

**MINUTES**  
**GREEN BAY PLAN COMMISSION**  
**Monday, October 21, 2013**  
**City Hall, Room 604**  
**6:00 p.m.**

**MEMBERS PRESENT:** M. Conard–Chair, S. Bremer, T. Duckett, Ald. Wiezbiskie, J. Reck (arrived at 6:10 pm)

**MEMBERS EXCUSED:** L. Queoff-Vice Chair and T. Gilbert,

**OTHERS PRESENT:** P. Neumeyer, R. Strong, D. Lindstrom, X. Wei, D. Kellnar, D. Kellnar, H. Wagnitz, J. Mirkes, C. Naumann, Ald. D. Boyce, Ald. Tom De Wane, Ald. Tim De Wane, and Ald. M. Steuer

**APPROVAL OF MINUTES:**

Approval of the minutes from the October 7, 2013, Plan Commission meeting

A motion was made by S. Bremer and seconded by T. Duckett to approve the minutes from the October 7, 2013. Motion carried.

M. Conrad indicated that Item 1 would be moved to the end of the meeting after Item 4. This was due to the fact that staff was down at the Board of Appeals Meeting.

**COMMUNICATIONS:**

None

**NEW BUSINESS:**

2. (PP 13-05) Discussion and action on the request of Downtown Green Bay, Inc. for approval of the 2014 Downtown Green Bay Business Improvement District Operating Plan (Ald. Boyce, District 7)

D. Lindstrom gave the staff report and recommendation. He stated the BID plans are presented each year as required by State Statutes. The first BID Plan on the agenda is Downtown Green Bay, Inc. (DGBI). There are no proposed rate changes. The only major difference from previous years is the additional contributions of revenue (special events) and how that relates to their expansion in programming. No other major changes. The recommendation is to approve the Downtown Green Bay BID Plan.

R. Strong wanted clarification regarding the \$30,000 contribution or fundraiser money. He wanted to clarify that the funds are not committed by the City and they would need to come back and submit a letter of request. He wanted to make sure there was no misunderstanding.

S. Bremer stated she was curious about the Charities staff, as that is where the increase is in the budget and she was not sure what the Charities staff is.

J. Mirkes referred to page 4 in the Proposed Budget for Downtown Green Bay Inc. He stated about 7 years ago staff and the committees of Downtown Green Bay Inc and Olde Main Street

Inc were combined. It is three organizations that are bundled in one budget. Olde Main Street, Inc is a separate legal entity, but contracts with DGBI. Many of the expenses are shared on a 75/25 percent basis because DGBI has a larger set of commercial properties. DGBI Charities is the 501.C.3 of the organization, a non-profit charitable entity that takes responsibility to coordinate all the special events. The event sponsorships are charitable contributions made by sponsors. They are showing the DGBI staff component, the Olde Main Street staff component, and the Charity staff portion.

A motion was made by J. Wiezbiskie and seconded by S. Bremer to approve the 2014 Downtown Green Bay Business Improvement District Operating Plan. Motion carried.

3. (PP 13-06) Discussion and action on the request of On Broadway, Inc. for approval of the 2014 On Broadway Business Improvement District Operating Plan (Ald. Boyce, District 7 & Ald. Warner, District 9)

D. Lindstrom stated next is the On Broadway BID. There were no major changes with this plan. The proposed rates remain unchanged for the past four years. The revenues and expenses are very similar to last year. The recommendation is to approve the On Broadway BID Plan.

C. Naumann introduced one of the BID Board Members, Ms. Salinski, a business owner in the district. He stated there have been some amazing projects over the last year and many projects are underway. He stated they are working with the City in a number of partnerships. They helped bring in new businesses and are continuing to work on their parking issues. He stated they are very excited to keep the momentum in the district going forward.

Ald. Wiezbiskie asked if the City was purchasing some properties down on the north end of Broadway, close to the Larsen Property or across the street. He also asked if the City currently owns any properties on Broadway.

