

Memo

To: Plan Commission

Fr: Trevor Fuller, Planning and Zoning Administrator

Re: APPROVAL OF PETITION FROM HILLCREST LUMBER – REQUESTING AMENDMENT TO PLANNED DEVELOPMENT DISTRICT ON HAVEN WAY CONDOMINIUM; LOCATED AT 1997-1999 LIBAL STREET

Date: April 23, 2015

Attached are the proposed plans submitted by Hillcrest Lumber for the amendment of the Haven Way Condominium PDD at 1997-1999 Libal Street. A representative from Hillcrest Lumber will be present at the meeting to talk about the project and answer any questions.

Background:

The original project was approved in 2005 as part of a larger project, which included the neighboring CBRF and Memory facilities at 1901 Libal Street, as well as the acquisition of land for the village stormwater detention pond. The original site plan for the project is attached. The original plan was for eight, two-story buildings, each with eight units.

The village required less land than anticipated for the stormwater detention pond, allowing more land available for development. As a result, Hillcrest Lumber petitioned to amend the PDD to allow for 10, two-story buildings in 2008. The petition to amend the PDD was approved. Attached is the amended site plan.

Two condominium buildings, as described above, have been built to date.

Request:

Hillcrest Lumber is requesting an amendment to the PDD, providing an additional access on E St. Joseph Street, going from two to one story units, expanding the building footprint, and changing the total number of units from 10, eight-unit buildings to nine, eight-unit buildings and one, four-unit building.

Staff has reviewed the plans and provided the developer with the comments below.

- Hillcrest Lumber will need an updated stormwater management plan for this project, including erosion control requirements, and any utility improvements (sewer or water) that might be needed if not already installed. This can be done separate from the PDD process.

- The landscaping plans from the original approval are adequate, except the Ash species will have to be changed if not already planted.
- The change in open space with the new building footprint needs to be provided.
- Lighting and exterior finishes shall be the same or match as close as possible with existing condominium lighting and finishes for the site.
- Timeline of the project, including construction to completion and how the project will be phased should be explained at the meeting by the petitioner.
- All requirements by Green Bay Metro Fire Department shall be met.

Plan Commission is asked to review the site plans and provide comment as directed in section 11.25 of the village ordinances.

Below are two possible recommendations the Plan Commission is asked to consider.

- Recommend to the Village Board approval of the amendment of the Haven Way Condominium PDD at 1997-1999 Libal Street by Hillcrest Lumber on the condition that all staff comments be addressed prior to a building permit being issued.

OR

- Recommend to the Village Board not to approve the amendment of the Haven Way Condominium PDD at 1997-1999 Libal Street by Hillcrest Lumber at this time.

Village of Allouez, 1900 Libal St., Allouez, WI 54301

PDD# _____

Date: _____

Receipt# _____

**PLANNED DISTRICT DEVELOPMENT
AMENDMENT TO FINAL APPROVAL
(\$300 required petition fee)**

Please take note that the undersigned, on the 20th day of April, 2015 petitioned the Allouez Building Inspector for amendment of final approval of a Planned Development Project within the Village of Allouez.

Name of Project: 29 Acre Parcel on corner of Libal and St. Joseph-Planned Development District

Address of Project: 1999 Libal Street

Name of Developer: Hillcrest Homes of De Pere

Name of Owner: Harry Macco

The legal description of the site location for the proposed project is: (Give full legal description)

Parcel AL-50-6: Parcel on the North East corner of Libal and St. Joseph St.

Signed: Harry Macco
Owner

Signed: Harry Macco
Petitioner

Date: 4/20/15

Date: 4/20/15

The petitioner shall be responsible for providing all design drawings, data, documents, site information, and engineering as required by Chapter 11.25 (PDD) Planned Development District, Village of Allouez Zoning Ordinance.

Contact Information:

Administrator, Brad Lange
Allouez Village Hall
1900 Libal Street

Phone: (920) 448-2800
Fax: (920) 448-2850
Email: brad@villageofallouez.com

Forms for a Planned Development District and details pertaining to the Allouez Village Ordinance may be found at the Village website: <http://www.villageofallouez.com/>

**DEVELOPER CHECKLIST FOR
PLANNED DEVELOPMENT DISTRICT
AMENDMENT TO FINAL APPROVAL**

I have included the original PDD approved paperwork and a set of original blue prints with this request. I have also included five (5) sets of plans for the Board to review as well as the check for \$300.00 for this request.

