

**MINUTES**  
**GREEN BAY PLAN COMMISSION**  
**Monday, April 21, 2014**  
**City Hall, Room 604**  
**6:00 p.m.**

**MEMBERS PRESENT:** Maribeth Conard, Linda Queoff, Ald. Jerry Wiezbiskie, and Sidney Bremer

**MEMBERS EXCUSED:** Tim Duckett, Jim Reck, and Tim Gilbert

**OTHERS PRESENT:** Paul Neumeyer, Kim Flom, Dan Lindstrom, Ald. Guy Zima, Ald. Mark Steuer, Ald. Randy Scannell, Ald. Chris Wery, Rick Yoder, Teresa Elm, Rick Seroogy, Lloyd Carpenter, Lew Hinnendael, Steve Bieda

M. Conard introduced and welcomed the new Planning Director Kim Flom.

**APPROVAL OF MINUTES:**

Approval of the minutes from the April 7, 2014, Plan Commission meeting

A motion was made by J. Wiezbiskie and seconded by L. Queoff to approve the minutes from the April 7, 2014, Plan Commission meeting. Motion carried.

**COMMUNICATIONS:**

**OLD BUSINESS:**

**NEW BUSINESS:**

1. (ZP 14-09) Discussion and action on a request for a Conditional Use Permit (CUP) to exceed the height limitation for a 105 foot silo located in a General Industrial (GI) District, at 607 Liberty Street, submitted by Matt Hogan, Kadant Grantek, Inc., property owner. (Ald. G. Zima, District 9)

P. Neumeyer stated this is a request for a CUP to exceed the height limitation in a GI District, located at 607 Liberty Street. The Comprehensive Plan shows future industrial uses for this area. According to the Site Plan submitted, the silo will be 105 feet tall and placed near the other silos on the site. The applicant did make a request back in 2011 for a similar project with 3 silos; that project was abandoned. Ald. G. Zima and affected adjacent property owners have been notified of this request. Staff has not received any calls regarding this request. Staff is recommending approval of this request with the following conditions:

- a) Compliance with all of the regulations of the Green Bay Municipal Code not covered under the conditional use permit, including standard site plan review and approval.
- b) The limitation of one silo not to exceed 105' feet in overall height.

Ald. J. Wiezbiskie asked about the maintenance of the exterior of the silo; specifically rusting of the silo.

P. Neumeyer stated he would need to address the applicant. However, they do have other silos on the property and they do look like they have been well maintained.

A motion was made by L. Queoff and seconded by Ald. J. Wiezbiskie to approve a request for a Conditional Use Permit (CUP) to exceed the height limitation for a 105 foot silo located in a General Industrial (GI) District, at 607 Liberty Street, with the following conditions:

- a) Compliance with all of the regulations of the Green Bay Municipal Code not covered under the conditional use permit, including standard site plan review and approval.
  - b) The limitation of one silo not to exceed 105' feet in overall height.
2. (ZP 14-12) Discussion and action on a request to authorize a Conditional Use Permit (CUP) for a Transient Residential use located at 1254 Shadow Lane submitted by Teresa Elm, property owner. (Ald. Wery, District 8)

P. Neumeyer stated this is a request for a CUP for a Transient Residential use. The property is located at 1254 Shadow Lane, which is on the north side of Shadow Lane. The Comprehensive Plan designates this area to be zoned as Low Density Residential uses. This is the tenth request of which, eight (8) have been approved, one was denied, and the current request. The applicant has been involved in other TRP sites, but has divested herself from that site. Staff has had concerns in the past about the saturation of some of these uses. Ald. C. Wery and affected adjacent property owners have been notified of this request. Staff has not received any calls regarding this request. Staff is recommending approval of this request subject to compliance with the Development standards found in 13-1602(j).

S. Bremer stated she had two questions. She first asked if the TRP's will transfer if the property is under new ownership. She believed that they were granting TRP's to particular applicants and not particular properties. The second being where staff was at on possibly amending the current procedure requirements to keep TRP's from disturbing the low density neighborhoods around the area.

P. Neumeyer stated he didn't think of the property transfers in those terms. There is still a principle owner of the property; however, one member has left that party. They may need to get clarification from the Law Department. There has not been much progress at this time regarding amending current procedures, but will pass it along to staff and put it up for debate.

