrollment has dropped significantly since 2017, not helping feed occupancy of the housing property.

To keep this a viable entity we're in need of a potentially larger market to assist in filling our units. We have been in contact with the county, the land lessor, and the schools and are asking them to help promote the facility even more.

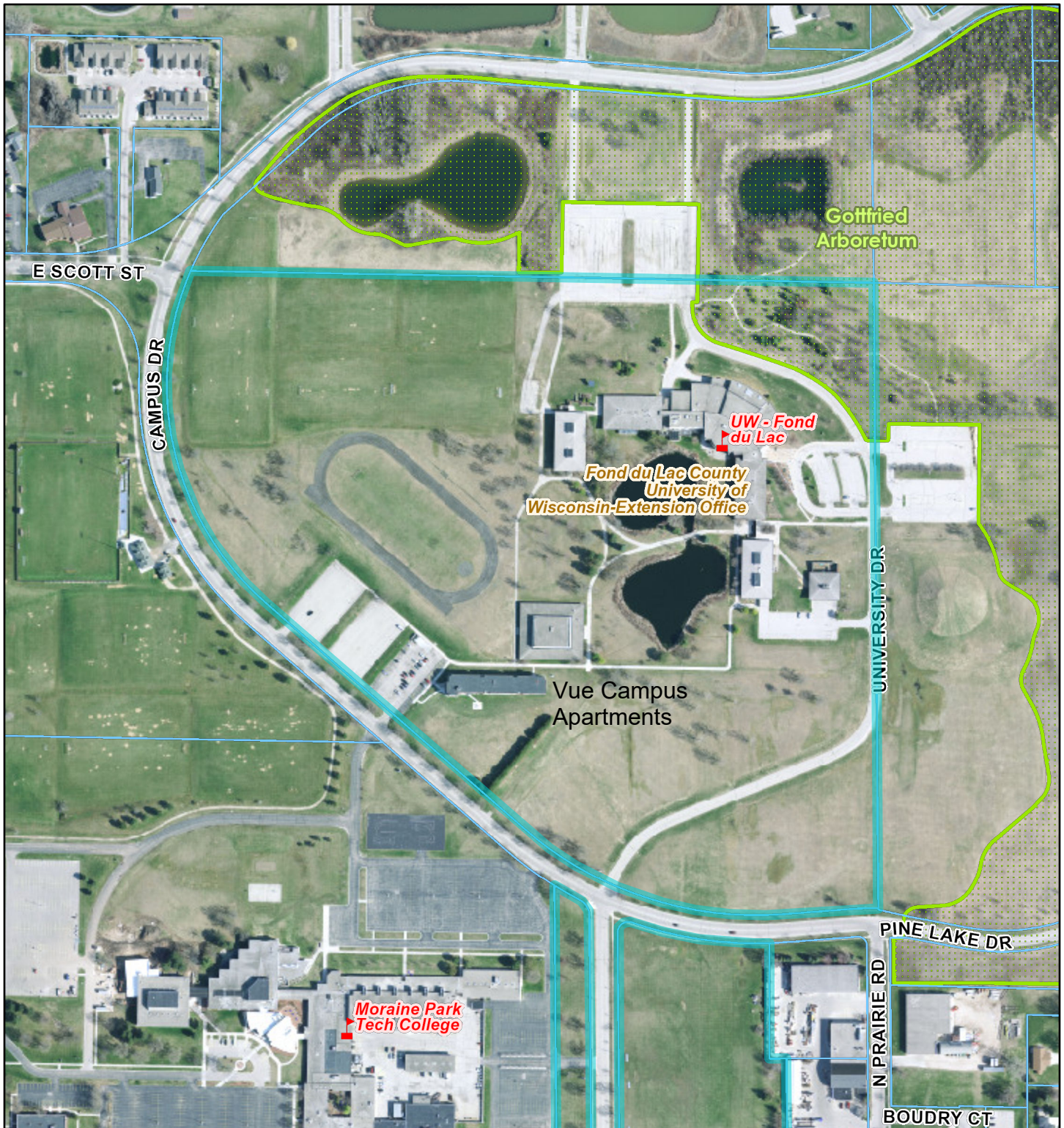
Please contact me with any questions or concerns.