This request is for an amendment to the original PDD dated 11-7-05. I am trying to make changes as small as possible as to not negatively affect the project at this point. I have left the original road-parking layout and building location basically the same. The major change is to continue with one (1) story buildings instead of two (2) story. Each building will have eight, two (2) bedroom units.

This request started with the knowledge that there has been a change with the state building code and that we cannot build the original building with the new code that says, "Any time we have a stair way leading down to a basement there has to be an accessible window unit servicing that area". That cannot be done on this plan and in trying an alternate program, we came up with what we are representing at this point.

All buildings would be one (1) story, no basement with a two (2) stall attached garage for each unit. There are eight (8) 2-bedroom units in each building with HVAC, laundry room, two (2) baths (one with one (1) shower and the other with one (1) whirlpool). The exterior appearance of the new buildings will be kept as close to the existing buildings as we can.

If given the approval, we will request that the North half of the site to be added to the Condo Association, the original approval was for the South half. Our schedule to complete this would be based on market conditions. I have not contacted the residents or the other entities that would have to approve this to the original approval. We decided to start with the Village and see if what we are proposing can be done. We will start the first building at the front end of Libal and when complete we would install front concrete sidewalks and any other concrete as necessary. Most important.

The Allouez Village Board and others as needed should understand my interests in this project is contingent on getting total approval from the Village of Allouez, so that we would be able to start this project in the next two or three months. However, if you sense that it cannot be done, we will not go any further than this.

Sincerely,



Harry Macco

HM/ab

ORDINANCE 2005-13

**THE ESTABLISHMENT OF A PLANNED DEVELOPMENT DISTRICT
FOR PARCEL NUMBER AL 50-6 LOCATED AT THE
NORTHEAST CORNER OF LIBAL AND EAST ST. JOSEPH STREET**

The Village Board of the Village of Allouez, of the County of Brown, State of Wisconsin, do ordain as follows:

SECTION 1 – That the property described below is hereby rezoned as a Planned Development District to be known as “Libal-St. Joseph Street” and which is more particularly described as follows: That part of Private Claim 14, East Side of Fox River, bounded on the North by the South line of East River Parkway as described in Volume 914 of Records, Page 232, and by the North line of said Private Claim 14, bounded on the East by the West line of the East River Parkway as described in Volume 914 of Records, Page 232, bounded on the South by the North line of St. Joseph Street and bounded on the West by the East line of Libal Street, and subject to easements of record, Village of Allouez, Brown County, Wisconsin. (Parcel AL-50-6)

SECTION 2 – That this rezoning is subject to the following conditions:

- (a) The intended use of the property is a planned unit development of a 50-unit CBRF/Assisted Living Facility, 50-unit Memory Care/Alzheimer-Dementia Facility, eight condominium buildings consisting of eight 2-bedroom units in each building, a regional detention pond to be sold by the Developer to the Village if the Village so desires and parkland-green space dedication if accepted by the Village.
- (b) The rezoning to a Planned Development District shall be for the benefit of the present owner of the land, and all subsequent owners of the property.
- (c) This rezoning is subject to all of the terms and conditions of the final approval of this Planned Development District, all provisions of this ordinance, and all provisions of Section 11.25 of the Village’s Code of General Ordinances; and in the event that any of these conditions are not met, then the property shall immediately revert back solely to the present underlying zoning and this ordinance shall be null and void.
- (d) The permitted use of the land within this Planned Development District shall be only that which is in compliance with the final approval as hereinbefore granted and any amendment which may be hereafter made from time to time of and to such Planned Development District by the Village Board. The terms and conditions of the final approval are attached hereto and made a part hereof the same as if they were set forth in full herein.

SECTION 3 – That Schedule H, Planned Development District, to Chapter 11 of the Code of General Ordinances of the Village of Allouez, is hereby amended by adding the property described in Section 1.

SECTION 4 - That the several sections of this Ordinance are hereby declared to be severable, and in the event that any Section hereof shall hereafter be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not effect the validity of the other provisions of this ordinance.

SECTION 5 – That this Ordinance shall take effect on the day following the day of the publication of this Ordinance.

PASSED AND APPROVED by the Village Board of the Village of Allouez on this 20th day of December, 2005.

Attest: Susan L. Foxworthy Patricia O'Neill
Susan L. Foxworthy Patricia O'Neill
Village Clerk-Treasurer Village President

PUBLISHED on this 26th day of December, 2005.

