

**MINUTES
GREEN BAY PLAN COMMISSION
Monday, July 11, 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-74/> and follow the time stamp listed on each item.**

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

MEMBERS EXCUSED: Heather Mueller

OTHERS PRESENT: Kevin Vonck, Paul Neumeyer, Mark Lyons, Stephanie Hummel, Ald. Joe Moore, Ald. Chris Wery, Ald. Mark Steuer, Michael Skiffington; Ross, Kornowske, Sara Draeger, Jennifer Pagel, Mary Jo Reimer, Annette Chavez, Mark Wegner, Glen Roth, Ben Heyren, Josh Koch, Tim Kuehn, Justin Schueller, Dr. Sam Vainisi, Nancy Vander Kelen, Joseph Schultz, Mike Coppens, Chad Fameree, Bill Oldenburg, Jim Strohsehein, Tricia Garrison, Steve Schommer, Melanie Schommer, John Cordry, William Kocken David Sherry, Cheryl Wolf, Randy Gast, Jerry Hanson, Dave Chrouser, Mark Semeau, Debbie Hamilton, Kim Glover, Kevin Beyer, and Rick Schmitz

APPROVAL OF MINUTES:

Approval of the minutes from the June 13, 2016, Plan Commission meeting

A motion was made by J. Wiezbiskie and seconded by Ald. D. Nennig to approve the minutes from the June 13, 2016, Plan Commission meeting. Motion carried.

COMMUNICATIONS:

INFORMATIONAL:

9. (TA 15-06) Discussion on the request by the Plan Commission to review standards related to transient residential uses. (0:00:00)

P. Neumeyer presented to Commissioners an update regarding TRP's and concerns Commissioners have. They are presenting this item first as there are two TRP's on the agenda tonight. Some concerns addressed included maximum occupancy, land use, discriminatory practices, and over regulation of TRP's. The City Attorney has now been brought into TRP discussions. This is still an on-going discussion with hopes of new information to be brought forward at a later date.

OLD BUSINESS:

1. (ZP 16-27) Discussion and action on the request for a Conditional Use Permit (CUP) for a Transient Residential use located at 1059 Shadow Lane, submitted by Lambeau Field Investments LLC. (Ald. C. Wery, District 8 and Ald. G. Zima, District 9) (0:03:42)

M. Lyons stated this request was tabled at the June meeting. M. Lyons presented to Commissioners the CUP request for a TRP located at 1059 Shadow Lane. Information presented included, location of the TRP, zoning, and previous requested TRP's. Staff is recommending approval of the request, subject to the compliance with the Development standards and compliance with the submitted operating plan. An email was received from Ald. C. Wery opposing the request. The petitioner has done some additional outreach to the neighborhood and will have additional information to provide tonight.

Moved by Ald. D. Nennig and seconded by J. Wiezbiskie to suspend the rules for public comments. Motion carried.

Ross Kornowske – Gerber's Law, 2391 Holmgren Way: R. Kornowske is the Attorney for Lambeau Field Investments, LLC. He informed Commissioners that their client did go out into the neighborhood and collected signatures in support of the request. A petition with signatures was submitted to Commissioners. He did then address some of the concerns Commissioners had regarding the Operating Plan.

Sara Draeger – 1054 Shadow Lane: S. Draeger spoke in favor of the request and that her husband would be a person of contact if issues should arise.

Mary Jo Reimer – 1064 Shadow Lane: M. Reimer spoke against the request.

Annette Chavez – 1070 Shadow Lane: A. Chavez spoke against the request.

Mark Wegner – 1053 Shadow Lane: M. Wegner spoke in favor of the request and will be helping to take care of the property.

The following were present but did not wish to speak and were in favor of the request: Jennifer Pagel, Glenn Roth, and Ben Heyren.

Ald. C. Wery shared his opinion regarding TRPs. He stated a majority of the neighborhood is in favor of the request.

Ald. M. Steuer questioned what happens to the TRP status when the property is sold. M. Lyons stated the TRP is for the current owner. If the property is sold, the new owner would have to re-apply for a TRP.

Moved by J. Wiezbiskie and seconded by T. Gilbert to close the floor for public comments. Motion carried.

A conversation then ensued between Commissioners, staff, and the applicant. The items discussed included parties rented to and if they will be paying for their stay and room / hotel tax. Also discussed was regarding neighborhood support, lease information being shared with Planning staff to ensure compliance with the city nuisance regulations, additional contact information other than the homeowner, LLC businesses, and location of TRPs.

