



AGENDA OF THE GREEN BAY PLAN COMMISSION

**MONDAY, JUNE 11, 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 June 11, 2018, meeting of the Green Bay Plan Commission.

C. Election of Officers

1. Discussion and action on the annual Election of Officers of the Plan Commission per Commission Rule #17 - Chair, Vice-Chair, and Secretary.

D. Approval of Minutes.

1. Approval of the minutes from the May 7, 2018, Plan Commission Meeting.

E. Regular Business.

1. (ZP 18-11) Consideration with possible action on the request to amend the previously approved Conditional Use Permit to allow a car wash in a Community Center Commercial (C3) District, located at 1053 Velp Avenue, submitted by Kurt Boulanger, Stone Ride Holdings, LLC, property owner (Ald. R. Scannell, District 7).
2. (ZP 18-13) Consideration with possible action on the request to create a Planned Unit Development (PUD) at 320 S. Military Avenue/1600 Block Western Avenue, submitted by David Martin, H.J. Martin, property owner (Ald. J. Vander Leest, District 11).
3. (ZP 18-15) Consideration with possible action on the request to authorize a Conditional Use Permit (CUP) for a two-family home in a Low Density Residential (R1) District at 246 Oxford Avenue, submitted by Dalton Ruesch (Ald. M. Steuer, District 10).

4. (ZP 18-16) Consideration with possible action on the request to amend a Planned Unit Development (PUD) at 865 Lombardi Avenue, submitted by Jason Hager, Tundra Lodge, property owner (Ald. B. Johnson, District 9).
5. (PP 18-02) Consideration with possible action on the request to enter into an agreement to complete a Safe Routes for Non-Drivers and Bicycle/Pedestrian Plan with Green Bay Area Public School District and Toole Design Group.
6. (TA 18-03) Consideration with possible action on the request to amend the Green Bay Zoning Code Section 13-1911, adjusting the time frame associated with expiration of Planned Unit Developments.

F. Informational.

1. Director's Report.
2. Date of next meeting: July 9, 2018.

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, MAY 7, 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: Ald. Veronica Corpus-Dax, Jerry Wiezbiskie, Lisa Hanson, Randall Petrouske, Sidney Bremer, Excused: Jacob Miller

Others Present: Ald. Randy Scannell

B. APPROVAL OF THE AGENDA.

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

Moved by Lisa Hanson, seconded by Jerry Wiezbiskie to approve the agenda for the May 7, 2018, meeting of the Green Bay Plan Commission. Motion carried.

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

C. APPROVAL OF MINUTES.

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

Moved by Sidney Bremer, seconded by Ald. Veronica Corpus-Dax to approve the minutes from the April 23, 2018, Plan Commission Meeting. Motion carried.

Yes- Jerry Wiezbiskie, Lisa Hanson, Randall Petrouske, Sidney Bremer, Veronica Corpus-Dax, No- None, Abstain- None

D. PUBLIC HEARINGS.

I. (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.

I. (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).

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

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

Moved by Ald. Veronica Corpus-Dax, seconded by Jerry Wiezbiskie to return to regular order of business. Motion carried.

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

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

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

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).

Moved by Sidney Bremer, seconded by Jerry Wiezbiskie to open the floor for discussion. Motion carried.

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

Moved by Jerry Wiezbiskie, seconded by Ald. Veronica Corpus-Dax to authorize a Conditional Use Permit (CUP) to allow a car wash in a Community Center Commercial (C3) District located at 1053 Velp Avenue, 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.

Motion carried.

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

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).

Moved by Jerry Wiezbiskie, seconded by Sidney Bremer to open the floor for discussion. Motion carried.

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

Moved by Sidney Bremer, seconded by Randall Petrouske to amend the request to create a Planned Unit Development (PUD) at 215 N. Webster Avenue, with the addition to Item L. of the PUD to state: as well as advisory review by the Historical Preservation Commission. Motion carried.

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

Moved by Randall Petrouske, seconded by Sidney Bremer to create a Planned Unit Development (PUD) at 215 N. Webster Avenue, subject to the draft PUD with the above amendment. Motion carried.

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

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

Moved by Jerry Wiezbiskie, seconded by Randall Petrouske to amend multiple Sections of the Zoning Ordinance affected by 2017 Wisconsin Act 67, as proposed subject to the draft ordinance. Motion carried.

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

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).

Moved by Sidney Bremer, seconded by Ald. Veronica Corpus-Dax to open the floor for discussion. Motion carried.

Yes- Jerry Wiezbiskie, Lisa Hanson, Randall Petrouske, Sidney Bremer, Veronica Corpus-Dax, No-None, Abstain- None

Moved by Jerry Wiezbiskie, seconded by Ald. Veronica Corpus-Dax to return to regular order of business. Motion carried.

Yes- Jerry Wiezbiskie, Lisa Hanson, Randall Petrouske, Sidney Bremer, Veronica Corpus-Dax, No-None, Abstain- None

Moved by Randall Petrouske, seconded by Lisa Hanson to declare City property surplus at 1029, 1035 and 1039 Velp Avenue, subject to the following conditions:

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.

Motion carried.

Yes- Jerry Wiezbiskie, Lisa Hanson, Randall Petrouske, Sidney Bremer, Veronica Corpus-Dax, No-None, Abstain- None

F. INFORMATIONAL.

1. Director's Report.

Moved by Ald. Veronica Corpus-Dax, seconded by Lisa Hanson to receive and place on file. Motion carried.

Yes- Jerry Wiezbiskie, Lisa Hanson, Randall Petrouske, Sidney Bremer, Veronica Corpus-Dax, No-None, Abstain- None

2. Date of next meeting: May 21, 2018.

3. Civic Clerk training session.

G. REFERRAL OF PETITIONS & COMMUNICATIONS.

H. ADJOURNMENT.

Moved by Lisa Hanson, seconded by Sidney Bremer to adjourn. Motion carried.

Yes- Jerry Wiezbiskie, Lisa Hanson, Randall Petrouske, Sidney Bremer, Veronica Corpus-Dax, No-
None, Abstain- None



Report to the Green Bay Plan Commission

MEETING DATE

June 11, 2018

PREPARED BY

Paul Neumeyer, Staff

AGENDA ITEM # E.1.

(ZP 18-11) Consideration with possible action on the request to amend the previously approved Conditional Use Permit to allow a car wash in a Community Center Commercial (C3) District, located at 1053 Velp Avenue, submitted by Kurt Boulanger, Stone Ride 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 amend the previous approval to relocate the proposed car wash on the southeast side of the existing building.

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. On Tuesday, May 15, 2018, the Common Council approved the request to place the car wash in an existing tenant space on the west end of the existing building. The current proposal is to construct a car wash within an existing tenant space on the southeast end of the building.

The applicant has indicated the following reasoning for the amendment:

“The original location was on the north end of my existing building it now proposed to be located on the south end of the building. The justification of relocation is cost for moving tenants from unit to unit and as the south end of the building is vacant this would be a better fit to proceed forward.”

The north and south façade will be modified to provide for the overhead doors for the car wash; but, the

east façade will retain its current transparency. A copy of the site plan and building elevations are provided within this agenda packet.

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 of the original development a residential buffer was provided along the southern property line and was intended to block light trespass coming from vehicle headlights.

The proposed change to add the car wash at the southeast side of the building presents new issues that were not necessarily an issue on the west end of the building. The drive area for the car wash now runs the length of the building to access the car wash entry into the building on the south east corner of the building. The additional traffic and possible noise of the vehicles and any noise associated with the car wash are closer to the neighborhood.

The new placement also creates a pinch-point around the east side of the building where the distance between the building and the property line greatly narrows from the west and vehicles going east/west behind the building may be limited. In addition, at southeast corner of the building there would not be sufficient room for vehicles to pass around a vehicle in the car wash lane thus, creating a potential bottle-neck at the corner of the building.

Although staff did recommended approval of the car wash use on the west side of the building, the southeast side relocation presents issues that are a deterrent to the site and traffic circulation. Therefore, staff will be recommending denial of the request.

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 not received any inquires.

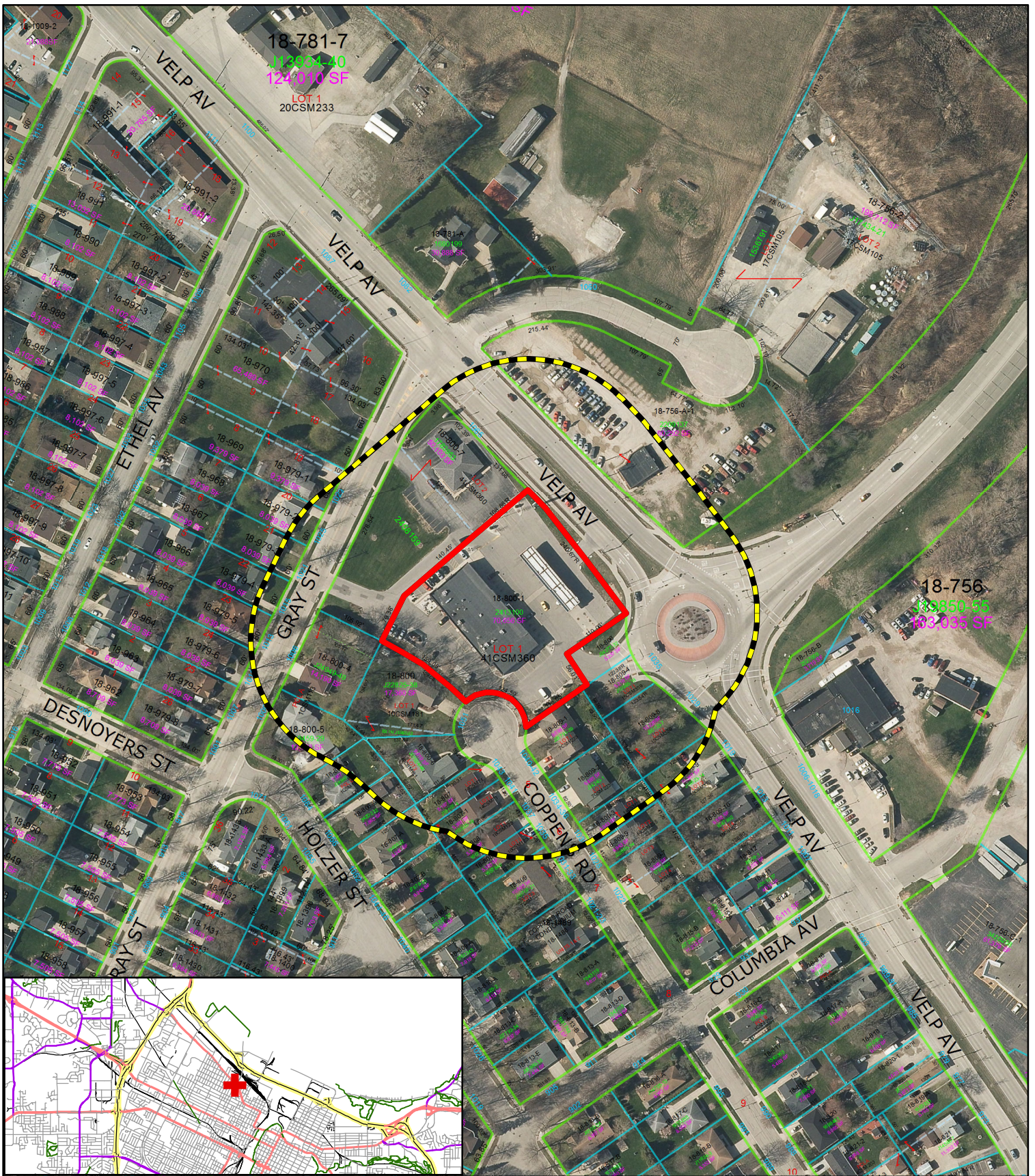
RECOMMENDATION

Denial of the request.

