

**MINUTES
GREEN BAY PLAN COMMISSION
Monday, May 9, 2016
City Hall, Room 604
6:00 p.m.**

****For more detailed information regarding the meeting, please see the meeting video on our website at <http://greenbaywi.gov/event/plan-commission-meeting-75/> and follow the time stamp listed on each item.**

MEMBERS PRESENT: Maribeth Conard–Chair, Tim Gilbert-Vice Chair, Ald. Dave Nennig, Sid Bremer, Heather Mueller, Lisa Hanson and Jerry Wiezbiskie

MEMBERS EXCUSED:

OTHERS PRESENT: Kevin Vonck, Paul Neumeyer, Mark Lyons, Vanessa Chavez, Ald. Tom De Wane, Tim Kuehn, Randy Gast, Arden Schalk, John Cordry, Sam Vainisi, Dave Sherry, Dave Chrouser, Cheryl Wolf, Scott Vanidestine, Paul Kosmoski, Patrick Walsh, Yi-Ting Chen, Arlene Sertich, Connie Ricker, Larry Ohnesorge

APPROVAL OF MINUTES:

Approval of the minutes from the April 25, 2016, Plan Commission meeting (0:00:18)

A motion was made by J. Wiezbiskie and seconded by Ald. D. Nennig to approve the minutes from the April 25, 2016, Plan Commission meeting. Motion carried.

PUBLIC HEARING:

1. (CPA 16-01) A request to amend the City of Green Bay Comprehensive Plan future land use recommendations for properties generally located along Lombardi Avenue to Thorndale Street, between South Ridge Road and Frank Street from Low Density Housing (LDH) to High Intensity Retail, Office or Housing (HIROH) (Figure 22-2), submitted by Dave Chrouser, Mau & Associates, on behalf of Kuehnridge Holdings, LLC. (Ald. C. Wery, District 8) (0:00:33)

M. Conard stated this public hearing has been properly posted and public notification has been published in the Green Bay Press Gazette. The Plan Commission is interested in hearing public comments on the subject agenda item. M. Conard then read into public record the rules and regulations for the public hearing.

M. Conard opened the public hearing.

P. Neumeyer stated this is a request to amend the City's Comprehensive Plan. P. Neumeyer gave a brief presentation of the changes, which included future land uses for several parcels from Low Density Housing (LDH) to High Intensity Retail, Office or Housing (HIROH).

Tim Kuehn (0:03:58) – 3965 Three Penny Ct: T. Kuehn presented information on his businesses within the City of Green Bay. He stated he does want to hear the concerns of neighbors and be a good neighbor to residents in the area and the Village of Ashwaubenon. He

then went into detail on the parcels involved and how they will be amended and the uses that it entails and gave examples of the types of businesses that would be allowed. He looks at this project as a connector to Titledown. He stated a traffic impact analysis will be conducted due to the heavy traffic volume in the area. He stated that tonight's goal is to allow for them to move forward to Stage 2, which is the rezoning of the back portion of the subject area, which they hope to present on June 13, 2016, to the Plan Commission.

Randy Gast (0:12:36) – 345 S. Jefferson Street: He stated he is the attorney working with T. Kuehn. He stated he is in favor of the project.

Arden Schalk (0:13:37) – 1243 Thorndale Street: He addressed concerns regarding traffic on Thorndale Street.

John Cordry (0:15:46) – 1288 Thorndale Street: He stated he is against the project due to the exit from the parking lot as his home is directly across from the exit and the increase of traffic. He would like to see the exit and entrance on Ridge and Lombardi.

Sam Vainisi (00:18:27) – 5587 State Rd 29: S. Vainisi stated he supports the project and was the original owner of the subject property.

Dave Sherry (00:21:07) – 1255 Thorndale Street: D. Sherry stated he is opposed to the project because of the driveway coming onto Thorndale Street. He feels none of the concerns neighbors had at the Neighborhood meeting have been addressed.

Dave Chrouser (0:26:58) – 400 Security Blvd: D. Chrouser stated he was from Mau & Associates. He informed Commissioners that they did have a neighborhood meeting and did listen to the concerns of residents and that is why they are doing the traffic analysis study. The results will determine where the driveways will be. Again, this meeting is just to amend the City's Comprehensive Plan.

Cheryl Wolf (0:28:30) – 1203 Liberty: Her main concerns are safety for her children and the size of the building, and traffic on Thorndale Street. She doesn't think something this big fits the neighborhood and it takes away from the neighborhood.

