



AGENDA OF THE GREEN BAY PLAN COMMISSION

**MONDAY, JULY 9, 2018, 6:00 PM
CITY HALL, ROOM 604**

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 July 9, 2018, meeting of the Green Bay Plan Commission.

C. Approval of Minutes.

1. Approval of the minutes from the June 11, 2018, Plan Commission Meeting.

D. Public Hearings.

1. A request to revise properties located at 1003 Pine Street and 1000 Main Street from Medium Intensity Retail Office Housing (MIROH) to Commercial (C) (Figure 22-4), submitted by Ronald L. Smits, property owner.

E. Regular Business.

1. (CPA 18-02) Consideration and possible action on a request to revise properties located at 1003 Pine Street and 1000 Main Street from Medium Intensity Retail Office Housing (MIROH) to Commercial (C) (Figure 22-4), submitted by Ronald L. Smits, property owner.
2. (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).
3. (ZP 18-17) 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 891 Howard Street, submitted by Adam Doyen (Ald. B. Johnson, District 9).

4. (ZP 18-18) Consideration with possible action on the request to consider an amendment to the previously approved Conditional Use Permit for a shelter facility in an Office/Residential (OR) District located at 1660 Christiana Street, submitted by Joel Ehrfurth, Mach IV Engineering & Surveying, on behalf of House of Hope Green Bay, Inc, property owner (Ald. J. VanderLeest, District 11).
5. (ZP 18-19) Consideration with possible action on the request to consider an amendment to the previously approved Conditional Use Permit for a shelter facility in an Office/Residential (OR) District located at 411 St. John Street to permit a temporary summer shelter use, submitted by Alexia Wood, St. Johns Shelter. (Ald. R. Scannell, District 7).
6. (ZP 18-20) Consideration with possible action on the request to create a Planned Unit Development (PUD) for the development of an apartment campus at 1060 Gray Court, Submitted by Jon LeRoy, Mau and Associates, on behalf of Gerald and Gloria Bigelow, property owners (Ald. R. Scannell, District 7).
7. (TA 18-04) Consideration with possible action on the request to amend the Green Bay Zoning Code Sections 13-1500 and Section 5 of 13-200 as related to Historic Preservation.

F. Informational.

1. Special meeting scheduled for July 12, 2018, at 6:00 pm in Room 310.
2. Date of next meeting: August 13, 2018.
3. Director's Report.

G. 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.



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
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Report to the Green Bay Plan Commission

MEETING DATE

July 9, 2018

PREPARED BY

Paul Neumeyer, Staff

AGENDA ITEM # D.I.

A request to revise properties located at 1003 Pine Street and 1000 Main Street from Medium Intensity Retail Office Housing (MIROH) to Commercial (C) (Figure 22-4), submitted by Ronald L. Smits, property owner.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Report to the Green Bay Plan Commission

MEETING DATE

July 9, 2018

PREPARED BY

Paul Neumeyer, Staff

AGENDA ITEM # E.1.

(CPA 18-02) Consideration and possible action on a request to revise properties located at 1003 Pine Street and 1000 Main Street from Medium Intensity Retail Office Housing (MIROH) to Commercial (C) (Figure 22-4), submitted by Ronald L. Smits, property owner.

BACKGROUND

Primary Address: 1003 Pine Street/1000 Main Street

Aldersperson/District: Ald. Randy Scannell/7

Reason for Request: This Comprehensive Plan Amendment is proposed to allow for future rezoning of the area for auto sales.

Subject Parcel Zoning and Land Use: General Commercial (C1), used car sales/vacant commercial building.

Surrounding Zoning and Land Uses:

North:General Commercial (C1)Vacant restaurant

South:Office/Residential (OR)Residential

East: Highway Commercial (C2)Car Wash

West: General Commercial (C1) CVS

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

The 2022 Smart Growth Green Bay Comprehensive Plan recommends Medium Intensity Retail Office and Housing (MIROH).The applicant is requesting Commercial land uses for the subject parcels. The Comprehensive Plan provides the following definition for MIROH:

This mixed category indicates that a variety of commercial and/or mid-or high-density housing may be appropriate at major intersections and along certain road corridors.It is not possible in this plan to indicate exactly which land parcels should be designated for each of these land uses; that determination should be made as the zoning maps are refined and as development applications come forward.Since these land uses may have differing impacts on adjacent low-density housing and on traffic generation, the site planning guidelines of this plan and the regulations of the zoning ordinance must be observed during the site planning process.Consistent with the plan policy of generally increasing the compactness of urban development, housing may be combined in the same building or closely integrated on the same site with retail or office space.

The Commercial land use is defined as follows:

Businesses providing retail trade or services for individuals or businesses.

Report: This request is in response to the proposed expansion of an auto dealership at 1003 Pine Street. Currently, 1000 Main Street is the location of Nearly New Auto & Truck and is operated by the applicant; in essence, this request would permit the expansion of the existing auto dealership from 1000 Main Street to the south along North Webster Avenue. The subject parcels are currently zoned General Commercial (C1) and current vehicle sales are nonconforming in the C1 district.

The applicant wishes to remove a portion of the building at 1003 Pine Street and retain a rear portion of the building and re-face the exterior walls and pave the frontage along North Webster Avenue and Pine Street for vehicle sales. A site plan, existing building elevation and proposed rendering of the new building is attached within this agenda packet.

In order to establish the auto sales, the Comprehensive Plan needs to be amended to a commercial land use. Eventually, the subject area would need a rezoning to Highway Commercial (C2) zoning to permit the sales of autos. There is existing Highway Commercial (C2) zoning to the east as part of the PDQ car wash operation; however, there is Office/Residential (OR) to the south and southwest, the planned Whitney School redevelopment. The subject parcel represents the outer limits of the current commercial corridor and the transition to the mixed uses to the south and southwest.

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

The change is consistent with the goals and objectives or other elements of Smart Growth 2022. Staff feels the proposed changes do not provide similar land uses compatible to adjoining properties to the south and southwest.

The change does not create an adverse impact on public facilities and services that cannot be mitigated. Public facilities and services include roads, sewers, water supply, drainage, schools, police, fire and parks. The proposed development is located within the Urban Service Area and there are no significant issues relative to services or facilities.

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

The existing residential uses to the south and the proposed higher density residential units to the southwest as part of the Whitney School redevelopment will need to be buffered from the higher intensity commercial use. Additional light and noise may be a deterrent to the residential properties.

The change allows a more viable transition to the planned uses on adjacent properties than the current land use. There will not necessarily be a better transition of uses between the residential properties to the south and southwest of the proposed car lot.

The change does not have a significant adverse impact on the natural environment including trees, slopes, and groundwater, or the impact could be mitigated by improvements on the site or in the same vicinity. There are no anticipated environmental impacts.

There is a change in City policies or neighborhood characteristics that would justify a change. Not applicable.

The change corrects an error made in the original plan. Not applicable.

There is a community or regional need identified in the Comprehensive Plan for the proposed land use or service. Not applicable.

The change helps the City meet its life-cycle and affordable housing goals. Not applicable.

The change does not adversely impact any landmarks or other historically significant structures or properties unless mitigated through relocation, commemoration or dedication. There are no known landmarks or conflicts known to staff.

Approval of this request to amend the Comprehensive Plan would allow a commercial land uses to establish vehicle sales, south of the current auto dealership. From a land use perspective, the proposed use of auto sales does not necessarily propose a more intensive land use compared to adjacent land uses along Main Street; however, the encroachment further south protrudes into the northern boundary of the neighborhood.

Contrary to a less intensive land use, staff believes the current proposed land use as MIROH is intended to create a medium density, mixed use development that provides a more appropriate long-term land use that will be beneficial to the immediate neighborhood. There is a significant commercial corridor that already exists along Main Street that can better support the intended use. Based on the proposed development, staff feels the requested amendment and subsequent development does not represent a compatible land use with the immediate neighborhood.

This request also does not represent a highly desirable future land use that may be considered attractive because the property does not have another pending development. This proposal provides only a short-term improvement compared to the existing condition. The change in the future land use to commercial will negate the potential for long-term higher and better land uses that would contribute to the immediate neighborhood.

The Public Participation Plan for Periodic Comprehensive Plan Amendments is being followed for this request. Notice has been provided of the public hearings both at the Plan Commission and the Common Council. The applicant did conduct an informal neighborhood meeting and the invitation letter from the applicant is attached within this agenda packet.

No written concerns were submitted to staff as of the drafting of this report. Property owners were noticed of the Public Hearing and action item per the standard notification process of the Plan Commission Rules & Policies. Ald. R. Scannell, Olde Main Street, Inc. and the Downtown Neighborhood Association were also noticed.

