



Meeting Date: 11/28/2011
Agenda Item: 6a

Mission Statement
 Delivering quality services in a courteous, cost-effective and efficient manner

VILLAGE BOARD STAFF REPORT

REPORT TO: President Burt McIntyre and Village Board of Trustees

REPORT FROM: Dave Wiese, Community Development Director

AGENDA ITEM: Review and take action on a request for a planned development district amendment from Toonen Companies, Inc. to abandon all planned commercial development and construct an additional 88 residential apartment units at 701 Fredrick Court, VH-508-3 and VH-508-4.

ACTION REQUESTED: Action on the proposed planned development district amendment

POLICY ISSUE

Should the Village approve the proposed planned development amendment thereby allowing Toonen Companies to abandon plans for 60,000 square feet of commercial space and instead construct an additional 88 residential apartment units at 701 Fredrick Court?

The Plan Commission recommended denial of the Planned Development District Amendment on a 3-2 vote and with one member abstaining.

POLICY ALTERNATIVE(S)

The Plan Commission could take the following action:

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

BASIC INFORMATION

Project Name	Toonen PDD amendment
Applicant	Steve Bieda representing Dave Toonen
Phone	Steve Bieda, 434-9670
Parcel Size	34.623 acres Exclusive Agriculture (A-1)
Existing Zoning	PDD
Current Zoning	VH-508
Land Map Designation	PDD for Apartments/Commercial

ADJACENT LAND/ZONING MATRIX

	LAND USE	ZONING
North	Ag and Single Family Homes	Rural state (R-5)
South	Ag and Single Family Homes	Village of Hobart (Across STH 29)
East	Ag and Single Family Homes	Rural Estate (R-5)
West	Ag and Single Family Homes	Exclusive Agriculture (A-1)

The subject property was zoned Exclusive Agriculture (A-1). The applicant was approved for a Planned Development District (PDD) to construct 204 apartment units and four office buildings to be serviced by a private road.

The applicant is requesting to forego the commercial development and construct 88 more rental units on the remaining 8.49 acres. The proposal is to construct nine buildings with detached garages. There would be a combination of seven 8-unit buildings, one 12-unit building, and one 20-unit building.

EXECUTIVE ANALYSIS

1. **Zoning:** The property is properly zoned for office use.
2. **Setbacks:** The proposed setbacks would meet the zoning code standard requirements.
3. **Parking:** Parking is consistent with the standards required for multi-family development
4. **Floodplain, Shoreland Zoning and Stormwater Management:** No change
5. **Land Division:** A combination CSM should be created to consolidate the property into one parcel.
6. **Lighting:** New lighting would be consistent with the current approval.
7. **Fire Protection:** Same requirements apply.
8. **Driveway Locations:** The site plan needs to be revised in order to provide better connectivity.
9. **Signage:** Existing signs for the original development are in place. Any new signs along S.T.H. 29 would need approval in the future.
10. **Garbage:** The applicant is proposing to move the recycling/garbage facility to the southeast end of the property adjacent to S.T.H. 29. Staff would recommend the facility be surrounded by a berm with opaque landscaping concealing it from public view.
11. **Landscape:** A landscaping plan has not been submitted for review. The applicant has indicated all building landscaping would be the same as the original proposal. If approved, staff would suggest a substantial increase in the amount of landscaping in order to provide curb appeal from S.T.H. 29. Features such as waterfalls, rain gardens, butterfly gardens, or a court yard, etc. should be added between buildings.

PLANNED DEVELOPMENT DISTRICT STANDARDS

As a basis for determining the acceptability of a planned development (PD) zoning district proposal, the following criteria shall be applied to the development plan with specific consideration as to whether the proposal is consistent with the spirit and intent of this chapter, has been prepared with competent professional advice and guidance, and produces significant benefits in terms of environmental design:

- (1) Character and intensity of land use. The uses proposed and their intensity and arrangement on the building site:

- a. Shall be of such visual, aesthetic and operational character that they;
- b. Shall be compatible with the physical nature of the building site, with particular concern for preservation of natural features, tree growth and open space;
- c. Shall produce an attractive environment of sustained aesthetic and ecologic desirability, economic stability, and functional practicality compatible with the general development plan for the area as established by the village;
- d. Will not adversely affect the anticipated provision for schools, sewer and water installations, snow removal, garbage collection, fire protection, or other municipal services; and
- e. Will not create traffic or parking demand incompatible with existing or proposed facilities to serve it.

(2) Economic feasibility and impact. Satisfactory evidence shall be provided demonstrating that the proposed project is economically feasible, has available adequate financing, and will not adversely affect the economic prosperity of the village or the value of surrounding properties.

(3) Engineering design standards. Right-of-way widths, location and widths of streets and other paving, outdoor lighting requirements, location of sewer and water lines, provision for drainage, and other similar environmental engineering considerations shall be based upon a determination as to the appropriate standards necessary to implement a specific function in a specific situation provided, however, that in no case shall construction standards be less than those necessary to ensure the public safety and welfare.

(4) Open space and rights-of-way. Adequate provisions shall be made in the following manner for the permanent preservation and maintenance of common open space and rights-of-way either by private reservation or dedication to the public:

a. Common open space areas which are not dedicated to the public shall be protected against development by conveyance of easements to the village as a condition of project approval. Areas conveyed by easement shall be restricted to prevent future building construction, development or use, except as is consistent with that of providing landscaped open space for the aesthetic and recreational satisfaction of surrounding residential properties. Noncommercial recreational or cultural buildings or uses compatible with the open-space objective may be permitted where specifically authorized as part of the approved development plan, or subsequently upon village plan commission recommendation and village board approval.

b. For roadways and other rights-of-way which are not dedicated to the public, there shall be granted to the village as a condition of project approval, such easements as may be necessary to enable the village to provide fire protection, sanitary sewer, storm sewer, public water, and other required municipal services to the development.

c. The care and maintenance of recorded easements, open space reservations and rights-of-way shall be assured, either by establishment of an appropriate private management organization for the project, or by establishment of a special service district for the project area whereby the village provides necessary maintenance service and levies costs thereof as a special assessment on the tax bills of properties within the project area. In any case, the village shall have the right to carry out and levy assessments for costs of necessary maintenance if not otherwise performed to the satisfaction of the village. The manner of assuring maintenance and assessing costs to individual properties shall be determined prior to approval of the final development plan.

and shall be included in the title to each property.

d. Ownership and tax liability of private open space reservations and rights-of-way shall be established in a manner acceptable to the village and shall be made part of the conditions of final development plan approval.

(5) Building, site and use characteristics. The following building, site and use characteristics shall be considered as approval criteria:

- a. Neighborhood environment, characteristics and use.
- b. Physical, natural and topographical features of the building site.
- c. Nature, operational character, organizational structure and use of buildings and structures.
- d. Architectural design, visual appeal and building materials.
- e. Building arrangement, density and floor area ratio.
- f. Building heights.
- g. Building setbacks.
- h. Screening and fencing.
- i. Landscaping.
- j. Exterior lighting.
- k. Site drainage.
- l. Open space needs.
- m. Design and capacity of parking and loading areas.
- n. Design and location of roadways, driveways and walks.
- o. Traffic generation and rate of vehicle turnover.
- p. Street or highway access and traffic patterns.
- q. Number and location of street openings or curb cuts.
- r. Street and highway dedication.
- s. Availability and capacity of sewer, water and other utilities.
- t. Snow removal, garbage collection, fire protection and other municipal services.
- u. Methods and hours of operation.
- v. Operational control.

- w. Capacity of local schools and educational institutions.
- x. Economic impacts, inducements, attractions and detractions.
- y. Implementation schedule and proposed commencement and completion dates.
- z. Deed restrictions, sureties, performance bonds, conditions, provisions, requirements or limitations necessary for the protection of public safety, health and welfare and as assurance that each phase of development can and will be brought to completion in a manner which will not adversely affect the community as a result of termination at the end of any one phase.

STAFF RECOMMENDATION

The original approval for the apartment complex and office development was given in 2008. Modifications have been made since then. Staff reports and minutes have been provided in the attachments below. The update to the Comprehensive Plan is proposing a mixed housing and office development on the Meacham Property, which is a short distance east of the Toonen location. The Toonen property has been marketed for commercial development for a short time and staff has concerns that a longer time frame is needed in order to see if commercial development is possible in the area.

If the Village Board is in favor of moving forward with apartments on the 8.49 acres, staff would recommend any new structures be placed in a fashion to help buffer the existing apartments from the highway. Ways to accomplish this could be to construct multi-story buildings and add a significant amount of landscaping and plantings. Focal points such as waterfalls, rain gardens, butterfly gardens, or court yards, etc. should be added between buildings in order to help with the overall aesthetics. The original PDD approval required the dedication as part of the creek as a Village parkway. This was supposed to be triggered when the commercial development was constructed. If apartments are approved, the parkway should still be dedicated. The board may also want to consider requiring the applicant to provide trail connections to the snowmobile trail along S.T.H. 29 in case there are opportunities in the future to create a multi-use path.

ATTACHMENTS

- I E-mail from Plan Commission member Nathan Prodell (with forwarded message from Kathleen Schumacher)
- II Multi-family statistical information for Howard and neighboring Hobart and Suamico
- III Planned Development Amendment Application
- IV New site plan and application
- V Minutes and packets from prior approvals

COPY EMAILED

Mau and Associates – Steve Bieda sbieda@mau-associates.com

David Toonen davidtoonen@toonencompanies.com

Attachment I

From: NMP1 [mailto:natpro422@gmail.com]
Sent: Tuesday, November 22, 2011 10:49 AM
To: Dave Wiese; Burt R McIntyre
Subject: Fwd: Last night's meeting

Gentlemen,

For what it's worth, regarding last night's meeting. I'd just like to add that I hope the Board gives some serious consideration to the 'future' of Howard, not the 'present'. I firmly believe that continuing to add MDU's to our Village is not the right answer. I read the emails and letters we received from the Public and they make very compelling points. I don't want an oversized apartment complex to become the focal point of Howard as it is in Pulaski. Although the Colonial Court Estates complex in Pulaski is nowhere near this size, it draws attention away from the surrounding areas. We can do better with this development. I wish more people would get involved and speak out on these matters because I'm willing to bet that if items like this were 'voted' on, this 88 unit addition would not pass and is considered unfavorable to the majority of the population of Howard.

I also wanted to share this email I received from one of our residents and ask that her comments be noted during the Board meeting on Monday.

Regards,

Nathan Prodell

----- Forwarded message -----

From: **Kathleen Schumacher** <kathschumacher@yahoo.com>
Date: Tue, Nov 22, 2011 at 10:28 AM
Subject: Last night's meeting
To: "natpro422@gmail.com" <natpro422@gmail.com>
Cc: Jenna Dais <jenna_ann01@yahoo.com>

Dear Nathan,

I wanted to write to you today and tell you how impressed I was with what you said at last night's meeting. You have the right vision for Howard and I am so glad you are on the Planning Commission. I liked that you said you want Howard to be a great place for your children to live and future generations, so you have to be careful about the decisions that are made today. We want families, homes, businesses, schools, parks and good development for the future, not neighborhoods that have a lot of big apartment complexes. I know the Board has tremendous pressure from these big Developers, and they like the tax revenue it brings, but is it the right thing to do? Is that what we want Howard to become?

I grew up in Howard. It is a great place to live. There is a picture that hangs on the wall right behind you in the conference room of my father, Leo O'Connor. Dad loved development; in the picture he is looking at a map with Cy Cornell. Dad was instrumental in getting Howard "Village" status from being just a "town." He and a few others started the Howard Fire Dept., and my brother John O'Connor was the Fire Chief for many years. Dad was on the planning committee for the Industrial Park off of Velp Ave. and a street is named after him, O'Connor Rd. He would have liked what you said last night about doing the "right kind of development for future generations."

Thanks for serving on the Plan Commission. I wish there were more people like you. Keep up the good work because you have the right idea for development.

Kathleen

MULTI-FAMILY STATISTICS

Village of Howard

Toonen Current # of Units with Occupancy issued	114		
Number of School Age Children being bused	10		
Village of Howard 2010			
Total Housing Units 2010 Census	7223		
Total Occupied	6941		
	Total Owner Occupied	4602	66%
	Total Renter Occupied	2339	34%
Vacant	282		
Vacant for Rent	115		
Vacant for Sale	73		
Vacant Seasonal	35		
Multi-Family permits since 2010	321		
Approved but not permitted	24		
Single Family permits since 2010	117		
Projected Occupied	7403		
	Projected Owner Occupied	4719	64%
	Projected Renter Occupied	2684	36%

Village of Suamico

Village of Suamico 2010 Census			
Total Housing Units 2010 Census	4235		
Total Occupied	4092		
	Total Owner Occupied	3727	91%
	Total Renter Occupied	365	9%

Village of Hobart

Village of Hobart 2010 Census			
Total Housing Units 2010 Census	2275		
Total Occupied	2180		
	Total Owner Occupied	1959	90%
	Total Renter Occupied	221	10%

Attachment III



2456 Glendale Ave
Green Bay, WI 54313

REZONING APPLICATION

See Next Page
for Materials to be Submitted
with This Application

Application Fee: \$250.00

Date: _____

Initials: _____

Application #: _____

Applicant

Name: Toonen Companies, LLC
(suite 4)

Address: 2830 Curry Ct. Green Bay, WI 54311

Phone: ()-406-9360 Email: David.Toonen@ToonenCompanies.com

Business Name: -

Conditional Use Site Address: Frederick CT

Landowner of Record: Red J, LLC

Address: 2830 Curry Ct. suite 4 Green Bay, WI 54311

Phone: ()-406-9360 Email: - same

Consultant(s)

Architect

Name: -

Address: _____

Phone: ()- - Email: _____

Contractor/Engineer

Name: M+U Associates, LLP

Address: 400 Security Blvd.

Phone: 920-734-8670 Email: Sbieda@mau-associates.com

Parcel/Building Information

Lot Size: 8.49 Acres/Sq. Ft. Current Zoning: Pdd Requested Zoning: Pdd Amendment

Lot Dimensions: 304' X 922' Does Current Zoning Permit Intended Use: _____

Bldg. Sq. Footage: - Street Frontage: 150' ±

Describe Specifically the Nature of the Request: _____

See Attached

Prepared by/ Applicant: Mau & Associates, LLP (Steve Bieda)
Client: Toonen Companies, Inc
Date: October 31, 2011
Job: T-4608

Summary for revision to PDD.

The property is currently zoned PDD for a multifamily and commercial development. It was originally intended to be a mixed use development containing a 204 multi-family complex, a 20 bed CBRF and 8.5 acres of commercial property. Toonen Companies, Inc. would like to make an amendment to the PDD to remove the commercial land and replace it with additional multi-family buildings.

At this time Toonen would like to request that the 8.49 acres of commercial land be re-zoned for a multi-family use. The current multi-family development is far exceeding all expectations and will be full nearly 1.5 years ahead of schedule.

The additional Multi-family land would add 88 units to the overall project bringing the total multi-family development to 292 units. The new phase will have 9 buildings with un-attached parking garages, consisting of seven 8 unit's, one 12 unit and one 20 unit building. The additional site will add approximately 5.7 million dollars of tax base to the Village of Howard. The additional tenants will be part of the current development so they can enjoy all the amenities of the site including the water features, extensive landscaping, and clubhouse.

Attachment IV

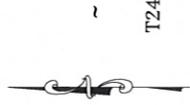
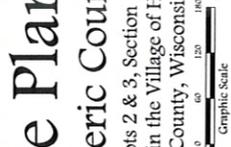
Man & Associates
 CIVIL & WATER RESOURCE ENGINEERING
 LAND SURVEYING & PLANNING
 2024 N. R20E, P.O. Box 1111, Howard, WI 53122
 PHONE: 262.444.9911 FAX: 262.444.9912

Toonen Companies, Inc.
 10000 W. Wisconsin Ave., Suite 100, Wauwatosa, WI 53226
 PHONE: 414.774.1111 FAX: 414.774.1112

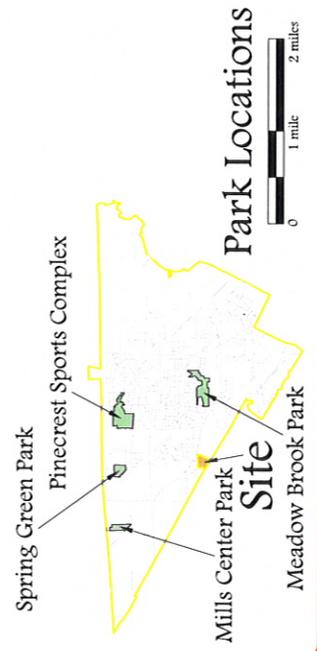
Site Plan - PDD Amendment
 Date: 10/31/11

SCALE: 1" = 30'
 SHEET NO. 1 of 1
 PROJECT NO. O-130

Site Plan
 ~ Frederic Court ~
 Part of Lots 2 & 3, Section 18,
 T24N-R20E, in the Village of Howard,
 Brown County, Wisconsin.