M. Conard asked if there was anyone else who wished to speak. No one responded.

P. Neumeyer presented two emails to Commissioners. Both were in opposition of the request.

M. Conard closed the public hearing. (0:31:34)

COMMUNICATIONS:

OLD BUSINESS:

M. Conard read into record the process and procedures for the Plan Commission Meeting.

NEW BUSINESS:

2. (CPA 16-01) Discussion and action on the request to revise properties generally located along Lombardi Avenue to Thorndale Street, between South Ridge Road and Frank Street from Low Density Housing (LDH) to High Intensity Retail, Office or Housing (HIROH)

(Figure 22-2), submitted by Dave Chrouser, Mau & Associates, on behalf of Kuehnridge Holdings, LLC. (Ald. C. Wery, District 8) (0:32:38)

P. Neumeyer presented to Commissioners the request for the Comp Plan Amendment and the parcels that will be affected. He wanted to clarify that the applicant did conduct a neighborhood meeting at the wishes of the alderman and staff. He did state that both Ridge and Lombardi were designed for a higher volume of traffic and that staff is not supporting the driveway along Thorndale. Staff is recommending approval of the request based on future zoning with a base zoning, office residential type zoning, and PUD be considered based on the intensity of the use to address traffic and design of the building.

S. Bremer asked P. Neumeyer for clarification regarding the request and if it is dealing with the amendment of the Comprehensive Plan. P. Neumeyer stated that was correct.

A conversation then ensued between P. Neumeyer and commissioners regarding the next steps that would be taken, and maximum height of a building in a C1 District. P. Neumeyer then went into detail about land use issues at the Comp Plan level versus land use issues at the zoning level per S. Bremer's request. Other issues discussed were regarding the property along Frank Street that is holding out and the driveway on Thorndale.

M. Conard suspended the rules for public comments.

A motion was made by Ald. D. Nennig and seconded by J. Wiezbiskie to suspend the rules to allow for public comments. Motion carried.

T. Kuehn addressed concerns of the neighbors regarding the traffic analysis and driveway onto Thorndale, and the purchase of the residential homes. He also explained why he wants the access to Thorndale.

S. Bremer specifically wanted to know if they needed 130 parking spaces, in which T. Kuehn stated yes. A conversation ensued between Commissioners and T. Kuehn as to why so many spaces are needed, additional commercial development, and residential views that would be blocked and/or allowed.

R. Gast then spoke in favor of T. Kuehn and the project in general. He again reiterated this is the conceptual portion of the request and that more details will follow at a later date.

J. Cordry stated he is asking Commissioners to table this item until the traffic study is finished. M. Conard stated this is changing the Comprehensive Plan and is not a rezoning or that the actual building will be going up at this point.

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

M. Conard asked P. Neumeyer to address other details and options that could be placed on the property. P. Neumeyer then explained to Commissioners the possibilities and the next stages of the project. Ald. Nennig stated he is looking forward to seeing the traffic analysis as traffic is a concern and that tonight they are here to amend the Comprehensive Plan to recognize this as an appropriate land use.

A motion was made by Ald. D. Nennig and seconded by J. Wiezbiskie to approve the request to revise properties generally located along Lombardi Avenue to Thorndale Street, between South

Ridge Road and Frank Street from Low Density Housing (LDH) to High Intensity Retail, Office or Housing (HIROH).

A conversation ensued between S. Bremer and P. Neumeyer regarding the area south of Lombardi Ave regarding the land use, what the Comprehensive plan will allow, and future zoning.

T. Gilbert stated he believes this is a great fit for the area, however, does have concerns about the Thorndale Drive access. He does support the motion.

A conversation took place between L. Hanson and P. Neumeyer regarding parking, additional development on the site, and the residential home holding out in the middle of the development.

M. Conard and H. Mueller shared their opinions, which included traffic and how it will fit in the neighborhood. They are both in support of the request.

Motion carried. (6-1)(Noes: S. Bremer)

3. (ZP 15-27) 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)(1:05:49)

M. Lyons stated this request came before the Plan Commission in October 2013. At that time the Plan Commission recommended approval but it was denied at City Council. The applicant is reapplying for the identical project. M. Lyons then presented to Commissioners the information regarding the request to include zoning. He gave the history of the building and the intention of the applicant. Staff is recommending approval of the request subject to the applicant working with staff and compliance of current standards.

S. Bremer asked M. Lyons regarding the concerns of City Council. M. Lyons stated it was due to opposition of a neighbor, which an email was included with the agenda packet.

M. Conard suspended the rules for public comments.

A motion was made by Ald. D. Nennig and seconded by J. Wiezbiskie to suspend the rules to allow for public comments. Motion carried.

Ald. T. De Wane (1:09:06) explained why Council denied the initial request. They want to see the area turned back into single-family dwellings.

Scott Vanidestine (1:11:01) – 2410 Hampton Ave: S. Vanidestine stated he is the president of the neighborhood association. He stated that the neighborhood does not want a two-family home in that area as it is a single-family area.

Paul Kosmoski (1:12:34) – He stated that he is the property owner and feels confident of the project they are presenting. He presented to Commissioners the age of the building and what the project will entail. He stated they did go and speak to neighbors and the neighbor across the street didn't have an issue. He feels this will enhance the neighborhood.