FISCAL IMPACT

ATTACHMENTS

1. ZPI8-11 letter
2. Site Plan - Amendment



Subject Area



200' Property Owner Notice



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

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Feet

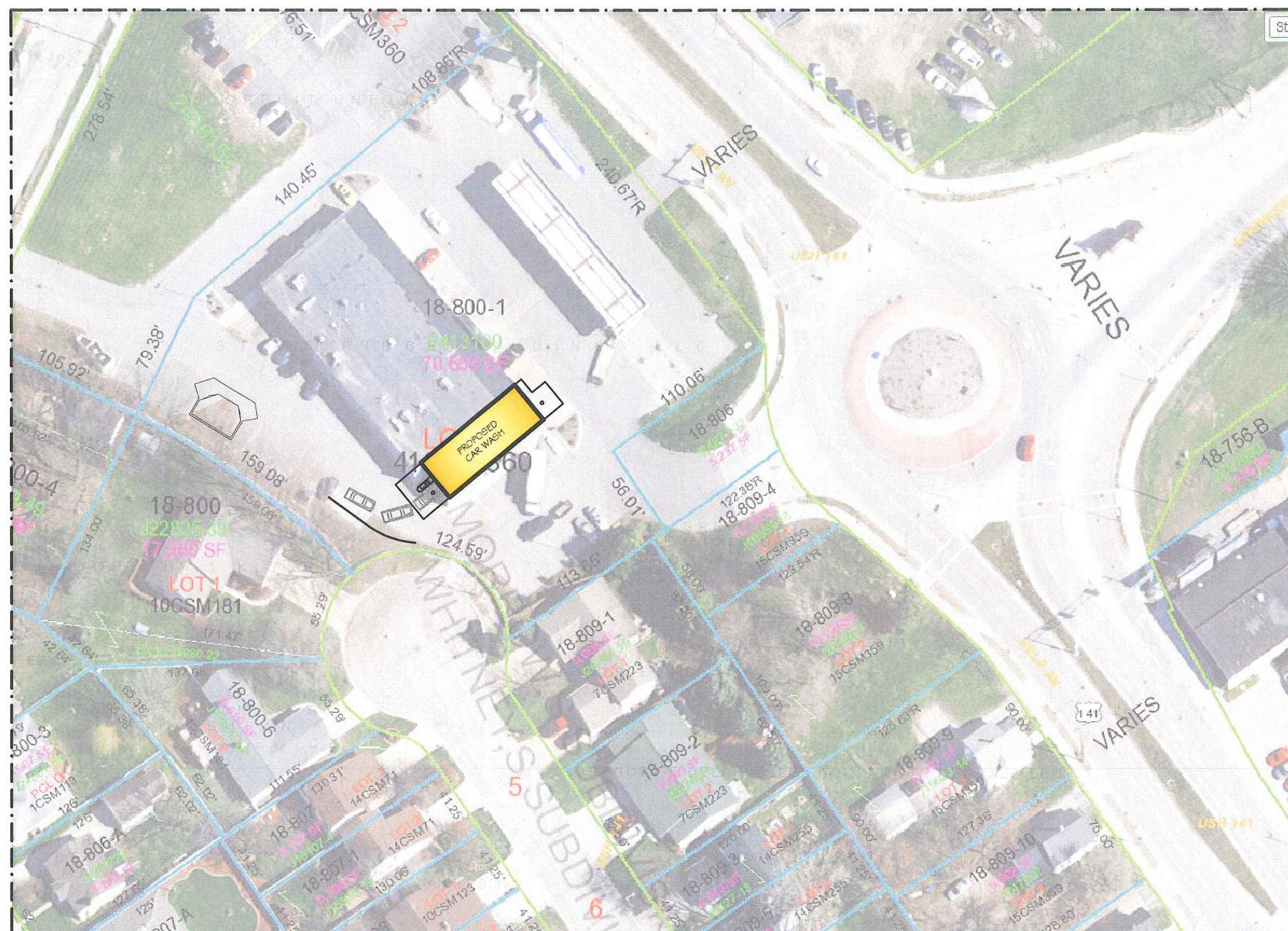
Zoning Petition (ZP 18-11) **Conditional Use Permit (CUP) - 1053 Velp Avenue**



BAYLAND BUILDINGS

P.O. BOX 13571 GREEN BAY, WI 54307
(920) 498-9300 FAX (920) 498-8033
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 GAURANTE, WARRANTY, OR REPRESENTATION AS TO THE ACCURACY AND COMPLETENESS OF SUCH INFORMATION.

APPROVED

OWNERS SIGNATURE _____ DATE _____
SALES REPRESENTATIVE _____ DATE _____
(APPROVAL 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 AS 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 KEUED AND/OR MONETARY COMPENSATION TO BAYLAND BUILDINGS, INC.

JOB NUMBER: -

SALES REP:

TOM AMBROSIOUS
(920) 371-2544

DRAWN BY:

DPO

DATE:

5-21-18

REVISIONS:

△	-	-

ISSUED FOR:

- ☒ PRELIMINARY
☐ BID SET
☐ CONSTRUCTION

SHEET



C1.0

PROPOSED TENANT ALTERATION FOR:

17-9803

GREEN BAY, WISCONSIN; COUNTY OF: BROWN

SCALE VERIFICATION
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ADJUST SCALE ACCORDINGLY.

NOTICE OF COPYRIGHT:
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COMPENSATION TO BAYLAND BUILDINGS, INC.

JOB NUMBER:

SALES REP:
TOM AMBROSIOUS
(920) 371-2544

DRAWN BY: DPO

DATE: 5-18-18

REVISIONS:

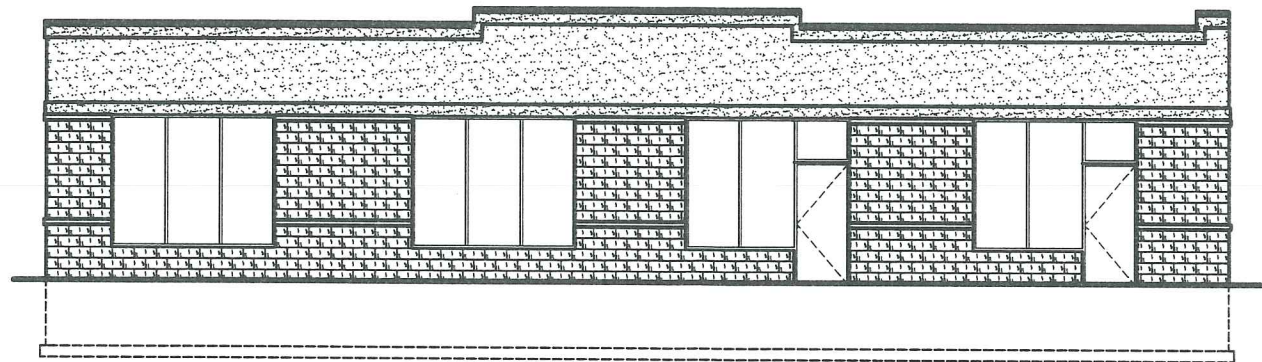
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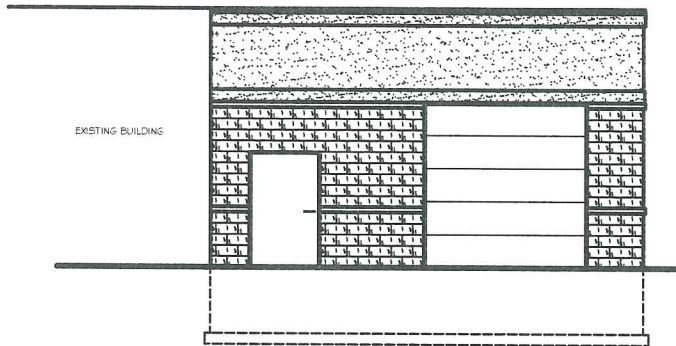
BAYLAND BUILDINGS

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

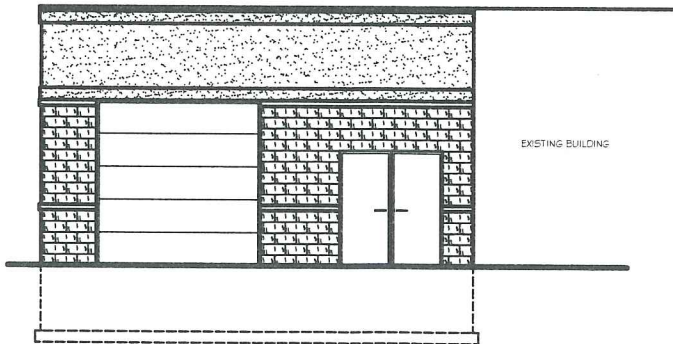
DESIGN & BUILD GENERAL CONTRACTOR



SOUTH ELEVATION



WEST ELEVATION



EAST ELEVATION

PROPOSED TENANT ALTERATION FOR:

17-9803

GREEN BAY, WISCONSIN; COUNTY OF: BROWN

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 AS "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 OF
BUILDING REPRESENTED, CAN LEGALLY RESULT IN THE CESSATION
OF CONSTRUCTION OF BUILDINGS BEING DESIGNED AND/OR MONETARY
COMPENSATION TO BAYLAND BUILDINGS, INC.

JOB NUMBER:

SALES REP:

TOM AMBROSIOUS
(920) 371-2544

DRAWN BY:

DPO

DATE:

5-18-18

REVISIONS:



ISSUED FOR:

- ☐ PRELIMINARY
☐ BID SET
☒ CONSTRUCTION

SHEET

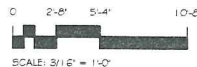
A1.1

APPROVED

OWNER'S SIGNATURE _____ DATE _____
SALES REPRESENTATIVE _____ DATE _____
(APPROVAL NOT VALID W/O SIGNATURE)

EXISTING CONDITIONS

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



SCALE: 3/16" = 1'-0"



Report to the Green Bay Plan Commission

MEETING DATE

June 11, 2018

PREPARED BY

Paul Neumeyer, Staff

AGENDA ITEM # E.2.

(ZP 18-13) Consideration with possible action on the request to create a Planned Unit Development (PUD) at 320 S. Military Avenue/1600 Block Western Avenue, submitted by David Martin, H.J. Martin, property owner (Ald. J. Vander Leest, District 11).

BACKGROUND

Reason for Request: To permit the expansion of the H.J. Martin distribution, limited production and storage facility as part of their campus.

Surrounding Zoning and Land Uses:

Subject Properties: General Commercial (C1)/Light Industrial (LI)/H.J. Martin commercial/light manufacturing operations.

