Agenda Item Number _____6_____

Memo

To: Plan Commission, Village Board

Fr: Trevor Fuller, Planning and Zoning Administrator

Re: RE: PETITION FROM SKB TERRACE LLC – REQUESTING CONDITIONAL USE PERMIT APPROVAL FOR TWO, NINE-UNIT APARTMENT BUILDINGS ON PARCEL AL-125-8, ZONED COMMERCIAL DISTRICT, AND LOCATED AT 3241-3245 RIVERSIDE DRIVE (former Town & Country Supper Club site)

Date: 12 December 2019

A Conditional Use Permit (CUP) has been requested by SKB Terrace LLC to allow for apartment buildings on parcel AL-125-8, located at 3241-3245 Riverside Drive. The parcel is currently zoned Commercial District, which allows for multi-family residential use as a conditional use.

Included is an exterior picture, an aerial photograph of the existing property, and a conceptual site plan. The property owner intends to construct two, nine-unit apartment buildings on the vacant lot. The residential development cannot proceed without being granted a conditional use permit.

Any site improvements (i.e. building plans) and future additions will have to go through the Site Plan and Design Review process and be consistent with the applicable zoning requirements for "Commercial District" and "High-Density District."

Sections 475-19 and 475-58 of the village ordinances require the following standards for granting a Conditional Use Permit.

Section 475-19E(3): Apartment buildings, multiple dwellings, and residential condominiums for three or more families.

(a) Standards will comply with the regulations of the High Density District, unless otherwise mentioned in this section.

(b) Off-street parking requirements shall be complied with for each class of use; see Article IV for required spaces.

(c) Accessory structures, including detached garages, shall not be visible from the primary fronting road.

(d) *Front and side yard requirements shall conform to the Commercial District standards, but shall not be applied to nonconforming buildings.*
(e) *The floor area ratio shall not exceed 1.25.*

Section 475-58: Standards.

A. *The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;*
B. *The conditional use will not substantially reduce the use and enjoyment of other property in the immediate vicinity for the purposes already permitted and shall not substantially diminish or impair property values within the neighborhood;*
C. *Adequate facilities, access roads, drainage, parking, and any other necessities have been or are being provided;*
D. *Adequate measures have been or will be taken to provide ingress and egress so designated as to minimize traffic congestion in the public streets; and*
E. *The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.*

Staff has reviewed the proposed application and recommends approval, assuming parking needs can be met.

Plan Commission is asked to make a recommendation whether or not to approve a Conditional Use Permit for the proposed apartment development at 3241-3245 Riverside Drive. The motion should specify the conditions, if any, of the Conditional Use Permit.

Village of Allouez, 1900 Libal St., Allouez, WI 54301 Receipt# 14798 Date: 11/14/2019

VILLAGE OF ALLOUEZ
PETITION FOR CONDITIONAL USE
($300 required petition fee)

Please complete this form. In cases where the description of the requested information is too lengthy to include in the space allowed, please include it on a separate sheet with this application.

Name of petitioner: SKB TERRACE LLC Phone: 920 621 1418

Mailing address: 801 HERITAGE RD, SUITE A, DEPERE WI 54115

1. The petitioner's interest in the property: BUILD 2 9-UNIT APT BLDGS, TOTAL 18 UNITS
2. The present name shown on the title of the property: SKB TERRACE LLC
3. The legal description of the property under consideration (including parcel # and street address):
   AL 125-7 and AL 125-8, 3241-3245 RIVERSIDE DRIVE, VILLAGE OF ALLOUEZ, BROWN COUNTY WI
4. The size of the property: 1.76 ACRES
5. The property is presently zoned as Class: E COMMERCIAL DISTRICT
6. The petitioner seeks a conditional use for: TWO 9-UNIT APT BUILDINGS, SMALL MAINTENANCE GARAGE, SIGN AND DUMPSTER CORRAL. (ATTACHED SITE PLAN)
7. Describe the proposed use in detail (i.e. the nature of the use, number of employees, and any physical changes required to buildings and existing facilities):
   CURRENTLY 1.76 ACRES VACANT LAND & TO BUILD TWO 9-UNIT APT BUILDINGS A SMALL MATCHING MAINTENANCE GARAGE, A SIGN, AND DUMPSTER CORRAL – TO BE BUILT 2020. 18 UNIT WILL BE 1-2 BR WITH 1-2 BATHS, FIREPLACES, STAINLESS APPLIANCES, W+D IN UNIT, ATT GARAGES, HVAC, DECKS, PATIOS.
8. Attached is a proposed elevation of the structure or an example of the exterior and a certified survey map, a copy of the plat on which the property is shown, or a proposed site plan. (SEE LIST BELOW) ATTACHED.
9. The proposed construction schedule for the project (anticipated start and duration): PROJECTED TO BE BUILT SPRING/SUMMER 2020 WITH COMPLETION ON/BEFORE 1 YR.
10. Other reports and studies, as requested by the village, which are necessary for ensuring that the standards in Section 475-58 are met.

