

**MINUTES**  
**GREEN BAY PLAN COMMISSION**  
**Tuesday, May 28, 2013**  
**City Hall, Room 604**  
**6:00 p.m.**

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

**MEMBERS EXCUSED:** M. Conard–Chair and T. Duckett

**OTHERS PRESENT:** R. Strong, P. Neumeyer, Ald. Warner, Ald. Boyce, W. Larsen, D. Webster, R. Fairbain, A. Chapel, T. Beverly, S. Goudreau, R. Shell, P. Matuszek, C. Matuszek, J. Heinz, B. Mindle, G. Bader, and J. Mirkes

**APPROVAL OF MINUTES:**

Approval of the minutes from the May 13, 2013, Plan Commission meeting

A motion was made by S. Bremer and seconded by T. Gilbert to approve the minutes from the May 13, 2013, Plan Commission meeting. Motion carried.

**COMMUNICATIONS:**

None

**OLD BUSINESS:**

None

**NEW BUSINESS:**

1. (ZP 13-14) Discussion and action on the request to obtain a Conditional Use Permit (CUP) to authorize a single-family dwelling in an Office Residential (OR) District located at 602 N. Chestnut Avenue submitted by Walter L. Larsen, property owner (Ald. Boyce, District 7)

P. Neumeyer gave the staff report and recommendation. The proposal is to construct a single-family home on the northeast corner of Bond and North Chestnut. The City's Comprehensive Plan recommends Low- to Medium-Density Residential; the proposed use would be consistent with that. The neighborhood includes other single- and two-family uses. There are also single-story and two-story structures in the area and also many different kinds of construction material. The proposed home would be a concrete structure with a vinyl exterior. Staff notified affected property owners and Alderperson Boyce, and there have been no comments or objections to date. Staff's recommendation is to approve the request. One possible condition of approval would be for the petitioner to consider asphalt shingles instead of a metal roof to be more consistent with the area.

J. Wiezbiskie agrees that it would appropriate to ask the petitioner to use asphalt shingles during roof construction.

L. Queoff asked if staff requested the petitioner to use asphalt shingles. P. Neumeyer said he mentioned it to the petitioner.

Walter Larsen, petitioner, chose the roof type and construction of the building so that it would be extremely durable. It will be very well-insulated.

S. Bremer asked what color the metal roof would be. W. Larsen said it would be medium blue.

Adam Chapel, 610 N. Chestnut – He owns the property just north of the subject property. His concern is that W. Larsen lives just two blocks north, and he is not able to maintain that home. He cannot maintain the lawn in the summer or sidewalks in the winter. A. Chapel wanted to buy the subject parcel, but W. Larsen outbid him by twice what the property was worth.

W. Larsen responded by saying he maintains his current home and property, as well as the new subject property since he purchased it.

A motion was made by S. Bremer and seconded by J. Reck to approve the request for a Conditional Use Permit (CUP) to authorize a single-family dwelling in an Office Residential (OR) District located at 602 N. Chestnut Avenue. Motion carried.

2. (ZP 13-15) Discussion and action on the request to request to rezone 117 N. Ashland Avenue from Low Density Residential (R1) to General Commercial (C1) and to rezone 107-109 N. Ashland Avenue from Highway Commercial (C2) to General Commercial (C1) submitted by John and Robin Heinz, LLC, property owners (Ald. Warner, District 9)

P. Neumeyer gave the staff report and recommendation. This is a request for a rezoning on the northwest corner of North Ashland and West Walnut. The site at 107-109 N. Ashland Avenue is the location of the Blackstone Restaurant. The request is to facilitate the expansion of a parking lot. The restaurant is zoned C1; 117 N. Ashland is zoned Low Density Residential. Staff feels it is reasonable to consider rezoning 117 N. Ashland Avenue to C1 due to the “commercial envelope” with adjacent properties. A site plan will be required for approval of the parking lot expansion. Staff notified affected property owners and received some calls of objection. Planning staff recommends approval of the request.

S. Bremer asked P. Neumeyer to explain what type of buffer could be used between the commercial and residential areas. P. Neumeyer said when a non-residential use like a parking lot adjoins a residential use, the City requires at least a 10-foot transition with required landscaping.