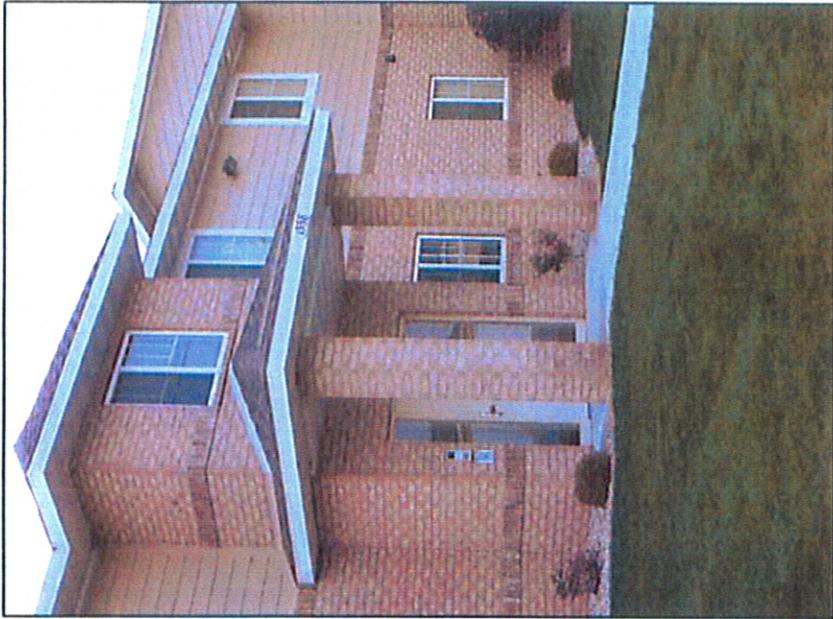


**8.49 Ac.
 88 Units
 (10.36 Units/Ac)**





4 Unit Garage

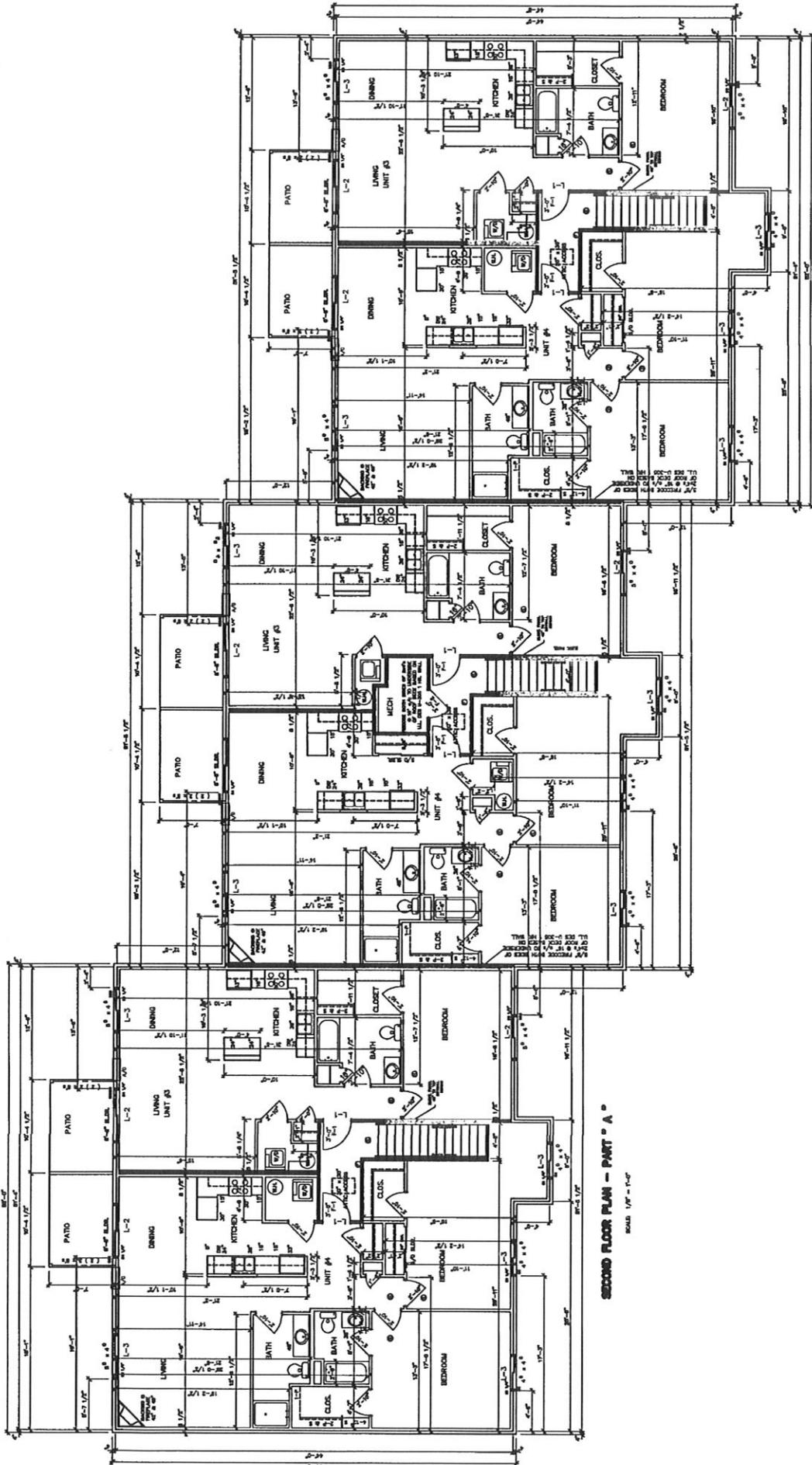


12 Unit Entrance



12 Unit Rear

Units are 50% Brick & 50% fiber cement board

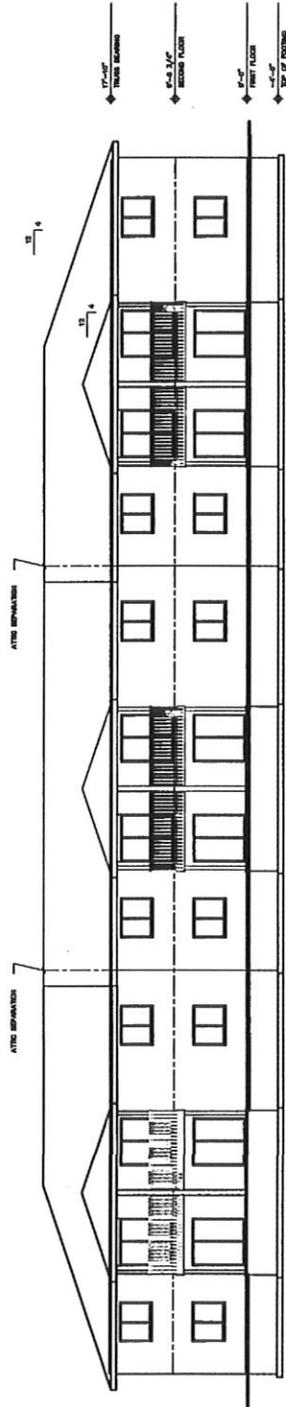


SECOND FLOOR PLAN - PART 'A'

SCALE 1/8" = 1'-0"

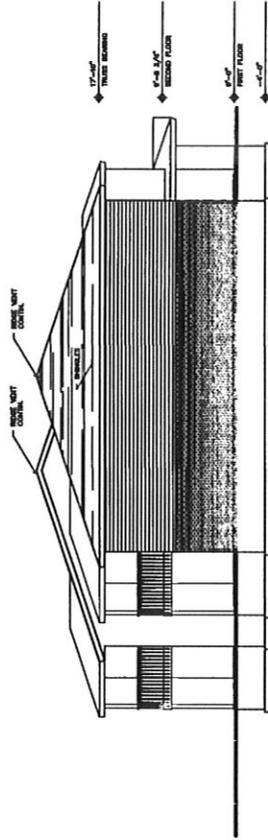
SECOND FLOOR PLAN - PART 'B'

SCALE 1/8" = 1'-0"



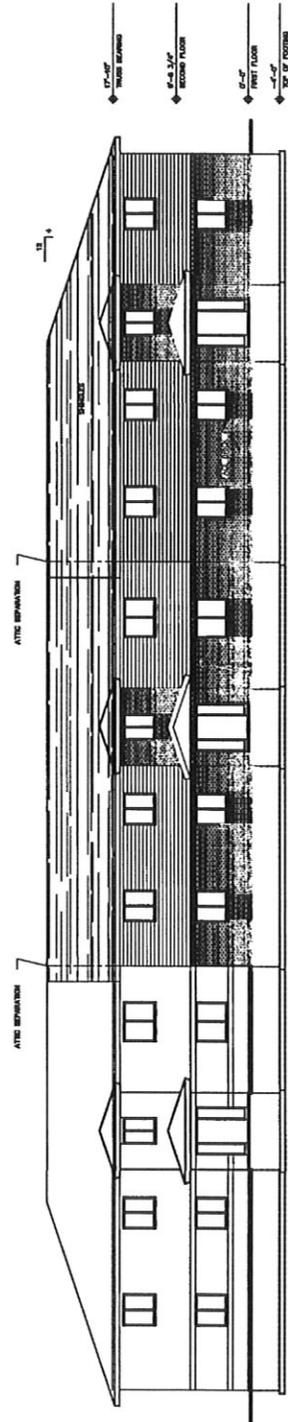
REAR ELEVATION

SCALE 1/8" = 1'-0"



SIDE ELEVATION

SCALE 1/8" = 1'-0"



FRONT ELEVATION

SCALE 1/8" = 1'-0"

SIDE ELEVATION

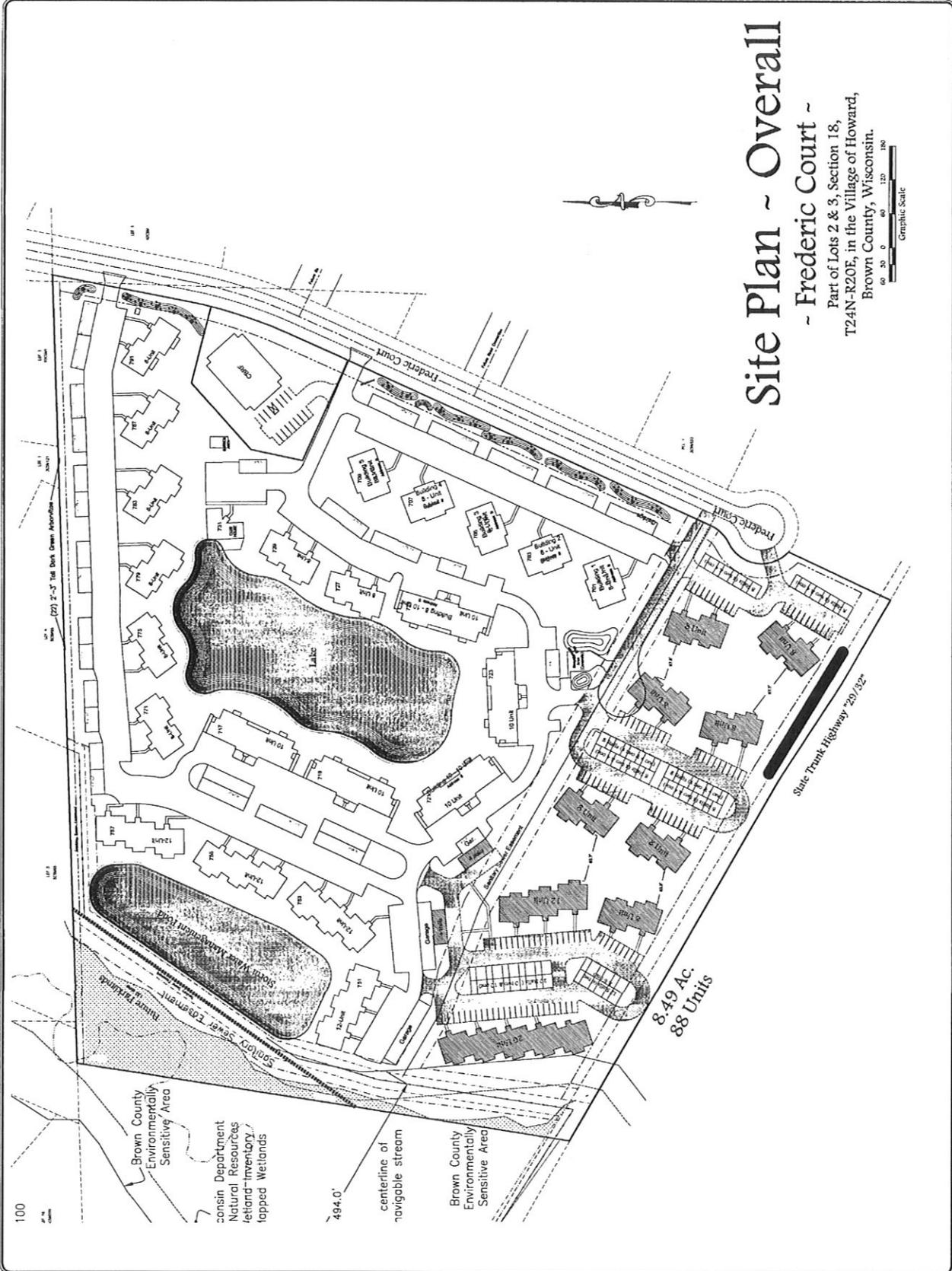
SCALE 1/8" = 1'-0"

Man & Associates
 LAND SURVEYING & PLANNING
 CIVIL & WATER RESOURCE ENGINEERING
 405 County Boulevard • Cross Lake, Wisconsin 54113
 PHONE: 920-434-0070 FAX: 920-434-9072

Site Plan - Overall
 Toonen Companies, Inc.

DATE: 10/21/11

SCALE: 1" = 40'
 SHEET NO. 1 of 1
 PROJECT NO. T-4008
 DRAWING NO. 1002111.dwg



Site Plan - Overall

~ Frederic Court ~
 Part of Lots 2 & 3, Section 18,
 T24N-R20E, in the Village of Howard,
 Brown County, Wisconsin.



100
 Feet

Brown County
 Environmentally
 Sensitive Area

consin Department
 Natural Resources
 Wetland Inventory
 lapped Wetlands

494.0'
 centerline of
 navigable stream

Brown County
 Environmentally
 Sensitive Area

8.49 Ac.
 88 Units

HOWARD, WI VILLAGE

2456 GLENDALE AVE

PO BOX 12207

GREEN BAY WI 54313

920-434-4640

Transaction 9165

31-Oct 11 03 13pm

Rezoning Fees

\$200.00

Toonen Companies LLC Mau and Assoc Frederick Ct

Subtotal \$200.00

Check \$50.00

Check \$150.00

Attachment I - Historical Info

DEPARTMENT OF CODE ADMINISTRATION
 2456 Glendale Avenue, Green Bay, WI 54313
 (Office) 920-434-4640 (FAX) 920-434-4643
 (Email) jkorotev@villageofhoward.com



CONDITIONAL USE PERMIT

PERMIT # (TBD)	PROPERTY ADDRESS 793 Block of Frederic Court	LOT # N/A	SUBDIVISION N/A	ZONING DISTRICT A-1	PARCEL NUMBER VH-508
APPLICATION DATE 05/27/08	DATE ISSUED 11/10/08	PERMIT FEE \$200	APPROVED USE Multi-Family Apartments and Business Park Planned Development		
OWNER'S NAME David Toonen/Toonen Properties	OWNER'S MAILING ADDRESS 2830 Curry Court, Suite 4	OWNER'S CITY/STATE/ZIP CODE Green Bay, WI 54311	OWNER'S PHONE NUMBER 920-406-9300		
APPLICANT'S NAME Same	APPLICANT'S MAILING ADDRESS Same	APPLICANT'S CITY/STATE/ZIP CODE Same	APPLICANT'S PHONE NUMBER Same		

CONDITIONS OF APPROVAL THIS PERMIT IS ISSUED PURSUANT TO THE FOLLOWING CONDITIONS. FAILURE TO COMPLY WITH THESE CONDITIONS MAY RESULT IN THE SUSPENSION OR REVOCATION OF THIS PERMIT OR OTHER PENALTY.

- NOTE: PDD AMENDED BY VILLAGE BOARD ON 6/28/2010 WITH THE FOLLOWING CONDITIONS:
- All apartments shall be constructed per the site plan attached dated June 21, 2010
 - All 202 apartments shall be completed by 6/28/13.
 - The private lake shall be constructed as shown on the site plan attached dated June 21, 2010
 - Future Parklands (approx 2 acres) shall be dedicated as part of the future commercial development. This will include the lands ESA areas west of the sanitary sewer easement. All future parklands and trail plans required in the November 10, 2008 approval are removed.
 - The trail connection from the private cul-de-sac to the future parkland shall be addressed as part of the commercial PDD approval. All future parklands and trail plans required in the November 10, 2008 approval are removed.
 - Prior to building permits being issued permanent easements shall be conveyed to the village for sewer and water utilities.
 - All building lighting except for decorative lighting shall be recessed or 90 degree cut-off.
 - When Fredric Court is reconstructed all driveways shall be constructed with concrete aprons and curb and gutter.
 - The private road when constructed shall be 30 feet (back of curb to back of curb) with a 6 inch vertical face curb, sidewalk on both sides, and have fiberglass poles with shoebox lighting spaced at intervals equal to the Village of Howard major road corridors (Cardinal Lane, Riverview Drive.)
 - No outside storage of any type other than the parking of vehicles in designated parking stalls shall be permitted in the complex.
 - The office building site(s) are to be considered preliminarily approved. Before construction, the Village of Howard must review the proposed use, site plans, building elevations, and landscape plans for Final PDD approval.
 - A minimum of 6 different species of indigenous deciduous and coniferous trees shall be used. A maximum of 15 trees per species shall be permitted. No ash trees will be allowed.
 - A minimum of thirty, six foot tall spruce trees shall be planted on the Fredric Court.
 - A minimum of forty, six foot tall spruce trees shall be planted along the Northern property line.
 - For Assessment purposes this PDD shall be considered a developer project.
 - The Clubhouse will be approximately 2,000-3,000 square feet in size and shall be constructed using the same building materials as the apartment buildings (consisting of a minimum of 62% brick.)
 - The landscaping around the garbage/recycling area shall be screened on two sides.
 - The garages along Frederic Court shall be set back 35 feet from the edge of the right-of-way and shall be landscaped as depicted on the site plan dated 6/21/10.
 - All apartment buildings shall be constructed with exterior building materials using a minimum of 62% brick and the remainder shall be cement fiber board siding.
 - Posey Court shall not be extended as a through street to the apartment complex.
 - All buildings shall be set back 25 feet from the northern property line.
 - The site plan dated June 21, 2010 shows 4 (12) unit buildings. In the event state plan approval is not granted, the original plan depicting 6 (8) unit buildings will be allowed.
 - The proposed CBRF shall face Frederic Court and shall be incorporated into the site plan in concept. The CBRF must obtain PDD amendment approval from the Plan Commission & Village Board prior to construction.
 - All other approvals unless noted in the PDD amendment dated 6/21/10 shall apply.

I, THE UNDERSIGNED, DO HEREBY ACCEPT THIS PERMIT AND AGREE TO COMPLY WITH ALL ACCOMPANYING TERMS AND CONDITIONS AS SET FORTH HERIN. I UNDERSTAND THAT THE ISSUANCE OF THIS PERMIT CREATES NO LEGAL LIABILITY, EXPRESSED OR IMPLIED, ON THE VILLAGE OF HOWARD OR ON ANY OF ITS OFFICIALS OR EMPLOYEES. I FURTHER UNDERSTAND AND AGREE THAT I WILL BE BOUNDED BY AND SUBMIT TO ALL STATUTES OF THE STATE OF WISCONSIN, CONFORM TO ALL APPLICABLE CODES AND ORDINANCES OF THE VILLAGE OF HOWARD, AND ABIDE BY ALL RULES AND REGULATIONS PRESCRIBED BY THE DEPARTMENT OF CODE ADMINISTRATION.

PROPERTY OWNER'S SIGNATURE	APPLICANT'S SIGNATURE
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J. Widiger moved to approve Resolution 2008-41 with the following monetary terms for years 2009 - 2012

<u>Year</u>	<u>Amount</u>	<u>% increase</u>
2009	\$ 1,236,920.09	10.28670%
2010	\$ 1,274,027.69	3.00000%
2011	\$ 1,312,248.52	3.00000%
2012	\$ 1,416,764.08	4.50000%

G. Speaker seconded the motion. **The motion carried unanimously.**

#10d
Vega Operator
License

C. Hughes moved to approve the issuance of an operator's license to Ahsan Vega. K. Crouch seconded the motion. **The motion carried unanimously.**

NEW BUSINESS

#11b
Marlin Howard II,
LLC PDD Amend

D. Wiese reported on a request for a PDD amendment from Marlin Howard II, LLC to permit the installation of a 20"x 8' electronic message center on an existing monument sign located at 430 Cardinal Lane, VH-459-8.