ATTACHED:
1. SITE PLAN
2. AMENDMENT WITH VILLAGE OF ALLOUEZ
3. CERTIFIED SURVEY
4. PHOTO'S OF SIMILAR APARTMENTS IN APPLETON BUILT IN 2013, TO SHOW THE QUALITY OF APTS.

Dated this 11TH day of NOVEMBER, 2019

Karen L Clarkson
Petitioner Signature

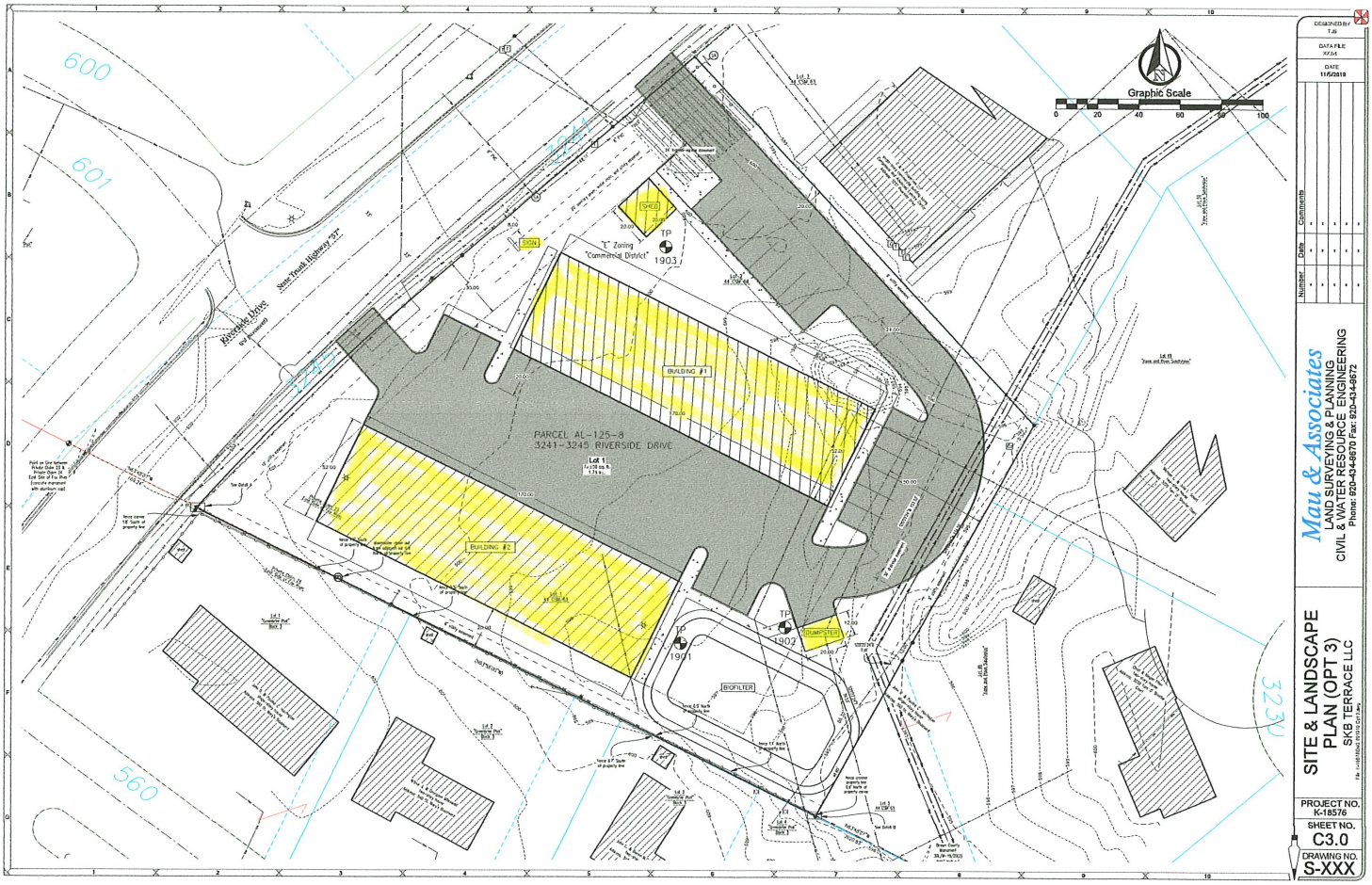
Owner Signature (if different than petitioner)

