

**MINUTES
GREEN BAY PLAN COMMISSION
Monday, August 8, 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-87/> 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:

OTHERS PRESENT: Kevin Vonck, Paul Neumeyer, Mark Lyons, Stephanie Hummel, Ald. Chris Wery, Mike Lenarduzzi, Sara Draeger, Steve Draeger, Annette Chavez, Diane Wilson, Mark Wegner, Cora Haltaufderheid, Craig Salentine, Melonie Tahtinen, Greg Delaruelle, Rebecca Kleczka, Jeff Tahtinen, Karen Stoehr, Marco Rodriguez, and Dan Roarty

APPROVAL OF MINUTES:

Approval of the minutes from the July 11, 2016, Plan Commission meeting

A motion was made by S. Bremer and seconded by T. Gilbert to approve the minutes from the July 11, 2016, Plan Commission meeting. Motion carried.

COMMUNICATIONS:

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)

M. Lyons stated this request was presented to the Plan Commission on June 13th and July 11th. At the July 11th meeting, the request was approved with conditions; however, at the Common Council meeting on July 19th, the request was referred back to the Plan Commission. M. Lyons then presented to Commissioners the information regarding the TRP request which included location, Comprehensive Plan, zoning, and a map of TRP locations. Staff's recommendation is approval of the request.

A discussion ensued between staff and Commissioners regarding the request. Items discussed included Council's concerns. The main issue was neighbor's opposing to the request and a petition.

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

Ald. C. Wery did then discuss the petition and presented a copy of the petition with signatures against the TRP to Commissioners. Ald. C. Wery is now opposed to the request.

Mike Lenarduzzi – 1059 Shadow Lane: M. Lenarduzzi is a representative of Lambeau Field Investments. He discussed with Commissioners his concern and frustration regarding the first petition that was submitted and the fact that this had been approved at the last Plan Commission meeting and that a TRP one block from their location had been approved.

Sara and Steve Draeger – 1054 Shadow Lane: The Draeger's spoke in favor of the TRP. They expressed their frustration regarding Ald. C. Wery no longer supporting the request.

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

Mark Wegner – 1053 Shadow Lane: M. Wagner lives next door to the subject property and is in favor of the request.

The following were present, but did not wish to speak:

Diane Wilson – 1096 Kenwood Street – Opposed.

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

A conversation ensued between Commissioners, Staff, and Ald. C Wery, regarding the petition, and the address locations in conjunction with the subject property. It was discussed that denying the request would not be in their best interest at this time due to the emergence of Air BNB's. Ald. Nennig again discussed the reasons why Common Council referred the request back to Plan Commission. They then discussed in detail the operating plan and information they believe is missing, which creates a concern for Commissioners. T. Gilbert stated he cannot support this request as a majority of the neighborhood is against the request.

Other items discussed included the future of TRP's, what other municipalities may do with TRP's, zoning, residential use vs. commercial use, and the possibility of tabling the item again. K Vonck reminded Commissioners that the request will need to be considered under the current TRP ordinance even if they do take action on item #5. Commissioners are having a difficult time making a decision as there are no cut and dry guidelines and should not have to base their opinion on whether or not people like the request. P. Neumeyer stated that staff feels the applicants have met the requirements for the CUP listed in the ordinance. However, additional conditions can be added to be more restrictive. He stated the petition does not play a strong enough roll in the decision as it is just a popularity petition. S. Bremer stated she would like to see the following condition added to the staff's recommendation: 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.

A motion was made by S. Bremer 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.

L. Hanson continued the discussion regarding police calls to the property, in which staff replied that police calls are included within the meeting packet. S. Bremer suggested that a map be

created and presented to City Council to show where opposing neighbors live relative to the subject property.

The motion was seconded by L. Hanson. Motion carried. (5-1- Noes: T. Gilbert)

NEW BUSINESS:

2. (ZP 16-33) Discussion and action on the request to authorize a Conditional Use Permit (CUP) for three two-family dwellings located at along E Walnut Street and Baird Street, submitted by Green Bay Habitat for Humanity, property owners. (Ald. B. Galvin, District 4) (1:03:24)

S. Hummel presented to Commissioners the information regarding the CUP request. Information included the location of the dwellings, Comprehensive Plan, zoning, and reason for the CUP. She explained that these are “twin” homes or Townhomes and are not considered duplexes. The land will be divided through a subdivision plat. Specific information was shared regarding height of the homes, driveways, porches and architectural façade. The area is comprised of single and two-family homes with the exception of the park and high school that are nearby. Habitat is able to help 6 families using this concept rather than two or three families as the twin home lots are very narrow. Staff is recommending approval with the conditions that a subdivision plat be approved prior to receiving building permits for this project and they comply 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.