S. Bremer stated that at this point she cannot support this request as it does cross over into another low density residential neighborhood.

Ald. J. Wiezbiskie stated he shares the same concern as S. Bremer. He is also expressed concern that there has been no reaction from any of the neighbors. He asked if there were any neighbors here tonight to speak regarding this request.

P. Neumeyer reiterated there had been no calls regarding this request. They had taken a call from a resident on Thorndale who had reservations. However, the call came in prior to the applicant submitting their request.

Ald. J. Wiezbiskie urges staff to possibly amend the current procedures to avoid TRP's from "spilling" over into the other non-TRP neighborhoods.

M. Conard stated she was under the impression that the TRP's had to be a certain distance from the other neighborhoods.

P. Neumeyer stated that as a guide, you can use a 500 foot rule to evaluate the saturation.

L. Queoff stated she would like to hear from the neighbors and what the outcome was from the neighborhood meeting.

Ald. C. Wery stated he called the applicant and spoke with three (3) of the neighbors on Thorndale Street. The neighbors he spoke with on Thorndale were opposed to the request. The main concern with this request is the backyard of this property now faces the backyard of the property behind them compared to the other properties where the backyards are facing Lombardi Avenue with no other properties behind them. He too is opposed to this request.

Teresa Elm – 1869 Rainbow Avenue: T. Elm stated when they had the neighborhood meeting, neighbors were initially opposed. She informed them that the house will be renovated and they are shifting the focus from the backyard to the front of the house due to the view of Lambeau Field. She does believe the backyard will not be heavily used. After they explained to the neighbors their intentions, they were in favor of the home being a TRP. Letters had been sent out to all the neighbors 500 feet around the property and have not heard of any opposition to the request. They had spoken to the neighbors directly behind them and they were not opposed to the request. They are in the process of buying the house, contingent on the request tonight. If the request is denied they will not purchase the house.

S. Bremer asked how many letters were sent out in the 500 foot radius and how many people attended the neighborhood meeting.

T. Elm stated approximately 94 letters were sent and about 12 people showed up for the meeting.

Ald. M. Steuer stated his main concern was if the house was just going to be used for Packer games or would it be used for other functions as well.

P. Neumeyer stated that the property can be used for any type of function.

T. Elm stated that their other property has been used for more than just Packer games. It has been used for a large variety of uses such as weddings, family reunions and funerals.

M. Steuer asked T. Elm about parking for these events since it is in a residential area.

T. Elm stated they have two spots in the garage and two in the driveway for a total of four spots.

S. Bremer asked if they create guide lines and hand them out to those who rent the house.

T. Elm stated yes.

Ald. C. Wery stated he is concerned with possible noise and traffic violations as they have issues in the past with properties that T. Elm's group own. That is the other issue he has, this group already owns two properties approving this request will allow them to own three properties.

S. Bremer stated that physically the TRP's are a benefit to the community, however, she continues to oppose this request. She does believe there should be an amendment to the policy on the limit of TRP's to this specific area that borders across from Lombardi Avenue.

L. Queoff stated she is opposed to the request. Her main concern is weighing the value of significantly upgrading the properties and how they fit in the neighborhood and accommodating the neighbors.

Ald. J. Wiezbiskie stated he is opposed to the request. He does not believe the request would be passed by City Council. His main issue is crossing over Shadow Lane and going into a low residential area.

M. Conard stated she has to agree to what has been said and also opposes the request. She thinks it is very important for the City to put in place what needs to happen on both sides of the street as to what is going to be permitted and not be permitted. It makes it difficult for people to purchase properties and move forward in their businesses to have to come here and be turned down every time or not know whether or not they can move forward. She also requests the City and Plan staff put something together to address this issue.

A motion was made by J. Wiezbiskie and seconded by S. Bremer to deny a request to authorize a Conditional Use Permit (CUP) for a Transient Residential use located at 1254 Shadow Lane. Motion carried.