K. Crouch moved to approve the PDD amendment to permit the construction of an electronic readerboard sign at 430 Cardinal Lane contingent upon the electronic sign being constructed in the existing cabinet between the base of the cabinet and the existing "Duck Creek" sign. J. Widiger seconded the motion. **The motion carried unanimously.**

#11a
Toonen Properties
Final PDD
Approval

J. Smith reported on a request from Steve Bieda of Mau & Associates representing Toonen Properties for final PDD approval of a proposed apartment and business complex located at the 793 block of Frederick Court. J. Smith stated that the applicant is seeking to add a community based residential facility to the complex.

Steve Bieda of Mau & Associates addressed the Board regarding the proposed site plan. S. Bieda stated that Toonen Properties does not want to front the apartments along Frederick Court due grade issues and aesthetic view-sheds for renters of those units.

K. Crouch moved to grant Final PDD approval for Toonen Properties to construct a apartment and business complex at the 793 block of Frederick Court with the following conditions:

1. All apartments shall be constructed as the design submitted.
2. All 204 apartments shall be completed within 36 months of CUP/PDD approval.
3. The private lake shall be constructed as shown on page 5 of 6 on the plan submittal dated October 17, 2008.
4. The Developer will install a gravel (limestone) trail to connect the private road to the "Future Parklands" area. The gravel limestone trail shall be constructed when the new private drive for the office buildings is constructed. The trail shall be constructed to the standards of the Village of Howard Public Works Department.
5. Prior to building permits being issued permanent easements shall be conveyed to the village for sewer and water lines and in the trail indicated in condition #4.
6. The "Future Parklands" area shall be dedicated to the Village of Howard (approx 1.53 acres.)
7. All lighting except for decorative lighting shall be recessed or 90 degree cut-off.
8. When Fredrick Court is reconstructed all driveways shall be constructed with concrete aprons and curb and gutter.
9. No outside storage of any type other than the parking of vehicles in designated parking stalls shall be permitted in the complex.
10. The office building site(s) are to be considered preliminary approved. Before construction, the Village of Howard must review the proposed use, site plans, building elevations, and landscape plans for Final PDD approval.
11. A minimum of 6 different species of indigenous, deciduous and coniferous trees shall be used. A maximum of 15 trees per species shall be permitted. No ash trees will be allowed.
12. A minimum of thirty, six foot tall spruce trees shall be planted on the Fredrick Court berm.
13. A minimum of forty, six foot tall spruce trees shall be planted along the Northern property line.
14. The private road when constructed shall be 30 feet (back of curb to back of curb) with a 6 inch vertical face curb, sidewalk on both sides, and have fiberglass poles with shoebox lighting spaced at intervals equal to the Village of Howard major road corridors (Cardinal Lane, Riverview Drive.)
15. Escrow cash to Village for future sidewalks. This amount will be determined by the Village Department of Public Works and shall be paid in full within sixty (60) days of an invoice being submitted to the developer.
16. Improvement Phasing – Construction by the Village of Howard

Phase 1

- a. 100% developer funding – cash or irrevocable letter of credit
- b. Extension watermain approximately 250 feet southerly along Fredrick Court
- c. Extension of approximately 1200 feet sanitary sewer on the easement dedicated by developer under the “private road”.

Phase 2

- a. Village assessment by policy for improvements on Fredrick court
 - b. Assessment to property owners on each side of Fredrick Court
 - c. Developer payment within 30 days of assessment
 - d. Sanitary Sewer
 - e. Watermain
 - f. Storm Sewer
 - g. Driveways
 - h. Roadway Construction
17. The garages along Frederick Court shall be set back 35 feet from the edge of the right-of-way and shall be landscaped as depicted on exhibit A of the site plan.
 18. All structures shall be constructed with exterior building materials using a minimum of 62% brick and the remainder shall be cement fiber board siding.
 19. Posey Court shall not be extended as a through street to the apartment complex.
 20. All buildings shall be set back 25 feet from the northern property line.
 21. The northern property line shall have a split rail fence along the length of the property line and landscaping deemed suitable by the Village Forester to act as a visual buffer.
 22. The proposed CBRF shall face Frederick Court and shall be incorporated into the site plan in concept. The CBRF must obtain PDD amendment approval from the Plan Commission & Village Board prior to construction.

J. Widiger seconded the motion. The Board discussed the motion.

C. Hughes moved to suspend the rules. D. Steffen seconded the motion. **The motion carried unanimously.**

Jeff Gates of 1321 Graceland Terrace addressed the Board regarding the proposed final PDD. Mr. Gates stated that he was concerned about additional traffic generated from the complex. Mr. Gates stated that there may be a potential conflict of interest due to the fact that the Board recently refinanced loans to Mau & Associates through the Revolving Loan Fund program. Mr. Gates was also concerned about the site plan review process and stated that the developer dictated to

the Board the conditions of approval. Mr. Gates offered his suggestions on a variety of the conditions listed in the staff report.

Mary Barlament of Frederick Court addressed the Board regarding the proposed PDD. She lives across the street and stated that she is opposed to fronting the apartments to Frederick Court because she does not want residents of the apartments looking into her home.

Charlie Dais of 770 Frederick Court addressed the Board regarding the proposed PDD. He stated that he was concerned about the garages facing his property and thereby affecting his property value. He also stated that the apartment complex is its own community and doesn't blend in well with the rest of the neighborhood.

Amy Payne of 812 Posey Court addressed the Board regarding the proposed PDD. She was concerned about the northern property line and the landscaping because it is adjacent to her property line.

R. Bredael moved to return to regular order of business. G. Speaker seconded the motion. **The motion carried unanimously.**

D. Duffy clarified that there is no conflict of interest relating to the Village Board reviewing site plans proposed by Mau & Associates.

R. Bredael called the question. J. Lemorande seconded the motion. **The motion to call the question carried unanimously.**

A roll call vote was taken on the original motion. The motion carried unanimously.

#11c
Enterprise
Funds

C. Haltom reported on the enterprise funds for the FY 2009 budget. The Board discussed various aspects of the enterprise funds. **No action was taken.**

CLOSED SESSION

R. Bredael moved to convene to closed session. J. Widiger seconded the motion. A roll call vote was taken. **The motion carried unanimously and the Board convened to closed session at 8:08 p.m.**

RETURN TO OPEN SESSION

G. Speaker moved to reconvene to open session. R. Bredael seconded the motion. **The motion carried unanimously.**

Agenda Date: 11/10/2008
Agenda Item: # 11a



**VILLAGE BOARD MEETING
STAFF REPORT**

REPORT TO: Burt R. McIntyre, President
Village Board of Trustees

REPORT FROM: Dave Wiese, Exec. Director of Community Development

REPORT WRITTEN: 11/10/08

REPORT SUBJECT: Agenda Item # 11a: Review and Take Action on a Request for Final PDD Approval from Steve Bieda Representing Toonen Properties for the Construction of an Apartment and Business Complex Located at 793 Frederick Court

Prepared By

Name: Dave Wiese
Initials: _____
Date Prepared: 11/17/2011
Contact Number: 434-4640

Fiscal Impact of this Item

Is There a Fiscal Impact?	Yes. \$200.00
Currently Budgeted?	No
Budget Line Item:	100-41110-000 & 100-44300-000
Mandatory or Discretionary?	N/A
Ongoing Budget Impact?	N/A

Reviewed By

Name: Joshua A. Smith
Initials: _____
Date Reviewed: 11/5/08

RECOMMENDED ACTION BY VILLAGE BOARD

Village staff recommends the Village Board review the attached information and decide whether it would like to approve the Final PDD. The Plan Commission recommended approval of the Final PDD on a 3 to 2 vote at the October 20, 2008 Plan Commission meeting. If the Board wishes to approve the Final PDD, the following motion could be made:

“Motion to approve a request to approve a final planned development district from Steve Bieda of Mau & Associates representing the Meacham Family Trust and Toonen Properties for the development of an office park and multi-family residential complex in the 793 block of Frederick Court, VH-508 with the following conditions: (VILLAGE BOARD SHOULD REVIEW THE ATTACHED CONDITIONS AND DECIDE WHICH TO INCLUDE)

Recommended Conditions by the Plan Commission

1. All apartments shall be constructed as the design submitted.
2. All 204 apartments shall be completed within 36 months of CUP/PDD approval and the first building of the 60,000 square feet of Class A office space shall be started within 72 months of CUP/PDD approval. The next building started at 80% occupancy of the first building being built and the next building started at 90% of the first two buildings being built.
3. The private lake shall be constructed as shown on page 5 of 6 (p. 17 of this staff report) on the plan submittal dated October 17, 2008.
4. The Developer will install a gravel (limestone) trail to connect the private road to the "Future Parklands" area. The gravel limestone trail shall be constructed when the new private drive for the office buildings is constructed. The trail shall be constructed to the standards of the Village of Howard Public Works Department.
5. Prior to building permits being issued permanent easements shall be conveyed to the village for sewer and water lines and in the trail indicated in condition #4.
6. The "Future Parklands" area shall be dedicated to the Village of Howard (approx 1.53 acres.)
7. All lighting except for decorative lighting shall be recessed or 90 degree cut-off.
8. When Fredrick Court is reconstructed all driveways shall be constructed with concrete aprons and curb and gutter.
9. No outside storage of any type other than the parking of vehicles in designated parking stalls shall be permitted in the complex.
10. The office building site(s) are to be considered preliminary approved. Before construction, the Village of Howard must review the proposed use, site plans, building elevations, and landscape plans for Final PDD approval.
11. A minimum of 6 different species of indigenous, deciduous and coniferous trees shall be used. No ash trees will be allowed.
12. A minimum of thirty, six foot tall spruce trees shall be planted on the Fredrick Court berm.
13. A minimum of forty, six foot tall spruce trees shall be planted along the Northern property line.
14. The private road when constructed shall be 30 feet (back of curb to back of curb) with a 6 inch vertical face curb, sidewalk on both sides, and have fiberglass poles with shoebox lighting spaced at intervals equal to the Village of Howard major road corridors (Cardinal Lane, Riverview Drive.)
15. Escrow cash to Village for future sidewalks. This amount will be determined by the Village Department of Public Works and shall be paid in full within sixty (60) days of an invoice being submitted to the developer.
16. Improvement Phasing – Construction by the Village of Howard

Phase 1

- a. 100% developer funding – cash or irrevocable letter of credit
- b. Extension watermain approximately 250 feet southerly along Fredrick Court
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Phase 2

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- b. Assessment to property owners on each side of Fredrick Court
- c. Developer payment within 30 days of assessment
- d. Sanitary Sewer
- e. Watermain
- f. Storm Sewer
- g. Driveways
- h. Roadway Construction

Village Staff also had the following recommendations that were not recommended by the Plan Commission for Final Approval

1. The fronts of the apartment buildings shall face Fredrick Court.
2. All structures shall be constructed with exterior building materials using a minimum of 75% brick and the remainder shall be concrete siding.
3. Posey Court shall not be extended as a through street to the apartment complex.
4. All buildings shall be set back 25 feet from the northern property line.
5. A landscaped berm shall be constructed along the length of the northern property line with plantings consistent with the plan commission recommendations for landscaping.

FISCAL IMPACT SUMMARY

Impact Fees:	\$500,004.00
Projected Assessed Value:	\$20 Million (\$12 million apartments. & \$8 million business)
Taxes Generated :	\$66,400/year (Village of Howard Portion full development.)

POLICY REFERENCE

Section 17.18 of the Village of Howard Municipal Code of Ordinances relating to Planned Development Districts.

POLICY ISSUE

Should the Village Board approve a Final PDD for Toonen Properties for the development of an apartment/business complex?

ALTERNATIVE(S)

- Deny the Final PDD.
- Approve the Final PDD with various conditions deemed necessary by the Village Board.

BACKGROUND

The subject property is currently zoned Exclusive Agriculture (A-1) and is owned by the Meacham Family. The applicant is requesting a Planned Development District (PDD) to construct 204 apartment units and 4 office buildings, to be serviced on private roads.

The preliminary PDD Application indicated a public road would be installed to provide access for the four business lots. The final PDD application now indicates a private road would be installed to provide access for the four business lots. The clubhouse is now shown as a possible future building and may not be constructed.

Municipal services need to be extended to the property. The closest sanitary sewer line is located on the west edge of the subject property. The water infrastructure is available at the intersection of Fredrick Court and Shawano Avenue. Utility and trail easements shall be provided to the Village of Howard prior to building permits being issued.

The total site is approximately 34.73 acres in size.

EXECUTIVE ANALYSIS

1. **Zoning.**

The current zoning is A-1. The developer is requesting a PDD. The proposed area is larger than 25,000 square feet and does have more than 200 feet of frontage.

2. **Lot & Width Area.**

The size of the property being considered is 34.73 acres.

3. **Driveway Locations.**

There will be 3 driveway access points from this development to Fredrick Court. Their approximate locations will be 225', 425' and 1350' all south of the Fredrick Ct. and Shawano Ave. Intersection.

4. **Signage.**

See the sign details on sheet 3 of 6 for dimensions and pictures.

5. **Hours of Operation**

The developer anticipates the office hours of the businesses located along S.T.H. 29-32 to be between the hours of 6:00 am and 10:00pm Monday-Friday.

6. **Dumpster/Garbage/Recycling Areas.**

The dumpster enclosure will be totally surrounded by a landscaped berm approximately 4' high. Because of safety and accessibility of large trucks the trash & recycle facility will be only be slightly visible to the residents of the complex. There will be 2 refuse and 1 recycling receptacle within the bermed area. The trash & recyclables are collected 3 times per week (M-W-F)

7. **Landscape Plan.**

See sheet 3 of 6 for the landscape details.

8. **Elevational Drawings.**

Elevational drawings have been provided and are attached for your review. The Village of Howard R-4 zoning requires 75% brick for exterior building materials. Within the last 10 years, the Plan Commission and Village Board have not approved an apartment design with exterior building materials other than brick except for accent areas (below windows or roof areas.)

Elevational drawings have not been provided for any of the detached garage units.

9. **Setbacks.**

Typical multi-family zoned (R-4) property setbacks require 30 feet for front yard, 25 feet for the rear yard and 8 feet for the side yard unless the property abuts a lot or lots in the R-1, R-2, or R-3

zoning district. If the side yard abuts the aforementioned zonings, then the setback shall increase from 8 feet to 25 feet.

10. **Parking.**

Typically multi-family zoned properties require two stalls per unit and one space for every 4 units for guests for Multi-family. See Sheet 1 of 6 "Project Calculations" (2.4 stalls/MFunit) Business sites to be determined when site plan is submitted.

11. **Floodplain, Shoreland Zoning & Stormwater Management.**

On site stormwater management would need to be provided and approved by the Village of Howard Engineering Department. These approvals could take place subsequent to the PDD being considered for approval/denial.

12. **Land Division.**

Utility easements are needed for public sewers and public trails on the property.

13. **Lighting.**

Recessed or 90 degree cut-off would be required that is in compliance with the Village of Howard Lighting Ordinance. See Sheet 3 of 6 of the site plan for the lighting fixtures. Lights will direct downward so that light isn't spilling offsite.

14. **Fire Protection**

This property is not currently served by the municipal water system and is located 2 +/- miles from the nearest fire station. Since all roads are recommended as private roads, fire hydrants will have to be installed to Howard Fire Department specifications and an agreement will have to be provided to the Village Board which provides the following:

The Village shall maintain or repair any fire hydrant they deem needs such maintenance or repair. The cost for said maintenance or repairs shall be reimbursed in its entirety to the Village of Howard within 30 days of receipt of an invoice.

15. **Consistency with Comprehensive Plan**

The subject property is currently located in the 10-15 year growth area (the Comprehensive Plan was approved in 2002). Several components of the presented site plan are inconsistent (i.e., with recommendations of the Comprehensive Plan).

Chapter 5 (Housing) of the Village of Howard's Comprehensive Plan recommends that at least two housing types be included in any residential project encompassing more than 30 acres. (pg. 41) The overall site is 34 acres; however the applicant is indicating the apartments encompass only around 25.25 acres.

In keeping with the theme of mixed-use neighborhoods, multifamily developments should be scattered throughout the various residential areas rather than confined to a few areas of the

Village. In this way, the impact of higher density development is limited as this density is spread over larger areas. (pg. 42)

Placing the buildings close to and fronting the streets will be strongly encouraged as an effective way to integrate multifamily housing with other uses to form a coherent, livable area. (pg. 43)

All multiple-family buildings should be designed to reflect, as much as possible, the characteristics and amenities typically associated with single-family detached houses. (pg. 101)

Multiple-family projects should offer variation among individual buildings but remain within a coordinated overall design theme. Variation among buildings should be achieved by a combination of different footprints, façade treatments, roof forms, entrance features, and building orientation. Monotonous complexes of identical buildings should be discouraged. (pg. 101)

16. **Prior Action by Village Board**

At the August 11, 2008 Village Board meeting, the Village Board unanimously approved the following conditions to the Preliminary PDD.

PDD (referenced item - #11c of the 8/11/2008 Village Board minutes). Please note in italics comments from village staff on the Board's motion:

- A stormwater management plan needs to be completed and reviewed by the Village of Howard Engineering Department.
This plan will be addressed if final approval is granted prior to the issuance of building permit.
- Sidewalk or an off-street trail needs to be provided to connect the buildings to the future public sidewalk system.
An off-street trail will be constructed to connect the east/west private street which will have sidewalk to Fredrick Court.
- Lighting must be recessed or 90 degree cutoff. Wall pack lighting shining outward is not allowed. They should be shielded.
All fixtures that are shown as part of the packet of information will have to be directed straight down and not shining out as depicted.
- Projects should offer variation among individual buildings but remain within a coordinated overall design.
There are three (3) different types of buildings being constructed, but they remain clustered into groups.
- Two different types of housing should be provided in the development of larger parcels.
The applicant has not addressed the issue of providing two different types of housing. Only apartments are being proposed. The apartment site is less than 30 acres (25.25.) The overall site is 34.73 acres
- A road connection to the property to the west should be investigated for future access.
Information has been provided in the packet of information that shows environmental areas that will be difficult to cross and very expensive.

17. Prior Comments from the Village Administrator to the Plan Commission on September 15, 2008

1. An independent traffic consultant shall be hired to provide analysis on daily trip generation from the apartment complex and directional distribution of vehicles (including how many additional vehicles will use the STH 29/FF intersection). The traffic consultant will be hired by the Village and the Village will be reimbursed the cost by Toonen Development.
An independent traffic analysis has been provided with this staff report. See Attachment IV.
2. Discuss reconstructing Fredrick Court prior to the apartments being installed.
The developer informed the village he would prefer not to reconstruct Fredrick Court at this time.
3. Require all apartments located on Fredrick Court to face Fredrick Court (i.e., not allow garages to face Fredrick Court).
The developer desires to leave his site plan as shown during the preliminary PDD. On page 43 of the Village's Comprehensive Plan it strongly encourages housing units to front public streets.
4. Place a condition in the Conditional Use Permit that no road connection shall ever be permitted from this development into Posey Court.
The developer has agreed to this condition.
5. Require water for any ponds to be supplied by the Central Brown County Water Authority and not a private well.
Filling of the private lake with a high capacity deep well will not detrimentally affect ponds on neighboring properties. This is because a high capacity well (>59gpm) will more than likely need to be a deep well. This deep well will draw water from an underlying confined aquifer that will significantly impede water coming from higher surface water tables near the surface ponds. Essentially the well will be adding water to the surface from a separate source below increasing water levels in the local pond areas.
6. Require a 25' setback along the entire northern property line. Install a berm and work with the neighbors on a detailed landscape plan, including the planting of coniferous trees.
The closest point of the setback is 11.8 feet. The developer is open to discussing details of plantings and fences along the northern property line.
7. Place a condition in the Conditional Use Permit that all apartments shall be constructed within 36 months and the 60,000 square feet of Class A office space shall be constructed within 72 months.
The developer is ok with the 36 month condition but disagrees with the 72 month condition regarding Class A office space.