North: C3 – Community Center Commercial/Varied Density Residential (R3)
Wisconsin Central Rail/Shopko/Commercial/single and two family uses

South: C1 – General Commercial Commercial

West: R3 – Varied Density Residential Multi-family

East: C1 – General Commercial Commercial

Comprehensive Plan: The 2022 Smart Growth Green Bay Comprehensive Plan designates this area for Commercial Uses and the proposed rezoning would be consistent with the City's Comprehensive Plan. The proposed building expansions on site include an expansion of the current limited production and processing uses. Such uses are permitted as a Conditional Use Permit (CUP) under the current commercial zoning districts. Some current parcels have Light Industrial (LI) zoning which has permitted the current limited production and processing/distribution center. It would be reasonable to consider the proposed land uses as consistent with the Comprehensive Plan.

Military Avenue Redevelopment Plan:

The request is also located within the study area of the Military Avenue Redevelopment Plan; however, a recommended land use is not provided.

Report: The proposed request will assist in facilitating the expansion of uses on the H.J. Martin campus. Currently, there are several parcels that make up the campus that includes both sides of Western Avenue, west of S. Military Avenue. There is approximately 7.10 acres north of Western Avenue and approximately 5.17 acres to the south for a total of 12.27 acres for the entire campus. The applicant has indicated the following existing and proposed uses on site:

320 S. Military Avenue-Existing residential flooring showroom, 2nd floor corporate office space, no proposed changes;

1598 Western Avenue-Proposed distribution center expansion and additional installer training area;

1643 Western Avenue-Proposed parking storage garage to house pick-up trucks, installer's personal vehicles and company delivery vehicles.

The proposed distribution center, north of Western Avenue, will have a green space at the south side of the building along Western Avenue and at the west side of the building along Perkins Avenue. A landscape buffer is proposed for the west side between the building and the residential complex across Perkins Avenue. The proposed expansion will be approximately 44, 992 sq. ft. There will be added impervious surface access drive to the new building along the east side of the landscape buffer for the entire length of the building.

The distribution center expansion will replace a portion of existing parking lot and drives approximately 22,000 sq. ft. and no additional parking is planned. In addition, the expanded structure will have a new driveway entrance near the corner of Perkins Avenue and Western Avenue. There will be an improvement of the existing driveway at the northwest corner of the parcel on Perkins Avenue.

The parking storage garage, south of Western Avenue, will have a green space at the north side of the building integral with a new parking lot. The proposed garage footprint will be approximately 19,106 sq. ft. with a new parking lot on the north side of the building. The current driveway on the southwest side of Western Avenue will be moved to the east. There will also be a landscape buffer on the west side between the building and the adjacent residential complex. As for the added impervious surfaces for the parking storage garage, along the with

Existing tax parcels will be combined to avoid setback and use issues and have been included within the PUD draft as a requirement. Because this use does contain truck traffic, as well as other commercial traffic, staff will be working with the applicant and the City's Traffic Engineer on addressing any traffic issues as a result of the proposed expanded land uses.

A Planned Unit Development (PUD) was recommended to address the hybrid uses between commercial and light industrial. Staff is recommending approval of the request subject to the draft ordinance and Exhibits attached within this meeting packet.

Ald. J. Vander Leest and adjacent property owners within 400 ft. have been notified of the request. As of the drafting of this report, there have been inquiries but, no objections to the request.

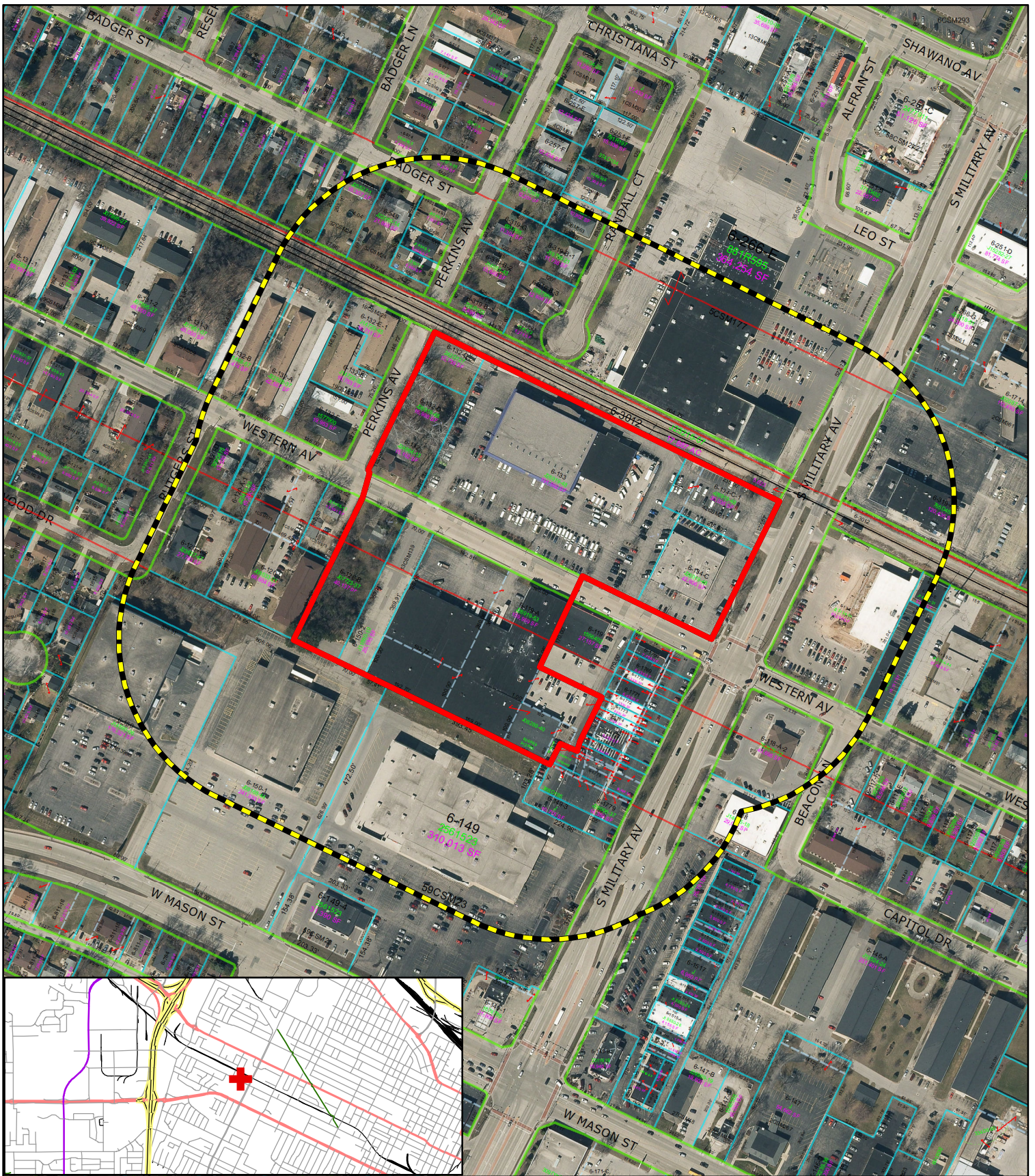
RECOMMENDATION

Approval of the request, subject to the approval of the draft ordinance.

FISCAL IMPACT

ATTACHMENTS

1. ZPI8-13 letter
2. ZP 18-13 PUD Draft
3. Draft Exhibits A to C

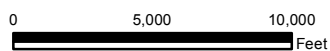


- Subject Area
- 400' Property Owner Notice



Zoning Petition (ZP 18-13)
Proposed Planned Unit Development (PUD) -
320 S Military Avenue/1600 Block Western 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
PROPERTIES LOCATED AT 320 SOUTH MILITARY AVENUE AND THE 1600 BLOCK
OF WESTERN AVENUE
(ZP 18-13)

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: CADY & BURDONS GARDEN LOTS ELY 1 ACRE OF LOT 11
Tax Parcel: 6-120-B

Legal Description: LOT 3 OF 13 CSM 139 BNG PRT OF LOT 10 OF CADY & BURDONS
GARDEN LOTS & PRT LOT 14 OF TANKS SUBD OF PC 2-9 WSFR
Tax Parcel: 6-150-2

Legal Description: CADY & BURDONS GARDEN LOTS THAT PRT LOT 10 DESC IN 634 R
64 & 744 R 286 & 746 R 226 & ALSO PRT OF LOTS 9 & 10 DESC IN J14336-36 & PRT IN
J8288-40
Tax Parcel: 6-119-A

Legal Description: CADY & BURDONS GARDEN LOTS ALL THAT PRT OF LOT 24 AS DES IN
VOL 358 D 224 EX 42 CSM 217
Tax Parcel: 6-134-C

Legal Description: LOT 1 OF 42 CSM 217 BNG PRT OF LOTS 23 & 24 CADY & BURDONS
GARDEN LOTS
Tax Parcel: 6-134-C-1

Legal Description: CADY & BURDONS GARDEN LOTS LOT 23 EX 42 CSM 217
Tax Parcel: 6-133

Legal Description: CADY & BURDONS GARDEN LOTS NLY 100 FT OF THAT PRT OF LOT 22
LYG E OF PERKINS AVE DESC IN 242 D 127 BROWN COUNTY RECORDS
Tax Parcel: 6-132-C

Legal Description: CADY & BURDONS GARDEN LOTS THAT PRT OF LOT 22 LYG E OF
PERKINS ST EX THEREFROM THE NLY 100 FT & SLY 120 FT DES IN 242 D 335 BCR
Tax Parcel: 6-132-D

Legal Description: CADY & BURDONS GARDEN LOTS SLY 120 FT OF LOT 22 LYG E OF
PERKINS AVE EXC VOL 1120 R 466
Tax Parcel: 6-132

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 purpose and intent of the Planned Unit Development (PUD) is to permit the expansion of HJ Martin's campus and current operations as a mix of commercial and light industrial uses. The following requirements are intended to allow for business expansions while minimizing impact on residential properties by providing appropriate buffering and allowing business growth in an appropriate fashion. The general appearance and design of the site shall generally comply with the attached Exhibits A to C.
- B. Permitted Uses. The land uses which may be established and/or maintained on the subject property are as follows:
1. Professional offices
 2. Limited Production and Processing and distribution of product related to the H.J. Martin operation.
 3. Other uses as permitted within the General Commercial (C1) District.
- C. Dimensional and Area Requirements. Dimensional and area requirements for principle structures on the subject property shall be as required as follows:
1. South Military Avenue:
 - a. Front yard: 15 feet for buildings and 10 feet for parking areas.
 - b. Corner side yard setbacks (Western Avenue): 10 feet for buildings and 0 feet for parking.
 - c. Interior side yard: 0 feet.
 - d. Front yard: (Perkins Avenue): 15 feet and shall comply with the requirements found in Chapter 13-1820(c), Green Bay Zoning.
 - e. Buildings shall not exceed 35 feet in height.
 - f. Impervious coverage: Impervious surfaces shall not exceed 80% of the site and may include interior lot landscaping as part of the calculation.
 2. Western Avenue-South Side:
 - a. Front yard: 15 feet for buildings and 10 feet for parking areas.
 - b. Interior side yard: 15 feet and shall comply with the requirements found in Chapter 13-1820(c), Green Bay Zoning.
 - c. Rear yard setback: 0 feet.
 - d. The building shall not exceed 35' height.
 - e. Impervious coverage shall not exceed 80% of the site and may include interior lot landscaping as part of the calculation.
- D. Architecture. All building elevations shall generally comply with Exhibits B & C and subject to the following requirements:
1. Wall articulation. No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding thirty (30) feet without including at least one (1) of the following: change in plane, change in texture or masonry pattern, windows, or an equivalent element that subdivides the wall into human scale proportions.