J. Wiezbiskie would like the condition of a required buffer to be part of the motion for this item.

Thomas Beverly, 135 N. Ashland Avenue – He is concerned with pedestrian traffic being drawn to the green space. He already deals with issues on his property from the nightly crowd of people who visit the Blackstone. What responsibility does Blackstone have in policing the area?

J. Wiezbiskie wanted to clarify that T. Beverly felt added parking spaces would increase activity in the area. T. Beverly said he felt it would.

Sandra Goudreau, 127 N. Ashland Avenue – She lives nearby and is affected by the noise of the night crowd at Blackstone. She does not think any type of buffer could block the noise.

Richard Shell, 114 N. Ashland Avenue – He lives near the subject property and contacted P. Neumeyer when he received his notification letter. He does not feel the extra parking is necessary.

Paul Matuszek, 121 N. Ashland Avenue – He showed the Commissioners a picture of his backyard which abuts 117 N. Ashland Avenue. He is concerned with the parking being brought over to his lot line because he already has issues with the clientele from Blackstone. They argue and fight in his front yard, in the street in front of his house, etc. P. Matuszek submitted a petition against this request containing 21 signatures. The petition reads:

We, the undersigned property owners and/or tenants residing at the addresses listed below hereby petition the City of Green Bay Plan Commission to deny the request made by John & Robin Heinz, LLC regarding rezoning of 107-117 N. Ashland Ave., from current zoning statuses, specifically the proposed rezoning of 117 N. Ashland Ave. from Low Density Residential (R1) to General Commercial (C1) because we believe that the rezoning would not only negatively affect our property values, but more importantly, because it could easily lead to deterioration of an already fragile neighborhood which we are trying to maintain, and in fact, improve.

P. Matuszek also has noise complaints. The property at 117 N. Ashland Avenue is the current buffer for him. Without that home/property, he would not have a buffer at all.

Clarence Matuszek, 2680 S. Webster Avenue – He feels the neighborhood is pretty stable with working class people who maintain their homes. He would hate to see it change.

John Heinz, 4426 Shawano Avenue – He is the owner of Blackstone. They would like additional parking to increase business. The house on 117 N. Ashland Avenue will be removed whether the parking lot request is approved or denied. If the parking lot is not approved, the property will simply be additional green space.

J. Wiezbiskie asked how many parking spaces there are currently. J. Heinz said 21 currently; he would like to add another 15.

J. Wiezbiskie wanted to ensure there was adequate green space between the parking lot and the neighboring residence. J. Heinz said it would be 10 feet.

J. Heinz said when their parking lot is full, the restaurant is only at half-capacity. He is hoping an increase in parking spots will allow more customers to come and eat. Right now he has an agreement with the owners of Taco Burrito Mexico to utilize some of their parking for overflow during Friday and Saturday nights when Blackstone fills up. But he would like to increase the daytime business as well.

Bill Mindle, 925 W. Mission Road, Allouez – The property at 117 N. Ashland Avenue is a decent home. The neighbors try to take care of the neighborhood. He feels demolishing this home would be a mistake – that it could be sold to someone who would maintain it. Green Bay has too many historic buildings like this one razed.

Ald. Warner said he received quite a few calls on this property. He said he will support the residents in their concerns and will not support the request for a rezone in this case.

S. Bremer asked what the parking requirement is for a 65-person capacity restaurant. P. Neumeyer said it is one space per three seats but said the City has minimum standards. Most restaurants exceed the minimum to accommodate additional customers.

S. Bremer asked if there are planning tools for silent buffers that can be used in an area such as this. P. Neumeyer said there are some barriers, but they are not required by code. It is very difficult to buffer sound.

L. Queoff agreed with the comments made about the neighborhood being fragile and hopes that the outcome at Plan Commission and City Council levels would spark some consideration by Blackstone's owners for their neighbors' concerns.

T. Gilbert empathizes with the owner because the increase in parking would probably increase business to the restaurant, which would be great. He cannot support the request, however, because it is not a good fit for the neighborhood.

