

MINUTES
GREEN BAY PLAN COMMISSION
Monday, August 12, 2013
City Hall, Room 604
6:00 p.m.

MEMBERS PRESENT: M. Conard–Chair, L. Queoff–Vice-Chair, S. Bremer, T. Gilbert, J. Reck, T. Duckett, and J. Wiezbiskie

MEMBERS EXCUSED: None

OTHERS PRESENT: R. Strong, P. Neumeyer, N. White, M. Cuehn, A. Gauger, G. Polacheck, J. Decker, L. Hoida, D. Martin, H. Czachor, J. VanderLeest, J. Miller, T. Crawford, J. Mohr, T. Wettengel, D. Charles, Jim Marshall, A. Kersten, Joe Mongin, Ald. M. Steuer, J. Elm, J. Magrath Sr., J. Woosencraft, A. Chavez, K. Eliason, M. Dudley, G. Coleman, G. Dionne, R. Eliason, J. O'Brien, D. O'Brien, E. Schadrie, J. Sot, T. Sot, J. Woosencraft, B. O'Brien, Ald. Brunette

APPROVAL OF MINUTES:

Approval of the minutes from the July 22, 2013, Plan Commission meeting

A motion was made by L. Queoff and seconded by T. Duckett to approve the minutes from the July 22, 2013, Plan Commission meeting. Motion carried.

COMMUNICATIONS:

None

PUBLIC HEARING:

1. (PP 13-04) Public Hearing on the proposed Business Improvement District and initial operating plan for the Military Avenue Business Improvement District submitted by Military Avenue petitioners

N. White gave an introduction to the item and explained that this was proposed a year ago. It is now being brought back after the following improvements have been made to the plan – (1) connecting the proposed BID area to Lombardi Avenue; (2) increasing the assessment cap so that larger properties are paying larger contributions; (3) allowing more time to determine whether volunteer contributions could effectively improve the district; (4) increasing the rate of buy-in by Military Avenue property and business owners; and (5) allowing more time for property owners to recover financially from paying the street reconstruction assessments. Four letters were received from property owners that could not attend the meeting.

J. Wiezbiskie asked how much the cap was raised. N. White said Military Avenue Business Association (MABA) raised the cap from a ceiling of \$2,000 at the last proposal to \$2,500 this proposal.

J. Wiezbiskie asked if the assessment could be based on amount of sales rather than valued on size of property and building space. N. White said state statutes regulate that and BID assessments must be based on valuation of property.

S. Bremer wanted to compare the 68% of property owners this year that are included in a petition in favor of this BID to last year's percentage. N. White said last year it was about 15%.

9.9% submitted a petition against the BID this year. Last year the petition had one more property owner against the BID.

J. Wiezbiskie commented that a petition is a vehicle for the public to be heard by the government. But he is concerned about government being run by petitions. N. White said state statute requires that if 40% of the property valuation is represented against the operating plan, the plan is rejected. Last year the Plan Commission rejected the plan before any petition was made. If the Plan Commission approves the operating plan this year, property owners have 30 days to petition against it, needing 40% of the valuation to be against it.

T. Duckett asked how many properties were involved in the 67% in favor of the plan. N. White said there were 36 parcels.

Michael Cuehn of Broadway Enterprises, 1010 S. Military Avenue – They have 5 parcels on Military Avenue, only one of which was capped. Broadway would have to pay \$7,500 total. However, they are in support. Broadway Automotive is willing to invest in Military Avenue, but he wonders if the City is truly supportive of the area and feels property owners need a voice and more certainty about the future direction of Military Avenue.

Anndrea Gauger of Green Bay Plaza, 6194 Baywood Court, Luxemburg – They fully support the BID. They own 2 parcels on Military Avenue, so their contribution would be \$5,000; they will not combine those parcels to receive a lower contribution rate. They have brought national chain stores into the area and would like Military Avenue to be a major shopping district in Green Bay.

Greg Polacheck, 1200 S. Monroe Avenue – He is speaking for Bryan Boettcher, MABA Board President. He has been a MABA board member since 2006. G. Polacheck presented the activities and timeline of the Association regarding the BID going back to 2010. There has been an extensive public involvement and public notification process to get to this point. MABA questioned whether to pursue BID formation a second time, but they are committed to improving the Military Avenue corridor. MABA supports formation of the BID and will continue to try to gain additional support. MABA has responded to all of the issues that were raised in 2012 and are presenting an improved plan with clear support from the majority of property valuation within the proposed BID.

