

# PLAN COMMISSION AGENDA

April 13, 2015  
5:30 p.m.

**Meeting Room D**  
City-County Government Center

160 South Macy Street  
Fond du Lac, Wisconsin

## **I. CALL TO ORDER**

- A. Attendance
- B. Declaration Quorum Present

## **II. CONSENT AGENDA**

March 16, 2015 Minutes

## **III. PUBLIC HEARING**

### ZONING CODE AMENDMENT

Effect: Revisions to Municipal Code Chapter 720-11, Accessory Buildings and Uses, to allow the keeping of honeybees in residential areas of the city.  
Initiator: Community Development Director

## **IV. ACTIONS**

### ACQUISTION OF LAND

Effect: Land purchase of new right-of-way for Walker Street reconstruction project.  
Location: 401 S Military Road  
Initiator: City Engineer

### ACQUISTION OF LAND

Effect: Approval of Relocation Order and Right-of-Way Plat for the purchase of new right-of-way and limited term easements for a Highway Safety Improvement Project on Rolling Meadows Drive.  
Location: 321 & 377 N Rolling Meadows Drive  
Initiator: City Engineer

## **V. ADJOURN**

“The City of Fond du Lac provides equal opportunities and services to all individuals, including those individuals with disabilities.”

## PLAN COMMISSION MINUTES

March 16, 2015  
5:30 p.m.

**Meeting Rooms D & E**  
City-County Government Center

160 South Macy Street  
Fond du Lac, Wisconsin

### CALL TO ORDER

ROLL CALL: Present: Hertha Longo  
Lee Ann Lorrigan  
Jordan Skiff  
David Washkoviak  
Marilyn Zangl

Absent: Stan Ramaker  
Brent Schumacher  
Sarah Van Buren  
Nicole Wiese

Administrative Staff: Joellyn Dahlin, Principal Planner  
Dyann Benson, Director of Community Development

Chairperson Washkoviak declared a quorum present.

### CONSENT AGENDA

#### February 16, 2015 Minutes

Motion made by Commissioner Skiff to approve the February 16, 2015  
Minutes of the Plan Commission as presented.

Seconded by Commission Longo.

ROLL CALL VOTE: Aye - Longo, Lorrigan, Skiff, Washkoviak,  
Zangl  
Nay - None

Carried.

### PUBLIC HEARING

#### TAX INCREMENTAL DISTRICT NUMBER NINETEEN

Effect: Designate the boundaries of Tax Incremental District Number Nineteen as set forth in the Project Plan; adopt the Project Plan for Tax Incremental District Number Nineteen; recommend to the City Council that Tax Incremental District Number Nineteen be created.

Location: 131 S Main Street

Initiator: Community Development Director



## ACTIONS

### ACQUISITION OF LAND

Effect: Land purchase for Fond du Lac Library  
Location: 52 Sheboygan Street  
Initiator: Library Director

Motion made by Commissioner Lorrigan to recommend approval of the purchase of the property at 52 Sheboygan Street for library purposes.  
Seconded by Commissioner Skiff.

ROLL CALL VOTE: Aye - Longo, Lorrigan, Skiff, Washkoviak,  
Zangl  
Nay - None

Carried.

### SPECIAL USE PERMIT

Effect: Re-establish gas station and convenience store  
Location: 473 Fond du Lac Avenue  
Initiator: Shekhark Adhikari d/b/a DB Petroleum LLC

Appeared in Support:  
John Williams, 503 Boyd St., Fond du Lac

Motion made by Commissioner Skiff to recommend to the City Council approval of the Special Use Permit, subject to the following conditions:

1. A solid 6'-high wood or vinyl fence shall be provided along the east lot line, extending from Boyd Street to the concrete screening wall of the former car wash. This requirement may be accomplished with repair of the existing fence and the construction of a fence segment (same materials and design as existing fence) to close the gap between the existing fence and the concrete wall. If repair of the existing fence is not practical, a replacement fence shall be constructed (from Boyd Street to the concrete screening wall of the former car wash).
2. Fence repairs (including the additional fence segment described in Condition No. 1) or replacement fencing (described in Condition No. 1) shall be completed within 60 days of special use permit approval.
3. All lighting shall be confined to the property with no glare or wash onto adjacent properties or public rights-of-way. Pole lights shall be turned off nightly at the close of business or by 10:00 p.m., whichever occurs first; all other site lighting shall be dimmed at the close of business.



