

October 27, 2015 (Plan Commission Meeting)

**PLANNING COMMISSION MEETING  
TUESDAY, OCTOBER 27, 2015  
4:30 P.M., DENMARK VILLAGE HALL**

CALL TO ORDER/ROLL CALL

Chairperson Mleziva called the meeting to order at 4:35 p.m.

Present: G. Steinberger, A. Schilke, M. Lax, D. Kralovetz, K. Peterson, J. Duckart,  
G. Mleziva

Also Present: S. Konkol, K. Coogle, E. Sisel, E. Runge, Planner from Ayres and Associates

REVIEW THE CSM APPLICATION FOR A PART OF PARCEL VD 97-45, SURVEYOR: Robert E. Lee & Associates, Inc.

Runge presented the staff report to the Planning Commission.

- Dennis Reim, a registered surveyor has submitted a CSM to the Village located in Section 28, T. 22 N, R22 E in the Village of Denmark in Brown County. The CSM identifies Lot 1 which is 1.15 acres (50,010 square feet) in size.
- The CSM identifies that part of parcel VD-133 is to be attached to the adjoining parcel VD-94 and VD-95.
- There are Restrictive Covenants identified on the CSM.
- There are surveyor notes that identify access must be granted by Brown County Highway prior to any construction of a new street, road connection or driveway onto a county trunk highway.

The staff report recommends approval subject to the CSM meeting state and any other regulations required by reviewing entities.

**Steinberger/Schilke moved to approve the CSM application for a part of parcel VD-97-45. Motion carried.**

REVIEW THE PETITION FOR REZONING FROM RURAL RESIDENTIAL TO B-2 GENERAL COMMERCIAL: STROMIN' PROPERTIES, LLC LOCATED AT (DE PERE ROAD) PART OF VD-97-45-1, APPLICANT: Scott Bortilini

Runge presented the staff report to the Planning Commission.

- Parcels are located on CTH KB (De Pere Road) with access from I-43 to the west.
- The applicant is requesting a rezoning from Rural Residential (RD-1) to General Commercial (B-2).
- The adjacent property to the west is the DeGrand restaurant, across the street to the north is a McDonald's restaurant and a gas station. The corridor in general is a mixed use corridor with commercial and residential land uses.

**STAFF REVIEW FOR REZONING**

- Consistency with Zoning District

- The intent of Rural Residential (RD-1) zoning district is to provide for rural residential development lots that do not have access to public sewer, and water, but may in the future.

The factors for consideration to amend the current zoning code are listed in s.17.34(4)(9) e

- a. Existing Use of Property within the area of the property in question:**  
Vacant/Undeveloped
- b. Zoning Classification:** The current zoning is Rural Residential (RD-1).
- c. Sustainability of property in question to the uses permitted under the existing zoning classification:** The applicant and a national retailer have been working toward the development of a retail store in this location. However, the proposal would not be permitted under the current zoning.
- d. Trend of development in the general area:** This section of CTH KB is a mixed use corridor. It contains a mixture of commercial and residential development.
- e. Adequate public facilities to serve the development:** There is development adjacent to this parcel currently served by utilities, water, and sewer and this parcel would be able to connect also.
- f. Providing these facilities to serve the development will not be an unreasonable burden to the Village:** Again, this area is served by infrastructure and it will be connected to infrastructure connection points as a part of the Village development practices which will meet all necessary local and state standards.
- g. The land is suitable for development, and development will not cause unreasonable pollution, or adverse effects:** The land is identified for future commercial development in the Village's land use plan and retail would be a suitable use in this corridor.
- h. The Planning Commission may recommend the adoption of an amendment changing the zoning classification of the property to any higher classification than that requested by the applicant:** The existing zoning is Rural Residential (RD-1) and the zoning request is for General Commercial (B-2).
- i. The Planning Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption is in the interest of the public and is not solely in the interest of the applicant.**

Based on the standards for review, planning staff *recommends* the Denmark Planning Commission approve the rezoning request from Rural Residential (RD-1) to General Commercial (B-2) for the following reasons:

- A re-zoning of these parcels would be consistent with the Village's comprehensive plan. The comprehensive plan has identified this area to be a commercial area in proximity to I-43 and CTH KB.

