



Meeting Date: 1/16/12
Agenda Item: #6-7

Mission Statement
 Provide quality services in a modern, courteous and cost-efficient manner.

PLAN COMMISSION STAFF REPORT

REPORT TO: President Burt McIntyre and Village Plan Commission

REPORT FROM: Dave L. Wiese, Executive Director of Community Development

AGENDA ITEM: Review and take action on a request from T.C. Investors L.L.C. for a planned development amendment to allow a cooler addition and a maintenance shed at 345 Cardinal Lane, VH-461-2. **THIS WILL BE A RECOMMENDATION TO THE VILLAGE BOARD FOR THE MARCH 28, 2011 VILLAGE BOARD MEETING.**

POLICY ISSUE

Should the Village approve the PDD amendment to allow for a restaurant to locate in the Shops at Thornberry?

RECOMMENDED ACTION BY PLAN COMMISSION

It is recommended that the Plan Commission open the public hearing and ask the applicant to explain his request in detail. Subsequently, the Plan Commission should invite comments from the public and then close the public hearing. After the public hearing is closed, the Plan Commission should review the applicant's request, including how the Planned Development District standards will be met. Finally, if satisfied with the proposal, the Plan Commission should recommend approval to the Village Board with any specific conditions as may be necessary to address concerns voiced by the public, staff or Commission members.

BASIC INFORMATION

Project Name	PDD Amendment Thornberry Cottage Restaurant
Applicant	T.C. Investors, LLC
Phone	920-499-8786
Consultant	Tom Lemkuil Architect
Parcel Size	1.99 Acres
Existing Zoning	PDD
Proposed Zoning	PDD Amendment
Land Map Designation	Regional Commercial

ADJACENT LAND/ZONING MATRIX

	LAND USE	ZONING
North	Woodfield Village Development, Associated Bank	PDD
South	Vacant Undeveloped Land	B-3
East	Walgreens, Pioneer Credit Union, Strip Mall	PDD
West	Vacant Undeveloped, Agriculture	B-3

POLICY ALTERNATIVE(S)

The Plan Commission could take any of the following actions:

- Approve the request without conditions.
- Approve the request with conditions.
- Deny the request
- Table the request until a later meeting date

BACKGROUND

The subject property is currently the site of Thornberry Cottage complex at 345 Cardinal Lane. The applicant is requesting a PDD amendment in order to allow for a restaurant to occupy the southernmost tenant space. The applicant anticipates a delivery truck a week once a week.

EXECUTIVE ANALYSIS:

1. **Zoning**
The original PDD has been approved. The underlying zoning is B-3 South Cardinal Lane Business District.
3. **Floodplain, Shoreland Zoning & Stormwater Management**
The proposed development is not located within a shoreland or floodplain area. A stormwater management plan and wetland delineation are not needed.
4. **Land Division**
N/A
5. **Lighting**
The applicant will not be proposing any new lighting but will have signs that are illuminated.
6. **Fire Protection**
The existing building is in place and is approximately 1.25 miles from Fire Station#1.

RECOMMENDATION

After the public hearing is closed, the Plan Commission should review the applicant's request, including how the Planned Development District standards will be met. Finally, if satisfied with the proposal, the Plan Commission should recommend approval to the Village Board with any specific conditions. Staff would recommend the following conditions of approval:

1. Staff recommends the applicant sign the east drive with "no left turns" out of the parking lot.
2. The proposed 10'x10' storage shed shall be a vinyl pre-manufactured unit that matches the color of the existing building.
3. The cooler exterior panel shall be the same color as the existing principal structure.
4. The landscape screen around the cooler area shall consist of arborvitae tall enough and dense enough to completely screen the cooler from public view.