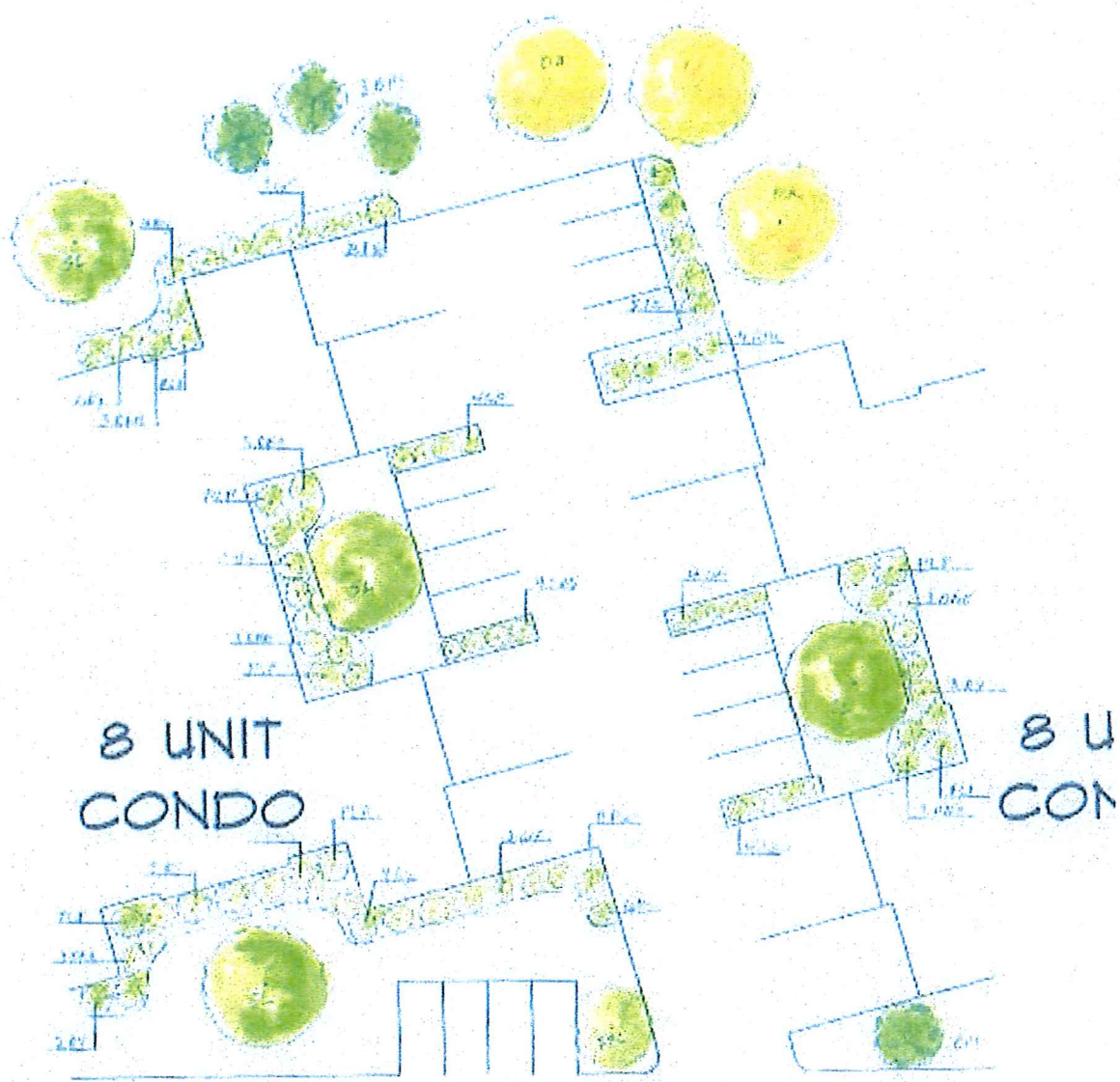
EXHIBIT F

Landscaping Areas

- * Berm along north side of property - along back yard of Beaupre residential area
- * CBRF Building landscaping plan
- * Condominium per building landscaping plan

- ~~* OPTION A: South side of Condo/St Joseph Street
Sidewalk installed - no berm~~
- * OPTION B: South side of Condo/St Joseph Street
Berm (landscaping plan) - No sidewalk