S. Bremer asked what was meant by “no development standards” that was mentioned in the Staff Report. S. Hummel explained to S. Bremer what development standards are.

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

Cora Haltaufderheid – Habitat for Humanity: C. Haltaufderheid presented to Commissioners renderings of what they intend to build. If approved, they are looking to start building in September and have a completion date of May/June 2017. The families will own and occupy the homes.

M. Conard asked if anyone else wished to speak. There were no other speakers.

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

A motion was made by D. Nennig and seconded by S. Bremer to approve the request to authorize a Conditional Use Permit (CUP) for three two-family dwellings located along E Walnut Street and Baird Street subject to the above listed conditions. Motion carried.

3. (ZP 16-34) Discussion and action on the request to rezone 1022 Ninth Street from Low Density Residential (R1) to Office/Residential (OR), submitted by Craig Salentine, property owner. (Ald. G. Zima, District 9) (1:09:26)

P. Neumeyer presented to Commissioners the request for the rezoning at 1022 Ninth Street for a live-work unit. Information included location of the property, surrounding uses, Comprehensive Plan, current/future zoning, and the purpose of the rezoning. Ald. G. Zima and affected property owners were notified of the request. One letter of objection was received and

is included within the meeting packet as well as two emails submitted prior to the meeting time. Staff is recommending approval of the request.

A conversation ensued between S. Bremer and P. Neumeyer regarding the zoning and laws upgrading the property to meet business standards, parking, traffic flow, and pedestrian safety.

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

Craig Salentine – 1022 Ninth Street: C. Salentine stated he is the property owner and applicant for the request. His intent is to live in the home and to have a roommate and work out of the home.

A conversation then took place between Staff, Commissioners, and C. Salentine. M. Conard asked about the pictures that were submitted. C. Salentine explained the pictures were from a 4th of July event put on by the wellness center. He went into detail regarding the event. J. Wiezbiskie asked if he plans on holding an event like this again. C. Salentine stated no. Other items discussed included parking for C. Salentine's and his roommates business, concerns over street parking and possibility of a retail business in the future.

Greg Delaruelle – 2765 Moose Creek Trail: G. Delaruelle stated he is against the request due to the event that the wellness center held. He just wants a good neighbor relationship.

Rebecca Kleczka – 1008 9th Street: R. Kleczka stated they are not the homeowners, but are the renters and their issue was with the event the wellness center held.

Jeff Tahtinen – 1019 9th Street: He stated that parking is a big issue as the streets are very narrow, who/what the new tenant would be, current and future zoning, and the event at the wellness center.

Karen Stoehr – 1028 Ninth Street: K. Stoehr stated she owns the wellness center and the "Farm House". She gave a brief history and purpose of her two properties. She then went into great detail about the event and how C. Salentine got involved.

A conversation then ensued between Commissioners and K. Stoehr regard parking issues for the wellness center, and advertising to neighbor's for future special events.

The following were present but did not wish to speak:

Melonie Tahtinen – 1019 9th Street – Opposed.

S. Bremer asked C. Salentine regarding further retail options in the future and what his current intentions would be for their business. C. Salentine stated that his roommate would see clients during the day and he would see clients in the evening as he has other employment during the day off-site.

Ald. C. Wery also stated that parking has become an issue over the past few years and would like to see better communication with neighbors.

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

A conversation ensued between commissioners and Staff regarding the request. Items discussed included the wellness center's event, parking issues, size of lot, possible need of a CUP for the retail component, zoning, expansion of non-residential uses into a residential neighborhood.

A motion was made by J. Wiezbiskie and seconded by T. Gilbert to deny the request to rezone 1022 Ninth Street from Low Density Residential (R1) to Office/Residential (OR). Motion approved.