Steve Harms, Manager Member

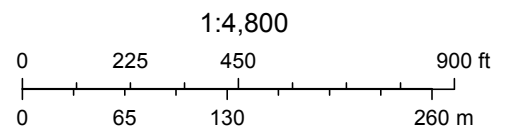
A handwritten signature in black ink, appearing to read "Steve Harms", written in a cursive style.

FDL Housing Properties, LLC

325 Campus Drive

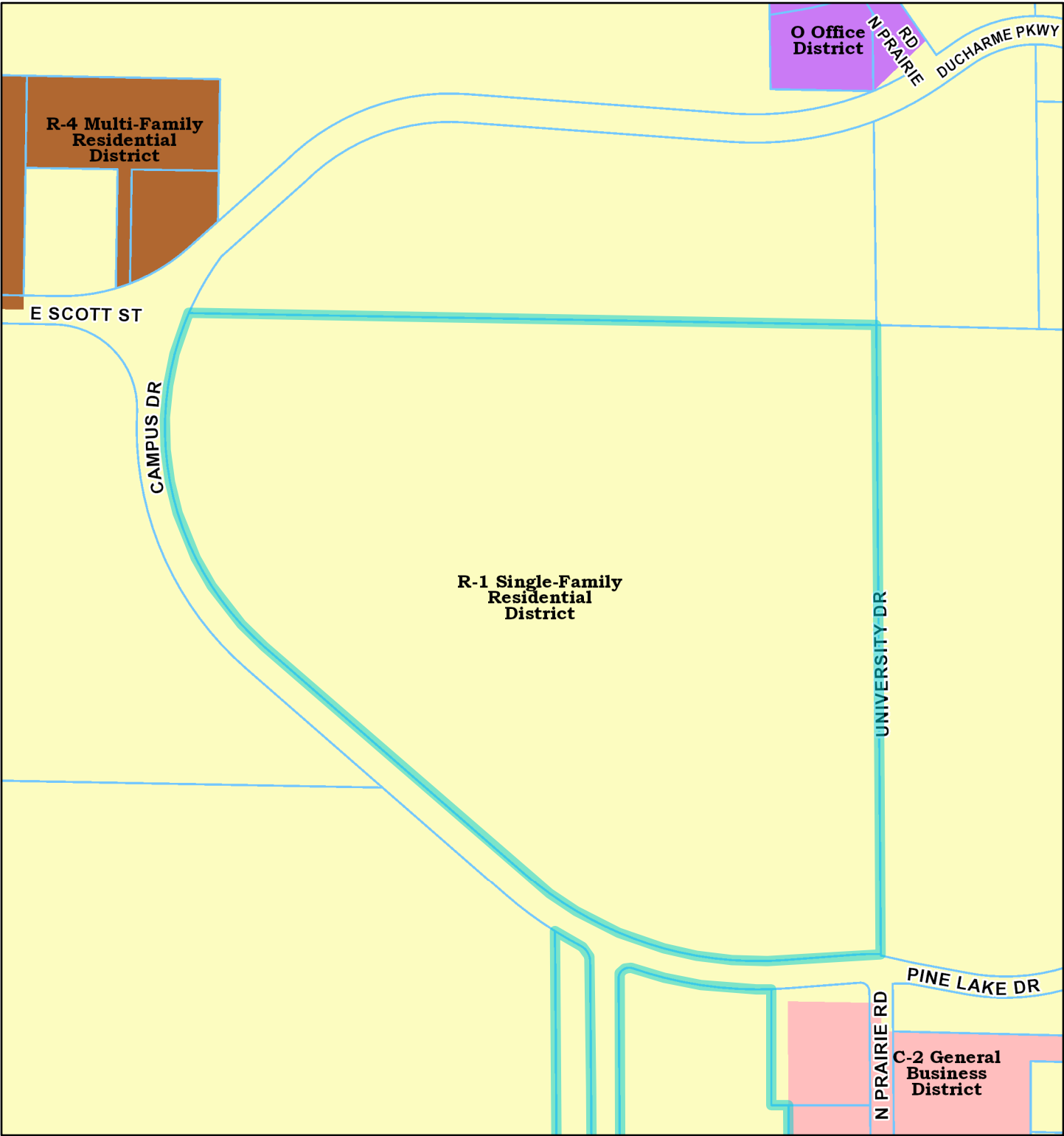


August 6, 2021

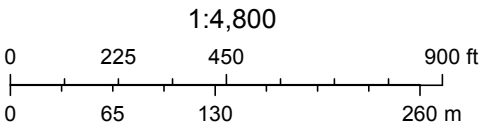


Fond du Lac County

Zoning - 325 Campus Drive



August 6, 2021



Fond du Lac County

CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: July 26, 2021

To: Plan Commission

From: Kolin Erickson, Principal Planner

Re: Special Use Permit – 325 Campus Drive

Applicant: Steve Harms o/b/o FDL Housing Properties LLC

Request: Allow non-student use of a student housing facility at UW-Oshkosh (Fond du Lac Campus).