*12/20/05
accepted*



8 UNIT
CONDO

8 U
CON

Plant List		QUANTITY PROJECT FOR 1101 & St. Joseph Streets	
Code	Name	Size	Quantity
SL	Skyline Locust	2-2 1/2" BB	4
DM	Deborah Maple	2-2 1/2" BB	3
SSC	Spring Snow Crab	2" BB	1
BHS	Black Hills Spruce	5-6" BB	4
DY	Densiform Yew	16" Pot	21
PLP	Purple Leaf Plum (Bush Form)	3-4" Pot	7
RPW	Red Prince Weigela	3" Pot	6
GFS	Goldflame Spiraea	15-18" Pot	23
DSB	Dwarf Burning Bush	2-2 1/2" Pot	21
TA	Techy Arborvitae	3-4" Pot	5

Condo Landscaping per building

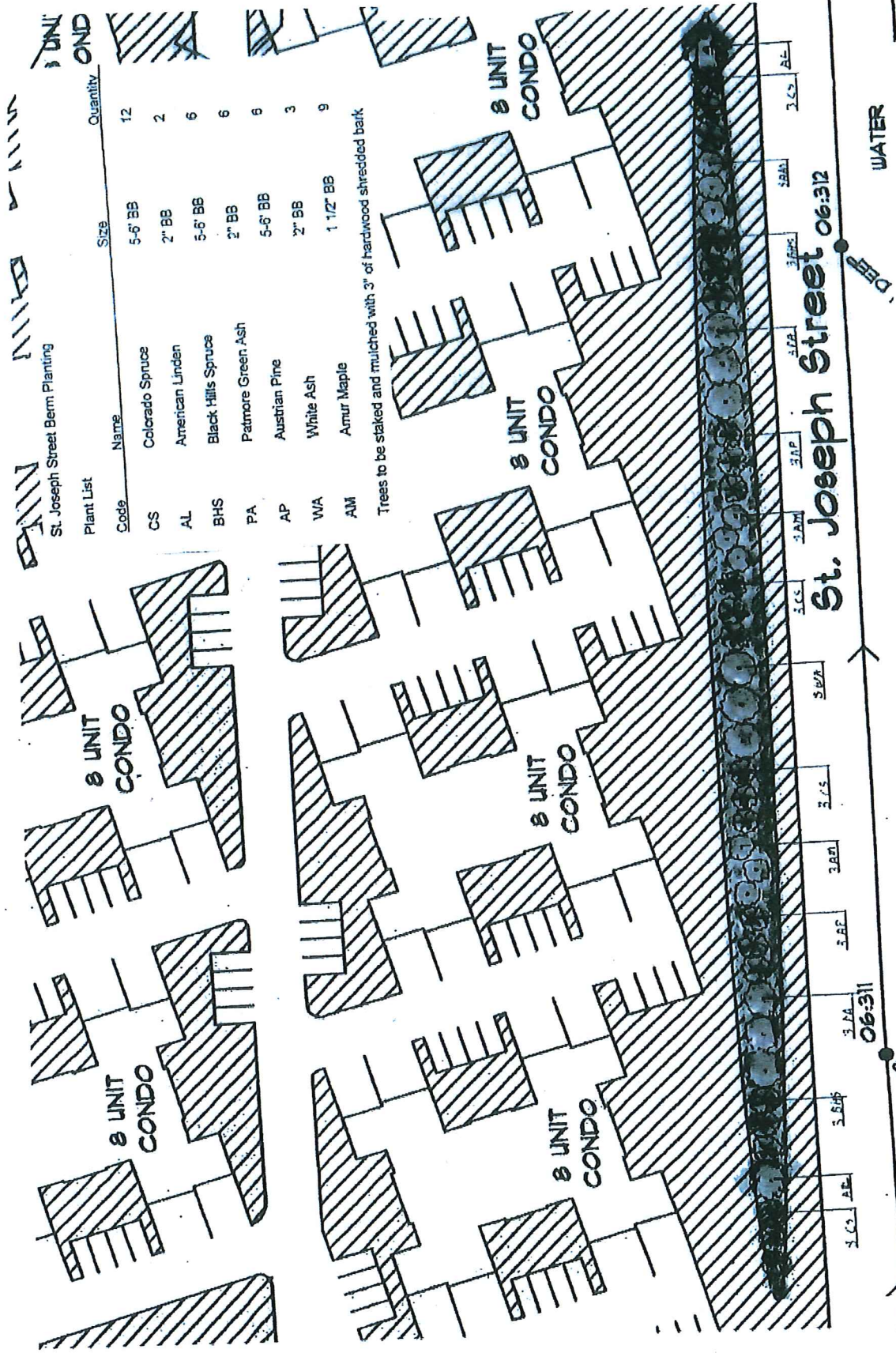
Plant beds to be edged with poly edging and mulched with 2-3" of grey crushed granite mulch over fabric weed barrier. Trees to be staked and mulched with 3" of hardwood shredded bark.