J. Reck does not support the request due to the fragility of the neighborhood.

A motion was made by S. Bremer and seconded by J. Wiezbiskie to deny the request to rezone 117 N. Ashland Avenue from Low Density Residential (R1) to General Commercial (C1) and to rezone 107-109 N. Ashland Avenue from Highway Commercial (C2) to General Commercial (C1). Motion carried.

3. (ZP 13-16) Discussion and action on the request to rezone the 300 Block of North Van Buren Street from General Commercial (C1) to Neighborhood Center (NC) submitted by Garritt Bader, GB Real Estate Investments, LLC. In addition, Planning staff is requesting that the 300 Block of North Webster Avenue, the 900 Block of Main Street, and the 900 Block of Pine Street be rezoned from General Commercial (C1) to Neighborhood Center (NC). (Ald. Boyce, District 7)

P. Neumeyer gave the staff report and recommendation. This request is to rezone the 300 Block of North Van Buren, the 300 Block of North Webster, and the 900 Blocks of Main and Pine Streets. There are currently residential properties along the 300 Block of North Van Buren and the balance of the adjoining parcel is the CVS Pharmacy. The Comprehensive Plan shows Medium-Intensity Retail Office for the area; the entire block is zoned C1. Townhomes would not be permitted uses in a C1 district, which is the reason for the rezone. The first three lots on North Van Buren could possibly be reconfigured via Certified Survey Map that has been submitted to the Planning Department. The initial phase will be a three-unit residential development known as Whitney Park Townhomes.

Garritt Bader, 354 Indian Springs Drive – He said his project called Whitney Townhomes is a new way of downtown urban living. The units would be owner-occupied. HOME funds will be used to help the project along. Three townhomes will be built first as a base project closest to Pine Street. Additional townhomes to the north are part of Phase II. Hopefully there will be a third set in the future. Each unit is two-stories, has over 1,600 square feet, has a full basement, three-bedrooms, 2½ bathrooms, and they have two-stall garages. He would like to rezone the current property from C1 to NC.

S. Bremer hopes the townhomes will revitalize the Whitney Park area. She is concerned about the patios facing the CVS store, however, when the front of the properties will face the beautiful Whitney Park. The flat roofs are also an issue. G. Bader said these types of properties will attract young professionals who they would like to bring to the area.

Ald. Boyce feels the properties will make a wonderful security buffer for the park where children will be congregating. He applauds the construction and design.

Jeff Mirkes, Downtown Green Bay – He would like to represent Olde Main Street when he expresses his approval of the project. The project may only be for three units at this time, but the concept is really important to downtown housing. It is not possible to put all of the necessary downtown housing on the Fox River with a view of the CityDeck.

P. Neumeier stated that staff is supportive of the rezoning to the NC District; however, as a result of rezoning to the NC District, the proposed development will not meet many of the dimensional standards found in the NC District. In addition, staff has reviewed the preliminary site plan and building elevations and has some concerns regarding green space, the need for more landscaping/fencing as buffers, detailed landscaping plans, covered entryways, and clarification on building materials. These additional concerns can be addressed during the Planned Unit Development stage of the process. Staff supports the request.

A motion was made by J. Wiezbiskie and seconded by J. Reck to approve the request to rezone the 300 Block of North Van Buren Street from General Commercial (C1) to Neighborhood Center (NC) and rezone the 300 Block of North Webster Avenue, the 900 Block of Main Street, and the 900 Block of Pine Street from General Commercial (C1) to Neighborhood Center (NC). Motion carried.

In addition, the Plan Commission directed staff to work with the developer on a proposed Planned Unit Development (PUD) ordinance to address concerns expressed within the staff report.

**OTHER:**

Director's Update on Council Actions

R. Strong said the naming of Donald Driver Way will be occurring on June 15, 2013, at 2:30 p.m. at Titledown.

City Council approved vacation of a portion of Valley View Road, the rezoning of 311 N. Maple Street, and the Conditional Use Permits for Morrow and Mather Streets.

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

One petition was submitted at this meeting regarding Item #2 containing 21 signatures of residents in the Ashland Avenue area.

A motion was made by J. Wiezbiskie and seconded by S. Bremer to adjourn. Motion carried.

Meeting adjourned at 8:00 p.m.