



AGENDA OF THE GREEN BAY PLAN COMMISSION

**MONDAY, MAY 7, 2018, 6:00 PM
CITY HALL, ROOM 310**

A. Roll Call.

1. Members: Timothy Gilbert - Chair, Sidney Bremer - Vice-Chair, Ald. Veronica Corpus-Dax, Lisa Hanson, Jacob Miller, Randall Petrouske and Jerry Wiezbiskie

B. Approval of the Agenda.

1. Approval of the agenda for the May 7, 2018, meeting of the Green Bay Plan Commission.

C. Approval of Minutes.

1. Approval of the minutes from the April 23, 2018, Plan Commission Meeting.

D. Public Hearings.

1. (CPA 18-01) Public hearing on the request to amend the City of Green Bay Smart Growth 2022 Comprehensive Plan from Commercial and General Industrial to Medium and High Density Housing for property located at 1060 Gray Court, submitted by Jonathon Leroy, Mau & Associates, on behalf of Gerry Bigelow, Bigelow Rentals (Ald. R. Scannell, District 7).

E. Regular Business.

1. (CPA 18-01) Consideration with possible action on the request to amend the City of Green Bay Smart Growth 2022 Comprehensive Plan from Commercial and General Industrial to Medium and High Density Housing for property located at 1060 Gray Court, submitted by Jonathon Leroy, Mau & Associates, on behalf of Gerry Bigelow, Bigelow Rentals (Ald. R. Scannell, District 7).
2. (ZP 18-11) Consideration with possible action on the request to authorize a Conditional Use Permit (CUP) to allow a car wash in a Community Center Commercial (C3) District located at 1053 Velp Avenue, submitted by Kurt Boulanger, Stone Ridge Holdings, LLC, property owner (Ald. R. Scannell, District 7).

3. (ZP 18-14) Consideration with possible action on the request to create a Planned Unit Development (PUD) at 215 N. Webster Avenue, submitted by Lindsey S. Bovinet, on behalf of Whitney School Development, LLC., property owner (Ald. R. Scannel, District 7).
4. (TA 18-02) Consideration with possible action to amend multiple Sections of the Zoning Ordinance affected by 2017 Wisconsin Act 67.
5. (SP 18-02) Consideration with possible action on the request to declare City property surplus at 1029, 1035 and 1039 Velp Avenue, submitted by Kurt Boulanger, Stone Ridge Holdings, LLC (Ald. R. Scannell, District 7).

F. Informational.

1. Director's Report.
2. Date of next meeting: May 21, 2018.
3. Civic Clerk training session.

G. Referral of Petitions & Communications.

H. Adjournment.

- 1) THIS MEETING IS RECORDED: THE VIDEO OF THIS MEETING AND MINUTES ARE AVAILABLE ONLINE AT www.greenbaywi.gov
- 2) ACCESSIBILITY: Any person wishing to attend who requires special accommodation because of a disability, should contact the City Safety Manager at 920-448-3125 at least 48 hours before the scheduled meeting time so that arrangements can be made.
- 3) QUORUM: Please take notice that a majority or quorum of the Plan Commission will attend this meeting and will constitute a meeting of the Plan Commission for purposes of discussion and information gathering relative to this agenda.
- 4) REPRESENTATION: The party requesting the communication, or their representative, should be present at this meeting.



MINUTES OF THE GREEN BAY PLAN COMMISSION

**MONDAY, APRIL 23, 2018, 6:00 PM
CITY HALL, ROOM 310**

A. ROLL CALL.

I. Members: Timothy Gilbert - Chair, Sidney Bremer - Vice-Chair, Ald. Veronica Corpus-Dax, Lisa Hanson, Jacob Miller, Randall Petrouske and Jerry Wiezbiskie

Present: Jacob Miller, Jerry Wiezbiskie, Lisa Hanson, Randall Petrouske, Sidney Bremer, Timothy Gilbert, and Ald. Veronica Corpus-Dax, Excused: None.

B. APPROVAL OF THE AGENDA.

I. Approval of the agenda for the April 23, 2018, meeting of the Green Bay Plan Commission.

Moved by Sidney Bremer, seconded by Jerry Wiezbiskie to approve the agenda for April 23, 2018, meeting of the Green Bay Plan Commission. Motion carried.

Yes- Jacob Miller, Jerry Wiezbiskie, Lisa Hanson, Randall Petrouske, Sidney Bremer, Timothy Gilbert, Ald. Veronica Corpus-Dax No-Abstain, No- None

C. APPROVAL OF MINUTES.

I. Approval of the minutes from the April 9, 2018, Plan Commission Meeting.

Moved by Sidney Bremer, seconded by Jerry Wiezbiskie to approve the minutes from the April 9, 2018 Plan Commission Meeting. Motion carried.

Yes- Jacob Miller, Jerry Wiezbiskie, Lisa Hanson, Randall Petrouske, Sidney Bremer, Timothy Gilbert, Ald. Veronica Corpus-Dax, No- None, Abstain- None

D. NEW BUSINESS.

I. (ZP 18-10) Consideration with possible action on the request to amend the Planned Unit Development (PUD) for HSHS St. Mary's Hospital Medical Center campus signage, 1726 Shawano Avenue, submitted by Cheryl O'Connor. (Ald. Steuer, District 10).

Moved by Lisa Hanson, seconded by Randall Petrouske to open the floor for discussion. Motion carried.

Yes- Jacob Miller, Jerry Wiezbiskie, Lisa Hanson, Randall Petrouske, Sidney Bremer, Timothy Gilbert, Ald. Veronica Corpus-Dax, No- None, Abstain- None

Moved by Jerry Wiezbiskie, seconded by Lisa Hanson to return to regular order of business. Motion carried.

Yes- Jacob Miller, Jerry Wiezbiskie, Lisa Hanson, Randall Petrouske, Sidney Bremer, Timothy Gilbert, Ald. Veronica Corpus-Dax, No- None, Abstain- None

Moved by Sidney Bremer, seconded by Randall Petrouske to approve the request to amend the Planned Unit Development (PUD) for HSHS St. Mary's Hospital Medical Center campus signage, 1726 Shawano Avenue, subject to the Planned Unit Development Ordinance (PUD). Motion carried.

Yes- Jacob Miller, Jerry Wiezbiskie, Lisa Hanson, Randall Petrouske, Sidney Bremer, Timothy Gilbert, Ald. Veronica Corpus-Dax, No- None, Abstain- None

E. INFORMATIONAL.

I. Director's Report.

Moved by Sidney Bremer, seconded by Jerry Wiezbiskie to receive and place on file. Motion carried.

Yes- Jacob Miller, Jerry Wiezbiskie, Lisa Hanson, Randall Petrouske, Sidney Bremer, Timothy Gilbert, Ald. Veronica Corpus-Dax, No- None, Abstain- None

2. Date of next meeting: May 7, 2018.

F. ADJOURNMENT

Moved by Lisa Hanson, seconded by Jerry Wiezbiskie to adjourn. Motion carried.

Yes- Jacob Miller, Jerry Wiezbiskie, Lisa Hanson, Randall Petrouske, Sidney Bremer, Timothy Gilbert, Ald. Veronica Corpus-Dax, No- None, Abstain- None



Report to the Green Bay Plan Commission

MEETING DATE

May 7, 2018

PREPARED BY

David Buck, Staff

AGENDA ITEM # D.1.

(CPA 18-01) Public hearing on the request to amend the City of Green Bay Smart Growth 2022 Comprehensive Plan from Commercial and General Industrial to Medium and High Density Housing for property located at 1060 Gray Court, submitted by Jonathon Leroy, Mau & Associates, on behalf of Gerry Bigelow, Bigelow Rentals (Ald. R. Scannell, District 7).

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Report to the Green Bay Plan Commission

MEETING DATE

May 7, 2018

PREPARED BY

David Buck, Staff

AGENDA ITEM # E.1.

(CPA 18-01) Consideration with possible action on the request to amend the City of Green Bay Smart Growth 2022 Comprehensive Plan from Commercial and General Industrial to Medium and High Density Housing for property located at 1060 Gray Court, submitted by Jonathon Leroy, Mau & Associates, on behalf of Gerry Bigelow, Bigelow Rentals (Ald. R. Scannell, District 7).

BACKGROUND

Primary Address: 1060 Gray Court

Aldersperson/District: Ald. Randy Scannell/7

Reason for Request: This Comprehensive Plan Amendment is proposed to allow the development of an apartment campus off Gray Court.

Subject Parcel Zoning and Land Use:

Subject Property: General Industrial (GI). The property is currently undeveloped.

Surrounding Zoning and Land Uses:

North: General Industrial (GI) / Warehousing

South: General Industrial (GI) / Manufactured home sales and a Single -family home

East: General Industrial (GI) / Auto sales and Telecommunications

West: General Industrial (GI) / Warehousing and Open trailer storage

Comprehensive Plan: The 2022 Smart Growth Green Bay Comprehensive Plan recommends commercial uses on the eastern half of the property and general industrial uses on the western half of the property. The applicant is requesting Medium and High Density Housing land use for a large portion of the subject site. The Comprehensive Plan provides the following definitions for the current recommended land uses:

Commercial land use: Businesses providing retail trade or services for individuals or businesses.

General Industry land use: Industry that involves railroad service, heavy truck traffic, extensive outdoor storage, noise or odors, and the handling of raw materials. It also includes railroad yards, outdoor truck parking, the power plant and the sewage treatment plant.

Medium and High Density Housing land use: Townhouses, 4-, 6- and 8-unit buildings with individual exterior entrances, and all forms of apartment buildings are included in this category, which has been located where there is good traffic access, between Low-Density Housing and nonresidential land uses, and at high-amenity locations such as the greenways or parkways. The density is expected to be greater than 8 housing units per net acre.

The Velp Avenue Areawide Plan (VAAP) was adopted in 2017 as a supplement to the Comprehensive Plan.

Its purpose is to support existing uses along Velp Avenue and proactively forecast how the corridor could transition in the future. This corridor plan covers approximately two miles between Military Avenue and Mather Street and includes multiple “Transformative Opportunity” sites. One of these sites (Transformative Site #4) encompasses the eastern portion of the land area involved in this Comprehensive Plan Amendment request and designates it as appropriate for commercial or mixed-use land uses.

Analysis: This request is in response to the proposed development of a multiple-family apartment campus consisting of six, 12 unit-apartment buildings (72 units) on a portion of 1060 Gray Court. The property at 1060 Gray Court is currently vacant land situated approximately 250 ft. north of Velp Avenue between N. Buchanan Street on the west and Gray Court and Atkinson Drive on the east. Warehousing and industrial uses are located to the west and north; automobile sales and a telecommunication hub to the east; and manufactured home sales and a single family home to the south. The entire area, including the subject land area, is currently zoned General Industrial (GI) with the low-density residential neighborhood across Velp Avenue being a mix of Low Density Residential (R-1), Varied-Density Residential (R-3) and Office-Residential (OR) zoning.

In order to establish the proposed multi-family development, the Comprehensive Plan needs to be amended to the Medium and High Density Housing land use. Following the proposed Comprehensive Plan amendment, the subject area will need be rezoned to Varied Density Residential (R-3) zoning district followed by site plan review and approval. Though they are not binding on this request, a narrative and conceptual site plan have been provided by the applicant and are attached within this agenda packet.

The Velp Avenue Areawide Plan (VAAP) designates the eastern portion of the land involved in this request as Transformative Site #4 and appropriate for commercial or mixed-use land uses. This land use designation change would slightly impact the area available for future commercial or mixed use development. However, as outlined in the petitioner’s narrative, they have attempted to retain space sufficient for future redevelopment efforts by aligning drive access to allow future vacation of Gray Court, provide approximately 250 ft. of depth along the Velp Avenue frontage and leaving 1.11 acres of their parcel unimproved and available for potential lot consolidation with adjacent properties. The petitioner has also indicated that they believe the addition of a new housing product and the addition of 72 units will help to further the objectives of the VAAP by enhancing the desirability of surrounding lands for commercial uses. Lastly, the narrative includes a comparison of other commercial developments to demonstrate that there will remain space for development of retail at the corner of Velp Avenue and Atkinson Drive.

The Smart Growth 2022 Comprehensive Plan establishes the following review criteria for periodic amendments:

1. The change is consistent with the goals and objectives or other elements of Smart Growth 2022.

The proposed change is not a similar land use to adjoining properties as the area is predominately industrial with commercial potential. However, the Comprehensive Plan includes direction for compact redevelopment that is transit oriented over fringe growth (Land Use Objective/Goal); includes desire for access to I-43 and proximity to commercial/service activity centers (Transportation Objective/Goal); and encourages a broad range of housing choice and diversity (Neighborhood and Housing Objective/Goal). Medium and High density housing land uses at the proposed location is not contradictory to these objectives/goals as it would allow residential in-fill within the Urban Service District, is on the transit line (stop on corner of Velp and Gray), is in close vicinity to the I-43 interchange and convenience services across Velp Avenue, and will provide a housing option not currently offered in this this area.

2. The change does not create an adverse impact on public facilities and services that cannot be mitigated. Public facilities and services include roads, sewers, water supply, drainage, schools, police, fire and parks.

The proposed development is located within the Urban Service Area and there are no significant issues

relative to services or facilities. Access to the proposed residential development will line up, as much as possible, with the north-south alignment of Gray Court, thereby allowing the potential vacation of the west-east leg of Gray Court and its incorporation into a viable future commercial development area at the northwest corner of Velp Avenue and Atkinson Drive. Additionally, the proposed area is located 1/3 mile from Atkinson Park and 1/2 mile from Fort Howard Park.

3. Development resulting from the change does not create an undue impact on surrounding properties. Such development should be consistent with the physical character of the surrounding neighborhood or would upgrade and improve its viability.

The proposed residential use will need to be buffered from the existing higher intensity industrial and commercial uses surrounding it. This can be accomplished through sensitive site design and landscaping. Once the residential land use classification and zoning are established, any surrounding future industrial or commercial development will need to incorporate transitional yard buffers as part of their project(s). Concern has been expressed that traffic will increase at the Velp Avenue and Gray Court intersection. While it is true that traffic will increase as a result of vacant lands being developed as residential, volumes will likely be similar or less than those that could be attributable to commercial and industrial uses now permitted and be concentrated to early morning and late afternoon rather than being constant throughout the day.

4. The change allows a more viable transition to the planned uses on adjacent properties than the current land use.

There will not be a better transition of uses between the proposed residential use and the current industrial uses. The residential use; however, is much more in-line and supportive of anticipated commercial uses to the south and east and is much more likely to act as an impetus for complimentary commercial redevelopment along Velp Avenue.

5. The change does not have a significant adverse impact on the natural environment including trees, slopes, and groundwater, or the impact could be mitigated by improvements on the site or in the same vicinity.

There are no anticipated environmental impacts.

6. There is a change in City policies or neighborhood characteristics that would justify a change.

The adoption of the Velp Avenue Areawide Plan this past June has identified the Velp Avenue and Atkinson Drive intersection area as suitable for commercial and mixed use development. This policy change from the comprehensive plans industrial use recommendation may support the requested change as residential land uses will help support the existing and desired commercial uses.

7. The change corrects an error made in the original plan.

Not applicable. There was no error in the original plan. The proposed change is reflective of changing market forces and more extensive and thorough corridor planning.

8. There is a community or regional need identified in the Comprehensive Plan for the proposed land use or service.

The Comprehensive Plan has identified the need for diversity of housing choices and in-fill versus greenfield development. The land use change to medium-high density residential meets these objectives and provides a particular lifestyle on the near northwest side of the city that is currently lacking between the Village of Howard on the west and Broadway on the east.

9. The change helps the City meet its life-cycle and affordable housing goals.

Not applicable. The proposed land use change does not specifically address the affordability of housing.

10. The change does not adversely impact any landmarks or other historically significant structures or properties unless mitigated through relocation, commemoration or dedication.

There are no known landmarks.

From a land use perspective, the proposed use of medium and high density residential does not necessarily propose a more intensive land use when compared to commercial or general industrial uses. However, the proposed use may be incompatible with the existing industrial and outdoor storage uses within the area. This may be a “chicken or the egg” scenario in that the residential uses can be very compatible and complimentary to retail, service, convenience and entertainment commercial uses anticipated by the Velp Avenue Areawide Plan but these are not yet established.

Area retained for future commercial or mixed use at the corner of Velp and Atkinson equates to approximately 7.87 acres with 500 ft. of Velp Ave frontage; however, 3.2 acres is likely unusable do to the presence of wetlands and associated buffers. This leaves approximately 4.68 acres of usable space for future commercial or mixed use redevelopment. To analyze if this land areas will be sufficient, below is a comparison of lot areas utilized for a variety of commercial developments within the city:

Woodman’s (Duck Creek Parkway) – 18 acres with 825 ft. frontage
Festival Foods (University) - 6.3 acres with 330 ft. frontage
Festival Foods (West Mason) - 6.5 acres with 570 ft. frontage
Toys R’ Us (West Mason) – 5.5 acres with 340 ft. frontage
Pick N Save (Lombardi) – 5 acres with 450 ft. frontage
Webster Avenue Market – 4.2 acres with 540 ft. frontage
University Ave Market – 2.5 acres with 410 ft. frontage
Walgreens (East Main) – 2.4 acres with 375 ft. frontage
Aldi’s (Western) – 2 acres with 350 ft. frontage

While the removal of area for medium-high density residential land use reduces that available lands for commercial and mixed use redevelopment envisioned by the VAAP, it does not eliminate the potential for a multitude of uses of varying scales and does not necessitate an amendment to the VAAP.

The fundamental question for this request is whether medium and high density residential uses are appropriate for this location. Staff believes that the proposed land use change is not inconsistent with the goals and objectives of the Smart Growth 2022 Comprehensive Plan, does not create overly adverse impacts, and will provide diversity of housing choices within the northwest side of the city. The addition of residential units in the area may also support and encourage future commercial development within the Velp/Atkinson area and the Velp Avenue corridor.

The Public Participation Plan for Periodic Comprehensive Plan Amendments has been followed for this request. Notice has been provided of the public hearings for both the Plan Commission and the Common Council. The applicant has conducted two neighborhood meetings to gain input from the neighbors, neighborhood associations and area property owners. Additionally, property owners were noticed of the Public Hearing and action item per the standard notification process of the Plan Commission Rules & Policies. Ald. Randy Scannell, Ald. Mark Steuer, the VAAP Steering Committee members, Mather Heights Neighborhood Association, and Perkins Park Neighborhood Association were also noticed.

RECOMMENDATION

Approval of the request.

