

**MINUTES**  
**GREEN BAY PLAN COMMISSION**  
**Monday, September 9, 2013**  
**City Hall, Room 604**  
**6:00 p.m.**

**MEMBERS PRESENT:** Maribeth Conard–Chair, Linda Queoff–Vice-Chair, Sid Bremer, Tim Gilbert, Jim Reck, Tim Duckett, and Jerry Wiezbiskie

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** R. Strong, P. Neumeyer, T. Reilly, T. Thomas, Ald. M. Steuer, Ald. D. Boyce, Ald. J. Warner, Ald. J. Brunette, Ald. Tim De Wane

**APPROVAL OF MINUTES:**

Approval of the minutes from the August 12, 2013, Plan Commission meeting

A motion was made by L. Queoff and seconded by J. Wiezbiskie to approve the minutes from the August 12, 2013, Plan Commission meeting. Motion carried.

**COMMUNICATIONS:**

None

Item #2 was discussed prior to Item #1.

**NEW BUSINESS:**

2. (ZP 13-24) Discussion and action on the request to amend the Lodging (L) District signage requirements for 850 Kepler Drive, Fajita Republic, submitted by Todd Thomas, Creative Sign (Ald. Tom De Wane, District 2)

P. Neumeyer gave the staff report and recommendation. Fajita Republic is on the southern end of the property, and the owner is requesting some ground-mounted signage on E. Mason Street. There are some limitations on monument sign size, and reader boards are not allowed in the Lodging District without an amendment. The sign would be 15 feet off the property line and would look similar to the signage for Mackinaw's and Culver's on E. Mason Street. Each property owner in the business park was notified, and no objections have been received. The recommendation is approval of the request.

S. Bremer asked if the signage for Culver's and Mackinaw's is limited to the 60 square feet and four lines on the reader board. P. Neumeyer said that was accurate.

S. Bremer asked if the zoning district is consistent with the Comprehensive Plan. P. Neumeyer said that it is.

J. Wiezbiskie questioned if there was an error in aldermanic district as he thought this was Ald. Nicholson's district. He asked that staff check to ensure the correct alderperson was notified. He also asked if the sign base was the same size as Culver's and Mackinaw's signage. P. Neumeyer said Mackinaw's was the same at 3 feet; he believes the rest are typically at 2 feet.

S. Bremer wanted clarification from the applicant that the signage would go on E. Mason Street and not on Kepler Drive. Todd Thomas, 505 Lawrence Drive, said that was correct.

J. Wiezbiskie asked the applicant if the current signage on Kepler Drive would be removed with the addition of the new monument sign on E. Mason Street. He also questioned whether the banner signs being used on the property on Kepler Drive are up to code. T. Thomas responded that he was under the impression no signage would be removed, and he has not visited the property in some time to know what signage is currently being displayed. Staff will look into the current signage being used.

A motion was made by L. Queoff and seconded by T. Duckett to approve the request to amend the Lodging (L) District signage requirements for 850 Kepler Drive, Fajita Republic. Motion carried.

**OLD BUSINESS:**

1. (ZP 13-03) Discussion and action on the request to amend the Conditional Use Permit (CUP) to allow for a temporary homeless shelter located at 411 St. John Street to house 84 guests and to eliminate condition (j) from the previous CUP approval as submitted by Bernard Schmitt, St. John the Evangelist Homeless Shelter, Inc. (Ald. Boyce, District 7)

P. Neumeyer gave the staff report and recommendation. Notification was sent to property owners within a 200-foot radius for this request, which was expanded from the 100-foot radius previously used on this request. The shelter is currently operating under a Conditional Use Permit that was approved on August 21, 2012. There were 11 conditions as part of that approval. Shortly after the shelter opened, there were some questions about the capacity being exceeded. A new application was made to increase the amount of guests from 64 to 84, which was brought to the Plan Commission on February 11, 2013. The item was tabled for 60 days with the idea no fines would be incurred going forward. There are three areas of the Conditional Use Permit that must be reviewed – (1) capacity (approved at 64 which was exceeded); (2) police calls (153 calls from November 2012 to May 2013); and (3) building facility expansion (need to do remodeling before capacity is raised). Staff is still concerned about capacity and police calls, which could be grounds to repeal the Conditional Use Permit; however, staff understands the need to house those without shelter. Staff has notified affected property owners within 200 feet, Ald. Boyce, and the Navarino Neighborhood Association and has received some correspondence regarding this request. Staff's recommendation is denial of the request based on the police calls and the capacity issues. The shelter can still operate with a maximum of 64 guests.

S. Bremer commented on the plan submitted by St. John's Shelter showing the addition of lavatories and showers serving a maximum capacity of 88 guests. She asked if staff's recommendation to maintain the 64-guest capacity is based on the neighborhood. P. Neumeyer said the density threshold for the neighborhood would be exceeded with the additional capacity.