2. Building materials. All building facades shall be designed with architecturally-finished materials. Durable materials, such as masonry or stucco, shall be used on all street-facing facades. All subsequent additions and outbuildings constructed after the erection of an original building or buildings shall be constructed of comparable materials and designed in a manner consistent with the original design, unless the entire building is being renovated.
- E. Lighting. All lighting on the subject property shall be regulated as set forth in Section 13-500, Green Bay Municipal Code.
- F. Signage. All signage for the current project shall be regulated as follows:
1. All signs shall be constructed and in compliance with Chapter 13-2004 Green Bay Zoning.
 2. Wall signs are permitted as allowed in Chapter 13-2010, Table 20-2, General Commercial (C1).
 3. Directional signs are not to exceed 12 square feet per sign face.
 4. No signage, except for directional signage, shall face a residentially zoned parcel.
 5. No signage shall be permitted along the Perkins Avenue.
- G. Site Plan Review & Standards
1. A site plan shall be submitted and review per Chapter 13-1800.
 2. All service, loading and refuse areas shall be screened per Chapter 13-1813, Green Bay Zoning.
 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.
 2. Unused drives shall be closed to city standards and proposed driveways may be permitted on Exhibit A, compliant with Chapter 13-1706 Green Bay Zoning Code.
- I. Landscaping/Transitional Yard
1. A detailed landscape plan shall be submitted for review as part of the site plan review.
 2. The landscape plan shall identifying the type and placement of all proposed plant materials and details regarding all transitional areas.
- 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. All parcels shall be consolidated consistent with Exhibit A.

L. The applicant/property owner is to work with the City's Traffic Engineer to determine if a Traffic Impact Analysis (TIA) shall be completed or if other agreed measures may be taken by the applicant/property owner and the City of Green Bay to address any relevant traffic concerns.

M. Compliance with all of the regulations of the Green Bay Municipal Code not covered under the PUD.

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. All obligations, requirements, and rights of the owner shall run with the land and shall automatically be assigned to be binding upon and inure to the benefit of its successors and assigns, including, but not limited to, any entity acquiring any financial interest in the subject property and/or any subsequent owner and/or 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 – Building Façade Elevation-Western Avenue-South

Exhibit C – Building Façade Elevation-Western Avenue-North

DRAFT

Exhibit

Part of Lot 22 of the recorded plat, "Cady and Burdon's Garden Lots", in the City of Green Bay, West Side of Fox River, Brown County, Wisconsin

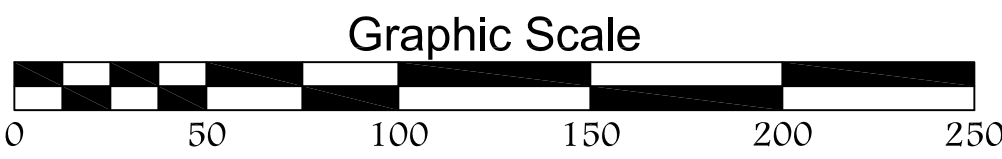
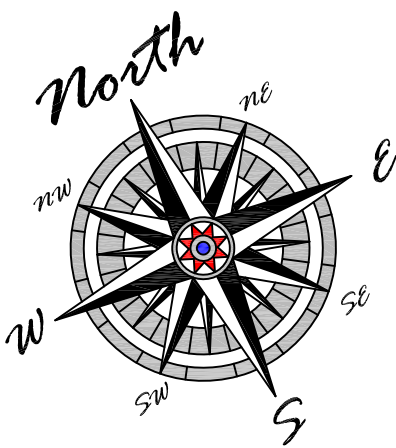


Exhibit A



SCALE
1"=50'

DRAWN BY
ZRH

PROJECT NO.
H-5788

SHEET NO.
1 of 1

DRAWING NO.
S-

Exhibit of Building Additions
and Storm Management

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

HJ Martin & Son

TAX PARCEL NO. 6-132, 6-132-D, 6-132-C
File: H-5788Exhibit 081618.dwg Data File: H-5788.txt Fieldwork Completed: 7/26/2017

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H.J. MARTIN & SON
WAREHOUSE DISTRIBUTION CENTER ADDITION AND NEW TRUCK STORAGE

PROJECT LOCATION

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d e s i g n m a t t e r s SM





H.J. MARTIN & SON
WAREHOUSE DISTRIBUTION CENTER ADDITION AND NEW TRUCK STORAGE

PROJECT LOCATION

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d e s i g n m a t t e r s SM





Report to the Green Bay Plan Commission

MEETING DATE

June 11, 2018

PREPARED BY

Stephanie Hummel, Staff

AGENDA ITEM # E.3.

(ZP 18-15) Consideration with possible action on the request to authorize a Conditional Use Permit (CUP) for a two-family home in a Low Density Residential (RI) District at 246 Oxford Avenue, submitted by Dalton Ruesch (Ald. M. Steuer, District 10).

BACKGROUND

Primary Address: 246 Oxford Avenue

Aldersperson/District: Ald. Mark Steuer/10

Reason for Request: To re-establish a discontinued nonconforming two-family use.

Subject Parcel Zoning and Land Use:

Low-Density Residential (RI)
Vacant two-family residential home

Surrounding Zoning and Land Uses:

North: Low-Density Residential (RI); single- and two-family homes

South: Low Density Residential (RI) Single- and two-family homes

East: Low-Density Residential (RI); single- and two-family homes

West: Low-Density Residential (RI); single- and two-family homes

Comprehensive Plan: The 2022 Smart Growth Green Bay Comprehensive Plan recommends low-density residential land uses on this parcel. While Ch. 66.1001 Wis. Stats. does not specifically require Conditional Uses to meet consistency requirements, the proposed Conditional Use Permit is consistent with the Comprehensive Plan. The proposed use of the subject property is compatible to and consistent with surrounding land uses.

Analysis: The subject property is an existing 4,804 sq. ft. parcel located at the southeast corner of Dousman Street and Oxford Avenue. The lot contains an existing two story, two-family structure. Each apartment has separate entry points with shared parking from a driveway on Dousman Street and shared garage.

A Conditional Use Permit (CUP) is required to re-establish the two-family use in this zoning district as the property has been vacant for greater than 12 months. There are two garage parking spots, as well as three surface spots, meeting the minimum parking requirement for a two-family use.

Staff supports the CUP request given the historic use as a two-family, that no exterior renovations are required to accomplish a two-family use, and the limited number of two- or multi-family homes in the

neighborhood. A neighborhood analysis within 300 ft. (as dictated by the Municipal Code) shows that only 16 percent of properties were two-family units (seven total) or multi-family units (two total). The establishment of the subject property as a two-family home would not have a negative impact on the neighborhood.

Ald. M. Steuer, Fisk Addition Neighborhood Association and surrounding property owners (within 200 ft.) have been notified of the request. As of the drafting of this report, staff has not received any objections.

RECOMMENDATION

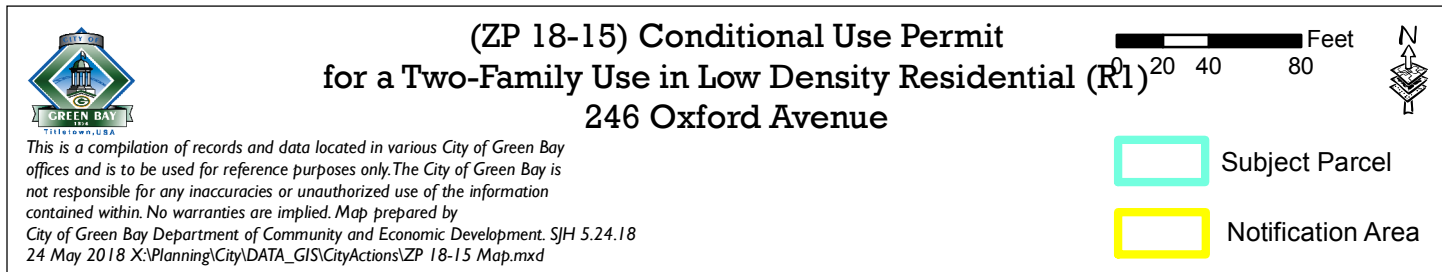
Approval of the request to authorize a CUP for two-family residential use within the Low Density Residential (RI) District at 246 Oxford Avenue, subject to the following conditions:

- a. Compliance with all other regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit.
- b. Compliance with the applicable Uniform Dwelling Code (UDC) building requirements related to a two-family dwelling.

FISCAL IMPACT

ATTACHMENTS

- I. ZP 18-15 Map





Report to the Green Bay Plan Commission

MEETING DATE

June 11, 2018

PREPARED BY

Paul Neumeyer, Staff

AGENDA ITEM # E.4.

(ZP 18-16) Consideration with possible action on the request to amend a Planned Unit Development (PUD) at 865 Lombardi Avenue, submitted by Jason Hager, Tundra Lodge, property owner (Ald. B. Johnson, District 9).

BACKGROUND

Reason for Request: To permit additions of a wall sign on the south side of the existing hotel.

Surrounding Zoning and Land Uses:

Subject Property: PUD- Planned Unit Development /Tundra Lodge Hotel

North: PUD – Planned Unit Development Commercial Outlots to the Tundra Lodge

South: GI – General Industrial Industrial Trucking sales

West: GI – General Industrial Vacant

East: Ashland Avenue right-of-way

Comprehensive Plan: The 2022 Smart Growth Green Bay Comprehensive Plan designates this area for Commercial Uses and the proposed rezoning would be consistent with the City's Comprehensive Plan.

Report: The request is intended to address signage needs for the Tundra Lodge by providing greater visibility on the south side of the building, visible from S. Ashland Avenue. The request is to install one wall sign that is 11.67 ft. wide and is 14 ft. tall for a total of 163.38 sq. ft. A copy of the draft ordinance amendment is attached within this agenda packet along with the sign Exhibit.

The original Planned Unit Development (PUD) was developed in 2002 for the Tundra Lodge and amended in 2003 for a series of signage upgrades; however, none address the south side of the building. As part to of the amendment request, the applicant stated that several customers have indicated difficulty identifying the Tundra Lodge from S. Ashland Avenue.

Ald. B. Johnson and affected and adjacent property owners, located within a minimum of 400 ft. from the subject area, have been noticed of the request. As of the drafting of this report staff has not received any calls or objections to this request. Due to the scale of existing structure, staff feels the additional signage is consistent with other signage on campus. In addition, the proposed signage provides greater building recognition for north bound motorists and visitors traveling along S. Ashland Avenue wishing to locate the Tundra Lodge.