Zoning:

Site:	R-1 (Single-Family Residential)
North:	R-1
South:	R-1
East:	R-1
West:	R-1

Land Use:

Site:	UW-Oshkosh at Fond du Lac – Vue Campus Apartments
North:	Campus Building
South:	Moraine Park Technical College
East:	UW-Oshkosh at Fond du Lac
West:	UW-Oshkosh at Fond du Lac – West Parking Lot

Analysis

The subject property is the site of Vue Campus Apartments located on the grounds of UW-Oshkosh at Fond du Lac. The applicant seeks to allow non-student use of a student housing facility. A special use permit was approved in 2016 (Resolution 8625) to allow development of on campus student housing. This special use permit was amended in 2018 (Resolution 8746), to allow non-student temporary/seasonal use of the facility between the spring and fall semesters. This amendment request is to consider permanent non-student use of the facility in addition to providing the primary use of student housing.

The student housing was accomplished with a land lease between Fond du Lac Housing Properties LLC (a private developer) and Fond du Lac County (the property owner). The developer constructed and manages the 33 unit apartment style facility which provides a total of 121 beds. The intent of the housing facility is to serve students attending UW-Oshkosh at Fond du Lac, Moraine Park Technical College and Marian University. The demand for housing these students has not materialized since the facility opened in 2017. The developer would like to offer the building for non-students/conventional apartment dwellers in

response to low occupancy rates and is requesting a change to the parameters of the special use permit that currently regulates the use. The proposed use of the building would offer a mix of students and non-students tenants; non-students tenants would not exceed forty-nine percent of the facility.

A school (including a university) is a permitted use in the R-1 zoning district and is the principal use. Schools and universities may also have accessory uses that are secondary to the principal use, such as athletic fields or student housing. In order to remain an accessory use to the principal use, thus permitted under the zoning code, the primary tenant base must remain students. A shift to primarily non-student tenants would convert this to multifamily housing which is not permitted in the R-1 District.

The purpose of a special use permit is to ensure the suitability of a land use in consideration of nearby development and uses. The student facility's physical footprint will not change and adequate parking is also readily available next to the building. The available parking exceeds the code requirement for the residential building and allows for use by other activities on the campus. A conditional approval of the special use permit is recommended.

Criteria for Special Use Permit Approval

A special use permit is an opportunity to determine if a use can be accomplished within the standards identified by the zoning code. A decision for approval or denial of a special use permit must be based on substantial evidence, i.e. facts and information. While public input is encouraged, personal opinion, speculation or uncorroborated hearsay does not meet the test for substantial evidence to support or oppose a special use permit proposal.

Zoning Code Requirements – Special Use Permit Approval

- (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 by the zoning code.
- (5) Adequate off-street parking and loading are provided in accordance with the zoning code 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 the zoning code.
- (7) Any conditions determined to be necessary to accomplish the purposes of the zoning code.

Recommendation

The proposed use to allow housing for non-students is not unlike the use of the building authorized by Resolution No. 8746 which granted a special use permit to allow temporary/seasonal housing for non-students.

Community Development staff recommends the Plan Commission approve the Special Use Permit, subject to the following conditions:

1. Occupancy of non-students renters shall not exceed forty-nine percent (49%) of available units. If in the event complaints between the number or percentage of student renters and non-student renters arise, the developer must provide written documentation supporting that students remain the primary tenant base to the Community Development Department. If the developer is unable to do so or if complaints become frequent, the City may revoke this amended special use permit.
2. The terms and conditions of Resolutions 8746 and 8625 are incorporated herein by reference and shall remain in full force and effect.

