

MINUTES
GREEN BAY PLAN COMMISSION
Monday, April 27, 2015
City Hall, Room 604
6:00 p.m.

MEMBERS PRESENT: Maribeth Conard–Chair, Sid Bremer, Ald. Jerry Wiezbiskie, Tim Gilbert, and Heather Mueller

MEMBERS EXCUSED: Linda Queoff – Vice Chair and Tim Duckett

OTHERS PRESENT: Kim Flom, Paul Neumeyer, Stephanie Hummel, Ald. Tim De Wane, Ald. Tom De Wane, Ald. Joe Moore, Ashley Pamperin, Jacob Anderson, David Obrien, Garritt Bader, Jay Zollar, and Cheryl Williams

APPROVAL OF MINUTES:

Approval of the minutes from the April 13, 2015, Plan Commission meeting

A motion was made by Ald. J. Wiezbiskie and seconded by S. Bremer to approve the minutes from the April 13, 2015, Plan Commission meeting. Motion carried.

M. Conard stated the information for the public hearing has been properly posted and public notification has been published in the Green Bay Press Gazette. The GBPC is interested in hearing public comments on this subject agenda item. Rules and regulations were then read and explained to the public regarding the hearing. The Public Hearing was then opened.

PUBLIC HEARING:

1. (CPA 15-02) A request to revise properties generally located in the 1580 Block of East Mason Street and Kimball Street as well as the 500 Block of Bellevue Street from Low Density Housing (LDH) to Commercial (C) (Figure 22-5). (Ald. Tim De Wane, District 4)

P. Neumeyer stated this is a request for a Comprehensive Plan Amendment along East Mason, Bellevue and Kimball Streets. There are six parcels affected by this request which includes five homes and one vacant lot. The Comprehensive Plan recommends Low Density Housing (LDH). The applicant is requesting Commercial land uses for the expansion of an existing gas station / convenience store. There is a commercial corridor that runs down Bellevue Street and this would be an expansion of the corridor that will reach to Kimball Street.

S. Bremer asked P. Neumeyer if the zoning would be changed from Highway Commercial to C2 or Commercial (C). P. Neumeyer stated that this is a Comprehensive Plan amendment from LDH to Commercial.

Ashley Pamperin – Tiletown Oil Grand Central Station, 1275 Glory Road: She stated she does support the request. She stated their intention is to create a Grand Central Station which will include a Hardees and a Baskin Robbins.

Jacob Anderson – Tiletown Oil Grand Central Station, 1275 Glory Road: He is in favor of the project and described other Grand Central Station locations around the area that would be similar to the proposed location in Green Bay.

Ald. Tom De Wane – Ald. Tom De Wane stated this is an existing gas station. He has spoken to some of the home owners around the area and most have already been talking about selling their homes. He feels this will make the area better and does not see any distractions.

M. Conard asked if there were any other public comments. The public hearing was then closed.

COMMUNICATIONS:

2. Request by Ald. Joe Moore, on behalf of several University Avenue Business owners, to prepare a plan, including a cost analysis, of installing a large roundabout at the “triangle” on University Avenue.

K. Flom stated she has spoken to Ald. J. Moore regarding this request. Planning staff will be working on a cost analysis with Ald. J. Moore and the help of Dept. of Public Works to take a look at the request. At this point we are asking for this item to be referred back to Planning Staff.

Ald. J. Moore stated that the University Avenue Corridor Plan ultimately resulted in a stop sign for this intersection. The stop sign actually stops the flow into a corridor or arterial bringing traffic off a major highway to a stop. He would like see a roundabout as an option and is asking to refer this item to Planning staff to look at this option.

A motion was made by T. Gilbert and seconded by Ald. J. Wiezbiskie to refer to Planning staff a request from Ald. Joe Moore, on behalf of several University Avenue Business owners, to prepare a plan, including a cost analysis, of installing a large roundabout at the “triangle” on University Avenue. Motion carried.

OLD BUSINESS:

NEW BUSINESS:

3. (CPA 15-02) Discussion and action on the request to revise properties generally located in the 1580 Block of East Mason Street and Kimball Street as well as the 500 Block of Bellevue Street from Low Density Housing (LDH) to Commercial (C) (Figure 22-5). (Ald. Tim De Wane, District 4)

P. Neumeyer stated that there are a number of criteria established within the Smart Growth 2022 Comprehensive Plan for periodic amendments. He referred Commissioners to their meeting packet. He would like to highlight items 2, 3, and 4 regarding the review criteria because the use will be considered a higher intensity use which would increase traffic, noise and light. Staff does have concerns about the expansion; however, they can be addressed with a Planned Unit Development (PUD). As part of the PUD process, it may be required to have a traffic analysis done to address any traffic concerns. Ald. Tim De Wane and surrounding Neighborhood Associations were notified of the request. Planning staff is recommending approval of the request subject to any future rezoning having a PUD and a traffic analysis to address any traffic concerns.