TO BE COMPLETED BY THE VILLAGE OF ALLOUEZ

_____ Date of Plan Commission _____ Date of Village Board _____ Date of public hearing (if scheduled)

*Conditions and stipulations required by the Village Board (attached)

1.


Graphic Scale
0 20 40 60 80 100
PARCEL AL-125-8
3241-3245 RIVERSIDE DRIVE
Lot 1
1.178 ac. ±
51,316 sq. ft. ±
BUILDING #1
BUILDING #2
SHED
SIGN
DUMPSTER
BIOFILTER
TP 1901
TP 1902
TP 1903
"C" Zoning
"Commercial District"
State Trunk Highway "23"
Riverside Drive
600
601
560
323U
DESIGNED BY
T.JS
DATA FILE
XY.txt
DATE
11/5/2019
Number
Date
Comments
Mau & Associates
LAND SURVEYING & PLANNING
CIVIL & WATER RESOURCE ENGINEERING
Phone: 920-434-6870 Fax: 920-434-6872
SITE & LANDSCAPE PLAN (OPT 3)
SKB TERRACE LLC
PROJECT NO.
K-18576
SHEET NO.
C3.0
DRAWING NO.
S-XXX

AMENDMENT TO VACANT LAND OFFER TO PURCHASE

This Amendment to Vacant Land Offer to Purchase ("Amendment") is entered into effective November 6, 2019, by and between the Village of Allouez, a Wisconsin municipal corporation ("Seller" or "Village"), and SKB Terrace, LLC, a Wisconsin limited liability company ("Buyer").

RECITALS

WHEREAS, Seller and Buyer entered into a Vacant Land Offer to Purchase dated May 4, 2018, as accepted on May 23, 2018 by the parties' execution of Counter-Offer No. 1 (the "Offer"), for Buyer's purchase of the real property commonly identified as 3241-3245 Riverside Drive, Village of Allouez, Brown County, Wisconsin (Parcels AL-125-7 and AL-125-8) (the "Property"), which Property sales transaction closed on January 4, 2019; and

WHEREAS, the parties wish to amend the Offer to account for, among other things, a change in the scope and purpose of the contemplated development and associated impacts to the construction and project completion schedules.

NOW, THEREFORE, for good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, the parties agree to amend the Offer on the following terms and conditions.

AGREEMENT

1. The proposed use contingency of the Offer (lines 306-313) shall be amended to allow for the construction of a fifteen to eighteen unit apartment complex (either two nine unit buildings or one nine unit and one six unit buildings) with small maintenance garage and trash dumpster corral. Buyer acknowledges that it will have to obtain from the Village a new conditional use permit to accommodate the change in development proposed use.

2. The Offer is hereby amended to delete any requirement that Buyer break ground on the planned development by any certain date.

3. The certificate of occupancy requirement of the Offer shall be extended and Buyer agrees to obtain a certificate of occupancy for the planned development on or before December 31, 2021.

4. Except as modified and amended herein, all other terms, conditions and provisions of the Offer shall remain in force and effect, and are hereby ratified and affirmed by the parties.