8. Identify if any neighbors would be responsible for any improvements, including water, sanitary sewer, storm sewer, road, etc.

The developer agrees to pay 100% of the cost for Phase I of the utility installation and requests Phase II of the utility/road installation being assessed. By assessing Phase II this will impact benefiting property owners on Fredrick Court.

18. **Type of Conditional Use.**

Pursuant to section 17.20(10)(a), there are two conditional use categories. The conditional use being applied for is found in section 17.20(10)(a)(2) "Uses entirely private in character, but of such unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities".

The Plan Commission should review the following conditions below to determine if the submitted plan meets that criterion:

1. The conditional use shall not be detrimental to or endanger the health, safety, morals, comfort or general welfare of the public.
2. The conditional use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted, nor shall it substantially diminish or impair property values within the neighborhood.
3. The conditional use shall not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.
4. The exterior architectural appeal and functional plan of proposed buildings and structures shall not be so at variance with existing buildings and structures, or buildings and structures under construction in the immediate area, or the character of the zoning district, as to cause a substantial depreciation in property values within the neighborhood.
5. Adequate utilities, access roads, drainage and necessary facilities are in place or will be provided.
6. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
7. The conditional use shall, in all other respects, conform to applicable regulations of the zoning district in which it is located, except as such regulations may be modified by the Village Board pursuant to Plan Commission recommendations.

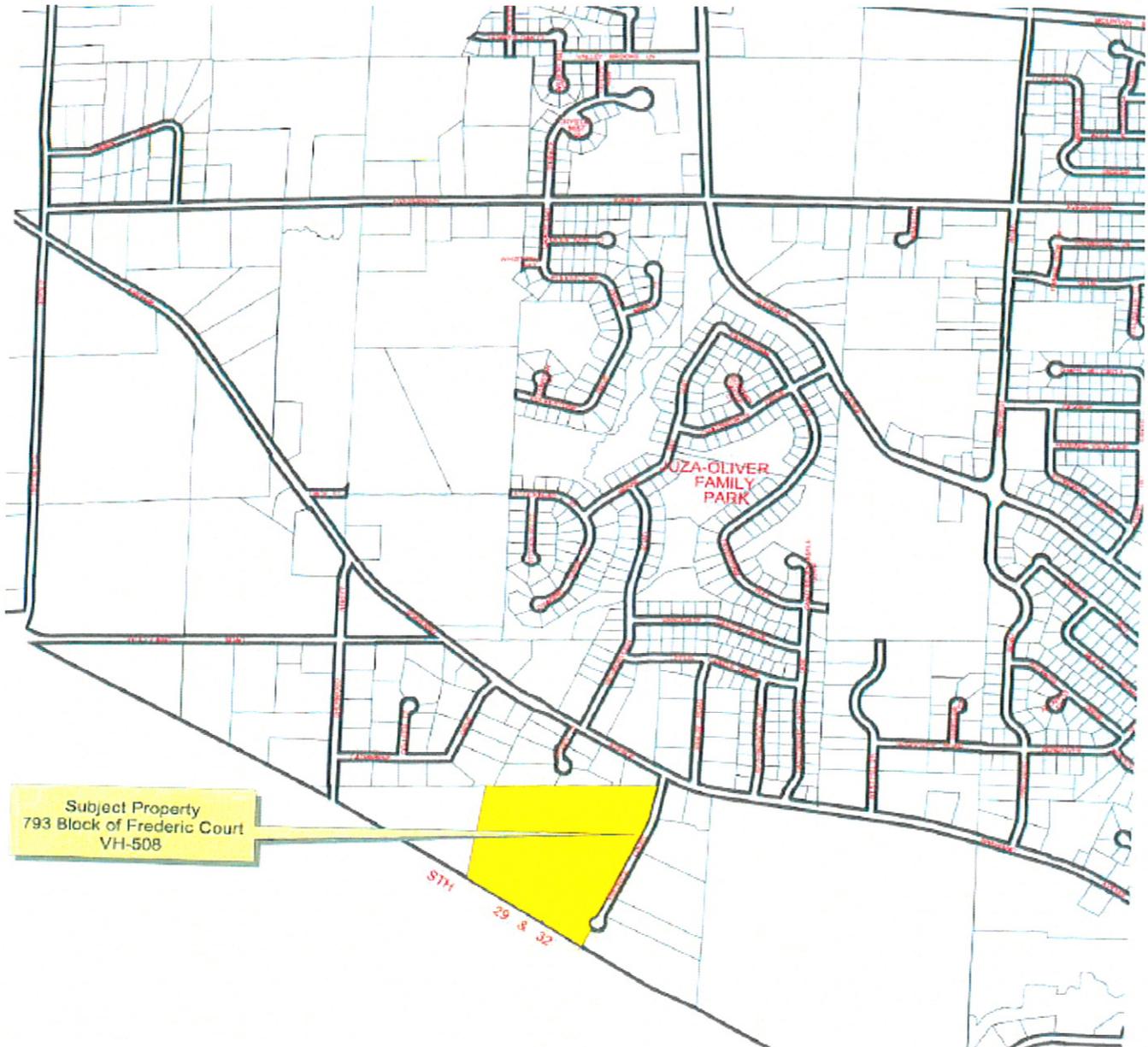
AVAILABLE/ATTACHED INFORMATION

- | | |
|------------|--|
| I | Plat map identifying subject property |
| II | Comprehensive Plan Text regarding Multi-family development |
| III | Proposed Site Plan |
| IV | Traffic Analysis |
| V | October 20, 2008 Plan Commission Minutes |
| VI | PDD Permit |
| VII | Before & After Property Values Adjacent to Toonen Apartments |

COPIES MAILED TO

- I. Steve Bieda
400 Security Blvd.
Green Bay, WI 54313

ATTACHMENT I



ATTACHMENT II*Building Placement*

are extended along boundaries between the growth increments, both sides of the street should be served to a depth of one lot or a maximum of 250 feet. The growth increments should be considered "Smart Growth" areas, and they are identified on the 5-Year Smart Growth Increments map (Figure 2-5).

Properties that can be more easily serviced and that are more strategically located in relation to existing municipal services should be top priority for development. Properties slated for future developments that are outside of the applicable 5-year projected growth area should be kept in a rural development holding pattern. Non-sewered development should be discouraged in these areas in order to avoid premature development and efficiently and cost-effectively provide services as growth reaches these areas.

Design Issues

The Village should encourage design elements, such as streetscaping, flags, banners, seasonal decorations, and signage controls to aesthetically integrate individual land use areas. It is recommended that the Village also concern itself with the design of the main entrance corridors of the Village. These entrances help to establish the overall character of Howard, so the Village should make them as attractive as possible.

One method to enhance the entrance corridors is through boulevards. South Cardinal Lane, which is a major entrance from the south, is already constructed as a boulevard. Other key entrance streets should be considered for boulevard design at the time they are slated for reconstruction. Velp Avenue, from Lineville Road to Glendale Avenue, has a 100-foot-wide right-of-way, which could easily accommodate a boulevard design. Other streets that could potentially be converted to boulevards are Packerland Drive and portions of Shawano Avenue, Sherwood Street, Milltown Road, and Marley Street.

Establishing design criteria for new businesses is another effective way of ensuring high quality development. In commercial areas, particularly the neighborhood centers and the village center that is addressed later in this chapter, reducing the expanse of parking areas should be accomplished. Parking lot landscaping standards should be enforced, and these standards should include landscaped "islands" within large parking lots, the placement of parking behind buildings instead of between the buildings and sidewalks/streets, and other features.

Streetscape Design Characteristics

Variation in house models in large developments should be encouraged to avoid a monotonous streetscape and eliminate the appearance of a standardized subdivision. Lot widths and depths can also be varied to promote multiple house designs and variety of building mass.

To foster visual interest along neighborhood streets, garages and driveways should be designed to be a less dominant feature of the street frontage. Garages that are recessed from the front building façade or that are at least even with the rest of the front façade

Overall Coordination of Neighborhoods

Any development proposal should be required to show that it forms or contributes to a neighborhood. As applicable, a development should contribute in terms of interconnecting streets, pedestrian paths, parks, neighborhood commercial centers, schools, and open space systems, as much as possible.

Where a pattern of streets and outdoor spaces is already established, additional adjoining development will continue and extend the pattern. In the case of previously unplanned areas, the design for new development will provide for its own pattern being continued and extended in the future.

Characteristics shared with adjoining neighborhoods, such as streets, natural areas, and neighborhood commercial centers, should generally form the extent of a neighborhood. Landscaped outdoor spaces and trails may be used to create an attractive environment at a neighborhood's edge.

Mix of Housing Types and Lot Sizes

As discussed earlier, providing a mixture of housing types is a key concept for all new neighborhoods. Builders and developers are encouraged to use their ingenuity to combine and distribute a variety of housing types to make an attractive marketable neighborhood with housing for people of various income levels and preferences. The plan's Housing chapter (Chapter 5) recommends that at least two housing types be included in any residential project encompassing more than 30 acres. As the acreage of the residential project increases, the number of housing types should also increase. This can be achieved in various ways. Some examples include:

- Standard lot single-family houses (lots over 10,000 square feet).
- Small lot single-family houses (lots 10,000 square feet or less).
- Duplex houses.
- Townhouses (attached housing).
- Accessory dwelling units.
- Group homes.
- Apartments (provided they are compatible in scale and character with other dwellings in the proposed neighborhood and limited to a maximum of eight dwelling units in a building).

Duplexes are often appropriate on corner lots since these lots usually need to be wider and larger to be appropriately situated next to two streets. Also, because each unit can

face a different frontage, the visual impact of the larger building and garage façade is lessened.

Multifamily Housing

The 2000 Brown County Land Use Inventory showed that Howard's residential acreage was comprised of 89 percent single-family dwellings, 6 percent two-family dwellings, and 5 percent multifamily dwellings. However, because multifamily developments have much greater density, the actual percentage of multifamily housing units within Howard is much greater. A Brown County Planning Commission study from April 1997 calculated that 28 percent of the Village's housing units were within apartment buildings and other multifamily developments. It is recommended that future residential development in Howard retain this existing percentage of multifamily development. This will allow for a range of housing types to be accommodated in the Village and maintain a well-rounded housing stock.

Housing Variety

The Village should also encourage greater variety in the types of multifamily developments. In addition to the larger apartment complexes that typify most of Howard's current multifamily housing stock, the Village should include townhouses, condominiums, and smaller 3-unit to 8-unit buildings.

Mixing of Multifamily and Single-Family Residences

In keeping with the theme of mixed-use neighborhoods, multifamily developments should be scattered throughout the various residential areas rather than confined to a few areas of the Village. In this way, the impact of higher density development is limited as this density is spread over larger areas. Multifamily buildings could also be placed next to the neighborhood commercial centers. This would promote a smooth transition between the commercial activity and single-family homes. Higher density developments are recommended near parks and other open space to take advantage of that amenity.

Multifamily Building Design

All multifamily buildings should be designed to reflect, as much as possible, the characteristics and amenities typically associated with single-family detached houses. These characteristics and amenities include front doors facing the sidewalk/street, private outdoor space, adequate parking and storage, and access to sunlight. Multifamily development should also offer variation among individual buildings through any combination of design features, such as building footprints, façade treatments, roof forms, or building orientation.

Site Plan

- Frederic Court -
 Part of Lots 2 & 3, Section 18,
 T24N-R20E, in the Village of Howard,
 Brown County, Wisconsin.



Shawano Avenue
 Krause Road

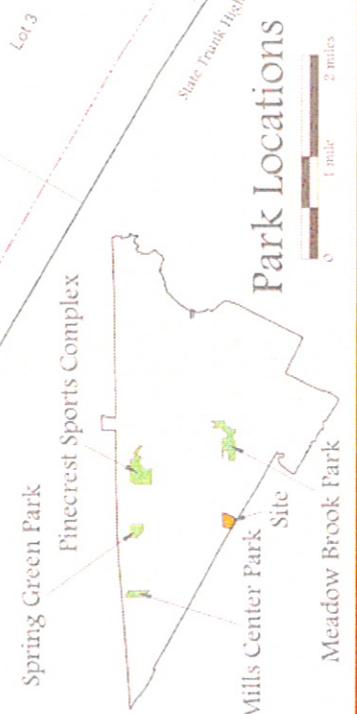


Utility Locations
 Water - at the intersection of Frederic Court and Shawano Avenue (<100 feet from site)
 Sanitary Sewer - on site (Westerly edge of property)



Project Calculations

Total Project	34.73 acres	100.0%
Apartment Site	25.25 acres	72.7%
Green Space	15.81 acres	62.6%
Buildings	4.18 acres	16.6%
Pavement	5.26 acres	20.8%
Pond #1	2.60 acres	
Pond #2	1.37 acres	
Units	204 units	
Density	8.1 units / acre	
Parking Stalls	484 stalls	
	2.4 stalls / unit	
Business Site	8.44 acres	24.3%
	4 Lots	
Road Dedication	1.04 acres	3.0%
	812 feet of centerline	



Park Locations





- Legend**
- Building
 - Pavement
 - Pond
 - Greenspace
 - Decorative Garage Light
 - Wall Pack Light
 - Proposed Trees
 - Black Hills Spruce
 - Norway Maple



Light & Landscape Plan

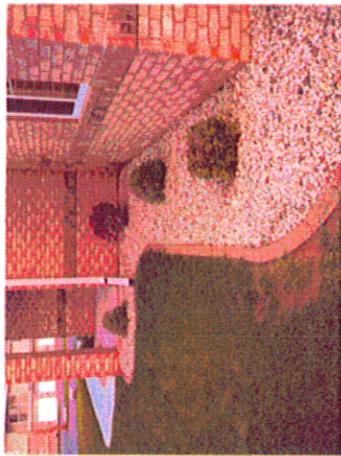
- Frederic Court -

Part of Lots 2 & 3, Section 18, T24N-R20E, in the Village of Howard, Brown County, Wisconsin.

Light, Landscape & Sign Details

- Frederic Court -

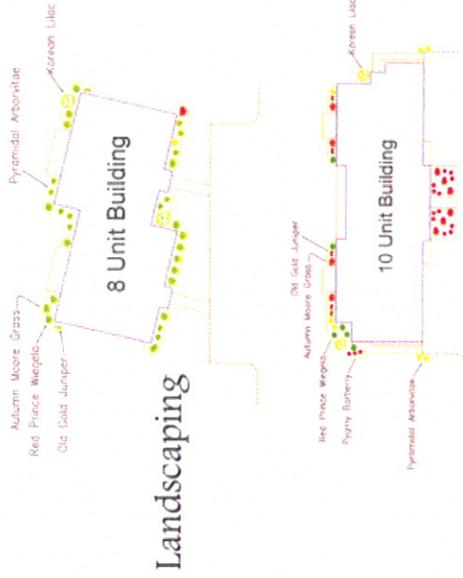
Part of Lots 2 & 3, Section 18, T24N-R20E, in the Village of Howard, Brown County, Wisconsin.



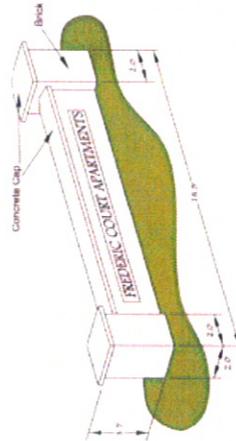
Unit Landscaping



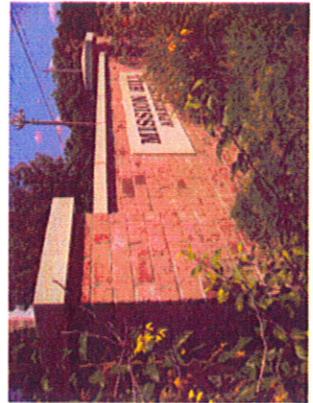
12 Unit Bldg with Site Landscaping



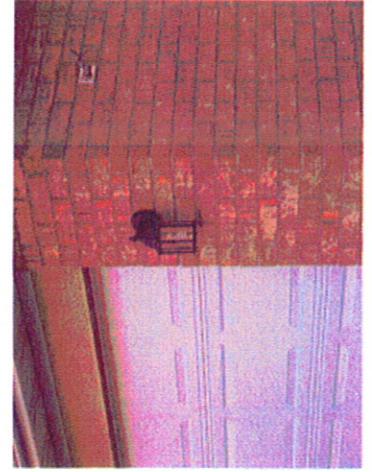
Landscaping



Sign



Wall Pack Light on Building

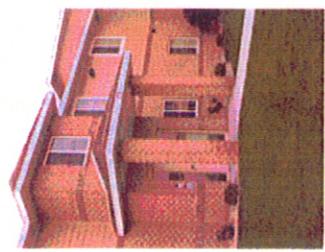


Decorative Light on Garage

Planting Schedule

Plant Name	Quantity	Plant Size	Plant Spacing	Plant Depth	Plant Width	Plant Height	Plant Spacing	Plant Depth	Plant Width	Plant Height
Autumn Moore Grass	4	12" x 12"	12"	12"	12"	12"	12"	12"	12"	12"
Red Prince Weigela	14	3" x 1"	2'	2'	2'	2'	2'	2'	2'	2'
Ole Gold Juniper	2	15" x 18"	5'	5'	5'	5'	5'	5'	5'	5'
Pymadai Arborvitae	13	3" x 4"	3'	3'	3'	3'	3'	3'	3'	3'
Korean Lilac	2	18" x 24"	2'	2'	2'	2'	2'	2'	2'	2'
Pymy Barberry	5	12" x 15"	15'	15'	15'	15'	15'	15'	15'	15'
Black Hills Spruce	1	6" Tall	1'	1'	1'	1'	1'	1'	1'	1'
Marquis Maple	2	1 1/2" x 2" x 4"	2'	2'	2'	2'	2'	2'	2'	2'
Maui Pine	5	2" x 2"	14'	14'	14'	14'	14'	14'	14'	14'
Golden Globe Arborvitae	5	12" x 15"	15'	15'	15'	15'	15'	15'	15'	15'
Red Tass Dogwood	5	2" x 2"	14'	14'	14'	14'	14'	14'	14'	14'
Emerald Green Arborvitae	2	3" x 4"	22'	22'	22'	22'	22'	22'	22'	22'