PLAN COMMISSION
325 CAMPUS DR

Parcel Number	Site Address	Mailing Address 1	Mailing Address	Mailing City	State	Zip
FDL-15-17-12-31-006-00	838 E JOHNSON ST	N7387 RAVEN VIEW CT		FOND DU LAC	WI	54937
FDL-15-17-12-13-502-00	261 N PRAIRIE RD	PO BOX 1006		FOND DU LAC	WI	54936
FDL-15-17-12-24-750-00	270 N PRAIRIE RD	PO BOX 1006		FOND DU LAC	WI	54936
FDL-15-17-12-24-751-00	240 N PRAIRIE RD	PO BOX 1006		FOND DU LAC	WI	54936
FDL-15-17-12-24-752-00	889 E JOHNSON ST	PO BOX 1006		FOND DU LAC	WI	54936
FDL-15-17-12-31-002-00	892 E JOHNSON ST	W7443 WESTBROOK LANE		FOND DU LAC	WI	54937
FDL-15-17-01-33-502-00	721 E SCOTT ST	PO BOX 2325		FOND DU LAC	WI	54935
FDL-15-17-01-33-503-00	747 E SCOTT ST	747 E SCOTT ST		FOND DU LAC	WI	54935
FDL-15-17-12-21-001-00	400 UNIVERSITY DR	CITY COUNTY GOV CENTER	160 S MACY ST	FOND DU LAC	WI	54935
FDL-15-17-01-34-752-00	0 E SCOTT ST	CITY COUNTY GOV CENTER	160 S MACY ST	FOND DU LAC	WI	54935
FDL-15-17-01-34-752-00	0 E SCOTT ST	CITY COUNTY GOV CENTER	160 S MACY ST	FOND DU LAC	WI	54935
FDL-15-17-01-43-748-00	0 PRAIRIE RD	CITY COUNTY GOV CENTER	160 S MACY ST	FOND DU LAC	WI	54935
FDL-15-17-12-12-250-00	0 N PRAIRIE RD	CITY COUNTY GOV CENTER	160 S MACY ST	FOND DU LAC	WI	54935
FDL-15-17-12-12-250-00	0 N PRAIRIE RD	CITY COUNTY GOV CENTER	160 S MACY ST	FOND DU LAC	WI	54935
FDL-15-17-01-31-249-00	801 CAMPUS DR	72 W 9TH ST		FOND DU LAC	WI	54935
FDL-15-17-01-33-500-00	737 E SCOTT ST	PO BOX 1658		FOND DU LAC	WI	54935
FDL-15-17-12-31-018-00	41 CAMBRIDGE CT	41 CAMBRIDGE CT		FOND DU LAC	WI	54935
FDL-15-17-12-31-005-00	854 E JOHNSON ST	326 E LAKE ST		HORICON	WI	53032
FDL-15-17-12-31-010-00	168 UNIVERSITY DR	168 UNIVERSITY DR		FOND DU LAC	WI	54935
FDL-15-17-12-31-003-00	876 E JOHNSON ST	N7044 WINNEBAGO DR		FOND DU LAC	WI	54935
FDL-15-17-12-31-019-00	45 CAMBRIDGE CT	45 CAMBRIDGE CT		FOND DU LAC	WI	54935
FDL-15-17-12-31-001-00	170 N PRAIRIE RD	170 NORTH PRAIRIE RD		FOND DU LAC	WI	54935
FDL-15-17-12-31-004-00	0 E JOHNSON ST	170 N PRAIRIE RD		FOND DU LAC	WI	54935
FDL-15-17-12-22-250-00	0 N NATIONAL AVE	235 N NATIONAL AVE		FOND DU LAC	WI	54935
FDL-15-17-12-22-250-00	0 N NATIONAL AVE	235 N NATIONAL AVE		FOND DU LAC	WI	54935
FDL-15-17-12-13-504-00	919 E JOHNSON ST	N6383 TRADEWINDS CIR		BEAVER DAM	WI	53916
FDL-15-17-12-23-500-00	235 N NATIONAL AVE	235 N NATIONAL AVE		FOND DU LAC	WI	54935
FDL-15-17-12-31-009-00	178 UNIVERSITY DR	178 UNIVERSITY DR		FOND DU LAC	WI	54935
FDL-15-17-12-31-017-00	37 CAMBRIDGE CT	37 CAMBRIDGE CT		FOND DU LAC	WI	54935