VILLAGE OF ALLOUEZ

By: Brad Lange, Village Administrator

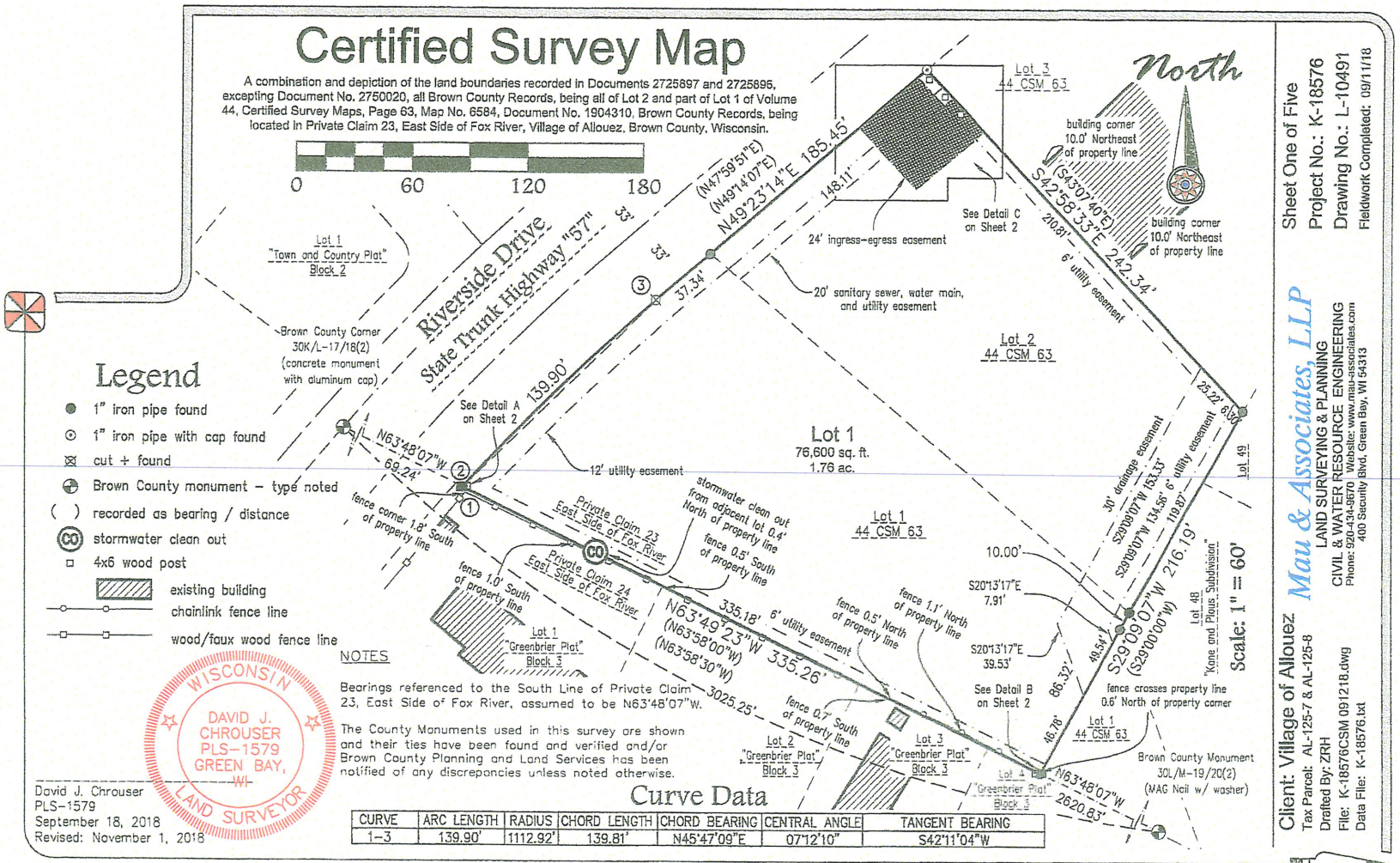
SKB TERRACE, LLC

By: Karen L. Classon, Member

3.

Certified Survey Map

A combination and depiction of the land boundaries recorded in Documents 2725897 and 2725895, excepting Document No. 2750020, all Brown County Records, being all of Lot 2 and part of Lot 1 of Volume 44, Certified Survey Maps, Page 63, Map No. 6584, Document No. 1904310, Brown County Records, being located in Private Claim 23, East Side of Fox River, Village of Allouez, Brown County, Wisconsin.



Legend

- 1" iron pipe found
- 1" iron pipe with cap found
- cut + found
- Brown County monument – type noted
- ( ) recorded as bearing / distance
- stormwater clean out
- 4x6 wood post
- existing building
- chainlink fence line
- wood/faux wood fence line

NOTES

Bearings referenced to the South Line of Private Claim 23, East Side of Fox River, assumed to be N63°48'07"W.