A motion was made by J. Wiezbiskie and seconded by T. Gilbert to approve the request for a Conditional Use Permit (CUP) for a Transient Residential use located at 1059 Shadow Lane, subject to the following conditions:

- A. Compliance with the Development standards found in 13-1602(j), Green Bay Zoning.
- B. Compliance with the submitted operating plan.

- C. The rental agreement shall include contact information for the owner and an additional representative, as well as rules to ensure compliance with city nuisance regulation, and shall be submitted to the Planning Department.

Motion carried.

NEW BUSINESS:

2. (ZP 16-11) Discussion and action on the request for a Conditional Use Permit (CUP) to operate minor auto repair in a Light Industrial (LI) District at 1848 Brook Street, submitted by James Conard. (Ald. D. Nennig, District 5) (0:32:19)

M. Conard stated for the record that she is not related to the petitioner, James Conard.

M. Lyons presented to Commissioners the request for a CUP at 1848 Brook Street. Items presented included zoning, Comprehensive Plan, and the reason for the CUP. The applicant filed earlier this year, however, found out the property is located within a well head protection zone. This particular zone does not allow any type auto related uses without the approval from the Green Bay Water Utility, which was approved. An email was received supporting the request, which is included within the meeting packet. Staff is recommending approval subject to Compliance with all of the regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit (CUP), including standard site plan review and permitting approvals; all vehicle parts shall be stored inside of an enclosed building; and there shall be no expansion of the conditional use without Plan Commission and City Council approval.

Ald. D. Nennig stated this property is in his district and looks to be an acceptable use.

Moved by S. Bremer and seconded by L. Hanson to suspend the rules for public comments. Motion carried.

Josh Koch – 231 S Adams Street: J. Koch presented to Commissioners the intent of the business, the well head process, operation plan, history of the property, and is asking for approval of the request.

A conversation ensued between Commissioners and the applicant. Information included concerns regarding residents at the nursing home.

Moved by S. Bremer and seconded by L. Hanson to close the floor for public comments. Motion carried.

A motion was made by Ald. D. Nennig and seconded by J. Wiezbiskie to approve the request for a Conditional Use Permit (CUP) to operate minor auto repair in a Light Industrial (LI) District at 1848 Brook Street subject to the above listed conditions.

Ald. M. Steuer asked about the process for noticing the area. P. Neumeyer explained the notification process.

Motion carried.

3. (ZP 16-18) Discussion and action on the request to rezone the following parcels from General Commercial (C1) and Low Density Residential (R1) to Office Residential (OR): 1835 South Ridge Rd, Tax Parcel: 1-1423; 1825 South Ridge Rd, Tax Parcel: 1-1423-A-2;

1821 South Ridge Rd, Tax Parcel: 1-2192; 1297 Thorndale St, Tax Parcel: 1-2191; 1291 Thorndale St, Tax Parcel: 1-2190; 1818 Frank St, Tax Parcel: 1-2189; 1824-1826 Frank St, Tax Parcel: 1-2194; and a request to create a Planned Unit Development (PUD) Overlay for the above subject parcels, submitted by Dave Chrouser, Mau & Associates, on behalf of Kuehnridge Holdings, LLC. (Ald. C. Wery, District 8) (0:41:42)

P. Neumeyer presented to Commissioners information regarding rezoning and the creating of a PUD Overlay for the above listed parcels for the development for Vainisi Plaza. Information included location, notice area, zoning information, Comprehensive Plan, the current site plan, height requirement for the building, access to Thorndale, traffic analysis, and types of signage and location. Affected property / business owners within 400 ft. were noticed. There were some objections that were received and are included within the meeting packet. Staff is recommending approval of the request subject to the combination of all subject parcels into one Tax Parcel and the draft Planned Unit Development (PUD) ordinance.

A conversation ensued between Commissioners, staff, and Ald. M. Steuer, regarding the Comprehensive Plan amendment, staff's recommendation regarding access into residential area, concerns regarding height of the building, referring to the building as a "transitional area" between Lambeau Field and the Titledown District, emergency outlet requirements, submitted letters from neighbors, access to Thorndale, and traffic analysis results.

Moved by T. Gilbert and seconded by J. Wiezbiskie to suspend the rules floor for public comments. Motion carried.

Representatives Kuehnridge Holdings requested to defer their presentation until they hear resident concerns. K. Vonck asked that they present their information first to help with public questions and concerns.