ATTACHMENTS

- I. PDD Application
- II. Location Map
- III. Site Plan

Copy emailed to: rich@rodacllc.com



APPLICATION FOR
PLANNED DEVELOPMENT DISTRICT AMENDMENT

See Next Page
for Materials to be Submitted
with This Application

2456 Glendale Ave
Green Bay, WI 54313

Application Fee: \$200.00
Date: _____
Initials: _____

Applicant

Name: Rich Otracovec

Address: 1365 North Rd. Suite F Green Bay, WI 54313
Phone: (920) - 449 - 8786 Email: _____

Business Name: TBD - Restaurant
Conditional Use Site Address: 345 Cardinal Lane Suite 2 Green Bay, WI 54313
Landowner of Record: TC Investors LLC
Address: 13975 Velp Ave Suamico, WI 54173
Phone: (920) - 449 - 8786 Email: sue@rodacilc.com

Consultant(s)

Architect

Name: Harris and Associates
Address: 2718 N Meade St. #2 Appleton, WI 54911
Phone: (920) - 733 - 8377 Email: b.tolleson@harrisinc.net

Contractor/Engineer

Name: Rodac Development and Construction
Address: 1365 North Rd Suite F Green Bay, WI 54313
Phone: (920) - 449 - 8786 Email: rich@rodacilc.com

Parcel/Building Information

Lot Size: 1.995 Acres Current Zoning: PDD Street Frontage: 370' Cardinal Lane
Lot Dimensions: 320' x 270' Does Current Zoning Permit Intended Use: _____
Bldg. Sq. Footage: 1,786 sq. ft. Dimensions of Building: 29' x 60'

Business Information (If Applicable)

Days & Hours of Operation: 6:00 AM - 10:00 PM
Number of Employees: 6 This Use Will be in an Existing or New Bldg.

Describe Specifically the Nature of the Request:

WE ARE REQUESTING TO ADD APPROX. 150 SQFT. COOLER
ADDITION OFF THE TINE BACK / REAR S.W. CORNER OF THE
EXISTING BUILDING.

WE ARE ALSO REQUESTING TO ADD A SMALL MAINTENANCE
SHED (10' x 10') TO THE SOUTH DUMPSTER ENCLOSURE

Please Note the Following:

- Incomplete applications will not be accepted and/or processed
- All applications shall be submitted three (3) weeks prior to the Plan Commission meeting at which the applicant wishes to appear
- Processing an application may take up to sixty (60) days due to legal notices mandated by State law
- The Plan Commission meets on the third Monday of every month at 6:30 p.m. at 2456 Glendale Avenue
- The Plan Commission will make a recommendation to the Village Board (often with conditions) to approve or deny the conditional use permit request. The Village Board will take action on the recommendation from the Plan Commission at the next scheduled Board meeting (typically the fourth Monday of the month).
- If approved, the permit must be signed by the Village Administrator and the applicant prior to any construction or business activity taking place.
- A conditional use permit is valid for two years (unless otherwise noted) after approval by the Village Board.

Standards Used by Plan Commission When Ruling on a Conditional Use Permit Request

- Not be detrimental to or endanger the health, safety, morals, comfort or general welfare of the public
- Not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted
- Not substantially diminish or impair property values within the neighborhood or impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.
- The exterior aesthetic appeal and functionality of proposed buildings must complement existing buildings and the character of the zoning district
- Adequate utilities, access roads, drainage and other necessary utilities are provided
- Adequate ingress/egress shall be designed to minimize traffic congestion
- Must conform to applicable regulations of the zoning district in which it is located

REQUIRED (Provide All That Apply)

- ✓ A plat of survey or the equivalent thereof depicting the location, dimensions, boundaries, uses and size of the site.
- ✓ A site plan depicting existing and proposed structures, parking, loading areas, ingress/egress points
- ✓ A landscape plan
- ✓ A lighting plan
- ✓ Full-color rendering of building facades and large samples of colors and building materials that will be used on the project

Submit 30 copies of all color documents. Submit 3 copies of all documents not printed in color.

X 
Applicant Signature

12/21/11
Date

Please direct all questions to Jim Korotev at 434-4640 or jkorotev@villageofhoward.com

SURVEYOR'S CERTIFICATE

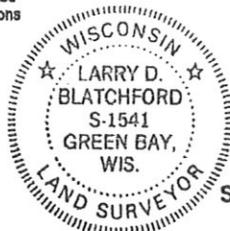
I, Larry D. Blatchford, Registered Land Surveyor, do hereby certify that I have surveyed, divided and mapped part of Government Lot 13, Section 16, T24N-R20E, Village of Howard, Brown County, Wisconsin, more fully described as follows:

Commencing at the Southwest corner of Section 16, T24N-R20E; thence N89°35'45"E, 756.04 feet along the South line of Government Lot 13, said Section 16 to the point of beginning; thence N15°45'41"W, 628.03 feet; thence N00°14'13"E, 225.00 feet; thence N89°45'48"W, 150.00 feet; thence S00°14'12"W, 175.00 feet; thence N89°45'48"W, 42.92 feet along the Northerly right of way of Hillsdale Court; thence S79°04'13"W, 5.24 feet along said right of way; thence N00°14'12"E, 174.52 feet; thence S79°04'13"W, 225.00 feet; thence N00°14'12"E, 64.00 feet; thence S79°04'13"W, 167.27 feet; thence N00°14'12"E, 446.55 feet along the West line of said Government Lot 13, Section 16 to the Southerly right of way of Dewey Decker Drive; thence N89°13'40"E, 35.01 feet along said right of way; thence N00°14'12"E, 35.01 feet along the Easterly right of way of Riverwood Lane; thence N89°13'40"E, 10.01 feet along the South line of Lot 39 of the recorded plat of "Woodfield Village"; thence 147.16 feet along the Southerly right of way of Woodfield Court being the arc of a 65.00 foot radius curve to the left whose long chord bears S65°37'47"E, 117.68 feet; thence 45.06 feet along said right of way being the arc of a 65.00 foot radius curve to the right whose long chord bears N69°22'13"E, 44.16 feet; thence N89°13'40"E, 988.25 feet along said right of way; thence S00°07'01"W, 1017.04 feet along the Westerly right of way of County Trunk Highway "EB", also known as Cardinal Lane; thence S03°24'23"W, 261.34 feet along said Westerly right of way; thence S89°35'45"W, 413.47 feet along said South line of Government Lot 13, Section 16 to the point of beginning.

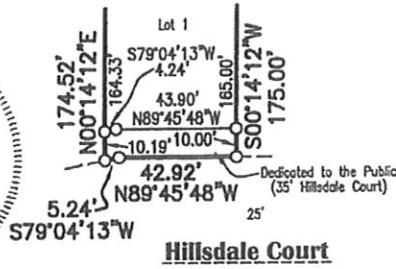
Parcel contains 978,051 square feet / 22.45 acres, more or less.
 Road dedication contains 682 square feet / 0.01 acres, more or less
 Parcel subject to easements and restrictions of record.

That such plot is a correct representation of all the exterior boundaries of the land survey and the division thereof. That I have made such a survey, land division and plat by the direction of the owners listed hereon. That I have fully complied with the provisions of Chapter 236, section 236.34 of the Wisconsin Statutes, the Village of Howard, and the Brown County Planning Commission in surveying, dividing and mapping the same.


 Larry D. Blatchford S-1541
 October 3, 2005
 Revised: November 09, 2005
 Revised: November 23, 2005



Detail



Curve Data

Curve No.	Arc Length	Radius	Chord Length	Chord Bearing	Central Angle	Tangent Bearing
1-2	147.16	65.00	117.68	S65°37'47"E	129°42'54"	N00°46'20"W
2-3	45.06	65.00	44.16	N69°22'13"E	39°42'54"	S49°30'46"W

RESTRICTIVE COVENANTS

- 1) The land on all side and rear lot lines of all lots shall be graded by the property owner and maintained by the abutting property owners to provide for adequate drainage of surface water.
- 2) No poles, pedestals or buried cable are to be placed so as to disturb any survey stake or obstruct vision along any lot lines or street line, a disturbance of a survey stake by anyone is a violation of section 236.32 of the Wisconsin Statutes.
- 3) Lot 1 contains an Environmentally Sensitive Area (ESA) as defined in the Brown County Sewage Plan. The ESA includes the wetlands and all lands within 50' of wetlands 2 acres or greater in size. Development and land disturbing activities are restricted within the ESA, unless amendments are approved by the Brown County Planning Commission and the Wisconsin Department of Natural Resources.
- 4) Prior to any building permits being issued for Lot 1, the exact location of the Hillsdale Court extension must be determined with the approval of the Village of Howard.