SPECIAL USE PERMIT

Effect: Construct second phase of assisted living facility  
Location: 478 W Arndt Street  
Initiator: David Gloss o/b/o Eastbrook Assistant Living LLC

Appeared in Support:

Gwen Gloss, 42 Brentwood Ln., Appleton, WI

Motion made by Commissioner Lorrigan to recommend to the City Council approval of the Special Use Permit, subject to the following conditions:

1. Building design shall reflect the conceptual plan prepared by the petitioner. A detailed site plan shall be reviewed and approved by the Site Plan Committee prior to the issuance of required building permits.

Seconded by Commissioner Zangl.

ROLL CALL VOTE: Aye - Longo, Lorrigan, Skiff, Washkoviak,  
Zangl  
Nay - None

Carried.

**ADJOURN**

Motion made by Commissioner Zangl to adjourn.

Seconded by Commissioner Skiff.

ROLL CALL VOTE: Aye - Longo, Lorrigan, Skiff, Washkoviak,  
Zangl  
Nay - None

Carried.

Meeting adjourned at 6:05 p.m.

MARGARET HEFTER  
CITY CLERK

**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 PM, April 13, 2015 in Meeting Rooms D-E of the City-County Government Center, 160 South Macy Street, for the purpose of receiving public comment on proposed changes to Chapter 720, Zoning, of the Code of Ordinances of the City of Fond du Lac.

The proposed zoning code amendment affects Section 720-11, Accessory Buildings and Uses. The purpose of the zoning code amendment is to allow the keeping of honeybees in residential areas of the city.

For further information you are invited to contact the City of Fond du Lac Community Development Department at (920)322-3440.

Published in accordance with Section 62.23 of the Wisconsin Statutes.

Dated this 13<sup>th</sup> day of March, 2015

MARGARET HEFTER  
City Clerk

Publish: March 29, 2015

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

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Department of Community Development

**Date:** April 8, 2015  
**To:** Plan Commission  
**From:** Joellyn Dahlin, Principal Planner  
**Re:** Zoning Code Amendment - Honeybees

City regulations currently prohibit the keeping of honeybees (whether or not for profit) except where an agricultural use is a permitted use. The City Council has discussed the issue and reviewed potential changes to various chapters of the municipal code to allow the keeping of honeybees on residential property in the City.

The requirement for a beekeeping permit and regulations for a permit would be established in Chapter 216 (Animals) of the Municipal Code. If this change to Chapter 216 is approved by the City Council, the owner of a single family residence located in a residential district would be allowed to establish and maintain hives for honeybees. Zoning regulations for the location of a hive stand and other requirements would be included in the Chapter 720 (Zoning).

The Plan Commission is charged with the task of reviewing changes to Chapter 720 (Zoning). Regulations for the location of a hive stand and allowable height would be included in Section 720-11 (Accessory Buildings and Uses). Zoning regulations would also address the workmanship of a hive stand or box, flyway barriers, and the removal of a hive/stand/box when the use is discontinued.

The proposed revision to zoning regulations for honeybees is attached to this memorandum. The Plan Commission's role is to review the proposed zoning code amendment and make a recommendation for suggested action by the City Council.

## CHAPTER 720. ZONING. PROPOSED AMENDMENT

### § 720-11. Accessory buildings and uses.

- B. Accessory uses shall not include the keeping, propagation or culture of poultry (except racing, homing, and show pigeons, and honeybees as allowed by § 216-22), rabbits, bees, livestock or other non-household animals, whether or not for profit, except on such lots where the pursuit of agriculture is a permitted principal or accessory use.
- C. The following accessory buildings and uses are permitted and may be obstructions in yards and courts. Accessory buildings and uses not included in the listing as set forth in this subsection or specially permitted by other provisions of this chapter shall not be permitted in required yards and courts.
- F Denotes front yards  
S Denotes interior side yards  
R Denotes rear yards

#### (16) Honeybees: R.

- (a) Permit required. See § 216-22.
- (b) No hive shall be located within 25 feet of any side and/or rear lot line. No hive, stand or box shall be sited to obstruct an existing drainage course or create a drainage problem for the property on which it is situated or for any neighboring property.
- (c) The maximum height of a hive, inclusive of any temporary or permanent stand or foundation, shall not exceed five (5) feet.
- (d) A stand or box where bees are kept shall be constructed and finished in a workman-like manner of materials suitable for a residential district. The use of scrap, waste board, sheet metal and/or similar materials is not allowed.
- (e) Where needed, a flyway barrier shall be provided parallel to a hive, not more than five (5) feet from a hive, and extending at least five (5) feet from the outer edge of a hive. The flyway barrier shall consist of a solid wood or vinyl fence not more than 6 feet in height, a solid hedge or dense vegetation, or a combination thereof. The use of corrugated metal, plastic, scrap materials and similar materials, and/or chainlink fencing with slats is not permitted. An artificial barrier may include a garage or garden shed on the property where a hive(s) is located.
- (f) Any hive, stand or box where bees are kept that is abandoned or its use discontinued for a period of twelve (12) months shall be removed from the premises by the property owner. Modification of a hive, stand or box for some other use is not allowed.