Lighting



12 Unit Entrance

Units are 50% Brick & 50% fiber cement board



12 Unit Rear



Pond Edge



10 Unit End



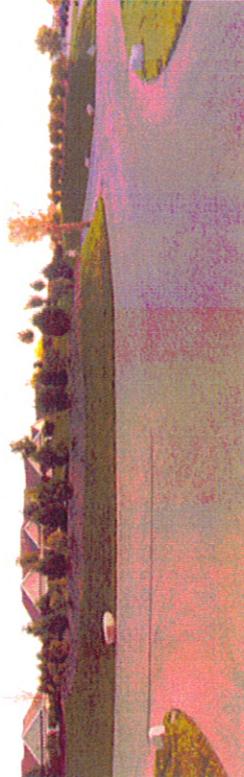
4 Unit Garage



Garage Rear



Recycle Area (from top of berm)



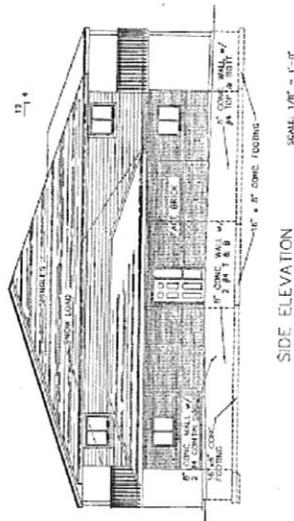
Recycle Area (exterior view)

Mau & Associates LAND SURVEYING & PLANNING CIVIL & WATER RESOURCE ENGINEERING 400 County Boulevard • Crystal Bay, Wisconsin 53113 PHONE: 920-426-7170 FAX: 920-414-0172	Toonen Companies, Inc. 10000 Wisconsin Avenue, Suite 1000 Milwaukee, WI 53227 PHONE: 414-224-1100 FAX: 414-224-1101	SCALE: 1" = 80' DATE: 11/10/08 DRAWN BY: [Name]	PROJECT NO: SHEET NO: 4 of 6 DRAWING NO: 0-130
		SITE PLAN File: 7-1001 Site Plan 11/10/08.dwg	



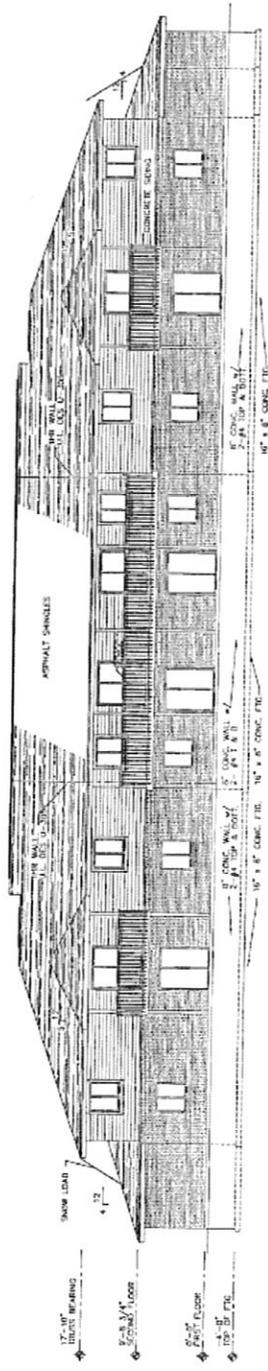
Neighboring Property Development Options





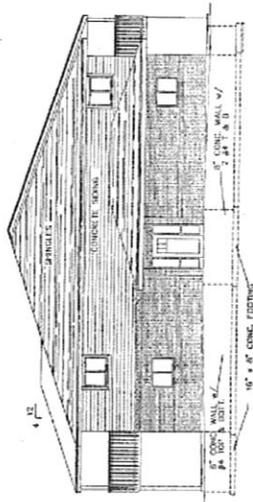
REAR ELEVATION

SCALE: 1/8" = 1'-0"



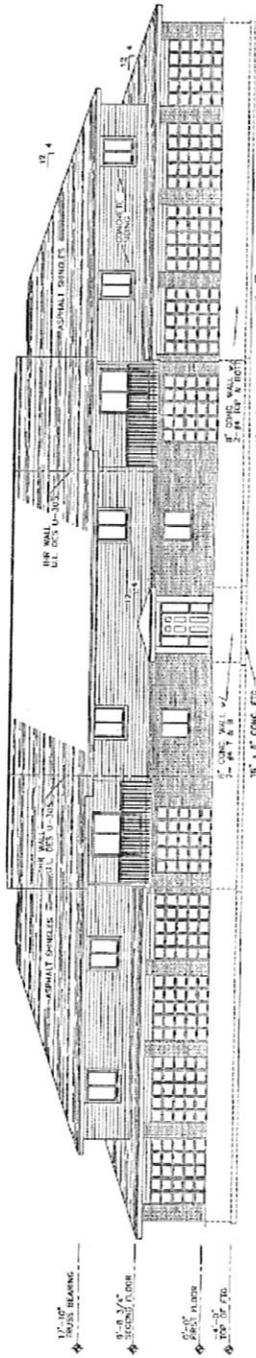
FRONT ELEVATION

SCALE: 1/8" = 1'-0"



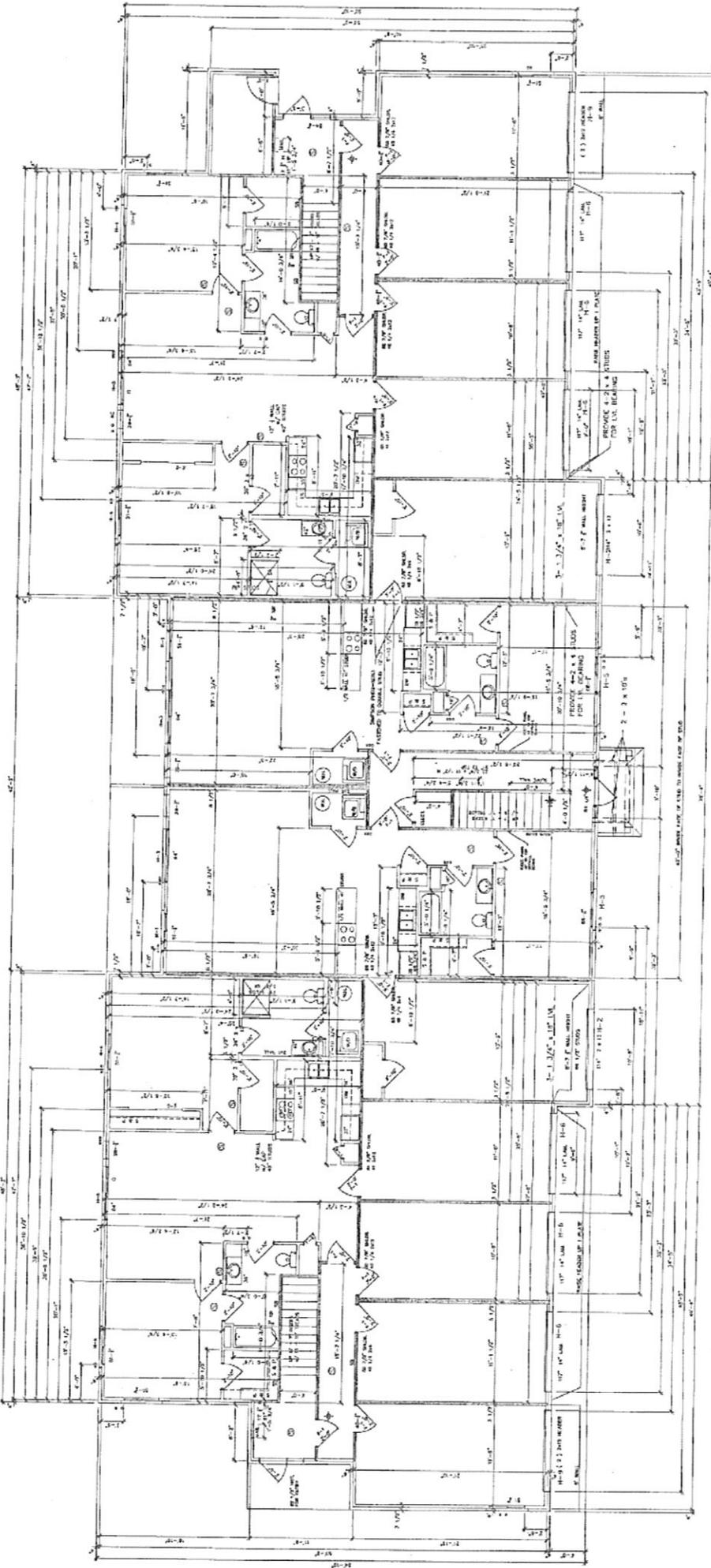
SIDE ELEVATION

SCALE: 1/8" = 1'-0"



SIDE ELEVATION

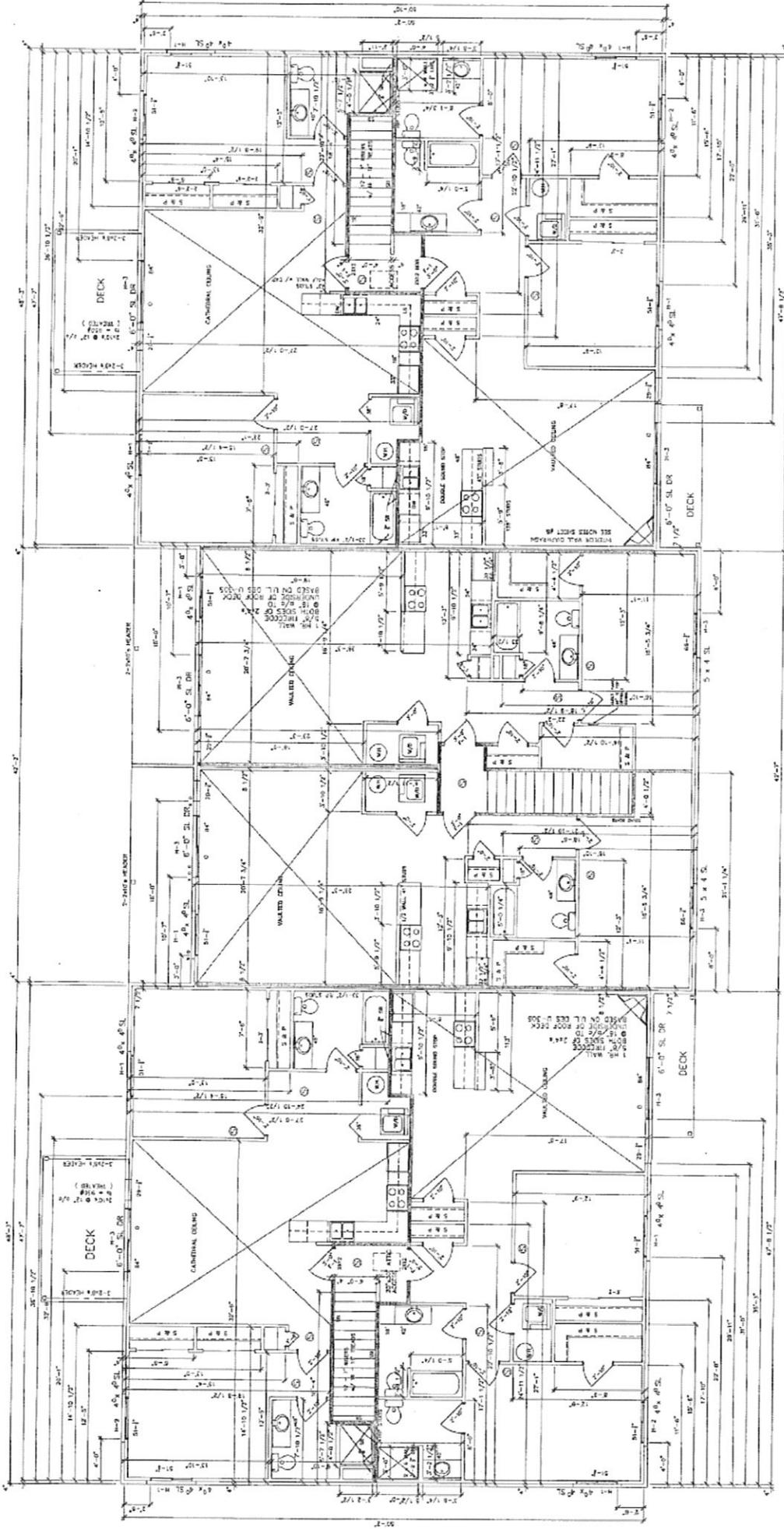
SCALE: 1/8" = 1'-0"



OVERALL FIRST FLOOR PLAN

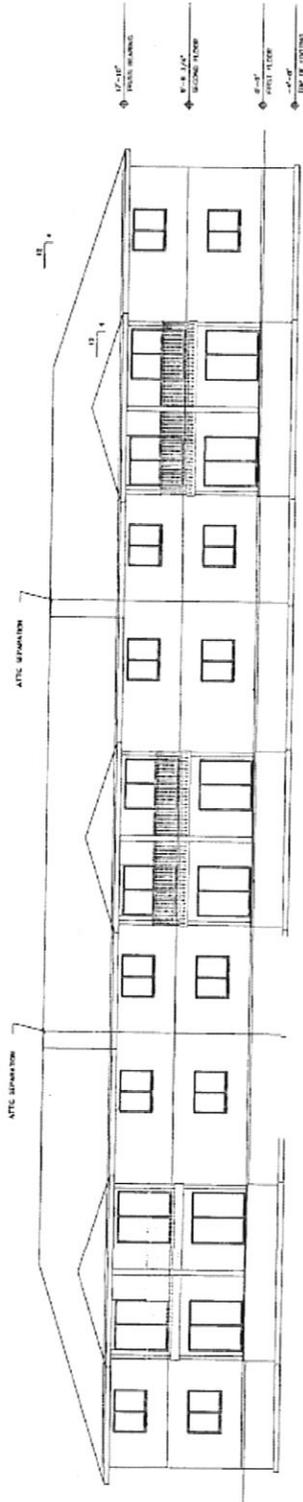
SCALE: 1/8" = 1'-0"

NOTE: ALTHOUGH EVERY EFFORT HAS BEEN MADE IN PREPARING THESE PROPOSED 1 TOONEN COV



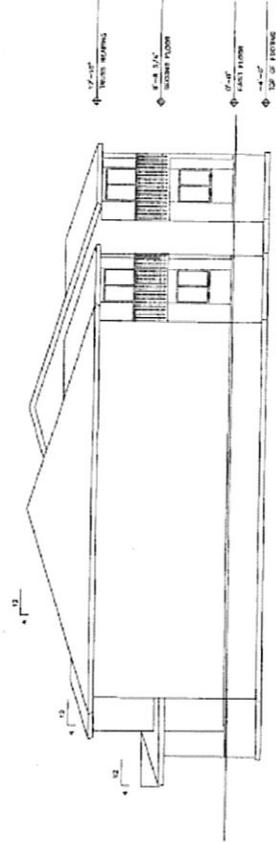
OVERALL SECOND FLOOR PLAN

SCALE: 1/8" = 1'-0"



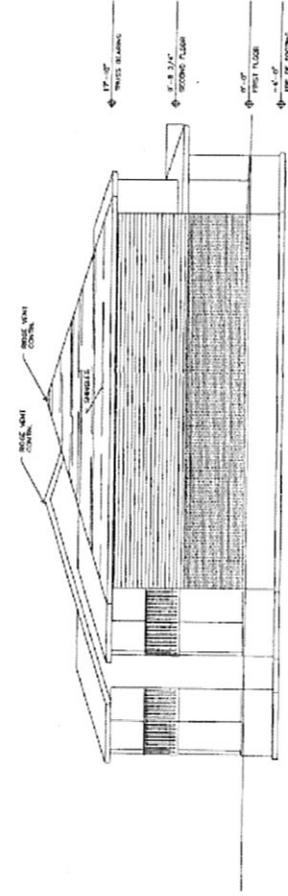
FRONT ELEVATION

SCALE: 1/8" = 1'-0"



REAR ELEVATION

SCALE: 1/8" = 1'-0"

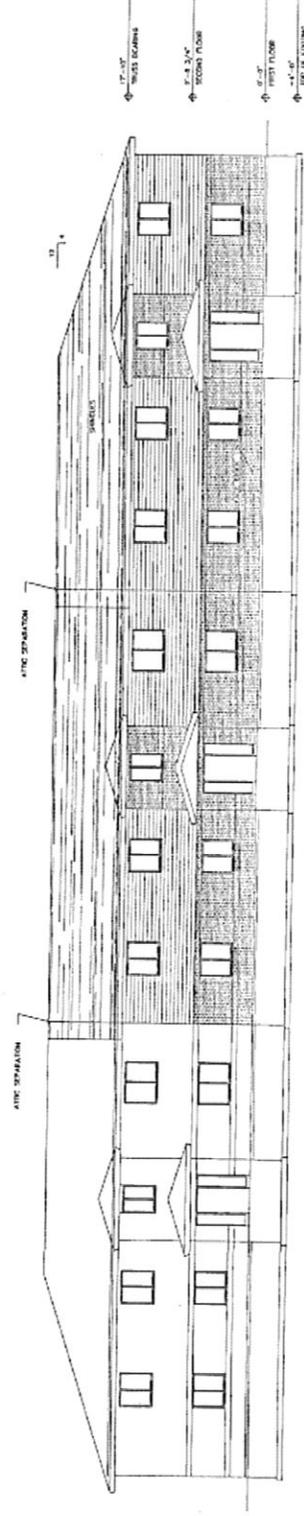


SIDE ELEVATION

SCALE: 1/8" = 1'-0"