C. Naumann stated there were a few lots available that may have been condemned. He stated the County may have moved on some and the City was looking at some of them. The RDA does own several properties in the area.

A motion was made by J. Wiezbiskie and seconded by T. Duckett to approve the 2014 On Broadway Business Improvement District Operating Plan. Motion carried.

4. (PP 13-07) Discussion and action on the request of Olde Main Street, Inc. for approval of the 2014 Olde Main Street Business Improvement District Operating Plan (Ald. Kocha, District 5 & Ald. Boyce, District 7)

D. Lindstrom stated this BID plan is very similar to previous years. The only difference is the proposed increase in expenditures based upon programming needs. The recommendation is to approve the Olde Main Street BID Plan.

M. Conrad asked J. Mirkes if there was anything he wanted to add.

J. Mirkes stated the work to complete the East River trail is a high priority project that Olde Main Street Inc. is working on with the City. Townhomes are now under construction on Van Buren Street and there are plans to activate Whitney Park. They are a non-profit organization with volunteer board members and they are very excited about some of the opportunities that Main Street has ahead.

Ald. Wiezbiskie stated he would like to offer his praise on a terrific job that has been done on the bicycle racks, the signage, and fences within the district. He stated Olde Main Street Inc is a wonderful example of a BID and they are doing a tremendous job.

S. Bremer stated she wanted to hear a little bit more about the “Summer in the Park” series. She asked if it would be at Whitney Park. She also asked if he could comment on the plans for the public arts and if there were plans to acquire the Art Garage Center.

J. Mirkes stated that they are looking to relocate “Summer in the Park” because of the work to be done on Monroe Avenue. Whitney Park is between the Main Street District and the Downtown District. They will announce something in the near future. He stated that they would be committing financially to the public arts and hopes to raise \$20,000 in private money. Olde Main Street does have interest in the Arts District component and is working closely with the leaders at the Art Garage.

A motion was made by J. Wiezbiskie and seconded by T. Duckett to approve the 2014 Olde Main Street Business Improvement District Operating Plan. Motion carried.

**OLD BUSINESS:**

1. (ZP 13-09) Discussion and action on the request to rezone 852, 856, and 860 Elmore Street from Low Density Residential (R1) to Medium Density Residential (R2) and a request for a Conditional Use Permit (CUP) to reestablish a four-unit apartment located at 860 Elmore Street submitted by Xinhua Wei (Ald. Boyce, District 7)

P. Neumeyer stated this is a request to rezone property along Elmore Street and a Conditional Use Permit (CUP) to reestablish a four-unit at 860 Elmore Street. This item was before the Plan Commission in September, at which time the Plan Commission recommended to deny the request. Council discussed the item and sent it back to the Plan Commission on a 6-6 tie broken by Mayor Schmitt. There are three properties involved in this request, 852, 856, and 860 Elmore Street. 860 Elmore Street, furthest to the west, is a former four unit apartment, which is now vacant. The second building at 856 Elmore Street is a two-family, and the corner lot, 852 Elmore Street, is a single family use. The Comprehensive Plan calls for medium density residential with a current zoning of R1. The applicant conducted a neighborhood meeting which was lightly attended. Those who attended were supportive with the reestablishment of the four-unit. The options in this case are somewhat limited. It was suggested by some to convert the four-unit at 860 Elmore to a two-family use, which was not considered practical because 860 Elmore was constructed as a four-unit. A second option would be a spot-zoning, which is not recommended by staff. A third option is a possible Planned Unit Development (PUD). However, that zoning is typically used for unique developments. The recommendation from staff is similar to what was recommended in September; however, conditions of approval were added to reestablish the four-unit. Staff is recommending approval subject to the following conditions:

1. New all-weather security front doors with deadbolt locks for each building unit entry facing Elmore Street, including new all-weather storm doors.
2. Existing awnings are either removed or replaced.
3. New exterior entry lighting is provided for each building unit entry
4. Replace shutters around windows that were previously on the building complementary to the existing building color.
5. Foundation landscaping is provided along the front façade of the building. This would include at least a five foot wide area along the front façade from the base of the

