

MINUTES
GREEN BAY PLAN COMMISSION
Monday, October 13, 2014
City Hall, Room 604
6:00 p.m.

MEMBERS PRESENT: Maribeth Conard, Linda Queoff, Sidney Bremer, Tim Gilbert, and Heather Mueller

MEMBERS EXCUSED: Ald. Jerry Wiezbiskie and Tim Duckett

OTHERS PRESENT: Kim Flom, Paul Neumeyer, Nic Sparacio, Jeffrey Allen, Robert Allaire, Jr., Michelle and Kevin Klein, JoAnn and Mark Piepenburg, Lynn Austin, Ald. Tom De Wane, Ald. David Nennig, Bridget Foley, Sarah Peters, Tom Prevost, Jeff Mirkes, Chris Naumann, and Dan Perron

APPROVAL OF MINUTES:

Approval of the minutes from the September 8, 2014, Plan Commission meeting

A motion was made by T. Gilbert and seconded by S. Bremer to approve the minutes from the September 8, 2014, Plan Commission meeting. Motion carried.

COMMUNICATIONS:

NEW BUSINESS:

M. Conard stated Item #10 under New Business will be moved and discussed first.

10. (SP 14-01) Discussion and action on the request to declare a portion of property surplus located along the southeast corner of E. Mason Street and Monroe Avenue, submitted by the Department of Public Works. (Ald. Tim De Wane, District 4)

N. Sparacio stated this is a surplus property request. This City owned property is 20 ft. x 25 ft. and was acquired for the Mason Street overpass. This piece of property is not included in the right-of-way and therefore is not needed. This request will permit the adjoining property owner the ability to square off their lot and relocate a business sign. There are no objections to the request and staff is recommending approval of this request.

A motion was made by S. Bremer and seconded by L. Queoff to declare as surplus a portion of property located along the southeast corner of E. Mason Street and Monroe Avenue. Motion carried.

OLD BUSINESS:

1. (ZP 13-37) Discussion and action on the request to establish a Planned Unit Development (PUD) district at 1510 Morrow Street to allow for a vehicle repair hobby shop, ancillary machining and fabrication, a semi-truck parking area, and a single-family residential unit. The request is submitted by Jeffrey Allen, petitioner. (Ald. D. Nennig, District. 5)

N. Sparacio gave a brief background regarding past uses of the commercial building at 1510 Morrow Street. The building had been vacant since the last PUD approved use and does have some environmental contamination issues on the site that are relatively contained. This item has been held over from the last Plan Commission Meeting to allow for the applicant to develop plans for the property. Since that time, the PUD ordinance has been updated and the description of the intended use has been clarified. The primary use of the building will be a hobby vehicle repair facility and not

intended for a business use. The Comprehensive Plan designates this site as Low Density (R1) Residential. The property is also zoned as R1. Updates to the site plan include a buffer on the front of the parking lot, lighting to be added, installation of an outdoor vehicle lift, a future expansion of building, fenced in parking, and semi-truck parking.

Staff has many concerns regarding the proposed use. The idea of the PUD is to help the proposed property fit into the neighborhood. Staff does feel in this case there is an extreme lack of compatibility with the surrounding neighborhood. Some of the major concerns are hours of operation, outdoor storage and noise. A critical issue arose since the last meeting, which is essentially blocking the applicant's proposed use of the property. There must be a residential use of this property in order to be consistent with the Comprehensive Plan. In order to establish a residential unit, there would need to be some significant changes to the building to bring it up to code. This would require building permits, change of use site plan and construction to include updating electrical, plumbing and HVAC. The other issue is the flood plain. The changes you can make to a building impacted by a flood plain are limited in value. Staff has requested additional information to try and answer the questions. Detailed plans and cost estimates are needed to reasonably know whether the residential use is feasible. The applicant has declined to provide the additional information needed to make this determination. Staff's recommendation is denial of the request on the basis that it is inconsistent with the Comprehensive Plan and that the proposed use cannot be made compatible with the surrounding neighborhood.

N. Sparacio read into record a letter of opposition received from Emily Ysebaert at 1569 Proper Street.

L. Queoff asked N. Sparacio if the petitioner still wants to move forward with the request. N. Sparacio stated yes. S. Bremer asked N. Sparacio if any of the concerns mentioned here tonight have been resolved. N. Sparacio stated no. He stated the level of detail in the updated site plan and operation plan still falls short of what is typical and necessary for a PUD of this nature.