FISCAL IMPACT

ATTACHMENTS

1. CPA 18-01 Map_1060 Gray
2. CPA 18-01 Long Range Land-Use Rec Maps_1060 Gray
3. CPA 18-01 Comprehensive Plan Amendment Narrative Bigelow
4. CPA 18-01 Conceptual Site Plan by Applicant
5. CPA 18-01 Potential Commercial Land by Applicant



-  Subject Property
-  400' Notice Area

This is a compilation of records and data located in various City of Green Bay offices and is to be used for reference purposes only. The City of Green Bay is not responsible for any inaccuracies or unauthorized use of the information contained within. No warranties are implied. Map prepared by DB

(CPA 18-01)

**Comprehensive Plan Amendment
Request to the 2022 Comp. Plan
Designating Multiple Family Use of
Property at 1060 Gray Court.**

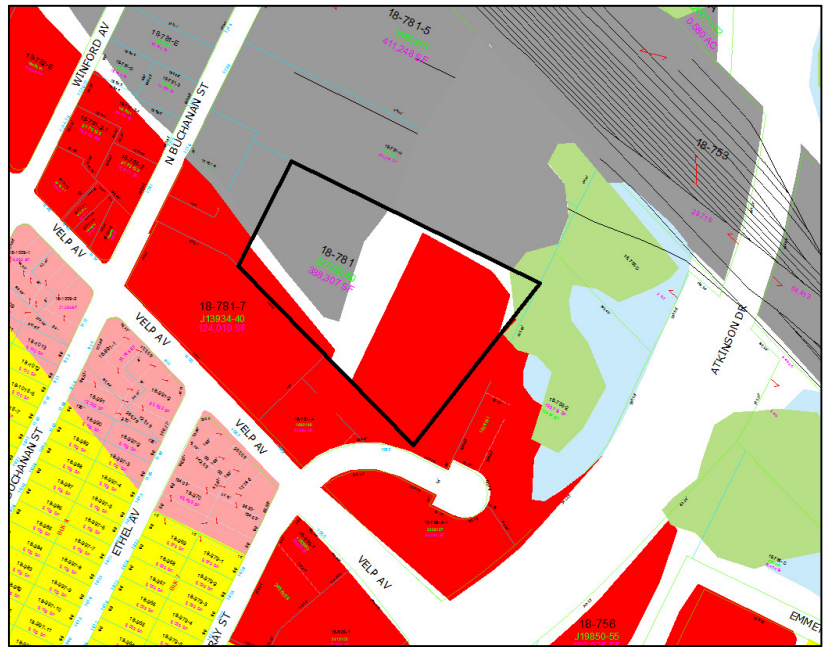


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Feet



Smart Growth 2022 Comprehensive Plan Land-Use Recommendation

- Commercial (red)
- General Industrial (gray)



Velp Avenue Areawide Plan Transformative Opportunity Site #4 Recommendations

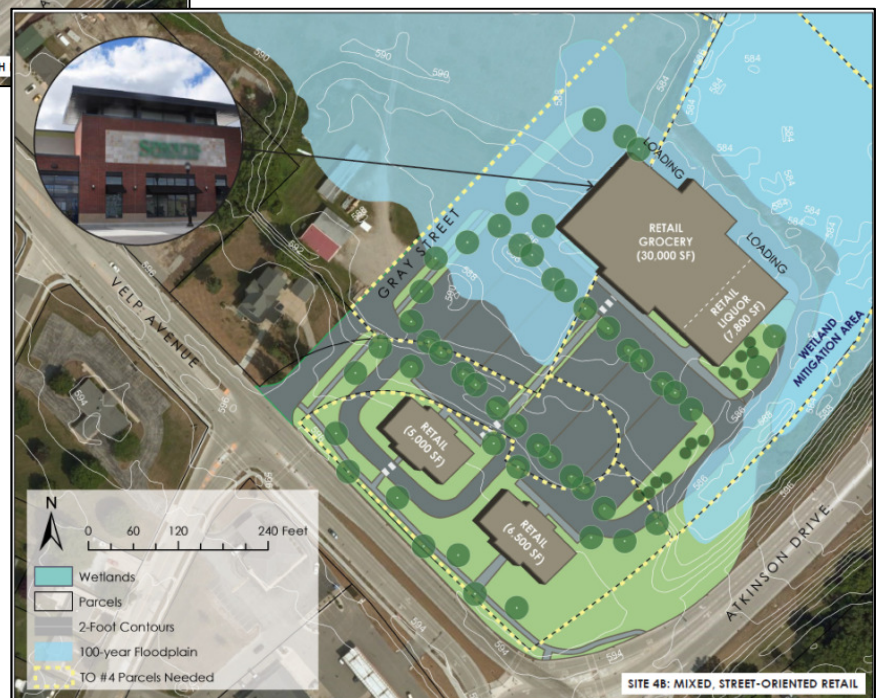
Land Use	Compatibility	
	Least	Most
Commercial		X
Multi-family Residential	X	
Office		X
Mixed Use: Office/Retail		X
Industrial		X
Green Open Space	X	

GREATEST OPPORTUNITIES

- Gateway into Green Bay
- Commercial land uses

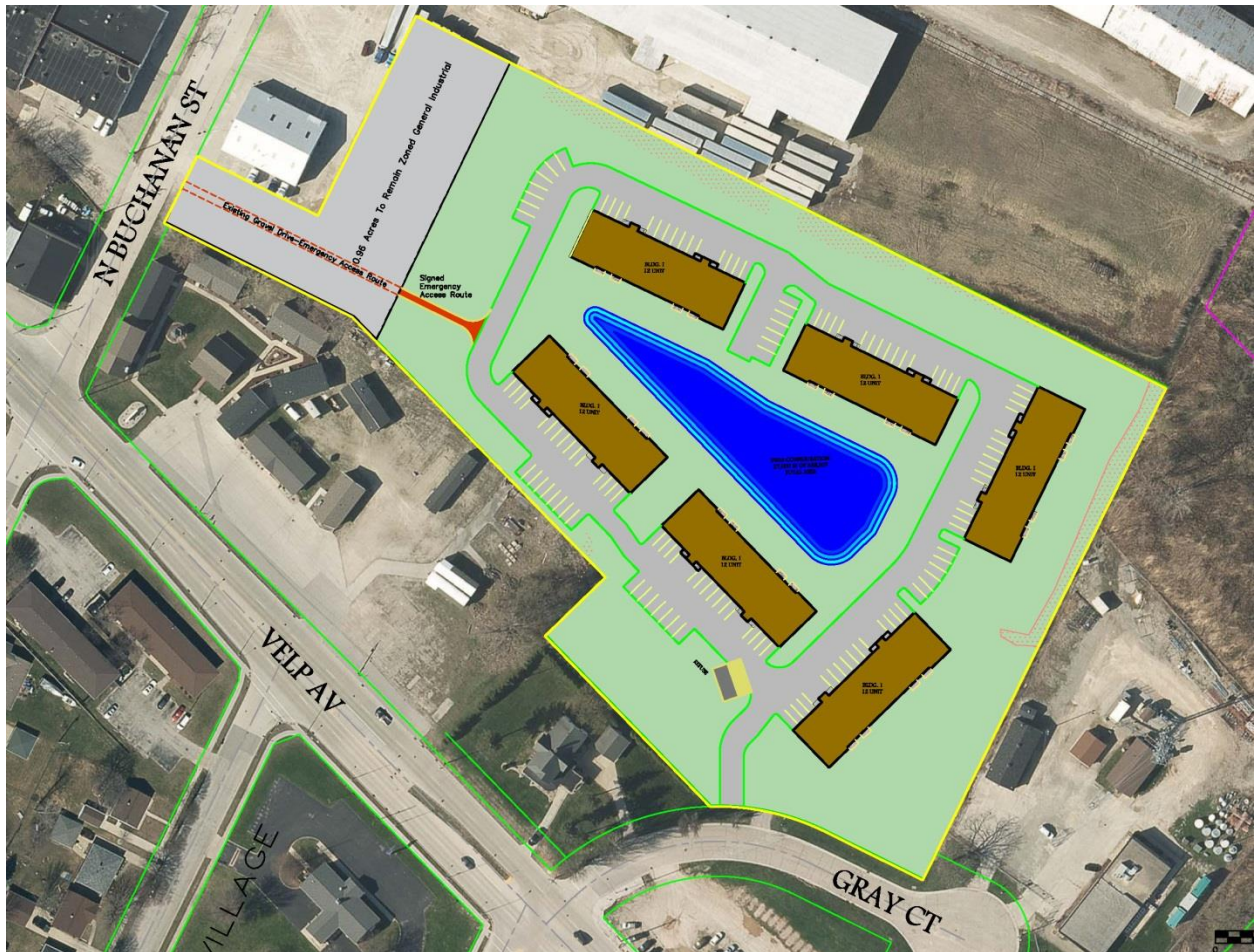
SECONDARY OPPORTUNITIES

- Site could include office or mixed use office/retail, should market conditions support
- There could also be the potential to reconfigure the roadway/truck route which would allow for additional developable land



West Shore Crossing

Proposed Modification to the 2022 Comprehensive Plan from Commercial and General Industrial to Medium and High Density Housing for Multi-Family Residential Project Located at 1060 Gray Court



Developer:
Gerry Bigelow
Bigelow Rentals

Consultant:
Mau and Associates

April 27, 2018

West Shore Crossing Development Project Overview

Gerald Bigelow of Bigelow Rentals is proud to submit this concept for development of 72 multi-family residential units, located on Parcel 18-781 of Gray Court. The development is projected to be comprised of one and two bedroom apartments arranged in with six 12-unit buildings with attached garages in a campus-style setting. Structures will consist of 2 story buildings with 2 bed, 2 bath units with one and two stall attached garages. The exterior appearance will include an all brick exterior, arched shared entryways, and porches/decks for all units. Units will be priced at market rate, affordable rents, likely priced between \$795-895 per month. This development will be an asset to the area because while significant multi-family residential development has occurred in the surrounding suburban communities in the 2000s, the last major development to occur on the west side was the Mission Hill Apartments under construction 18 years ago. Bigelow Rentals is excited to bring new roofs and investment back to Velp Avenue and desires to be a catalyst for further reinvestment into the Velp Avenue Corridor. To accomplish this vision, this submission requests an amendment of the City of Green Bay Smart Growth 2022 Comprehensive Plan from Commercial and General Industrial to Medium and High Density Housing for the property located at 1060 Gray Court.

Project Themes and Images

The following images are representative of the quality of materials and overall architectural detail at West Shore Crossing:



Neighborhood Meetings

On February 28, 2018, a neighborhood meeting was held at Elmore Elementary School. The meeting was a productive, engaging conversation among Mr. Bigelow, Jon LeRoy from Mau and Associates, David Buck from the City of Green Bay, Alders Randy Scannell and Mark Steuer, and approximately two-dozen neighborhood residents and business owners. Attendees had differing opinions on the appropriate use for the land, but the following themes formed:

- 1) Keep land available at the intersection of Velp and Atkinson for potential future commercial development. Align multi-family buildings and drives to accommodate future retail.
- 2) The original proposal for this site featured self-storage units. The community feels the area is saturated self-storage units and so they have been removed from this proposal.
- 3) Multi-family development tucked behind Velp Avenue is acceptable.

After meeting with City staff for further guidance for this proposal, a second neighborhood meeting was held April 25th. Many of the same neighborhood residents came to discuss the changes which have been presented with this proposal. While this change to the comprehensive plan and a rezone will be necessary to proceed with a fully detailed, engineered multi-family residential project, the development team wanted to present a developed concept for the site to give a more comprehensive overview to the goals the Bigelow Rentals group would like to make a reality in the neighborhood. We feel the evolution of the concept is one that sits well with the community and can facilitate future commercial growth along Velp Avenue.

Development Relationship to Neighborhood

Land Use

West Shore Crossing is located behind 2 existing lots on Velp Avenue and along the northern portion of Gray Court. To the west, a small operational shop is owned by Gerald and Gloria Bigelow. To the north, a warehousing facility exists along a relatively narrow east-west lot. A one-story building exists on the western portion of the lot. The neighboring property to the east is Nsight which owns and operates a communications tower. The eastern portion of the lot remains unused and is primarily grass and wetlands with the feel of a nature preserve. The residential units will be placed on this part of the parcel. Additionally, the buildings will be placed in a campus-style arrangement with the focus being an interior pond for storm water management and green space.

Road Access

This proposal takes advantage of existing infrastructure. The under-used Gray Court serves as the entry point for residents. Additionally, an emergency access drive is proposed to extend from the multi-family campus to Buchannan. Buildings and roadways are aligned to allow for realignment of Gray Court in the future to allow for more potential developable commercial property along Velp.

Development Relationship to Velp Avenue Areawide Plan

The Velp Avenue Areawide Plan is an intensive report focused on improving the neighborhood. Areas of emphasis include improving existing conditions, economic development, natural resources, improving neighborhood identity, improving established neighborhoods, and encouraging housing diversity and design.

Improving Existing Conditions

The site consists of open vacant land with access to Gray Court and Buchanan Street. Patches of wetlands exist on the property and investment will be added to a parcel which has been forgotten for many years.

Economic Development

Investment into the existing parcel would bring approximately \$3.5-\$4 million of value for the multi-family development. Over the past generation, the only reinvestment along Velp Avenue which would be remotely comparable in economic impact is the Shell Convenience Mart/Mini-Mall/Capitol Credit Union redevelopment at Gray and Velp.

Natural Resources

The project is located at open, grassy field with wetland pockets occurring near eastern and northern edge of parcel. The development is arranged to have apartment buildings near these areas to allow for residents to enjoy natural resources of the area.

Improving Neighborhood Identity

Responses from public meetings with neighbors in 2016 consisted of generally negative comments about the current state of the Velp Avenue corridor. Responses describing a future Velp Avenue were much more positive. The primarily single-family residential neighborhood south of Velp has an established WWII era housing stock with a variety of people ranging from first time home buyers to residents who have lived in their homes for a lifetime. A small pocket of multi-family homes exist between Winford and Ethel. At these meetings, these units were generally ill-received by attendees and vocal community members because over the years, these buildings have not seen as much reinvestment as they should have to support property values. Additionally, the design and function of the buildings neither integrate the structures back into the predominantly single-family residences to the south, nor do they establish a relationship back to the street edge of Velp Avenue. Structures like these have not found the best footing within the identity of Velp Avenue and the surrounding neighbors.

Because this site lies at the end of a cul de sac, abutting to the 'edge of nowhere' the site itself works well to incorporate a campus-style design layout which focuses the new development around a central design feature, i.e. a green space retention pond. This type of design would not work well within the footprint of a grid patterned, established residential or mixed-use neighborhood as it would cut off integration between neighbors. However, the existing built environment of this site works well to bring in a housing product which has been well received in the metro housing market. This is one of the few sites in the City in which a product like this can work well within the context of the surrounding built environment.

West Shore Crossing Plan Compared to Velp Avenue Areawide Plan

We do believe this concept does fit into the general themes of redevelopment of Velp Avenue and will fit in well with the overall goals of the Velp Avenue Areawide Plan. However, part of the property is partially located at the Transformative Opportunity Site #4. Site #4 is comprised of 20.5 acres (Western Quadrant and Eastern Quadrant separated by Atkinson Drive) of which the eastern portion of Parcel 18-781 is included in the Site. Site #4 calls for a transformative use which would aim for more of a big box commercial use and/or medium box with smaller commercial outlots. We do acknowledge these goals for the neighborhood. As stated, future commercial use is a goal of neighbors. We feel this plan will bring needed, fresh rooftops which can encourage future commercial growth.

Transformative Site #4 presumes a combination of lots. Presently, the owners of the three properties have not shown interest in combining properties to form one larger lot. While Parcel 18-781 is not currently actively used, parcels to the south and east (We Finance Used Cars and NSight St. Paul Cellular Tower) do have active business. *Currently, the southwest corner of the Western Quadrant of Site #4 begins at the northwest intersection of Gray and Velp with a western plane running perpendicular to Velp Avenue. This western boundary runs north-northeast past a large grouping of wetlands at the northern edge of the NSight property. Site #4 then runs east southeast to Atkinson Drive and then follows the right of way along Atkinson and Velp back to the point of beginning. This proposed amendment starts at the same corner and will have a western plane running perpendicular to Velp for 242 feet; thence run parallel to Velp for 152 feet; thence run perpendicular to Velp back to the North for 622 feet until once again running to the north plane of NSight and continuing along Atkinson and Velp to the point of beginning.*

This plan allows for 7.87 acres of land for potential redevelopment at the western quadrant. To note, wetlands are apart of the Transformative Site #4. At least 2 acres of wetlands appear to exist at the northern edge of Site #4. Additionally, West Shore Crossing building and road alignment is aligned to allow for further potential development along Velp Avenue. The rest of the area within the proposed Transformative Area #4 remains unimproved except for landscaping and grading.

In addition to the Transformative Site Area, this concept does not improve area north of Parcel 18-781-A located at 1082 Velp Avenue. This site is currently a three story residence. This concept does not have improvements south of a plane created by the Perret Homes lot, located west of 1082 Velp. This allows for approximately 242 feet of depth off the Velp Avenue right of way for potential redevelopment. We do believe this gives flexibility for future redevelopment along Velp from Buchannan to Atkinson. The potential for commercial redevelopment with Transformative Area #4 is a hopeful goal for the community. However, Bigelow Rentals does request the right to revisit multi-family development within Transformative Area #4 and the area north of 1082 Velp Avenue at a future date if commercial redevelopment does not occur.

The entire parcel is 8.91 acres. Bigelow Rentals proposes utilizing the 7.96 eastern most acres for multi-family purposes. Bigelow Rentals proposes keeping the western most 0.96 acres of this property as general industrial. Gerald and Gloria Bigelow own a trucking operation to the west of the 8.92 acre

property. Moreover, of the 7.96 acres to be designated for multi-family use 1.11 acres is designed to be unimproved (less landscaping, grading, and drive entrance off Gray Court) for potential commercial redevelopment within Transformative Area #4 and to the rear of the Atkinson house.

In closing, Bigelow Rentals is confident in the success of West Shore Crossing and the fit within the neighborhood. 72 new units would become a boon to the existing Velp Avenue Area and Mather Heights neighborhoods. Not only has reinvestment into commercial business been generally stagnant over the past generation in the Velp Avenue Area, post WWII homes have kept a set amount of housing stock in the neighborhood. The additional homes would bring an influx of residents of a variety of ages to the neighborhood. The multi-family product would be different from the existing, small amount of multi-family product in the neighborhood insofar as the apartment buildings would offer many more amenities than existing multi-family residential properties.

Attached at the end of this document is a site scale comparison to other commercial box developments in the area. We feel this concept allows for needed space to develop a larger retail site with remaining undeveloped land on at West Shore Crossing. We feel this reinvestment back into the neighborhood can elicit further additional neighborhood redevelopment throughout the corridor. We ask for your consideration to modify the Comprehensive Plan to allow for multi-family residences at 1060 Gray Court.

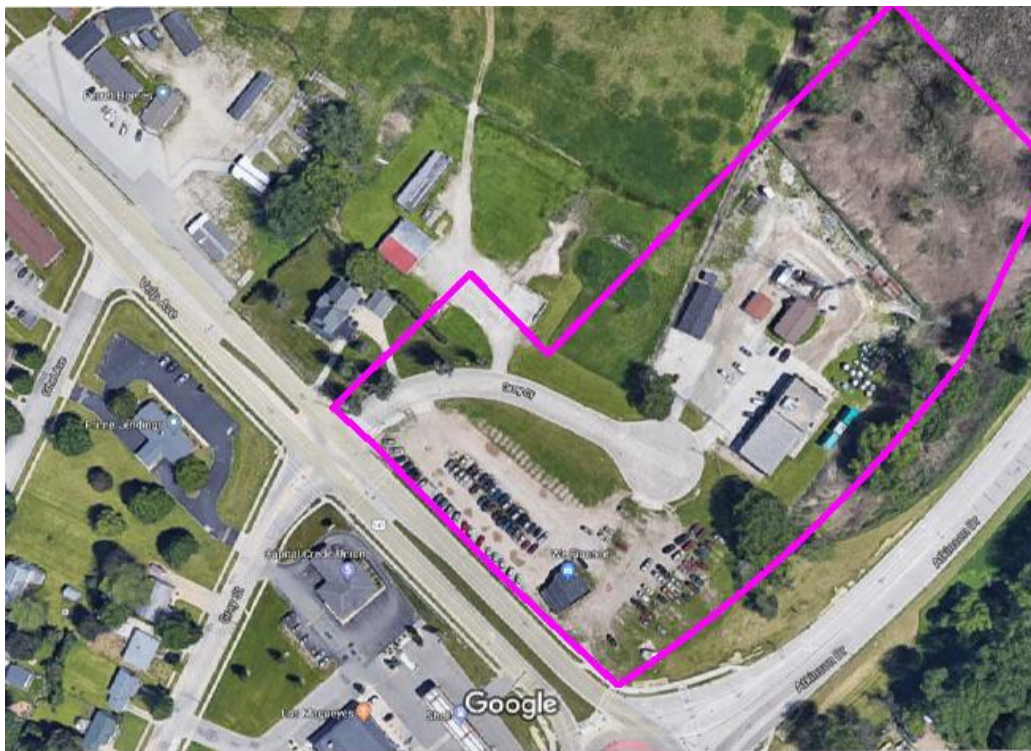
Site Scale Comparison

Through our conversations with the community members, our initial plans have changed to allow for more land to potentially become commercially developed in the future.