S. Bremer asked if consideration was made to lowering the minimum amount of dues paid per parcel. G. Polacheck said others could better answer that question.

Judy Decker of BMO Harris Bank, 201 S. Military Avenue – They are in favor of the BID. BMO is in another BID on Broadway and feels it is very beneficial.

Lois Hoida, 1566 W. Mason Street – She represents the Beacon offices on the corner of W. Mason Street and Military Avenue. They are in favor of the BID and would love more customers in the area.

David Martin of EMT Properties/Neufeld Enterprises/HJ Martin – They are in support of the BID and are willing to stay in the area long-term.

Henry Czachor, 500-504 S. Military Avenue – He is in support of the BID. He feels it is the only fair way to raise funds so that everyone can work together. It cannot be done on a voluntary basis.

John VanderLeest, 1625 Vernon Court – He is against the BID because of the long-term costs. He doesn't feel it should be mandatory by state statute that all of those in the area, whether in

favor or not, should have to pay the costs involved. He has a petition from 17 property owners of 30 parcels against the BID.

T. Gilbert asked what his solution is to help the area. J. VanderLeest said he feels each property owner should take care of his/her own property.

Jerry Miller, 838-842 S. Military Avenue – He is against the BID. He feels those who want to opt out should be able to opt out. The minimum could be lowered.

Tracy Crawford, 832 S. Military Avenue – She owns 2 parcels and is against the BID because she cannot afford the dues.

Jim Mohr, 4006 Broadway Street, Manitowoc – He rents a business on Military Avenue and hopes to own it in the future. He is against the BID because he doesn't feel the large property owners are paying enough, and the small property owners are paying too much.

Tom Wettengel, 505 S. Military Avenue – He is opposed to the BID because of the cost structure.

David Charles, 1740 Cofrin Drive – He has never received a notice regarding MABA activity. He is against the BID because members can levy assessments against the other property owners without restriction, borrow money without elected participation, and develop with these funds. He asked the Plan Commission to reject the operating plan and also wants the City to stop supporting this activity.

T. Gilbert asked those who are against the BID what ideas they had for helping the area increase business. D. Charl said the City could assess something as a one-time fee, or dues could be paid on a voluntary basis to Military Avenue Business Association for improvements.

Jim Marshall, 421-425 S. Military Avenue – He is against the BID because it discriminates against office space like the one he owns.

Adam Kersten, 1600 Shawano Avenue – He is against the BID due to the costs involved.

Joe Mongin – He is the Vice Chair of the Military Avenue Business Association and feels everyone benefits from a better Military Avenue area. A lot of time and energy went into this BID operating plan for the benefit of the business owners and residents of the City.

S. Bremer asked about the budget, specifically the funds to pay the administrator that total about one-third of the funds for the first year. She also questioned the difference between the total assessments for this year compared to last year. J. Mongin said an additional \$14,000 was budgeted for this year.

S. Bremer asked what the extra \$14,000 allowed MABA to include in the plan. J. Mongin said it would all go back into improving the area.

S. Bremer asked if there was consideration for lowering the minimum dollar amount. J. Mongin said the minimum dollar amount will remain at \$250.

Ald. Steuer asked if there was a cap for the other BIDs in the City. N. White said two of the three BIDs have caps, although the amounts vary.

Ald. Steuer is in support of improving the Military Avenue corridor either through volunteerism, neighborhood associations, or a BID.

The Chair asked if anyone present would like to testify regarding this matter. When no one came forward, the hearing was closed.

NEW BUSINESS:

Items #3, #4, and #5 were discussed prior to Item #2.

3. (PP 13-04) Discussion and action on the proposed Business Improvement District and initial operating plan for the Military Avenue Business Improvement District submitted by Military Avenue petitioners (Ald. Brunette, District 8; Ald. Steuer, District 10; Ald. Danzinger, District 11)

R. Strong informed the Plan Commission that its decision should be based on the operating plan meeting the requirements of the state statutes. It should also comply with the development plan for the Military Avenue corridor, as well as the City Comprehensive Plan.

J. Wiezbiskie is concerned that the state statutes do not have rules on caps. R. Strong said the statute provides tools to create BIDs to help pay for improvements within each district.