NOTES

- 1) Lot 1 includes wetland areas that may require permits from the Wisconsin Department of Natural Resources, Army Corps of Engineers, or the Brown County Zoning Administrators Office prior to any development activity.
- 2) A land use permit from the Village of Howard is required prior to any construction, fill, or grading activity within 300 feet of a stream.
- 3) The property owner, at the time of construction, shall implement the appropriate soil erosion control methods outlined in the Wisconsin Department of Natural Resources, "Wisconsin Construction Site Best Management Practice Handbook" to prevent soil erosion. However, if the Village, at the time of construction, has adopted a soil erosion control ordinance, it shall govern over this requirement. This provision applies to any construction or installation related activities associated with streets and utilities.
- 4) A Brown County Highway Department access permit must be obtained prior to any construction of a new street / road connection or driveway to a County Trunk Highway.
- 5) A geotechnical study must be submitted to the Brown County Planning Commission for review and approval prior to any development on steep slopes.

Sheet Two of Three
 Project No.: A-280
 Drawing No.: L-6666

2228152

LIMITED LIABILITY COMPANY OWNER'S CERTIFICATE

Athey Land LLC, a limited liability company duly organized and existing under and by virtue of the laws of the State of Wisconsin, does hereby certify that said limited liability company caused the land on this Certified Survey Map to be surveyed, divided, dedicated, and mapped as represented hereon. Athey Land LLC does further certify that this Certified Survey Map is required to be submitted to the Brown County Planning Commission and the Village of Howard for approval or objection in accordance with current Land Subdivision Ordinances.

In Witness Whereof, the said Athey Land LLC has caused these presents to be signed by GARY C. ATHEY and Bruce R. Athey, its Members, on this 7th day of November, 2005.

Gary C. Athey
Member - Athey Land LLC

Personally came before me this 9th day of November, 2005, the above named Member of said Limited Liability Company and acknowledged that he executed the foregoing instrument as such Member as the deed of said Limited Liability Company, by its authority.

Russell V. Rahn
Notary Public Russell V. Rahn My Commission Expires 12.2.07
Brown County, Wisconsin
STATE OF WISCONSIN]
COUNTY OF BROWN] SS



Bruce R. Athey
Member - Athey Land LLC

Personally came before me this 17th day of November, 2005, the above named Member of said Limited Liability Company and acknowledged that he executed the foregoing instrument as such Member as the deed of said Limited Liability Company, by its authority.

Candace W. Farkin
Notary Public Candace W. Farkin My Commission Expires 6-10-2007
Macatawa County, Michigan
STATE OF MICHIGAN]
COUNTY OF Macatawa] SS



BROWN COUNTY PLANNING COMMISSION

Approved for the Brown County Plan Commission this 17th day of NOVEMBER, 2005

Peter Schlein
Peter Schlein
Senior Planner
BROWN COUNTY PLANNING COMMISSION SEAL

Office of the Register of Deeds
Brown County, Wisconsin
Received for Record 28th, 2005
at 2:40 o'clock P M and recorded as
Document # 2228152 in
Volume 50 of CSM's on Page 298
Cathy Williquetta
Cathy Williquetta, Register of Deeds