The County Monuments used in this survey are shown and their ties have been found and verified and/or Brown County Planning and Land Services has been notified of any discrepancies unless noted otherwise.

WISCONSIN
DAVID J. CHROUSER
PLS-1579
GREEN BAY, WI
LAND SURVEYOR

David J. Chrouser
PLS-1579
September 18, 2018
Revised: November 1, 2018

Curve Data

CURVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING	CENTRAL ANGLE	TANGENT BEARING
1-3	139.90'	1112.92'	139.81'	N45°47'09"E	07°12'10"	S42°11'04"W

Scale: 1" = 60'

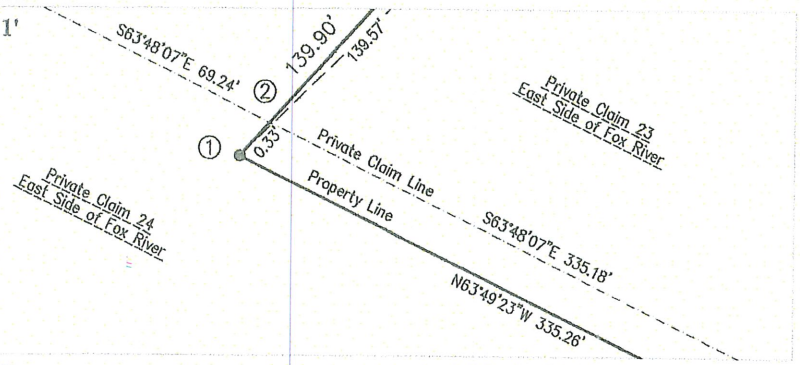
Client: Village of Allouez
Tax Parcel: AL-125-7 & AL-125-8
Drafted By: ZRH
File: K-18576CSM 091218.dwg
Data File: K-18576.txt

Mau & Associates, LLP
LAND SURVEYING & PLANNING
CIVIL & WATER RESOURCE ENGINEERING
Phone: 920-434-9670 Website: www.mau-assoc.com
400 Security Blvd, Green Bay, WI 54313

Sheet One of Five
Project No.: K-18576
Drawing No.: L-10491
Fieldwork Completed: 09/11/18

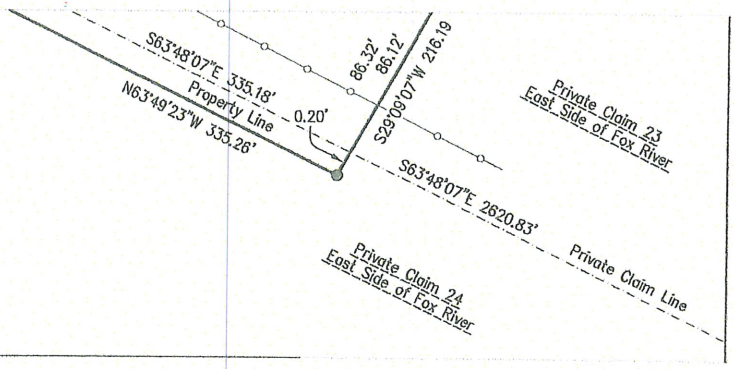
Detail A

Scale: 1" = 1'



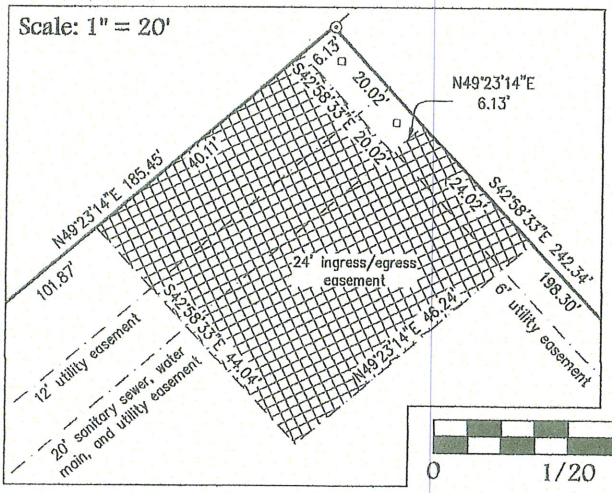
Detail B

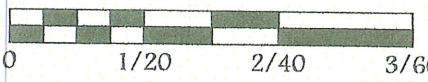
Scale: 1" = 1'



Detail C

Scale: 1" = 20'





