

**MINUTES
GREEN BAY PLAN COMMISSION
Monday, October 7, 2013
City Hall, Room 604
6:00 p.m.**

MEMBERS PRESENT: M. Conard–Chair, S. Bremer, T. Gilbert, J. Reck, and T. Duckett

MEMBERS EXCUSED: L. Queoff-Vice Chair, J. Wiezbiskie

OTHERS PRESENT: P. Neumeyer, R. Strong, D. Whetter, D. O'Brien

APPROVAL OF MINUTES:

Approval of the minutes from the September 23, 2013, Plan Commission meeting

A motion was made by S. Bremer and seconded by J. Reck to approve the minutes from the September 23, 2013, Plan Commission meeting with the following underlined revision on Page 1.

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

Motion carried.

COMMUNICATIONS:

None

OLD BUSINESS:

None

NEW BUSINESS:

1. (ZP 13-31) Discussion and action on a request to authorize a Conditional Use Permit (CUP) for the installation of a solar photovoltaic system on a detached garage located at 1321 Emilie Street submitted by Jesse Michalski, Eland Electric, on behalf of Nathaniel E. Dorff, property owner (Ald. Tim De Wane, District 4)

P. Neumeyer gave the staff report and recommendation. The subject property is a long narrow lot in a Low Density residential area. The request is to put a solar energy system on the detached garage portion of this property on the east side of the garage roof. This would be placed flush with the roof itself. In 2012, the City adopted a Solar Energy System Ordinance. Since that time, there have been some modifications to State Statutes which limits the City's ability to regulate the aesthetics of solar energy systems. The City still has the ability to regulate placement, setbacks, etc. Staff notified affected property owners; one email in opposition was received. The recommendation is to approve the request with Items E, D, and F of the Development Standards being in compliance.

S. Bremer wanted clarification that the previous development standards are being complied with, and also that the unit will only extend to the edge of the roof itself. P. Neumeier stated the unit is not visible to any street fronts or any of the neighbors except for a residence on the east side.

S. Bremer stated she noticed from the east side the neighbors' garages are basically lined up with this garage. So there is some blockage there from the back of the houses.

T. Duckett stated there could be a vegetation issue and asked what happens if something that is planted grows large. He noticed some trees on the property and wondered if they were at full height or if they would continue to grow.

P. Neumeier stated he was not sure that would be the case in this situation, but the City can get involved based on State Statues. He stated this was addressed in an email received from the City Attorney's Office.

S. Bremer felt the email indicated the applicant must record a restrictive covenant that says the property may not be developed and vegetation cannot be planted on the property so it could create interference with the solar collector. Enforcement depends upon people who file complaints with the City. P. Neumeier stated that staff would respond if a complaint was filed and would decide what action should be taken.

S. Bremer added that a restrictive covenant would have to be filed, and if a neighbor planted a tree that shaded the solar panel, the owner could call the City and complain. P. Neumeier stated that staff could step in at that point.

A motion was made by T. Gilbert and seconded by T. Duckett to authorize a Conditional Use Permit (CUP) for the installation of a solar photovoltaic system on a detached garage located at 1321 Emilie Street subject to compliance with Chapter 13-1611(d), (e), and (f) Development Standards-Solar Energy Systems. Motion carried.

2. (ZP 13-32) Discussion and action on a request to rezone properties located at 1691, 1693, 1695, 1697, and 1699 E. Mason Street from General Commercial (C1) to Highway Commercial (C2) submitted by Dale Besson, property owner of 1691 E. Mason Street. Planning staff is also requesting that the southern 22 feet of 632 Abrams Street and 632 Rear Abrams Street is rezoned from General Commercial (C1) to Low Density Residential (R1) to be consistent with the City of Green Bay Comprehensive Plan. (Ald. Tim De Wane, District 4)

P. Neumeier gave the staff report and recommendation. This is a request for rezoning from C1 to C2 for properties located in the 1600 block of E. Mason Street, which include a tavern, restaurants, and a salon. The applicant of 1691 E. Mason Street has antique vehicles on his premises and would like to sell vehicles from that site. In order for him to do that, he needs a C2 zoning in order to qualify for a dealer's license from the WI Department of Transportation (DOT). The applicant has talked to adjoining neighbors to avoid a "spot zoning" and included the other four parcels into the C2 rezoning. As part of this review, there are two properties to the north that are currently zoned C1. The Comprehensive Plan recommends that these be rezoned to Low Density Residential. Staff notified affected property owners and received a couple of calls but no concerns or objections. The recommendation is to approve the request, which is consistent with the City's Comprehensive Plan.