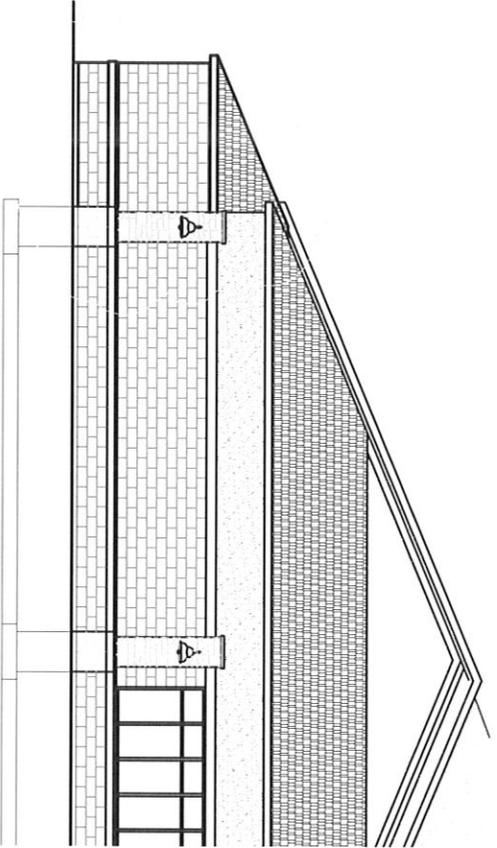
CERTIFICATE FOR THE VILLAGE OF HOWARD

Approved for the Village of Howard this 28th day of NOVEMBER, 2005

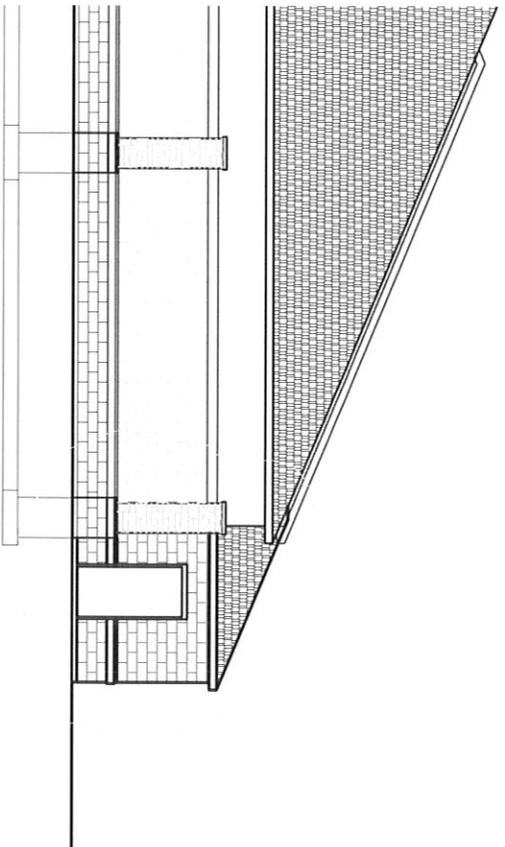
Hugh Thomas
Hugh Thomas
Village Administrator
VILLAGE OF HOWARD CORPORATE SEAL BROWN COUNTY