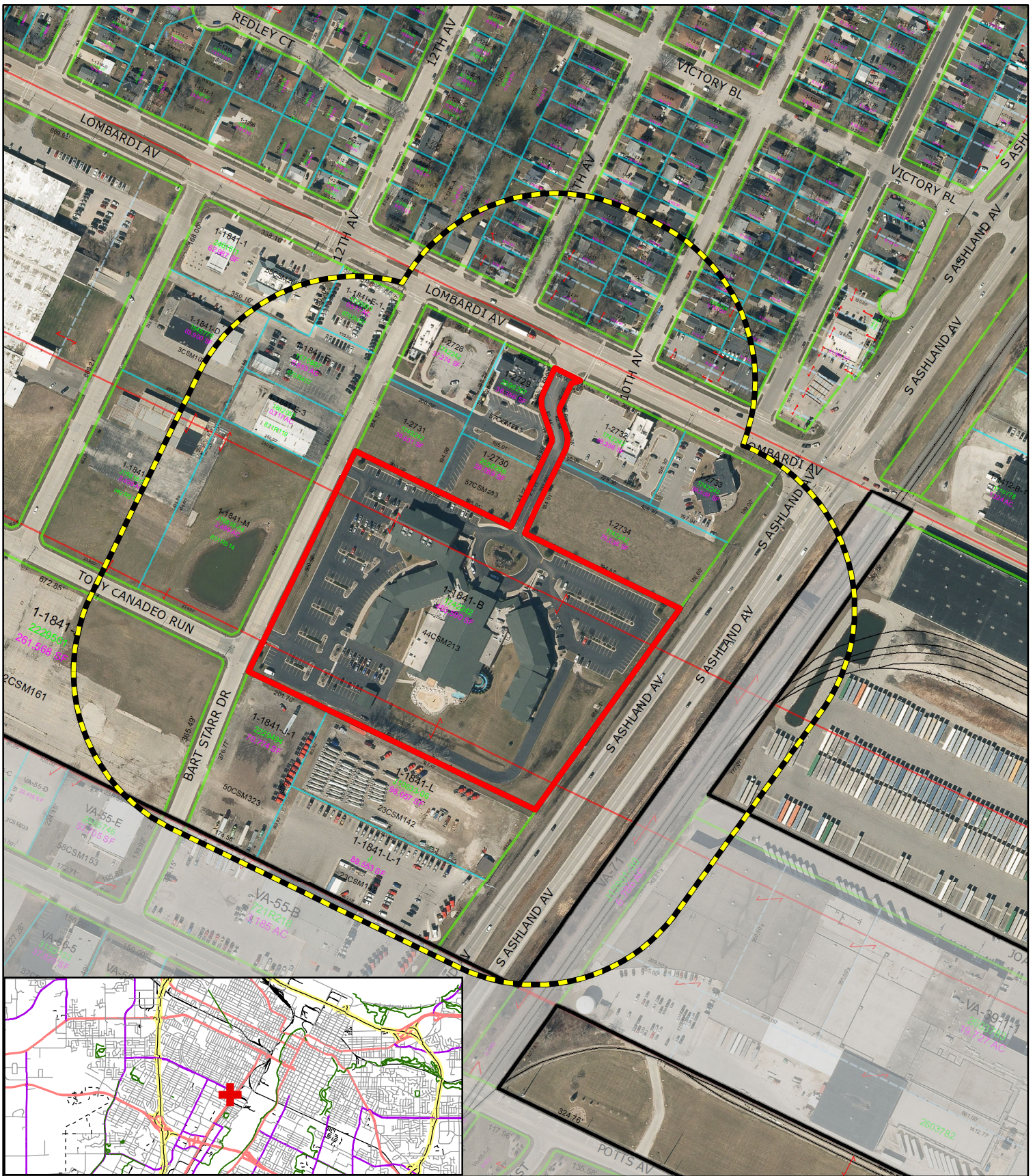
RECOMMENDATION

Approval of the request, subject to the Planned Unit Development District Ordinance (PUD).

FISCAL IMPACT

ATTACHMENTS

1. ZP18-16 letter
2. Draft ZO ZP 18-16
3. Exhibit A



Subject Area



400' Property Owner Notice



Zoning Petition (ZP 18-16)
Proposed Planned Unit Development (PUD) Amendment -
865 Lombardi 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

0 5,000 10,000
 Feet

ZONING ORDINANCE NO. 00-18

AN ORDINANCE
AMENDING THE SIGN STANDARDS FOR AN EXISTING PLANNED UNIT
DEVELOPMENT (PUD) LOCATED AT 865 LOMBARDI AVENUE
(ZP 18-16)

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 amending an established Planned Unit Development (PUD) District on the following described property:

Legal Description: LOT 3 OF 44 CSM 213 BNG PRT OF LOT 8 OF MORRIS &
BROMLEYS SUBD OF S1/2 OF PC 13 WSFR & BNG PRT OF PC 14 & PC 15 WSFR

Tax Parcel: 1-1841-B

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

- A. Signage
 - 1. One wall sign is permitted along the southeast corner of the existing building per the attached Exhibit A.
 - 2. The sign shall not exceed 165 square feet in size.
 - 3. No roof signage is permitted.
- B. Additional Applicable Regulations. Unless stated above, the development must comply with all other regulations of the Green Bay Municipal Code.

SECTION 3. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-1900, Green Bay Municipal Code, and the adoption and publication of this ordinance.

SECTION 5. 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. All obligations, requirements, and rights of the owner shall run with the land and shall automatically be assigned to be binding upon and inure to the benefit of its successors and assigns, including, but not limited to, any entity acquiring any financial interest in the subject property and/or any subsequent owner and/or

beneficial owner of all or any portion of the subject property.

ZONING ORDINANCE NO. 00-18

Page 2

SECTION 6. 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 7. 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 8. 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.

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

APPROVED:

Mayor

ATTEST:

Clerk

PN:

Exhibit A: Proposed wall sign

ILLUMINATED WALL SIGN

Exhibit A



163.3 SQUARE FEET



2070 HOLMGREN WAY GREEN BAY, WI 54304
(920) 494-7161 FAX(920) 494-8720

LAYOUT

☐ APPROVED ☐ CHANGES

SIGNED BY: _____ DATE: _____

ALL COPY RIGHTS RESERVED
NO DUPLICATION ALLOWED
WITHOUT PERMISSION

SALESPERSON

ROBERT OTT



Report to the Green Bay Plan Commission

MEETING DATE

June 11, 2018

PREPARED BY

Stephanie Hummel, Staff

AGENDA ITEM # E.5.

(PP 18-02) Consideration with possible action on the request to enter into an agreement to complete a Safe Routes for Non-Drivers and Bicycle/Pedestrian Plan with Green Bay Area Public School District and Toole Design Group.

BACKGROUND

The Department of Community and Economic Development has been working in partnership with the Green Bay Area Public School District (GBAPS) to create a joint Safe Routes for Non-Drivers and Bicycle/Pedestrian Plan. Considering the vast area the school district covers, the City proposed working collaboratively to create this plan.

A group of representatives from the City, GBAPS, Brown County and Live54218 released a Request for Proposals in winter of 2017. Toole Design Group was selected based on their project approach, understanding of the project and community, staffing on the project and proposed budget. We have contracted with Toole Design Group to complete the Safe Routes for Non-Drivers and Bicycle/Pedestrian Plan.

GBAPS received a grant funded through the Wisconsin Department of Transportation. The City and GBAPS will each contribute 10 percent of the total project cost. This will total \$30,994 for each entity over the life of the project, which is anticipated to be completed in June 2019. The City's portion will be funded through unrestricted Community Development Block Grant funds. This will also go before the Redevelopment Authority on June 12, 2018.

RECOMMENDATION

Approval of the request.

FISCAL IMPACT

ATTACHMENTS

None



Report to the Green Bay Plan Commission

MEETING DATE

June 11, 2018

PREPARED BY

David Buck, Staff

AGENDA ITEM # E.6.

(TA 18-03) Consideration with possible action on the request to amend the Green Bay Zoning Code Section 13-1911, adjusting the time frame associated with expiration of Planned Unit Developments.

BACKGROUND

Reason for Request: This Zoning Ordinance text amendment is necessary to bring the City's Zoning regulations into compliance with recently adopted 2017 Wisconsin Act 243 (Published April 4, 2018).

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

Analysis: 2017 Wisconsin Act 243, referred to as the "The Developer's Bill", was recently adopted. It makes a plethora of changes to the State Statutes related to zoning, condemnation/eminent domain, impact fees and other community development regulations (Attached please find 2017 Wisconsin Act 243). Staff reviewed the various components of the bill and determined that Section 13-1911 of our Zoning Ordinance needs to be amended to bring the ordinance into compliance with state statute.

2017 Wisconsin Act 243 (Section 24) creates State Statute 66.10015(5) that specifies that "A political subdivision (county, city, Village or town) may not establish an expiration date for an approval related to a planned development district of less than five (5) years after the date of the last approval required for completion of the project". The Statute does not prohibit the political subdivision from establishing timelines for completion of work related to an approval within the planned development itself but prohibits the outright expiration.

Green Bay zoning, under Planned Unit Development Standards, Section 19-1911, places a one (1) year date to begin construction. See below:

13-1911. Expiration of approval. The Planned Unit Development shall remain valid for a period of one (1) year from the date of approval, unless a longer time-period has been agreed to by the Council. If construction has not commenced during this period, the Planned Unit Development shall be considered void and the overlay designation removed, unless a petition for a time extension has been granted by the Council. Any extension requests shall be submitted in writing to the Common Council at least thirty (30) days prior to expiration of the approval and shall describe reasons for the delay in construction of the project.

Therefore, new State Statute necessitates a change to the code to be compliant. Additionally, it is important that the Plan Commission and Common Council understand that specific development/construction timelines or "benchmarks" may be desirable conditions to be placed on planned development approvals in the future.

RECOMMENDATION

Approve amendment to the Green Bay Zoning Code Section 13-1911; adjusting the time frame associated

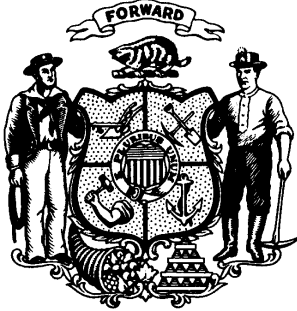
with expiration of Planned Unit Developments from one (1) year to five (5) years, subject to the draft ordinance.

FISCAL IMPACT

ATTACHMENTS

1. 2017 WI Act 243 Developers Bill
2. GO XX-18 - Amending ZO Section 13-1911 Expiration of PUDs

State of Wisconsin



2017 Assembly Bill 770

Date of enactment: April 3, 2018
Date of publication*: April 4, 2018

2017 WISCONSIN ACT 243

AN ACT *to repeal* 62.23 (7) (d) 2m. a., 66.0617 (9) (b), 66.0617 (9) (c), 66.0617 (9) (d) and 66.10015 (2) (d); *to renumber* 62.23 (7) (d) 2m. b., 66.1102 (1) (a) and 66.1102 (1) (b); *to renumber and amend* 32.09 (1m), 66.0617 (9) (a), 236.13 (2) (a) 1. and 236.13 (2) (a) 2.; *to amend* 32.19 (4m) (a) (intro.), 32.19 (4m) (b) 1., 32.20, 66.0617 (6) (g), 66.0628 (4) (a), 66.0821 (4) (c), 66.1009 (1), 66.1015 (title), 66.1102 (title), 101.65 (1) (a), 236.34 (1) (ar) 1., 236.45 (6) (am) and 281.33 (6) (a) 1.; and *to create* 32.09 (1m) (b), 32.19 (2) (hm), 32.19 (4m) (a) 4., 66.0602 (3) (m), 66.0617 (6) (am), 66.0617 (6) (fm), 66.0617 (7r), 66.10013, 66.10014, 66.10015 (1) (f), 66.10015 (5), 66.10015 (6), 66.1015 (3), 66.1102 (1) (ae), 66.1102 (5), 66.1108, 101.65 (1c), 236.13 (2) (ad), 236.13 (2) (am) 1d., 236.13 (2) (am) 1m., 236.13 (2) (am) 3. and 236.45 (6) (c) of the statutes; **relating to:** local fees and charges; local levy limits; subdivision approval conditions; plat approval conditions; expiration of certain project approvals; division of land by certified survey map; erosion control and storm water management; limiting certain local regulatory authority; relocation benefits in condemnation proceedings; and zoning ordinance amendments.