T. Gilbert then verified with P. Kosmoski that his intention is to tear down the existing building and build a new two-family dwelling. He stated that was correct. He asked why he couldn't build a single-family. He stated he is in the multi-family industry. S. Bremer then asked about the division of the back part of the lot, and how long the lot has been vacant. M. Lyons gave information regarding the splitting of the property and squaring off the lot. P. Kosmoski stated the building has been empty for close to a year.

A conversation continued regarding a CUP needed to make the building conforming, zoning, and the placement of the current building.

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

S. Bremer asked Staff why they are recommending approval. M. Lyons explained to Commissioners their reasoning for approval. He also informed Commissioners of the type of homes surrounding the building.

Commissioners briefly gave their reasoning for not supporting the request. Those reasons included the area being a single-family area, zoning, and neighbors.

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

4. (ZP 16-16) Discussion and action on the request for a Conditional Use Permit (CUP) for a Transient Residential use located at 1719 Gross Avenue, submitted by Patrick W. Walsh and Yi-Ting Chen, property owners. (Ald. G. Zima, District 9, Ald. C. Wery, District 8) (1:25:33)

P. Neumeyer presented to Commissioners the request for a CUP for a Transient Residential use (TRP) at 1719 Gross Ave. This is the 14th TRP request, with 10 being approved and 3 denied. This is the second request for a TRP outside the Shadow Lane area. He briefly went through the Development standards. The one item he talked specifically about was the policy for limiting TRP's due to regulations put forward last year by legislation, which still needs to be approved at the State level. Property owners within 200 ft., Ald. C. Wery, and Ald. G. Zima were notified of the request. Staff is recommending approval of the request based on the Development Standards.

A conversation ensued between P. Neumeyer and Commissioners regarding the legislation changes and how they will affect tonight's decision. Other issues addressed included active advertising, who would manage the TRP home, age requirements for the rental, capacity, parking, and neighborhood feedback.

Vanessa Chavez (1:33:47) – City of Green Bay Attorney: V. Chavez asked for a brief synopsis of what the bill entails. P. Neumeyer gave an overview of the situation and explained the ordinance regarding TRP's. If this bill is signed, it will no longer require residents to come before the Plan Commission for approval. She also addressed the issue regarding age discrimination. A conversation continued regarding the new legislation bill and what Commissioners can and can't do and grandfathering in previous decisions made. V. Chavez stated she will review the material and report back to Commissioners.

M. Conard suspended the rules for public comments.

A motion was made by T. Gilbert and seconded by J. Wiezbiskie to suspend the rules to allow for public comments. Motion carried.

Patrick Walsh & Yi-Ting Chen (1:37:22) – 1719 Gross Ave: The petitioners gave a brief history of the property and their intentions for the home. There will be a neighbor that will be looking after the property while they are not present. He stated that this is not a Packer party house and has no intentions on disturbing the neighborhood. He did speak to his neighbors and did have a neighbor who opposed. He stated that all ages are welcome, however, did give reasoning as why he would prefer to rent to older clients, but is willing to work out the legal issues. He wants a more family orientated/vacation rental. He stated they are opposed to renting it long term as they want to use the home for themselves and their family.

L. Hanson asked if there were any other objections. P. Walsh stated not that he knew of. Surrounding homes that were in support of the request were shown. Ald. D. Nennig clarified that if the current home owners sell, the CUP does not stay with the property. P. Neumeyer stated that was correct.

Arlene Sertich (01:46:24) – 1714 Gross Ave: She stated she will be taking care of the property and is in favor of the request.

A conversation ensued between Commissioners and A. Sertich regarding Shadow Lane homes and the Airbnb website and regulations that need to be followed.

Jim Elm (01:51:23) – 1191 Shadow Lane: He stated that he owns a home along Shadow Lane. They have a CUP that sits in their window along with two other neighbors. He wanted to know if TRP's would be allowed if they are outside of the Shadow Lane area and have little to no opposition to the request or is it on a case by case basis. P. Neumeyer stated it is a case by case basis; there is other criterion that needs to be looked at.

Connie Ricker (1:54:08) – 726 Bow Bells Rd, Hobart: C. Ricker stated her mother is the neighbor who opposes the request. Their main concern is that many houses in the area are being bought and turned into transient homes and leaving the neighborhood empty.

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

S. Bremer started by asking for a more precise way of defining what is and is not permitted, rather than the case by case basis. She gave reasons for her support of this request which included the neighbor watching the home, neighborhood support, and that the applicants intend to live there themselves. However, she does have some legal concerns, which clarification can be worked out. T. Gilbert agrees with S. Bremer and supports the request. J. Wiezbiskie also agreed with S. Bremer and requested if some of the legal concerns could be addressed before the next Council meeting. V. Chavez stated that can be arranged. She also stated that the bill never made it off the floor; therefore, there will be no changes in the State Law for TRP's.