- 1) Cease improvements along plane which is the northern boundary of the existing Perret Homes site. This could encourage future development of parcels 18-781-7 and 17-781A as the depth of redeveloped land would be 242 feet.
- 2) Extend plane off west edge of Gray Court to north 242 feet to meet aforementioned plane. This allows a uniform depth which has been feasible in medium box development and could potentially be in larger box development with sites which utilize more of a custom design

We have attached imagery and statistics for a variety of medium and big box stores in the area. The main themes which repeat are the following:

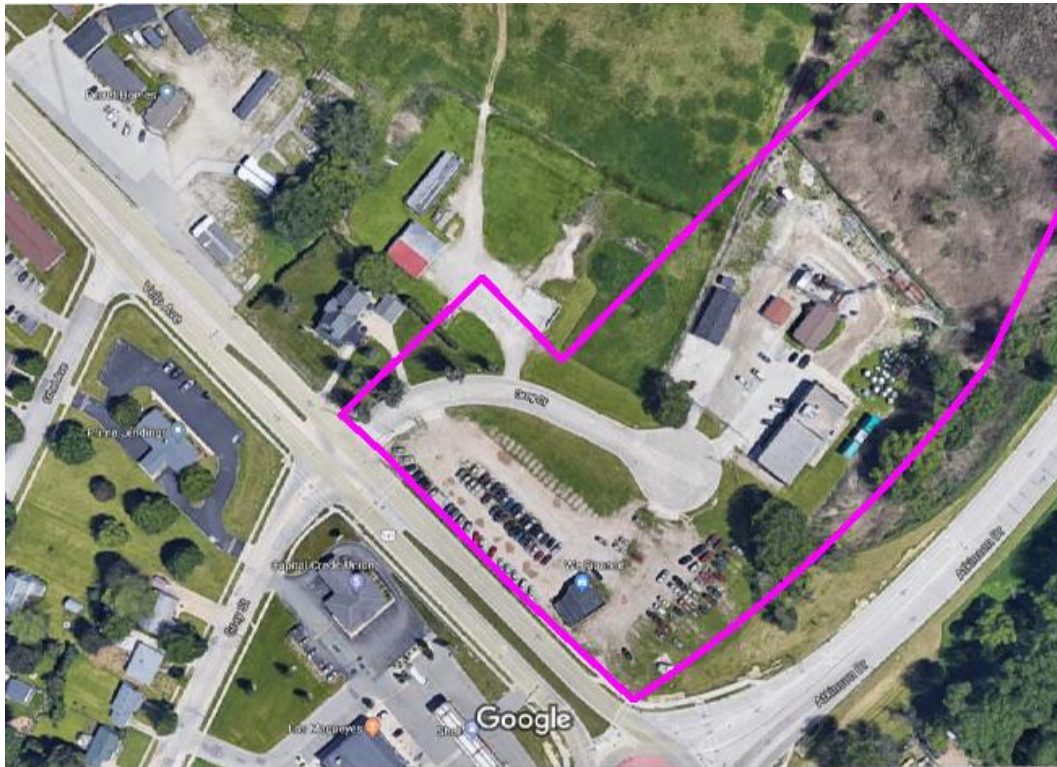
- 1) Older sites lack green space. Any future development must incorporate more greenspace. This will occur because approximately 2 plus acres of the potential commercial area is wetlands on this site. Second, current standards will require more green space than many of these examples of box stores built in the past
- 2) The main component of lack of green space is because of oversized, dramatically underused surface parking lots. Many of these sites could shed large swaths of property if not for large black top environments.



Imagery ©2018 Google, Map data ©2018 Google 100 ft

Our plan proposes usage within the purple outline on the site. The West Shore Crossing plan will have an access point off Gray Court, but further current improvements will not extend into this area. The following pages demonstrate current usage of commercial spaces in the city compared to West Shore Crossing's proposed commercial space for the Velp Avenue Areawide Plan Transformative Opportunity Site #4. Both images are at the same scale.

We believe the amount of space remaining for future commercial purposes meets the spirit of the Velp Avenue Areawide Plan and will allow for needed space for a larger scale development, especially with design which focuses on building site specific uses, rather than large parking lots.



Imagery ©2018 Google, Map data ©2018 Google 100 ft



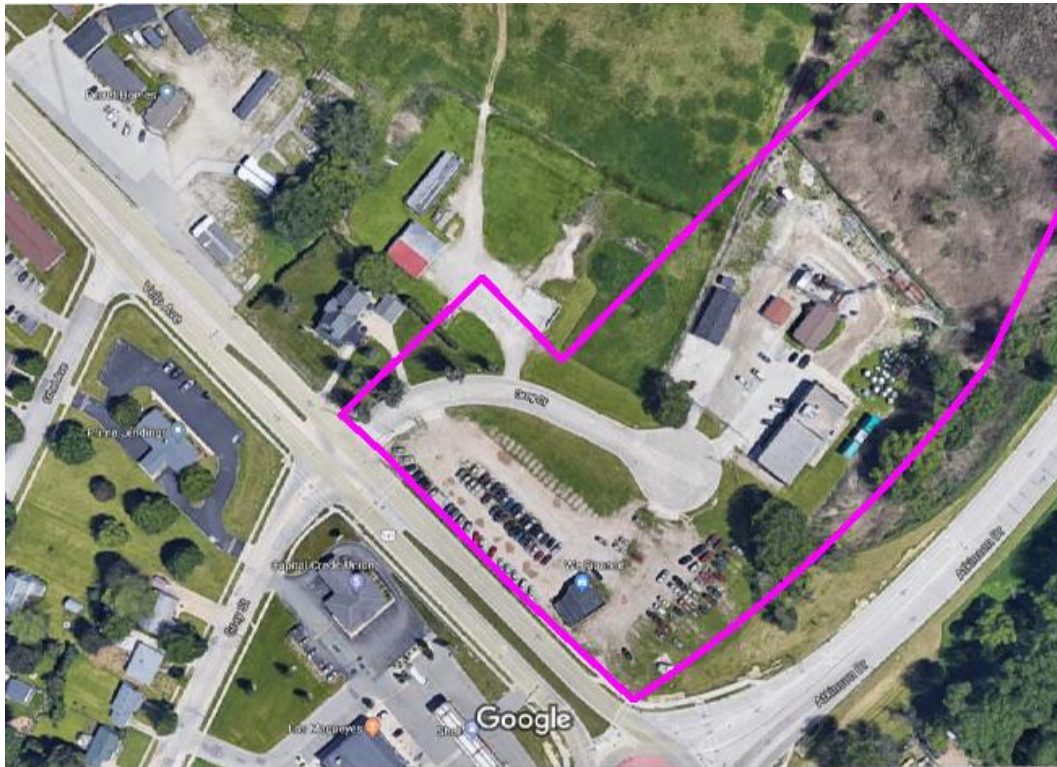
Imagery ©2018 Google, Map data ©2018 Google 100 ft

Festival Foods West Mason Street

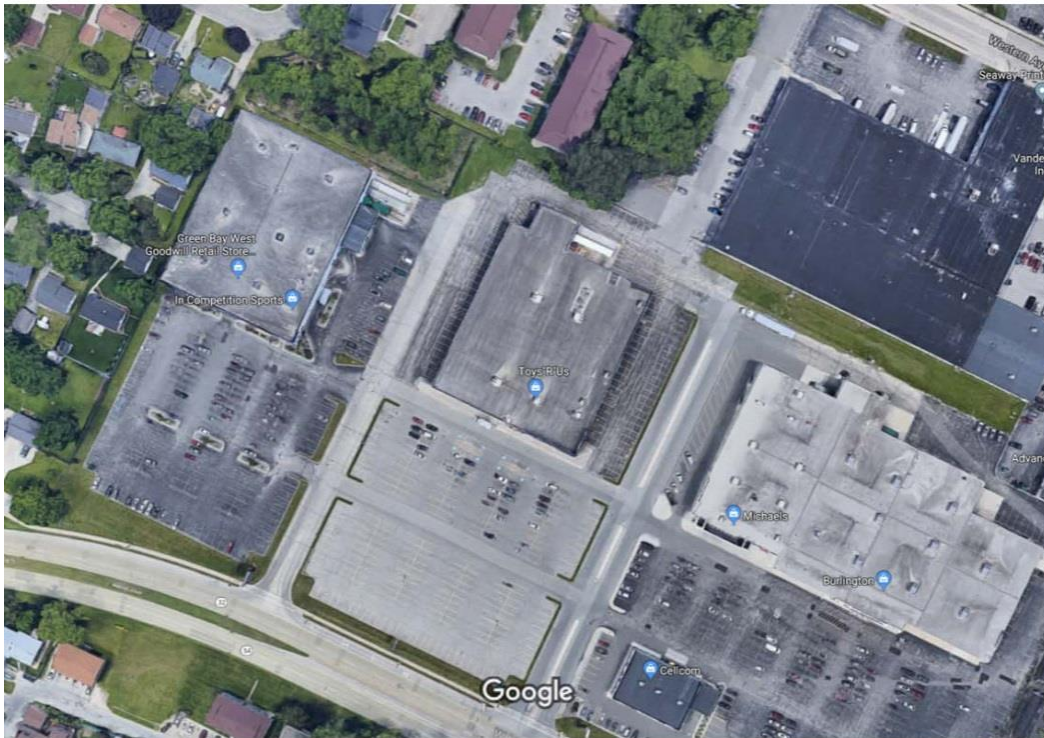
Site Characteristics

Overall Size	6.6 Acres
Road Frontage / Depth	570' Frontage / 500' Depth
Parking	330 Total Stalls
Typical Parking Usage	150 Stalls Google Maps
Typical Parking Percentage Use	45%

Large box store with little greenspace. Even with large building footprint, parking takes up majority of site.



Imagery ©2018 Google, Map data ©2018 Google 100 ft



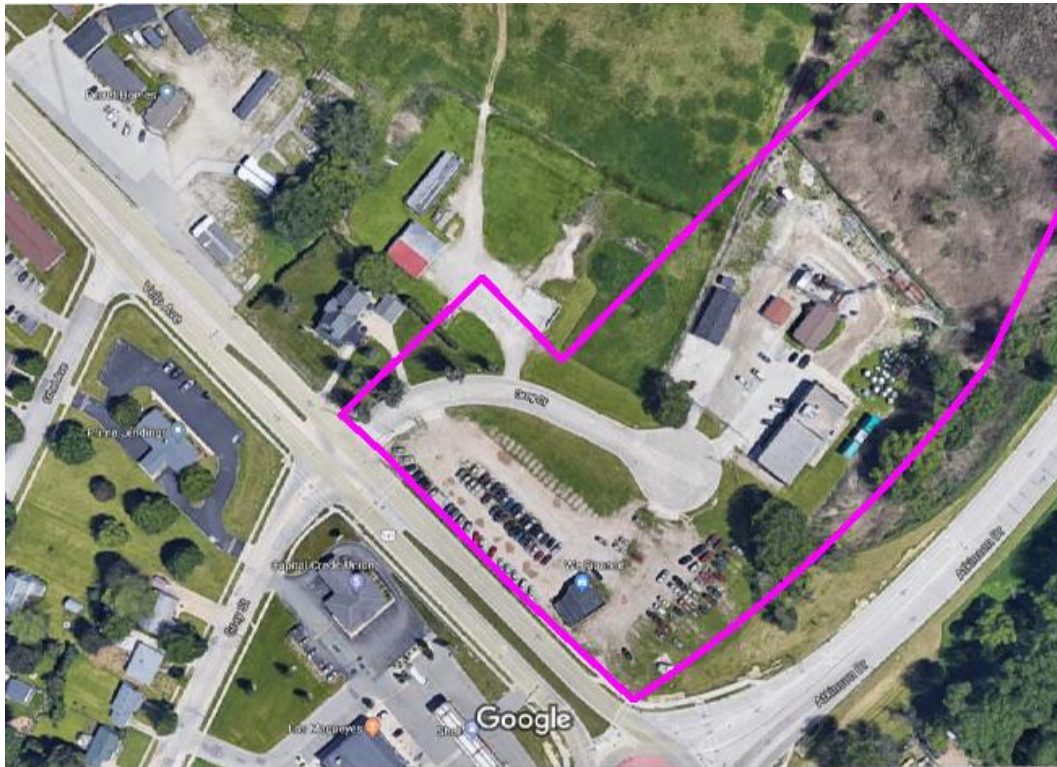
Imagery ©2018 Google, Map data ©2018 Google 100 ft

Toys R' Us West Mason Street

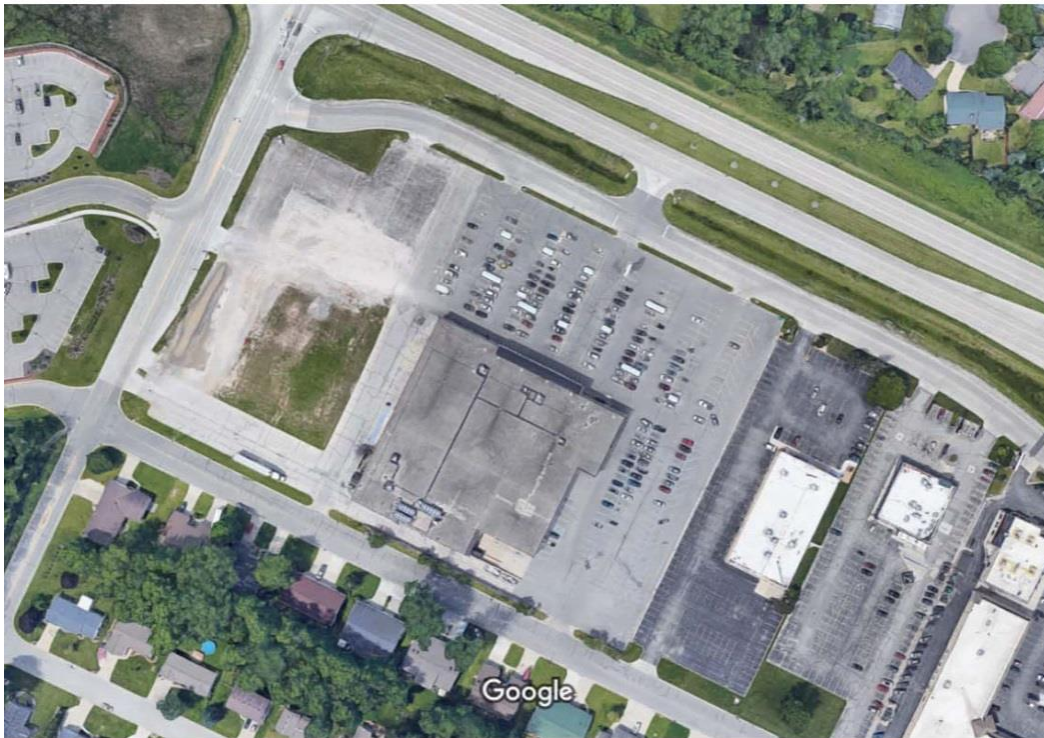
Site Characteristics

Overall Size	5.5 Acres
Road Frontage / Depth	340' Frontage / 630' Depth
Parking	318 Total Stalls
Typical Parking Usage	27-30 Stalls Google Maps / Brown County GIS
Typical Parking Percentage Use	9%

Large box store with little greenspace. Parking lot is dramatically oversized. Existing user is going out of business.



Imagery ©2018 Google, Map data ©2018 Google 100 ft

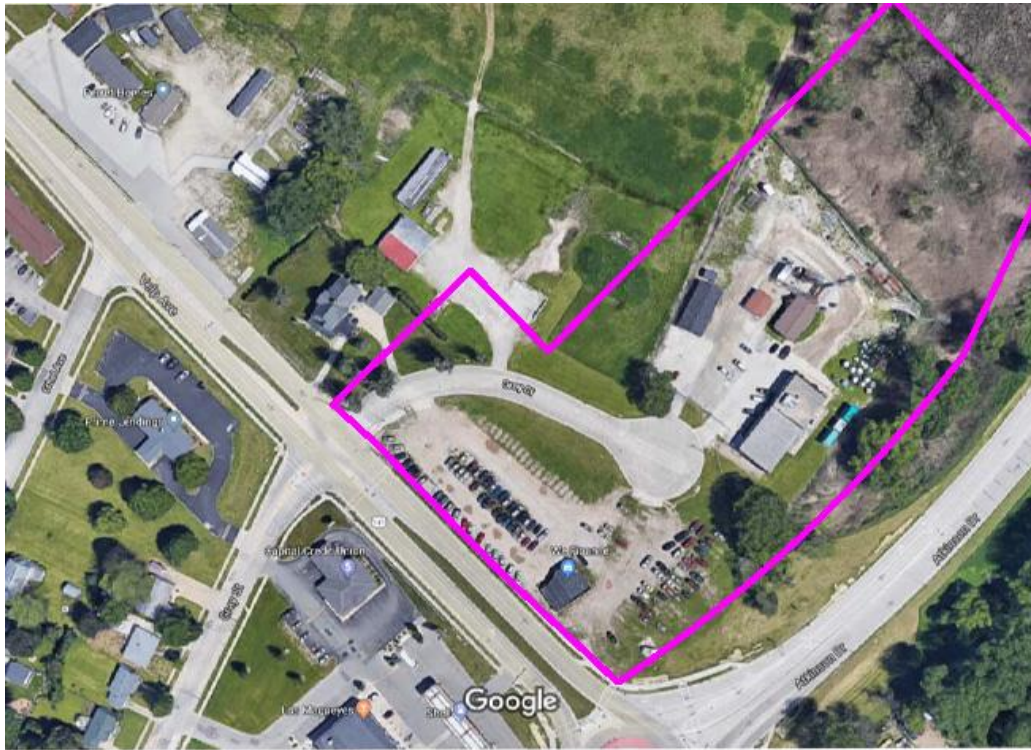


Imagery ©2018 Google, Map data ©2018 Google 100 ft

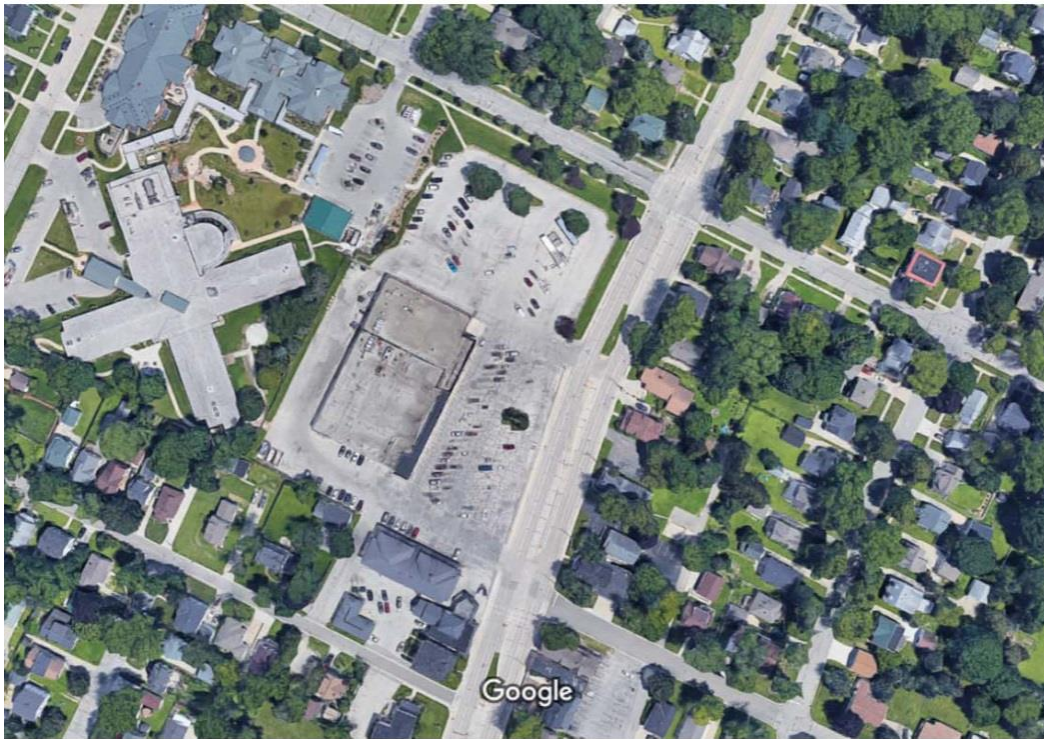
Pick N Save Lombardi Ave

Site Characteristics

Overall Size	5 Acres
Road Frontage / Depth	450' Frontage / 500' Depth
Parking	273 Total Stalls
Typical Parking Usage	95-131 Stalls Google Maps / Brown County GIS
Typical Parking Percentage Use	35-48%
<i>Large box store with little greenspace.</i>	