S. Bremer asked where the HOPE Task Force is currently with progress on the daytime facility. They were discussing having something in line for October 2013. P. Neumeyer had nothing to report as he doesn't work directly with the HOPE group and is not aware of its progress.

P. Neumeyer feels St. John's Shelter should not be reprimanded for the police calls because there is no way to avoid it, but the sheer volume is the issue. The Plan Commission will have to weigh the relevance of the police calls.

S. Bremer commented on the welfare check police calls, which she felt were beneficial in the sense that those who arrived under the influence of drugs or alcohol needed help. She thanked P. Neumeyer for attempting to sort the calls.

J. Wiezbiskie said past minutes indicate that HOPE has not come up with anything concrete at this point.

J. Queoff wanted clarification on condition (j). P. Neumeyer said it required that St. John's Shelter try to find other accommodations in the area to house its guests. This condition should be removed if the Plan Commission decides to approve the increase in capacity.

J. Wiezbiskie had hoped someone from the Catholic Diocese of Green Bay attended this meeting so that the Plan Commission could hear about its progress.

S. Bremer added that Plan Commission minutes from 2009 reflect her position and City Council's that other counties should join in the solution by adding shelters of their own to deal with their homeless populations.

Deacon Tim Reilly, Catholic Diocese of Green Bay – He thanked the Plan Commission for the opportunity to be heard. For the past three shelter seasons, we operated in good faith with the Conditional Use Permit requirement of 64 guests and our operating plan allowing an additional 20 guests. In the past, only the gym and stage areas were utilized for housing the guests. When capacity approached, all of those on the stage area had to be relocated to another facility because of overflow. This was obviously a problem, so St. John's submitted an operating plan for the use of two classrooms for overflow and continued with that practice. The City did not feel St. John's was following the Conditional Use Permit, so legal action was taken in order to gain compliance. Deacon Reilly would like the capacity to be increased from 64 to 84 guests to avoid any further ambiguity.

S. Bremer appreciates the work St. John's has done for the community. She was reminded of something Deacon Reilly said at a previous meeting – that it is his mission never to turn away someone in need of shelter – which sounds to her like the limitation of either 64 or 84 guests does not apply when faced with more people who need shelter. Deacon Reilly said the addition of showers would allow state and federal standards to be met for the 84-guest capacity. People would then be relocated after the 84-guest capacity has been met.

S. Bremer inquired about the following scenario – if the Plan Commission imposed the 64-guest limit and Deacon Reilly exceeded that limit, would he accept the fines given for civil disobedience? Deacon Reilly feels the commonsense solution to the problem would be to approve the 84-guest capacity because the renovations have already occurred to the building.

M. Conard asked Deacon Reilly about the contingency plan if the capacity was reached. What is the plan at this point? Deacon Reilly said a plan is not in place at this time, but some options include contacting other agencies, the Police Department, etc. He would like to have another arrangement with a church nearby in case another shelter could not carry the overflow.

T. Gilbert asked where the number came from for the 84-person capacity the applicant keeps referring to. Deacon Reilly said there were 12 conditions in the original Conditional Use Permit, and one stated there must be an operating plan approved by various county and city governments. The first operating plan said any guests over 64 would need to be relocated

offsite. For the past three years, the operating plan has been to take the overflow, which is up to 20 people, and move them into the school portion of the building. That's where the 84-person capacity came from.

S. Bremer agrees with Deacon Reilly that the operating plan submitted with the Conditional Use Permit said there might be an overflow of up to 20 people onsite, and the Plan Commission approved the Conditional Use Permit.

J. Reck said his concern is that the Plan Commission has not seen any progress on finding alternative locations for the homeless population.

J. Wiezbiskie said the Commission is at the same standstill they were at before. He doesn't feel the answer is to increase the capacity at this location; the answer is for other municipalities to come forward.

Deacon Reilly reported on the progress he has made. He sent letters to every church outside of Green Bay but within Brown County explaining the situation and asked if they would offer space.

J. Wiezbiskie went through all of the conditions of approval of the Conditional Use Permit to see if compliance was met. He commented that the tax dollars alone spent on police calls to the shelter is a waste of taxpayer money.

R. Strong is concerned about the Catholic Diocese of Green Bay coming back to the Plan Commission every year requesting higher capacity. The City is to the point where the Conditional Use Permit might be revoked because the shelter is creating problems in the neighborhood with police calls and inadequate facilities. He asked the applicant what has been done to keep the numbers down at this facility. Deacon Reilly said they have been working on facilitating permanent housing and/or getting individuals' medical/mental healthcare as needed.