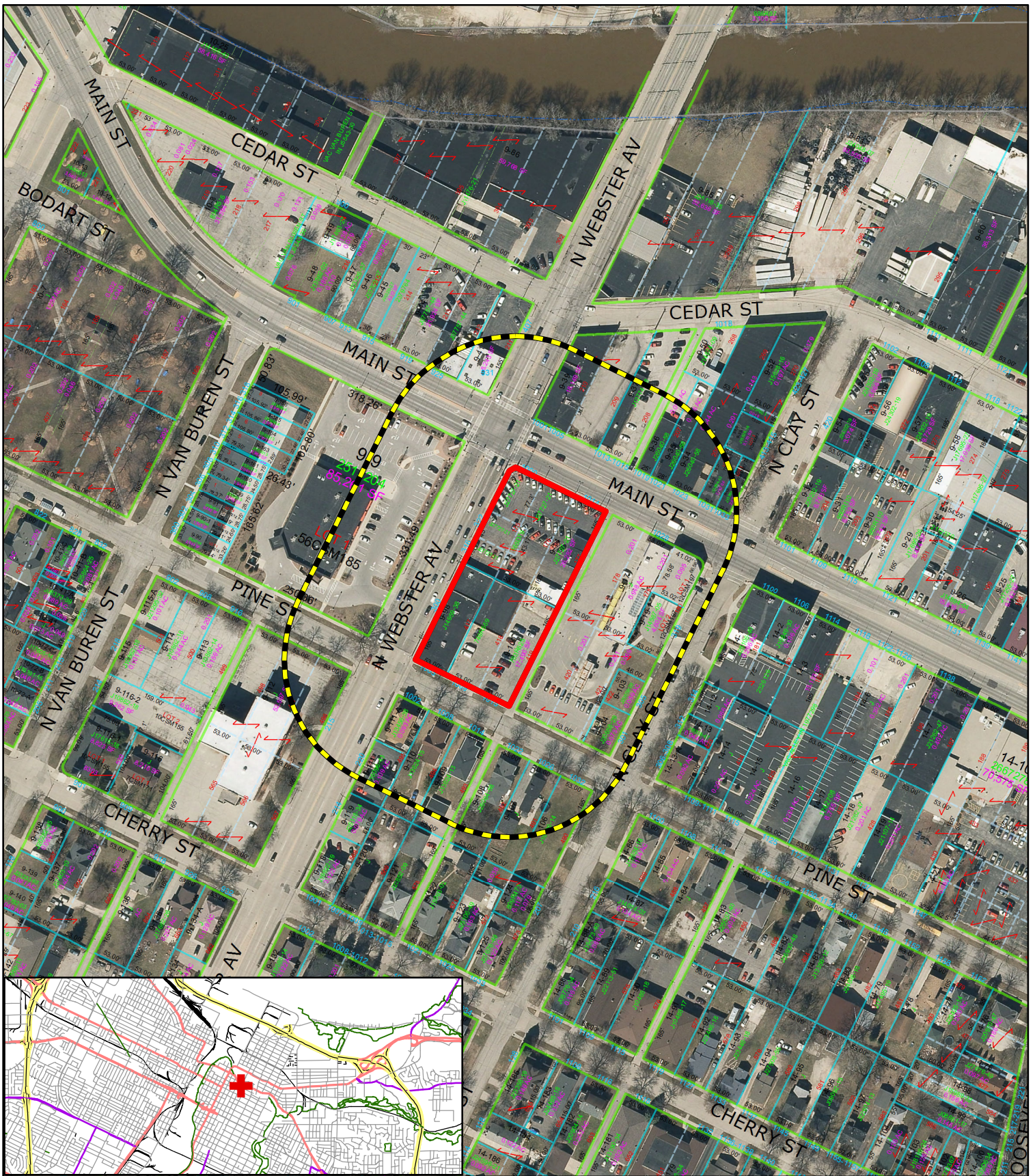
RECOMMENDATION

Denial of the request.

FISCAL IMPACT

ATTACHMENTS

1. CPA 18-02 letter
2. Neighborhood Notice



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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Comprehensive Plan Amendment (CPA 18-02)
Revise properties located at 1003 Pine Street and
1000 Main Street from Medium Intensity Residential,
Office or Housing (MIROH) to Commercial (C)

Hello Neighbor,

My name is Ron Smits, owner of Nearly New Auto & Truck (formerly Smitty's Auto Mart). I am a lifelong resident of the city of Green Bay and a graduate of the class of 1980 Green Bay West High. I have been in business on Main St in Green Bay for over 30 years. Currently at 1000 Main St., next to PDQ car wash, corner of Main and Webster for the past 15 years.

Last year, I took steps to remodel my corner by replacing signage, tearing down some old shop space, replacing overhead doors and residing my building. I hope you noticed and like the change. A few years ago, I purchased the old Power Tool building at the corner of Main and Pine St. It was built in the 1920's and was used as a Power Tool business and warehousing for the past 50 years. The building is in pretty rough shape at this time and a bit of an eyesore for downtown Green Bay. My intentions are to raise the portion of the building along Webster Avenue and refurbish the remaining portion. I have included present pictures and a rendering of what the corner will look like when complete.

Through the City Planning process, it's procedure to reach out to other neighbors and inform them of the change. I hope you like what you see! It will definitely be a major improvement to Downtown Green Bay. If you have any feedback, please let me know. You can reach me direct at 920-621-3940 or my wife's email at rachelsmits@gmail.com.

You're invited to my office at 1000 Main St., Green Bay on Wednesday, June 27 from 5:00 – 7:00 p.m. if you are interested in a facility tour.

Thanks,

Ron & Rachel Smits



Franchise





Report to the Green Bay Plan Commission

MEETING DATE

July 9, 2018

PREPARED BY

Paul Neumeyer, Staff

AGENDA ITEM # E.2.

(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 (RI) Single- and two-family residences

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

West: Community Center Commercial (C3)/ Low Density Residential (RI) 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. At the June 11, 2018, meeting the Plan Commission considered an amended CUP request to locate the proposed car wash on the east side of the existing building. The item was tabled at the meeting to allow for input from the Fire Department. An email is attached within this agenda packet from the Fire Marshall's office, who are not opposed to the request.

The Planning staff maintains its current recommendation explained in our previous report below and is recommending denial of the request.

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

The proposed change to add the car wash 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, traffic 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 the 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 detriment 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 inquiries.

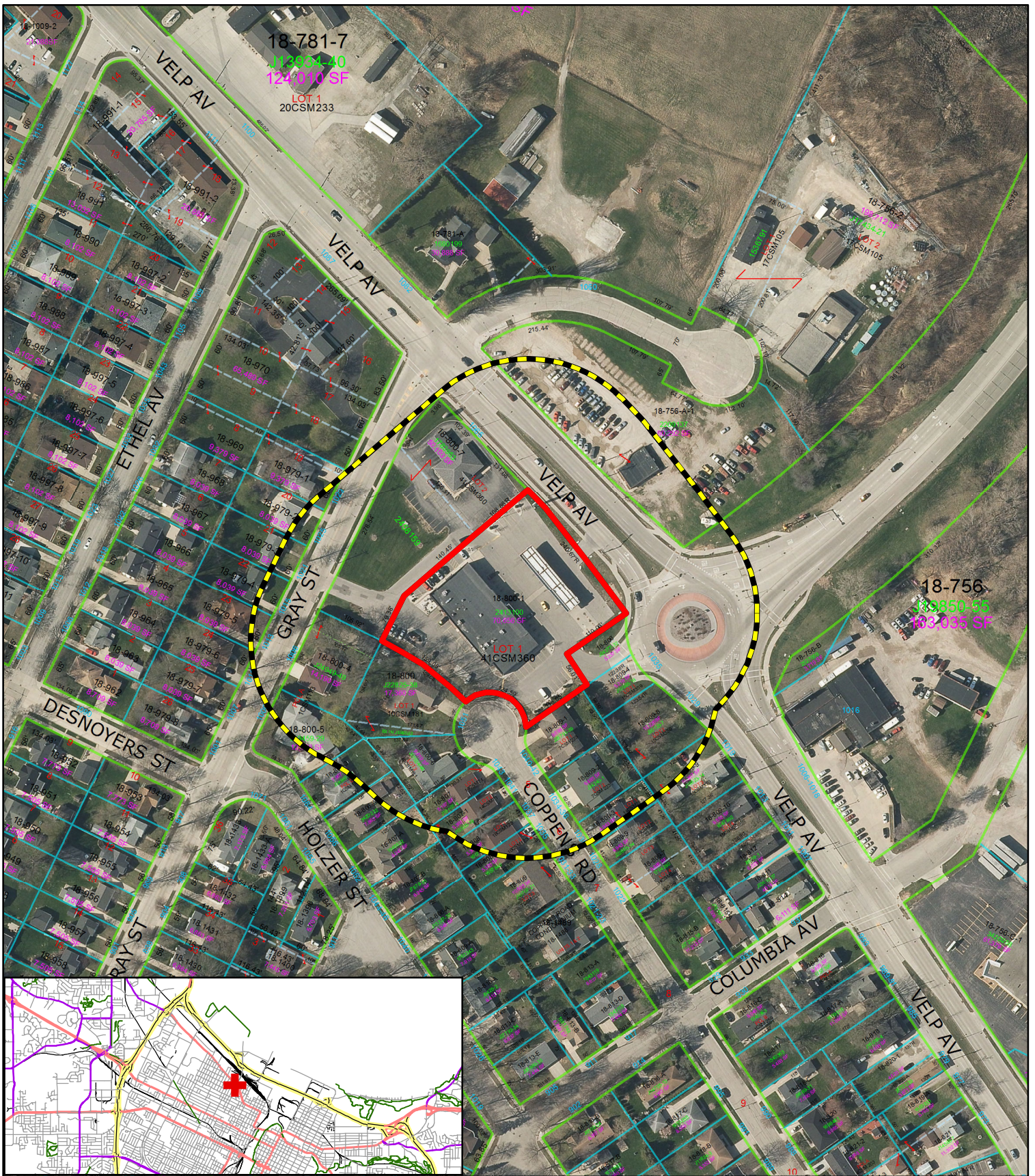
RECOMMENDATION

Denial of the request.