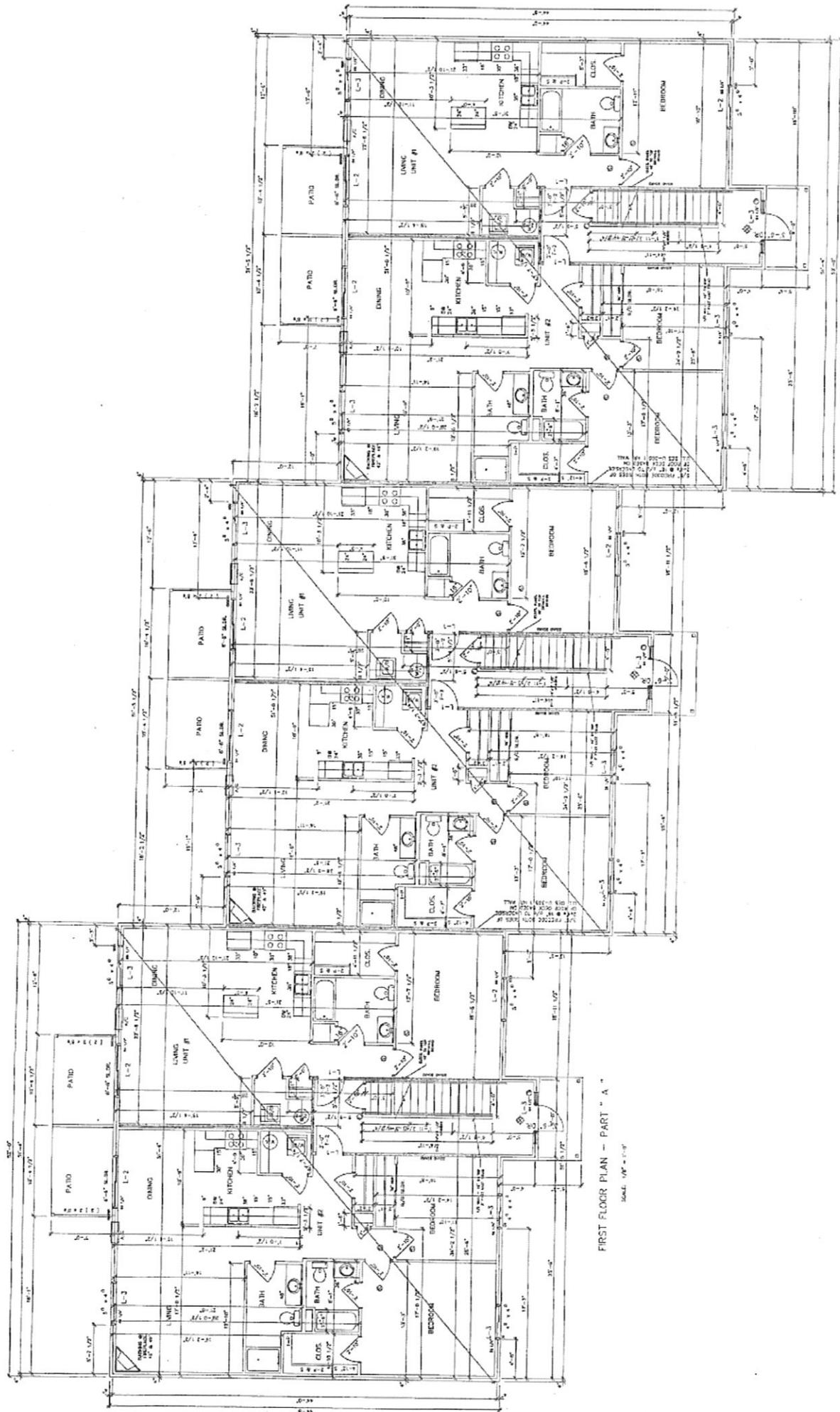
SIDE ELEVATION

SCALE: 1/8" = 1'-0"



FRONT ELEVATION

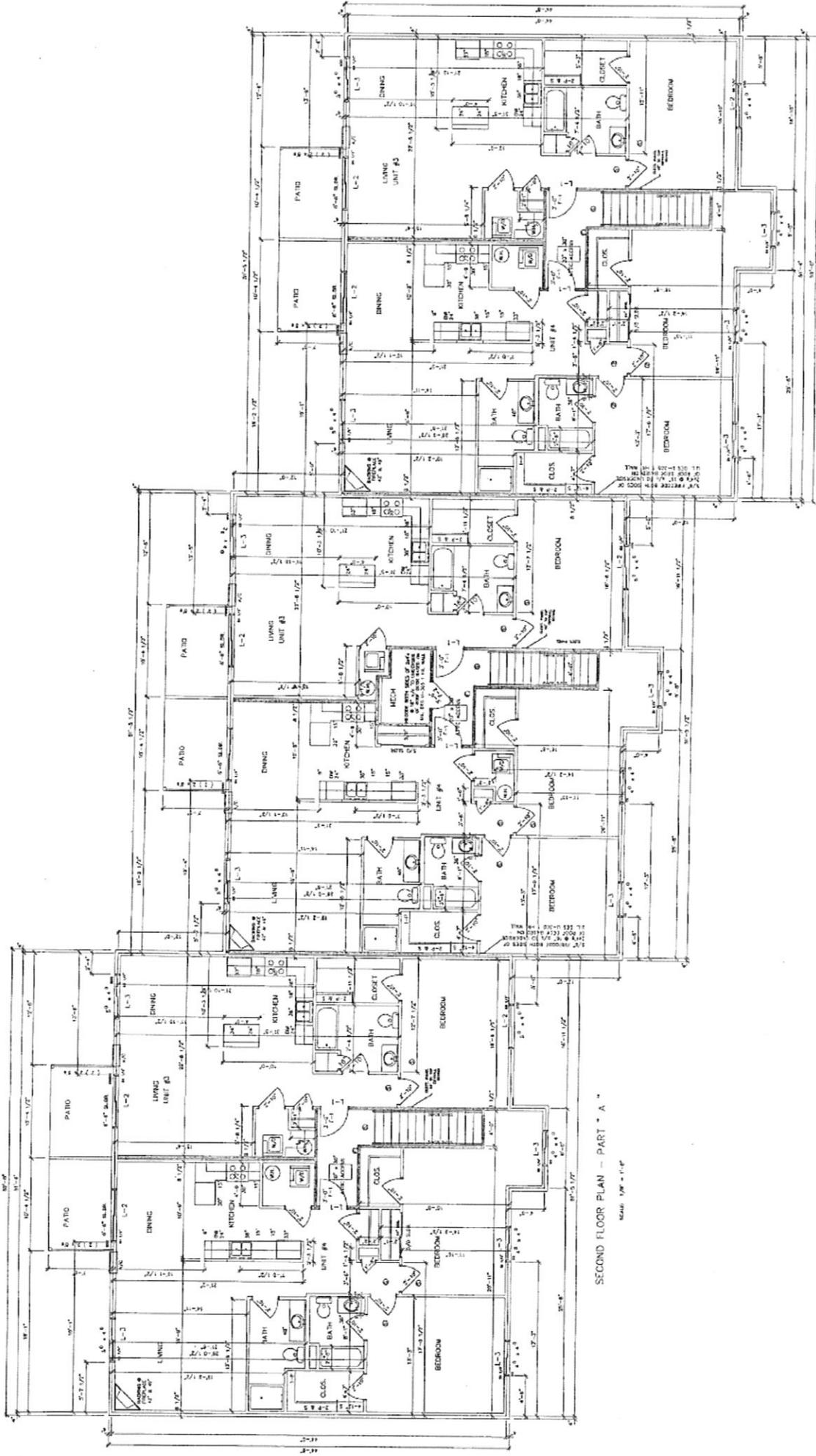
SCALE: 1/8" = 1'-0"



FIRST FLOOR PLAN - PART "A"

SCALE: 1/8" = 1'-0"

FIRST FLOOR PLAN - PART "B"



SECOND FLOOR PLAN - PART " B "

SECOND FLOOR PLAN - PART " A "

**TRAFFIC
ANALYSIS &
DESIGN, INC.**



PROVIDING TRAFFIC ENGINEERING SOLUTIONS

TECHNICAL MEMORANDUM

Date: October 8, 2008

To: Dave Wiese, Director of Community Development
Village of Howard

From: Don Lee, P.E.
John A. Bieberitz, P.E., PTOE
Traffic Analysis & Design, Inc.

Cc:

Subject: Toonen Properties – Frederic Court Development, Howard Wisconsin
Trip Generation & Distribution

PART A – INTRODUCTION

Toonen Properties is proposing a mixed use development, the Frederic Court development, to be located south of Shawano Avenue at Frederic Court in Howard, Wisconsin. The study area and site location are shown on [Exhibit 1](#). The proposed development, as shown on [Exhibits 2](#), is expected to include two-hundred and four (204) apartment units and 60,000 square feet (sf) of office space.

The Village of Howard has requested that a trip generation and distribution be completed for the proposed development. Trip generation has been determined for the typical weekday morning and evening peak periods

PART B – TRIP GENERATION ANALYSIS

To determine the impacts of the proposed development site on the adjacent roadways, it is necessary to identify the hourly and daily volume of traffic generated by the proposed development. The traffic volumes expected to be generated by the development are based on the size and type of the proposed land uses, and on trip rates as published in the Institute of Transportation Engineer's (ITE) *Trip Generation Manual, 7th Edition, 2003*.

Based on the site plan, the expected land uses assumed for the proposed Frederic Court development include the following:

TRAFFIC ANALYSIS & DESIGN, INC.

Phone: 800.605.3091

N36 W7505 Buchanan Street
Cedarburg, WI 53012
www.traffic-ad.com

Toonen Properties - Howard, Wisconsin

October 8, 2008

- ◆ Apartments – 204 dwelling units
- ◆ Office Space – 60,000-sf

The expected trip generation for the development based upon the trip rates as published in the Institute of Transportation Engineer’s (ITE) *Trip Generation Manual, 7th Edition, 2003* is shown in [Exhibit 3](#).

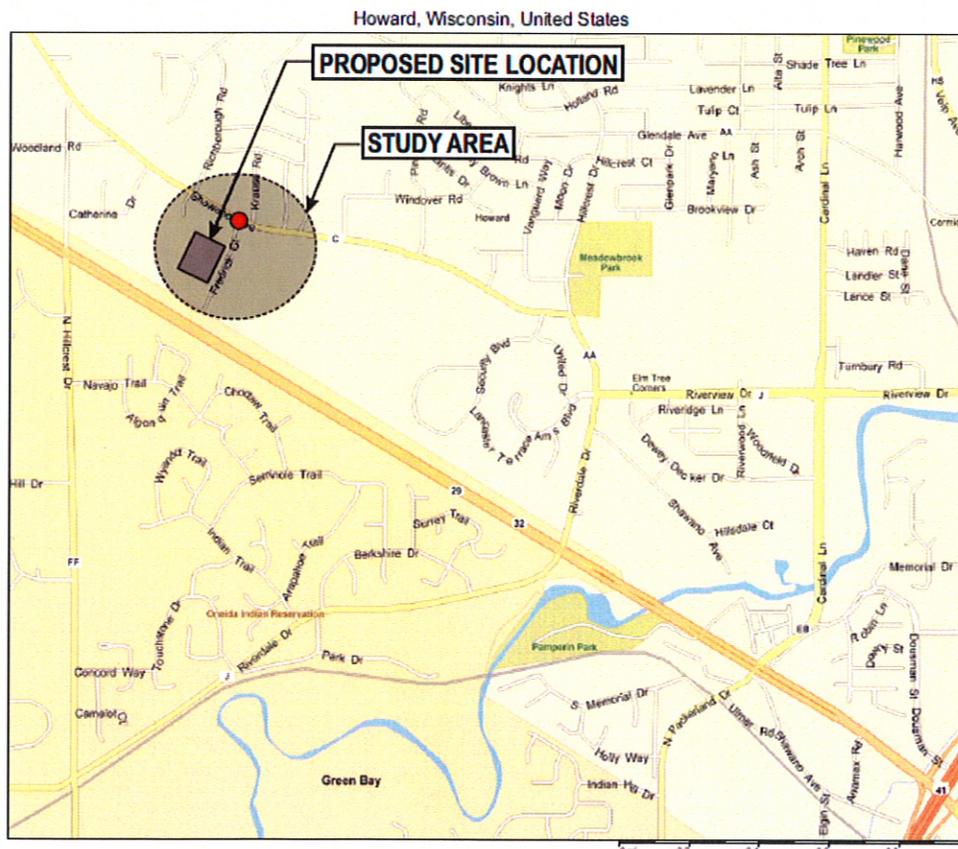
As shown in [Exhibit 3](#), utilizing the ITE trip generation rates, during a typical weekday morning peak hour, approximately 210 new trips are expected to be generated (115 entering and 95 exiting the development) upon full build out and during a typical weekday evening peak hour approximately 215 new trips are expected to be generated (95 entering and 120 exiting the development) upon full build out. On a typical weekday (24-hour period), the proposed development is expected to generate approximately 2,060 new trips (1,030 entering and 1,030 exiting) upon full build out of the development.

PART C – TRIP DISTRIBUTION

The traffic distribution for the development was based on the existing traffic patterns (Analogy Method) within the study area as shown on [Exhibit 4](#). The traffic distribution is as follows:

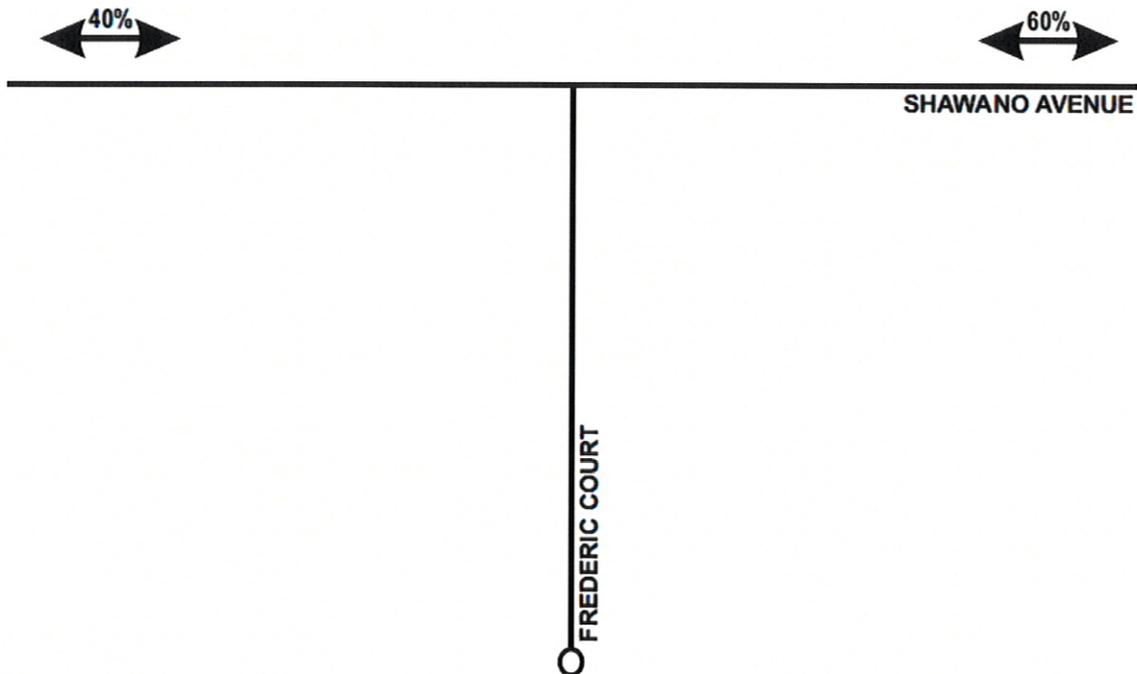
- 40% to/from the west on Shawano Avenue;
- 60% to/from the east on Shawano Avenue.

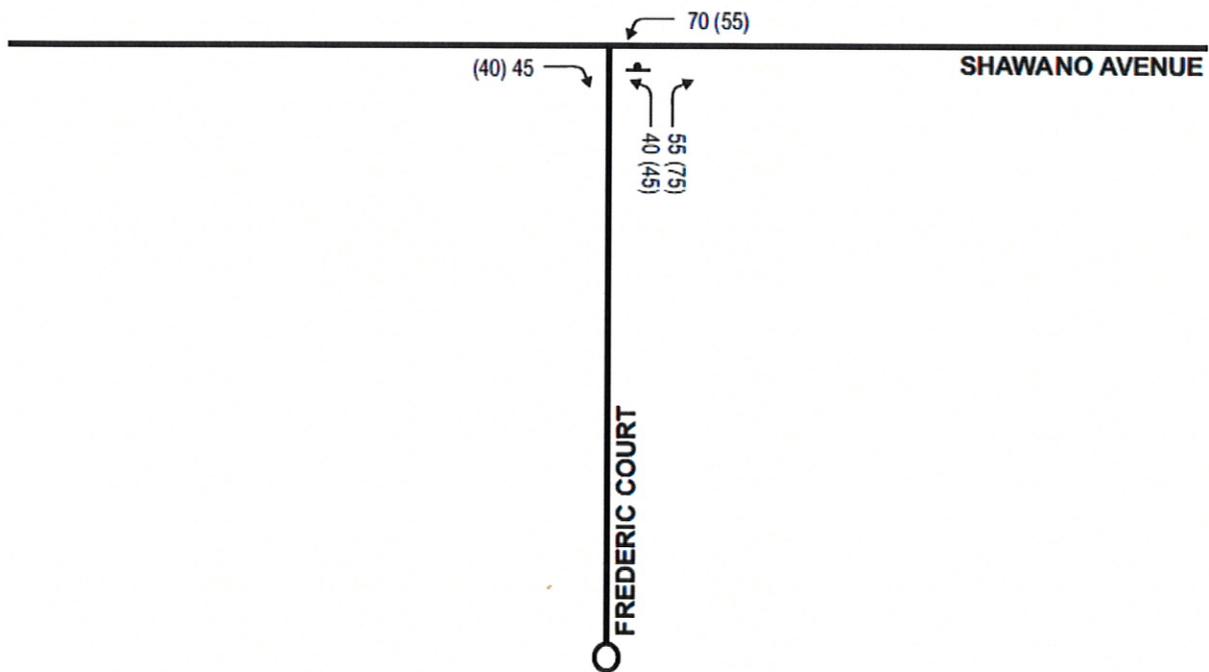
The new trips were assigned to the Frederic Court intersection with Shawano Avenue as shown on [Exhibit 5](#).



**Exhibit 4
On-Site Trip Generation Table**

Land Use	ITE Code	Proposed Size	Weekday Daily	AM Peak			PM		
				In	Out	Total	In	Out	Total
Office Park	750	60.0 x 1,000 SF	690 (11.42)	95 (89%)	10 (11%)	105 (1.74)	15 (14%)	75 (86%)	90 (1.50)
Apartment	220	204 Units	1,370 (6.72)	20 (20%)	85 (80%)	105 (0.51)	80 (65%)	45 (35%)	125 (0.62)
Total New Trips			2,060	115	95	210	95	120	215





ATTACHMENT V**Toonen Apartments PDD Approval** B. McIntyre read the public hearing scheduled for 7:05p.m.

D. Wiese reported on the request for final PDD approval from Steve Bieda representing Toonen properties for the construction of an apartment and business complex located at 793 Frederick Court. D. Wiese reported on the traffic report that was completed by Traffic Analysis & Design Inc. out of Cedarburg, WI. The report also includes the business development portion.

Steve Bieda stated that the apartments are needed in Howard, they are affordable, housing market is down, the Village Board & Plan Commission seemed excited about the plan, they looked at other sites within the Village and this property seemed to work for the best. Mr. Toonen as 14 other sites in the surrounding areas and they own and operate all of their sites that they build. They do interview and check on all of their tenants before they are allowed to move in.

B. McIntyre opened the public hearing.

Jeff Gates - 1321 Graceland Terrace concerned with the traffic levels, disagrees with the traffic report, 200 units with one access point will be difficult, should have two ways in and out, what about a fire truck trying to get to the property, questioned upgrading Fredrick Court, feels the ugliest portion of the project will be facing the residents, is it allowed in A-1 zoning – in country living, concerned about not meeting the setback requirements, will phase II be assessed to property owners, safety is a concern, and concerned property values will go down.

Cristy Janitch - 891 Richborough Road stated that with her road being a through street they get a lot of traffic already, fast traffic, she is putting her house up for sale because of this, feels there is going to be a lot of traffic accidents on FF/29 which will bring legal issues to the Village of Howard, questioned who will pay for improving the roads, & sidewalks.