M. Conard asked staff if they can revisit the issue for TRP's and make recommendations regarding housing in the area, as the area will be changing and bringing in more people.

A conversation then ensued regarding the language of the operational plan and the language that needs to be changed regarding the age issue.

A motion was made by H. Mueller and seconded by L. Hanson to approve the request for a Conditional Use Permit (CUP) for a Transient Residential use located at 1719 Gross Avenue, subject to compliance with the Development standards found in 13-1602(j), Green Bay Zoning. Motion carried.

5. (ZP 16-19) Discussion and action on the request for a Conditional Use Permit (CUP) for a detached accessory building with a metal exterior greater than 120 sq. ft. in a Low-Density Residential (R1) District located at 3290 Sitka Street. (Ald. T. De Wane, District 2) (2:10:33)

M. Lyons presented to Commissioners the request for a CUP for a detached metal structure. He described in detail the applicant's intentions and provided photos. He directed Commissioners to the zoning code that states that the structure shall be similar to the main building. The structures in the area are brick faced structures. This structure being proposed does not have the brick face. Ald. T. De Wane, Ald. B. Dorff, and McAuliffe and Woodside Heights Neighborhood Associations were notified of the request. Staff did receive one email objection to the request. Staff is recommending denial due to the incompatibility of the structure relative to the surrounding area.

S. Bremer asked about the objection. M. Lyons stated they didn't feel the structure fit the neighborhood. J. Wiezbiskie stated he agreed and would make a motion to deny the request.

M. Conard suspended the rules for public comments.

A motion was made by Ald. D. Nennig and seconded by J. Wiezbiskie to suspend the rules for public comments.

Larry Ohnesorge (2:13:43) – 3290 Sitka Street: L. Ohnesorge informed Commissioners his intent for the metal building. He stated there is a berm around the building and there is no one living in the home behind him. He stated this building will be well taken care of. He is asking for a CUP for the building for parking needs. He did argue that not all houses in the area have brick fronts.

Ald. T. De Wane stated he had no feedback from the neighborhood associations, but did get a call from a concerned citizen regarding that it won't fit the neighborhood.

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

Ald. T. De Wane asked what other options L. Ohnesorge would have if this was denied. M. Lyons explained to him the options, which included matching his home.

A conversation continued regarding the façade of the metal building and the berm around the building. H. Mueller asked how restrictive can they be in the materials used. M. Lyons stated they can put conditions onto the CUP. P. Neumeyer stated that another option would be for the applicant to build something smaller than a 120 sq. ft. building. Ald. D. Nennig stated if they allow this type of construction, would it open up issues for other homes to want the same and believes this is way too visible for this type of construction on the corner.

Ald. T. De Wane asked the Plan Commission to table the request instead of denying it. He would like to help/work with L. Ohnesorge and see what other options there might be.

A motion was made by J. Wiezbiskie and seconded by Ald. D. Nennig to table the request for a Conditional Use Permit (CUP) for a detached accessory building with a metal exterior greater than 120 sq. ft. in a Low-Density Residential (R1) District located at 3290 Sitka Street until the June 13, 2016 Plan Commission meeting. Motion carried.

6. A Request by Ald. Tom De Wane to make sure the cell tower on NEW Lutheran properties matches cosmetically with the surrounding neighborhood. (2:36:14)

P. Neumeyer stated that at the last Plan Commission meeting Commissioners directed staff to send a letter to SBA and NEW Lutheran explaining Ald. T. De Wane's request regarding cosmetic issues with the tower site. A letter was sent with a response from NEW Lutheran and they are trying to work on the issues. Staff's recommendation is to receive and place on file.

A motion was made by J. Wiezbiskie and seconded by Ald. D. Nennig to receive and place on file a request by Ald. Tom De Wane to make sure the cell tower on NEW Lutheran properties matches cosmetically with the surrounding neighborhood. Motion carried.

INFORMATIONAL:

OTHER:

Director's Update on Council Actions (2:37:37)

K. Vonck reported the following information:

- The rezoning and CUP for Kwik Trip were approved, with the condition that the façade be constructed as presented and the type of fencing along the south property line.
- All other items presented at Council were approved.

K. Vonck then stated that the next meeting be cancelled. However, he would like to have an informal meeting to discuss procedures and rules regarding CUPs, PUDs, and other information with the City Attorney.

M. Lyons asked if anyone would be interested in sitting on the Steering Committee for Velp Avenue. T. Gilbert stated that he was interested.

New Commissioner J. Wiezbiskie was welcomed to the committee.

A motion was made by S. Bremer and seconded by L. Hanson to adjourn. Motion carried.

Meeting adjourned at 8:43 p.m.