R. Strong explained how there is a need for a daytime facility so that when shelter doors close at 9 a.m. and guests must leave, they have a place to go. He asked the applicant if he was willing to open his doors for that purpose – if the shelter could be the daytime solution as well. Deacon Reilly responded that the facility operates the ministry of the Catholic Church during the day.

S. Bremer stated she didn't believe Deacon Reilly answered R. Strong's question. Deacon Reilly responded that the shelter is only open for 6 months out of the year. He believes finding a different spot makes sense because of the strain put on the neighborhood.

M. Conard feels two different populations are being served – the homeless and the neighborhood – and both deserve the same amount of respect. Deacon Reilly said he attempts to be good neighbors.

J. Wiezbiskie asked if there was a state or federal standard for homeless people or is there just the dormitory rule. Deacon Reilly said there are standards that need to be met for an emergency temporary shelter.

L. Queoff feels the City could offer some help to the church in lieu of expertise needed to meet the standards of a temporary emergency shelter and knows the church has been facing the homeless situation head on and applauds that. Deacon Reilly said he has done an inventory of their parishes and schools, and no other facility has the accommodations necessary.

Ald. Steuer said HOPE formed in January 2013. Right now the task force is looking to occupy the basement of the job center building, which is approximately 11,000 square feet. This could be a great solution for the daytime homeless population. He would like to encourage other communities to embrace the issue and take ownership of it to find a solution to the problem. He agrees St. John's is performing a great service. One goal is to put together a 10-year plan with both city and county governments working together. The task force would like businesses to come forward and donate time and/or money.

M. Conard asked where the job center building was located. Ald. Steuer replied 701 Cherry Street.

M. Conard asked when the facility should be open. Ald. Steuer was hoping for October 1, which might not happen, but it should be opening soon.

S. Bremer clarified that the mission of the 10-year plan Ald. Steuer referred to is to limit homelessness and maximizing people's education on the issue. Ald. Steuer agreed. He talked about how much momentum is going right now on the task force, but it's very hard to channel that into action.

J. Wiezbiskie said he hopes the task force is attempting to find a 24-hour solution for the homeless population and wondered if the new facility would be going towards that direction. Ald. Steuer said the new facility would deal with the daytime issues, and they are still moving toward finding a 24-hour solution.

J. Wiezbiskie asked if the task force found that these issues are unique to the City of Green Bay or do other communities share the same difficulties in dealing with a full-time solution for the homeless population. Ald. Steuer said the difficulties seem to depend on population and geographical area – that the larger communities deal with it better than mid-size or smaller communities like ours.

R. Strong asked if a lease has been signed yet for the job service basement facility. Ald. Steuer believes it has been signed; there will be rent involved. The task force is looking to budget dollars for that. Funds will be raised through various events and donations.

T. Gilbert asked what happens to the operating plan if the Conditional Use Permit is granted for the 84-guest capacity. He wondered if the same language would be included saying there could be an overflow capacity of up to 20 guests, which would then bring the building's capacity up to 104. He questioned which way it should be handled – change the Conditional Use Permit to reflect the 84-person capacity and then amend the operating plan to remove the overflow item or leave the Conditional Use Permit as is at the 64-person capacity and leave the operating plan as is allowing for a 20-person overflow. R. Strong said that was the Plan Commission's decision to make today; staff's recommendation is to deny the request because the shelter has reached its tipping point by causing visible problems for the neighborhood.

Ald. Boyce said there are two homeless shelters in his district – the Mather Street and St. John's Shelters. The Salvation Army and other non-profit companies are also located nearby. He feels the task force will be able to establish the new facility as a benchmark. He supports the increase in guest capacity.

L. Queoff can understand why other churches in the area haven't come forward to help the situation, partially due to their lack of accommodations but also because of what happened to St. John's regarding being cited.

J. Wiezbiskie said he has a problem with the conflicting numbers between the Conditional Use Permit and condition (k). S. Bremer gave clarification that, if approved, the applicant would have permission to operate at a maximum of 84-resident occupancy with the following conditions: (a) the physical plant will be remodeled to meet the 84-capacity requirements; (b) no overflow expansion in guest numbers is permitted; (c) the operation plan shall be revised accordingly and subjected to the approvals referenced in condition (i); and (d) the former condition (j) shall be null and void. She also added that the civic responsibility to find a permanent solution for the homeless population lies with the City, not with the church.

R. Strong said he feels strongly against increasing the capacity because of the deterioration of the downtown neighborhoods. It's not the facility that is the problem; it's what is going on in the neighborhood surrounding the facility. HOPE will have to raise funds and additional space for daytime services for the homeless population. This is an opportunity for the Diocese to work directly with HOPE to provide the daytime services at a facility that already exists. The job center facility will house, train, and transition the homeless population to permanent housing. He feels the HOPE task force should be given a chance to find a permanent solution before raising the capacity at this shelter.