N. White clarified that funds collected from BIDs cannot be spent without approval from a majority of a board made up of business owners from the area. The requests are also brought to City Council for approval. Only commercial properties can be included in BIDs. Residential homes would not be assessed the yearly dues.

S. Bremer asked if the Plan Commission should also approve the resolution. N. White said City Council has to approve the resolution.

S. Bremer clarified that a motion should include the Plan Commission's recommendation to City Council to approve the resolution, as well as recommending approval of the new assessment amount of \$99,229. N. White said that would be correct.

T. Gilbert asked about the board that would control the monetary decisions made in the BID. N. White said there has to be at least five members, and a majority has to be business owners. All members are appointed by the City Council.

L. Queoff commented that the track record for City Council approval of BID members has been great for the other three BIDs in the City. All members seem to be great fits for each board.

A motion was made by T. Duckett and seconded by L. Queoff to recommend approval of the initial operating plan for the Military Avenue Business Improvement District on the basis of its compatibility with the Military Avenue Commercial Corridor plan adopted by the City Council on March 1, 2011, with the current assessment amount of \$99,229. Motion carried.

4. (ZP 13-22) Discussion and action on the request to authorize a Conditional Use Permit (CUP) for a Transient Residential use located at 1136 Shadow Lane submitted by Teresa Elm, property owner (Ald. Brunette, District 8)

P. Neumeyer gave the staff report and recommendation. The Comprehensive Plan recommends zoning of Low Density Residential. The request is compliant with some development standards of the zoning code related to transient residential uses. There were no major citations or complaints on the property. There is a condition to request a neighborhood

meeting, and the property owner did that. Many residents came with concerns. Affected property owners were notified of the Plan Commission meeting on this item, and there were some objections. P. Neumeyer received a call from Sherry Nienow, 1125 Thorndale, who was opposed to the request. The Lombardi Neighborhood Association mailed a letter opposing the request. Another letter of objection was received on this item as well.

Jim Elm, 1136 Shadow Lane – He spoke on behalf of his wife. They are hoping to rent out the property for Packer games and events at the Resch Center.

L. Queoff drove past the property and said it was located in a quiet neighborhood. She mentioned that a person could not see Packers Stadium from the property, so those interested in the Packers game would actually go to the game. She asked if the petitioner was planning on completing some renovations as others have done in the area. J. Elm said they have already done some renovating but were planning on doing more, such as adding a second bathroom, if the request is approved.

J. Wiezbiskie asked if the petitioner lived there full-time. J. Elm said they live in De Pere.

S. Bremer asked how many people that attended the neighborhood meeting came from the west side of Oneida Street. J. Elm said three.

James Magrath Sr., 1137 Thornhill Street – His house is on the north side of the property, and he has lived there for 41 years. It is a residential area. A petition with 60 signatures was presented to the Plan Commission that read as follows:

Petition to stop 1136 Shadow Lane, Green Bay 54304, from becoming a “party house” – Stop 1136 Shadow Lane from becoming a “party house” and to keep the neighborhood as residential and not Business/Hotel or Commercial property. We, the undersigned, are concerned citizens who urge our leaders to act now to stop 1136 Shadow Lane from becoming a rental party house.

Jane Woosencraft, 1133 Thorndale Street – She opposes the request.

Annette Chavez, 1070 Shadow Lane – She considers the area safe now and does not want that to change.

Ken Eliason, 1817 S. Oneida Street – He opposes the request.

Mary Dudley, 1126 Thorndale Street – She opposes the request.

Ald. Brunette said he is against the request as well. He feels the neighborhood should stay residential. The applicant did practice due diligence by having the neighborhood meeting including 500 feet of residential property owners. Neighbors have spoken against the request, and in order for the process to work, the Plan Commission must listen to the neighborhood being affected by the outcome.

T. Duckett commented on the process itself and feels there should be a more definitive structure – either the City allows transient properties or it doesn't.

J. Reck said there needs to be some guidelines for approval of transient properties, such as only in specific locations. The requests are going to continue to come to the Plan Commission for approval.

S. Bremer asked staff to propose changes to the development standards of the Comprehensive Plan to more specifically address this issue for Plan Commission review.

J. Wiezbiskie feels a map should be created where these types of properties can be located.

A motion was made by J. Wiezbiskie and seconded by J. Reck to deny the request to authorize a Conditional Use Permit (CUP) for a Transient Residential use located at 1136 Shadow Lane. Motion carried.