3. (ZP 14-14) Discussion and action on a request for a Conditional Use Permit (CUP) to exceed the height limitation for a 105 foot silo located in a General Industrial (GI) District, at 1530 North Bylsby Avenue, J.P. Pulliam Power plant, submitted by Richard J. Seroogy, Wisconsin Public Service, property owner. (Ald. Scannell, District7)

P. Neumeyer stated this is a request for a CUP to exceed the height limitation for a 105 foot silo located within a GI District. The silo would be located along the southern end of the property and would blend with existing structures of similar height. The EPA has mandated Public Service to reduce Mercury emissions and the silo will be used to store "Trona" a baking soda type product which will be injected into the emissions process. There are a number of towers on this site that exceed 100 feet and there are no residences nearby. Ald. R. Scannell and affected adjacent property owners have been notified of this request. Staff has not received any calls regarding this request. Staff is recommending approval of this request with the following conditions:

- a) Compliance with all of the regulations of the Green Bay Municipal Code not covered under the conditional use permit, including standard site plan review and approval.
- b) The limitation of one silo not to exceed 105 feet in overall height.

Ald. M. Steuer asked if this was a new silo and what is the height requirement.

P. Neumeyer stated it is a new silo and the height requirement is 35 feet and this particular silo being set up would be 105 feet.

Rick Seroogy – 700 N Adams Street: R. Seroogy stated the actual silo will be 105 feet tall; however, there is a filter that will be placed on top of the silo making the full structure 115 to 117 feet tall. The silo will be used for storing "Trona" which is basically baking soda. The Trona will condition the ash to lower and/or maintain the particular matter (PM) emissions. The PM

emissions are regulated by the WI DNR. The system has been tested and the PM emissions were reduced when Trona was injected into the gas stream.

S. Bremer asked with the filter being placed on the top, if that would allow them to direct which way the emissions go. She inquired if the 105 foot silo is specifically designed for this purpose.

R. Seroogy stated that the air coming out of the filter is about 99.99% filtered. The bin is part of the filtering process and is not a directional bin. The 105 foot silo is specifically for storage, which will be used specifically for storing the Trona.

S. Bremer confirmed with R. Seroogy that they have several other silos on site that are over 105 feet. She asked if the silo will be set up next to the boiler room.

R. Seroogy stated that was correct. Their plant chimney is 377 feet, the roof height of the boiler room is 150 feet and the roof height of the turbine room is 88 feet. The silo will be next to the turbine room. If they cannot put this system in, they would be in jeopardy of not being able to meet EPA standards and the plant could be shut down.

S. Bremer wanted to clarify that this system is not adding to the emissions, but helping to clean up emissions being released into the air.

R. Seroogy stated that was correct.

Ald. J. Wiezbiskie confirmed that the silo will be used for storing Trona and the apparatus on top of the silo is the injecting apparatus. The system will make the plant compliant with EPA emission standards put in place by the State.

R. Seroogy stated the Trona will be stored in the silo and the top of this silo is a filter. The Trona is injected from the storage silo into the power house inside the plant. He stated that was correct, even though they are already below emissions standards, this will reduce it even more.

J. Wiezbiskie asked why they needed a filter on top of a silo just used for storage.

R. Seroogy stated filter is needed for the refilling process of the Trona. A silo needs to vent or pressure will build up inside the silo.

J. Wiezbiskie asked about the emissions from the filter on top of the silo and if the EPA was concerned about those emissions. His main concern is noise and how much more noise will there be with the additional storage silo.

R. Seroogy stated the EPA is concerned about those emissions as well. It would not be any louder than it is currently. The whole point of this project is to improve emissions.

S. Bremer asked if this is part of an increase or expansion of their operations as far as generating more power.

R. Seroogy stated no.

A motion was made by Ald. J. Wiezbiskie and seconded by L. Queoff to approve a request for a Conditional Use Permit (CUP) to exceed the height limitation for a 105 foot silo located in a General Industrial (GI) District, at 1530 North Blysbys Avenue, subject to:

- a) Compliance with all of the regulations of the Green Bay Municipal Code not covered under the conditional use permit, including standard site plan review and approval.
- b) The limitation of one silo not to exceed 105 feet in overall height.

Motion carried.

4. (ZP 14-16) Discussion and action on a request to authorize a Conditional Use Permit (CUP) to construct a detached garage beyond the maximum size and height requirements found in Chapter 13-615, Table 6-4, in a Low Density Residential (R1) District located at 3391 Nicolet Drive, submitted by Lloyd Carpenter, architect on behalf of Brian Michaud, property owner. (Ald. J. Wiezbiskie, District 1).