T. Kuehn from Kuehnridge Holdings stated what their goals are tonight. Their presentation included how the property was acquired, the location of the building, rezoning of the parcels, parking, reasons for the height of the building, landscaping, noise reduction, PUD Draft Ordinance, driveway access to Lombardi Avenue, Ridge Road and Thorndale, traffic analysis results, neighborhood concerns; to include Packer game day access, neighborhood meetings, and recapped the process they have gone through up to this point.

A comment and question session ensued with the applicant and Commissioners regarding tenants for the building and access on Thorndale.

Justin Schueller – RA Smith National: J. Schueller spoke in greater detail regarding the findings of the traffic study and access areas for Lombardi Avenue, Ridge Road, and Thorndale.

A conversation continued between Commissioners and J. Schueller regarding the results of the traffic study. Information included volume of traffic on Thorndale and access from Vainisi Plaza onto Thorndale, the "left turn only" possibility onto Thorndale, and necessity of the Thorndale exit.

Dr. Sam Vainisi – 5587 State Rd 29: S. Vainisi spoke in favor of the project.

Nancy Vander Kelen – 3934 St Croix Cir: N. Vander Kelen stated she is opposed to the project. Her main concerns are traffic on Thorndale on Packer game day, the height of the building and water run-off from the building.

Mike Coppens – 647 Foxview Street: M. Coppens stated he is against the project. His main concern is the impact on neighboring properties, and safety.

Bill Oldenburg – New Franken, WI: B. Oldenburg stated he is against the project, due to traffic concerns on Thorndale Street.

Steve Schommer – 1194 Thorndale Street: S. Schommer stated he is against the project, due to traffic concerns on Thorndale Street.

Melanie Schommer - 1194 Thorndale Street: M. Schommer stated she is against the project, due to traffic concerns on Thorndale Street.

John Cordry – 1288 Thorndale Street: J. Cordry stated he is not against the project, against the driveway and traffic concerns on Thorndale Street.

The following were present but did not wish to speak: Joseph Schultz (for), Chad Fameree (against), Jim Strohsehein (for); Tricia Garrison (for the project; against the Thorndale exit).

Moved by J. Wiezbiskie and seconded by L. Hanson to close the floor for public comments. Motion carried.

Ald C. Wery stated he is for the project. He did address some of the neighborhood concerns to include the notification area and neighborhood support, buffers, and visual appeal. The main concern is the Thorndale Street drive access.

Moved by T. Gilbert and seconded by J. Wiezbiskie to re-open the floor for public comments. Motion carried.

William Kocken – W. Kocken stated that his home is one included in the rezoning tonight. He then spoke about traffic in the area and the driveway access to Thorndale Street.

Randy Gast – Hanaway Ross Law Firm: R. Gast stated he represents Kuehnridge Holdings. He wanted Commissioners to know that they have worked closely with Planning staff regarding the rezoning and PUD request tonight. He addressed neighborhood concerns to include how neighborhoods are changing with incoming TRPs as well as the surrounding area. He also addressed the Thorndale access drive as that seems to be the main issue. He then discussed the results from the study and why the driveway would be valued. They are asking that the PUD be approved as presented and permit a full access driveway onto Thorndale, based on traffic study results. If a full access driveway is denied by Commissioners, they would then like to see a driveway with gated access utilized for Packer game days only. They are also asking that the project not be delayed any longer.

Jerry Hanson – 2168 Oakwood Avenue: J. Hanson stated he owns the property at 1810 S. Ridge Road. He is in favor of the project. He did speak in favor for the driveway access off of Thorndale.

David Sherry – 1255 Thorndale Street: D. Sherry stated he is against the project and has a problem with the Thorndale Street driveway.

Cheryl Wolf – 1203 Liberty: C. Wolf is not against the project, however, has issues regarding the traffic on Thorndale Street, the size of the project, and property values.

Dave Chrouser – Mau & Associates: D. Chrouser stated they did the plans for the parking lot and will also be addressing the storm water run-off. He discussed details of the PUD for the parking lot and issues they have encountered. He also discussed concerns regarding landscaping, and the height of the building.

A discussion took place between Ald. M. Steuer and D. Chrouser regarding the PUD, parking spots, landscaping / buffers and setbacks.

Moved by S. Bremer and seconded by T. Gilbert to close the floor for public comments. Motion carried.