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

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Engineering and Traffic Division

**Date:** April 8, 2015

**To:** Plan Commission

**From:** Paul De Vries, P.E., City Engineer PDU

**Re:** **Land purchase of new right-of-way for the Walker Street Reconstruction Project**

This memo and attached maps cover the agenda item under Acquisition of Land for the Plan Commission's April 13, 2015 meeting.

The City is planning the reconstruction of Walker Street under its 2015 Clearwater Elimination Program. This program is the annual reconstruction of underground utilities and streets to help eliminate clearwater from entering the City's sanitary sewer system.

Currently, the north end of Walker Street dead ends into Military Road at an approximate angle of 50 degrees. To improve safety and visibility, the City is proposing to intersect Walker Street into Military Road 90 degrees with a curve in the street south of the intersection. The new configuration will also line up with the future reconstruction of Military Road and the intersection of Superior and West 9<sup>th</sup> Streets to the north. To accomplish the Walker Street realignment, the City will need to acquire a small triangle of land from the Fond du Lac School District's STEM School (or the Franklin School). Preliminary discussions with District staff have been positive, and if approved, through the City's Plan Commission and Council, the matter will be taken to the District's School Board for consideration.

The Engineering and Traffic Division suggests a motion to recommend to City Council the approval of this land acquisition.

# PLAT OF SURVEY

## SURVEYOR'S CERTIFICATE

I, Michael P. Born, Wisconsin Professional Land Surveyor for the City of Fond du Lac, hereby certify:  
That I have surveyed and mapped the parcel of land described below.

That I have made such Plat of Survey by the direction of Paul DeVries, City of Fond du Lac City Engineer, bounded and described as follows:

A part of Lot 1, Block 9 of the W.H. Walker's Addition plat being located in the Northwest 1/4 of the Southwest 1/4 of Section 15, Town 15 North, Range 17 East, City of Fond du Lac, Fond du Lac County, Wisconsin, and being more particularly described as follows:

Commencing at the Southwest corner of said Section 15, thence North 01°03'30" East, along the West line of the Southwest 1/4 of said Section 15, a distance of 2638.77 feet to the West 1/4 corner of said Section 15; thence North 89°13'38" East a distance of 1131.77 feet to the Northerly extension of the West right of way line of Walker Street;  
thence South 01°03'56" West, along said Northerly extension of the West right of way line, a distance of 166.46 feet to the Northeast corner of Lot 1, Block 9 of said W.H. Walker's Addition plat as recorded in Volume 3, Page 24 of Plats, Fond du Lac County Register of Deeds, and the Point of Beginning for this description;  
thence continuing South 01°03'56" West, along the East line of said Lot 1 and said West right of way, a distance of 62.61 feet;  
thence North 40°39'02" West a distance of 47.09 feet to the Northwesterly line of said Lot 1 and the Southeasterly right of way line of South Military Road;  
thence North 49°50'35" East, along said Northwesterly line and said Southeasterly right of way, a distance of 41.66 feet to said Northeast corner of Lot 1 and the Point of Beginning.

The above described parcel contains 0.0225 acres (981 square feet) of land more or less and is subject to all easements and restrictions of record.

End of Description.

That such Plat of Survey is a true and accurate representation of all of the exterior boundaries of land surveyed to the best of my knowledge and belief.

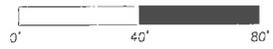
That I have complied with all of the requirements of Chapter A-E 7 of the Wisconsin Administrative Code for the Minimum Standards for Property Surveys.

Dated this 2nd day of April, 2015.

