

## Memo

Date: June 1, 2018

To: Village Board

From: Brad Lange

Re: Hillcrest Homes' Haven Way Condominium PDD

Hillcrest Homes' Haven Way Condominium PDD project at 1997-1999 Libal Street was first approved in 2005. The PDD was amended on June 2, 2015 which included a change from 2 story condos to single story condos.

In June of 2016 an extension was requested by Hillcrest Homes' due to the passing of owner, Harry Macco. The Village Board granted the extension if certain stipulations were met by the second meeting in July. The stipulations that were required of Hillcrest Homes' were met by the second meeting and therefore an extension was granted to Hillcrest Homes' through June 6, 2018.

Mark Macco, representing Hillcrest Homes' is asking for another extension which would allow them to proceed with the PDD project.

The Village Board is asked to either approve an extension or deny the extension.





Allouez Village Hall • 1900 Libal Street • Green Bay, WI 54301-2453 • (920) 448-2800 • Fax (920) 448-2850

May 25, 2017

Hillcrest Homes  
2986 County Road PP  
DePere, WI 54115-9645  
Attn: Veronica Trofka

Ms. Trofka,

This letter is to inform you of the Planned Development District (PDD) requirements for Hillcrest Homes' Haven Way Condominium project in Allouez, which was first approved in 2005 and amended on June 2, 2015.

As part of the Planned District Development process, the Village Board approved the multi-family development for this location.

As part of the village's zoning code, the development must be completed within two (2) years of project approval, or provide reasonable explanation to the Village Board of any such failure to comply with and/or to complete the project (Section 475-49(C)).

I invite you to attend the June 6, 2017 Village Board meeting at 6:30pm, 1900 Libal Street, Allouez, WI 54301, in order to explain any such failures to comply with and/or to complete the project.

If you have any questions or need further clarification on this development please contact me at (920)448-2800.

Sincerely,



Brad Lange  
Village Administrator

CC: Village of Allouez Board of Trustees  
Randall Gast, Village Attorney, Hanaway Ross Law Firm  
Kevin Wieland, Building Inspector  
Trevor Fuller, Planning and Zoning Administrator

Village of Allouez, WI  
Thursday, May 25, 2017

## Chapter 475. Zoning

### Article VI. Planned Development District

#### § 475-49. General provisions.

- A. Engineering design standards. Normal standards or operational policies regarding right-of-way widths, provisions for sidewalks, streetlighting and similar design criteria shall not be mandatory in a planned development, but precise standards satisfactory to the Village, pursuant to the criteria as set forth in § 475-50 hereof, shall be made a part of the approved plan and shall be enforceable as a part of this chapter.
- B. Approvals. The developer shall develop the site in accordance with the terms and conditions of development presented to and approved by the Village Board. Any changes or additions to the original approved development site, structures, or plans of operation shall require resubmittal and recommendation by the Plan Commission and approval by the Village Board.
- C. Rescinding approval. Failure to comply with the conditions, commitments, guarantees, or recommendations established in the approval of such development project, or to complete the project for which the use is granted within two years from the date of final approval, shall be cause for repealing the ordinance creating the Planned Development District and rescinding the designation of the property as a Planned Development District. Upon at least five days' prior written notice given to said developer by the Building Inspector, Village Administrator or Village President, the developer shall appear as requested before the Village Board at a public meeting to explain any such failure to comply with and/or to complete the project. A failure of the developer to appear either in person or by representative shall be deemed an acknowledgment by the developer of noncompliance and his or her consent and approval to the Village Board's action under Subsection C(1) below. The Village Board at such hearing shall determine whether or not the developer shall have failed to comply and/or to complete the project, and if there has been such a failure, may either:
  - (1) Enact an ordinance imposing a moratorium of not more than six months on making improvements in or on, or further developing, the property within the Planned Development District and rescinding all building permits, and take appropriate action to repeal the ordinance establishing the Planned Development District; or
  - (2) Adjourn such hearing for a period not to exceed 65 days to enable the developer to comply, including at the option of the Village Board a performance bond provided by the developer; if at the end of such period the developer is then in substantial compliance and it is then established to the reasonable satisfaction of the Board that there will be compliance in the future, the rights and privileges of the developer and owner shall continue for such period of time as there shall be such compliance; but, if the developer is not then in substantial compliance, or does not establish to the reasonable satisfaction of the Board that there will be compliance in the future, the Board will proceed in accordance with Subsection C(1) immediately above.