S. Bremer stated that on the report the subject property is identified currently as General Commercial and then states auto sales, repair, and storage of vehicles. P. Neumeyer stated that was an error in his report.

S. Bremer asked if the C2 would permit the auto sales and repair and storage. P. Neumeyer stated that was correct.

M. Conrad asked if anything would change on the other properties. P. Neumeyer stated there would be no change. The C2 just allows for a higher intensity auto-related type of use and the current uses would still be permitted.

T. Duckett asked where he was going to be selling vehicles. P. Neumeyer stated from 1691 E. Mason Street, the western-most property.

Daniel Whetter, 111 N. Broadway Street –He said he didn't think anything was going to change as all the vehicles were inside of the building, but he was present to answer any questions about the rezoning.

A motion was made by S. Bremer and seconded by J. Reck to rezone properties located at 1691, 1693, 1695, 1697, and 1699 E. Mason Street from General Commercial (C1) to Highway Commercial (C2) and to rezone the southern 22 feet of 632 Abrams Street and 632 Rear Abrams Street from General Commercial (C1) to Low Density Residential (R1) to be consistent with the City of Green Bay Comprehensive Plan. Motion carried.

3. (SP 13-01) Discussion and action on the request for site plan approval for a new facility for Handling & Conveying Systems located at 2530 South Hemlock Road, south of Highway 54 in the University Heights Commerce Center (Ald. Wiezbiskie, District 1)

P. Neumeyer gave the staff report and recommendation. This property is located on the far east side, just south of Algoma Road along Hemlock Road. The property will be subdivided into an eight-acre parcel for the development and the City will retain the balance of the property for a future parkway and walkway. The proposed building will be approximately 33,000 square feet, with a two-story office. This is the third development in the University Heights Development. Staff has completed a review against the development criteria that it has and brought it back to the Commission to see if it is compliant with the current standards of the University Heights Commerce Center. Staff's recommendation is for approval of the request with two conditions: the final landscape plan and lighting plan being submitted for staff review.

S. Bremer asked if the request was being made by the Economic Development Authority. P. Neumeyer said it was made by Bayland Buildings.

S. Bremer asked that if the "wiggly" line on the site plan represents the boundary of the wetlands with wetlands being to the right of it.

David O'Brien, Bayland Buildings, 3323 Bayridge Court – He said the wiggly line represented the wetlands area.

A motion was made by T. Duckett and seconded by T. Gilbert to approve the site plan for a new facility for Handling & Conveying Systems located at 2530 S. Hemlock Road, south of Highway 54 in the University Heights Commerce Center subject to staff approval of a final landscape and lighting plan. Motion carried.

OTHER:

Director's Update on Council Actions

R. Strong gave the following updates:

- City Council took care of the ground-mounted sign out at Fajita Republic.
- There was a recommendation from Ald. David Boyce to reconsider the temporary homeless shelter. That was voted down (10-1 with one abstention). This subject will not be back for at least one year.
- The parking lot at the intersection of Monroe and Main Streets was approved for conditional use.
- Cliff Wall's rezoning was approved.
- The four-family in the R1 zoning did not get approved. It was recommended by City Council that staff meets with the neighbors and petitioner to get this resolved. The landlord has given staff a list of properties he owns/manages, and staff will be checking on those properties. R. Strong said landscaping and fixing the exterior of the property could be mentioned at the meeting with the neighboring property owners.

SUBMITTED PETITIONS: (for informational purposes only)

None

A motion was made by T. Gilbert and seconded by J. Reck to adjourn. Motion carried.

Meeting adjourned at 6:27 p.m.