HILLCO
 1101 St. Joseph St. St. Paul, MN 55102
 775.81
LANDSCAPE
 CONDO

Plant List

<u>Code</u>	<u>Name</u>	<u>Size</u>	<u>Quantity</u>
SL	Skyline Locust	2-2 1/2" BB	4
DM	Deborah Maple	2-2 1/2" BB	3
SSC	Spring Snow Crab	2" BB	1
BHS	Black Hills Spruce	5-6' BB	4
DY	Densiform Yew	18" Pot	21
PLP	Purple Leaf Plum (Bush Form)	3-4' Pot	7
RPW	Red Prince Weigela	3' Pot	6
GFS	Goldflame Spirea	15-18" Pot	23
DBB	Dwarf Burning Bush	2-2 1/2' Pot	21
TA	Techny Arborvitae	3-4' Pot	5

Plant beds to be edged with poly edging and mulched with 2-3" of gold crushed granite mulch over fabric weed barrier. Trees to be staked and mulched with 3" of hardwood shredded bark.



Condominium Berm proposed (no sidewalk)

St. Joseph Street Berm Planting

Plant List

<u>Code</u>	<u>Name</u>	<u>Size</u>	<u>Quantity</u>
CS	Colorado Spruce	5-6' BB	12
AL	American Linden	2" BB	2
BHS	Black Hills Spruce	5-6' BB	6
PA	Patmore Green Ash	2" BB	6
AP	Austrian Pine	5-6' BB	6
WA	White Ash	2" BB	3
AM	Amur Maple	1 1/2" BB	9

Trees to be staked and mulched with 3" of hardwood shredded bark

ARTICLE II: DESCRIPTION AND IDENTIFICATION OF THE UNITS.

2.01 Description and Usage of Units:

A. Description of Unit Subject to this Declaration. The condominium shall consist of Eighteen (18) buildings. Each building has two (2) units located on the land as shown on the recorded Condominium Plat incorporated herein by reference. Each unit includes its own garage as shown in floor plans contained on the recorded Condominium Plat and incorporated herein by reference.

B. Purpose of usage. Each and every unit shall be used for Residential purposes only. All Buildings and units contained therein are intended for and restricted exclusively to the residential use as governed by the terms and conditions contained therein and the Bylaws of the Association.

2.02 Identification of Unit and Parking Area. Each unit shall be specifically designated by unit number 1 through _____. The Units are designated by Identifying numbers and their location, approximate area, number of rooms, limited common elements to which the units have access and further details, identifying and outlining the units are as set forth in the condominium plat and described and explained hereunder.

[Insert Addresses }

Such number need not be the same as the street designation thereof.

Such number shall be part of the legal description of the unit. Parking is available in front of each garage.

2.03 Make up of Units. Units 1 through 36 have the following approximate areas, rooms, and features according to the following:

Unit	Phase	Address:	Style	Sq Ft	#Rooms	Baths	Basement
1	1	TBD	2-Story	1278	6	1.5	Yes
2	1	TBD	2-Story	1278	6	1.5	Yes
3	1	TBD	2-Story	1278	6	1.5	Yes
4	1	TBD	2-Story	1278	6	1.5	Yes
5	1	TBD	Ranch	1409	6	1.5	Yes
6	1	TBD	Ranch	1409	6	1.5	Yes
7	1	TBD	Ranch	1409	6	1.5	Yes
8	1	TBD	Ranch	1409	6	1.5	Yes

Unit	Phase	Address:	Style	Sq Ft	#Rooms	Baths	Basement
9	2	TBD	2-Story	1278	6	1.5	Yes
10	2	TBD	2-Story	1278	6	1.5	Yes
11	2	TBD	2-Story	1278	6	1.5	Yes
12	2	TBD	2-Story	1278	6	1.5	Yes
13	2	TBD	Ranch	1409	6	1.5	Yes
14	2	TBD	Ranch	1409	6	1.5	Yes
15	2	TBD	Ranch	1409	6	1.5	Yes
16	2	TBD	Ranch	1409	6	1.5	Yes