M. Conard agreed that the neighborhood cannot handle additional capacity at the shelter. She also respectfully disagrees with S. Bremer regarding whose responsibility it is to find a permanent solution to the homeless situation in Green Bay. If an entity starts a shelter, she feels it is that entity's responsibility for the people in that shelter. There is confusion over how many people are allowed in the shelter; it has been operating at the 84-person capacity for a few years. She feels it is important to honor what the Plan Commission originally decided, which is that they are allowed the 84-person capacity.

J. Wiezbiskie cannot ignore the dollars involved with the police calls and mental health help to the homeless population. He is a proponent of neighborhood associations and cannot leave the Navarino Neighborhood Association out to dry. There are 64 people allowed at the shelter, costing the City hundreds of thousands of dollars in police calls, and causing problems in the neighborhood. He has to support staff on this item and will not vote to approve the request.

M. Conard said she hopes more dollars are spent to help those with mental illnesses, and it is her understanding that a large amount of the homeless population suffers from mental illnesses.

L. Queoff feels the situation needs to be taken care of now to avoid future problems that are then out of control.

S. Bremer doesn't believe more costs will be incurred by raising the capacity of the shelter. She also agrees that more funds should go into helping cure mental health issues for this population.

A motion was made by S. Bremer and seconded by L. Queoff to approve the operation of the temporary homeless shelter located at 411 St. John Street under the current approved Conditional Use Permit (CUP), but for a maximum 84-resident occupancy, subject to the following conditions:

- a) The physical plant shall be remodeled to meet the 84-capacity requirements.
- b) No overflow expansion in guest numbers is permitted.

- c) The Operation Plan shall be revised accordingly and subjected to the approvals referenced in condition (i).
- d) The former condition (j) shall be null and void.

Motion carried 5-2.

**NEW BUSINESS (cont.):**

- 3. (SP 13-01) Discussion and action on a request to declare a portion of property surplus located along Radisson Street east of Cofrin Drive submitted by Ken Ward, adjoining property owner (Ald. Moore, District 6)

P. Neumeyer gave the staff report and recommendation. The requested area is approximately 16,000 square feet of a larger 37,000-square-foot area. The City acquired the larger portion in 1976 for expansion of I-43. In 2007, a similar request went to the Plan Commission to declare a triangular portion of the property, and no one came forward to purchase it. The City still maintains control over it at this point. Other departments and agencies were notified of this request. The Department of Public Works thought this might be utilized as a possible site for storm water management. Based on the Department of Public Works' recommendation, Planning staff recommends tabling the item for 6 months.

A motion was made by J. Wiezbiskie and seconded by T. Gilbert to table the request to declare a portion of property surplus located along Radisson Street east of Cofrin Drive for 6 months based on comments received by the Director of Public Works related to the update of the City's Storm Water Plan. Motion carried.

**OTHER:**

Director's Update on Council Actions

R. Strong gave the following updates:

- The new Fire Chief was sworn in this past week.
- On Saturday there is a Zumba event being held at Lambeau Field where attendance could break the Guinness Book of World Records' previous record for attendance at a Zumba exercising event.
- The Curves sign on the access road on the east side, the Radisson and George Street C1 zoning, the PUD on Broadway, and the recommendation for denial of the Transient Residential Use were approved by City Council.
- M. Conard was reappointed to the Plan Commission.

**SUBMITTED PETITIONS: (for informational purposes only)**

(ZP 13-26) Request to amend the existing Planned Unit Development (PUD) for a proposed funeral home located at 1510 Morrow Street submitted by Xieng Lee (Ald. Kocha, District 5)

(ZP 13-27) Request for a Conditional Use Permit (CUP) for a cell tower installation at 1350 Lombardi Avenue submitted by Nathan O. Meyer, PBM Wireless Services, LLC (Ald. Danzinger, District 10/ Ald. Brunette, District 8)

(ZP 13-28) Request for a Conditional Use Permit (CUP) for a cell tower installation at 1577 Langlade Avenue submitted by Nathan O. Meyer, PBM Wireless Services, LLC (Ald. Danzinger, District 10)

(ZP 13-29) Request to rezone 1988 & 2006 E. Mason Street from General Commercial (C1) to Highway Commercial (C2) submitted by Clifford M. Wall, Cliff Wall Motor Sales (Ald. Nicholson, District 3)

(ZP 13-30) Request for a Conditional Use Permit (CUP) for a freestanding parking lot located at 416-418 N. Monroe Avenue submitted by Steven Grenier, Director of Public Works (Ald. Boyce, District 7)

A motion was made by L. Queoff and seconded by S. Bremer to adjourn. Motion carried.

Meeting adjourned at 8:06 p.m.