WISCONSIN
DAVID J. CHROUSER
PLS-1579
GREEN BAY, WI
LAND SURVEYOR

David J. Chrouser
PLS-1579
September 18, 2018
Revised: November 1, 2018

Curve Data

CURVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING	CENTRAL ANGLE	TANGENT BEARING
1–3	139.90'	1112.92'	139.81'	N45°47'09"E	07°12'10"	S42°11'04"W
1–2	0.33'	1112.92'	0.33'	N42°11'36"E	00°01'01"	–
2–3	139.57'	1112.92'	139.48'	N45°47'40"E	07°11'08"	–

Client: Village of Allouez
Tax Parcel: AL-125-7 & AL-125-8
Drafted By: ZRH
File: K-18576CSM 091218.dwg
Data File: K-18576.txt

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Phone: 920-434-9670 | Website: www.mau-associates.com
400 Security Blvd, Green Bay, WI 54313

SURVEYOR'S CERTIFICATE

I, David J. Chrouser, Professional Land Surveyor, PLS–1579, do hereby certify that this Certified Survey Map is not a division of property but solely a combination and depiction of the land boundaries recorded in Documents 2725897 and 2725896, excepting Document No. 2750020, all Brown County Records, being all of Lot 2 and part of Lot 1 of Volume 44, Certified Survey Maps, Page 63, Map No. 6584, Document No. 1904310, Brown County Records, being located in Private Claim 23, East Side of Fox River, Village of Allouez, Brown County, Wisconsin into a single parcel and description, more fully described as follows:

Commencing at the Brown County Corner 30K/L–17/18(20); thence S63°48'07"E, 69.24 feet along the South Line of said Private Claim 23 to the East Right of Way of State Trunk Highway "57", otherwise known as "Riverside Drive", and to a point on the the Northwest Line of Lot 1, Volume 44, Certified Survey Maps, Page 63, Map No. 6584, Document No. 1904310, Brown County Records being the Point of Beginning; thence 139.57 feet along said East Right–of–Way being a 1112.92 foot radius curve to the right whose long chord bears N45°47'40"E, 139.48 feet; thence N49°23'14"E, 185.45 feet along said East Right–of–Way to the North Corner of Lot 2 of said Certified Survey Map No. 6584 and the Northeast Line of said Lot 2; thence S42°58'33"E, 242.34 feet along said Northeast Line to the East Corner of said Lot 2 and Southeast Line of said Lot 2; thence S29°09'07"W, 216.19 feet along said Southeast Line and its extension to the Southwest Line of said Lot 1; thence N63°49'23"W, 335.24 feet along said Southwest Line to the West Corner of said Lot 1 and said South Right–of–Way; thence 0.33 feet along said South Right–of–Way being a 1112.92 foot radius curve to the right whose long chord bears N42°11'36"E, 0.33 feet to the South Line of said Private Claim 23 and the Point of Beginning.

Parcel contains 76,600 sq. ft. / 1.76 acres more or less.
Parcel subject to easements and restrictions of record.

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

WISCONSIN
DAVID J. CHROUSER PLS–1579 GREEN BAY, WI
LAND SURVEYOR

_____
David J. Chrouser
PLS–1579
September 18, 2018
Revised November 1, 2018

CERTIFICATE OF THE BROWN COUNTY PLAN COMMISSION

Approved for the Brown County Plan Commission this ____ day of _____, 20__.

_____
Dan Teaters
Senior Planner

CERTIFICATE OF THE BROWN COUNTY TREASURER

As duly elected Brown County Treasurer, I hereby certify that the records in our office show no unredeemed taxes and no unpaid or special assessments affecting any of the lands included in this Certified Survey Map as of the dates listed below.

_____
Paul D. Zeller Date
Brown County Treasurer

RESTRICTIVE COVENANTS

1) The land on all side and rear lot lines of all lots shall be graded by the property owner and maintained by the abutting property owners to provide for adequate drainage of surface water.

2) Each lot owner shall grade the property to conform to the adopted sidewalk grade elevation and maintain said elevation for future sidewalks.

3) No poles, pedestals or buried cable are to be placed so as to disturb any survey stake or obstruct vision along any lot lines or street line, a disturbance of a survey stake by anyone is a violation of section 236.32 of the Wisconsin Statutes.