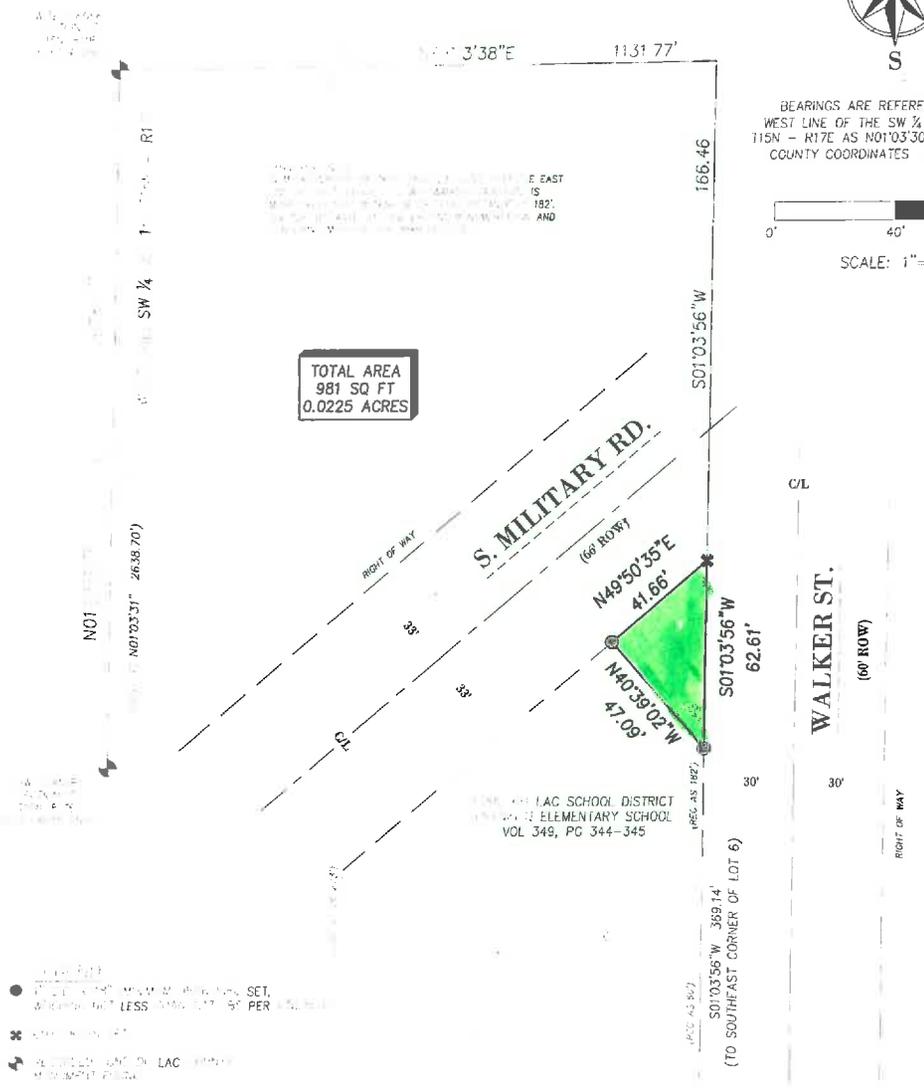
*Michael P. Born*  
Michael P. Born, S-2984  
Wisconsin Professional Land Surveyor