Paul Krause - 3802 Shawano Avenue asked for more answers regarding filling of the ponds.

Terry Manlick - 3736 Shawano Avenue has concerns about accidents, and traffic.

Chris Powers - 991 Faversham believes that County Road FF and Highway 29 is already a very dangerous intersection, and this will devalue the properties in the area. There are very expensive homes across the street, this property could handle residential homes. Looks nice on paper but the final product doesn't always look that way, Glen Kent sub. is still growing, this is not a place for a huge apartment complex.

Charlie Dias II - 770 Fredrick stated that he lives across the street and safety, traffic, and property values are his concern. This is developing too fast.

Amy Payne – 812 Posey Court stated that this is in her back yard, and everything that has been said tonight by the neighbors is what she agrees to. She handed in a petition with 61 names on it.

Jennifer Dias - 770 Frederick Court is concerned about the improvements on Frederick Court and the existing business on the corner which has already been affected by the Shawano Ave project. Content with having well and septic on her property.

Jim Eiden - 870 Canterbury Castle Lane feels that with the new plan proposed for Hwy 41 and the several roundabouts that this will increase traffic on Hwy 29. Once you develop one parcel, then more will be developed, concerned about the Meacham property. Agrees with the other issues that were brought up tonight.

Sarah Rohloff - 805 Catherine Drive – concerned with the water table.

Jim Gabriel - 958 Faversham Way – agrees with the concerns that were discussed tonight, including traffic cutting through the Glen Kent Subdivision and about the safety for the kids in the area.

Jeff Gates - 1321 Graceland stated that there may be a need for it now but construction won't be completed for another year or two and by that time it won't be needed, the economy hopefully will be back into homes.

Ken Kozak - 816 Catherine Drive – concerned about his well water.

Jeff Druckery - 800 Catherine Drive stated that he is concerned about the water table. He is on the road a lot and on the weekends likes the peace and quiet, that is why he bought his property.

Corrinne Faikel – Greenfield Avenue is concerned about the children that drive along Highway 29. This will bring in more money for the Village of Howard but questions if it is the right time/right place.

Amy Eiden - 870 Canterbury Castle Lane stated that young professionals are looking at purchasing homes, property values do suffer by apartment complexes, and feels this will be a negative impact to the area.

Christy Janitch - 891 Richborough suggested that the Village speak to lawyers about this because people are going to die and this is going to fall back onto the Village and the members who approved it, could be part of a civil lawsuit. She also asked who was elected or appointed to Plan Commission.

B. Maloney disagreed with her statement.

B. McIntyre closed the public hearing.

J. Smith reviewed his prior comments made to the Plan Commission on September 15, 2008 which included the following:

1. Independent traffic consultant.
2. Reconstructing Fredrick Court.
3. Location of apartments on Fredrick Court.
4. Road connections.
5. Water for ponds.
6. 25' setback requirements & berm/landscape plan.
7. Construction deadlines.
8. Improvements.

Steve Bieda stated that no single family homes are being built right now, construction for the apartments would begin by next spring, employees from United Health could use this type of development, they looked at 3 different spots in Howard and disagrees that this is the wrong spot for this type of development.

Mr. Toonen stated that the majority of his tenants are 55 and older, or young professionals.

The Committee members reviewed all 19 suggested conditions for this development.

B. McIntyre stated that it is going to be this development or another development that is going to come before the Plan Commission for this parcel.

Steve Bieda stated that after talking to the Village Engineer, Fredrick Court will not need to be reconstructed for at least another 10 years. He disagrees 100% that the garages need to be moved, there will be berms behind the garages.

A motion was made by R. Sueennen and seconded by B. Strazishar to approve the request for final PDD approval from Steve Bieda representing Toonen properties for the construction of an apartment and business complex located at 793 Frederick Court with the conditions that:

1. All apartments shall be constructed as the design submitted.
2. All 204 apartments shall be completed within 36 months of CUP/PDD approval and the first building of the 60,000 square feet of Class A office space shall be started within 72 months of CUP/PDD approval. The next building started at 80% occupancy of the first building being built and the next building started at 90% of the first two buildings being built.
3. The private lake shall be constructed as shown on page 5 of 6 on the plan submittal dated October 17, 2008.
4. The Developer will install a gravel (limestone) trail to connect the private road to the "Future Parklands" area. The gravel limestone trail shall be constructed when the new private drive for the office buildings is constructed. The trail shall be constructed to the standards of the Village of Howard Public Works Department.
5. Prior to building permits being issued, permanent easements shall be conveyed to the village for sewer and water lines and in the trail indicated in condition #4.

6. The "Future Parklands" area shall be dedicated to the Village of Howard (approx 1.53 acres.)
7. All lighting except for decorative lighting shall be recessed or 90 degree cut-off.
8. When Fredrick Court is reconstructed all driveways shall be constructed with concrete aprons and curb and gutter.
9. No outside storage of any type other than the parking of vehicles in designated parking stalls shall be permitted in the complex.
10. The office building site(s) are to be considered preliminarily approved. Before construction, the Village of Howard must review the proposed use, site plans, building elevations, and landscape plans for Final PDD approval.
11. A minimum of 6 different species of indigenous, deciduous and coniferous trees shall be used. No ash trees will be allowed.
12. A minimum of thirty, six foot tall spruce trees shall be planted on the Fredrick Court berm.
13. A minimum of forty, six foot tall spruce trees shall be planted along the Northern property line
14. The private road when constructed shall be 30 feet (back of curb to back of curb) with a 6 inch vertical face curb, sidewalk on both sides, and have fiberglass poles with shoebox lighting spaced at intervals equal to the Village of Howard major road corridors (Cardinal Lane, Riverview Drive.)
15. Escrow cash to Village for future sidewalks. This amount will be determined by the Village Department of Public Works and shall be paid in full within sixty (60) days of an invoice being submitted to the developer.
16. Improvement Phasing – Construction by the Village of Howard

Phase 1

- a. 100% developer funding – cash or irrevocable letter of credit
- b. Extension of watermain approximately 250 feet southerly along Fredrick Court
- c. Extension of approximately 1200 feet of sanitary sewer on the easement dedicated by developer under the "private road".

Phase 2

- a. Village assessment by policy for improvements on Fredrick court
- b. Assessment to property owners on each side of Fredrick Court
- c. Developer payment within 30 days of assessment
- d. Sanitary Sewer
- e. Watermain
- f. Storm Sewer
- g. Driveways
- h. Roadway Construction

Roll Call Vote.

The motion is carried on a 3 to 2 vote with B. Maloney and J. Devroy dissenting.



Village of Howard Conditional Use Permit



Permit #: 2008-

PROPERTY INFORMATION

Property Address: 793 Block of Frederick Ct

Parent Parcel #: _____

APPLICANT INFORMATION

Project Name: Toonen Aparments

Applicant Name: David Toonen

Applicant Phone Number: _____

Property Owner Name: Toonen Properties

Owner Address: 2830 Curry Ct, Ste 4, GB 54311

Owner Phone Number: 920/406-9300

OFFICE USE ONLY

Date Received: November 10, 2008

Fee Paid: \$200.00

Zoning:	R-1	R-2	R-3	R-4	R-5	A-1	B-1	B-2
	B-3	I-1	I-2	I-3	I-4	I-5	I-6	PD

CONDITONS OF APPROVAL

1. All apartments shall be constructed as the design submitted.
2. All 204 apartments shall be completed within 36 months of CUP/PDD approval and the first building of the 60,000 square feet of Class A office space shall be started within 72 months of CUP/PDD approval. The next building started at 80% occupancy of the first building being built and the next building started at 90% of the first two buildings being built.
3. The private lake shall be constructed as shown on page 5 of 6 (p. 17 of this staff report) on the plan submittal dated October 17, 2008.
4. The Developer will install a gravel (limestone) trail to connect the private road to the "Future Parklands" area. The gravel limestone trail shall be constructed when the new private drive for the office buildings is constructed. The trail shall be constructed to the standards of the Village of Howard Public Works Department.
5. Prior to building permits being issued permanent easements shall be conveyed to the village for sewer and water lines and in the trail indicated in condition #4.
6. The "Future Parklands" area shall be dedicated to the Village of Howard (approx 1.53 acres.)
7. All lighting except for decorative lighting shall be recessed or 90 degree cut-off.
8. When Fredrick Court is reconstructed all driveways shall be constructed with concrete aprons and curb and gutter.
9. No outside storage of any type other than the parking of vehicles in designated parking stalls shall be permitted in the complex.
10. The office building site(s) are to be considered preliminary approved. Before construction, the Village of Howard must review the proposed use, site plans, building elevations, and landscape plans for Final PDD approval.
11. A minimum of 6 different species of indigenous, deciduous and coniferous trees shall be used. No ash trees will be allowed.
12. A minimum of thirty, six foot tall spruce trees shall be planted on the Fredrick Court berm.
13. A minimum of forty, six foot tall spruce trees shall be planted along the Northern property line.

- 14. The private road when constructed shall be 30 feet (back of curb to back of curb) with a 6 inch vertical face curb, sidewalk on both sides, and have fiberglass poles with shoebox lighting spaced at intervals equal to the Village of Howard major road corridors (Cardinal Lane, Riverview Drive.)
- 15. Escrow cash to Village for future sidewalks. This amount will be determined by the
- 16. Village Department of Public Works and shall be paid in full within sixty (60) days of an invoice being submitted to the developer.
- 17. Posey Court shall not be extended as a through street to the apartment complex.
- 18. A berm equal in length to the northern property line shall be constructed along the northern property line.
- 19. The fronts of the apartment buildings shall face Fredrick Court.
- 20. All structures shall be constructed with exterior building materials using a minimum of 75% brick and the remainder shall be concrete siding.
- 21. Posey Court shall not be extended as a through street to the apartment complex.
- 22. All buildings shall be set back 25 feet from the northern property line.
- 23. A landscaped berm shall be constructed along the length of the northern property line with plantings consistent with the plan commission recommendations for landscaping.
- 24. Improvement Phasing – Construction by the Village of Howard

Phase 1

- 100% developer funding – cash or irrevocable letter of credit
- Extension watermain approximately 250 feet southerly along Fredrick Court
- Extension of approximately 1200 feet sanitary sewer on the easement dedicated by developer under the “private road”.

Phase 2

- Village assessment by policy for improvements on Fredrick court
- Assessment to property owners on each side of Fredrick Court
- Developer payment within 30 days of assessment
- Sanitary Sewer
- Watermain
- Storm Sewer
- Driveways
- Roadway Construction

APPLICANT SIGNATURE: _____

PROPERTY OWNER SIGNATURE: _____

VILLAGE OF HOWARD SIGNATURE: _____

Date: _____

ATTACHMENT VII

Toonen Properties		
Highland Springs: Fair Market Value		
Tax Parcel	2003	Today
L-356-1	\$123,600	\$134,600
L-356-5	\$142,200	\$154,900

Note: Highland Springs was started in construction in 2004 and the first unit was available in April 2004. Construction was completed in August 2005.

Quarry Park: Fair Market Value		
Tax Parcel	2005	Today
L-1018	\$193,300	\$195,000
L-1017	\$206,000	\$207,800
L-1012	\$211,100	\$195,700
L-1002	\$185,300	\$186,900
L-1022	\$208,200	\$210,000

Note: Quarry Park was completed in 2006.

#6i

**Toonen Companies
PDD Amendment**

D. Wiese reported on a request for a planned development district amendment from Toonen Companies, Inc. to construct a clubhouse for an apartment complex in the 700 block of Frederic Court and amend the apartment complex site plan.

G. Speaker moved to suspend the rules. C. Hughes seconded the motion. **The motion carried unanimously.**

Mike Hoppe of 793 Frederic Court addressed the Village Board regarding the proposed Toonen PDD amendment. M. Hoppe questioned whether the split rail fence served any purpose as a visual buffer and thought it was probably unnecessary. He stated that the only useful fence would be a privacy fence installed between garages in the apartment complex.

G. Speaker moved to return to regular order of business. C. Hughes seconded the motion. **The motion carried unanimously.**

D. Steffen moved to approve the PDD amendment with the following conditions:

1. All apartments shall be constructed per the site plan attached dated June 21, 2010
2. All 202 apartments shall be completed by 6/28/13.
3. The private lake shall be constructed as shown on the site plan attached dated June 21, 2010
4. Future Parklands (approx 2 acres) shall be dedicated as part of the future commercial development. This will include the lands ESA areas west of the sanitary sewer easement. All future parklands and trail plans required in the November 10, 2008 approval are removed.
5. The trail connection from the private cul-de-sac to the future parkland shall be addressed as part of the commercial PDD approval. All future parklands and trail plans required in the November 10, 2008 approval are removed.
6. Prior to building permits being issued permanent easements shall be conveyed to the village for sewer and water utilities.
7. All building lighting except for decorative lighting shall be recessed or 90 degree cut-off.
8. When Fredric Court is reconstructed all driveways shall be constructed with concrete aprons and curb and gutter.

9. The private road when constructed shall be 30 feet (back of curb to back of curb) with a 6 inch vertical face curb, sidewalk on both sides, and have fiberglass poles with shoebox lighting spaced at intervals equal to the Village of Howard major road corridors (Cardinal Lane, Riverview Drive.)
10. No outside storage of any type other than the parking of vehicles in designated parking stalls shall be permitted in the complex.
11. The office building site(s) are to be considered preliminarily approved. Before construction, the Village of Howard must review the proposed use, site plans, building elevations, and landscape plans for Final PDD approval.
12. A minimum of 6 different species of indigenous deciduous and coniferous trees shall be used. A maximum of 15 trees per species shall be permitted. No ash trees will be allowed.
13. A minimum of thirty, six foot tall spruce trees shall be planted on the Fredric Court.
14. A minimum of forty, six foot tall spruce trees shall be planted along the Northern property line.
15. For Assessment purposes this PDD shall be considered a developer project.
16. The Clubhouse will be approximately 2,000-3,000 square feet in size and shall be constructed using the same building materials as the apartment buildings (consisting of a minimum of 62% brick.)
17. The landscaping around the garbage/recycling area shall be screened on two sides.
18. The garages along Frederic Court shall be set back 35 feet from the edge of the right-of-way and shall be landscaped as depicted on the site plan dated 6/21/10.
19. All apartment buildings shall be constructed with exterior building materials using a minimum of 62% brick and the remainder shall be cement fiber board siding.
20. Posey Court shall not be extended as a through street to the apartment complex.
21. All buildings shall be set back 25 feet from the northern property line.
22. The site plan dated June 21, 2010 shows 4 (12) unit buildings. In the event state plan approval is not granted, the original plan depicting 6 (8) unit buildings will be allowed.
23. The proposed CBRF shall face Frederic Court and shall be incorporated into the site plan in concept. The CBRF must obtain PDD amendment approval from the Plan Commission & Village Board prior to construction.
24. All other approvals unless noted in the PDD amendment dated 6/21/10 shall apply.

G. Speaker seconded the motion. **The motion carried unanimously.**

NEW BUSINESS

#7a

Nier Ct Preliminary PDD

D. Wiese reported on a request from David Chrouser for preliminary approval of a planned development district to create a zero lot-line duplex development at 1161 Nier Court.

J. Widiger moved to approve the preliminary planned development district at 1161 Nier Court. C. Hughes seconded the motion. **The motion carried unanimously.**

#7b

Alter Metal Site Plan

D. Wiese reported on a proposed site plan from Alter Metal to construct a 710 square foot addition to its existing office facility located at 2175 Shawano Avenue.

Pudge Schuh of Schuh Construction addressed the Board regarding the proposed site plan. P. Schuh stated that Alter Metal could comply with all conditions of the site plan approval as recommended by staff.

C. Hughes moved to approve the site plan with the following conditions:

1. All exterior lighting for the building shall comply with Section 17.24 of the Zoning Ordinance (Exterior Lighting Regulations). If wall packs are used they must be shielded to prevent impact on surrounding properties.
2. A parking/site plan shall be submitted and approved prior to issuance of a building permit showing a minimum of one space for every 1000 square feet of total building area on the property or one space for every two employees, whichever is greater.
3. The parking lot shall be paint striped according to the approved parking plan within six months of the issuance of the building permit.
4. Exterior building design, materials and colors for the addition shall match or compliment that of the existing buildings.
5. The green space areas adjacent to the fences and walls facing Elgin Street and Century Road shall be landscaped, and planted with trees, shrubs, ground cover, and appropriate natural landscaping materials, within one year of issuance of the building permit. Landscaping shall be consistent with that found on the Sanimax property along Elgin Street, but shall not exceed \$10,000 in cost (see attachment)



Meeting Date: 6/28/2010

Agenda Item: #6i

Mission Statement

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

VILLAGE BOARD MEETING STAFF REPORT

REPORT TO: President Burt McIntyre & Village Board of Trustees

REPORT FROM: Dave Wiese, Ex. Dir. Community Services **REVIEWED BY:**

AGENDA ITEM: Approve a Request for a Planned Development District Amendment from Toonen Companies, Inc. to Construct a Clubhouse for an Apartment Complex in the 700 Block of Frederic Court and Amend the Apartment Complex Site Plan

ACTION REQUESTED: Ordinance Resolution Motion Receive/File

POLICY ISSUE

Should the Village approve the proposed planned development amendment thereby allowing a clubhouse to be completed and other changes to the site plan?

RECOMMENDED ACTION BY VILLAGE BOARD

At the June 21, 2010 meeting, the Planning Commission recommended unanimously to approve the Planned Development District Amendment with the following conditions:

1. All apartments shall be constructed per the site plan attached dated June 21, 2010
2. All 202 apartments shall be completed by 6/28/13.
3. The private lake shall be constructed as shown on the site plan attached dated June 21, 2010
4. Future Parklands (approx 2 acres) shall be dedicated as part of the future commercial development. This will include the lands ESA areas west of the sanitary sewer easement. All future parklands and trail plans required in the November 10, 2008 approval are removed.
5. The trail connection from the private cul-de-sac to the future parkland shall be addressed as part of the commercial PDD approval. All future parklands and trail plans required in the November 10, 2008 approval are removed.
6. Prior to building permits being issued permanent easements shall be conveyed to the village for sewer and water utilities.
7. All building lighting except for decorative lighting shall be recessed or 90 degree cut-off.
8. When Fredric Court is reconstructed all driveways shall be constructed with concrete aprons and curb and gutter.
9. The private road when constructed shall be 30 feet (back of curb to back of curb) with a 6 inch vertical face curb, sidewalk on both sides, and have fiberglass poles with shoebox lighting spaced at intervals equal to the Village of Howard major road corridors (Cardinal Lane, Riverview Drive.)
10. No outside storage of any type other than the parking of vehicles in designated parking stalls shall be permitted in the complex.
11. The office building site(s) are to be considered preliminarily approved. Before construction, the Village of Howard must review the proposed use, site plans, building elevations, and landscape plans for Final PDD approval.
12. A minimum of 6 different species of indigenous deciduous and coniferous trees shall be used. A maximum of 15 trees per species shall be permitted. No ash trees will be allowed.
13. A minimum of thirty, six foot tall spruce trees shall be planted on the Fredric Court.
14. A minimum of forty, six foot tall spruce trees shall be planted along the Northern property line.
15. For Assessment purposes this PDD shall be considered a developer project.