- building and is to include native, hardy perennials and shrubs to complement the façade and improve the curb appeal of the site.
6. New mail boxes are provided for each unit
  7. Clearly label the address of each unit
  8. A fence is provided not less than 4 feet in height, 90% impervious to sight, around the rear and side yard of the property compliant with the Chapter 13-521. Fencing may also be considered within the front yard consistent with Chapter 13-521.
  9. At the discretion of the Planning Director, if there are neighborhood complaints, police calls and/or zoning violations within a one-year time period of final approval of this request, the Planning Director may bring this item back to the Plan Commission for reconsideration of approval.
  10. The applicant completes a landlord training program as sponsored by the City of Green Bay.

M. Conrad asked when the next Landlord Training Class will be running.

P. Neumeyer stated November will be the next class.

S. Bremer stated that one of the reasons Common Council sent this back was because of hope that some of the concerns would be resolved with the neighbors. She inquired why the repair of the front stoop or threshold and repairs to the outside were not included.

P. Neumeyer stated he did not do a complete study of the structure, but that could be added as a condition of approval.

S. Bremer brought up two issues within the staff report. First being the number of police calls to the property; many which preceded Mr. Wei's ownership and how many police calls there have been since Mr. Wei's ownership. Secondly, how many repeat calls did Plan Commission get from people who registered their opinions last time.

P. Neumeyer stated there are only a couple police calls on various properties since Mr. Wei's ownership. P. Neumeyer stated there have not been any new or repeat calls received.

Ald. Wiezbiskie stated he would like to thank staff for the thorough and complete conditions that they came up with and that it does remove some of the doubt. He also stated he would like to speak on behalf of Kelly Winters, 825 Elmore Street, who was at the previous Plan Commission meeting. Kelly attended the open house and found herself switching due to the final conditions. He would definitely add condition #11, agreeing to the cosmetics of the building. He would like to extend the one year time period to maybe a two year time period. He questioned the four foot expansion height of the fence.

P. Neumeyer stated that typically at four feet you catch the headlight glare from a vehicle. If a six-foot fence was used, it could "wall-off" the property from the rest of the area.

M. Conrad asked if there were any other questions and invited those who wish to speak.

Heidi Wagnitz, 865 Elmore Street - H. Wagnitz stated her main reason for coming was after talking to all the neighbors, circling the block, and collecting signatures from people who do not want the four-family but would support the two-family option. She went and talked to her neighbors as she had known people didn't like the four-family unit but were not going to do

anything about it. The fact is they don't want four tiny apartments that are going to attract people who can't afford better places.

M. Conrad thanked H. Wagnitz for taking action and getting signatures for the neighborhood concern. She asked if the list of the items / conditions help with the decision.

H. Wagnitz stated that it does help, but the landlord has not done anything yet to fix things. She expected something to be worked on before the open house. This is a concern for them.

Ald. Wiezbiskie asked H. Wagnitz if she actually collected any signatures and how many she collected. He was informed that she had collected 21 signatures. He asked what the general consensus was having a two-family rather than a four-family. He also asked her if the neighbors were aware of the fact that a building designed as a four-family and changing it to a two-family could end up being more of a nightmare.

H. Wagnitz stated she knows, but they could change it to a side by side. It would take some work, but he would then have two nice apartments he could rent for a lot more than he could for four tiny apartments.

Ald. Wiezbiskie stated, again speaking on the behalf of Kelly Winters, she was pretty much impressed with the ten conditions that are proposed or the possible eleven, basically swaying her decision. He asked if the people who were signing the petition were aware of these conditions.

H. Wagnitz stated no. Most of the people don't like the apartment in general. Some of them didn't even want the two-family and wanted the building condemned.