M. Conard suspended the rules for public comment.

Ashley Pamperin again summarized what she had stated earlier during the public hearing.

H. Mueller asked A. Pamperin what they did to keep the noise levels down with regards to their property on N. Military Avenue and with houses behind the convenience store. A. Pamperin stated there is a berm behind with 4 ft. ferns and a fence along the property line.

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

A motion was made by T. Gilbert and seconded by Ald. J. Wiezbiskie revise properties generally located in the 1580 Block of East Mason Street and Kimball Street as well as the 500 Block of Bellevue Street from Low Density Housing (LDH) to Commercial (C). Motion carried.

4. (ZP 15-09) Discussion and action on the request to amend the Planned Unit Development (PUD) for the third phase of the Whitney Park Townhomes from 3 units to 4 units located in the 300 Block of North Van Buren Street, submitted by Garritt Bader, GB Real Estate Investments, LLC). (Ald. R. Scannell, District 7)

P. Neumeyer stated this is a request to amend a PUD for the Whitney Park Townhomes located in the 300 block of North Van Buren; the original PUD was developed in 2013. The reason for the amendment is the addition of another unit. Originally nine units were proposed in three phases. The 10th unit is being added on as part of the third phase. The Comprehensive Plan shows the area as High Density Residential and is currently zoned C1 with a PUD overlay. By increasing the density by one unit, they are also adding a 16 ft. x 16 ft. garage. Ald. Scannell, adjacent property owners, and Olde Main Street, Inc. were notified of the request. No objections were received. Planning staff is recommending approval, subject to the PUD draft ordinance.

H. Mueller asked why the extra garage. P. Neumeyer stated the garage would be a detached garage and would be for extra storage use. All units come with attached garages.

M. Conard suspended the rules for public comment.

Garritt Bader – 300 N. Van Buren Street: G. Bader stated the first two buildings were well received and felt confident in adding a fourth unit within the third building. He stated that the garage will be used by one of the contract / property owner for a trailer that they own and want to store on-site.

S. Bremer asked G. Bader if the 4-unit building will be 22 ft. wide instead of 24 ft. wide. He stated that was correct.

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

A motion was made by Ald. J. Wiezbiskie and seconded by S. Bremer to approve the request to amend the Planned Unit Development (PUD) for the third phase of the Whitney Park Townhomes from 3 units to 4 units located in the 300 Block of North Van Buren Street, subject to the Planned Unit Development draft ordinance. Motion carried.

5. (ZP 15-10) Discussion and action on the request to rezone the easterly 20 ft. of 2590 University Avenue and 2594 University Avenue from General Commercial (C1) to Highway Commercial (C2), submitted by Thomas E. Matuszak, Pit Row Inc., property owner (Ald. D. Nennig, District 5)

S. Hummel stated that this request is for the properties located at 2590 and 2594 University Avenue, which is on the corner of Humboldt Road and University Avenue. The majority of 2590 University Avenue is zoned C2, Highway Commercial, with the exception of the easterly 20 ft. of the property, which is zoned C1, General Commercial. The adjacent property, 2594 University Avenue, is also zoned C1. The purpose of this request is to allow for a proposed expansion project at the property. The current use will not change. The expansion will include a new building, gas pumps, and additional parking. The Comprehensive Plan recommends Commercial

uses for this area. Ald. Nennig and adjacent property owners were notified of the request. There have been no objections to the request, just informational calls. Planning staff is recommending approval of this request.

S. Bremer asked S. Hummel if current office/convenience store will remain as is or will it be consolidated into the new building. S. Hummel stated that the new building will replace the existing building.

A motion was made by H. Mueller and seconded by Ald. J. Wiezbiskie to approve the request to rezone the easterly 20 ft. of 2590 University Avenue and 2594 University Avenue from General Commercial (C1) to Highway Commercial (C2). Motion carried.

6. (ZP 15-11) Discussion and action on the request to authorize a Conditional Use Permit (CUP) for a Transient Residential use located at 1249 Shadow Lane, submitted by Jay Zollar, WLUK-TV (Ald. C. Wery, District 8)

P. Neumeyer stated this is a request for a Conditional Use Permit for a Transient Residential use located at 1249 Shadow Lane. Lambeau Field and Lombardi Avenue are located to the south of the residence. The Comprehensive Plan designates this area as Low Density Housing and is zoned Low Density Housing. This is the 12th Transient Residential use request; eight have been approved and three have been denied. The applicant has conducted a neighborhood meeting with neighbors as well as submitting an operating plan.

P. Neumeyer stated that back in May 2014, the Plan Commission discussed a policy regarding the Transient Residential uses and the current request does meet those policy standards. Ald. C. Wery and affected property owners were notified of the request. No questions or concerns were received regarding this request. Planning staff is recommending approval of the request subject to compliance with the Development Standards within the Zoning Code.