16. The Clubhouse will be approximately 2,000-3,000 square feet in size and shall be constructed using the same building materials as the apartment buildings (consisting of a minimum of 62% brick.)
17. The landscaping around the garbage/recycling area shall be screened on two sides.
18. The garages along Frederic Court shall be set back 35 feet from the edge of the right-of-way and shall be landscaped as depicted on the site plan dated 6/21/10.
19. All apartment buildings shall be constructed with exterior building materials using a minimum of 62% brick and the remainder shall be cement fiber board siding.
20. Posey Court shall not be extended as a through street to the apartment complex.
21. All buildings shall be set back 25 feet from the northern property line.
22. The northern property line shall have a split rail fence along the length of the property line and landscaping deemed suitable by the Village Forester to act as a visual buffer.
23. The site plan dated June 21, 2010 shows 4 (12) unit buildings. In the event state plan approval is not granted, the original plan depicting 6 (8) unit buildings will be allowed.
24. The proposed CBRF shall face Frederic Court and shall be incorporated into the site plan in concept. The CBRF must obtain PDD amendment approval from the Plan Commission & Village Board prior to construction.
25. All other approvals unless noted in the PDD amendment dated 6/21/10 shall apply.

POLICY ALTERNATIVE(S)

The Village Board could take the following action:

- Approve the PDD amendment with additional conditions.
- Deny the PDD amendment.
- Table the item and request additional information.

STRATEGIC PLAN RELEVANCE:

Economic Vitality:	<u>Yes</u>
Accountable/Efficient Gov't:	<u>Yes</u>
Enhance Gov't Partnerships:	<u>No</u>
Environmentally Friendly:	<u>No</u>

STRATEGIC PLAN SYNOPSIS:

Approving the proposed planned development amendment thereby allowing a clubhouse and other changes to site plan will allow the Toonen Companies proposed apartment complex to move forward and generate additional property tax revenue.

POLICY REFERENCE

Wisconsin Statutes: N/A

Howard Municipal Code: 50-743

Policies & Procedure Manual: N/A

KEY METRIC SYNOPSIS

N/A

FINANCIAL INFORMATION

FISCAL IMPACT:

- | | |
|------------------------------|------------|
| 1. Is There A Fiscal Impact? | <u>Yes</u> |
| 2. Is it Currently Budgeted? | <u>No</u> |
| 3. If Budgeted, Which Line? | <u>N/A</u> |

FISCAL SYNOPSIS:

If approved, the Toonen apartment complex will generate approximately \$36,774 annually in property tax revenue for the Village.

PRIOR ACTION/REVIEW

Parcel VH-508 has been approved as a Planned Development District for the Toonen Companies for an apartment complex along Frederic Court and office development along S.T.H. 29. The board also approved a minor land division of VH-508 to be divided.

BACKGROUND INFORMATION

The subject property was zoned Exclusive Agriculture (A-1). The applicant was approved for a Planned Development District (PDD) to construct 204 apartment units and 4 office buildings, to be serviced by a private road. The minutes from the Village Board and a copy of the original Conditional Use Permit (PDD) are attached.

The applicant has requested to add a clubhouse to the development in order to provide an additional amenity for its residents. The applicant has also been working with the Village of Howard Engineering Department on the engineering of the site for utilities. Several factors regarding the site engineering have caused for changes in the original PDD approval. Changes from the original PDD approval are summarized below:

Staff would sum up the proposed changes with the following:

- The cul-de-sac has been shortened and the apartments realigned to allow for driveway connections (see new site plan.)
- Remove condition that required escrow of money for sidewalks.
- Remove Language in Phase #2 that states Developer will pay within 30 days of assessment. Standard village assessment policy would apply
- Modify conditions #4 and #6 to read: "Future Parklands (approx 2 acres) shall be dedicated as part of the future commercial development. This will include the lands ESA areas west of the sanitary sewer easement. All future parklands and trail plans required in the November 10, 2008 approval are removed."
- Remove the requirement for a Berm along Frederic Court (that was shown on original landscape plan.) After engineering the site the topography will not accommodate a berm. Plantings shown will still remain.
- Clubhouse will be approximately 2000-3000 square feet and will consist of similar materials to the apartment complex (see elevation.)
- A 10-unit building will be removed and replaced by an 8-unit in order to make room for the clubhouse.
- The (6) eight-unit buildings located on the western portion of the property near the stormwater management pond may be changed to (4) twelve-unit buildings. The change is pending State approval. In the event the State of Wisconsin does not allow the 12-unit buildings then staff recommends the current 8's that are depicted will shift in order to accommodate the villages utility easement (per public works.)

- With the relocation that is being proposed, the recycling garbage area will be landscaped on two sides only instead of all sides as originally proposed.
- The garages on the north property line near Posey Court are changing to a staggered elevation.
- The apartments between the two ponds have less green space around the garages due to reconfiguration of apartment units in the area.

EXECUTIVE ANALYSIS

1. **Zoning:** The property is properly zoned for the existing and proposed use.
2. **Setbacks:** Are not encroaching to neighboring properties more than the original proposal.
3. **Parking:** No Change
4. **Floodplain, Shoreland Zoning & Stormwater Management:** No change
5. **Land Division:** A CSM was recently approved by the Village Board dividing the property into 4 parcels.
6. **Lighting:** No Change
7. **Fire Protection:** Same requirements apply.
8. **Driveway Locations:** Because the private road has been shortened the driveway locations have changed on the new private east-west street.
9. **Signage:** N/A
10. **Garbage:** The location and screening has changed. The applicant is proposing to screen 2 sides instead of the original proposal of 3 sides.
11. **Landscape:** The landscape remains the same except for the berm on Frederic Court. Due to slope of the property a berm cannot be constructed.

ATTACHED INFORMATION

- I 2010 Planned Development Amendment Conditional Use Permit Form
- II New site plan showing (6) 8-unit buildings
- III New site plan showing (4) 12 unit buildings
- IV Planned Development Amendment Application
- V Final Site Plan with Comments

ATTACHMENT I

DEPARTMENT OF CODE ADMINISTRATION
 2456 Glendale Avenue, Green Bay, WI 54313
 (Office) 920-434-4640 (FAX) 920-434-4643
 (Email) jkorotev@villageofhoward.com



CONDITIONAL USE PERMIT

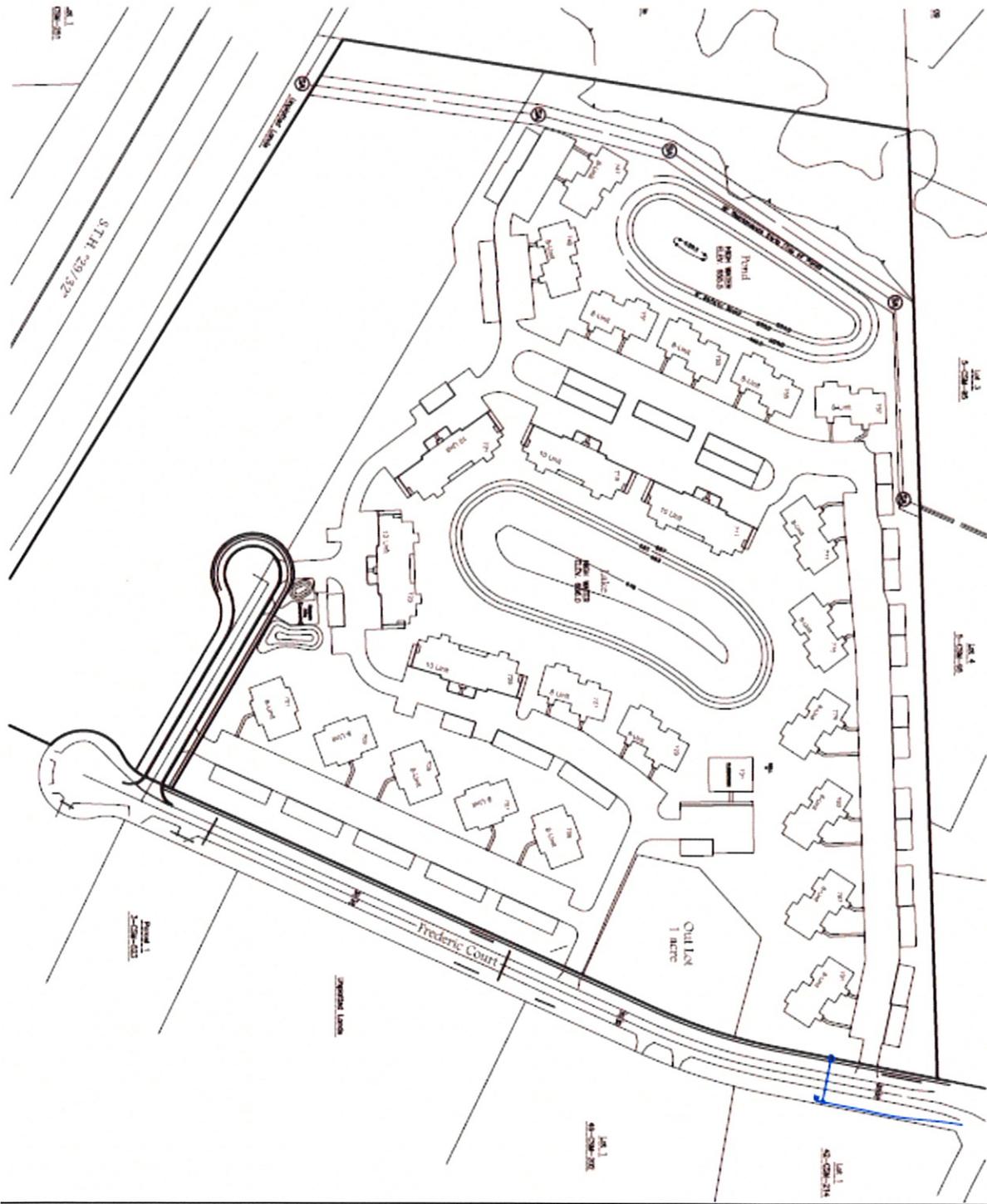
PERMIT # (TBD)	PROPERTY ADDRESS 793 Block of Frederic Court	LOT # N/A	SUBDIVISION N/A	ZONING DISTRICT A-1	PARCEL NUMBER VH-508
APPLICATION DATE 05/27/08	DATE ISSUED 11/10/08	PERMIT FEE \$200	APPROVED USE Multi-Family Apartments and Business Park Planned Development		
OWNER'S NAME David Toonen/Toonen Properties		OWNER'S MAILING ADDRESS 2830 Curry Court, Suite 4		OWNER'S CITY/STATE/ZIP CODE Green Bay, WI 54311	OWNER'S PHONE NUMBER 920-406-9300
APPLICANT'S NAME Same		APPLICANT'S MAILING ADDRESS Same		APPLICANT'S CITY/STATE/ZIP CODE Same	APPLICANT'S PHONE NUMBER Same

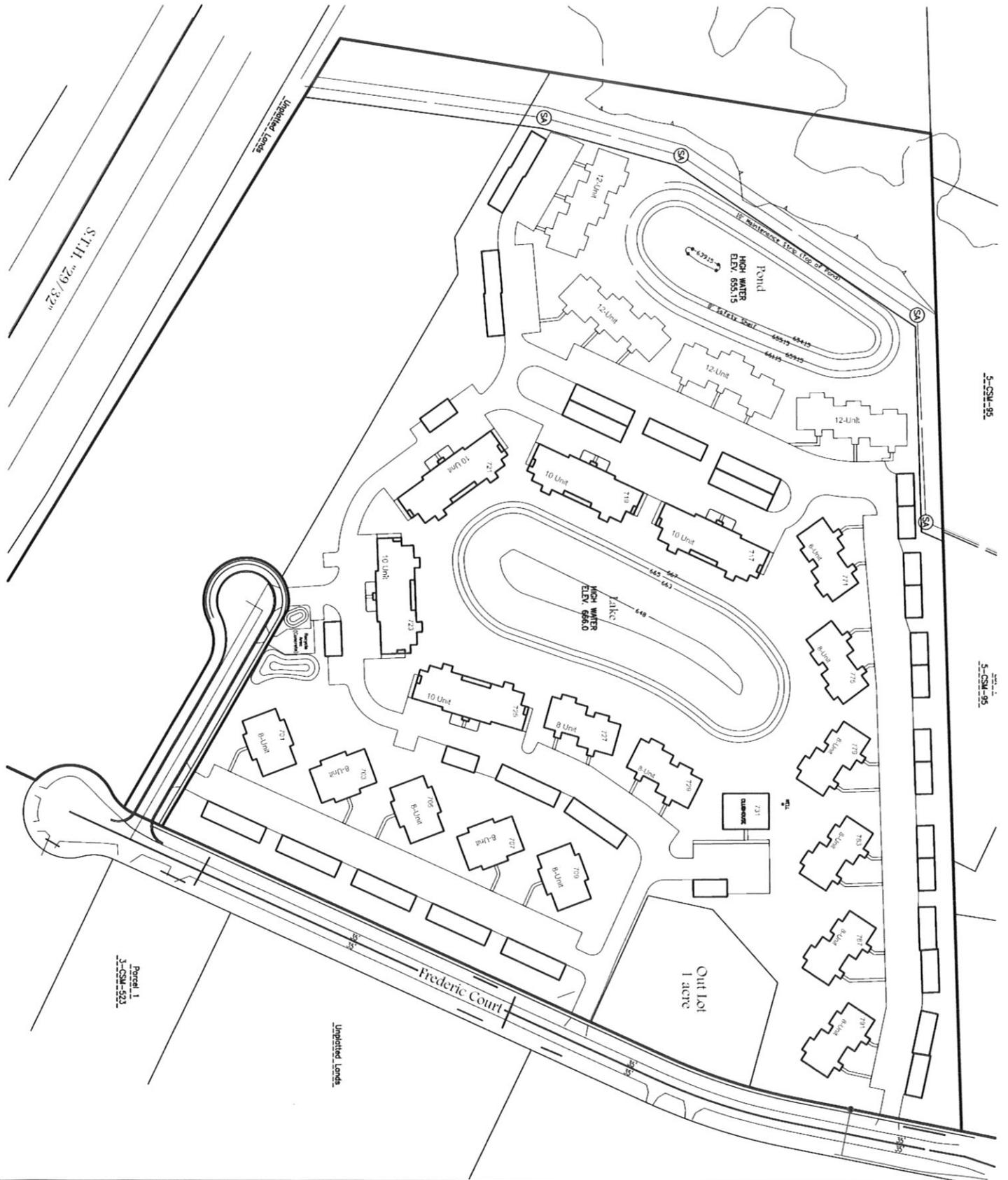
CONDITIONS OF APPROVAL

THIS PERMIT IS ISSUED PURSUANT TO THE FOLLOWING CONDITIONS. FAILURE TO COMPLY WITH THESE CONDITIONS MAY RESULT IN THE SUSPENSION OR REVOCATION OF THIS PERMIT OR OTHER PENALTY.

1. All apartments shall be constructed per the site plan attached dated June 21, 2010
2. All 202 apartments shall be completed by 6/28/13.
3. The private lake shall be constructed as shown on the site plan attached dated June 21, 2010
4. All parkland dedication requirements and trail connections shall be removed.
5. Prior to building permits being issued permanent easements shall be conveyed to the village for sewer and water utilities.
6. All building lighting except for decorative lighting shall be recessed or 90 degree cut-off.
7. When Fredric Court is reconstructed all driveways shall be constructed with concrete aprons and curb and gutter.
8. The private road when constructed shall be 30 feet (back of curb to back of curb) with a 6 inch vertical face curb, sidewalk on both sides, and have fiberglass poles with shoebox lighting spaced at intervals equal to the Village of Howard major road corridors (Cardinal Lane, Riverview Drive.)
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ATTACHMENT II





Panel 1
S-CRM-95

S-CRM-95

S-CRM-95

Attachment IV

MAY-28-2010 10:07

VILLAGE OF HOWARD

920 434 4643

P.001/004

May. 28. 2010 9:41AM

Toonen Companies, Inc.

No. 1397 P. 1

2830 Curry Court Suite 4
Green Bay WI 54311
TEL (920) 406-9300
FAX (920) 406-8240



Fax

To: DAVE VIETE From: DAVID J. MEISTER
 Fax: 434-4643 Pages: 4
 Phone: _____ Date: 5-28-10
 Re: _____ cc: _____

Urgent For Review Please Comment Please Reply Please Recycle

● Comments:

Hi DAVE,

HERE IS THE APPLIC. TO ADD THE CLUBHOUSE TO THE APART. PROJECT.

PLEASE LET ME KNOW IF THERE IS ANY OTHER INFO YOU MAY NEED.

THANKS

DAVID J. MEISTER
(920) 217-7012

Planned Development District Application



Contact Type	Contact Information
Village Hall Phone Number	(920)-434-4640
Village Hall Fax Number	(920)-434-4643
Village Hall Email	dwiese@villageofhoward.com

Village of Howard
2456 Glendale Avenue
Green Bay, WI 54313



PDD APPLICATION

See Next Page
for Materials to be Submitted
with This Application

Application Fee: \$200.00

2456 Glendale Ave
Date: 5-25-10
Green Bay, WI 54313

Initials: _____
Application #: _____

Applicant

Name: DAVID TOONEN
Address: 2830 CURRY CT, #A; GREEN BAY, WI 54311
Phone: (920) - 217 - 7010
Email: davidtoonenc@toonencompanies.com

Business Name: TOONEN COMPANIES, INC.
PDD Site Address: 700 BLOCK OF FREDERIC CT.
Landowner of Record: _____
Address: _____
Phone: () - -
Email: _____

Consultant(s)

Architect

Name: BAY ARCHITECTS, LLC
Address: 3019 HELMGRON WAY, GREEN BAY
Phone: (920) - 337 - 9400
Email: _____

Contractor/Engineer

Name: TOONEN COMPANIES, INC. (DAVID I. MEISTER) P.E.
Address: 2830 CURRY CT, #A; GREEN BAY, WI 54311
Phone: (920) - 217 - 7012
Email: dmeister@toonencompanies.com

Parcel/Building Information

Lot Size: 25.8 Acres/Sq. Ft. Current Zoning: MULTIFAMILY Parcel #: VH -

Lot Dimensions: ± 880' x 1170' Does Current Zoning Permit Intended
Use: _____
Bldg. Sq. Footage: Bldg 199,800; GAR. 51,850 Street
Frontage: 1225 L.F. ON FREDERIC CT.

Describe Specifically the Nature of the Request: WE ARE PROPOSING TO
ADD A CLUBHOUSE TO THE PROPOSED APARTMENT COMPLEX.
WE WILL BE ELIMINATING 1-10 UNIT BUILDING THEN
ADDING 1-8 UNIT BUILDING ALONG WITH 1- CLUBHOUSES,

WHICH WILL REDUCE THE DENSITY BY 2 DWELLING
UNITS.

THE GENERAL LAYOUT OF THE PROJECT WILL NOT
BE AFFECTED TOO MUCH.