P. Neumeyer stated this is a CUP for an accessory structure to be constructed at 3391 Nicolet Drive. The property is located just off the bay south of Van Laanen Road on the west side of Nicolet Drive. This area is zoned a R1 and the Comprehensive Plan does recommend Low Density uses. The site plan was presented and a portion of the property is in a flood plain and which would require the garage to meet current floodplain standards. The new garage is replacing an existing garage. The applicant is requesting to deviate from the maximum side wall height, overall height and maximum area. No views are being obscured with the height request. Ald. J. Wiezbiskie and affected adjacent property owners have been notified of this request. Staff has received a couple of calls regarding this request, but no objections. Staff is recommending approval of this request with the following conditions:

- a) Compliance with all of the regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit, including standard site plan review and approval.
- b) Continuance of similar style of architecture, exterior construction material, and color of the structure

S. Bremer stated she is concerned with the height of the garage, and if it will be in scale with the neighborhood. Her main concern is with a two-story structure on top of structure that needs to be elevated due to it being in the flood plain. The house next door is a small single-story dwelling and their garage will be immediately backing onto the newly constructed garage. She doesn't see how that will work. She is thinking about the neighborhood as a whole.

P. Neumeyer stated that the garage is to scale for the primary residence. He stated she is correct that the structure is taller, but is in scale with the principal dwelling.

Ald. J. Wiezbiskie stated this location most of the properties have big garages.

P. Neumeyer stated this particular lot is narrow but deep and meets all other setback requirements.

Lloyd Carpenter - 2663 Maple Hills Drive: L. Carpenter stated the garage will be raised by two feet. He stated they are at 1144 square feet and the ordinance states you can have two accessory buildings, one at 1000 square feet and the second at 150 square feet and the building would be 20 feet high and the max is 16 feet high.

L. Queoff asked if the neighbors had been notified.

L. Carpenter stated they had been notified and there were no objections.

Lew Hinnendael – 3371 Nicolet Drive: L. Hinnendael stated he lives two (2) doors south of the property. He stated he had a question regarding the flood plain, but that was addressed. He has no objections to the garage being built; however, it is a little taller than he would like to see. He stated he had a similar request about three (3) years ago and was denied due because you could not have a garage in front of your home and the fact that he is in the flood plain. He feels the garage is not in compliance with the ordinance and has not heard it being addressed.

P. Neumeier stated the request tonight is to get approval to exceed the height and square footage requirements.

L. Hinnendael asked if this meets the 10 foot setback between the site property and the property to the north.

P. Neumeier stated they will have to maintain a four foot setback based on the width of the lot.

A motion was made by Ald. J. Wiezbiskie and seconded by L. Queoff to approve a request to authorize a Conditional Use Permit (CUP) to construct a detached garage beyond the maximum size and height requirements found in Chapter 13-615, Table 6-4, in a Low Density Residential (R1) District located at 3391 Nicolet Drive, subject to:

- a) Compliance with all of the regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit, including standard site plan review and approval.
- b) Continuance of similar style of architecture, exterior construction material, and color of the structure.

Motion carried.

5. (VR 14-01) Discussion and action on a request to deviate from section 14-727 of the Subdivision and Platting Ordinance to allow for a land division not be located on a public street for a parcel currently addressed at 920 Packerland Drive, submitted by Steve Bieda, Mau & Associates, representative for Calumar Properties LLC, property owner. (Ald. Sladek, District 12)

D. Lindstrom presented items 5 and 6 at the same time. The property is currently addressed as 920 Packerland Drive and adjacent to NWTC Campus. The property will be divided and developed as student housing and other potential uses. Since the NWTC Campus is immediately adjacent, the property is not able to locate on a public street. Therefore, the land division of this nature is an “outlot” and the current ordinance states you cannot build on an outlot. The petitioner asked to deviation from the ordinance by providing and ingress and egress easement to the site. The Modifications of Regulations were included and explained. Ald. T. Sladek was notified of the request. Staff recommended approval of the request.