Unit	Phase	Address:	Style	Sq Ft	#Rooms	Baths	Basement
17	3	TBD	2-Story	1278	6	1.5	Yes
18	3	TBD	2-Story	1278	6	1.5	Yes
19	3	TBD	2-Story	1278	6	1.5	Yes
20	3	TBD	2-Story	1278	6	1.5	Yes
21	3	TBD	Ranch	1409	6	1.5	Yes
22	3	TBD	Ranch	1409	6	1.5	Yes
23	3	TBD	Ranch	1409	6	1.5	Yes
24	3	TBD	Ranch	1409	6	1.5	Yes

Unit	Phase	Address:	Style	Sq Ft	#Rooms	Baths	Basement
25	4	TBD	2-Story	1278	6	1.5	Yes
26	4	TBD	2-Story	1278	6	1.5	Yes
37	4	TBD	2-Story	1278	6	1.5	Yes
28	4	TBD	2-Story	1278	6	1.5	Yes
29	4	TBD	Ranch	1409	6	1.5	Yes
30	4	TBD	Ranch	1409	6	1.5	Yes
31	4	TBD	Ranch	1409	6	1.5	Yes
32	4	TBD	Ranch	1409	6	1.5	Yes

Unit	Phase	Address:	Style	Sq Ft	#Rooms	Baths	Basement
33	5	TBD	2-Story	1278	6	1.5	Yes
34	5	TBD	2-Story	1278	6	1.5	Yes
35	5	TBD	2-Story	1278	6	1.5	Yes
36	5	TBD	2-Story	1278	6	1.5	Yes
37	5	TBD	Ranch	1409	6	1.5	Yes
38	5	TBD	Ranch	1409	6	1.5	Yes
39	5	TBD	Ranch	1409	6	1.5	Yes
40	5	TBD	Ranch	1409	6	1.5	Yes

Unit	Phase	Address:	Style	Sq Ft	#Rooms	Baths	Basement
41	6	TBD	2-Story	1278	6	1.5	Yes
42	6	TBD	2-Story	1278	6	1.5	Yes
43	6	TBD	2-Story	1278	6	1.5	Yes
44	6	TBD	2-Story	1278	6	1.5	Yes
45	6	TBD	Ranch	1409	6	1.5	Yes
46	6	TBD	Ranch	1409	6	1.5	Yes
47	6	TBD	Ranch	1409	6	1.5	Yes

Unit	Phase	Address	Style	Sq Ft.	#Rooms	Baths	Basement
49	7	TBD	2-Story	1278	6	1.5	Yes
50	7	TBD	2-Story	1278	6	1.5	Yes
51	7	TBD	2-Story	1278	6	1.5	Yes
52	7	TBD	2-Story	1278	6	1.5	Yes
53	7	TBD	Ranch	1409	6	1.5	Yes
54	7	TBD	Ranch	1409	6	1.5	Yes
55	7	TBD	Ranch	1409	6	1.5	Yes
56	7	TBD	Ranch	1409	6	1.5	Yes
Unit	Phase	Address	Style	Sq Ft.	#Rooms	Baths	Basement
57	8	TBD	2-Story	1278	6	1.5	Yes
58	8	TBD	2-Story	1278	6	1.5	Yes
59	8	TBD	2-Story	1278	6	1.5	Yes
60	8	TBD	2-Story	1278	6	1.5	Yes
61	8	TBD	Ranch	1409	6	1.5	Yes
62	8	TBD	Ranch	1409	6	1.5	Yes
63	8	TBD	Ranch	1409	6	1.5	Yes
64	8	TBD	Ranch	1409	6	1.5	Yes

Kitchen areas, dining areas and living areas are listed as separate rooms even though they may be a single area.

2.04 Construction Materials. The footings, and foundation of the building are of reinforced concrete construction; the walls of the upper floors are of frame construction, the first and second floor are of wood construction. The roof of the building is of composition materials. Exterior walls are vinyl siding and brick or other masonry.

2.05 Equipment and Furnishings. The Developer will provide for the unit as constructed: light fixtures, carpeting or other floor covering, furnace and air conditioning unit, kitchen cabinets and tops, vanities and tops, interior doors and hot water heater. The Developer will provide separate meters to measure the consumption of electricity, water and gas by the unit occupants.