FISCAL IMPACT

ATTACHMENTS

1. ZPI8-11 letter
2. Site Plan - Amendment
3. Gabe Resp



- Subject Area
- 200' Property Owner Notice



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Map prepared by PN

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Feet

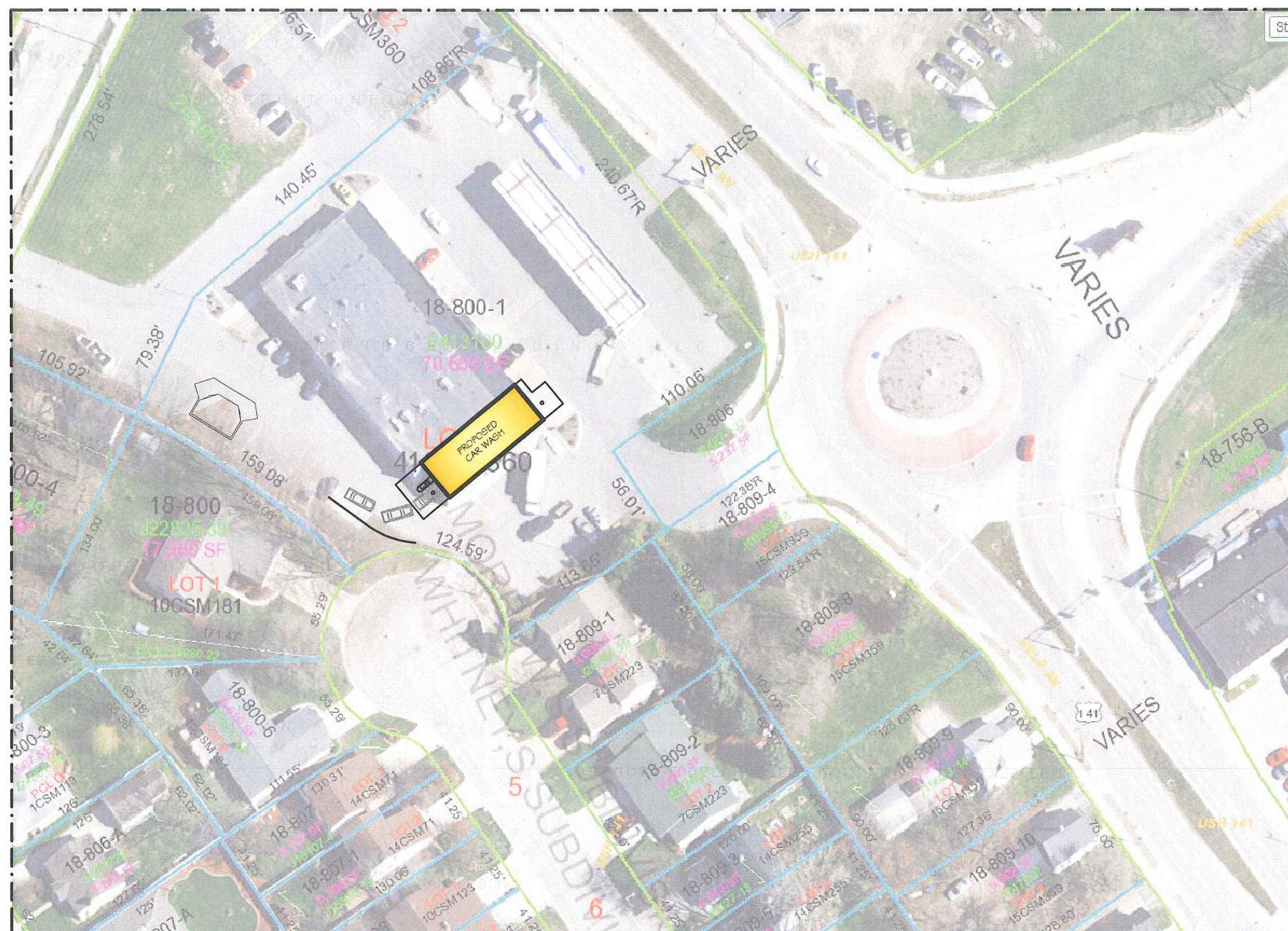
Zoning Petition (ZP 18-11) Conditional Use Permit (CUP) - 1053 Velp Avenue



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 KEPT 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:

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ISSUED FOR:

- ☒ PRELIMINARY
☐ BID SET
☐ CONSTRUCTION

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PROPOSED TENANT ALTERATION FOR:

17-9803

GREEN BAY, WISCONSIN; COUNTY OF: BROWN

SCALE VERIFICATION
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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

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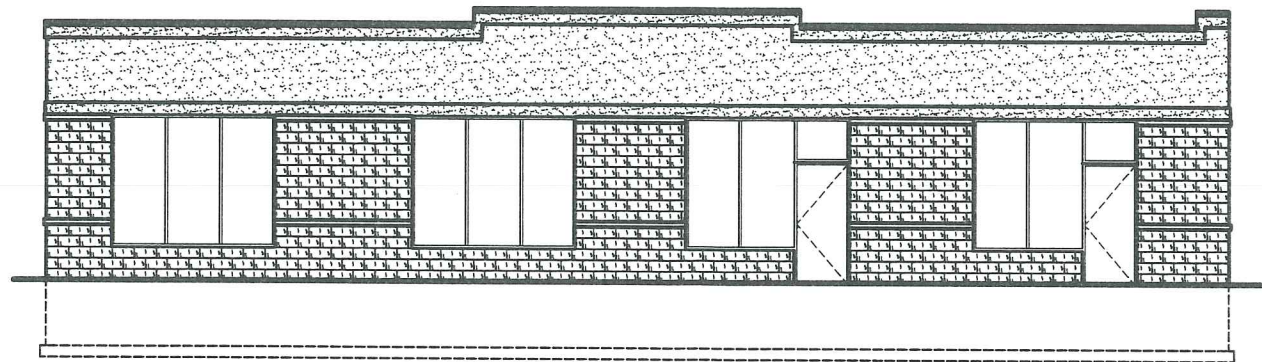
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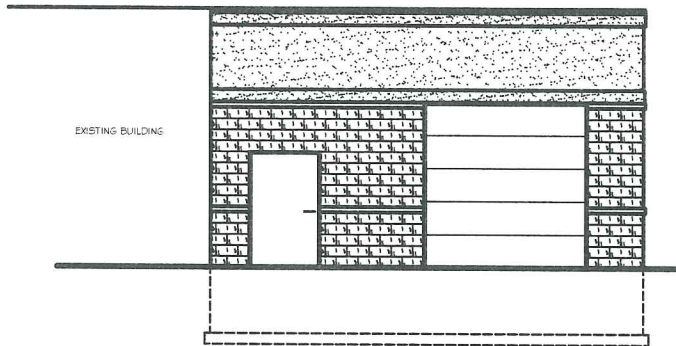
BAYLAND BUILDINGS

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

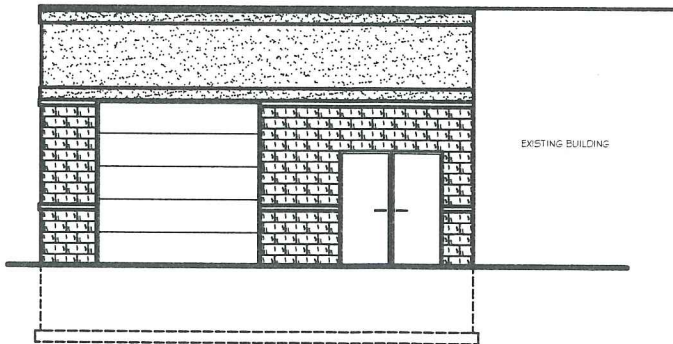
DESIGN & BUILD GENERAL CONTRACTOR



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
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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 SEIZED 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

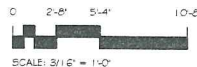
A1.1

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"

Paul,

After reading your e-mail I drove by the site this morning on the way in to work. With an occupancy of this type (B-business strip mall) the 20 foot one way access around the back would not be an impediment to access for the fire department because of the occupancy types being utilized in the strip mall are B-Business. There are three driveways into the building site, the site contains a large asphalt parking lot around the majority of the building, and the building is one story with minimal square footage. With these types of occupancies because it's one story, a business type occupancy-no one sleeping in the building, and the square footage is not that big- the code states that the fire department must be able to park a fire apparatus near the building in the parking lot and get within all portions of the building with a 150 foot hose lay. With the existing and the proposed use site plan, the owner/developer would still be well within the parameters of the fire code for fire department building access with the proposed car wash because there is no significant change to the building footprint.

We require tighter access in apartment residential type occupancies, warehousing, large assembly occupancies, large square footage buildings, high rise buildings, and hospitals, CBRFs, nursing homes, schools, and big box stores because of the potential for high life loss/ high property value loss. In Green Bay we average about three to five apartment building fires a year. That's why you always see me advocating fire department access and sprinkler systems in the new apartment building complex developments.

Thanks for keeping our department in mind, but the proposed development with the car wash would not restrict our access enough to kick in any of codes out Chapter Five *Fire Service Features* in the Fire Code.

Captain Joe Gabe IAAI-CFI
Fire Marshal's Office
Green Bay Metro Fire Department
Phone-(920)448-3289
Fax-(920)448-3281



From: Paul Neumeyer
Sent: Wednesday, June 13, 2018 2:43 PM
To: Joe Gabe
Subject: 1053 Velp Avenue - Proposed Car Wash

Joe:

We received a request for a Conditional Use Permit (CUP) to place a single bay car wash on the southeast corner of the existing convenience store at 1053 Velp Avenue. The request was before the Plan Commission on Monday, June 11, 2018 and was recommended for denial by our staff due limited

circulation around the building, see attached site plan. The Plan Commission tabled the item and requested an opinion from the Green Bay Fire Department regarding access around the building. At the meeting, I stated that it has been past practice to maintain approximately 20 feet around the building for access for police, fire and rescue. The applicant is suggesting that they would retain the approximate 20 foot drive aisle as a one-way drive exiting towards the east; I would suggest that access should be maintained in both directions.