Imagery ©2018 Google, Map data ©2018 Google 100 ft



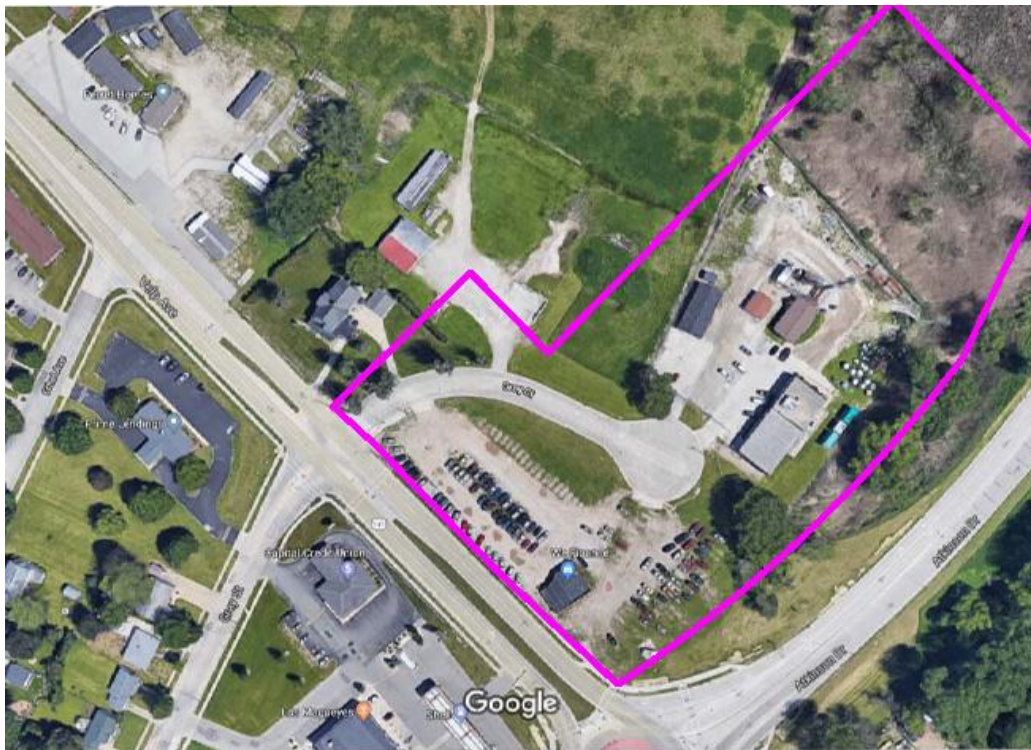
Imagery ©2018 Google, Map data ©2018 Google 100 ft

Webster Avenue Market

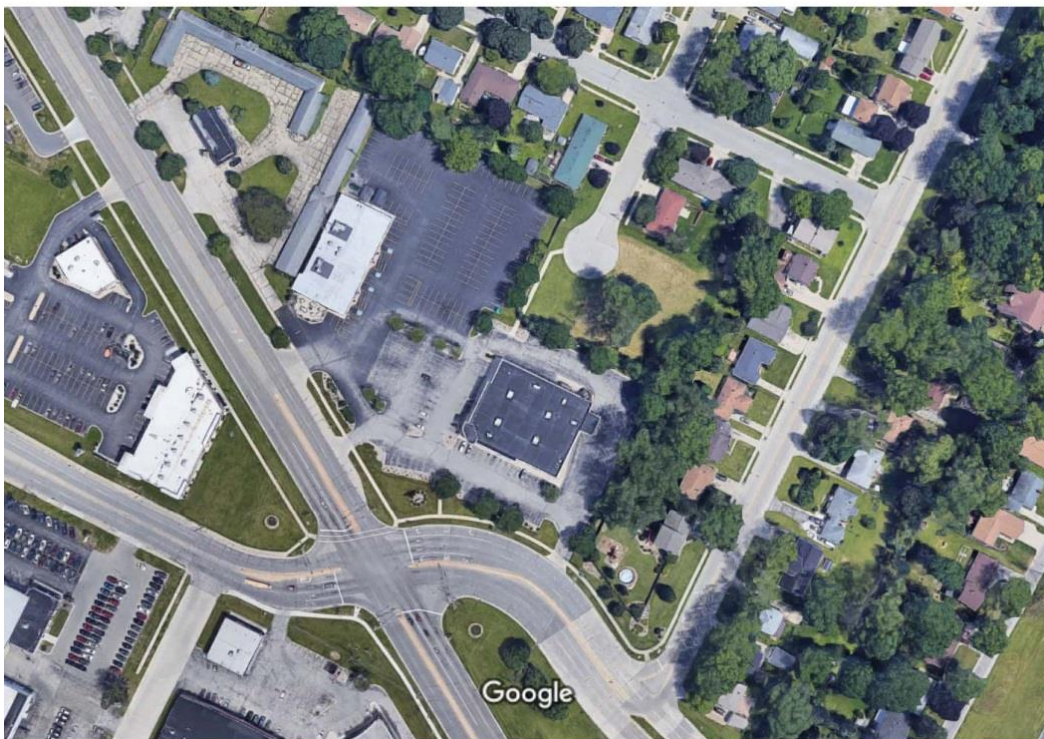
Site Characteristics

Overall Size	2.4 Acres
Road Frontage / Depth	310' Frontage / 350' Depth
Parking	118 Total Stalls (Marked and Unmarked)
Typical Parking Usage	32-58 Stalls Google Maps / Brown County GIS
Typical Parking Percentage Use	28-42%

Medium Box Neighborhood Store with no green space. Used parking also includes autos parked on south edge of property. Webster Ave Market land includes these stalls, but generally the stall users frequent the adjacent strip mall



Imagery ©2018 Google, Map data ©2018 Google 100 f



Imagery ©2018 Google, Map data ©2018 Google 100 f

Walgreens East Main at East Mason

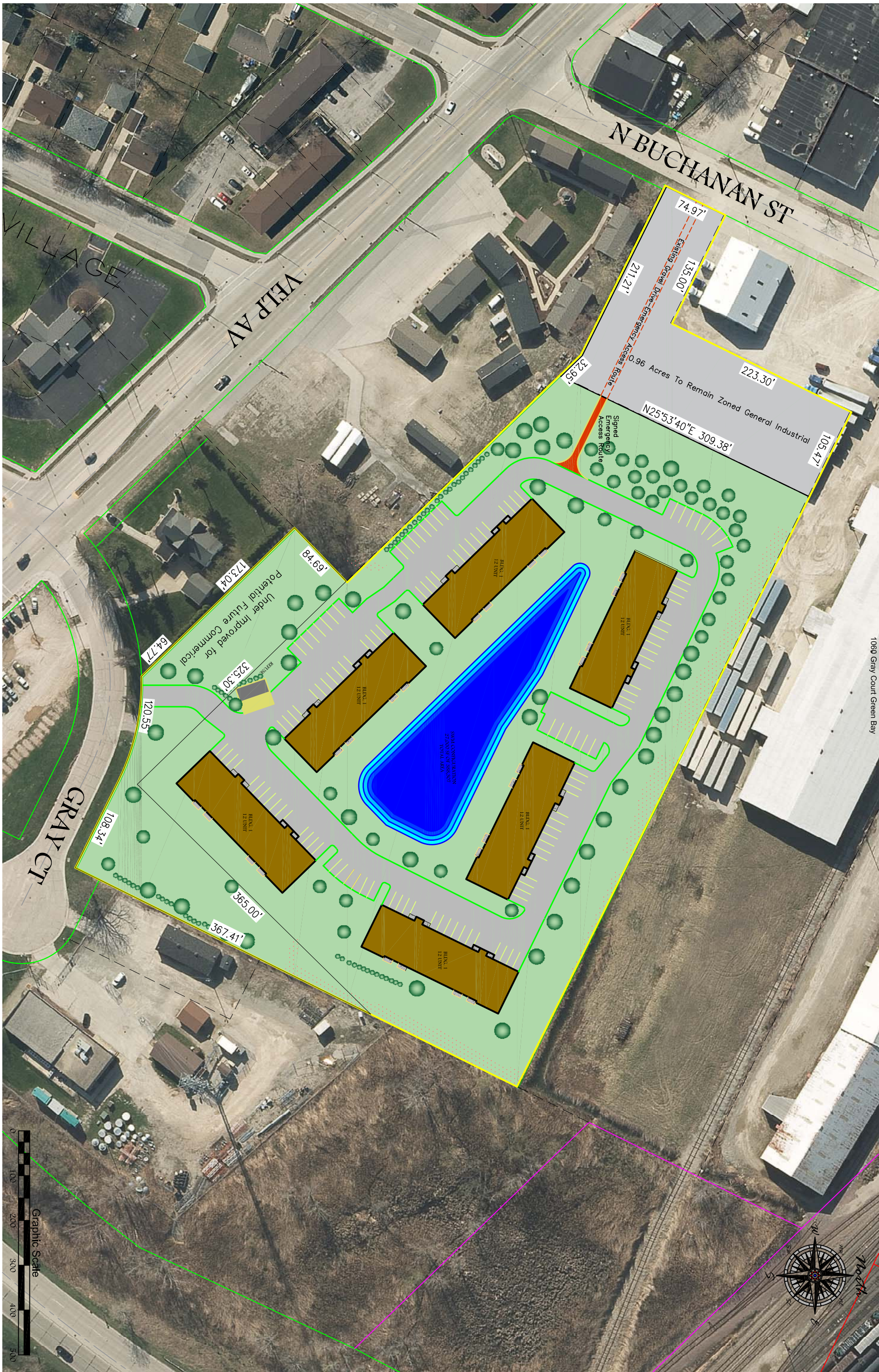
Site Characteristics

Overall Size	2.4 Acres
Road Frontage / Depth	375' Frontage / 275' Depth
Parking	136 Total Stalls
Typical Parking Usage	13-18 Stalls Google Maps / Brown County GIS
Typical Parking Percentage Use	10-13%

Medium Box Pharmacy with some green space. Parking lot remains dramatically oversized. Parking in lot could be used in conjunction with neighboring supper club during large scale hosted event such as wedding.

Multi Family Development Proposed Layout

1000 Gray Court Green Bay



TAX PARCEL NO. 18-781

Layout
Winter 2018

SCALE
1"=100'
DRAWN BY
JEL

Mau & Associates, LLP
LAND SURVEYING & PLANNING
CIVIL & WATER RESOURCE ENGINEERING
Phone: 920-434-9670 Website: www.mau-associates.com
400 Security Blvd, Green Bay, WI 54313

Bigelow

PROJECT NO.
B-14217
SHEET NO.
1 of 1
DRAWING NO.
S-2900

File: testB-14217Site Plan 030118.dwg Date Filed: B-14217 Fieldwork Completed: Sept. 17



343,000
SF Total
Area For
Potential
Commercial
Redevelopment

Bigelow

Mau & Associates, LLP
 LAND SURVEYING & PLANNING
 CIVIL & WATER RESOURCE ENGINEERING
 Phone: 920-434-9670 Website: www.mau-associates.com
 400 Security Blvd, Green Bay, WI 54313

Transformative Area #4

Winter 2018

TAX PARCEL NO. 18-781

SCALE
1"=100'
DRAWN BY
JEL

File: testB-14217Site Plan 030118.Dwg File: B-14217 Fieldwork Completed: Sept. 17

PROJECT NO.
B-14217

SHEET NO.
1 of 1

DRAWING NO.
S-2942



Report to the Green Bay Plan Commission

MEETING DATE

May 7, 2018

PREPARED BY

Paul Neumeyer, Staff

AGENDA ITEM # E.2.

(ZP 18-11) Consideration with possible action on the request to authorize a Conditional Use Permit (CUP) to allow a car wash in a Community Center Commercial (C3) District located at 1053 Velp Avenue, submitted by Kurt Boulanger, Stone Ridge Holdings, LLC, property owner (Ald. R. Scannell, District 7).

BACKGROUND

Primary Address: 1053 Velp Avenue

Aldersperson/District: Ald. Randy Scannell/7

Reason for Request: To establish a single stall drive through car wash along the western portion of the existing building. A Conditional Use Permit (CUP) is required for a car wash in the C3 district.

Subject Parcel Zoning and Land Use:

Subject Property: Community Center Commercial (C3).

The property currently includes an existing multi-tenant building with a convenience store and fuel Island.

Surrounding Zoning and Land Uses:

North: General Commercial (C1), General Industrial (GI), Light Industrial (LI) Capital Credit Union/auto sales.

South: Low Density Residential (R1) Single- and two-family residences

East: Medium Density Residential (R2), vacant parcel, single-family residences

West: Community Center Commercial (C3)/ Low Density Residential (R1) vacant, single-family residences

Comprehensive Plan: The 2022 Smart Growth-Green Bay Comprehensive Plan recommends commercial land uses on this parcel; the current use and proposed car wash would be consistent with the Plan.

Analysis: The site was approved for a Conditional Use Permit (CUP) to establish the convenience store with fuel islands in 2009. The current proposal is to construct a car wash within an existing tenant space on the west end of the building. The north and south façade will be modified to provide for the overhead doors for the car wash but, the west façade will retain its current transparency. A copy of the site plan and building elevations are provided within this agenda.

Principal access for the car wash would come from the west off of Gray Street to enter the car wash. The access is provided through an easement via the adjoining corner parcel allowing for sufficient queuing for vehicles entering the car wash. As part to the original development a residential buffer was provided along the southern property line and was intended to block light trespass coming from vehicle headlights. Due to the proximity to residential properties and the general nature of noise associated with car washes, staff is recommending limited hours of operation as a condition of approval.

Ald. R. Scannell and adjacent property owners within 200 ft. of the subject area have been notified of the request. At the time this report was drafted, staff has received one inquiry from an adjoining owner; those comments are attached within this agenda.

RECOMMENDATION

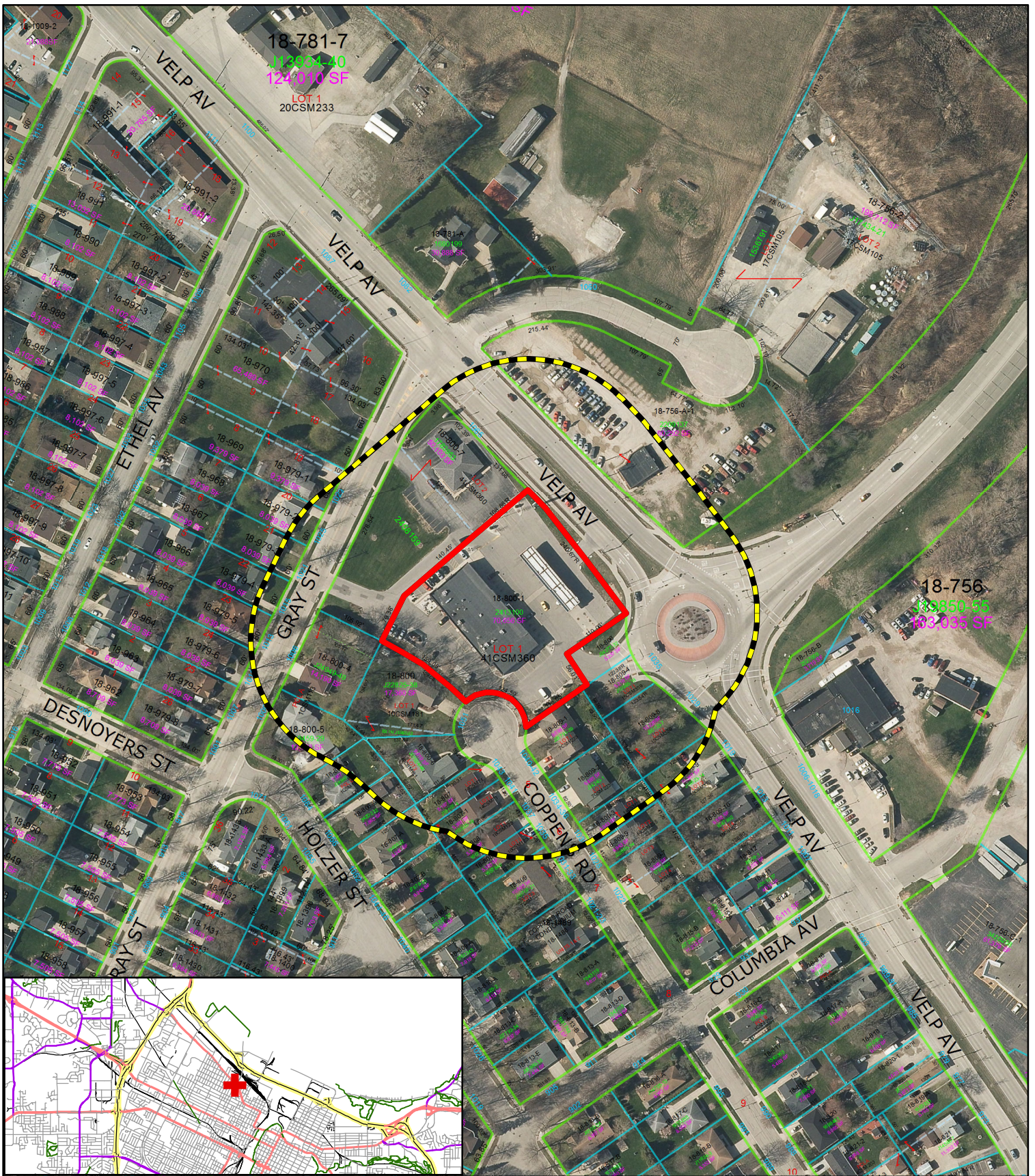
Approval of the request, subject to:

1. Compliance with all of the regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit, including standard site plan review and approval.
2. Hours of operation for the car wash shall start no earlier than 7:00 a.m. and end no later than 10:00 p.m. per the daytime hours as part of Chapter 27.203 Regulation of Noise, Public Peace and Good Order.
3. All lighting shall be of the sharp cut-off variety and shall comply with the requirements of the Zoning Code.
4. Retention of the existing west elevation façade transparency.