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

SECTION 1. 32.09 (1m) of the statutes is renumbered 32.09 (1m) (a) and amended to read:

32.09 (1m) (a) As a basis for determining value, a commission in condemnation or a court ~~may~~ shall consider the price and other terms and circumstances of any good faith sale or contract to sell and purchase comparable property. A sale or contract is comparable within the meaning of this subsection paragraph if it was made within a reasonable time before or after the date of evaluation and the property is sufficiently similar in the relevant market, with respect to situation, usability, improvements, and other characteristics, to warrant a reasonable belief that it is comparable to the property being valued.

SECTION 2. 32.09 (1m) (b) of the statutes is created to read:

32.09 (1m) (b) As a basis for determining value, a commission in condemnation or a court shall consider, if provided by the condemnor or condemnee, an appraisal based on the income approach and an appraisal based on the cost approach.

SECTION 3. 32.19 (2) (hm) of the statutes is created to read:

32.19 (2) (hm) "Reasonable project costs" means the total of all of the following costs that an owner displaced person of an owner-occupied business or farm operation or tenant displaced person of a tenant-occupied business or farm operation must reasonably incur to make a business or farm operation to which the owner or tenant moves a comparable replacement business or farm operation under sub. (4m):

1. Capital costs, including the actual costs of the construction of improvements, new buildings, structures,

* 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."

and fixtures; the demolition, alteration, remodeling, repair or reconstruction of existing buildings, structures, and fixtures; the removal or containment of, or the restoration of soil or groundwater affected by, environmental pollution; and the clearing and grading of land.

2. Financing costs, including all interest paid to holders of evidences of indebtedness issued to pay for project costs and any premium paid over the principal amount of the obligations because of the redemption of the obligations prior to maturity.

3. Professional service costs, including costs incurred for architectural, planning, engineering, and legal advice and services.

4. Imputed administrative costs, including reasonable charges for the time spent by the owner or tenant in connection with the implementation of the project.

5. Costs related to the construction or alteration of sewerage treatment plants, water treatment plants or other environmental protection devices, storm or sanitary sewer lines, water lines, or amenities on streets; the relocation of utility lines or other utility infrastructure, including any lines or infrastructure related to an electric utility, natural gas utility, or telecommunications utility; the installation of infrastructure necessary to provide utility service to the property, including any service from an electric utility, natural gas utility, or telecommunications utility; or the rebuilding or expansion of streets if such costs are required by the applicable municipality and are not paid for by the municipality.

SECTION 4. 32.19 (4m) (a) (intro.) of the statutes is amended to read:

32.19 (4m) (a) *Owner-occupied business or farm operation.* (intro.) In addition to amounts otherwise authorized by this subchapter, the condemnor shall make a payment, ~~not to exceed \$50,000,~~ to any owner displaced person who has owned and occupied the business operation, or owned the farm operation, for not less than one year prior to the initiation of negotiations for the acquisition of the real property on which the business or farm operation lies, and who actually purchases a comparable replacement business or farm operation for the acquired property within 2 years after the date the person vacates the acquired property or receives payment from the condemnor, whichever is later. An owner displaced person who has owned and occupied the business operation, or owned the farm operation, for not less than one year prior to the initiation of negotiations for the acquisition of the real property on which the business or farm operation lies may elect to receive the payment under par. (b) 1. in lieu of the payment under this paragraph, but the amount of payment under par. (b) 1. to such an owner displaced person may not exceed the amount the owner displaced person is eligible to receive under this paragraph. If the condemnor is a village, town, or city, the payment by the condemnor under this paragraph may not exceed

\$100,000. The additional payment under this paragraph shall include the following amounts:

SECTION 5. 32.19 (4m) (a) 4. of the statutes is created to read:

32.19 (4m) (a) 4. Any reasonable project costs incurred or to be incurred by the displaced person.

SECTION 6. 32.19 (4m) (b) 1. of the statutes is amended to read:

32.19 (4m) (b) 1. The amount, ~~not to exceed \$30,000, which that is necessary to lease or rent a comparable replacement business or farm operation for a period of 4 years, plus any reasonable project costs incurred or to be incurred by the tenant displaced person. If the condemnor is a village, town, or city, the amount paid under this subdivision may not exceed \$80,000.~~ The rental payment shall be computed by determining the average monthly rent paid for the property from which the person was displaced for the 12 months prior to the initiation of negotiations or, if displacement is not a direct result of acquisition, such other event as determined by the department of administration and the monthly rent of a comparable replacement business or farm operation, and multiplying the difference by 48; or

SECTION 7. 32.20 of the statutes is amended to read:

32.20 Procedure for collection of itemized items of compensation. Claims for damages itemized in ss. 32.19 and 32.195 shall be filed with the condemnor carrying on the project through which condemnee's or claimant's claims arise. All such claims must be filed after the damages upon which they are based have fully materialized but not later than 2 years after the condemnor takes physical possession of the entire property acquired or such other event as determined by the department of administration by rule. If such claim is not allowed within 90 days after the filing thereof, the claimant has a right of action against the condemnor carrying on the project through which the claim arises. Such action shall be commenced in a court of record in the county wherein the damages occurred. In causes of action, involving any state commission, board or other agency, excluding counties, the sum recovered by the claimant shall be paid out of any funds appropriated to such condemning agency. Any judgment shall be appealable by either party and any amount recovered by the body against which the claim was filed, arising from costs, counterclaims, punitive damages or otherwise may be used as an offset to any amount owed by it to the claimant, or may be collected in the same manner and form as any other judgment. The court shall award litigation expenses, as defined in s. 32.28 (1), to a claimant if the amount of the judgment for the claimant exceeds the amount of damages allowed by the condemnor by 15 percent in an action under this section.

SECTION 7m. 32.20 of the statutes, as affected by 2017 Wisconsin Act (this act), is amended to read:

32.20 Procedure for collection of itemized items of compensation. Claims for damages itemized in ss. 32.19 and 32.195 shall be filed with the condemnor carrying on the project through which condemnee's or claimant's claims arise. All such claims must be filed after the damages upon which they are based have fully materialized but not later than 2 years after the condemnor takes physical possession of the entire property acquired or such other event as determined by the department of administration by rule. If such claim is not allowed within 90 days after the filing thereof, the claimant has a right of action against the condemnor carrying on the project through which the claim arises. Such action shall be commenced in a court of record in the county wherein the damages occurred. In causes of action, involving any state commission, board or other agency, excluding counties, the sum recovered by the claimant shall be paid out of any funds appropriated to such condemning agency. Any judgment shall be appealable by either party and any amount recovered by the body against which the claim was filed, arising from costs, counterclaims, punitive damages or otherwise may be used as an offset to any amount owed by it to the claimant, or may be collected in the same manner and form as any other judgment. ~~The court shall award litigation expenses, as defined in s. 32.28 (1), to a claimant if the amount of the judgment for the claimant exceeds the amount of damages allowed by the condemnor by 15 percent in an action under this section.~~

SECTION 8. 62.23 (7) (d) 2m. a. of the statutes is repealed.

SECTION 9. 62.23 (7) (d) 2m. b. of the statutes is renumbered 62.23 (7) (d) 2m.

SECTION 10. 66.0602 (3) (m) of the statutes is created to read:

66.0602 (3) (m) 1. The levy increase limit otherwise applicable under this section to a city, village, or town in the current year is increased by \$1,000 for each new single-family residential dwelling unit for which a city, village, or town issues an occupancy permit in the preceding year and that is all of the following:

a. Located on a parcel of no more than 0.25 acre in a city or village, or on a parcel of no more than one acre in a town.

b. Sold in the preceding year for not more than 80 percent of the median price of a new residential dwelling unit in the city, village, or town in the preceding year.

2. Amounts levied under this paragraph may be used only for police protective services, fire protective service, or emergency medical services.

3. If a city, village, or town levies an amount under this paragraph, the city, village, or town may not decrease the amount it spends for police protective services, fire protective services, or emergency medical services below the amount the city, village, or town spent in the preceding year.

SECTION 10s. 66.0617 (6) (am) of the statutes is created to read:

66.0617 (6) (am) May not include amounts for an increase in service capacity greater than the capacity necessary to serve the development for which the fee is imposed.

SECTION 10u. 66.0617 (6) (fm) of the statutes is created to read:

66.0617 (6) (fm) May not include expenses for operation or maintenance of a public facility.

SECTION 11. 66.0617 (6) (g) of the statutes is amended to read:

66.0617 (6) (g) Shall Except as provided under this paragraph, shall be payable by the developer or the property owner to the municipality in full upon the issuance of a building permit by the municipality. Except as provided in this paragraph, if the total amount of impact fees due for a development will be more than \$75,000, a developer may defer payment of the impact fees for a period of 4 years from the date of the issuance of the building permit or until 6 months before the municipality incurs the costs to construct, expand, or improve the public facilities related to the development for which the fee was imposed, whichever is earlier. If the developer elects to defer payment under this paragraph, the developer shall maintain in force a bond or irrevocable letter of credit in the amount of the unpaid fees executed in the name of the municipality. A developer may not defer payment of impact fees for projects that have been previously approved.

SECTION 13. 66.0617 (7r) of the statutes is created to read:

66.0617 (7r) **IMPACT FEE REPORTS.** At the time that the municipality collects an impact fee, it shall provide to the developer from which it received the fee an accounting of how the fee will be spent.

SECTION 14. 66.0617 (9) (a) of the statutes is renumbered 66.0617 (9) and amended to read:

66.0617 (9) **REFUND OF IMPACT FEES.** ~~Subject to pars. (b), (c), and (d), and with regard to an impact fee that is collected after April 10, 2006, an ordinance enacted under this section shall specify that impact~~ Except as provided in this subsection, impact fees that are collected by a municipality within 7 years of the effective date of the ordinance, but are not used within 10 8 years after the effective date of the ordinance they are collected to pay the capital costs for which they were imposed, shall be refunded to the ~~current owner of payer of fees~~ for the property with respect to which the impact fees were imposed, along with any interest that has accumulated, as described in sub. (8). The ordinance shall specify, by type of public facility, reasonable time periods within which impact fees must be spent or refunded under this subsection, subject to the 10-year limit in this paragraph and the extended time period specified in par. (b). In determining the length of the time periods under the ordinance, a

~~municipality shall consider what are appropriate planning and financing periods for the particular types of public facilities for which the impact fees are imposed. Impact fees that are collected for capital costs related to lift stations or collecting and treating sewage that are not used within 10 years after they are collected to pay the capital costs for which they were imposed, shall be refunded to the payer of fees for the property with respect to which the impact fees were imposed, along with any interest that has accumulated, as described in sub. (8). The 10-year time limit for using impact fees that is specified under this subsection may be extended for 3 years if the municipality adopts a resolution stating that, due to extenuating circumstances or hardship in meeting the 10-year limit, it needs an additional 3 years to use the impact fees that were collected. The resolution shall include detailed written findings that specify the extenuating circumstances or hardship that led to the need to adopt a resolution under this subsection. For purposes of the time limits in this subsection, an impact fee is paid on the date a developer obtains a bond or irrevocable letter of credit in the amount of the unpaid fees executed in the name of the municipality under sub. (6) (g).~~

SECTION 15. 66.0617 (9) (b) of the statutes is repealed.