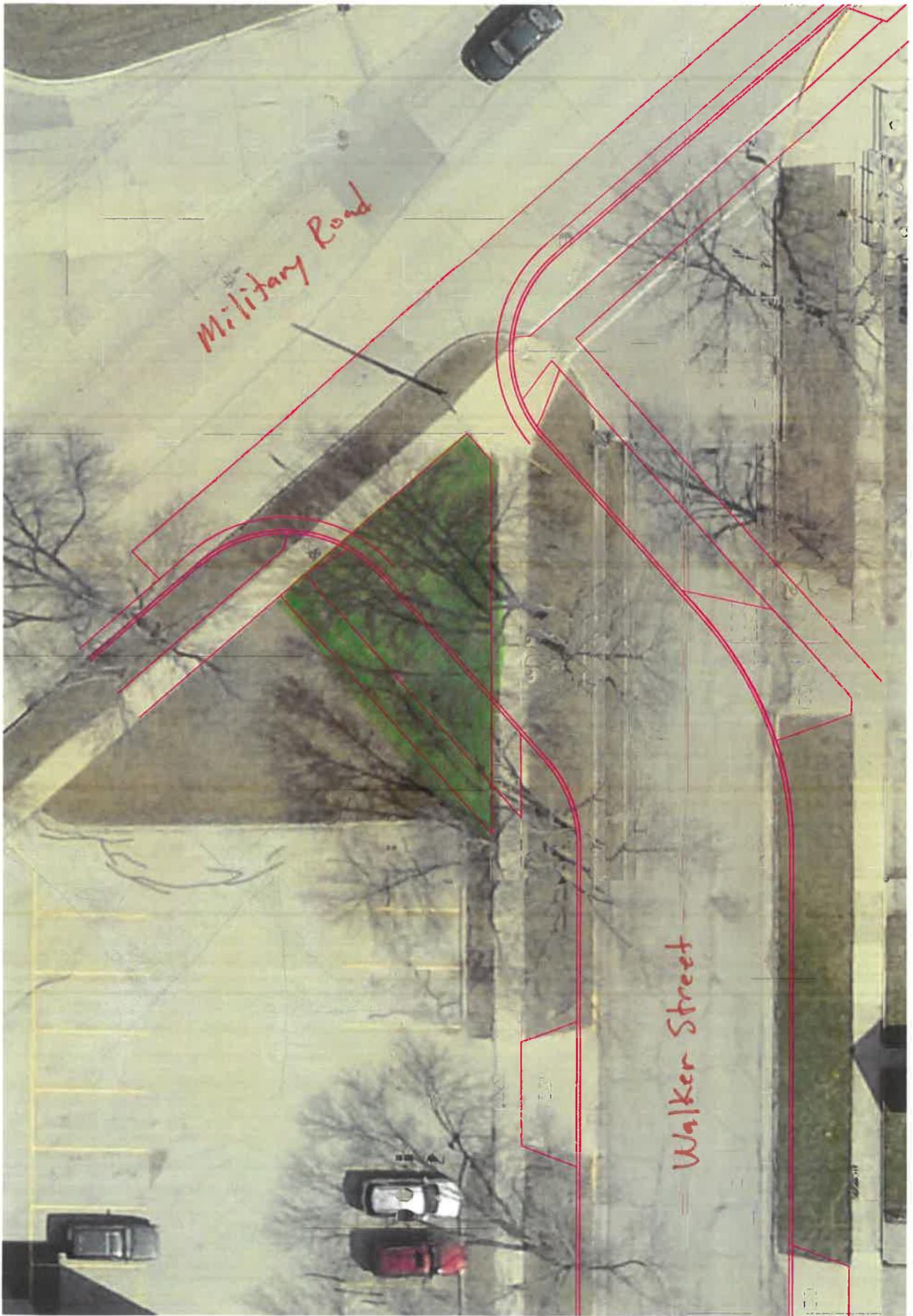
BEARINGS ARE REFERENCED TO THE WEST LINE OF THE SW 1/4 OF SECTION 15, T15N - R17E AS N01°03'30"E (FOND DU LAC COUNTY COORDINATES NAD83 (2011))



SCALE: 1" = 40'



PROJECT - PLAT OF SURVEY  
 BENCH MARKS - 4A  
 SHEET - 1 OF 1  
 DATE - 4/2/15  
 CITY OF FOND DU LAC, WISCONSIN  
 2015 APR 02 10:52 AM  
 MICHAEL P. BORN  
 S-2984  
 SAINT CLOUD  
 WIS.



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

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Engineering and Traffic Division

**Date:** April 8, 2015

**To:** Plan Commission

**From:** Paul De Vries, P.E., City Engineer *P.D.V.*

**Re:** **Approval of Relocation Order and Right-of-Way Plat for purchase of new right-of-way and limited term easements for the Highway Safety Improvement Program (HSIP) project on Rolling Meadows Drive**

This memo and exhibits cover the agenda item under Acquisition of Land for the Plan Commission's April 13, 2015 meeting.

The City has been successful in obtaining a HSIP grant to improve safety for the southern Walmart driveway off Rolling Meadows Drive. The safety improvement project was initiated by the Police Department after a review of high accident intersections within the City. The Police Department indicated 68 reportable accidents (greater than \$1,000 damage) at the driveway intersection between 2009 and 2013. Further investigation found that almost all the accidents were right angle and many drivers reported visibility problems exiting the Walmart driveway. After consideration of multiple alternatives, a slotted right turn lane (see attached map) was selected as the preferred option since it improves visibility in a cost effective manner. The City pursued a Federal and WisDOT grant that is available for safety improvements and was successful in obtaining 90% funding on the project.

The local cost share of the project was approved in the 2015 Capital Improvement Plan along with the City Council considering the State-Municipal Agreement in August of 2014. The design of the project has been progressing and the next step in the process is to approve the acquisition of permanent right-of-way and temporary limited easements (for construction). The project is proposed to purchase right-of-way from the Holiday Automotive parcel (listed owner Silver Lake Land & Cattle, LLC) and temporary limited easements from Walmart. The approval of the attached Relocation Order and Right-of-Way Plat are necessary to proceed with this project.