Sheet Three of Three
Project No.: A-280
Drawing No.: L-6666

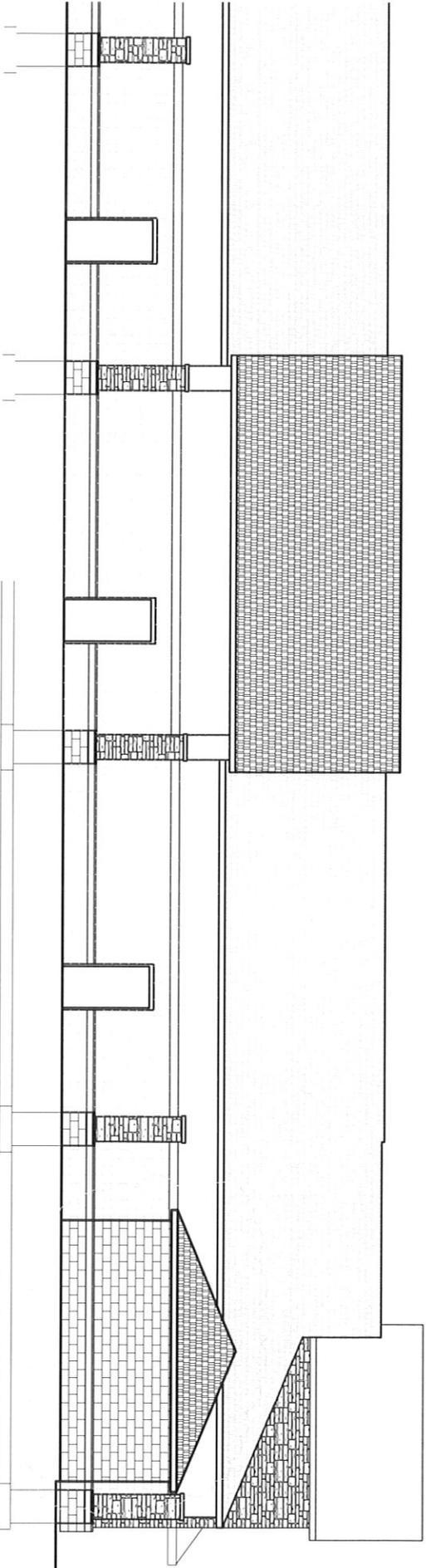
3 SIDE ELEVATION



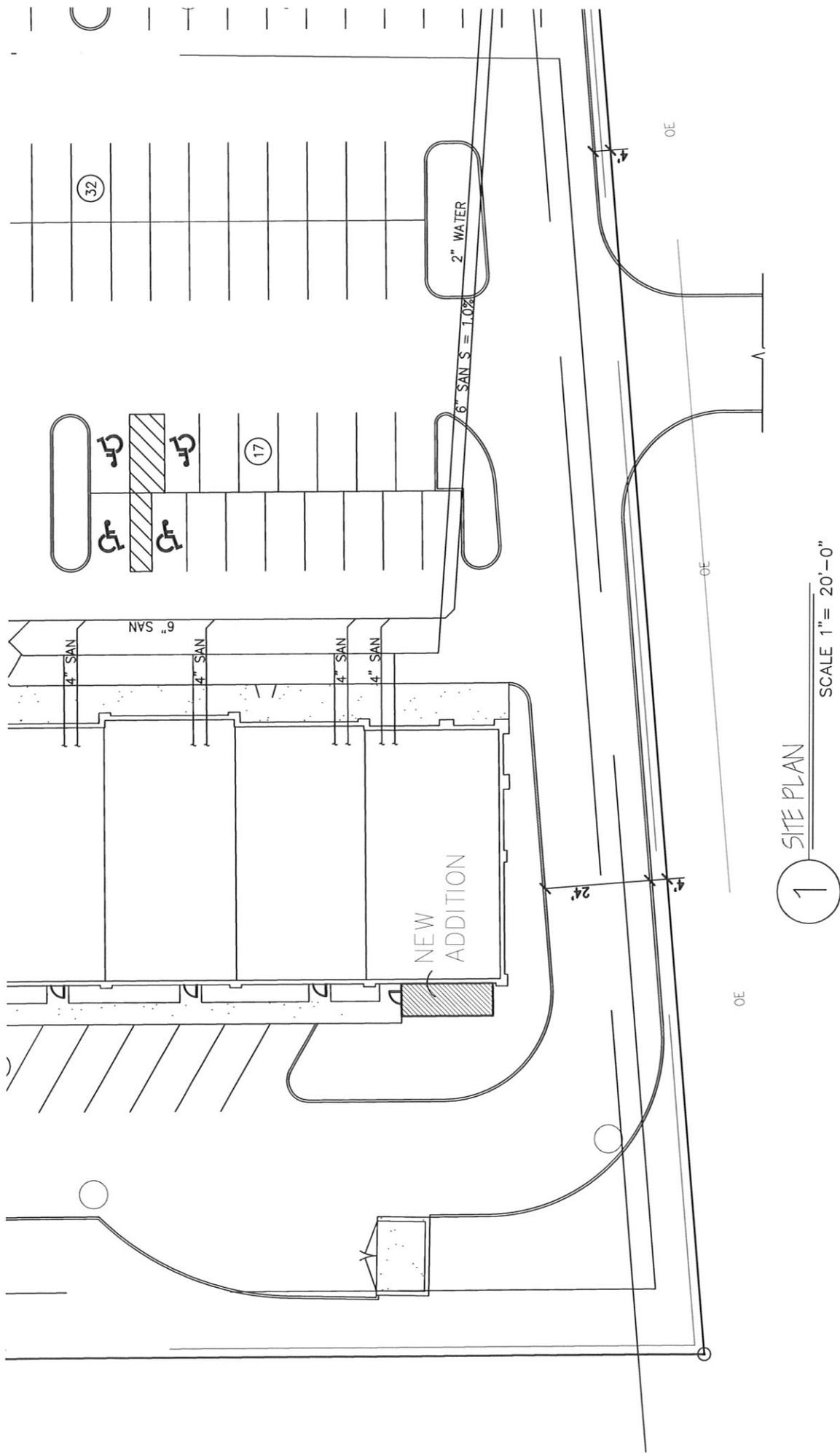
2 SIDE ELEVATION



1 REAR ELEVATION



Thornberry Cottage



1 SITE PLAN
 SCALE 1" = 20'-0"