Could you please provide comments on the attached site plan at your earliest convenience.

Thanks!

Paul Neumeyer

Zoning Administrator
City of Green Bay Department of
Community and Economic Development
100 North Jefferson St., Room 403
Green Bay, WI 54301-5026
paulne@greenbaywi.gov
920.448.3405
www.greenbaywi.gov





Report to the Green Bay Plan Commission

MEETING DATE

July 9, 2018

PREPARED BY

Stephanie Hummel, Staff

AGENDA ITEM # E.3.

(ZP 18-17) 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 891 Howard Street, submitted by Adam Doyen (Ald. B. Johnson, District 9).

BACKGROUND

Primary Address: 891 Howard Street

Aldersperson/District: Ald. Brian Johnson/9

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

Subject Parcel Zoning and Land Use:

Low-Density Residential (RI)

Vacant three-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 6,068 sq. ft. parcel located near the intersection of Hazel Street and Howard Street. The lot contains an existing two story, three-family structure. This structure was in disrepair. The current property owner is bringing the site back into compliance, including building repairs, driveway work, and the addition of a garage. They are also converting it from a three-unit to a two-unit. A variance from the Board of Appeals was granted for over 50 percent impervious surface.

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 will be two garage parking spots, as well as two surface spots, meeting the minimum parking requirement for a two-family use.

Staff supports the CUP request. This property has historically been used as a two- or three-family home and

the investment the new owners have made will make a positive aesthetic impact. A neighborhood analysis within 300 ft. (as dictated by the Municipal Code) shows that 26 percent of properties were two-family units (nine total) or multi-family units (four total). The establishment of the subject property as a two-family home would not have a negative impact on the neighborhood.

Ald. B. Johnson, Seymour Park 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

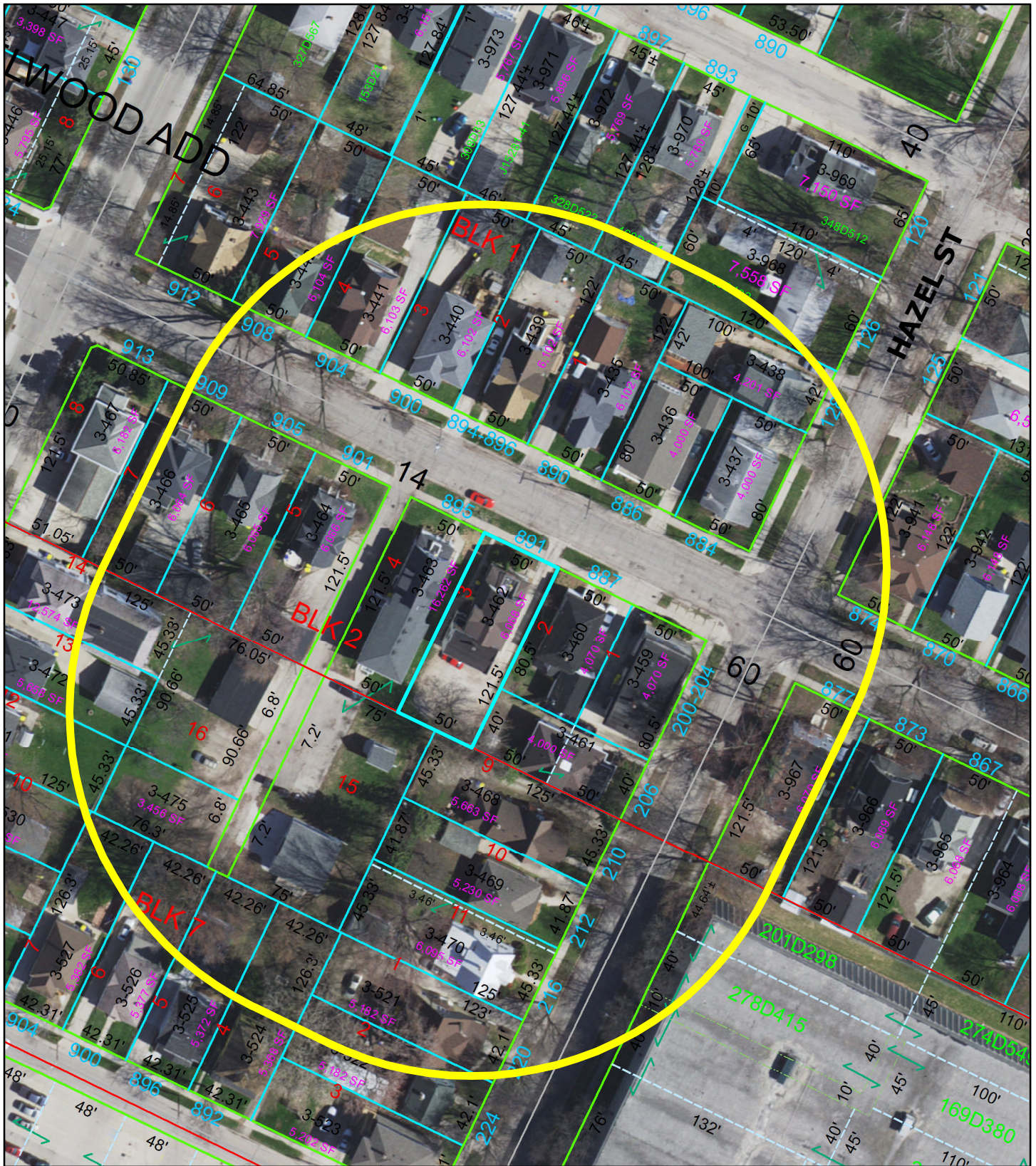
Approval of the request to authorize a CUP for two-family residential use within the Low Density Residential (RI) District at 891 Howard Street, subject to the following conditions:

- 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

1. ZP 18-17 Map
2. ZP 18-17 Applicant's Site Plan



**(ZP 18-17) Conditional Use Permit
for a Two-Family Use in Low Density Residential (R1)
891 Howard Street**

0 20 40 80 Feet



- Subject Parcel
- Notification Area



This is a compilation of records and data located in various City of Green Bay offices and is to be used for reference purposes only. The City of Green Bay is not responsible for any inaccuracies or unauthorized use of the information contained within. No warranties are implied. Map prepared by City of Green Bay Department of Community and Economic Development. SJH 6.22.18 22 Jun 2018 X:\Planning\City\DATA_GIS\CityActions\ZP 18-15 Map.mxd

1/16" SCALE

N

891 & 891 1/2
HOWARD ST.

sidewalk

6'

36'

W

121.5

Fire wall

21.9'

31'

25.5'

18'

STALL 2

STALL 1

20' NEW

20' EXIST

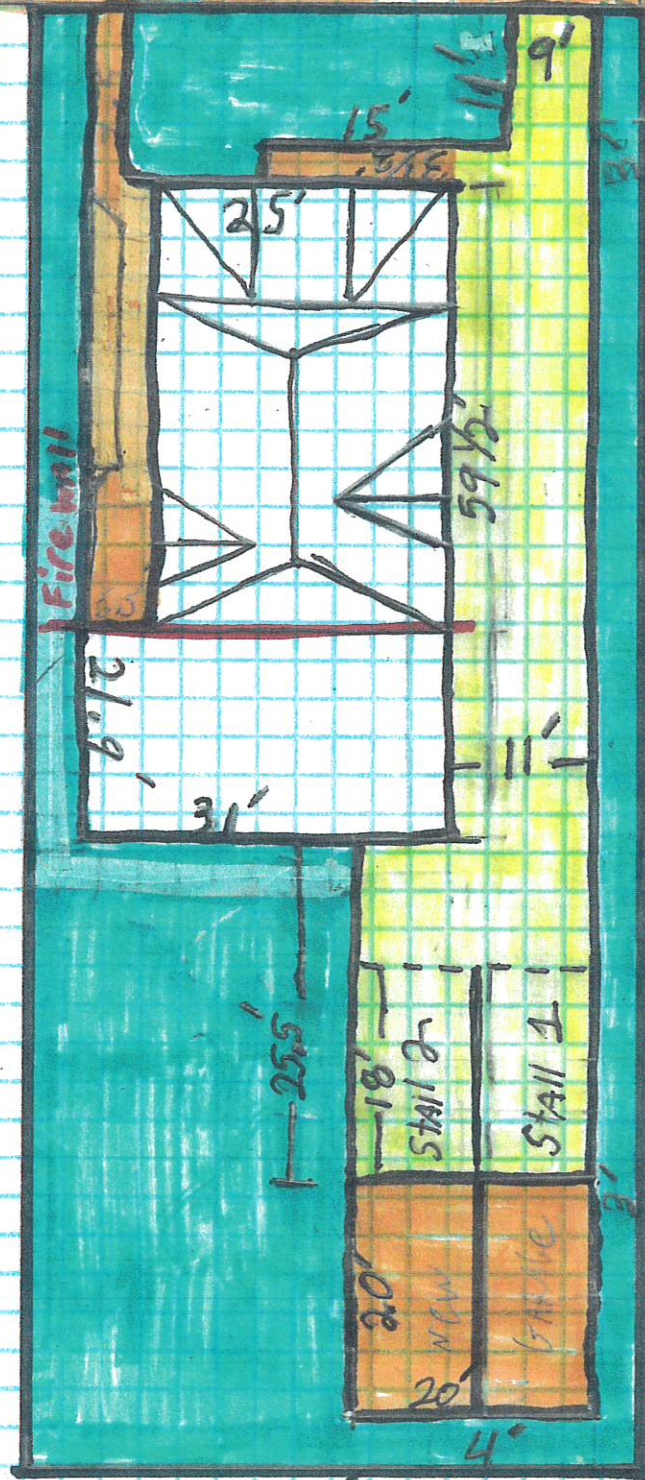
4'

50'

S

72'

E





Report to the Green Bay Plan Commission

MEETING DATE

July 9, 2018

PREPARED BY

Paul Neumeyer, Staff

AGENDA ITEM # E.4.