The Engineering and Traffic Division suggests a motion to recommend to City Council the approval of the Relocation Order and the Right-of-Way Plat.

# RELOCATION ORDER

Wisconsin Department of Transportation  
DT1708 2000 (Replaces RE3006)

Project <b>4986-11-00</b>	Name of Road C FOND DU LAC, N ROLLING MEADOWS DR	Highway LOCAL ROAD	County FOND DU LAC
Right of Way Plat Date	Plat Sheet Number(s) 4.1	Date of Previously Approved Relocation Order NONE	

Description of Termini of Project

Beginning 2265.53 feet south and 1779.73 feet east of the north quarter corner of Section 8, Township 15 North, Range 17 East; thence northerly along the reference line of North Rolling Meadows Drive within the right-of-way shown on the plat to a point 1991.04 feet south and 1762.94 feet east of the north quarter corner of Section 8, Township 15 North, Range 17 East in the City of Fond du Lac, Fond du Lac County, Wisconsin, and there terminating.

To properly establish, lay out, widen, enlarge, extend, construct, reconstruct, improve, or maintain a portion of the highway designated above, it is necessary to relocate or change and acquire certain lands or interests in lands as shown on the right of way plat for the above project.

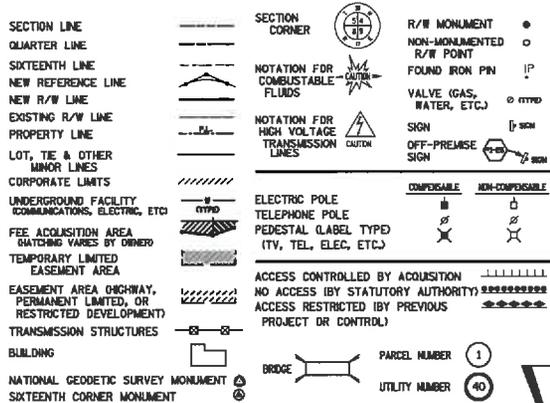
To effect this change, pursuant to authority granted under Section 62.22, Wisconsin Statutes, the City of Fond du Lac orders that:

1. The said highway is laid out and established to the lines and widths as shown on the plat.
2. The required lands or interests in lands as shown on the plat shall be acquired by the City of Fond du Lac.
3. This order supersedes and amends any previous order issued by the City of Fond du Lac.

\_\_\_\_\_  
(City of Fond du Lac)

\_\_\_\_\_  
(Date)

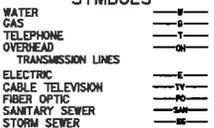
**CONVENTIONAL SYMBOLS**



**CONVENTIONAL ABBREVIATIONS**

ACCESS RIGHTS	AR	POINT OF COMPOUND CURVE	PCC
ACRES	AC	POINT OF INTERSECTION	PI
AHEAD	AH	PROPERTY LINE	PL
ALUMINUM	ALUM	RECORDED AS (100' ±)	
AND OTHERS	ET AL	REFERENCE LINE	R/L
BACK	BK	REMAINING	REM
BLOCK	BLK	RIGHT	RT
CENTERLINE	C/L	RIGHT OF WAY	R/W
CERTIFIED SURVEY MAP	CSM	SECTION	SEC
CONCRETE	CONC	SEPTIC VENT	SEPV
COUNTY	CO	SQUARE FEET	SF
COUNTY TRUNK HIGHWAY	CTH	STATE TRUNK HIGHWAY	STH
DISTANCE	DIST	STATION	STA
CORNER	COR	SUBDIVISION	SUBD
DOCUMENT NUMBER	DOC	TANGENT	TAN
EASEMENT	EASE	TELEPHONE PEDESTAL	TP
EXISTING	EX	TEMPORARY LIMITED	TL
GAS VALVE	GV	EASEMENT	
GRID NORTH	GN	TRANSPORTATION PROJECT	TPP
HIGHWAY EASEMENT	HE	PLAT	
IDENTIFICATION	ID	UNITED STATES HIGHWAY	USH
LAND CONTRACT	LC	VOLUME	V
LEFT	LT		
MONUMENT	MON		
NATIONAL GEODETIC SURVEY	NGS		
NUMBER	NO		
OUTLOT	OL		
PAGE	P		
POINT OF TANGENCY	PT		
PERMANENT LIMITED EASEMENT	PLE		
POINT OF BEGINNING	POB		
POINT OF CURVATURE	PC		

**CONVENTIONAL UTILITY SYMBOLS**



**NOTES:**

POSITIONS SHOWN ON THIS PLAT ARE WISCONSIN COUNTY COORDINATES, FOND DU LAC COUNTY, NAD 83 (1997) IN US SURVEY FEET. VALUES SHOWN ARE GRID COORDINATES, GRID BEARINGS, AND GRID DISTANCES. GRID DISTANCES MAY BE USED AS GROUND DISTANCES.