J. Reck asked H. Wagnitz if the specific condition of a time period of final approval makes any difference. Staff has called out the thought that after a year we would regroup and see how things are going.

H. Wagnitz stated she could not speak on behalf of all the people who signed the list. She stated she doesn't know how she feels about that. A lot of it has to do with the fact that the building is such an eye sore.

S. Bremer stated she appreciates the concern with the cosmetics. She was given a couple of images of properties that are owned by Mr. Wei, and they are really very nice. She stated that Mr. Wei did express last time that he wasn't going to make any more investments in the house while this was still up in the air, not knowing whether or not anything was going to be doable with the house for him. She asked H. Wagnitz if she has seen some of the other properties. She replied she had.

Dennis & Donna Kellnar, 869 Bond Street - Dennis Kellnar stated that there must be a higher turnover rate for smaller four-family units and this is part of the problem. He does not agree that a four-family unit is going to be a plus to the neighborhood. Donna Kellnar stated that she knows it does not cost that much to remove items from a room for someone who has the ability to improve a building. There has to be a way to put a division down the middle and separate the units and combine a stairway for each side. She is still for the two-family believing that is why it was delayed, that it was a choice between the two-family or single-family, not going back to the four-family units. Dennis Kellnar stated this is an opportunity to make it better. Either move it or make it better. He knew what he was buying when he bought the property. Donna Kellnar

asked why it was three properties and not just one and the City was going to make an exception for the one home only.

P. Neumeyer stated that a lot of this is based on the Comprehensive Plan. It is an area that is dedicated to medium density residential. We do not want to do a spot-zoning, so we are grouping those three. It made sense from a comp plan perspective to rezone to higher densities.

M. Conrad asked why a spot-zoning cannot be done.

P. Neumeyer stated it is not advisable from a land use perspective about having uses together and for possible legal reasons as well.

R. Strong stated that he thought the intent of the City Council was to send it back to see if something could be worked out for that property. One of the options being a duplex and another was to tear it down. He didn't think there was a clear directive from Council saying two-family, but for it to come back, look at the building, and then bring it back to Plan Commission to see if there was some alternative to work with the building in the neighborhood. One original option was to bring in three lots and rezone it and place conditions on it. A PUD may also be an option as well.

T. Duckett asked if they attended the open house.

D. Kellnar stated no, there was no need as they knew what they want.

Xinhua Wei, Indian Trail - Mr. Wei stated that he is the landlord of 860 Elmore Street and he does know it is in need of work. He is trying to keep this property a four-unit family unit as it has four water heaters and four separate entrances and it would take a lot of work to convert it to a single or two-family unit. The reason he lost this permit was because it has been vacant for about a year. There was a family that was living there and before they moved in he had some issues fixed so they could stay there. They moved out because they left the area. He wishes not to make any improvements until this is settled. His goal is to leave it as a four-family unit and fix it up and rent it out to decent people. He wants people to come and see the house. Some people have seen it and changed their minds about a four-family unit.

S. Bremer asked if he was agreeable to the conditions, including the cosmetic repair to the front stoop and threshold. She also wanted to know the size of each of the apartments.

X. Wei stated he would agree to the conditions and the apartments are 820 sq ft.

Ald. Boyce stated that this particular issue had been discussed in depth, and he was beginning to wonder if it could be looked at from a different perspective, for example, a pilot project for a senior citizen condo. People are really looking for "anchor" residents. It could be rented out to a stable resident or maybe to someone who doesn't have a car.

M. Conrad asked P. Neumeyer if the building was fixed and sold as individual units, if that would affect what they are doing tonight.

P. Neumeyer stated that should not be an issue and that it should not affect the zoning and would still need to be rezoned.

Ald. Wiezbiskie stated that the need for condos is going down because people cannot get financing for condos and that is why senior citizens are looking to apartments. There is a market for senior apartments. It is a great idea, but he doesn't think Common Council has the authority to dictate who Mr. Wei should rent to.