(ZP 18-18) Consideration with possible action on the request to consider an amendment to the previously approved Conditional Use Permit for a shelter facility in an Office/Residential (OR) District located at 1660 Christiana Street, submitted by Joel Ehrfurth, Mach IV Engineering & Surveying, on behalf of House of Hope Green Bay, Inc, property owner (Ald. J. VanderLeest, District 11).

BACKGROUND

Reason for Request: To amend the CUP to allow for the current shelter to consolidate adjacent parcels and for an expansion of the facility.

Surrounding Zoning and Land Uses:

Subject Property: Varied Density Residential (R3) – Single/two and multi-family uses/homeless shelter

North: Varied Density Residential (R3)	Multi-family uses
South: Office/Residential (OR)	Multi-family uses
East: General Commercial (C1)	Car Wash
West: Office/Residential (OR)	Office uses

Comprehensive Plan: The 2022 Smart Growth Plan designates this area as Medium Intensity Retail Office Housing (MIROH). A previous Comprehensive Plan amendment was completed for this area under CPA 14-02 in 2014.

Consistency Analysis: The proposed rezoning and Conditional Use Permit are compliant and not contradictory to the applicable recommended policy and the future land use map.

Report: The request will allow for an existing emergency homeless shelter to expand to include the following parcels: 6-374, 6-344, 6-345, 6-371 as part of the use at 1660 Christiana Street. The former assisted living facility at 1676 Christiana Street and former single-family home at 1667 Shawano Avenue will become part of the House of Hope campus. The entire campus will be comprised of approximately 62,363 sq. ft. or 1.43 acres. Access will remain off of Christiana with a secondary access and parking lot off of Shawano Avenue. A copy of the proposed site plan is attached within this agenda packet.

In 2014, a rezoning and Conditional Use Permit (CUP) were approved for the original House of Hope location at 1660 Christiana Street. House of Hope is an emergency shelter that provides shelter for homeless mothers between the ages of 18 and 24 and their children. A revised program statement/operating plan is submitted within this agenda detailing the current use. The CUP will allow the shelter to expand and provide more beds and programming space. A copy of an email from the applicant is attached within this agenda.

The subject area is just outside the Planned Unit Development (PUD) for St. Mary's Hospital. The former amendment to the future land use recommendation to MIROH allowed periphery uses to complement uses

within the hospital corridor. The permitted uses also provide a transitional area between commercial and proposed public uses to the west. East of the subject area is the tail end of a commercial corridor at Shawano Avenue and Military Avenue. Along the south side of Shawano Avenue the MIROH land uses provides compatibility with the commercial portion along the same side of the street and is compatible with the higher density residential south of the site. The proposed CUP amendment contributes to and is consistent with the the future land uses in the immediate area.

Ald. J. VanderLeest and adjacent property owners have been notified of the request. As of the drafting of this report, staff has received no objections or calls regarding this request.

RECOMMENDATION

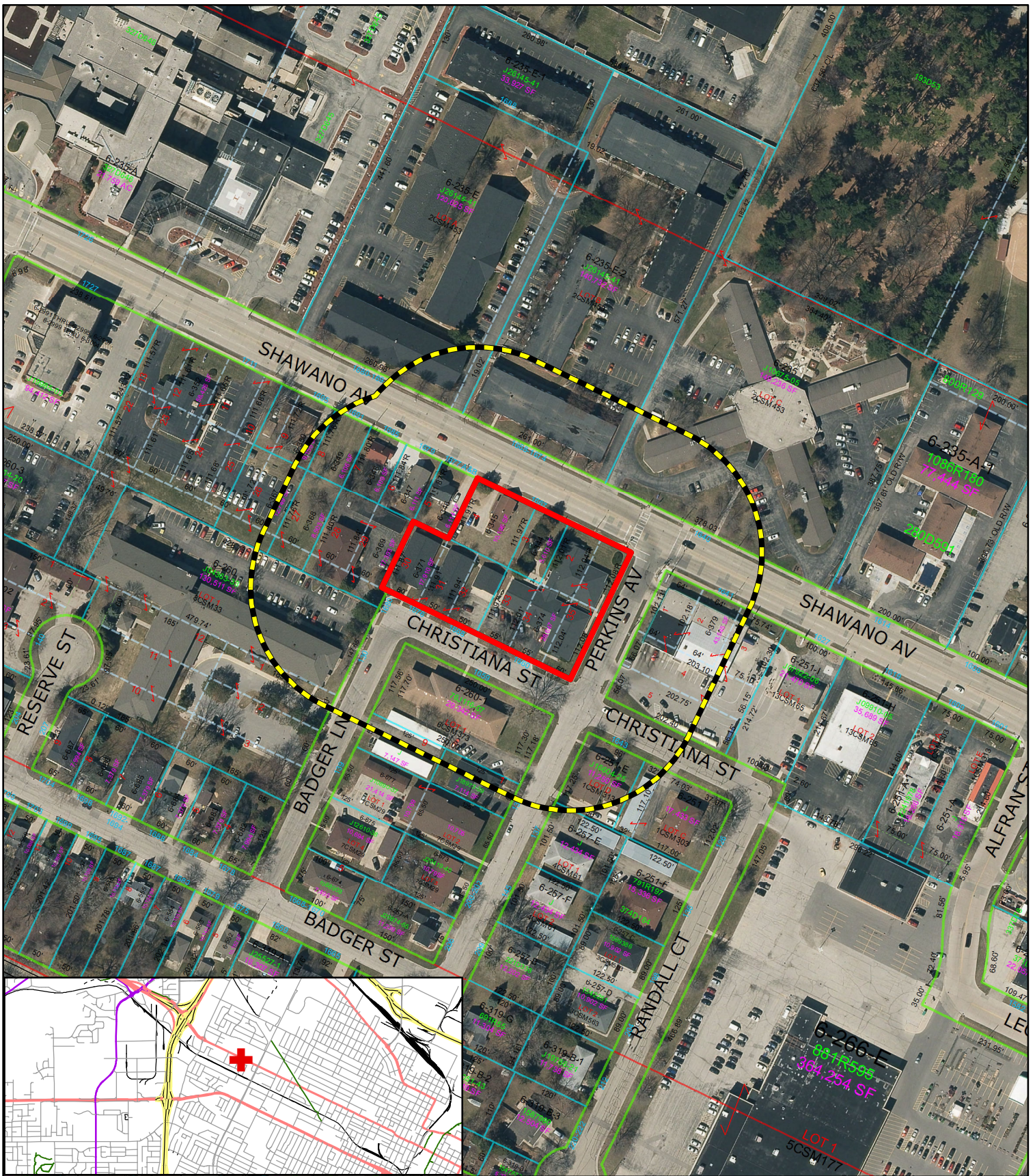
Approval of the request, subject to:

- a. Affected Tax Parcels are combined into one Tax Parcel.
- b. The capacity of facility is limited to 27 bedrooms and there shall be no expansion of the use without Plan Commission review and approval.
- c. Compliance with the former program statement and operating plan.
- d. A site plan is submitted and approved by staff as part of the standard site plan review.

FISCAL IMPACT

ATTACHMENTS

1. ZPI8-18 letter
2. Site Plan
3. Updated Info House of Hope
4. House of Hope Description



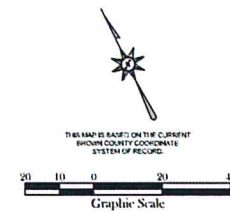
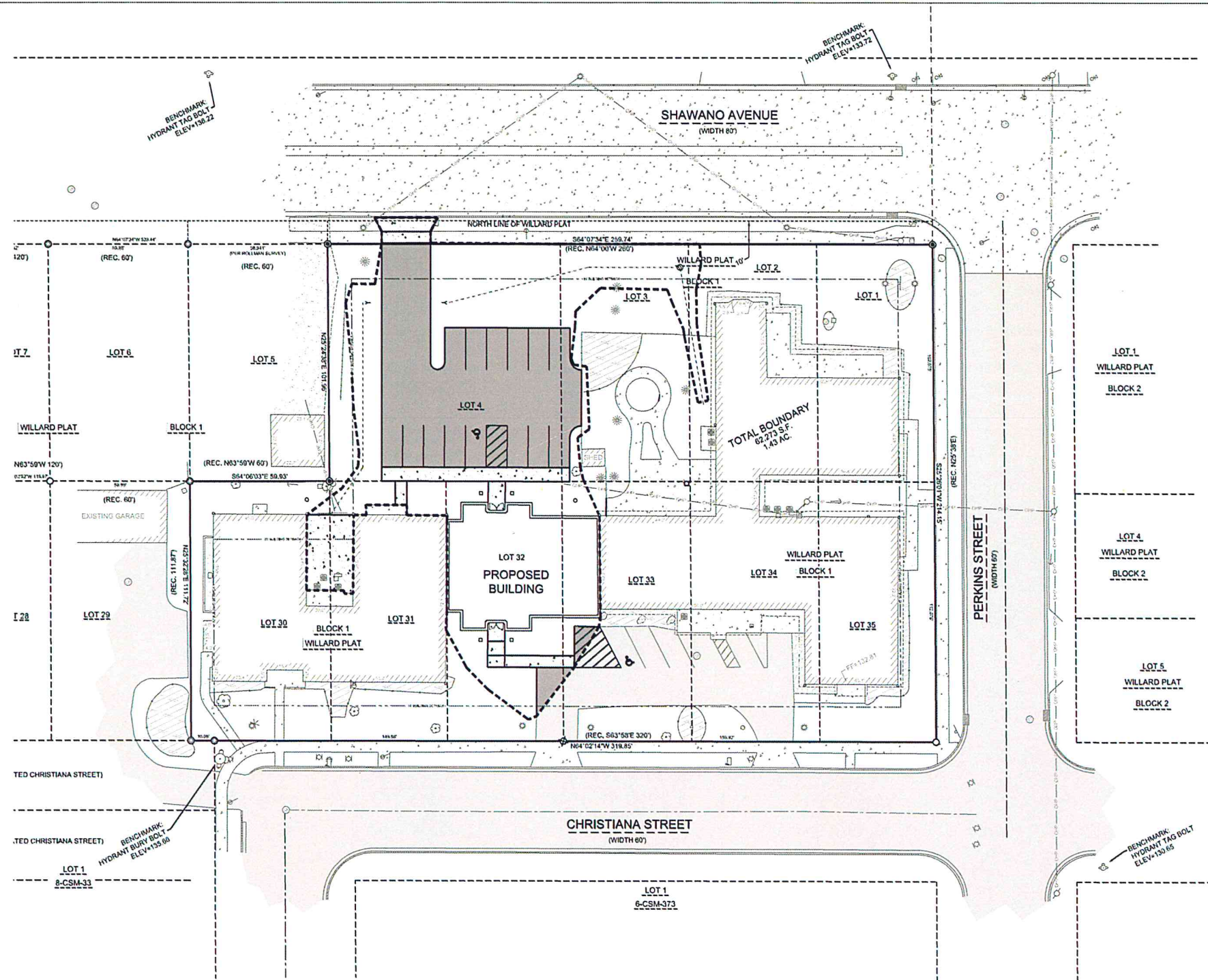
- Subject Area
- 200' Property Owner Notice