HIGHWAY SETBACK NOTE

No improvements or structures are allowed between the right-of-way line and the highway setback line. Improvements and structures include, but are not limited to signs, parking areas, driveways, wells, septic systems, drainage facilities, buildings and retaining walls. It is expressly intended that this restriction is for the benefit of the public as provided in section 236.293, Wisconsin Statutes, and shall be enforceable by the Department of Transportation or its assigns. Contact the Wisconsin Department of Transportation District Office for more information. The phone number may be obtained by contacting your County Highway Department.

TRANS. 233 NOTE

Property subject to access restrictions, highway setbacks, and other restrictions as per the Wisconsin Department of Transportation Trans. 233.

NOISE NOTE

The lots of this division may experience noise at levels exceeding the levels in s. Trans 405.04, Table I. These levels are based on federal standards. The Department of Transportation is not responsible for abating noise from the existing state trunk highways or connecting highways, in the absence of any increase by the department to the highway's through lane capacity.

ACCESS RESTRICTION CLAUSE

All lots and blocks are restricted so that no owner, possessor, user, licensee or other person may have any right of direct vehicular ingress from or egress to any highway lying within the right of way of S.T.H. 57, it is expressly intended that this restriction constitute a restriction for the benefit of the public as provided in s. 236.293, Stats., and shall be enforceable by the department or its assigns. Any access shall be allowed only by special exception. Any access allowed by special exception shall be confirmed and granted only through the driveway permitting process and all permits are revocable.

Special Exception: The Department of Transportation has granted a special exception to Trans 233 per Joseph Hollister's letter dated March 15, 1999 recorded in document Number 1686144 which states: The following access restriction is for Lot 2, Volume 33, Certified Survey Maps, page 126, Brown County Records, said Certified Survey Map being part of Lot 22, of "Cadyland Company's Riverview Addition to the Town of Allouez" and part of Private Claim 23, E.S.F.R., Village of Allouez, Brown County, Wisconsin:

Access from Lot 2, Volume 33, Certified Survey Maps, page 126, Brown County Records, shall be limited to four driveways. The Northerly most driveway will be limited to an exit only driveway to serve the planned day care. If the day care center is not constructed, or if at some time in the future the usage of the day care site changes, the owner of the property at that time shall remove the northerly driveway to Lot 2 at the owners cost. This restriction will be enforceable by the Wisconsin Department of Transportation.

EROSION CONTROL NOTE:
The property owners,at the time of construction, shall implement the appropriate soil erosion control methods outlined in the Wisconsin Construction Site Erosion and Sediment Control Technical Standards (available from the Wisconsin Department of Natural Resources) to prevent soil erosion. However, if at the time of construction the Village has an adopted soil erosion Control ordinance, it shall govern over this requirement. this provision applies to any grading, construction, or installation-related activities.

WISCONSIN
DAVID J. CHROUSER
PLS-1579
GREEN BAY, WI
LAND SURVEYOR

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PLS-1579
September 18, 2018
Revised: November 1, 2018

Client: Village of Allouez
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Sheet Four of Five
Project No.: K-18576
Drawing No.: L-10491
Fieldwork Completed: 09/11/18

CORPORATE OWNER'S CERTIFICATE

The Village of Allouez, a Wisconsin Municipal corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, does hereby certify that I caused the land described on this Certified Survey Map to be surveyed, combined, and mapped as represented hereon. The Village of Allouez also certifies that this Certified Survey Map is required by S.236.10 or S.236.12 to be submitted to the following for approval or objection:

BROWN COUNTY PLANNING COMMISSION

In Witness Whereof, the said Village of Allouez, has caused these presents to be signed by Jim Rafter, it's President on this _____ day of _____, 2018.

_____
Jim Rafter – Village President

Personally came before me this _____ day of _____, 20____, the above named officer of said corporation and acknowledged that he executed the foregoing instrument as such officer as the deed of said corporation, by its authority.

_____
Notary Public
Brown County, Wisconsin

My Commission Expires _____

STATE OF WISCONSIN]
] SS
COUNTY OF BROWN]

WISCONSIN
DAVID J. CHROUSER
PLS–1579
GREEN BAY, WI
LAND SURVEYOR

_____
David J. Chrouser
PLS–1579
September 18, 2018
Revised: November 1, 2018

Client: Village of Allouez
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Sheet Five of Five
Project No.: K-18576
Drawing No.: L-10491
Fieldwork Completed: 09/11/18

4.