FISCAL IMPACT

ATTACHMENTS

1. ZP18-11 letter
2. Site Plan
3. Greg D Comments



- Subject Area
- 200' Property Owner Notice



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Map prepared by PN

0 5,000 10,000
Feet

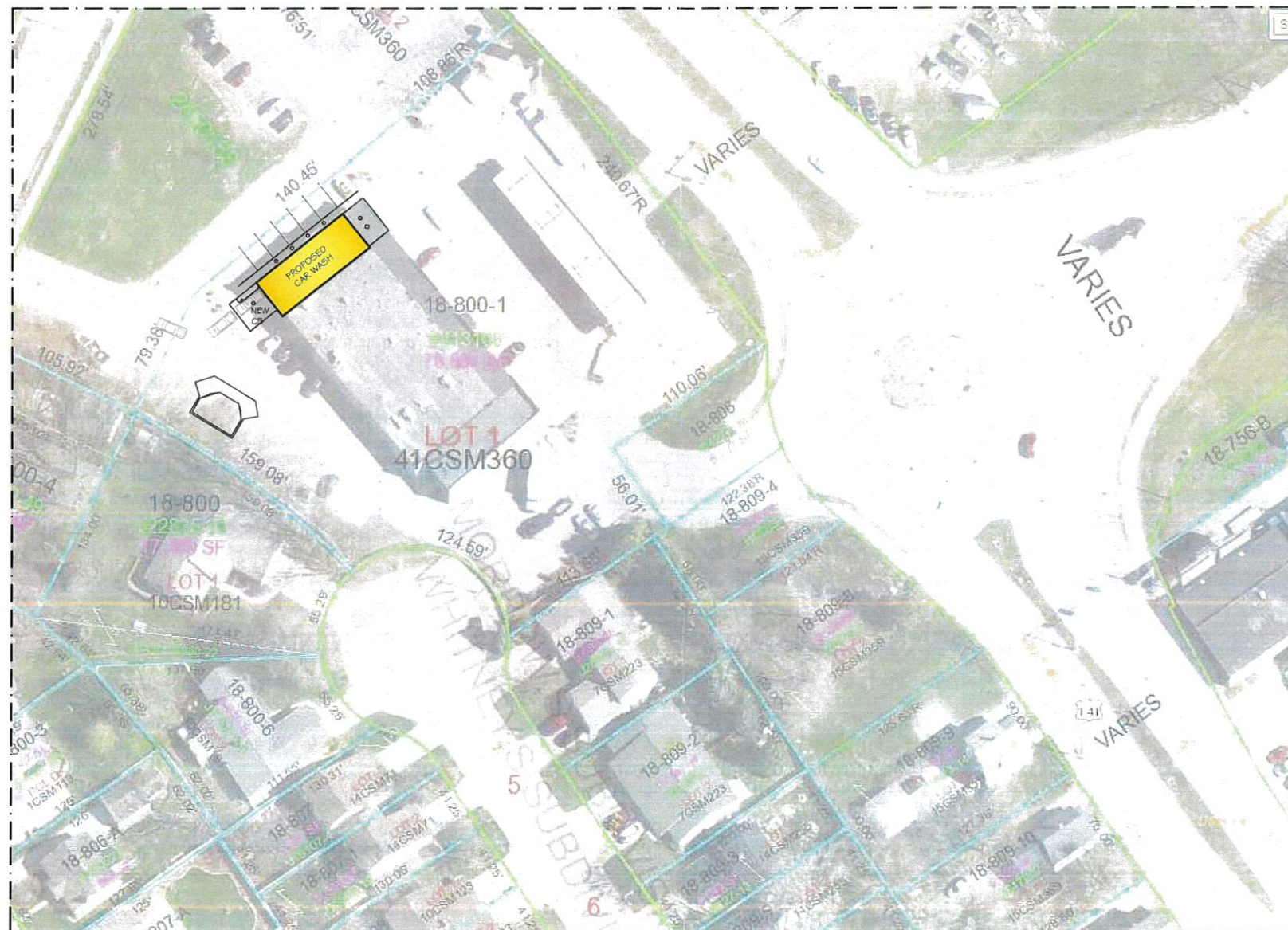
Zoning Petition (ZP 18-11) Conditional Use Permit (CUP) - 1053 Velp Avenue



BAYLAND BUILDINGS

P.O. BOX 13571 GREEN BAY, WI 54307
(920) 498-9300 FAX (920) 498-3033
www.baylandbuildings.com

DESIGN & BUILD GENERAL CONTRACTOR



CONCEPTUAL SITE PLAN

DISCLAIMER: THE SITE INFORMATION PROVIDED IS BASED ON SOURCES BELIEVED TO BE RELIABLE AND IS SUBJECT TO CHANGE WITHOUT NOTICE. BAYLAND BUILDINGS INC. MAKES NO GUARANTEE, WARRANTY, OR REPRESENTATION AS TO THE ACCURACY AND COMPLETENESS OF SUCH INFORMATION.

APPROVED

OWNERS SIGNATURE _____ DATE _____

SALES REPRESENTATIVE _____ DATE _____

(REVISION NOT VALID w/o SIGNATURE)

PROPOSED BUILDING FOR:
17-9803
, WISCONSIN; COUNTY OF:

SCALE VERIFICATION
THIS BAR MEASURES 1" ON ORIGINAL.
ADJUST SCALE ACCORDINGLY.

NOTICE OF COPYRIGHT:
THESE PLANS ARE COPYRIGHTED AND ARE SUBJECT TO COPYRIGHT PROTECTION AS AN ARCHITECTURAL WORK UNDER SEC. 102 OF THE COPYRIGHT ACT, 17 U.S.C. AS AMENDED DECEMBER 1990 AND KNOW AN ARCHITECTURAL WORKS COPYRIGHT PROTECTION ACT OF 1990. THE PROTECTION INCLUDES BUT IS NOT LIMITED TO THE OVERALL FORM AS WELL AS THE ARRANGEMENT AND COMPOSITION OF SPACES AND ELEMENTS OF THE DESIGN. UNDER SUCH PROTECTION, UNAUTHORIZED USE OF THESE PLANS, WORK OR BUILDING REPRESENTED, CAN LEGALLY RESULT IN THE CESSATION OF CONSTRUCTION OR BUILDING BEING SEIZED AND/OR MONETARY COMPENSATION TO BAYLAND BUILDINGS, INC.

JOB NUMBER: -

SALES REP:
TOM AMBROSIOUS
(920) 371-2544

DRAWN BY: DPO

DATE: 6-13-17

REVISIONS:

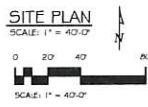
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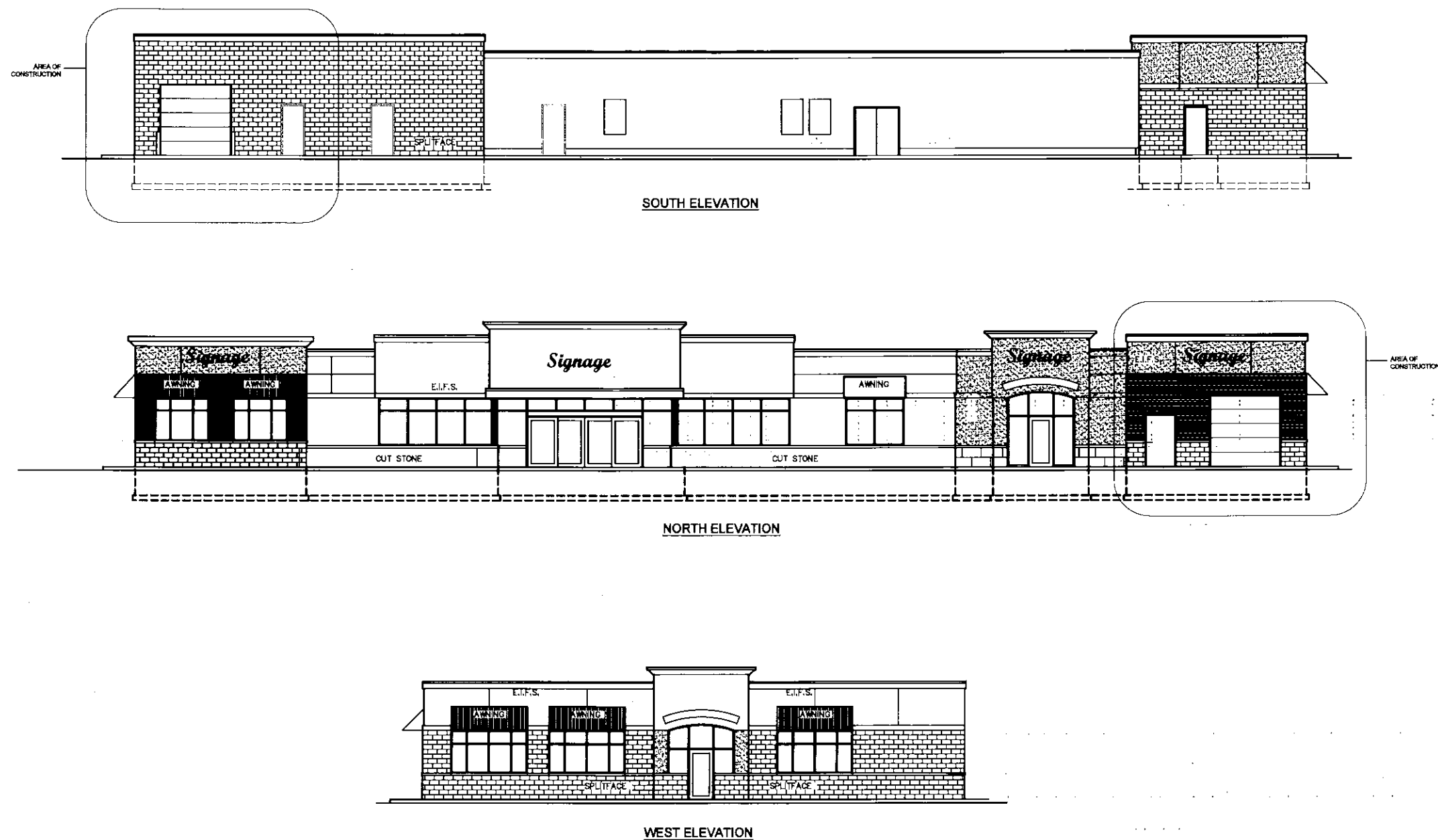
ISSUED FOR:

☒ PRELIMINARY
☐ BID SET
☐ CONSTRUCTION

SHEET

C1.0





PROPOSED BUILDING FOR:
CUSTOMER'S NAME
, WISCONSIN; COUNTY OF:

SCALE VERIFICATION
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OF SPACES AND ELEMENTS OF THE DESIGN. UNDER SUCH
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RENDERING THEREOF, CAN LEGALLY RESULT IN THE LITIGATION
OF CONSTRUCTION OR BUILDING BEING HELD UNDER SECRETARY
COMPENSATION TO BAYLAND BUILDINGS, INC.

JOB NUMBER:

SALES REP:
TOM AMBROSIUS
(920) 371-2544

DRAWN BY: DPO

DATE: 4-12-18

REVISIONS:

△ - - -

ISSUED FOR:

☒ PRELIMINARY
☐ BID SET
☐ CONSTRUCTION

SHEET

A1.1

EXISTING CONDITIONS

FIELD VERIFY ALL DIMENSIONS,
ELEVATIONS, AND CONDITIONS
PRIOR TO CONSTRUCTION

APPROVED

OWNER'S EXHIBIT: _____ DATE: _____
SALES REPRESENTATIVE: _____ DATE: _____
APPROVAL NOT VALID UNLESS SIGNED

PROPOSED BUILDING FOR:
CUSTOMER'S NAME
WISCONSIN; COUNTY OF:

SCALE VERIFICATION
THIS BAR MEASURES 1" ON ORIGINAL.
ADJUST SCALE ACCORDINGLY.

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COMPENSATION TO BAYLAND BUILDINGS, INC.

JOB NUMBER:

SALES REP:
TOM AMBROSIOUS
(920) 371-2544

DRAWN BY: DPO

DATE: 4-12-18

REVISIONS:

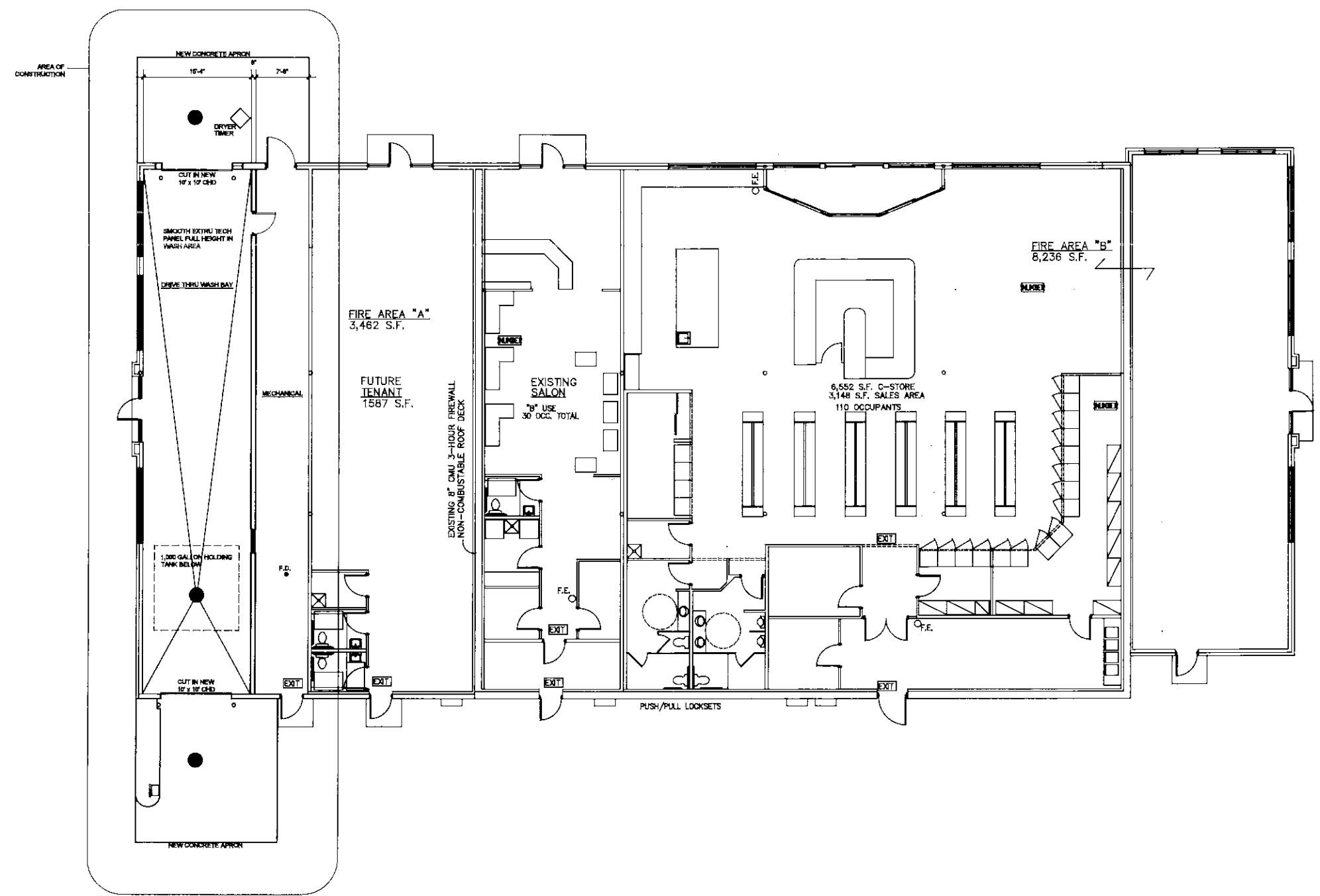
1. -

ISSUED FOR:

☒ PRELIMINARY
☐ BID SET
☐ CONSTRUCTION

SHEET

A1.0



EXISTING CONDITIONS
FIELD VERIFY ALL DIMENSIONS,
ELEVATIONS, AND CONDITIONS
PRIOR TO CONSTRUCTION

APPROVED
OWNERS SIGNATURE _____ DATE _____
SALES REPRESENTATIVE _____ DATE _____
(APPROVAL NOT VALID ON SIGNATURE)



Dear Paul N and Stephanie H:

Just to recap my brief conversations with both of you today.

My concerns:

- Finding common sense ways to promote being a good neighbor and benefit the business for the neighborhood by:
 - o Keeping business related noise including car wash machines and blowers to a minimum (so neighbors can enjoy their homes, outdoor spaces, and sleep)
 - o Keeping areas clean and buffered from unsightly trash/pallets/waste with proper berms and taller fencing
 - o Keeping area lighting to a minimum to reduce light pollution
 - o Keeping safety in mind such as not pile large snowbanks where people walk or have to pull out into traffic
 - o Preventing additional water run off that may flood neighboring yards
 - o Maintaining or replacing trees/bush landscaping to enhance the neighborhood look and feel

I would be against having the car wash located at:

- 1029 and 1035 Velp Avenue due to close proximity of the neighbor's yards and bedrooms and the devaluation of my property at 1034-1036 Coppens Rd
- 1053 Velp Avenue if the car wash blower or noise impacts my neighbors living in the Coppens Rd cul de sac or Gray Street adjacent to this property. If the noise is kept to the north end (Velp side), it may alleviate this issue due how sound travels and there are no residential neighbors to the north.

I would be open to purchasing another 25-30 feet immediately behind 1034-36 Coppens Road if it helps the city easier maintain this unused parcel of land. Purchasing all the way to Velp would not make sense due to maintaining of sidewalks in winter. If the city decides to not sell it and make it green space, I would be willing to purchase some large White Pine Trees or other screening potential landscape to reduce the road noise from the Velp Avenue Interchange that has now occurred since the prior houses were removed.

If I cannot attend on Monday, May 7th, please share my summary above and keep me informed of any outcomes or next steps.

Regards,

Greg DeLaruelle

Property Owner: 1034/1036 Coppens Road

920-217-9240



Report to the Green Bay Plan Commission

MEETING DATE

May 7, 2018

PREPARED BY

Paul Neumeyer, Staff

AGENDA ITEM # E.3.

(ZP 18-14) Consideration with possible action on the request to create a Planned Unit Development (PUD) at 215 N. Webster Avenue, submitted by Lindsey S. Bovinet, on behalf of Whitney School Development, LLC., property owner (Ald. R. Scannel, District 7).

BACKGROUND

Primary Address: 215 North Webster Avenue

Aldersperson/District: Ald. Randy Scannell/7

Reason for Request: To allow the redevelopment of the former Whitney School to residential dwelling units and the construction of townhomes along S. Van Buren Street and Pine Street.

Subject Parcel Zoning and Land Use: Office/Residential (OR) Vacant Whitney School and related parking areas.

Surrounding Zoning and Land Uses:

North: General Commercial (C1) Commercial/CVS Pharmacy

South: Office/Residential (OR) Residential

East: Office/Residential (OR) Residential

West: Office/Residential (OR) Residential

Comprehensive Plan: The 2022 Smart Growth Comprehensive Plan designates this area as High Intensity Residential, Office or Housing (HIROH). The proposed uses area is consistent with the recommendations of the Comprehensive Plan.

Analysis: The property owner/developer, Whitney School Development, LLC., is proposing to create a total of 23 units in the former Whitney School building and construct a total of 12 townhomes that front along both S. Van Buren Street and Pine Street. Of the 12 units, three (3), three-unit townhomes will be built along S. Van Buren Street and one (1), three-unit townhome along Pine Street. The developer plans to create two separate lots, one for the former Whitney School building and a second for the townhomes.

There are two curb cuts on Pine Street and one on Cherry Street for access to the site; there is no access from S. Van Buren Street. An internal drive will connect the townhomes and the school with a private drive loop on site that connects the two parcels. An internal central green space is located directly to the rear of the school building which is shared by the loft apartment residents as well as townhome residents. The two-story townhomes are setback approximately 5 ft. from the right-of-way and have attached garages to the rear of each unit. Construction and redevelopment of the site is planned for the fall of 2018.

The Planning Staff has prepared a draft PUD ordinance and is attached within this agenda packet. The PUD address three deficiencies in which the developer was not able to comply with within the current OR zoning standards: The OR district requires a 60/40 mix of impervious to pervious coverage, the development is being allowed to have a 75/25 balance. As a whole, the site would be compliant; however, the future land division reduces the green space for the proposed townhome site.

The setbacks for residential properties within the OR district require a 15 ft. setback. The PUD permits a reduction to 5 ft. which is similar to townhomes in the block to the north as part of the Whitney Park townhomes. Finally, the proposed townhomes are short four parking spaces under the current requirement of two spaces per unit. Staff is recommending that 20 spaces are allowed, all within an enclosed garage.

Ald. R. Scannell and adjacent property owners have been notified of the request. Staff received no inquiries regarding this request as of the drafting of this report. Staff is recommending approval of the request subject to the draft PUD.