ARTICLE III: ASSIGNMENT OF EXCLUSIVE RIGHT TO USE PARKING SPACES, GARAGES AND OTHER PROVISIONS DESCRIBING AND GOVERNING THE USE THEREOF.

3.01 Use of Parking Spaces. Each unit shall have the exclusive right to the parking space in front of the garage the number of which corresponds to the number of the unit and such

spaces shall be limited common elements and the use shall be restricted to such unit owner or their guests. All other parking spaces shall be general common areas open for use by all the units and guests of Owners. No owner shall have any right to assign the right to exclusive use of a parking space apart from the conveyance of a unit.

Unit Owners shall use the parking spaces only for the parking of licensed, operative automobiles and vans, or pickup trucks capable of fitting into a normal parking space. Without limiting the generality of the foregoing, the following are specifically excluded from the parking spaces: Motorcycles, boats, trailers, campers, motorhomes, and/or junk vehicles or vehicles not intended to be operated on a current basis, business vehicles, repairing or renovation of vehicles except minor repairs (i.e. starting, tire changing, etc.) as may be needed to make a vehicle in current use operative.

3.02 Maintenance of Parking Spaces. The cost of maintenance of all parking spaces shall in all events be a common expense assessed to all units and owners and payable as other common expenses without any adjustment on account of the possession or non-possession of any right of exclusive use such space or spaces.

ARTICLE IV: MAINTENANCE, ALTERATION AND IMPROVEMENT.

4.01 Terms. Although the use of one shall not be deemed to exclude the applicability of another unless specifically so stated or required by the context, certain terms not susceptible to precise delineation are employed in this Article as follows:

"Maintenance" is used generally to include repair, renovation, restoration, reconstruction, rebuilding or replacement as may be necessary to maintain the condominium property in the same condition as when constructed and completed by the Developer;

"Alteration" relates to changes from such state other than maintenance;

"Improvement" as distinguished from alteration relates generally to the addition of new and different structures, elements or facilities other than those referred to in this Declaration.

4.02 Maintenance by Association.

(A) All common elements and facilities, limited or general, shall be maintained by the Association as a common expense unless responsibility is otherwise imposed on the unit owner as in Paragraph 3 of this Article or otherwise.

(B) Incidental damage caused to a unit through maintenance by the Association shall be repaired by the Association as common expense.

(C) If a unit owner defaults in his responsibility of maintenance, the Association shall assume the same as a common expense and levy a special assessment against the unit