M. Conard suspended the rule for public comments.

Jeffrey Allen – 540 Superior Road: J. Allen stated he likes the character and history of this building. He thought this was a perfect place for him to restore vehicles.

S. Bremer stated to J. Allen that she has some concerns regarding the language in the Operation Plan that was submitted. She asked what resources he has, as it had stated he has limited resources and what plans he has for a residence.

J. Allen stated he does own a house and several classic cars. He said that he can sell his house and place a single unit residence in the building. However, it may not be any time in the near future. S. Bremer then asked if he has resources and plans currently to build a residence and if so, how he plans to accomplish this. He stated he has no plans as long as he owns his current house. She also asked if the sales business was part of his plan in the future. An answer was not given by J. Allen. S. Bremer then asked about the semi-truck parking provisions, and if there would be only one semi parked at any given time. J. Allen stated yes and explained that the two spaces shown were seasonal – the space closer to the building is more difficult to maneuver into, but is a better option for plugging in the diesel engine in winter.

Robert Allaire, Jr. – 603 Harvest Road: R. Allaire, Jr. states that he is a friend of Jeff's and would be one of the people working in the building. He is also contributing some financing towards the repair of the building.

L. Queoff asked if he is aware of the certain concerns the planning staff has regarding this request. He stated yes. He stated he can answer any questions, however, is not in the position to make

decisions. L. Queoff did ask R. Allaire, Jr. to comment on a couple of concerns brought up by Planning staff. He did comment that the auto sales would strictly be the selling of a restored vehicle that they finished. He also gave the definition of a restored vehicle as taking the vehicle and rebuilding it from the ground up. The process could take a few months to a few years for each vehicle.

JoAnne Piepenburg – 1524 Ellis: J. Piepenburg stated she is opposed to the request. She stated when J. Allen approached the Neighborhood Association a year ago, they were not in favor of this request. S. Bremer asked if she would be opposed to townhouses. She stated that she would, because the past proposal for townhouses included too many units in a small area.

Mark Piepenburg – 1524 Ellis: M. Piepenburg is also opposed to the request. His suggestion is to tear down the building and create a green space.

Lynn Austin – 1449 Morrow Street: L. Austin stated she represents the Mayor's Beautification Committee. She stated she is against the request.

Ald. Tom De Wane stated neither support nor opposition to the request. He explained that the applicants seem to have good intentions. He would like to see staff work with them to further explore alternative solutions. L. Queoff asked Ald. De Wane if more information is needed before anything can be done. He stated yes.

Ald. David Nennig stated this is in his district. He stated the neighborhood has changed where it stands regarding this request. The building has been empty for some time and the City does need to address it one way or another. He does think smaller scale townhouses or single family homes would be practical. He wants to have a positive impact for his district, and he does not believe that the proposed use of the property will be a positive one.

M. Conard returned the meeting to regular order of business.

M. Conard asked N. Sparacio what can be placed without having to change zoning. N. Sparacio stated this is an R1 district, so a single family residence is a permitted use. M. Conard asked if townhouses could go in, would that need to come back to Plan Commission. He stated it would need to come before the Plan Commission as a conditional use request. M. Conard asked if the environmental issues have been addressed and what it would take to clean the area up. He stated that the building should be tested for indoor air quality. According to DNR, there has been enough soil sampling to know with relative certainty where the contamination is located. The outstanding risk is to the health and safety of the building occupants. Vapors from the soil contamination could be entering the building through the floor.

A motion was made by L. Queoff and seconded by S. Bremer, on the basis of incompatibility of the proposed use with the neighborhood and inconsistency with the Comprehensive Plan, to deny the request to establish a Planned Unit Development (PUD) district at 1510 Morrow Street to allow for a vehicle repair hobby shop, ancillary machining and fabrication, a semi-truck parking area, and a single-family residential unit. Motion carried.