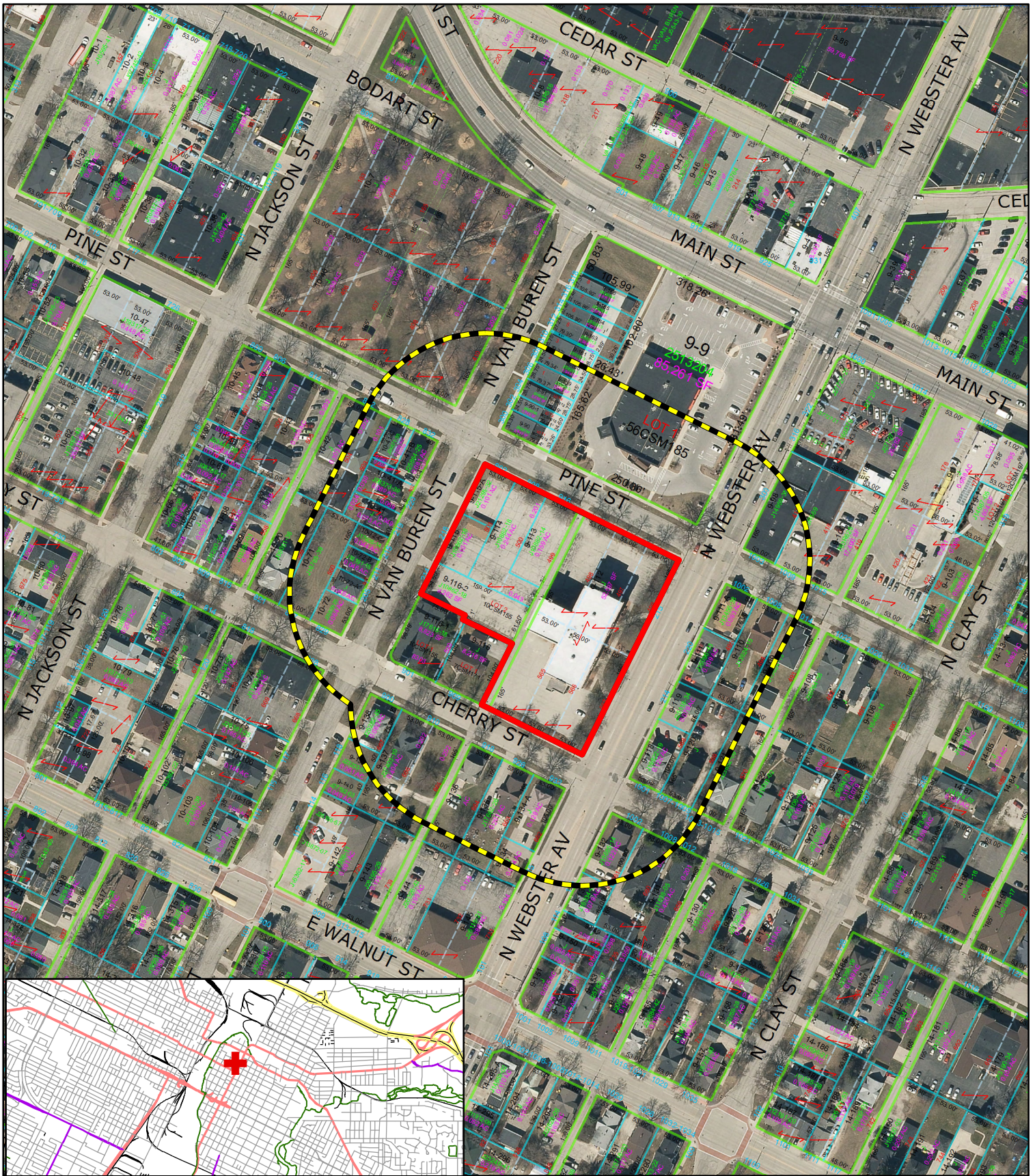
RECOMMENDATION

Approval of the request, subject to the draft PUD.

FISCAL IMPACT

ATTACHMENTS

1. ZP18-14 letter
2. ZP 18-14 PUD Draft - Revised 5-3-18
3. Exhibits A-D scanned



- Subject Area
- 200' Property Owner Notice



0 5,000 10,000
Feet

Zoning Petition (ZP 18-14)
Proposed Planned Unit Development (PUD) -
215 North Webster Avenue

This is a compilation of records and data located in various City of Green Bay offices and is to be used for reference purposes only. The City of Green Bay is not responsible for any inaccuracies or unauthorized use of the information contained within. No warranties are implied.
 Map prepared by PN

ZONING ORDINANCE NO. 00-18

AN ORDINANCE
CREATING A PLANNED UNIT DEVELOPMENT (PUD) OVERLAY DISTRICT FOR
215 NORTH WEBSTER AVENUE FOR THE REDEVELOPMENT OF WHITNEY
SCHOOL AND PROPOED TOWNHOMES
(ZP 18-14)

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS
FOLLOWS:

SECTION 1. Section 13-108, Green Bay Municipal Code, together with the zoning map referred to therein, is hereby amended by establishing a Planned Unit Development District on the following described properties:

Legal Description: PLAT OF NAVARINO LOTS 496, 497, 498, 565, 566 & 567 & E1/2 OF VAC ALLEY IN 2797289 ADJ
Tax Parcel: 9-112

Legal Description: LOT 2 OF VOLUME 10 CSM, PAGE 155 BEING ALL OF LOT 2 VOLUME 7 CSM, PAGE 171, MAP NO. 1737 BNG PRT OF LOTS 562,563 & 564 PLAT OF NAVARINO & W1/2 OF VAC ALLEY IN 2797289 ADJ
Tax Parcel: 9-116-2

Legal Description: NAVARINO PLAT S 1/2 OF LOT 501
Tax Parcel: 9-115

Legal Description: NAVARINO PLAT N 1/2 OF LOT 501
Tax Parcel: 9-115-A

Legal Description: NAVARINO PLAT LOT 500 & SLY 35 FT OF LOT 499 & W1/2 OF VAC ALLEY IN 2797289 ADJ
Tax Parcel: 9-114

Legal Description: NAVARINO PLAT LOT 499 EX SLY 35 FT & W1/2 OF VAC ALLEY IN 2797289 ADJ
Tax Parcel: 9-113

SECTION 2. Pursuant to Section 13-1900, et seq., Green Bay Municipal Code, as they apply, the following conditions are imposed:

- A. Purpose and Intent. The Planned Unit Development (PUD) is being utilized to permit the reuse of the former Whitney School for the development of residential units and the construction of townhomes along South Van Buren Street and Pine Street. The PUD is intended to assist in blending the former historic school building with the proposed townhomes and balance with the existing neighborhood. The overall appearance and design of the site shall comply with the attached Exhibits.

- B. Permitted Uses. The land uses which may be established and/or maintained on the subject property are as follows:
1. 23 residential units as part of the Whitney School redevelopment.
 2. A 12 total townhomes as reflected on Exhibits A & B.
 3. All other proposed uses are subject to review and consent by the Community Development Review Team (CDRT).
- C. Dimensional and Area Requirements. Dimensional and area requirements for principle structures on the subject property shall be required as follows:
1. Whitney School: Setback, Height & Impervious Coverage :
 - a. Front yard (North Webster Avenue): 15 feet.
 - b. Corner side yard setbacks (Pine Street/Cherry Street): 15 feet.
 - c. Rear: 0 feet
 - d. Interior side yard: 2.5 feet
 - e. Principal buildings shall not exceed 50 feet in height.
 - f. Accessory structures shall not exceed 16 feet in height.
 - g. The site shall not exceed 65% impervious coverage.
 2. Townhomes: Setback, Height & Impervious Coverage :
 - a. Front yard & corner side yard: (South Van Buren Street & Pine Street): 3.5 feet.
 - b. Rear: 0 feet
 - c. Side: 10 feet along the southern property line of the townhomes.
 - d. Principal buildings shall not exceed 35 feet in height.
 - e. The site shall not exceed 80% impervious coverage.
- D. Architecture. All building elevations shall generally comply with Exhibit B and subject to the following requirements:
1. Four-sided design. All sides of the building shall include materials and design characteristics similar to and compatible with those on the front. Front building facades shall contain windows at the ground floor or first floor in order to create visual interest.
 2. Building materials. All building facades shall be designed to provide consistency with the surrounding residential neighborhood, and materials must have a greater life than 20 years.
- E. Lighting. All lighting on the subject property shall be regulated as set forth in Section 13-523 and 13-526 Green Bay Zoning.
- F. Signage. All signage for the current project shall be regulated shall be constructed and in compliance with Chapter 13-2004 and 13-2007. A ground-mounted sign is permitted to front North Webster Avenue per Exhibit D.

G. Site Plan Review & Standards

1. A site plan shall be submitted and review per Chapter 13-1800, Green Bay Zoning and is compliant with Exhibit A.
2. All service, loading and refuse areas shall be screened per Chapter 13-1813, Green Bay Zoning but, may not encroach closer than 20 feet to a public right-of-way/walkway.
3. Any ground-mounted and/or roof-mounted mechanicals shall be screened compliant with Chapter 13-1815, Green Bay Zoning.

H. Parking/Pedestrian Access.

1. All parking shall be regulated as required in Chapter 13-1700, Green Bay Zoning. Townhomes are required a total of 20 parking spaces all contained within an enclosed garage.
2. Pedestrian access shall be provided from all public streets adjoining the development and connected via an internal pedestrian network to the primary entrance of the principal buildings.

I. Landscaping/Transitional Yard

A detailed landscape plan shall be submitted identifying the type and placement of all existing and proposed plant materials, compliant with Exhibit C.

- J. A stormwater management plan, meeting the standards established by the City's Department of Public Works, shall be submitted to and approved by the City prior to the issuance of a building permit. See Chapter 30, Green Bay Municipal Code.
- K. Compliance with all of the regulations of the Green Bay Municipal Code not covered under the PUD.
- L. Compliance with all related historic preservation measures as required by Federal and State of Wisconsin requirements.

SECTION 3. The provisions of this ordinance, including, without limitation, the granting of a conditional use permit and all obligations, conditions, restrictions, and limitations related thereto shall run with and be jointly and severally binding upon the fee simple owner and the beneficial owner of all or any portion of the subject property.

SECTION 4. Each exhibit which is attached to this ordinance is deemed to be and is expressly made a part of and incorporated into this ordinance to the same extent as if each such exhibit and the plans identified therein had been set forth in its entirety in the body of this ordinance.

SECTION 5. All ordinances or parts of ordinances in conflict herewith are hereby

repealed.

SECTION 6. In addition to all other remedies available to the City of Green Bay, the City may decline to issue any building or other permits otherwise required by any ordinance of this City while any violation of this ordinance remains uncured.

SECTION 7. If any provision in this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such a decision shall not affect the validity of any other provision of this ordinance. It is hereby declared to be the intention of the City of Green Bay that all provisions of this ordinance are separable.

SECTION 8. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2018.

APPROVED:

Mayor James J. Schmitt

ATTEST:

Clerk

Attachments:

Exhibit A - Conceptual Site Plan
Exhibit B - Conceptual Building Perspective-Townhomes
Exhibit C - Conceptual Landscape Plan
Exhibit D - Proposed ground-mounted signage



VIEW 1-VIEW FROM CHERRY ST. AND N. VAN BUREN ST.



VIEW 2-VIEW FROM PINE ST. AND N. VAN BUREN ST.

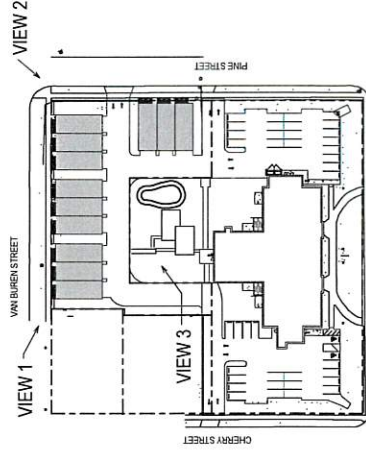
EXHIBIT B

NOTES:

- 1 STANDING SEAM PITCHED METAL ROOF: DARK NEUTRAL COLOR, APPROX. 26" HIGH FROM STREET LEVEL
- 2 VINYL CLAPBOARD SIDING, TYP.: 4" HIGH ON ALL FOUR SIDES: DARK NEUTRAL COLOR
- 3 VINYL CLAPBOARD SIDING 4" HIGH TYP. AT FIRST FLOOR PROJECTED VOLUMES: WARM NEUTRAL COLOR
- 4 METAL PANEL DEMISING WALL BETWEEN TOWNHOME UNITS: DARK NEUTRAL COLOR
- 5 WOOD SLAT END WALL AT CORNER TOWNHOME UNITS
- 6 FRONT ENTRY STOOP WITH RECESSED ENTRY DOOR, TYP.
- 7 METAL GUARDRAIL WITH BLACK STEEL SUPPORTS AND STAINLESS STEEL CABLE RAILING AT ALL BALCONIES
- 8 VINYL CASEMENT WINDOWS, TYP.: DARK NEUTRAL COLOR
- 9 VINYL PATIO DOOR AT CORNER TOWNHOME UNITS
- 10 5' SETBACK AND LANDSCAPE BUFFER, TYP.
- 11 EXISTING CONCRETE SIDEWALK
- 12 2" X 2" WOOD DECKING AT ALL BALCONIES



VIEW 3-VIEW OF INTERIOR COURTYARD LOOKING TOWARDS THE TOWNHOMES



KEY SITE PLAN

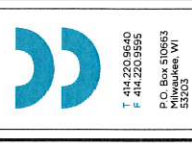


SCALE	VARIABLES
PROJECT NUMBER	170103102
SHEET TYPE	PUD SUBMITTAL
DATE	4-30-2018
ISSUED	
SHEET NUMBER	EXH-6.2

ITEM 6 - TOWNHOME ELEVATIONS
215 N. WESTER AVE GREEN BAY, WI 53001
WHITNEY SCHOOL HISTORICAL REHAB & TOWN HOMES

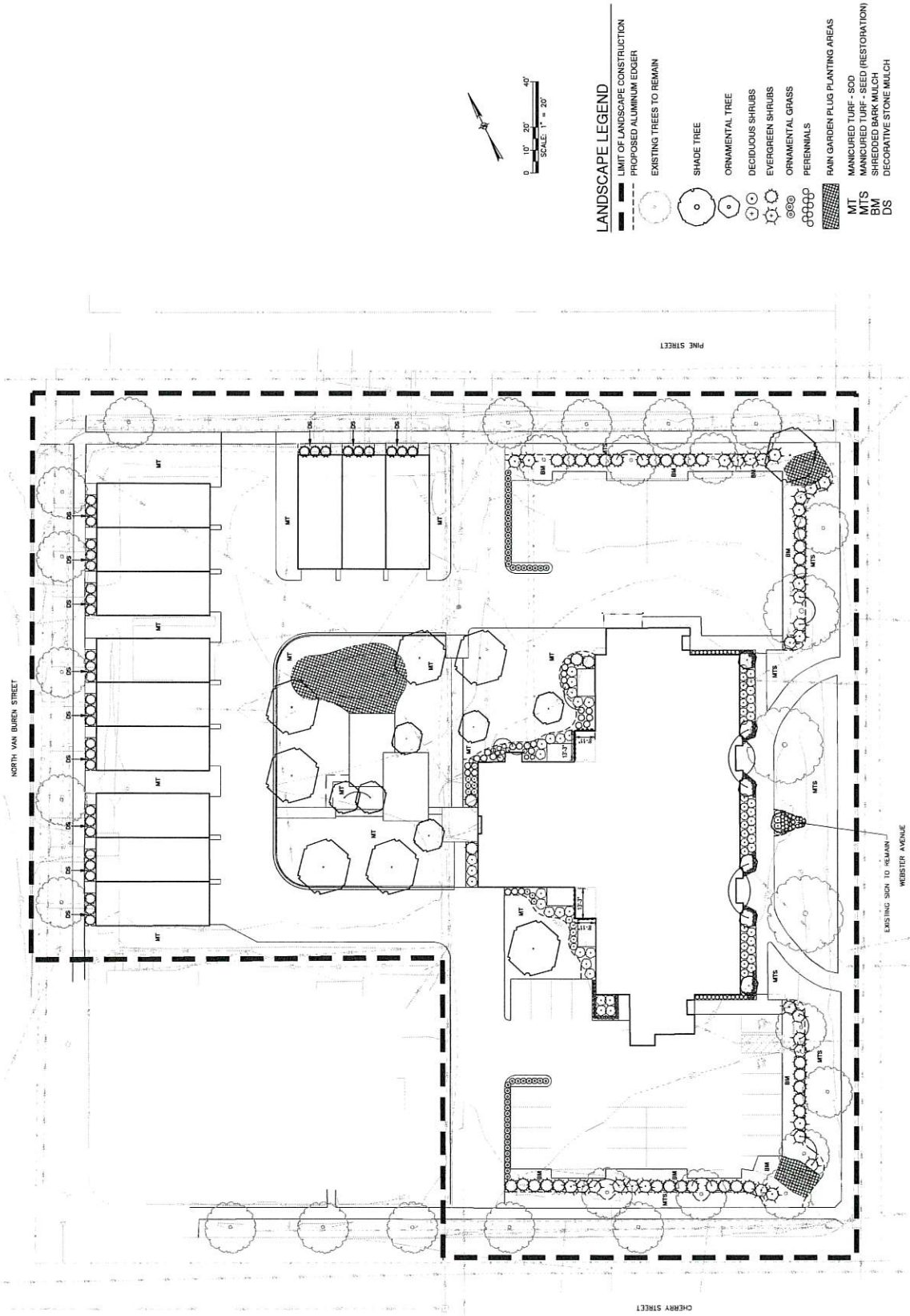
PUD SET

CONTRACTANTS



414.220.9640
414.220.3395
P.O. Box 51063
Green Bay, WI
54302-0633

EXHIBIT C



REVISIONS		SHEET TITLE		LANDSCAPE PLAN AND SCHEDULE	
WHITNEY SCHOOL HISTORIC REHAB		WEBSTER AVE, GREEN BAY, WI			
PROJECT NUMBER		181102		VARIATIONS	
PROJECT TYPE		PUD SUBMITTAL			
DATE		4-28-2018			
ISSUED					
SHEET NUMBER		EXH-8			

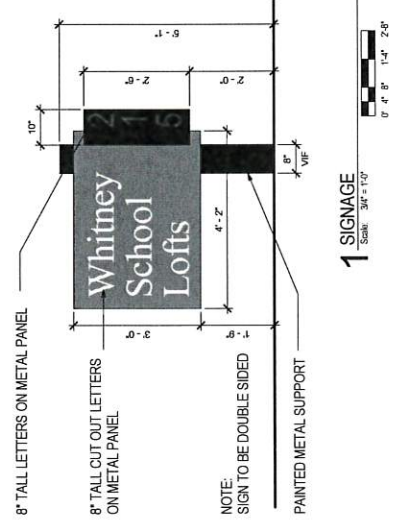
NOT FOR CONSTRUCTION
THESE DRAWINGS ARE PRELIMINARY AND NOT FOR CONSTRUCTION. ANY CHANGES MUST BE APPROVED BY THE ARCHITECT AND THE LANDSCAPE ARCHITECT BEFORE ANY CONSTRUCTION BEGINS.

CONTRACTOR: GRIEF
1111 W. BURNING TREE
SUITE 201
GREEN BAY, WI 54303
761.333.3444
www.grief-ae.com

CLIENT: T 414.220.8660
F 414.220.8665
P.O. Box 510063
GREEN BAY, WI 54303

COPYRIGHT 2018 CONTINUUM ARCHITECTS + PLANNERS S.C.

A photograph of a large, multi-story brick building, likely a school or institutional structure, viewed from a low angle. The building has multiple windows and a prominent entrance area. A paved road or driveway runs alongside the building.



 T 414-220-8640 F 414-220-8696 P.O. Box 510663 Green Bay, WI 54203	CONSIGNED	PUD SET	WHITNEY SCHOOL HISTORICAL REHAB & TOWN HOMES 215 N WESTER AVE GREEN BAY, WI 54201 SHEET TITLE ITEM # 11 - WHITNEY SCHOOL ELEVATIONS & SIGN ELEVATION	SCALE PROJECT NUMBER DATE ISSUED DRAWN BY CHECKED BY DATE SUBMITTED NO. OF SHEETS EXH-6.1
			215 N WESTER AVE GREEN BAY, WI 54201 SHEET TITLE ITEM # 11 - WHITNEY SCHOOL ELEVATIONS & SIGN ELEVATION	WAKES 17/01/02 PRO SUBMITTAL 4-20-01



Report to the Green Bay Plan Commission

MEETING DATE

May 7, 2018

PREPARED BY

David Buck, Staff

AGENDA ITEM # E.4.

(TA 18-02) Consideration with possible action to amend multiple Sections of the Zoning Ordinance affected by 2017 Wisconsin Act 67.