**Kralovetz/Duckart moved to approve the rezoning of the parcel located on CTH KB (DePere Road) from Rural Residential (RD-1) to General Commercial (B-2). Motion carried.**

REVIEW THE PETITION FOR REZONING FROM GENERAL COMMERCIAL B-2 TO LIMITED INDUSTRIAL I-1: VIKING BUSINESS CENTER, LLC, LOCATED AT (GREEN BAY ROAD) VD-735, VD-736, VD-737, VD-738, APPLICANT: David O'Brien

Runge presented the staff report to the Plan Commission

- Parcels are located on Green Bay Road
- Applicant is requesting a rezoning from General Commercial to (B-2) to Limited Industrial (I-1)
- Commercial storage units are only permitted within the Village of Denmark Limited (I-1) and Heavy (I-2) Industrial districts as a conditional use. Thus, a re-zoning of the parcels is necessary if this use is to be allowed. The applicant will require a conditional use permit and a site plan review of the proposed development should the re-zoning receive approval by the Village.

Consistency with the zoning district

The intent of the General Commercial (B-2) zoning district is to further maintain and encourage the use and redevelopment of the principal business districts in the Village by providing locations for general commercial goods and services serving the Village of Denmark and other nearby communities.

The factors for consideration to amend the current zoning code are listed in s.17.34(4)(9)e

Amendments for the zoning ordinance

- Existing Use of Property within the area of property in question:** Multi-family Residential, commercial and undeveloped.
- Zoning Classification:** General Commercial (B-2).
- Suitability of property in question to the uses permitted under the existing zoning classification:** The proposed use is not permitted under the current-zoning district. It is a conditional use in I-1 and I-2 Districts in the Village.
- Trend of development in the general area:** Multi-family to the south and commercial development to the west and adjacent properties.
- Adequate public facilities to serve the development:** There are public facilities present in the area to serve the developments for the zoning that is in place.
- Providing these facilities to serve the development will not be an unreasonable burden to the Village:** The existing facilities provide the services to the developments in place.
- The land is suitable for development, and development will not cause unreasonable pollution or adverse effects:** The proposed development would be evaluated during the site plan review process. When 1 acre of land or more is disturbed, storm water management standards (WI DNR) would apply as would Village site design standards.
- The Planning Commission shall not recommend the adoption of proposed amendment unless it finds that the adoption is in the interest of the public and is not solely in the interest of the applicant.**

Based on the standards for review, planning staff recommends the Denmark Planning Commission *deny* the re-zoning request for the use of commercial storage on parcels VD-735, VD-736, VD-737 and VD-738 for the following reasons:

- The Comprehensive Plan indicates that the DePere Road corridor will best be developed as a mixed commercial. This proposed use is inconsistent with the intent of the

surrounding land uses intended for the B-2 district. A spot re-zoning request for Industrial (I-1) in this area was previously denied.

- The Comprehensive Plan has identified this to be a commercial area in proximity to CTH R, I-43 and CTH KB. The proposed use of commercial storage does not fit within the Village's Comprehensive Plan of professional offices, retail, or other currently allowed services.

**Schilke/Duckart moved to open the floor. Motion carried.**

David O'Brien of Bayland Buildings, and Bill Thomas, land owner, were here representing the project. O'Brien stated that there would be 88 mini-maxi units, and 2 condo units constructed. It was presented to the Planning Commission that the condo units would have the potential to house businesses. With the recommendation of denial, Thomas stated that he owned the land for over 20 years, and that he has been trying to sell it, and there has been no interest by any businesses to purchase. He and O'Brien stated that there are storage buildings across the street, and that they brought their plans in to Administrator Suemnick to construct storage units on the parcels to be re-zoned, and Suemnick told them it wouldn't be a problem to put the storage sheds on the parcels as long as the buildings were constructed the same as the ones on Copenhagen Lane. It was explained to them that Suemnick is no longer here, and that the Village did not know anything about it until O'Brien brought in a Site Plan Review Application. Once the Site Plan Application was received, Konkol notified Runge, and that is when Runge stated that the property needed to be re-zoned and that a Conditional Use Permit and Site Plan Review would also need to be approved. Thomas stated that if the re-zoning didn't get approved, and the construction couldn't start soon, that it was going to get ugly.

Discussion:

- Who will be responsible for the maintenance and upkeep of the buildings?
- It is appealing to the Plan Commission that the condo units have the potential to bring in business that area.
- There are already storage units there, do we want more?
- Something is better than nothing
- They can come down as easily as they go up.

**Schilke/Peterson moved to recommend to the Village Board to re-zone tax parcels VD-735, VD-736, VD-737 and VD-738, Viking Business Center, LLC, located at Green Bay Road, from General Commercial (B-2) to Limited Industrial (I-1). Motion carried.**

ADJOURN

**Peterson/Duckart moved to adjourn at 5:27. Motion carried.**

Minutes submitted by Sherri Konkol, Village Clerk.