6. (ED 14-01) Discussion and action on a request to discontinue three, 12-foot wide public utility easements across a parcel currently addressed at 920 Packerland Drive, submitted by Steve Bieda, Mau & Associates, representative for Calumar Properties LLC, property owner. (Ald. Sladek, District 12)

D. Lindstrom showed an area map outlining the three (3) easements in question. The request tonight is to discontinue the use of all three easements. Notifications were sent to City of Green Bay Public Works Dept., Parks and Recreation, Water Utility, WI Public Service, AT&T, and Time Warner Cable. There were no responses from Wisconsin Public Service, AT&T and Time Warner Cable. Agencies that do not respond were assumed not to have any utilities/facilities

present. Based upon the information, it did not appear utility improvements were made within the subject site; therefore, staff recommended approval of the request.

L. Queoff asked if these would clear the way for NWTC to begin to build student housing.

D. Lindstrom stated that was correct, however, NWTC will not be doing the construction; DeLeers Construction will be handling that process.

Ald. J. Wiezbiskie made a motion and seconded by S. Bremer to approve a request to deviate from section 14-727 of the Subdivision and Platting Ordinance to allow for a land division not be located on a public street for a parcel currently addressed at 920 Packerland Drive.

Ald. J. Wiezbiskie made a motion and seconded by S. Bremer to approve a request to discontinue three, 12-foot wide public utility easements across a parcel currently addressed at 920 Packerland Drive. Motion carried.

7. (TA 14-02) Discussion and action on a Request to amend and refine Table 6-2; Lot Dimension and Setback Requirements, Residential Districts, submitted by Planning Department.

D. Lindstrom stated this request came from the Planning Department. They are requesting side yard setbacks be modified for R3 districts. Currently, R1 requires a minimum lot width of 75 feet with a setback of six feet for a single story home and eight feet for anything greater than a story and a half. R2 and R3 have a minimum lot width of 45 feet with a six foot setback (R2) and a 10 foot setback (R3). Then intention is not to change the minimum setback requirements but for clarification and to allow for a single family or two-family home in the R3 district the same standards as the single family or two-family home that would be in an R1 or R2. We still want to protect the multi-family uses in the R3 and provide them with the 10 foot setback

S. Bremer asked if there is a letter “j” that just simply doesn’t have the “for single and two family uses”.

D. Lindstrom stated yes. “J” would be added to each individual side yard Building Setback Requirements.

A motion was made by S. Bremer and seconded by L. Queoff to amend and refine Table 6-2; Lot Dimension and Setback Requirements, Residential Districts. Motion carried.

8. (TA 14-03) Discussion and action on a request to amend section 13-605(c)(5) Minimum remnant parcel size for unserviced lots in the Rural Residential District, submitted by Planning Department.

D. Lindstrom stated that under 13-605 of the zoning code that was adopted in 2008, Plan Commission and City Council decided it was important to protect the development potential for the City of Green Bay on the far edges of the City of Green Bay. The standard stated that a remnant parcel for an unserviced lot land division shall not be less than 10 acres. He stated further, that while important, the standard might cause a hindrance when the city is attempting to provide natural resource protections or constructer new regional stormwater facilities. Due to this, staff proposed 13-605(c) (5): be amended to the following:

*(5) Remnant parcel shall not be less than 10 acres. Except in cases where a remnant parcel is part of a division of land for the purposes of acquisition of public property and/or public use*

S. Bremer would like to make one change, having it read:

*(5) Remnant parcel shall not be less than 10 acres, except in cases where a remnant parcel is part of a division of land for the purposes of acquisition of public property and/or public use.*

A motion was made by S. Bremer and seconded by L. Queoff to amend section 13-605(c)(5) Minimum remnant parcel size for unserviced lots in the Rural Residential District. Motion carried.

#### **INFORMATIONAL:**

#### **OTHER:**

Director's Update on Council Actions

Kim Flom introduced herself as the new director and reported on the following items:

- The Common Council did hold the Plan Commission report item for the CUP for the Daytime Resource Center.
- The landlord for the property has not decided not to rent to LSS, which subsequently terminates the petition, and the Neighborhood Meeting has been cancelled for 04/22/2014.

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

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

Meeting adjourned at 7:35 p.m.