Zoning Petition (ZP 18-18)
Proposed Conditional Use Permit (CUP) Amendment -
1660 Christiana Street

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 Map prepared by PN

0 5,000 10,000
 Feet



MACH IV
ENGINEERING • SURVEYING • ENVIRONMENTAL
2260 Salschelder Court Green Bay, WI 54313
PH: 920-569-5765; Fax: 920-569-5767
www.mach-iv.com
Project Number: 1521-01-18

**ADDITION AND RENOVATION
HOUSE OF HOPE
GREEN BAY, WI**



SITE PLAN

DATE	NOV 11, 2018
SCALE	AS SHOWN
PROJECT NO.	C2.0

Good Afternoon Paul,

Thank you for reaching out. Our programming and the population we serve remains the same. When we first began this project, we were going to build onto our current facility in order to utilize the shelter bedrooms as bedrooms instead of storage spaces or beds. The building next to us became available and has two basements for storage. Economically, it was the best decision. It also allows for 7 more shelter bedrooms. We would have had 20 shelter bedrooms with the original plan. This plan will create 27 bedrooms.

Each year, about 70% of those we serve in shelter are actually children under the age of 5. Because we aren't sure if the moms and kids who move in will be just a pregnant mom or a mother with three children, we have a hard time coming up with an exact number to expect at any given time. I would say that the range could be from 40 to 75 people at any one time. The breakdown would be 27 or less moms and however many children they have.

When we are not full and have no waiting list, we plan to offer shelter rooms to moms who are slightly older than 24 and youth under age 21 without kids.

Please let me know if you have more questions.

Thank you,

Shannon

Shannon Wienandt, Director
House of Hope Green Bay, Inc.
1660 Christiana Street
Green Bay, WI 54303
920-884-6740
www.houseofhopegb.org



Community Need Addressed

The House of Hope is one of only two emergency shelters available for homeless children in Brown County. Both shelters have a waiting list. Statistically, we know that 65% of teen moms were sexually assaulted as children, 80% grew up in poverty and less than 25% graduate high school. Most likely, teens who become pregnant will have another child within 18-24 months of their first. The women who enter our program come from transient and unsafe living situations with backgrounds of generational poverty. Consequences of this history are a lack of high school education, little or no work experience or job skills, and a significant history of sexual and physical abuse. In Brown County, one in five children under the age of five is living in poverty. We serve that population to the best of our ability and do all we can to provide them with a healthy environment and connect them with community options that will help them thrive. House of Hope provides a safe and supportive place where young women and their children can grow and thrive as they become independent and move themselves out of poverty.

Organizational Mission and Vision

House of Hope will provide a safe, supportive place where young mothers learn to become competent adults and independent, successful parents. House of Hope will eliminate barriers to success and create healthy families who will go on to live and thrive in a nurturing and stable environment.

Program

Integral and unique, House of Hope programming is tailored specifically to young mothers and their children. These women are at a crucial age where our services can help them turn their life around and live independently. House of Hope targets homeless pregnant and/or parenting young women between the ages of 18 and 24, and their children.

The need for our program is reinforced every year by the number of teen pregnancies and high school drop-outs in our community each year. We specialize in identifying and addressing the needs of pregnant young mothers who have received little or no prenatal care before their stay at House of Hope. We have established a good working relationship with Child Protection Services and Probation/Parole, to help families remain intact and on the right track. We have on-site counseling services for mothers suffering from significant mental health issues and for those suffering the emotional side effects from couch-surfing, eviction, abuse, and abandonment, all with their children in tow.

House of Hope is the only program that specifically provides emergency shelter services relative to the intense needs of this population and implements a program leading toward systemic change. Referrals come from school teachers, other shelters and homeless providers, the Crisis Center, and Brown County Human Services. We also receive referrals directly from probation and parole officers and Child Protective Services case managers. Potential residents may refer themselves and have often been recommended to this program by a previous resident or a friend or family member of a previous resident.

House of Hope provides a structured environment for hands-on and class-based life skills training. We have on-site and awake staff in the shelter 24-hours a day, seven days a week. We work side by side with these young moms on basic living skills such as meal planning, career readiness, budgeting, time management, health and hygiene, bedtime routines, positive parenting, and more. House of Hope provides an on-site GED program complete with tutoring, childcare, transportation to the exam site, and funding for tests. We require residents to participate in structured case management services to identify their individual needs and goals related to parenting, formal education, and employment during their stay. We also offer programming after residents move out of the shelter. They can return for our services or just to have a positive support system that will keep them moving forward with their goals. House of Hope also offers financial assistance to past residents who move into their own apartment in the form of rent, utilities, household items, work clothing, diapers, and food until they are stable.

Collaboration

House of Hope collaborates with and utilizes available community resources to provide specific assistance to our residents. Partners who provide on-site services to eliminate transportation and financial barriers include: Outreach HealthCare for medical needs and health education for residents and for past residents up to one year after they completed our program; Catholic Charities' Financial Literacy program; Rent Smart, a renter's education course; Fair Housing Council for a fair housing seminar; Golden House for a domestic violence education program.

In addition, we provide transportation to various community resources. We have developed collaborations with dental clinics, health care appointments, Birth to Three, Healthy Families, Encompas, Libertas, Salvation Army, and UW-Extension who provide programs to serve our residents. We provide access to programs and services such as the Children's Museum, educational institutions, counseling services, YMCA, the Family Literacy Program for GED tutoring, Howe Family Resource Center, Birthing and Infant Care Classes, YWCA, child care services, the library, spiritual services/places of worship, Saint Vincent de Paul, the Job Center, and many more. We are also continuing our partnership with the SOFT program to assist in providing shelter and services to the hard-to-serve population. These community resources are crucial and important for the young women we serve. We connect them with area organizations so they can build an extended support network and gain the freedom to successfully navigate all of the positive opportunities for themselves and their children in this community.

Through our collaboration with the MORE program, Outreach Healthcare provides an opportunity every Thursday where mothers and children who are in our program and who have moved out within one year can have access to prescriptions, physicals, and vaccinations. Most children who come to us are not up to date with their immunizations and through this partnership we ensure they receive the proper vaccinations. We also provide transportation and coordination of prenatal care and birthing classes for mothers who stay here. The LIFE Study states that the percentage of births in Brown County where mothers had obtained first trimester prenatal care was down from previous years and lower than nearby metropolitan counties. We also provide access to dental care by partnering with local dentists and the N.E.W. Community Clinic to ensure residents have transportation to appointments and childcare.

During 2013 we began a new initiative to house our clients by providing rent and utility assistance until they are stably housed through a government grant. This has enabled House of Hope to serve additional clients and free up rooms for young women on the waiting list to move into. We feel that this was a gap in services that we were able to decrease. If it goes well, House of Hope will plan to increase the number of participants we work with in this capacity annually.

Outputs

2013 Output	# offered	# participants
Phone Intakes Completed	232 phone intakes	232
Total Number of Shelter Nights Provided	7164 nights	53 adults & 61 children
After Care Program	Always Available	40 adults
Parenting Education	18 courses	58
Budget Counseling	52 classes	48
GED Tutoring	24 sessions	52
Domestic Violence/Mental Health Education	19 sessions	73
Nutrition Education	11 seminars	50
Fair Housing	1 seminar	6
Individual Counseling	27 weeks	66
Renter's Education	4 classes	18
Child/Baby Items Distributed	1373 items	49
Adult Clothing Items Distributed	1384 items	38
Household Items Distributed	1092 items	44
Hygiene Items Distributed	1426 items	49
Laundry Soap Distributed	4558 oz	29
Diapers Distributed	11,455 diapers	44
Wet Wipes Distributed	20,423 wet wipes	46

Outcomes

Reporting period October 1, 2012 – September 30, 2013 (our fiscal year)

Outcome # 1: Residents will enter safe, stable housing at the time of exit.