SECTION 16. 66.0617 (9) (c) of the statutes is repealed.

SECTION 17. 66.0617 (9) (d) of the statutes is repealed.

SECTION 18. 66.0628 (4) (a) of the statutes is amended to read:

66.0628 (4) (a) Any person aggrieved by a fee imposed by a political subdivision because the person does not believe that the fee bears a reasonable relationship to the service for which the fee is imposed may appeal the reasonableness of the fee to the tax appeals commission by filing a petition with the commission within ~~60~~ 90 days after the fee's imposition, ~~as provided under s. 73.01 (5) with respect to income or franchise tax cases, and the fee is due and payable.~~ The commission's decision may be reviewed under s. 73.015. For appeals brought under this subsection, the filing fee required under s. 73.01 (5) (a) does not apply.

SECTION 19. 66.0821 (4) (c) of the statutes is amended to read:

66.0821 (4) (c) For the purpose of making equitable charges for all services rendered by a storm water and surface water sewerage system to users, the property served may be classified, taking into consideration the volume or peaking of storm water or surface water discharge that is caused by the area of impervious surfaces, topography, impervious surfaces and other surface characteristics, extent and reliability of mitigation or treatment measures available to service the property, apart from measures provided by the storm water and surface water sewerage system, and any other considerations that

are reasonably relevant to a use made of the storm water and surface water sewerage system. The charges may also include standby charges to property not yet developed with significant impervious surfaces for which capacity has been made available in the storm water and surface water sewerage system. No additional charges, beyond those charged to similar properties, may be charged to a property for services rendered by a storm and surface water system for a property that continually retains 90 percent of the difference between the post-development and predevelopment runoff on site.

SECTION 20. 66.10013 of the statutes is created to read:

66.10013 Housing affordability report. (1) In this section, "municipality" means a city or village with a population of 10,000 or more.

(2) Not later than January 1, 2020, a municipality shall prepare a report of the municipality's implementation of the housing element of the municipality's comprehensive plan under s. 66.1001. The municipality shall update the report annually, not later than January 31. The report shall contain all of the following:

(a) The number of subdivision plats, certified survey maps, condominium plats, and building permit applications approved in the prior year.

(b) The total number of new residential dwelling units proposed in all subdivision plats, certified survey maps, condominium plats, and building permit applications that were approved by the municipality in the prior year.

(c) A list and map of undeveloped parcels in the municipality that are zoned for residential development.

(d) A list of all undeveloped parcels in the municipality that are suitable for, but not zoned for, residential development, including vacant sites and sites that have potential for redevelopment, and a description of the zoning requirements and availability of public facilities and services for each property.

(e) An analysis of the municipality's residential development regulations, such as land use controls, site improvement requirements, fees and land dedication requirements, and permit procedures. The analysis shall calculate the financial impact that each regulation has on the cost of each new subdivision. The analysis shall identify ways in which the municipality can modify its construction and development regulations, lot sizes, approval processes, and related fees to do each of the following:

1. Meet existing and forecasted housing demand.

2. Reduce the time and cost necessary to approve and develop a new residential subdivision in the municipality by 20 percent.

(3) A municipality shall post the report under sub. (2) on the municipality's Internet site on a web page dedicated solely to the report and titled "Housing Affordability Analysis."

SECTION 21. 66.10014 of the statutes is created to read:

66.10014 New housing fee report. (1) In this section, “municipality” means a city or village with a population of 10,000 or more.

(2) Not later than January 1, 2020, a municipality shall prepare a report of the municipality’s residential development fees. The report shall contain all of the following:

(a) Whether the municipality imposes any of the following fees or other requirements for purposes related to residential construction, remodeling, or development and, if so, the amount of each fee:

1. Building permit fee.
2. Impact fee.
3. Park fee.
4. Land dedication or fee in lieu of land dedication requirement.
5. Plat approval fee.
6. Storm water management fee.
7. Water or sewer hook-up fee.

(b) The total amount of fees under par. (a) that the municipality imposed for purposes related to residential construction, remodeling, or development in the prior year and an amount calculated by dividing the total amount of fees under this paragraph by the number of new residential dwelling units approved in the municipality in the prior year.

(3) (a) A municipality shall post the report under sub. (2) on the municipality’s Internet site on a web page dedicated solely to the report and titled “New Housing Fee Report.” If a municipality does not have an Internet site, the county in which the municipality is located shall post the information under this paragraph on its Internet site on a web page dedicated solely to development fee information for the municipality.

(b) A municipality shall provide a copy of the report under sub. (2) to each member of the governing body of the municipality.

(4) If a fee or the amount of a fee under sub. (2) (a) is not properly posted as required under sub. (3) (a), the municipality may not charge the fee.

SECTION 22. 66.10015 (1) (f) of the statutes is created to read:

66.10015 (1) (f) “Zoning ordinance” means an ordinance enacted by a political subdivision under s. 59.69, 60.61, 60.62, 61.35, or 62.23.

SECTION 23. 66.10015 (2) (d) of the statutes is repealed.

SECTION 24. 66.10015 (5) of the statutes is created to read:

66.10015 (5) EXPIRATION DATES. A political subdivision may not establish an expiration date for an approval related to a planned development district of less than 5 years after the date of the last approval required for completion of the project. This section does not prohibit a

political subdivision from establishing timelines for completion of work related to an approval.

SECTION 25. 66.10015 (6) of the statutes is created to read:

66.10015 (6) ZONING LIMITATIONS, INSPECTIONS. (a) If a political subdivision or a utility district requires the installation of a water meter station for a political subdivision, neither the political subdivision nor the utility district may require a developer to install a water meter that is larger than a utility-type box, and may not require a developer to include heating, air conditioning, or a restroom in the water meter station. Any requirements for such a project that go beyond the limitations specified in this paragraph must be funded entirely by the political subdivision or utility district.

(b) 1. If a political subdivision employs a building inspector to enforce its zoning ordinance or other ordinances related to building, and a developer requests the building inspector to perform an inspection that is part of the inspector’s duties, the inspector shall complete the inspection not later than 14 business days after the building inspector receives the request for an inspection.

2. If a building inspector does not complete a requested inspection as required under subd. 1., the developer may request a state building inspector to provide the requested inspection, provided that the state inspector has a comparable level of zoning and building inspection qualification as the local building inspector.

3. If a developer provides a political subdivision with a certificate of inspection from a state building inspector from an inspection described under subd. 2., which meets the requirements of the inspection that was supposed to be provided by the local building inspector, the political subdivision must accept the certificate provided by the state building inspector as if it had been provided by the political subdivision’s building inspector.

SECTION 26. 66.1009 (1) of the statutes is amended to read:

66.1009 (1) The area which will be subject to ss. 59.69 (4g) and (5) (e) 2. and 5m., 60.61 (2) (e) and (4) (c) 1. and 3. and 62.23 (7) (d) 2. and 2m.-b, respectively, except that no part of the area may be more than 3 miles from the boundaries of the airport.

SECTION 27. 66.1015 (title) of the statutes is amended to read:

66.1015 (title) Municipal rent control, inclusionary zoning, prohibited.

SECTION 28. 66.1015 (3) of the statutes is created to read:

66.1015 (3) INCLUSIONARY ZONING PROHIBITED. (a) In this subsection:

1. “Inclusionary zoning” means a zoning ordinance, as defined in s. 66.10015 (1) (e), regulation, or policy that prescribes that a certain number or percentage of new or existing residential dwelling units in a land development be made available for rent or sale to an individual or

family with a family income at or below a certain percentage of the median income.

2. "Median income" has the meaning given in s. 234.49 (1) (g).

(b) No city, village, town, or county may enact, impose, or enforce an inclusionary zoning requirement.

SECTION 29. 66.1102 (title) of the statutes is amended to read:

66.1102 (title) Land development; notification; records requests; construction site development.

SECTION 30. 66.1102 (1) (a) of the statutes is renumbered 66.1102 (1) (bm).

SECTION 31. 66.1102 (1) (ae) of the statutes is created to read:

66.1102 (1) (ae) "Construction site" means the site of the construction, alteration, painting, or repair of a building, structure, or other work.

SECTION 32. 66.1102 (1) (b) of the statutes is renumbered 66.1102 (1) (bs).

SECTION 33. 66.1102 (5) of the statutes is created to read:

66.1102 (5) CONSTRUCTION SITE FENCES. (a) Except for an ordinance that is related to health or safety concerns, no political subdivision may enact an ordinance or adopt a resolution that limits the ability of any person who is the owner, or other person in lawful possession or control, of a construction site to install a banner over the entire height and length of a fence surrounding the construction site.

(b) If a political subdivision has enacted an ordinance or adopted a resolution before the effective date of this paragraph [LRB inserts date], that is inconsistent with par. (a), that portion of the ordinance or resolution does not apply and may not be enforced.

SECTION 49. 66.1108 of the statutes is created to read:

66.1108 Limitation on weekend work. (1) DEFINITIONS. In this section:

(a) "Construction project" means a project involving the erection, construction, repair, remodeling, or demolition, including any alteration, painting, decorating, or grading, of a private facility, including land, a building, or other infrastructure that is directly related to onsite work of a residential or commercial real estate development project.

(b) "Political subdivision" means a city, village, town, or county.

(2) CONSTRUCTION PROJECTS; WEEKEND WORK. (a) A political subdivision may not prohibit a private person from working on the job site of a construction project on a Saturday. A political subdivision may not impose conditions that apply to a private person who works on a construction project on a Saturday that are inapplicable to, or more restrictive than the conditions that apply to, such a person who works on a construction project during weekdays.

(b) If a political subdivision has enacted an ordinance or adopted a resolution before the effective date of this paragraph [LRB inserts date], that is inconsistent with par. (a), that portion of the ordinance or resolution does not apply and may not be enforced.

SECTION 50. 101.65 (1) (a) of the statutes is amended to read:

101.65 (1) (a) ~~Exercise Subject to sub. (1c), exercise jurisdiction over the construction and inspection of new dwellings by passage of ordinances, provided such ordinances meet the requirements of the one- and two-family dwelling code adopted in accordance with this subchapter.~~ Except as provided by s. 101.651, a county ordinance shall apply in any city, village, or town ~~which that~~ has not enacted such ordinance ~~those ordinances~~.

SECTION 51. 101.65 (1c) of the statutes is created to read:

101.65 (1c) May not make or enforce an ordinance under sub. (1) that is applied to a dwelling and that does not conform to this subchapter and the uniform dwelling code adopted by the department under this subchapter or is contrary to an order of the department under this subchapter. If any provision of a contract between a city, village, town, or county and an owner requires the owner to comply with an ordinance that does not conform to this subchapter or the uniform dwelling code adopted by the department under this subchapter or is contrary to an order of the department under this subchapter, the owner may waive the provision, and the provision, if waived, is void and unenforceable.