NEW BUSINESS

2. (ZP 14-29) Discussion and action on the request for a Conditional Use Permit (CUP) to authorize a two-family dwelling in a Low Density Residential (R1) District located at 2388 Manitowoc Road, submitted by Paul Kosmoski, property owner. (Ald. A. Nicholson, District 3)

P. Neumeyer stated this is a request for a Conditional Use Permit (CUP) at 2388 Manitowoc Road. The property is approximately 18,000 sq. ft. in size and the area for the CUP is about 13,000 sq. ft. The applicant has an adjoining property and is planning to deed 55 ft. of the lot to the adjacent lot consistent with the current zoning. The Comprehensive Plan recommends Medium to High Density

Residential for this property and zoning is R1, Low Density Residential. This item had been tabled at the last Plan Commission meeting on September 8, 2014, to give time for the applicant to meet with the Aldermen and Planning staff. Affected property owners were notified of the request with one objection. The applicant has made several attempts to contact that property owner. Staff is recommending approval of this request subject to staff working with the applicant on compliance with Chapter 13-1602(4).

A motion was made by S. Bremer and seconded by T. Gilbert to approve the request for a Conditional Use Permit (CUP) to authorize a two-family dwelling in a Low Density Residential (R1) District located at 2388 Manitowoc Road, subject to compliance with Chapter 13-1602(4). Motion carried.

3. Discussion and action on a request by Ald. Jerry Wiezbiskie that the Planning Department address issues for proper codes to enforce excessive grading and elevation changes for residential properties.

A motion was made by T. Gilbert and seconded by S. Bremer to receive and place on file a request by Ald. Jerry Wiezbiskie that the Planning Department address issues for proper codes to enforce excessive grading and elevation changes for residential properties. Motion carried.

4. (ZP 14-33) Discussion and action on the request to amend the existing Planned Unit Development (PUD) for Larsen Green to permit modified wall signage for Smet Construction/Chamber of Commerce building located at 300 North Broadway, submitted by Brian Boettcher, Quick Signs. (Ald. R. Scannell, District 7)

P. Neumeyer stated this is a request for a PUD amendment for the Smet/Chamber Building located at 300 North Broadway. This is part of a PUD that was established in 2007 for Larsen Green. As part of the PUD, signage was regulated under the OR-Office/Residential, which limits wall signage to street frontages. The need for the amendment is to allow for the signage not to front the street. There was a similar request made in 2012 for Smet Construction. The sign is 62 sq. ft. in size and would be placed near the roof line. Affected property owners were notified and no objections were received regarding the request. Staff is recommending approval of this request subject to the draft PUD amendment.

A motion was made by S. Bremer and seconded by L. Queoff to approve the request to amend the existing Planned Unit Development (PUD) for Larsen Green to permit modified wall signage for Smet Construction/Chamber of Commerce building located at 300 North Broadway, subject to the draft PUD amendment. Motion carried.

5. (ZP 14-34) Discussion and action on the request to amend the East Town Mall-Outlots Planned Unit Development (PUD) to permit modified wall signage for Burger King, located at 2219 Main Street, submitted by Tom Prevost, Valley King of WI, LLC, (Burger King) property owner. (Ald. A. Nicholson, District 3)

P. Neumeyer stated this is another PUD sign amendment request for 2219 Main Street, Burger King. The Comprehensive Plan recommends commercial uses for the area and is zoned as a Planned Unit Development (PUD). This request is part of a recent façade upgrade for Burger King. The outlots for the PUD are limited, with 180 sq. ft. for total signage and no sign exceeding 80 sq. ft. There has been to amendments for signage over the years. In the past, General Commercial (C1) and Community Center Commercial (C3) signage standards were used for East Town Mall and outlots. The current request does exceed those standards and staff feels a PUD amendment is necessary to clarify the proposed changes. Affected property owners were notified of the request and no objections were received. Staff is recommending approval of the request, subject to the draft PUD amendment.

M. Conard suspended the rules for public comment.

Sarah Peters 1711 Scheuring Road, De Pere: S. Peters stated she is from Jones Signs. She stated this will give Burger King an updated look and hopes the Plan Commission will also agree to the new signage.

M. Conard returned the meeting back to regular order of business.

A motion was made by T. Gilbert and seconded by H. Mueller to approve the request to amend the East Town Mall-Outlots Planned Unit Development (PUD) to permit modified wall signage for Burger King, located at 2219 Main Street, subject to the draft PUD amendment. Motion carried.