BACKGROUND

This report addresses staff's recommendation to amend the following sections of the Zoning Ordinance:

- A. 13-205(d)(1): Findings and Recommendations. Repeal the provision requiring a $\frac{3}{4}$ affirmative vote of Council to approve a Conditional Use permit protested if a protest against said CUP is registered.
- B. 13-205(g): Expiration of Conditional Use Approval. Amend language associated with the 12 month expiration of a CUP to require a renewal 12 months after approval;
- C. 13-404(b): Nonconforming Lots. Amend the provision that requires nonconforming lots to be combined before being used for a permitted use with condition that it not have structures situated over lot lines, and
- D. Land-Use Tables for Sections 13-602: Residential Districts, 13-702: Mixed-Use Districts, 13-802 Commercial Districts, and 13-902: Industrial Districts. Remove potentially adverse uses currently listed as Conditional Uses within multiple zoning districts.

Reason for Request: The Zoning Ordinance text amendments are necessary to bring the Ordinance into compliance with recently adopted 2017 Wisconsin Act 67 (Published November 28, 2017) as well as to adjust uses that are currently Conditional Uses but that have the potential for negative impact on the area and other uses in the district.

Comprehensive Plan: The 2022 Smart Growth Green Bay Comprehensive Plan does not provide specific guidance regarding the proposed text amendments.

Analysis: 2017 Wisconsin Act 67, referred to as the "Homeowner Bill of Rights" was recently adopted. It makes various changes to the State Statutes related to zoning and land use with respect to how government jurisdictions may address substandard lots, merging lots, conditional use approvals, variances, nonconforming structures and private ponds (Attached please find 2017 Wisconsin Act 67). Staff reviewed the various components of the Bill and determined that multiple sections of our Zoning Ordinance need to be amended to bring the Ordinance into compliance with State Statutes as well as adjusting uses that are currently Conditional Uses. The recommended text amendments address conditional uses in the Residential, Mixed-Use, Commercial and Industrial Districts; approval and expiration of Conditional Use Permits; and regulation of substandard/nonconforming lots.

13-205(d)(1): Findings and Recommendations

The decision on the denial of Conditional Use Permits (CUP) is no longer permitted to be solely based on public testimony and must be based on substantial evidence (though testimony can be taken). This is in potential conflict with the Zoning Ordinance Section 13-205(d)(1) that requires a $\frac{3}{4}$ majority Council vote to approve a CUP if 20 percent of landowners "near" object to the CUP. Though it does not directly conflict with the Statute, it places

“special weight” on public testimony. Staff recommends repealing this provision to alleviate the discrepancy as outlined below:

(d) Findings and recommendations. For each requested conditional use, the Plan Commission shall report to the Council its findings and recommendations, including the stipulations of additional conditions and guarantees that each condition will be complied with when they are deemed necessary for the protection of public interest.

~~(1) In case of a protest against the CUP, duly signed and acknowledged either by:~~

~~a. The owners of 20% or more of the land included in such proposed CUP;~~

~~b. The owners of 20% or more of the land immediately adjacent and extending 100 feet therefrom;
or~~

~~c. The owners of 20% or more of the land directly opposite thereto, extending 100' from the street frontage of such opposite land, such CUP shall not become effective unless approved by a 3/4 vote of the members of the Council.~~

13-205(g): Expiration of Conditional Use Approval

2017 Wisconsin Act 67 specifies that a CUP may remain in effect as long as the conditions upon which the permit was issued are followed. Our code, under Conditional Use Section 13-205(g), places a 12 month date to establish the CUP or it expires as well as a provision that if the CUP ceases operation for a 12 month period that it must seek re-approval. The Statute provides the ability of "a city, village, town, or county to impose conditions relating to the permit's duration, and the ability of the applicant to transfer or renew the permit, as well as any other additional, reasonable conditions specified in the relevant zoning ordinance or by the relevant zoning board". Staff proposes rephrasing portions of Section 13-205(g), requiring Plan Commission and Council review and approval of a CUP renewal, as detailed below:

13-205(g) ~~Expiration~~ *Renewal* of conditional use approval. If construction has not begun or if the conditional use has not been established within twelve (12) months of the approval date, the conditional use shall ~~expire~~ *be required to be renewed as outlined above*. Furthermore, if the use ceases to exist or ceases to be conducted for a period of twelve (12) consecutive months, conditional use approval shall ~~expire~~ *be required to be renewed as outlined above*.

13-404 (b): Nonconforming Lots

The Zoning Ordinance current regulation on nonconforming lots requires that they be combined/merged, if adjacent and under common ownership, before being able to be used for a permitted use. This regulation is in conflict with new State Statute which forbids any action that prohibits conveying or using a substandard lot as a building site as long as the lot was never developed with one or more of its structures placed partly upon an adjacent lot and that the substandard lot is developed to comply with all other ordinances of the political subdivision. Staff proposes replacing Section 13-404(b) as detailed below:

13-404. Nonconforming lots. A lot which does not comply with lot width or lot area requirements may nonetheless be used for a permitted use, provided that:

(a) The lot has been legally created.

~~(b) The lot is in separate ownership from abutting lands. If abutting lands are under the same ownership as the nonconforming lot, the contiguous parcels shall be replatted to meet minimum lot area and lot width requirements.~~

(b) The nonconforming (substandard) lot has not been developed with one or more of its structures placed partly

on an adjacent lot.

(c) All structures comply with the setback, lot coverage, height, parking, access, and other requirements of the district insofar as practical, subject to the approval of the Zoning Administrator or, if appealed, the Zoning Board of Appeals.

Land-Use Tables for Sections 13-602: Residential Districts, 13-702: Mixed-Use Districts, 13-802 Commercial Districts, and 13-902: Industrial Districts

2017 Wisconsin Act 67 essentially makes CUPs permitted uses provided the applicant can meet code standards and/or mitigate any substantiated negative effects (burden of proof is on the City). This has prompted many local governments to consider what uses are listed as Conditional Uses in its zoning districts and removing potentially adverse uses as CUPs, thereby requiring zone change for them to be established. Rezoning is permitted to be reviewed and denied based on potential impacts and neighborhood opposition. Brief descriptions of affected zoning districts and the recommendation of staff are listed below:

13-602: Principal Uses in Residential Districts

R1-Low Density Residential: Single-family dwellings with two-family dwellings in limited numbers.

R2-Medium Density Residential: Single- and two-family dwellings, townhouses, and small multi-family buildings.

R3-Variied Density Residential: Moderate- to high-density attached and multifamily housing.

RR-Rural Residential: Large-lot development in areas not served by public utilities. Low Density Residential in areas served by public utilities.

Staff recommends removing the following uses as CUPs within the residential districts:

- Rooming house, boarding house from R-1 and R-2 Districts
- Community living arrangement (9-15 persons) from R-1 and R-2 Districts
- Dormitory from R-2 District
- Group daycare center, preschool (9+ children) from R-2 District
- Agriculture from R-1, R-2 and R-3 Districts
- Outdoor commercial recreation from R-1, R-2 and R-3 Districts

13-702: Principal Uses in Mixed Use Districts

OR-Office Residential: Transitional mixed-use district intended for edges of downtown or segments of commercial corridors where there is some development pressure to convert residential uses to offices.

NC-Neighborhood Center: Small neighborhood and transit-oriented commercial “nodes”.

D-Downtown: Downtown core permitting a full range of high-intensity retail, multifamily housing, office, entertainment, and civic uses.

Staff recommends removing the following uses as CUPs within the mixed use districts:

- Motel from D District
- Restaurant with drive-through from D District
- Building material sales from D District
- Firearms sales and service from D District
- Automobile rental from NC and D Districts
- Automobile sales – new or used from D District
- Carwash from NC and D Districts

- Surface parking lot (as principal use) from NC and D Districts

13-802: Principal Uses in Commercial Districts

C1-General Commercial: Primary commercial corridors for moderate-intensity retail, office, and service uses. Outdoor display, storage, and/or sales, motor vehicle repair, and intensive or outdoor uses are discouraged.

C2-Highway Commercial: Commercial corridors for automobile-oriented businesses. Outdoor display, storage, and/or sales, motor vehicle repair, and intensive or outdoor uses are appropriate.

C3-Community Center Commercial: Major commercial districts for major traffic generators, such as shopping centers and “big box” retail establishments.

Staff recommends removing the following uses as CUPs within the commercial districts:

- Community living arrangement from C2
- Dormitory from C2

13-902: Principal Uses in Industrial Districts

LI-Light Industrial: Industrial activities in combination with limited commercial uses in older industrial corridors in medium-sized buildings with limited outdoor storage.

GI-General Ind: High-intensity industry in large structures with extensive outdoor storage and exterior mechanical or equipment operations.

BP-Bus. Park: Modern industry, research and development, office and commercial uses in a park-like environment with design standards.

Staff recommends removing the following use as CUPs within the industrial districts:

- Group daycare center, preschool (9 or more children) from LI

RECOMMENDATION

Approve Zoning Code Sections 13-205(d) (1); 13-205(g); 13-404(b); and land use tables of Sections 13-602 13-702, 13-802, and 13-902 as proposed subject to the draft ordinance.

FISCAL IMPACT

ATTACHMENTS

1. GO XX-18 - Amend 13-205(D)(1), 13-205(g), 13-404(b), & 13-602 through 902
2. 2017 WI Act 67

GENERAL ORDINANCE NO. **XX-18**

AN ORDINANCE

AMENDING GREEN BAY MUNICIPAL CODE SECTION 13-205(d)(1), TO REPEAL REGULATION RELATED TO CONDITIONAL USE PROTEST; SECTION 13-205(g), TO AMEND REGULATION RELATED TO CONDITIONAL USE EXPIRATION; SECTION 13-404(b), TO AMEND THE PROVISION REQUIRING NONCONFORMING LOTS BE COMBINED; AND SECTIONS 13-602, 13-702, 13-802 AND 13-902, TO AMEND CONDITIONAL USES WITHIN VARIOUS ZONING DISTRICTS
(TA 18-02)

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 13-205(d)(1), Green Bay Municipal Code, is amended as follows:

13-205(d) Findings and recommendations. For each requested conditional use, the Plan Commission shall report to the Council its findings and recommendations, including the stipulations of additional conditions and guarantees that each condition will be complied with when they are deemed necessary for the protection of public interest.

- ~~(1) In case of a protest against the CUP, duly signed and acknowledged either by:~~
- ~~a. The owners of 20% or more of the land included in such proposed CUP;~~
 - ~~b. The owners of 20% or more of the land immediately adjacent and extending 100 feet therefrom; or~~
 - ~~c. The owners of 20% or more of the land directly opposite thereto, extending 100' from the street frontage of such opposite land, such CUP shall not become effective unless approved by a 3/4 vote of the members of the Council.~~

SECTION 2. Section 13-205(g), Green Bay Municipal Code, is amended as follows:

13-205(g) ~~Expiration~~ Renewal of conditional use approval. If construction has not begun or if the conditional use has not been established within twelve (12) months of the approval date, the conditional use shall ~~expire~~ be required to be renewed as outlined above. Furthermore, if the use ceases to exist or ceases to be conducted for a period of twelve (12) consecutive months, conditional use approval shall ~~expire~~ be required to be renewed as outlined above.

SECTION 3. Section 13-404(b), Green Bay Municipal Code, is amended as follows:

13-404. Nonconforming lots. A lot which does not comply with lot width or lot area requirements may nonetheless be used for a permitted use, provided that:

- (a) The lot has been legally created.

~~(b) The lot is in separate ownership from abutting lands. If abutting lands are under the same ownership as the nonconforming lot, the contiguous parcels shall be replatted to meet minimum lot area and lot width requirements.~~

(b) The nonconforming (substandard) lot has not been developed with one or more of its structures placed partly on an adjacent lot.

(c) All structures comply with the setback, lot coverage, height, parking, access, and other requirements of the district insofar as practical, subject to the approval of the Zoning Administrator or, if appealed, the Zoning Board of Appeals.

SECTION 4. Sections 13-602: Residential Districts, 13-702: Mixed-Use Districts, 13-802 Commercial Districts, and 13-902: Industrial Districts, Green Bay Municipal Code, are amended as follows:

13-602: Principal Uses in Residential Districts

Removing the following Conditional Uses within the residential districts:

- Rooming house, boarding house from R-1 and R-2 Districts
- Community living arrangement (9-15 persons) from R-1 and R-2 Districts
- Dormitory from R-2 District
- Group daycare center, preschool (9+ children) from R-2 District
- Agriculture from R-1, R-2 and R-3 Districts
- Outdoor commercial recreation from R-1, R-2 and R-3 Districts

13-702: Principal Uses in Mixed Use Districts

Removing the following Conditional Uses within the mixed use districts:

- Motel from D District
- Restaurant with drive-through from D District
- Building material sales from D District
- Firearms sales and service from D District
- Automobile rental from NC and D Districts
- Automobile sales – new or used from D District
- Carwash from NC and D Districts
- Surface parking lot (as principal use) from NC and D Districts

13-802: Principal Uses in Commercial Districts

Removing the following Conditional Uses within the commercial districts:

- Community living arrangement from C2
- Dormitory from C2

13-902: Principal Uses in Industrial Districts

Removing the following Conditional Use within the industrial districts:

- Group daycare center, preschool (9 or more children) from LI

SECTION 5. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 6. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin this _____ day of _____, 2018.

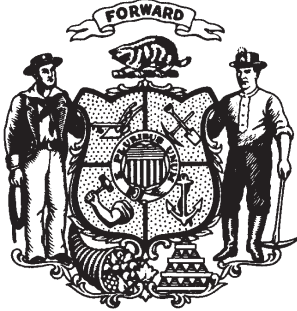
APPROVED:

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
Clerk

State of Wisconsin



2017 Assembly Bill 479

Date of enactment: **November 27, 2017**

Date of publication*: **November 28, 2017**

2017 WISCONSIN ACT 67

AN ACT *to renumber and amend* 59.694 (7) (c) and 62.23 (7) (e) 7.; *to amend* 59.69 (10e) (title), 59.69 (10e) (a) 1., 59.69 (10e) (b), 60.61 (5e) (title), 60.61 (5e) (a) 1., 60.61 (5e) (b), 62.23 (7) (hb) (title), 62.23 (7) (hb) 1. a. and 62.23 (7) (hb) 2.; and *to create* 59.69 (5e), 59.694 (7) (c) 1., 59.694 (7) (c) 3., 60.61 (4e), 60.62 (4e), 62.23 (7) (de), 62.23 (7) (e) 7. a., 62.23 (7) (e) 7. d., 66.10015 (1) (e), 66.10015 (2) (e), 66.10015 (4), 227.10 (2p) and 710.17 of the statutes; **relating to:** limiting the authority of local governments to regulate development on substandard lots and require the merging of lots; requiring a political subdivision to issue a conditional use permit under certain circumstances; standards for granting certain zoning variances; local ordinances related to repair, rebuilding, and maintenance of certain nonconforming structures; and the right to display the flag of the United States.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2. 59.69 (5e) of the statutes is created to read:

59.69 (5e) CONDITIONAL USE PERMITS. (a) In this subsection:

1. "Conditional use" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a county, but does not include a variance.

2. "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

(b) 1. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the county ordinance or those imposed by the county zoning board, the county shall grant the conditional use permit. Any condition imposed must be

related to the purpose of the ordinance and be based on substantial evidence.

2. The requirements and conditions described under subd. 1. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the county relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The county's decision to approve or deny the permit must be supported by substantial evidence.

(c) Upon receipt of a conditional use permit application, and following publication in the county of a class 2 notice under ch. 985, the county shall hold a public hearing on the application.

(d) Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the county may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the county zoning board.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

(e) If a county denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures contained in s. 59.694 (10).

SECTION 3. 59.69 (10e) (title) of the statutes is amended to read:

59.69 (10e) (title) REPAIR, REBUILDING, AND MAINTENANCE OF CERTAIN NONCONFORMING STRUCTURES.

SECTION 4. 59.69 (10e) (a) 1. of the statutes is amended to read:

59.69 (10e) (a) 1. "Development regulations" means the part of a zoning ordinance enacted under this section that applies to elements including setback, height, lot coverage, and side yard.

SECTION 5. 59.69 (10e) (b) of the statutes is amended to read:

59.69 (10e) (b) An ordinance enacted under this section may not prohibit, or limit based on cost, or require a variance for the repair, maintenance, renovation, rebuilding, or remodeling of a nonconforming structure or any part of a nonconforming structure.

SECTION 8. 59.694 (7) (c) of the statutes is renumbered 59.694 (7) (c) 2. and amended to read:

59.694 (7) (c) 2. To authorize upon appeal in specific cases variances from the terms of the ordinance that will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

4. A county board may enact an ordinance specifying an expiration date for a variance granted under this paragraph if that date relates to a specific date by which the action authorized by the variance must be commenced or completed. If no such ordinance is in effect at the time a variance is granted, or if the board of adjustment does not specify an expiration date for the variance, a variance granted under this paragraph does not expire unless, at the time it is granted, the board of adjustment specifies in the variance a specific date by which the action authorized by the variance must be commenced or completed. An ordinance enacted after April 5, 2012, may not specify an expiration date for a variance that was granted before April 5, 2012.

5. A variance granted under this paragraph runs with the land.

SECTION 9. 59.694 (7) (c) 1. of the statutes is created to read:

59.694 (7) (c) 1. In this paragraph:

a. "Area variance" means a modification to a dimensional, physical, or locational requirement such as the setback, frontage, height, bulk, or density restriction for a structure that is granted by the board of adjustment under this subsection.

b. "Use variance" means an authorization by the board of adjustment under this subsection for the use of

land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance.

SECTION 10. 59.694 (7) (c) 3. of the statutes is created to read:

59.694 (7) (c) 3. A property owner bears the burden of proving "unnecessary hardship," as that term is used in this paragraph, for an area variance, by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome or, for a use variance, by demonstrating that strict compliance with the zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a variance. In all circumstances, a property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.

SECTION 11. 60.61 (4e) of the statutes is created to read:

60.61 (4e) CONDITIONAL USE PERMITS. (a) In this subsection:

1. "Conditional use" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a town, but does not include a variance.

2. "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

(b) 1. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the town ordinance or those imposed by the town zoning board, the town shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.

2. The requirements and conditions described under subd. 1. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the town relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The town's decision to approve or deny the permit must be supported by substantial evidence.

(c) Upon receipt of a conditional use permit application, and following publication in the town of a class 2 notice under ch. 985, the town shall hold a public hearing on the application.

(d) Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the town may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the town zoning board.

(e) If a town denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures described in s. 59.694 (10).

SECTION 12. 60.61 (5e) (title) of the statutes is amended to read:

60.61 (5e) (title) REPAIR, REBUILDING, AND MAINTENANCE OF CERTAIN NONCONFORMING STRUCTURES.

SECTION 13. 60.61 (5e) (a) 1. of the statutes is amended to read:

60.61 (5e) (a) 1. "Development regulations" means the part of a zoning ordinance ~~enacted under this section~~ that applies to elements including setback, height, lot coverage, and side yard.

SECTION 14. 60.61 (5e) (b) of the statutes is amended to read:

60.61 (5e) (b) An ordinance ~~enacted under this section~~ may not prohibit, or limit based on cost, or require a variance for the repair, maintenance, renovation, rebuilding, or remodeling of a nonconforming structure or any part of a nonconforming structure.

SECTION 15. 60.62 (4e) of the statutes is created to read:

60.62 (4e) (a) In this subsection:

1. "Conditional use" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a town, but does not include a variance.

2. "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

(b) 1. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the town ordinance or those imposed by the town zoning board, the town shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.

2. The requirements and conditions described under subd. 1. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the town relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The town's decision

to approve or deny the permit must be supported by substantial evidence.

(c) Upon receipt of a conditional use permit application, and following publication in the town of a class 2 notice under ch. 985, the town shall hold a public hearing on the application.

(d) Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the town may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the town zoning board.

(e) If a town denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures described in s. 61.35.

SECTION 16. 62.23 (7) (de) of the statutes is created to read:

62.23 (7) (de) *Conditional use permits.* 1. In this paragraph:

a. "Conditional use" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a city, but does not include a variance.

b. "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

2. a. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the city ordinance or those imposed by the city zoning board, the city shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.

b. The requirements and conditions described under subd. 2. a. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the city relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The city's decision to approve or deny the permit must be supported by substantial evidence.

3. Upon receipt of a conditional use permit application, and following publication in the city of a class 2 notice under ch. 985, the city shall hold a public hearing on the application.

4. Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the city may impose conditions such as the permit's duration, transfer, or

renewal, in addition to any other conditions specified in the zoning ordinance or by the city zoning board.

5. If a city denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures contained in par. (e) 10.

SECTION 17. 62.23 (7) (e) 7. of the statutes is renumbered 62.23 (7) (e) 7. b. and amended to read:

62.23 (7) (e) 7. b. The board of appeals shall have the following powers: To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this section or of any ordinance adopted pursuant thereto; to hear and decide special exception to the terms of the ordinance upon which such board is required to pass under such ordinance; to authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

e. The council of a city may enact an ordinance specifying an expiration date for a variance granted under this subdivision if that date relates to a specific date by which the action authorized by the variance must be commenced or completed. If no such ordinance is in effect at the time a variance is granted, or if the board of appeals does not specify an expiration date for the variance, a variance granted under this subdivision does not expire unless, at the time it is granted, the board of appeals specifies in the variance a specific date by which the action authorized by the variance must be commenced or completed. An ordinance enacted after April 5, 2012, may not specify an expiration date for a variance that was granted before April 5, 2012.

f. A variance granted under this subdivision runs with the land.

g. The board may permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of the ordinance, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.

SECTION 18. 62.23 (7) (e) 7. a. of the statutes is created to read:

62.23 (7) (e) 7. a. In this subdivision, "area variance" means a modification to a dimensional, physical, or locational requirement such as a setback, frontage, height, bulk, or density restriction for a structure that is granted by the board of appeals under this paragraph. In this subdivision, "use variance" means an authorization by the board of appeals under this paragraph for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance.

SECTION 19. 62.23 (7) (e) 7. d. of the statutes is created to read:

62.23 (7) (e) 7. d. A property owner bears the burden of proving "unnecessary hardship," as that term is used in this subdivision, for an area variance, by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome or, for a use variance, by demonstrating that strict compliance with a zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a variance. In all circumstances, a property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.

SECTION 20. 62.23 (7) (hb) (title) of the statutes is amended to read:

62.23 (7) (hb) (title) *Repair, rebuilding, and maintenance of certain nonconforming structures.*

SECTION 21. 62.23 (7) (hb) 1. a. of the statutes is amended to read:

62.23 (7) (hb) 1. a. "Development regulations" means the part of a zoning ordinance ~~enacted under this subsection~~ that applies to elements including setback, height, lot coverage, and side yard.

SECTION 22. 62.23 (7) (hb) 2. of the statutes is amended to read:

62.23 (7) (hb) 2. An ordinance ~~enacted under this subsection~~ may not prohibit, or limit based on cost, the repair, maintenance, renovation, or remodeling of a nonconforming structure.

SECTION 23. 66.10015 (1) (e) of the statutes is created to read:

66.10015 (1) (e) "Substandard lot" means a legally created lot or parcel that met any applicable lot size requirements when it was created, but does not meet current lot size requirements.

SECTION 24. 66.10015 (2) (e) of the statutes is created to read:

66.10015 (2) (e) Notwithstanding any other law or rule, or any action or proceeding under the common law, no political subdivision may enact or enforce an ordinance or take any other action that prohibits a property owner from doing any of the following:

1. Conveying an ownership interest in a substandard lot.
2. Using a substandard lot as a building site if all of the following apply:
 - a. The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
 - b. The substandard lot or parcel is developed to comply with all other ordinances of the political subdivision.

SECTION 25. 66.10015 (4) of the statutes is created to read:

66.10015 (4) Notwithstanding the authority granted under ss. 59.69, 60.61, 60.62, 61.35, and 62.23, no political subdivision may enact or enforce an ordinance or take any other action that requires one or more lots to be merged with another lot, for any purpose, without the consent of the owners of the lots that are to be merged.

SECTION 26. 227.10 (2p) of the statutes is created to read:

227.10 (2p) No agency may promulgate a rule or take any other action that requires one or more lots to be merged with another lot, for any purpose, without the consent of the owners of the lots that are to be merged.

SECTION 27. 710.17 of the statutes is created to read:

710.17 Right to display the flag of the United States. (1) DEFINITIONS. In this section:

(a) “Housing cooperative” means a cooperative incorporated under ch. 185 or organized under ch. 193 that owns residential property that is used or intended to be used, in whole or in part, by the members of the housing cooperative as their homes or residences.

(b) “Member of a homeowners’ association” means a person that owns residential property within a subdivision, development, or other similar area that is subject to any policy or restriction adopted by a homeowners’ association.

(c) “Member of a housing cooperative” means a member, as defined in s. 185.01 (5) or 193.005 (15), of a housing cooperative if the member uses or intends to use part of the property of the housing cooperative as the member’s home or residence.

(2) RIGHT TO DISPLAY THE FLAG OF THE UNITED STATES. (a) Except as provided in sub. (3), a homeowners’ association may not adopt or enforce a covenant, condition, or restriction, or enter into an agreement, that

restricts or prevents a member of the homeowners’ association from displaying the flag of the United States on property in which the member has an ownership interest and that is subject to any policy or restriction adopted by the homeowners’ association.

(b) Except as provided in sub. (3), a housing cooperative may not adopt or enforce a covenant, condition, or restriction, or enter into an agreement, that restricts or prevents a member of the housing cooperative from displaying the flag of the United States on property of the housing cooperative to which the member has a right to exclusive possession or use.

(3) EXCEPTIONS. A homeowners’ association or housing cooperative may adopt and enforce a covenant, condition, or restriction, or enter into an agreement, that does any of the following:

(a) Requires that any display of the flag of the United States must conform with a rule or custom for proper display and use of the flag set forth in [4 USC 5 to 10](#).

(b) Provides a reasonable restriction on the time, place, or manner of displaying the flag of the United States that is necessary to protect a substantial interest of the homeowners’ association or housing cooperative.

SECTION 28. Initial applicability.

(1) RIGHT TO DISPLAY THE FLAG OF THE UNITED STATES. The treatment of section 710.17 of the statutes first applies to a covenant, condition, or restriction that is adopted, renewed, or modified, or to an agreement that is entered into, renewed, or modified, on the effective date of this subsection.

(2) CONDITIONAL USE PERMITS. The treatment of sections 59.69 (5e), 60.61 (4e), 60.62 (4e), and 62.23 (7) (de) of the statutes first applies to an application for a conditional use permit that is filed on the effective date of this subsection.



Report to the Green Bay Plan Commission

MEETING DATE

May 7, 2018

PREPARED BY

Stephanie Hummel, Staff

AGENDA ITEM # E.5.

(SP 18-02) Consideration with possible action on the request to declare City property surplus at 1029, 1035 and 1039 Velp Avenue, submitted by Kurt Boulanger, Stone Ridge Holdings, LLC (Ald. R. Scannell, District 7).

BACKGROUND

Primary Address: 1029, 1035, 1039 Velp Avenue

Aldersperson/District: Ald. Randy Scannell/7

Reason for Request: To declare City property as surplus property for sale.

Subject Parcel Zoning and Land Use: C3 and R2; Vacant

Surrounding Parcels Zoning and Land Use:

North: Right-of-Way; Velp Avenue

South: R1, Low Density Residential; Single- and Two-Family Residential

East: R2, Medium Density Residential; Single- and Two-Family Residential

West: C3, Commercial Three; Gas Station

Comprehensive Plan:

The 2022 Smart Growth Green Bay Comprehensive Plan recommends Commercial for the surrounding area.

Analysis:

The subject parcels were purchased by the City's Department of Public Works (DPW) for right-of-way during the reconstruction of Velp Avenue. There is general clean-up required as part of this application since a portion of right-of-way is part of 1035 and 1039 Velp. This area, noted in blue outline on the attached exhibit, is being recommended to be retained as right-of-way. The purple outline area would be declared surplus and attached to parcel 18-800-1 as this parcel's access already exists through this area. The green outline area is being recommended for surplus and sale to the City's Redevelopment Authority (RDA). This parcel is a buildable lot, highly visible and developable. As part of the City's Surplus Property Declaration Policy (attached), the City is to offer parcels acquired through DPW to other municipal departments for use or sale prior to offering it to the public. The City's Real Estate Specialist, on behalf of the RDA, would like to purchase and market this parcel to ensure the highest and best use of the parcel. Staff is in support of this proposal. An easement would be required (noted in yellow) to ensure access to this lot since Velp Avenue access would not be allowed. Not only is marketing and sale of City property through the RDA standard practice, it also creates a level of protection to the adjoining property owners and occupants concerning buffering from a future development on this parcel.

The Assessor's valuations are:

1039 Velp, \$5,237

1035 Velp, \$5,218

1029 Velp, \$24,452

Ald. R. Scannell, adjacent property owners and reviewing agencies have been notified of this request. An e-mail from a concerned neighbor is attached.

RECOMMENDATION

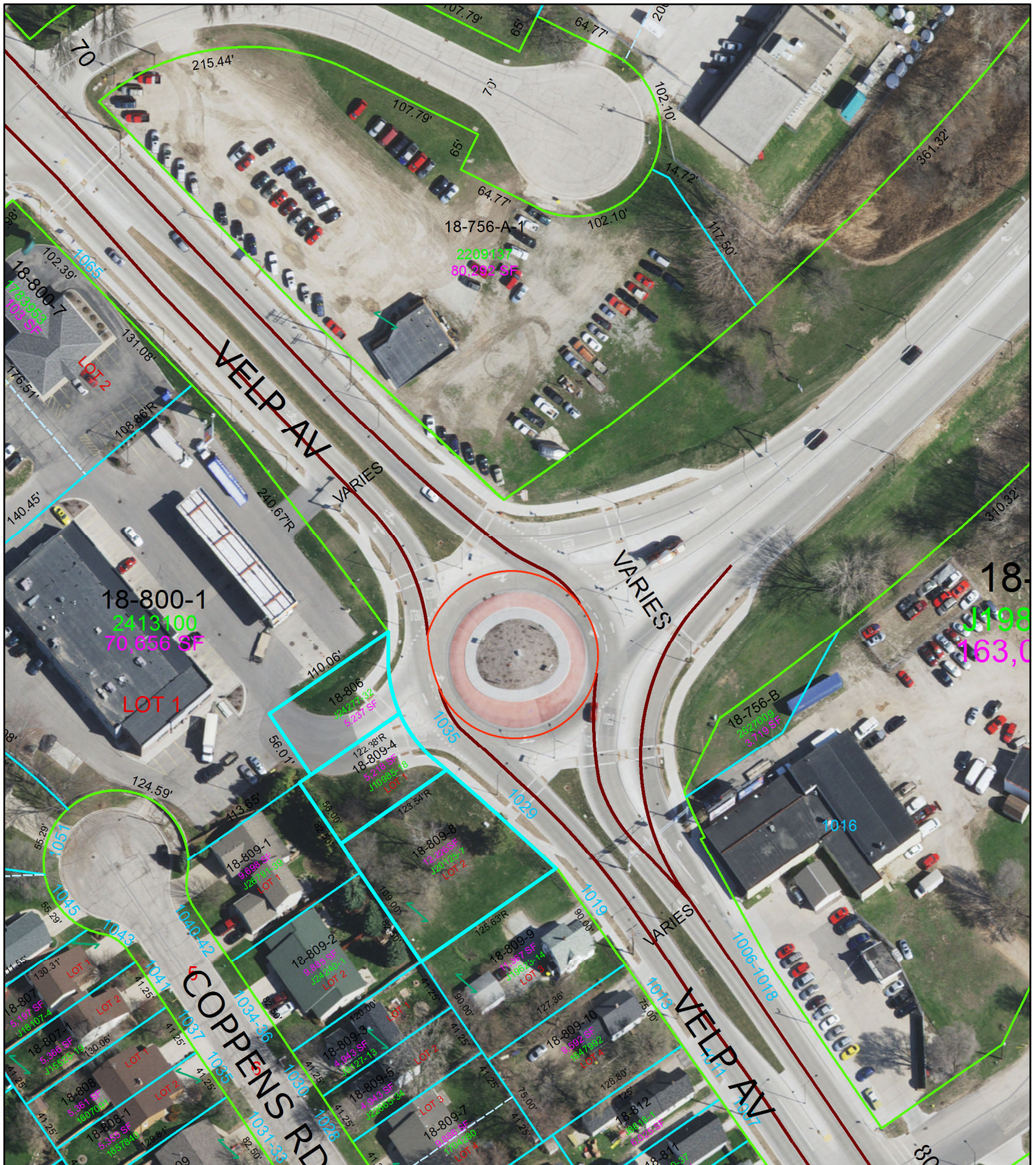
Approval of the request, subject to the following condition:

1. The surplus declaration must follow Staff's exhibit noting right-of-way retention in blue, surplus declaration in purple, surplus declaration with sale to the Redevelopment Authority in green, and an access easement as shown in yellow.
2. A Storm Sewer Easement shall be retained over the area outlined in purple.
3. Proof that Cross Easements are in place between parcels 18-800-1 and 18-806, 18-809-4 and 18-809-8.
4. Sale must be at or above Fair Market Value.
5. Funds from sale must be returned to Department of Public Works - Real Estate Account.
6. All costs to survey and describe Surplus Property to be Petitioners expense.

FISCAL IMPACT

ATTACHMENTS

1. SP 18-02 Map
2. Velp Atkinson Surplus, Exhibit
3. 17-03 Surplus Property Policy Final Draft 11.13.17
4. ZP 18-11, SP 18-02 Neighbor E-Mail



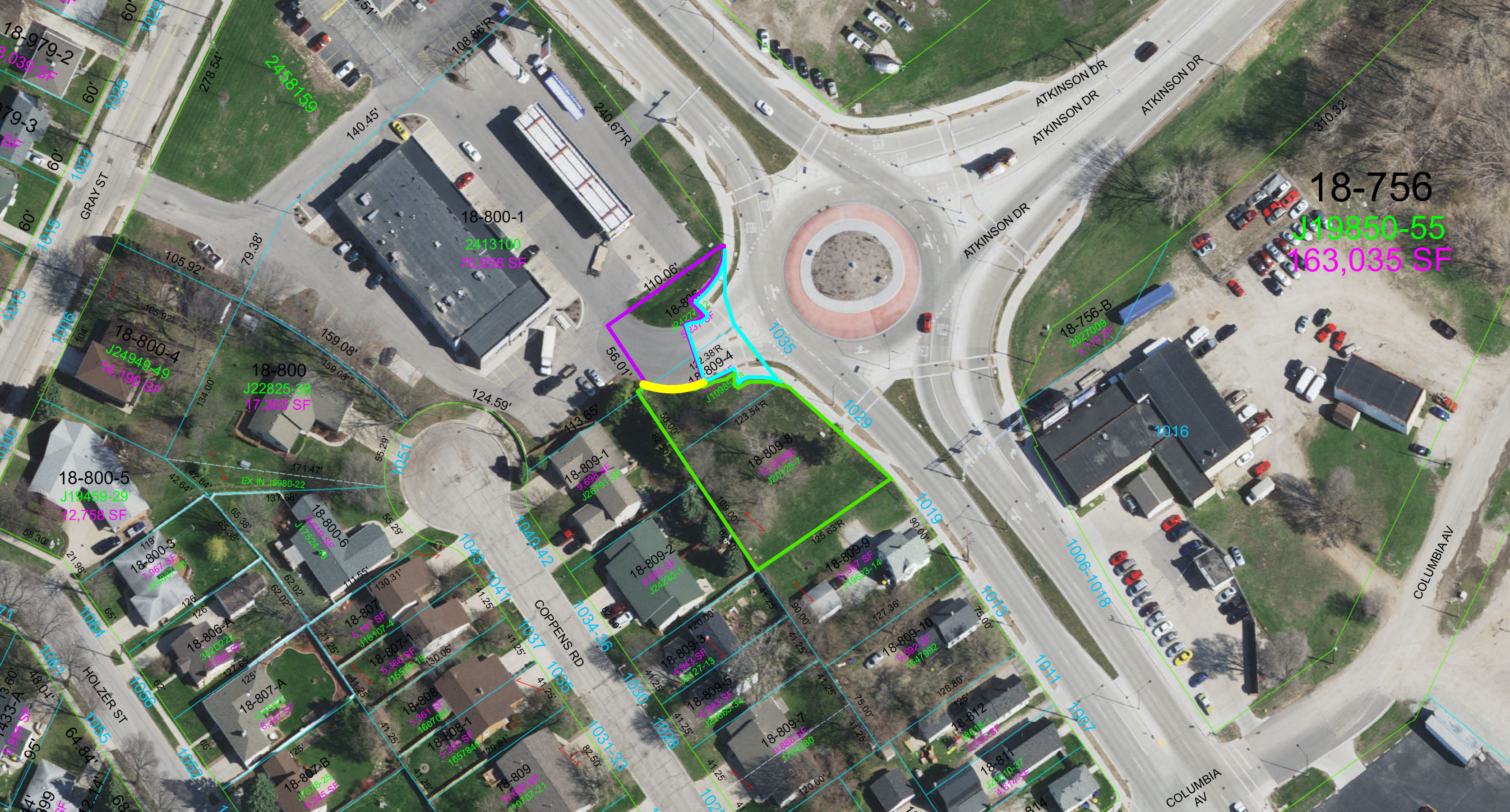
Surplus Property Declaration (SP 18-02) 1029, 1035, 1039 Velp Avenue

0 25 50 100 Feet



This is a compilation of records and data located in various City of Green Bay offices and is to be used for reference purposes only. The City of Green Bay is not responsible for any inaccuracies or unauthorized use of the information contained within. No warranties are implied. Map prepared by City of Green Bay Department of Community and Economic Development. SJH 4.17.2018 17 Apr 2018 X:\Planning\City\DATA_GIS\CityActions\SUR_PROP\SP 18-02 Map.mxd

Proposed Surplus Property



18-756
J19850-55
163,035 SF



City of Green Bay
Department of Community and Economic Development

DEPARTMENTAL POLICY	POLICY #	REPLACES #
Surplus Property Declaration	17-03	Original
EFFECTIVE ON	APPROVED ON	PREPARED BY
11/13/2017	11/13/2017	Stephanie Hummel, Planner I

POLICY

Definition of Surplus Property: Surplus property is any City owned parcel not currently being used and declared no longer necessary for the City's use.

Parcels not eligible for Surplus Property declaration:

- Redevelopment Authority owned parcels (Real Estate Specialist review required)
- City owned parcels with an existing lease (EDA review required; lease must be broken to be processed as a Surplus Property)
- City owned parcels currently in use

Denial of application could be based on the following, but is not limited to:

- Utility or City facilities located on parcel
- Potential for development on parcel and/or need for parcel to contribute to nearby development
- Market value of the parcel being significantly higher than what the City would receive for the sale

All parcels purchased by the Department of Public Works for right-of-way acquisition must go through the Surplus Property process; sale of property should first be offered to other municipal departments for their use or sale of property prior to public sale.

All parcels purchased with Community Development Block Grant (CDBG) funding must follow HUD rules for disposition of property. The City's Block Grant Coordinator will determine this at the time of application.

Sale of a property declared as surplus must occur within 36-months of the declaration. After 36-months, the declaration of surplus is void.

POLICY MANUAL REFERENCE

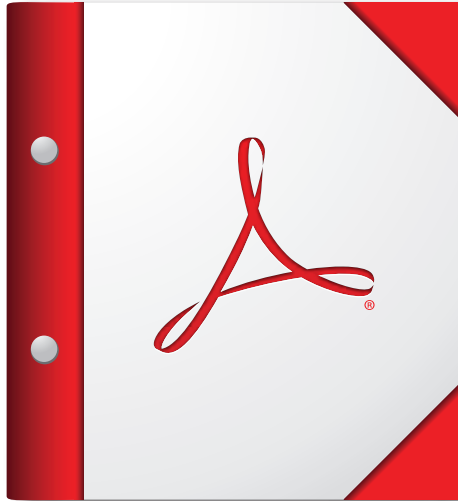
N/A; Internal process attached.

PURPOSE

To declare unused City property as "surplus" and allow for sale. In the interest of the tax payers of the City of Green Bay, the City will make the best effort to sell surplus property at market value.

SCOPE

Applied to all City-owned parcels.



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