RIGHT OF WAY BOUNDARIES ARE DEFINED WITH COURSES OF THE PERIMETER OF THE HIGHWAY LANDS DISTANCES TO THE U.S. PUBLIC LAND SURVEY SYSTEM OR OTHER SURVEYS OF PUBLIC RECORD.

DIMENSIONING FOR THE NEW RIGHT-OF-WAY IS MEASURED ALONG AND PERPENDICULAR TO NEW REFERENCE LINES.

PROPERTY LINES SHOWN ON THIS PLAT ARE DRAWN FROM DATA DERIVED FROM MAPS AND DOCUMENTS OF PUBLIC RECORD AND/OR EXISTING OCCUPATIONAL LINES, EXCLUDING RIGHT-OF-WAY LINES. THIS PLAT MAY NOT BE A TRUE REPRESENTATION OF EXISTING PROPERTY LINES, AND SHOULD NOT BE USED AS A SUBSTITUTE FOR AN ACCURATE FIELD SURVEY.

RIGHT OF WAY MONUMENTS ARE TYPE 2 MONUMENTS (TYPICALLY 1" x 24" IRON PIPE) AND WILL BE PLACED PRIOR TO THE COMPLETION OF THE PROJECT.

**SCHEDULE OF LANDS & INTERESTS REQUIRED**

PARCEL NUMBER	OWNER	INTEREST REQUIRED	TOTAL ACRES EXISTING	NEW ACRES	R/W ACRES REQUIRED EXISTING	TOTAL ACRES REMAINING	T.L.E. ACRES TEMP.
1	SILVER LAKE LAND & CATTLE, LLC	FEE, TLE	6.205	0.08	0	6.205	0.30
2	WAL-MART REAL ESTATE BUSINESS TRUST	TLE	12.008	0	0	12.008	0.12
40	ALLIANT ENERGY	RELEASE OF RIGHTS					
41	AT&T WISCONSIN	RELEASE OF RIGHTS					

**BASIS FOR EXISTING R/W**

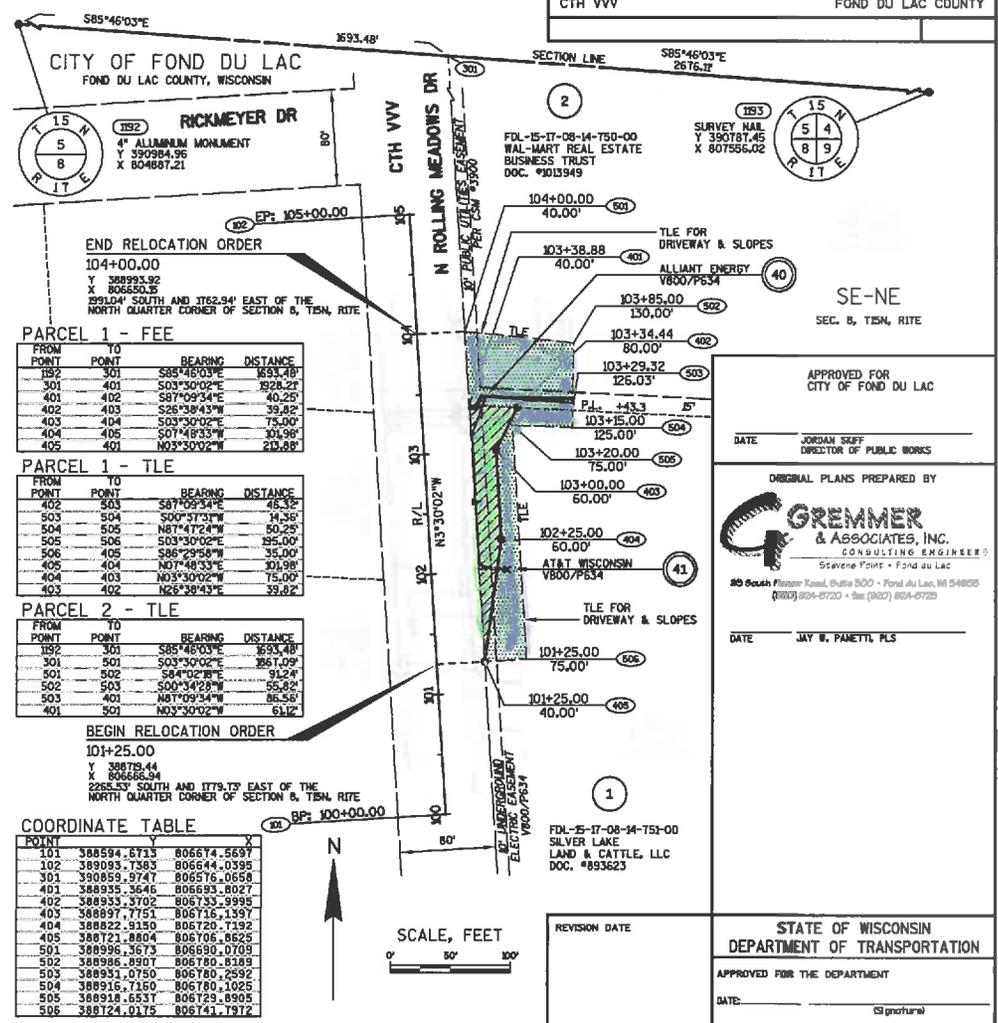
ROUTE BASIS  
N ROLLING MEADOWS DR  
CSM #3900