# VILLAGE OF ALLOUEZ

Allouez Village Hall • 1900 Libal Street • Green Bay, Wisconsin 54301-2453  
Phone No.: (920) 448-2800 • Fax No.: (920) 448-2850

## Department of Public Works

Attorney Randall Gast  
Hanaway Ross Law Firm  
345 South Jefferson Street  
Green Bay, WI 54301

June 22, 2017

RE: Hillcrest Lumber Property  
Libal Street

Dear Randy;

The following is the required site work to complete on an "interim basis" the Hillcrest Lumber condominium property on Libal Street. This will resolve the outstanding site and sidewalk/street work to bring this property to a reasonable condition, and the site is to be maintained in this "well maintained" condition going forward. At some future time the remaining property available for construction will be developed and additional final site work will be required.

### Street/Sidewalk Finish Work

Install 210 sq ft of sidewalk (which is now asphalt), replace 36 ft of damaged curb at the driveway, provide 20 sq yd of turf between curb and sidewalk, and provide 45 sq yd turf on the east side of the sidewalk for an estimated cost of \$3,000. This can be completed by Hillcrest Lumber using a contractor acceptable to the village, or the village can perform this work using its current street/concrete contractor for street work should Hillcrest request and agree to use of the project escrow funds for reimbursement.

This work must be completed as soon as possible due to the poor condition of the existing sidewalk and curb.

### Site Maintenance

Hillcrest Lumber must mow the entire site, from Libal Street to the east property line (to the silt fence), at least once a month basis. The area adjacent to Libal Street is mowed, but the east half has not been mowed yet this year. This area is subject to the village tall grass ordinance and mowing can be enforced under this ordinance if necessary.

The above site area has contained woodchuck colonies in the past, which were trapped and removed by the village as a courtesy. Hillcrest Lumber must inspect this area after mowing and remove any woodchuck colonies if present. If Hillcrest Lumber would like the village to utilize its animal trapper we can do so at our cost. This is the same specialist we use for



stormwater pond muskrat removal. It would cost a few hundred dollars to remove woodchucks if present.

The site area also contains weed growth. Hillcrest must treat these areas as needed to control weed growth. This will require at least one herbicide application per year.

The existing silt fence along the east side of the Hillcrest properties should be removed at this time. The silt fence area must be mowed.

#### Utilities

There are two manholes on the east end of the property that extend above existing grade (there may be more than 2 manholes in this condition). These manholes either require adjustment to match grade, or grade the area to the proper elevation to match the manholes. The manholes are unsightly and have been so for several years. How this can be handled will have to be determined based on the construction plans for the site.

The Hillcrest site interim completion and utility work must be completed by Hillcrest Lumber. The village prefers to not perform site grading and the utility work on private property, and the cost of the needed work will be determined by the conditions encountered during the actual excavation work.

Please contact me if you have questions regarding the site and utility work.

Sincerely,



Craig Berndt, P.E.  
Director, Public Works

CC: Brad Lange, Village of Allouez





*Sidewalk and Curb Replacement  
Required*





- East end of property
- Needs to be mowed
  - Remove silt fence
  - Adjust high manholes





*Center of Property*

- Needs mowing*
- Weeds must be treated*





Village of Allouez, WI  
Thursday, May 25, 2017

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June 6, 2017 (Village Board Meeting)

**Green / Genrich moved to approve the procedures needed to complete the transfer of vacated property on Dauphin Drive to the Zich's. Motion carried.**

ACTION RE: AWARD OF PAVING CONTRACT 2017-02 FOR 2017 STREET MAINTENANCE WORK IN PUBLIC WORKS BUDGET

**Genrich / Kopish moved to award Paving Contract 2017-02 to MCC, Inc. for 2017 street maintenance work in the public works budget. Motion carried.**