A discussion then took place among Commissioners. The items discussed included the size of the project, access drive to Thorndale Street, alternative exits from the parking lot, traffic study results from Justin Schueller, and landscaping. J. Wiezbiskie stated he would accept staff's recommendation. M. Conard stated she is in favor of the request, except for the driveway onto Thorndale Street.

K. Vonck stated the items in the PUD ordinance, as written, that need to be discussed include not having a Thorndale Street access and 70 percent maximum impervious coverage. A discussion then ensued regarding the impervious coverage, 70 percent vs. 80 percent. If the PUD is approved as written, it would not give access to Thorndale Street and allow for the 70 percent impervious coverage. It was suggested that the item be tabled until staff can look at the traffic study that was completed. K. Vonck stated that Traffic Engineer, Dave Hansen, is comfortable with the plan moving forward without the access to Thorndale Street, which could be changed or overturned by City Council.

A motion was made by J. Wiezbiskie and seconded by T. Gilbert to approve the request to rezone the following parcels from General Commercial (C1) and Low Density Residential (R1) to Office Residential (OR) for the above listed parcels and to create a Planned Unit Development (PUD) Overlay for the above subject parcels, subject to: the combination of all subject parcels into one Tax Parcel and the draft Planned Unit Development (PUD) ordinance. Motion carried.

7. (SV 16-03) Discussion and action on the request to vacate excess right-of-way at the intersection of Frank Street and Shadow Lane, submitted by David Chrouser, Mau & Associates. (Ald. C. Wery, District 8) (3:15:15)

S. Hummel presented to Commissioners the request to vacate excess right-of-way located at the corner of Frank Street and Shadow Lane.

A motion was made by J. Wiezbiskie and seconded by Ald. D. Nennig to approve the request to vacate excess right-of-way at the intersection of Frank Street and Shadow Lane, subject to the following conditions:

- A. A 12-ft. easement for Wisconsin Public Service's existing gas main in the vacated area is required.
- B. The existing 8-ft. wide Crosswalk Easement (641R342) shall be extended northerly through vacated right-of-way, or conveyed to the City with a quit claim deed.

- C. All expenses to remove and relocate sidewalk and curb & gutter and the cost to repave the intersection shall be at the sole cost of the requestor.
- D. This Street Vacation shall be void if the Zoning Petition (16-18) for rezoning and the creation of a Planned Unit Development does not receive approval.

Motion approved.

- 4. (ZP 16-26) Discussion and action on the request for a Conditional Use Permit (CUP) to authorize drive-thru for a coffee distributor at 1250 Block Velp Avenue, submitted by Mark Semeau. (Ald. R. Scannell, District 7) (3:16:57)

M. Lyons presented to Commissioners the request for a CUP at the 1250 Block of Velp Avenue, the site is currently vacant. Items discussed included the Comprehensive Plan, location, and zoning. Uses include a print shop, which includes vehicle graphing, a coffee wholesale retail establishment, and a small drive-thru coffee, one lane / single window facility, which in a C2 District requires a CUP. Staff is recommending approval subject to the following conditions:

- A. Velp Avenue driveway will be exit only.
- B. Compliance with all of the regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit (CUP), including standard site plan review and approval.

The following were present but did not speak: Mark Semeau, Petitioner; and Debbie Hamilton, Mather Heights Neighborhood Association.

A motion was made by J. Wiezbiskie and seconded by S. Bremer to approve the request for a Conditional Use Permit (CUP) to authorize drive-thru for a coffee distributor at 1250 Block Velp Avenue, subject to the above listed conditions. Motion approved.

- 5. (ZP 16-30) Discussion and action on the request to rezone 1599 University Avenue from Low Density Residential (R1) and General Commercial (C1) to Light Industrial (LI); and the request to create a Planned Unit Development (PUD) Overlay for the subject property to permit the construction of self-service storage units, submitted by Rick Schmitz, Lok-Safe Storage, LLC. (Ald. J. Moore, District 6). (3:20:27)

P. Neumeyer presented information to Commissioners regarding a two-part request for a rezoning and creating of a PUD Overlay at 1599 University Avenue. Information included the location of the property, current and future zoning, site plan, use of the property, and landscaping. Affected property owners were notified of the request. No calls or questions were received regarding the request. Staff is recommending approval of the request subject to the draft PUD ordinance.

A discussion ensued between staff and Commissioners. Items discussed included the exterior of the building, the use of the existing building, location of the sign on Elizabeth, and the current and new barrier between the building and the neighborhood.