NOTE - PROPERTY LINE STATIONS ARE COMPUTED FROM INFORMATION OF RECORD AND ARE APPROXIMATE ONLY.

CAUTION  
THIS PLAT IS FOR ILLUSTRATIVE PURPOSES ONLY. DEEDS MUST BE CHECKED TO DETERMINE PROPERTY BOUNDARIES.

OWNERS NAMES ARE SHOWN FOR REFERENCE PURPOSES ONLY AND ARE SUBJECT TO CHANGE PRIOR TO THE TRANSFER OF LAND INTERESTS TO THE DEPARTMENT.

R/W PROJECT NUMBER 4986-11-00	SHEET NUMBER 4.1	TOTAL SHEETS 1
FEDERAL PROJECT NUMBER		
PLAT OF RIGHT OF WAY REQUIRED FOR C FOND DU LAC, N ROLLING MEADOWS DR N ROLLING MEADOWS DR/S WALMART DR CTH VVV FOND DU LAC COUNTY		



**PARCEL 1 - FEE**

FROM POINT	TO POINT	BEARING	DISTANCE
1192	301	S85°46'03"E	1693.48'
301	401	S03°30'02"E	828.27'
401	402	S87°09'54"W	40.25'
402	403	S26°38'43"W	39.82'
403	404	S03°30'02"E	75.00'
404	405	S07°48'33"W	20.98'
405	401	N03°50'02"W	219.68'

**PARCEL 1 - TLE**

FROM POINT	TO POINT	BEARING	DISTANCE
402	503	S87°09'54"W	48.32'
503	504	S00°37'31"W	14.36'
504	505	N87°47'24"W	50.25'
505	506	S03°30'02"E	85.00'
506	405	S86°29'58"W	35.00'
405	404	N07°48'33"E	30.98'
404	403	N03°30'02"W	75.00'
403	402	N26°38'43"E	39.82'

**PARCEL 2 - TLE**

FROM POINT	TO POINT	BEARING	DISTANCE
1192	301	S85°46'03"E	1693.48'
301	501	S03°30'02"E	281.09'
501	502	S84°02'18"E	91.24'
502	503	S00°34'28"W	55.64'
503	401	N87°09'54"W	85.65'
401	301	N03°30'02"W	61.12'

**COORDINATE TABLE**

POINT	X	Y
101	388594.6713	806574.5697
102	389093.7383	806644.0395
301	388593.9747	806576.0558
401	388935.3646	806683.8027
402	388933.3702	806733.9999
403	388897.7751	806716.1397
404	388822.3180	806720.7392
405	388721.8804	806706.8625
501	388986.3673	806690.0709
502	388986.8907	806780.8189
503	388931.0750	806780.2892
504	388916.1160	806780.1025
505	388918.6537	806729.8905
506	388724.0175	806741.7972



WALMART

EXITING VEHICLE VISIBILITY NOT BLOCKED BY RIGHT TURNS

RIGHT TURN ONLY LANE

ROLLING MEADOWS DRIVE

HOLIDAY AUTOMOTIVE



1 IN = 40 FT

Rolling Meadows Drive & Walmart Driveway - HSIP

DRAWN BY: P. BEVRIES DATE: 8/27/2014

ENGINEERING & TRAFFIC DIVISION

AUGUST 27 CITY COUNCIL MEETING