Ald. Tom De Wane stated that in working with R. Strong and the Housing Authority, it was their intention to get rid of all the four-units. He stated that the residents are typically short-termed and can cause issues for the neighborhood and landlords.

S. Bremer asked Mr. Wei how long he owned the houses on Kellogg and S. Webster and the property being currently discussed.

Mr. Wei stated he bought the one on Kellogg last June, the one on S. Webster this past May, and 860 Elmore this last December.

Ald. M. Steuer stated there are all sorts of issues that come up regarding apartment complexes. He stated that in re-zoning it is not always cut and dry. He has concerns about the people who rent the apartments and believes that the apartments are too small. This is no reflection on the owner and he applauds him for his efforts and having an open house. He would prefer it to be converted to a two-family and even liked the concept that Ald. Boyce brought up.

R. Strong stated that he appreciated Ald. Boyce's recommendation, but fair housing laws do not allow us to designate housing for particular subgroups. He could design it to attract seniors, but the landlord cannot market it specifically for seniors.

M. Conrad stated that she believes this is an issue that will come up over and over again and we cannot re-zone two other properties that are now single-family into multifamily zoning. We also cannot require a multifamily home to downsize from a four-plex to a two-family home unit.

Ald. Wiezbiskie stated he would rather see the property spot-zoned. The size of the apartments is not much of a concern. He sees this going back to the City Council and he would vote the same as before.

J. Reck stated he was impressed with the provisions of approval and particularly the time to reconsider the request. He is troubled with the spot-zoning and feels the need to listen to what the neighborhood is saying. He had not heard anything tonight that would change his mind from the last meeting.

T. Duckett stated he drove through the neighborhood and saw the four-plex. He stated that based on the information he has heard tonight and the ten or eleven conditions, he would move it forward.

S. Bremer would like more information about the spot-zoning, converting a four-family unit to a two-family unit is not a minor project. There is a strong case for spot-zoning the four-plex on the basis that it had been initially constructed as a four-plex or the alternative, which would be a vacant building. It would be in the public interest to spot-zone the property.

R. Strong stated we avoid spot-zoning as a principal. The other option would be a PUD, which again is something we prefer not to do on an individual property, but has a little more legal footing than spot-zoning. This particular area was down-zoned to Low Density Residential to

prevent further conversion of single family homes. However, this is also an opportunity to see if steps could be taken to reestablish the use with conditions to benefit the neighborhood.

Ald. Wiezbiskie asked what the PUD would do to change things instead of spot-zoning.

R. Strong stated the process does not necessarily have to have a zoning change to get that placed. It accomplishes the same thing, but the process must include more than one parcel to avoid the spot-zoning requirements. It would remain an R-1 with the PUD to give more control over it.

A motion was made by T. Duckett and seconded by S. Bremer to hold over the request and direct staff to develop a one lot Planned Unit Development (PUD) for 860 Elmore Street to allow a four-family building with conditions as recommended. Motion carried. J. Wiezbiskie voting-No

**OTHER:**

Director's Update on Council Actions

R. Strong gave the following updates:

- Cliff Wall's rezoning was approved
- Conditional Use Permit for 1321 Emilie Street for a Solar Panel System was approved
- Rezoning along East Mason Street for the use of car sales was approved
- R. Strong told the Commission that he will be retiring at the end of the year

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

(ZP 13-33) Request to amend the Planned Unit Development (PUD) for the Green Bay Area Public School District (GBAPSD) to allow for a Youth Education Program located at 2430 Finger Road, submitted by David VanDyke, Girls Scouts of the Northwestern Great Lakes, Inc. (Ald. Kocha, District 5)

(ZP 13-34) Request to reestablish a two-family dwelling located at 725 Turek/2252 Preble Avenue, submitted by Ruth Etter, Personal Representative for the property owner (Ald. Moore, District 6)

A motion was made by J. Wiezbiskie and seconded by T. Duckett to adjourn. Motion carried.

Meeting adjourned at 7:56 p.m.