EXHIBIT J—LIGHTING LAYOUT CONDOS

Lighting Layout for Condos—Garage Mount Light Fixtures

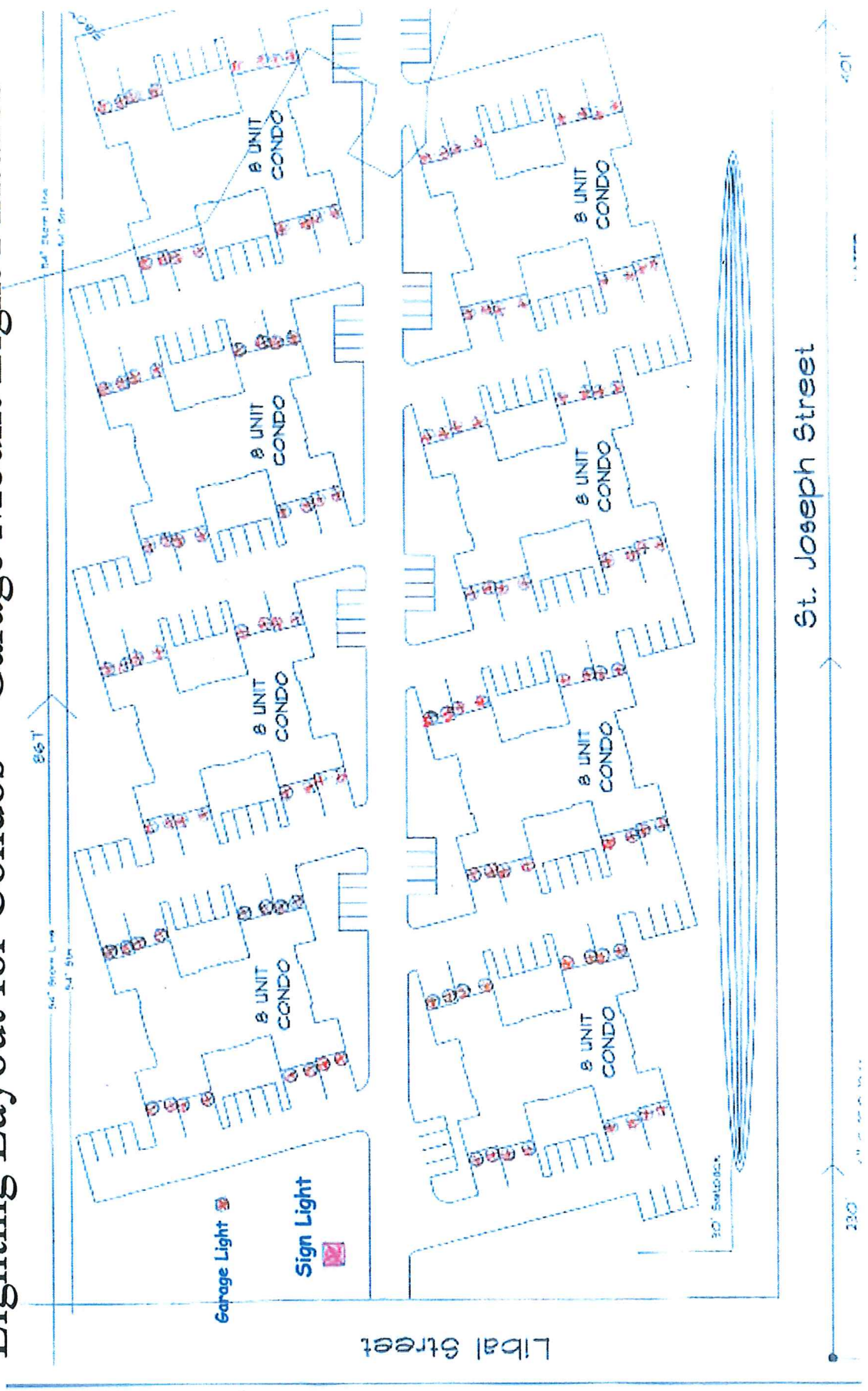


EXHIBIT P
Condominium Exterior sign



**Proposed sign for Condominiums— to meet
Village sign ordinance requirements—**

Addresses for display only

ORDINANCE 2008-05

**FIRST AMENDMENT TO THE ESTABLISHMENT OF A PLANNED
DEVELOPMENT DISTRICT FOR PARCEL NUMBER AL 50-6 LOCATED AT THE
NORTHEAST CORNER OF LIBAL AND EAST ST. JOSEPH STREET
(PDD ORDINANCE 2005-13)**

WHEREAS, on December 20, 2005, the Village Board of the Village of Allouez approved Ordinance 2005-13 for a Planned Development District ("PDD") at the Northeast corner of Libal and East St. Joseph Street (Parcel AL 50-6); and

WHEREAS, Hillcrest Lumber, Inc. has proceeded with the development of the property located in the PDD with first phase construction of condominium buildings consisted with the terms and conditions of the final approved PDD; and

WHEREAS, pursuant to Section 11.25 (k)(5) of the Planned Development District, Zoning Code, Hillcrest Lumber, Inc. has petitioned for an amendment to the final approved PDD (Ordinance 2005-13) which includes a new building layout of the CBRF area, the addition of two more condominium units to the vacant property between the existing approval of Haven Way Condominiums and detention pond and to move the northerly row of condominiums to the same setback on Libal Street as the southerly row of condominiums; and

WHEREAS, the required public hearings have been held and recommendations received by the Village Board from the Zoning and Planning Committee for approval of the amendment; and

NOW THEREFORE, the Village Board of the Village of Allouez of the County of Brown, State of Wisconsin, do ordain that Planned Development District Ordinance 2005-13 be amended as follows:

1. A new building layout on the CBRF area.
2. The addition of two more condominium units to the vacant property between the existing approval of Haven Way Condominiums and the detention pond.
3. Moving the northerly row of condominiums to the same setback on Libal Street as the southerly row of condominiums.
4. All plans, drawings, maps and/or building profiles consistent with this amendment as approved by the Village Board are incorporated herein by reference and made part of this ordinance.
5. In all other respects, except as amended herein, the Ordinance 2005-13 remains in full force and effect.

Approved and adopted this 6th day of May, 2008.

Steve Vanden Avond, Village President

ATTEST:

Debra M. Baenen, Village Clerk/Treasurer

Published this ____ day of May, 2008.