M. Conard suspended the rules for public comments.

Jay Zollar – WLUK-TV: J. Zollar stated he is the General Manager for WLUK-TV and would answer any questions regarding the request.

S. Bremer asked J. Zollar if he was present at the neighborhood meeting. He stated that he was and that he had conducted the meeting himself. She stated her main concern at this time is the homes between their house and the houses next to them as they will now be between TRP's, and asked if he had heard any concerns from the home owners. He stated he has not heard of any negative comments.

Ald. J. Wiezbiskie asked him if he had any correspondence with Ald. C. Wery and if he had made any statements regarding the request. He responded that he did speak with Ald. C. Wery, but did not comment one way or another regarding the TRP.

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

S. Bremer stated that she drove around the neighborhood, as she was unsure if the TRP would be a negative impact on the single family homes next door. She noted that the two single family homes were also set up to enjoy the football games as well. This did give her a different perspective of the area.

A motion was made by T. Gilbert and seconded by S. Bremer to authorize a Conditional Use Permit (CUP) for a Transient Residential use located at 1249 Shadow Lane, subject to compliance with the Development Standards found in 13-1602(j). Motion carried.

7. (TA 14-08) Discussion and action on the request to create an ordinance to regulate the use of community gardens, submitted by the Planning Staff.

P. Neumeyer stated that this is a request to create an ordinance to regulate community gardens as they are currently not regulated. There are approximately eight community gardens within the City limits. A brief overview was given of the ordinance. Staff has consulted with the Brown County UW Extension office. Planning staff is recommending approval of the request, subject to the draft ordinance.

A conversation then ensued between P. Neumeyer and Commissioners. T. Gilbert asked if a rototiller would be considered as prohibited under Prohibitions, letter c. P. Neumeyer stated this would apply only to larger type garden equipment. S. Bremer asked for language change on letter b. under Prohibitions. She asked that the word "No" be taken out to just read "commercial uses are permitted beyond retail sales of harvested crops produced on-site".

It was suggested that "day to day operations" be added to prohibitions, as some larger equipment may be used for the construction phase of creating a garden.

Ald. J. Wiezbiskie asked about clean up in the fall and who is responsible. P. Neumeyer stated ultimately the garden manager or organization is responsible as stipulated in the draft ordinance. S. Bremer asked how many additional gardens are being proposed this year. P. Neumeyer stated there is at least one more planned that staff is aware of.

T. Gilbert asked if the gardens are on privately owned property. P. Neumeyer stated they can be and that some of the property is City owned.

M. Conard suspended the rules for public comment.

Cheryl Williams – 1924 Evans Court: C. Williams shared information regarding their foundation and stated they will be breaking ground this week on their ninth garden in the Imperial Lane area with the hopes of creating one more this year. She is asking, on behalf of a fellow gardener, that not all cultivated plants be removed as stated in the Development Standards. This particular garden is a flower garden and these plants need to stay in place for pollination to occur and to control bee population.

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

H. Mueller asked if there was anything that could be done regarding the language to clarify the pollinator. P. Neumeyer stated that the dead plants need to be removed, however, perennials can remain. M. Conard asked if that language could be written into the Development Standards. C. Williams stated that not every perennial is a pollinator plant.

A motion was made by S. Bremer and seconded by T. Gilbert to approve the request subject to the draft ordinance, as amended. Motion carried.

8. (TA 15-02) Discussion and action on the request of the Law Department to amend Chapter 13-1603(b)(5) regarding exceptions for Community Living Arrangements (CLAs).

P. Neumeyer stated this is a request to amend the Zoning Code related to Community Living Arrangements (CLA's) as the result of the request of the Law Department to settle a pending law suit. Currently if a CLA is within 2,500 ft. of another facility or if the number of facilities exceed one percent, a Conditional Use Permit (CUP) is required, otherwise, it is permitted. As a result of a law suit against the City for denial of a CUP for a CLA, the Law Department is requesting an amendment be made to Chapter 13-1603(b)(5).

Planning staff is recommending approval of this request, subject to the draft ordinance amendment.

A motion was made by Ald. J. Wiezbiskie and seconded by T. Gilbert to approve the request of the Law Department to amend Chapter 13-1603(b)(5) regarding exceptions for Community Living Arrangements (CLAs), subject to the draft amendment. Motion carried.

OTHER:

Director's Update on Council Actions

Kim Flom informed the Plan Commission of the following items:

- All other items recommended by the Plan Commission in March were approved by City Council.
- Ald. C. Wery discussed his communication regarding Ron Wolf Way and requested that it be referred to Planning staff. This item will be back on the Agenda at the May 11, 2015, Plan Commission meeting.

SUBMITTED PETITIONS: (for informational purposes only)

A motion was made by H. Mueller and seconded by Ald. J. Wiezbiskie to adjourn. Motion carried.

Meeting adjourned at 6:54 p.m.