4. (ZP16-35) Discussion and action on the request to authorize a Conditional Use Permit (CUP) for minor auto repair in a General Commercial (C1) District at 1783 Main Street, submitted by Macro Rodridguez (Ald. A. Nicholson, District 3) (1:58:07)

M. Lyons presented to Commissioners the information for the request for a CUP for a minor repair facility. Information presented included location, grade change, Comprehensive Plan, zoning, the site plan, and current automobile uses in the current corridor. Staff is recommending approval of the request subject to the following conditions: 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; No expansion of the conditional use without Plan Commission and City Council approval; Approved storm water management plan by City of Green Bay Department of Public Works; Removal of the Main Street curb cut and curb returned to City of Green Bay standards and Repairs shall be made to any chipping and peeling paint on the exterior of the building. Uniform colors shall be used for a consistent façade appearance. At the time of the hearing, no objections have been received.

Discussion between Staff and Commissioners ensued. S. Bremer asked about the citation they received and about curb cut information. M. Lyons stated they received the citation for starting operations and that they have ceased all operations and explained what the plans were for the curb cut. T. Gilbert asked if this item was before the Commission in the past. P. Neumeyer stated a similar request had been and it was denied by City Council. Other items discussed included involvement with City Inspectors, inquires by the Alderman, parking, and conditions of approval.

Moved by L. Hanson and seconded by D. Nennig to suspend the rules for public comments.

Marco Rodridguez – M. Rodridguez stated he is the new tenant and rented the property three months ago. He shared with Commissioners how he started having complaints called in against him when he opened and wants to abide by all necessary rules to open his shop. S. Bremer asked if he was in agreement with the conditions that Staff has suggested. He stated yes.

Moved by T. Gilbert and seconded by Ald. D. Nennig to close the floor for public comments.

A motion was made by S. Bremer and seconded by L. Hanson to approve the request to authorize a Conditional Use Permit (CUP) for minor auto repair in a General Commercial (C1) District at 1783 Main Street, subject to the above listed conditions. Motion carried.

5. (TA 16-02) Discussion on the request by the Planning staff to amend Chapter 13-602, Table 6-1 and Chapter 13-1602 (j) related to transient residential uses. (2:08:38)

P. Neumeyer presented to Commissioners a draft ordinance for TRP's. He stated that TRP's are becoming more of an occupancy issue rather than a land use issue. He briefly went through

the major changes of the ordinance. The biggest change is taking the CUP out of the process and making it a permitted use in the R1, R2 and RR districts. Other changes included obtaining a Rooming House permit from the State, Sales Permit, and registering with Green Bay Treasurer's office. Some items that were removed from the ordinance included parking standards and required neighborhood meetings.

A discussion then ensued between Staff and Commissioners regarding the changes to the ordinance. Items discussed included grandfathering in past TRPs, application and review fees for city and state, difference between an Air BNB and a B&B, neighborhood concerns, parking, non-conforming TRPs, TRP status when the property is sold, a memo to Council Members in advance for input, TRPs in other areas, consistency, removal of the "TRP" and change to short term rentals, language changes to the ordinance, zoning, penalty fees and next plan of action for approval of the ordinance.

A motion was made by Ald. D. Nennig and seconded by T. Gilbert to amend and create a draft ordinance for Chapter 13-602, Table 6-1 and Chapter 13-1602 (j) related to transient residential uses and bring back to Plan Commission for approval at a later date. Motion carried.

INFORMATIONAL:

6. Update on subdivision plats currently in the review process. (2:44:15)

S. Hummel presented to Commissioners an update regarding the following subdivision plats; The Preserve, Phase II, 1609 Western Avenue, Bradley Estates, and Sand Ridge Park South, First Addition.

OTHER:

Director's Update on Council Actions. (2:46:17)

P. Neumeyer gave a brief update regarding the B&B located on Nicolet Drive with the main concern is parking.

K. Vonck reported the following information:

- Cherry Street Ramp Apartments going to RDA

Items approved at June 21, 2016 Common Council Meeting:

- CUP for 1059 Shadow Lane was referred back to Plan Commission
- CUP for 1810 Ridge
- CUP for Auto Repair on Brook Street
- CUP for the drive-thru at 1250 Velp
- Vacating an unimproved roadway-Camel Court
- Vacating a portion of Fred Street
- Rezoning for the Kuehn Ridge project was advanced to 3rd reading.
- Rezoning for 1599 University Ave was advanced to 3rd reading.

A motion was made by J. Wiezbiskie and seconded by L. Hanson to adjourn. Motion carried.

Meeting adjourned at 8:52 p.m.

SUBMITTED PETITIONS: (for informational purposes only)