Moved by J. Wiezbiskie and seconded by T. Gilbert to open the floor for public comments. Motion carried.

Kim Glover – 1605 University Avenue: K. Glover stated she was never noticed of this request and had made numerous complaints to Ald. J. Moore regarding the looks of the property. She

also inquired about lighting and driveways that may cause trouble. P. Neumeyer then addressed the driveway issue.

Kevin Beyer – 1957 East Shore Drive: K. Beyer stated his concerns are the increased traffic, driveway next to Preble Avenue, sound barriers, lighting, the overall look of the property, and landscaping/green space. P. Neumeyer did address K. Beyer's questions and referred to the petitioner for additional information.

Ald. J. Moore gave a brief history of the project and is happy to see the new development along University Avenue. His main concerns included the entrance from the former Day Street, remove or renovating the existing building on the property, green space, curb appeal along University Avenue, a privacy fence, lighting, and clean-up of the entire site. The developer was able to address all the concerns. He is in favor of the request.

Rick Schmitz – 278 Newcastle Ct: R. Schmitz is the petitioner for this request. The items discussed included lighting, the number of units (200), traffic flow, and the one driveway gated entrance off of Preble Avenue.

A discussion then ensued between the petitioner, staff and Commissioners.

Moved by T. Gilbert and seconded by D. Nennig to close the floor to public comments. Motion carried.

A motion was made by S. Bremer and seconded by T. Gilbert to approve the request to rezone 1599 University Avenue from Low Density Residential (R1) and General Commercial (C1) to Light Industrial (LI); and to create a Planned Unit Development (PUD) Overlay for the subject property to permit the construction of self-service storage units, subject to the draft PUD ordinance. Motion carried.

6. (ZP 16-31) Discussion and action on the request for a Conditional Use Permit (CUP) for a Transient Residential use located at 1810 South Ridge Road, submitted by Jerry & Cheryl Hanson. (Ald. C. Wery, District 8) (3:44:01)

M. Lyons presented to Commissioners information for the CUP for a TRP located at 1810 S. Ridge Road. The information included Comprehensive Plan, zoning, and briefly went through development standards. Staff is recommending approval, subject to the operating plan and compliance with the TRP criteria. There were no objections or inquiries from the neighborhood or Ald. C. Wery.

Ald. C. Wery stated he has not heard any feedback from neighbors. The property is surrounded by rental homes and is in favor of the request.

J. Hanson, Petitioner, gave a brief history about the property and his son owns the property next door. He was able to explain the police calls. He then explained his intention for the property and who his target clientele would be and some items that will be included within the lease.

A motion was made by J. Wiezbiskie and seconded by Ald. D. Nennig to approve the request for a Conditional Use Permit (CUP) for a Transient Residential use located at 1059 Shadow Lane, subject to the following conditions:

- A. Compliance with the Development standards found in 13-1602(j), Green Bay Zoning.
- B. Compliance with the submitted operating plan.

- C. The rental agreement shall include contact information for the owner and an additional representative, as well as rules to ensure compliance with city nuisance regulation, and shall be submitted to the Planning Department.

Motion approved.

8. (PP 16-02) Discussion and action on the request to approve the task order for the Velp Avenue Area-wide Plan. (Ald. R. Scannell, District 7 and Ald. M. Steuer, District 10) (0:3:55:51)

M. Lyons gave an update to Commissioners regarding the Velp Avenue Area-wide Plan regarding funding and the hiring of a consultant. Staff would like to continue to work with the consulting firm for completion of phases II and III. Staff will be meeting with Mather Heights in the near future for a focus group and start gathering information for the project. This will be taken to EDA next Wednesday and City Council next week.

A conversation ensued between M. Steuer and M. Lyons regarding stakeholders and focus group interviews.

A motion was made by L. Hanson and seconded by T. Gilbert to approve the task order for the Velp Avenue Area-wide Plan. Motion approved.

M. Conard announced that H. Mueller is resigning from the Plan Commission.

OTHER:

Director's Update on Council Actions. (3:59:14)

K. Vonck reported the following information:

Items approved / denied from June 21, 2016 Meeting:

- CUP for the garage at 3290 Sitka St was approved.
- CUP for the parking lot at Kellogg and N. Chestnut was approved.
- First reading for rezoning on Bart Starr Drive.

A motion was made by T. Gilbert and seconded by L. Hanson to adjourn. Motion carried.

Meeting adjourned at 10:03 p.m.

SUBMITTED PETITIONS: (for informational purposes only)