SECTION 52. 236.13 (2) (a) 1. of the statutes is renumbered 236.13 (2) (am) 1. a. and amended to read:

236.13 (2) (am) 1. a. As a further condition of approval, the governing body of the town or municipality within which the subdivision lies may require that the subdivider make and install any public improvements reasonably necessary or that the subdivider provide security to ensure that ~~he or she the subdivider~~ will make those improvements within a reasonable time. The governing body may not require the subdivider to provide security at the commencement of a project in an amount that is more than 120 percent of the estimated total cost to complete the required public improvements. ~~It is the subdivider's option whether to execute a performance bond or whether to provide a letter of credit to satisfy the governing body's requirement that the subdivider provide security to ensure that the public improvements are made within a reasonable time, as determined under subd. 1d.~~

b. The subdivider may construct the project in such phases as the governing body ~~of the town or municipality~~ approves, which approval may not be unreasonably withheld. If the subdivider's project will be constructed in phases, the amount of security required by the governing body ~~shall be under subd. 1. a. is~~ limited to the phase of the project that is currently being constructed. The gov-

erning body may not require that the subdivider provide any security for improvements sooner than is reasonably necessary before the commencement of the installation of the improvements.

c. If the governing body of the town or municipality requires a subdivider to provide security under ~~this paragraph subd. 1. a.~~, the governing body may not require the subdivider to provide the security for more than 14 months after the date the public improvements for which the security is provided are substantially completed and upon substantial completion of the public improvements, the amount of the security the subdivider is required to provide may be no more than an amount equal to the total cost to complete any uncompleted public improvements plus 10 percent of the total cost of the completed public improvements.

d. This paragraph applies to all preliminary and final plats, regardless of whether submitted for approval before, on, or after August 1, 2014.

SECTION 53. 236.13 (2) (a) 2. of the statutes is renumbered 236.13 (2) (am) 2. and amended to read:

236.13 (2) (am) 2. For purposes of subd. 1., public improvements reasonably necessary for a project or a phase of a project are considered to be substantially completed ~~at the time upon the installation of the asphalt or concrete binder coat is installed~~ course on roads to be dedicated or, if the required public improvements do not include a road to be dedicated, at the time that 90 percent of the public improvements by cost are completed.

SECTION 54. 236.13 (2) (ad) of the statutes is created to read:

236.13 (2) (ad) In this subsection:

1. “Binder course” means the non-surface-level course that is attached to the packed-level gravel course.

2. “Land disturbing activity” means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or nonvegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of this state. “Land disturbing activity” includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling, and grading activities.

3. “Total cost to complete a public improvement” includes the cost to make and install storm water facilities. “Total cost to complete a public improvement” does not include any of the following:

a. Any fees charged by the governing body of the town or municipality.

b. Land disturbing activities that are necessary to achieve the desired subgrade for public improvements.

SECTION 55. 236.13 (2) (am) 1d. of the statutes is created to read:

236.13 (2) (am) 1d. The estimated total cost to complete the required public improvements under subd. 1. shall be determined as follows:

a. A governing body of the town or municipality may provide an initial estimate to the subdivider of the estimated total cost to complete the required public improvements. If the subdivider accepts the initial estimate, then the initial estimate is the estimated total cost to complete the required public improvements.

b. If the governing body of the town or municipality does not provide an initial estimate to the subdivider or the subdivider rejects the initial estimate, the subdivider shall provide the governing body with a bona fide bid from the subdivider’s contractor to complete the required public improvements in the event of a default. If the governing body accepts the subdivider’s bona fide bid, the bona fide bid is the estimated total cost to complete the required public improvements.

c. If the governing body of the town or municipality rejects the subdivider’s bona fide bid, the governing body shall provide the subdivider with an estimate for the cost to complete the public improvements in the event of a default. If the governing body’s estimate does not exceed the subdivider’s bona fide bid by more than 10 percent, the governing body’s estimate is the estimated total cost to complete the required public improvements. If the governing body’s estimate exceeds the subdivider’s bona fide bid by 10 percent or more, the estimated total cost to complete the required public improvements is the amount agreed upon by the subdivider’s engineer and the governing body’s engineer.

SECTION 56. 236.13 (2) (am) 1m. of the statutes is created to read:

236.13 (2) (am) 1m. a. If the governing body of the town or municipality requires a subdivider to provide security under subd. 1. a., the governing body shall accept a performance bond or a letter of credit, or any combination thereof, at the subdivider’s option, to satisfy the requirement.

b. The subdivider and the governing body of the town or municipality may agree that all or part of the requirement to provide security under subd. 1. a. may be satisfied by a performance bond provided by the subdivider’s contractor that names the town or municipality as an additional obligee provided that the form of the contractor’s performance bond is acceptable to the governing body of the town or municipality.

c. Unless the governing body of a town or municipality demonstrates that a bond form does not sufficiently ensure performance in the event of default, the governing body of the town or municipality shall accept a performance bond under this subdivision if the person submitting the performance bond demonstrates that the performance bond is consistent with a standard surety bond form used by a company that, on the date the bond is obtained, is listed as an acceptable surety on federal bonds in the most recent circular 570 published by the federal department of the treasury, as required under [31](#)

CFR 223.16, and the performance bond is issued by a surety company licensed to do business in this state.

SECTION 57. 236.13 (2) (am) 3. of the statutes is created to read:

236.13 (2) (am) 3. a. With regard to public improvements to which subd. 1. applies, no town or municipality may enact an ordinance relating to the substantial completion of such a public improvement that is inconsistent with subd. 2.

b. Upon such substantial completion, any outstanding local building permits that are related to, and dependent upon, substantial completion shall be released.

c. The governing body of a town or municipality shall, upon a subdivider's request, issue a permit to commence construction of a foundation or any other noncombustible structure before substantial completion of a public improvement if all public improvements related to public safety are complete and the security requirement under subd. 1. a. has been met. The subdivider may not commence work on a building until the governing body of the town or municipality approves or issues a permit for the construction of the building.

SECTION 58. 236.34 (1) (ar) 1. of the statutes is amended to read:

236.34 (1) (ar) 1. Notwithstanding s. 236.45 (2) (ac) and (am), a municipality, town, or county that has established a planning agency may enact an ordinance or adopt a resolution that specifies a maximum number of parcels that is greater than 4 into which land that is situated in the municipality, town, or county and zoned for commercial, multifamily dwelling, as defined in s. 101.971 (2), industrial, or mixed-use development may be divided by certified survey map.

SECTION 59. 236.45 (6) (am) of the statutes is amended to read:

236.45 (6) (am) Notwithstanding subs. (1) and (2) (ac), a municipality, town, or county may not, as a condition of approval under this chapter, impose any fees or other charges to fund the acquisition or improvement of land, infrastructure, or other real or personal property, except that a municipality or town may impose a fee or other charge to fund the acquisition or initial improvement of land for public parks if the fee or other charge is imposed under a subdivision ordinance enacted or amended in accordance with the procedures under s. 66.0617 (3) to (5) and meets the requirements under s. 66.0617 (6) to (10).

SECTION 60. 236.45 (6) (c) of the statutes is created to read:

236.45 (6) (c) If a subdivision ordinance of a municipality, town, or county requires, as a condition of approval under this chapter, that a subdivider dedicate land for a public park, the municipality, town, or county may offer the subdivider the option of either dedicating land consistent with the municipality's, town's, or county's park plan and comprehensive plan or paying a fee or

other charge under par. (am) in lieu of the dedication. If the subdivider elects to pay a fee or other charge under this paragraph, the fee or other charge is payable by the landowner to the municipality, town, or county upon the issuance of a building permit by the municipality, town, or county. If the subdivider elects to dedicate land under this paragraph, unless the municipality, town, or county agrees otherwise, the subdivider only may dedicate land that is consistent with the municipality's, town's, or county's park plan and comprehensive plan.

SECTION 61. 281.33 (6) (a) 1. of the statutes is amended to read:

281.33 (6) (a) 1. Control storm water quantity or ~~control flooding peak flow to address existing flooding problems or prevent future flooding problems, except that an ordinance under this subdivision may not require more than 90 percent of the difference between the pre-development annual runoff volume at a site and the post-development annual runoff volume at that site to be retained on site.~~

SECTION 62. Nonstatutory provisions.

(1) Notwithstanding the period for filing a claim under section 32.20 of the statutes, a claimant who previously submitted a claim under section 32.20 of the statutes no earlier than the date that precedes the effective date of this subsection by 2 years, including a claimant whose claim has been paid or whose claim is still pending or may be appealed, as of the effective date of this subsection may, no later than 45 days after the effective date of this subsection, submit a revised claim under section 32.20 of the statutes to the condemnor that includes expenses permitted under section 32.19 (4m) (a) or (b) of the statutes, as affected by this act, whichever is applicable.

SECTION 63. Initial applicability.

(1) LOCAL PROJECT APPROVALS. The treatment of section 66.10015 (2) (d) and (5) of the statutes first applies to an approval made on the effective date of this subsection.

(2) SUBDIVISION APPROVAL CONDITIONS RELATED TO PUBLIC PARK IMPROVEMENTS. The treatment of section 236.45 (6) (am) and (c) of the statutes first applies to a subdivision or other division of land submitted for approval to a municipality, town, or county on the effective date of this subsection.

(3) JUST COMPENSATION. The treatment of section 32.09 (1m) (a) and (b) of the statutes first applies to an action for the determination of fair market value in a condemnation proceeding for which title to the subject property has not vested in the condemnor on the effective date of this subsection.

(4) RELOCATION BENEFITS. The treatment of sections 32.19 (2) (hm) and (4m) (a) (intro.) and 4. and (b) 1. and 32.20 (by SECTION 7) of the statutes first applies to a claim for expenses filed under section 32.20 of the statutes for the determination of additional items payable, including

a claim paid before the effective date of this subsection, on the date that precedes the effective date of this subsection by 2 years.

(4m) **LITIGATION EXPENSES.** The treatment of section 32.20 (by SECTION 7m) of the statutes first applies to a claim for expenses filed under section 32.20 of the statutes for the determination of additional items payable on the effective date of this subsection.

(5) **IMPACT FEE REFUNDS.** The treatment of section 66.0617 (9) (a), (b), (c), and (d) of the statutes first applies to an impact fee imposed on the effective date of this subsection.

(6) **UNIFORM DWELLING CODE; LIMITATION ON LOCAL**

AUTHORITY. The treatment of section 101.65 (1c) of the statutes first applies to a contract that is entered into on the effective date of this subsection.

(7) **LEVY LIMIT EXCEPTION.** The treatment of section 66.0602 (3) (m) of the statutes first applies to a levy that is imposed in December 2019.

SECTION 64. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of sections 32.20 (by SECTION 7m), 62.23 (7) (d) 2m. a. and b., and 66.10013 of the statutes and SECTION 63 (4m) of this act take effect on January 1, 2019.

GENERAL ORDINANCE NO. XX-18

**AN ORDINANCE
AMENDING GREEN BAY MUNICIPAL CODE SECTION 13-1911 TO AMEND THE
EXPIRATION OF APPROVAL OF PLANNED UNIT DEVELOPMENTS
(TA 18-03)**

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:

13-1911. Expiration of approval. The Planned Unit Development shall remain valid for a period of ~~one (1) year~~ **five (5) years** from the date of approval, unless a longer time-period has been agreed to by the Council. If construction has not commenced during this period, the Planned Unit Development shall be considered void and the overlay designation removed, unless a petition for a time extension has been granted by the Council. Any extension requests shall be submitted in writing to the Common Council at least thirty (30) days prior to expiration of the approval and shall describe reasons for the delay in construction of the project.

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. 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

DB:
06/05/18