6. (PP 14-06) Discussion and action on the request of Olde Main Street, Inc. for approval of the 2015 Olde Main Street Business Improvement District Operating Plan. (Ald. D. Nennig, District 5 and Ald. R. Scannell, District 7)

N. Sparacio stated once a year the Business Improvement District (BID) Annual Operating Plans are formally presented to the Plan Commission. This includes agenda items 6 through 9 on the agenda. He stated there are minor changes to Olde Main Street, Downtown Green Bay and On Broadway operating plans. There were more substantial changes to Military Avenue as it is the newest BID, and is still adjusting and growing. There are no proposed changes to BID assessment rates for next year. City staff sees the BIDs as close partners in many shared initiatives, and staff appreciates all their work on their operating plans and in the community.

Jeff Mirkes was present for any questions regarding the Olde Main Street BID. No questions were asked.

A motion was made by T. Gilbert and seconded by H. Mueller to approve the request of Olde Main Street, Inc. for approval of the 2015 Olde Main Street Business Improvement District Operating Plan. Motion carried.

7. (PP 14-07) Discussion and action on the request of Downtown Green Bay, Inc. for approval of the 2015 Downtown Green Bay Business Improvement District Operating Plan. (Ald. R. Scannell, District 7)

Jeff Mirkes was present for any questions regarding the Downtown Green Bay BID. No questions were asked.

A motion was made by H. Mueller seconded by L. Queoff to approve the request of Downtown Green Bay, Inc. for approval of the 2015 Downtown Green Bay Business Improvement District Operating Plan. Motion carried.

8. (PP 14-08) Discussion and action on the request of On Broadway, Inc. for approval of the 2015 On Broadway Business Improvement District Operating Plan. (Ald. R. Scannell, District 7 and Ald. G. Zima, District 9)

Chris Naumann was present for any questions regarding the On Broadway BID.

S. Bremer asked how their administrative costs were only 10% of the whole package while the other BIDs were higher. He stated the BID pays only a small share of administrative services for On Broadway. Staff time is paid for independently through On Broadway Incorporated through independent fundraising.

A motion was made by S. Bremer and seconded by L. Queoff to approve the request of On Broadway, Inc. for approval of the 2015 On Broadway Business Improvement District Operating Plan. Motion carried.

9. (PP 14-05) Discussion and action on the request of the Military Avenue Business Improvement District for approval of the 2015 Military Avenue Business District Operating Plan. (Ald. C. Wery, District 8; Ald. M. Steuer, District 10; and Ald. B. Danzinger, District 11)

Dan Perron was present for any questions regarding the Military Avenue BID. No questions were asked.

A motion was made by T. Gilbert and seconded by H. Mueller to approve the request of the Military Avenue Business Improvement District for approval of the 2015 Military Avenue Business District Operating Plan. Motion carried.

INFORMATIONAL:

11. (PP 14-04) Review and discuss the current status and future update of the City's Smart Growth 2022 Comprehensive Plan.

N. Sparacio stated the City's Smart Growth 2022 Comprehensive Plan was adopted in 2003. There will be a formal 10-year plan review which has statutory requirements. He discussed the timeline and process overview the Planning staff would like to use in updating the Comprehensive Plan. The biggest challenge is reviewing and updating the recommended policies. This component is the most vital to decision makers like the Plan Commission and City Council. Every department in City Hall will be involved in the updating of the Comprehensive Plan, just as they were involved in helping to create the original plan.

S. Bremer asked if it would be possible to create an advisory committee of experts to help with the review and offering new information for the Comprehensive Plan. N. Sparacio stated that would be an excellent approach.

Members of the Plan Commission thanked Nic Sparacio for all his hard work over the years. This is his last Plan Commission meeting as he will be leaving to become the Community Development Director for the City of Manitowoc. Thank you and Good Luck Nic!

OTHER:

Director's Update on Council Actions

Kim Flom reported the following information:

- The Plan Commission Reports from August 25th and September 8th were approved on September 16, 2014.
- There were no major discussion topics at the last City Council Meeting.
- K. Flom thanked N. Sparacio for his years of service to the City of Green Bay. She read into record an e-mail of gratitude.

SUBMITTED PETITIONS: (for informational purposes only)

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

Meeting adjourned at 7:30 p.m.