ACTION RE: RESOLUTION 2017-25, APPROVING THE SEVENTH AMENDMENT TO CENTRAL BROWN COUNTY WATER AUTHORITY WATER PURCHASE AND SALE CONTRACT

**Green / Harris moved to approve Resolution 2017-25 approving the seventh amendment to Central Brown County Water Authority Water Purchase and Sale Contract. Motion carried.**

ACTION RE: HILLCREST HOMES PDD EXTENSION

Lange

- The original PDD for the development was created in 2005. In 2015 there was an amendment which included a 2 year extension to continue and complete the condo units which expired on June 2, 2017.

Attorney Gast

- Explained the Boards options: 1) rescind all building permits and repeal the PDD ordinance for noncompliance or 2) extend the completion to some point in the future as long as there is anticipated compliance within that extended period of time

Dart / Green moved to open for public comment. Motion carried.

Attorney Anne Patteson

- Since 2 years ago when they reconfigured the condos, there were some issues with financing the condos on spec and then there was the passing of Harry Macco last March. The estate has not been wrapped up therefore the ability to get financing is pretty much nil at this time. There are hopes it will be completed by the end of fall.
- Concerned with what will happen to the rest of the project in the PDD if the whole thing is rescinded.

Mary Sue Banks, 1999 Libal Street

- Is concerned with the maintenance, safety and appearance of the road. There is no curb, there are potholes, when it rains and snows in the winter it was frozen and doesn't backup into the sewer. Also the sign doesn't look good, it has big concrete blocks and has blown down a lot. The front of property looks terrible.

Harris / Genrich moved to return to regular order of business. Motion carried.

June 6, 2017 (Village Board Meeting)

Gast

- Read a 2013 agreement from Patteson to the Village Administrator at the time regarding 2 escrows held by the Village. One for \$3,500 to ensure completion of curb and gutter replacement in the abandonment of the tracking pad as described in the PDD and an escrow of \$5,000 to ensure the completion of the berm, grass and landscaping as described in meeting minutes. The Village could complete the work and utilize the escrow proceeds to reimburse village costs for those items.
- Feels the explanation presented for an extension seems reasonable
- Concerned that if the entire ordinance is rescinded it could create some unintended consequences

**Atwood / Green moved to extend the PDD to June 6, 2018 (date after 1<sup>st</sup> June meeting).**

Discussion:

- Escrowed funds vs what needs to be done.
- Berndt suggested curb and sidewalk repairs be done with escrow funds to bring them back to standard and ask Hillcrest Homes to take care of the other items as part of their routine maintenance.

Gast

- Recommended Berndt put together a punch list of things that should be done. Gast and Patteson can then discuss what would be best for Hillcrest to do on their own. Can then be brought back to the Board.

**Substitute motion by Rafter / Atwood to extend the PDD until June 6, 2018 contingent upon the parties coming to an agreement on repair of the sidewalk and gutter and grassy area by the second meeting in July.**

Genrich / Dart moved to open for public comment. Motion carried.

Mary Sue Banks, 1999 Libal Street

- Asked if that would include fixing the road. Where there is no gutter there are potholes. (Berndt concerned they would fix the potholes)

Harris / Atwood moved to return to regular order of business. Motion carried.

**Upon the vote, the substitute motion carried.**

ACTION RE: CONSENT AGENDA

**Green / Harris moved to:**

**a. Approve of operator's licenses for:**

**Theresa M. Sincoular, 3310 Camelia Ct, Green Bay, WI 54301**  
**Lynne A. Stahl, 807 Ralph St, Luxemburg, WI 54217**  
**Sarah J. Schultz, 1808 Ridgeway Dr #66, DePere, WI 54115**  
**Melissa A. Domke, 2908 Glendale Ave, Green Bay, WI 54313**  
**Tim J. Bogenschutz, 1214 George St, Apt. A, De Pere, WI 54115**