5. (ZP 13-23) Discussion and action on a request to rezone properties located in the 900 & 1000 Blocks of Auto Plaza Drive and 2300 Auto Plaza Way from General Commercial (C1) to Highway Commercial (C2) submitted by Dan Mangless

P. Neumeyer gave the staff report and recommendation. The subject area includes four lots owned by Gandrud. The Comprehensive Plan recommends Commercial for the area. The current zoning of C1 is compliant with the Comprehensive Plan, but that does not allow for auto-related uses. The request is to rezone from C1 to C2 to allow for auto-related uses. Alderperson Nicholson and affected property owners were notified of the request, and no comments have been received. Staff's recommendation is to approve the request.

A motion was made by S. Bremer and seconded by J. Wiezbiskie to approve the request to rezone properties located in the 900 and 1000 Blocks of Auto Plaza Drive and 2300 Auto Plaza Way from General Commercial (C1) to Highway Commercial (C2). Motion carried.

OLD BUSINESS:

2. (PP 13-03) Discussion and action on a proposed Business Improvement District (BID) Handbook to serve as an educational piece for the formation of new BIDs and to establish best practices for BID operation

N. White said BIDs are an underutilized tool in the City. He put together a handbook based on state statute and a model of Milwaukee's BIDs. There would be a standard operating plan that each BID would submit every year. Another part of the handbook would be to define his and the Plan Commission's role in the process.

M. Conard asked what the most common way of assessing a BID is. N. White said there are usually caps and floors and normally a rate per thousand.

S. Bremer said a change should be made on Page 9, second bullet point. The language should read:

Owners of property to be assessed under the proposed initial Operating Plan having an assessed valuation equal to more than 40% of the assessed valuation of all property to be assessed under the proposed initial operating plan.

The rest of the bullet point language should be removed. She also asked if the Plan Commission would want to take on the additional responsibility of reviewing the nominees for the BIDs. She sees the payoff of this process when looking at the proposed Military Avenue BID because she wants to see both large and small business owners represented on the board.

N. White clarified that the Mayor's appointees for the BID boards have to go to City Council. What he is proposing is having the operating plans go through the Plan Commission. The Mayor would appoint the board, and the members would be introduced to the Plan Commission. This would eliminate the step of having volunteer board members have to go before City

Council, which can be intimidating. Instead they would go to the Plan Commission, which could then recommend approval to the City Council. The board members would not have to attend the City Council meeting for their positions on the board to be approved.

S. Bremer said she liked the idea of having the Mayor's appointees introduced to the Plan Commission before City Council approval. She requested the language be changed in the handbook on Page 10, Item #1 (c) and (d), to reflect appointee introduction to the Plan Commission instead of approval of Plan Commission.

A motion was made by S. Bremer and seconded by J. Wiezbiskie to approve of the BID Handbook, along with the following revisions made by the Plan Commission on Page 10:

Item #1 (c) All BID Board referrals are reviewed by the Mayor's Office; if approved by the Mayor, the BID Board appointees are introduced to the Plan Commission and then referred to Common Council for approval.

Item #1 (d) Remove.

Motion denied.

A motion was made by L. Queoff and seconded by T. Duckett to approve of the BID Handbook as presented. Motion carried.

6. (ZP 13-08) Discussion and action on a request for a Conditional Use Permit (CUP) to authorize two-family uses – proposed Lots 1 & 3 Sand Ridge Park South Subdivision submitted by Steven Bieda, Mau & Associates (Ald. Sladek, District 12)

A motion was made by J. Wiezbiskie and seconded by L. Queoff to receive and place on file the request for a Conditional Use Permit (CUP) to authorize two-family uses – proposed Lots 1 and 3 Sand Ridge Park South Subdivision. Motion carried.

OTHER:

Director's Update on Council Actions

R. Strong said all Plan Commission items were approved, including the McCarthy Avenue street renaming. However, since that time, the item has been tabled. It will be coming back to the Plan Commission after various concerns have been addressed.

SUBMITTED PETITIONS: (for informational purposes only)

One petition was submitted at this meeting regarding Item #4 containing 60 signatures of residents in the Shadow Lane area.

A motion was made by L. Queoff and seconded by J. Wiezbiskie to adjourn. Motion carried.

Meeting adjourned at 9:04 p.m.