Indicator #1: Residents who moved into their own apartment or moved into stable homes with family.			
	# participants measured	# successful	% successful
2006	30	16	55%
2007	32	22	69%
2008	43	32	74%
2009	51	32	76%
2010	55	41	75%
2011	47	32	68%
2012	42	29	88%
2013	49	36	73%
Comments / Changes: House of Hope utilizes a discharge summary, which includes information on where residents are discharging to. Residents moved into safe, stable housing at exit by securing their own apartment, moving into transitional housing programs, and moving into a stable living situation with friends and/or family. Of the 13 who did not obtain safe, stable housing at the time of exit: five were exited from the program due to physical or verbal altercations, six chose to move into unstable homes with friends and/or family, and two entered other homeless shelters because they both discontinued parenting their children.			

Outcome # 2: Residents will increase their formal education

Indicator #1: Residents who did not have their high school diploma will attend and/or graduate high school or will have entered a GED program, completed GED tests, and/or received their General Education Diploma.

	# participants measured	# successful	% successful
2006	22	13	59%
2007	16	12	75%
2008	21	18	85%
2009	30	26	90%
2010	29	25	86%
2011	24	21	87%
2012	18	16	88%
2013	26	25	95%

Comments / Changes: House of Hope utilizes a weekly case plan to track individual resident goals, this includes information on educational progress. Residents increased their formal education, 20 enrolled in GED programming and 9 obtained their GED or began testing. Of the 21 residents who had their diplomas, five enrolled in post secondary education. Five residents earned their GED in the fall of 2013.

Outcome # 3: Residents will increase/maintain employment and/or household income.

Indicator #1: Residents who obtained employment, had an increase in hourly wage/hours worked, enrolled in an Employment and Training Program, received WIC, received Child Support, received TANF payments and/or benefits (such as financial assistance, Foodshare, Medical Assistance, and BadgerCare).

	# participants measured	# successful	% successful
2006	33	18	55%
2007	32	23	72%
2008	43	24	62%
2009	51	39	76%
2010	55	39	71%
2011	47	31	66%
2012	42	32	76%
2013	48	46	96%

Comments / Changes: House of Hope utilizes a weekly case plan to track individual resident goals, this includes information on employment progress. Clients obtained employment, maintained the employment that they had at entry, and/or participated in W2, FSET, TANF, and/or DVR services. Of those who did not, all stayed less than 14 days and had significant barriers that we were working to address and which hindered their ability to secure and maintain employment including significant alcohol and/or drug issues (AODA) and/or mental health issues.

Outcome # 4: Residents will demonstrate an increase in Life Skills Education.

Indicator #1: Residents actively participated in one or more parenting education activities.

	# participants measured	# successful	% successful
2006	33	17	52%
2007	32	23	72%
2008	43	41	96%
2009	51	46	90%
2010	52	43	83%
2011	47	39	83%
2012	42	35	83%
2013	48	41	85%

Comments / Changes: House of Hope utilizes a weekly case plan to track individual resident goals, this includes information on educational progress. Residents completed parenting education classes, worked individually with the Life Skills Coordinator on parenting tasks, and had individual parenting workers including Healthy Families workers, PCC workers, Public Health Nurses, Birth to Three workers, and CPS assigned parenting workers. Of the seven who did not complete this component, all stayed less than 20 days.

Indicator #2: Residents will actively participate in one or more life skills educational activity.

	# participants measured	# successful	% successful
2006	33	16	48%
2007	32	25	78%
2008	43	38	88%
2009	51	51	100%
2010	55	52	95%
2011	47	43	91%
2012	42	40	95%
2013	48	46	96%

Comments / Changes: House of Hope utilizes a weekly case plan to track individual resident goals; this includes information on educational progress. Choices included domestic violence education, mental health education, family activity night, nutrition education, family art projects, budgeting, family field trips, fair housing education, playgroups, rental education, nutrition class, and child development education. The two who did not participate had very short stays.



Report to the Green Bay Plan Commission

MEETING DATE

July 9, 2018

PREPARED BY

Paul Neumeyer, Staff

AGENDA ITEM # E.5.

(ZP 18-19) Consideration with possible action on the request to consider an amendment to the previously approved Conditional Use Permit for a shelter facility in an Office/Residential (OR) District located at 411 St. John Street to permit a temporary summer shelter use, submitted by Alexia Wood, St. Johns Shelter. (Ald. R. Scannell, District 7).

BACKGROUND

Reason for Request: To authorize a temporary emergency shelter facility during the summer/fall months through October 2018.

Existing Land Use: The subject property has been occupied as the St. John's Homeless Shelter dating back to the mid-2000s. St. John's Church is east of the site and St. John's Park is south of the site. West of the site is the Transformation House, Inc., a faith based boarding house. Other commercial uses are located north of the site.

Surrounding Zoning and Land Uses: Subject Property OR – Office/Residential, vacant

North: Office/Residential (OR)	Office uses
South: Public Institutional (PI)	St. John Park
East: Office/Residential (OR)	Office uses
West: Office/Residential (OR)	Office uses/higher density residential

Comprehensive Plan: The 2022 Smart Growth Plan designates this area as Downtown land uses.

Consistency Analysis: The proposed use of the subject property is compatible with and is not contradictory to the applicable recommended policy and the future land use map.

Analysis: The existing site has been the past location of the Churches Offering Temporary Shelter (COTS) program and more recently under the direction of the St. John the Evangelist Homeless Shelter. As part of the past CUP approval, the shelter has completed building remodeling to the existing facility including additional bathroom facilities to meet the capacity of the building to house its guests. As part of the remodeling, an amended CUP was received in 2013 (ZP 13-03) to increase the capacity of the shelter from 64 to 84 guests. This is considered the maximum capacity based on the structure and the limits of the shelter staff's to serve the current homeless population.

Currently the shelter is under a CUP that permits a temporary emergency shelter facility seasonally from November 1 to April 30 from 5:00 p.m. to 9 a.m., 7 days a week. The current CUP is set to expire on November 1, 2018 but, is independent of this request at this time. The homeless shelter is an emergency facility that may handle overflow from other homeless shelters.

As detailed in the attached letter from the applicant, the shelter experienced guests that remained homeless

after the temporary shelter has closed for the winter season. There has been an effort to house these individuals in other church facilities in the metropolitan area. It came to the attention of the Fire Marshall, who has some cross-jurisdictional authority, that the sleeping arrangements did not meet fire code at these church sites.

As a result, after meeting with St. Johns Shelter representatives and city staff, it was recommended that possibly St. Johns Homeless Shelter could open in the summer/fall months to service individuals who are found homeless. A letter of support for the temporary shelter has been provided by the Green Bay Police Department as well as from the Fire Marshall's office of the Green Bay Fire Department, both are attached within this agenda.

The current site is an approved facility to house residents under their previous CUP approval. The shelter would only operate within the gym portion of the building and its operation would be very similar to the original COTS program. The full building would not be utilized and the second floor of the structure would not be used to house guests.

Planning staff is recommending approval of the amended short-term use with conditions. Ald. R. Scannell, Navarino and Astor Neighborhood Associations, Howe Elementary and affected and adjacent property owners within 200 ft. of the subject area have been noticed of the request.

RECOMMENDATION

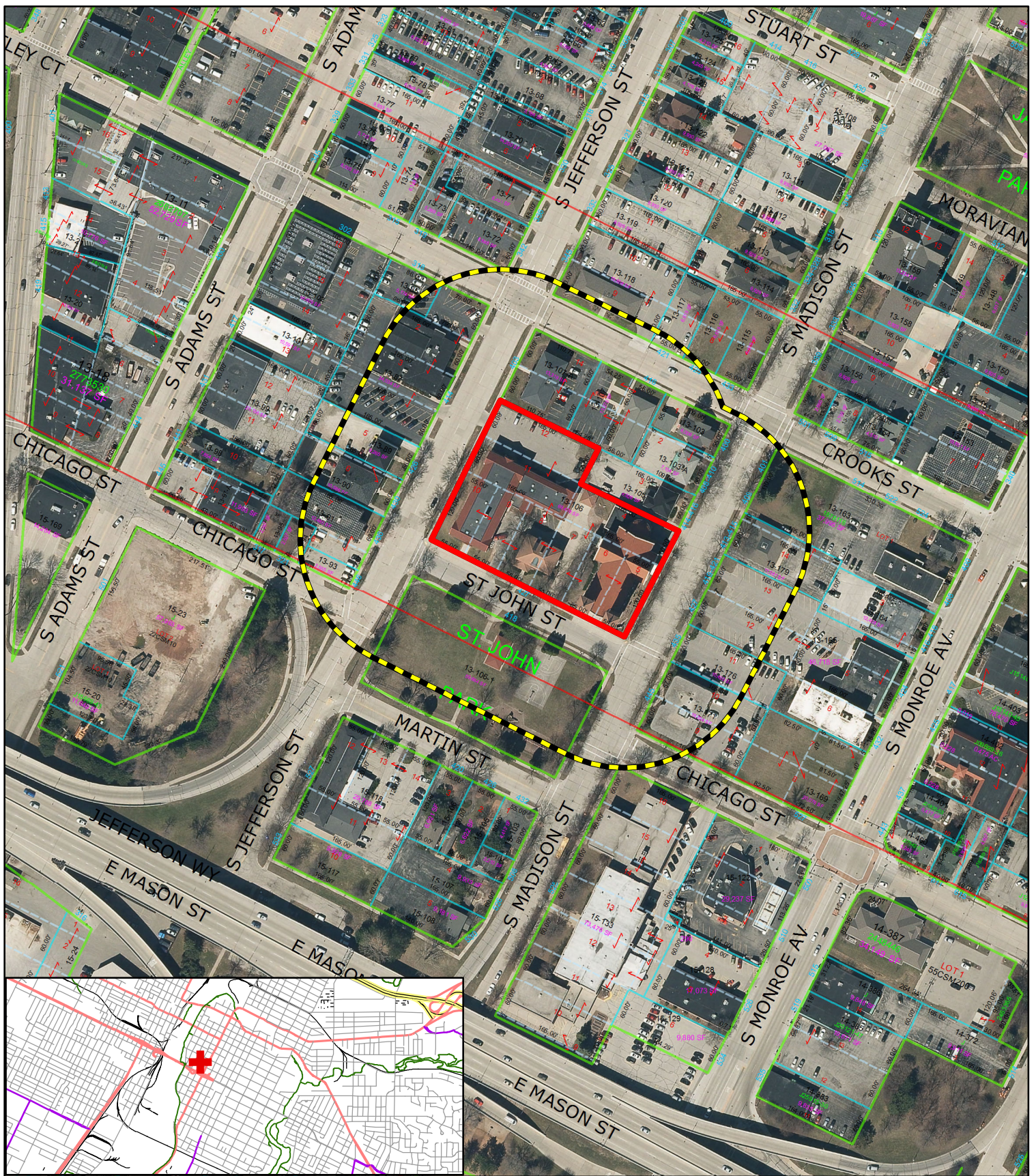
Approval of the request, subject to:

- a. A maximum 30 bed/cots temporary emergency homeless shelter located in the former St. John's School gym only located at 411 St. John Street (Tax Parcel No. 13-106) through October 2018. Hours of operation are limited to 9 pm to 6:30 am and no residential occupancy shall be permitted on the second floor of the structure.
- b. If the temporary emergency facility use at 411 St. John Street is discontinued, the operation is dissolved, or if the Green Bay Catholic Diocese of Green Bay no longer manages the facility, the use shall terminate immediately. The use/operation shall not be renewed or reestablished without the Plan Commission and City Council review and approval.
- c. At the discretion of the Common Council, Plan Commission, or the Planning Director a review may be required by the Plan Commission and Common Council to ensure compliance with this conditional use permit and identify any areas of concerns with the temporary emergency homeless shelter including but not limited to: Police calls, other documented safety concerns and inadequate facilities.
- d. Sex offenders required to register under §301.45, Wis. Stats., are prohibited from any stay at the facility.
- e. A mandatory background check for all shelter residents is required.
- f. St. John the Evangelist Homeless Shelter staff shall maintain a history of residence during the temporary use.
- g. A site plan is submitted and approved in compliance with Chapter 13-1700 Green Bay Zoning Code.
- h. Approved building plans shall be made available to staff and available on site.

FISCAL IMPACT

ATTACHMENTS

1. ZPI8-19 letter
2. SJEHS COTS Letter
3. COTS Proposed Floor Plan- SJEHS
4. PD Letter for COTS
5. GBFD JG Letter



Subject Area



200' Property Owner Notice

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Map prepared by PN



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Feet

Zoning Petition (ZP 18-19)
Proposed Conditional Use Permit (CUP) Amendment -
411 St. John Street



June 14, 2018

Green Bay Plan Commission
Attn: Mr. Paul Neumeyer
305 E. Walnut Street; Suite 320
Green Bay, WI 54301

Dear Mr. Neumeyer,

As you know, over 1,600 individuals experience homelessness in Brown County each year. St. John the Evangelist Homeless Shelter, as one piece in the continuum of care, serves 400 of these individuals with temporary, emergency shelter each winter from November 1st-April 30th between the hours of 5pm-9am. However, homelessness does not disappear for these individuals when the doors to St. John's close each shelter season. In fact, 39 individuals sought shelter at St. John's on the final evening of shelter operations in the 2016-2017 shelter season, indicating an influx of homeless individuals to the streets of Green Bay the following evening.

Between May 2016-May 2017, four homeless men died on the streets of Green Bay without access to safe, overnight shelter. The locations of their passing varied: an abandoned semi, a downtown parking garage, a residential garage, and a garbage dumpster. In each case, these individuals passed away in places not meant for human habitation, unaccounted for at the moment of their passing. Two of these instances occurred in the St. John's offseason, taking the lives of men who historically sought shelter within St. John's.

It is well documented that emergency response calls (both police and fire) decrease significantly if an individual is in a safe, overnight shelter or residence compared with being on the streets. When living on the streets, city departments are forced to spend hours and dollars serving these individuals, often without options and referrals. After the death of the fourth homeless individual in Green Bay, the staff of St. John's Homeless Shelter met with leaders throughout the community to discuss options for the six months St. John's is not in operation. As a result, the concept of COTS was born. This year, when the doors to St. John's Homeless Shelter closed on April 30th, the 27 individuals without safe housing the following night were able to access safe sleeping accommodations.

COTS offers churches throughout the greater Green Bay community the opportunity to live their gospel mandate to care for the poor by opening their doors for 1-2 weeks of overnight shelter. St. John's provides the staffing to support this ministry. After the completion of one site, all services transition to a new location at another church. The COTS program has been applauded by the city's emergency response teams who now have a referral source 12 months per year, by the churches and neighbors who cite no concerns with operations, and by homeless individuals who are no longer seeking refuge in abandoned buildings, residential garages, or the downtown area. The reality remains: if COTS and/or St. John's ceased to operate, these

411 ST. JOHN STREET
GREEN BAY, WI 54301
920.436.9344

700 EAST WALNUT STREET
GREEN BAY, WI 54301
920.617.8700

www.stjohnhomelessshelter.org



individuals would be forced into places not meant for human habitation and would densely populate the downtown area.

The goal of the COTS program is multifaceted: it honors the parameters set forth in St. John the Evangelist Homeless Shelter's Conditional Use Permit, engages the larger community in the problem of solving homelessness (instead of taxing the services of the downtown area), and limits a homeless individual's desire to become dependent on it as a long-term resource. COTS opens each evening at 9pm and guests exit the COTS location by 6:30am after completing chores to ensure the facility is left in better condition than it was found. Only access to safe shelter is provided. All other supportive services, including showers, meals, and case management are offered at the Micah Center, our year-round daytime resource center. This model, now in its 7th week, averages 14 guests per evening. Most new intakes come from the Green Bay Police Department, who find individuals living on the streets while on overnight patrol. Two nights ago, a 93-year-old man was brought by police, removing him from the streets and offering him access to safe shelter.

While churches have the religious right to offer these services in the current COTS model, as outlined in the case of 5th Street Presbyterian Church vs. the city of New York,¹ we have learned that many of these churches do not offer the same fire safety and building measures our established shelter does. After meeting with the Green Bay Fire Department, the fire department/building officials recommended we consider utilizing the same COTS model at our primary St. John's location as it contains all the life safety and building systems for this type of use. [See St. John the Evangelist Homeless Shelter's Conditional Use Permits for more information.] This is not a request for St. John the Evangelist Homeless Shelter to become a full, year-round shelter. Instead, the shelter would operate with the same model currently being utilized at area churches from May-October: space would be limited to the gym floor area, services would run from 9pm-6:30am, and all supportive services would continue at the Micah Center. Simply, this would allow the Green Bay Fire Department to rest assured that all sprinkler and fire codes are in line with their desires and the Green Bay Police Department to have a consistent, dropoff location when unsheltered homeless individuals are located.

While the need remains significant in our area for homeless services, I want to be clear that the staff of St. John the Evangelist Homeless Shelter are working hard to address the systemic issues of homelessness and poverty while meeting the acute needs of those struggling today. In addition to serving as a Governing Board member for the Brown County Homeless and Housing Coalition, a coalition comprised of 35 agencies addressing the needs of homelessness in our community, I serve on the Board of Directors for the Wisconsin Balance of State Continuum of Care where I also co-chair the Emergency Shelter Standards committee. These positions ensure that St. John's is active in all strategies, both locally and statewide, to prevent and end homelessness. Additionally, I am currently enrolled in my doctoral of social work program where my capstone project is focused on ending homelessness in the Green Bay area.

¹ Retrieved from: <https://caselaw.findlaw.com/us-2nd-circuit/1372775.html>



Furthermore, our staff are actively involved in various taskforces and committees addressing the root causes of homelessness and poverty:

- Basic Needs Coalition: comprised of the GBPD, area hospitals, treatment programs, Brown County Health and Human Services, and housing providers, addresses access to mental health treatment and detox services for the chronic population
- Brown County Homeless and Housing Coalition subcommittees
- JOSHUA Mental Health taskforce; chair
- Navarino Neighborhood Association
- Reentry Coalition through Brown County Jail Ministry

While we will continue to fight for a future that does not require extensive homeless services in our area, we cannot ignore the emergency need that currently exists for those that are without access to safe housing each night. At the recommendation of the Green Bay Fire Department, we would ask that the Green Bay Plan Commission support moving the COTS program to the St. John the Evangelist Homeless Shelter main location to ensure emergency response personnel have easy access and oversight. Again, this will be a simplified model of care, with limited hours of operation and service, and is not a request for our robust winter programs to extend year-round. We will commit to remaining active participants in the conversations and strategies to end homelessness while remaining open collaborators with city officials, partners, and leaders.

We appreciate your support of our work over the years. We are hopeful that not only have you seen the need for our services in the greater Green Bay area but also our contributions to making Green Bay a truly great community for all. Should you have any further questions, please do not hesitate to reach out to me at (920) 617-8700 ext. 109.

Respectfully,

Alexia Wood
Executive Director

St John Street

Jefferson St.

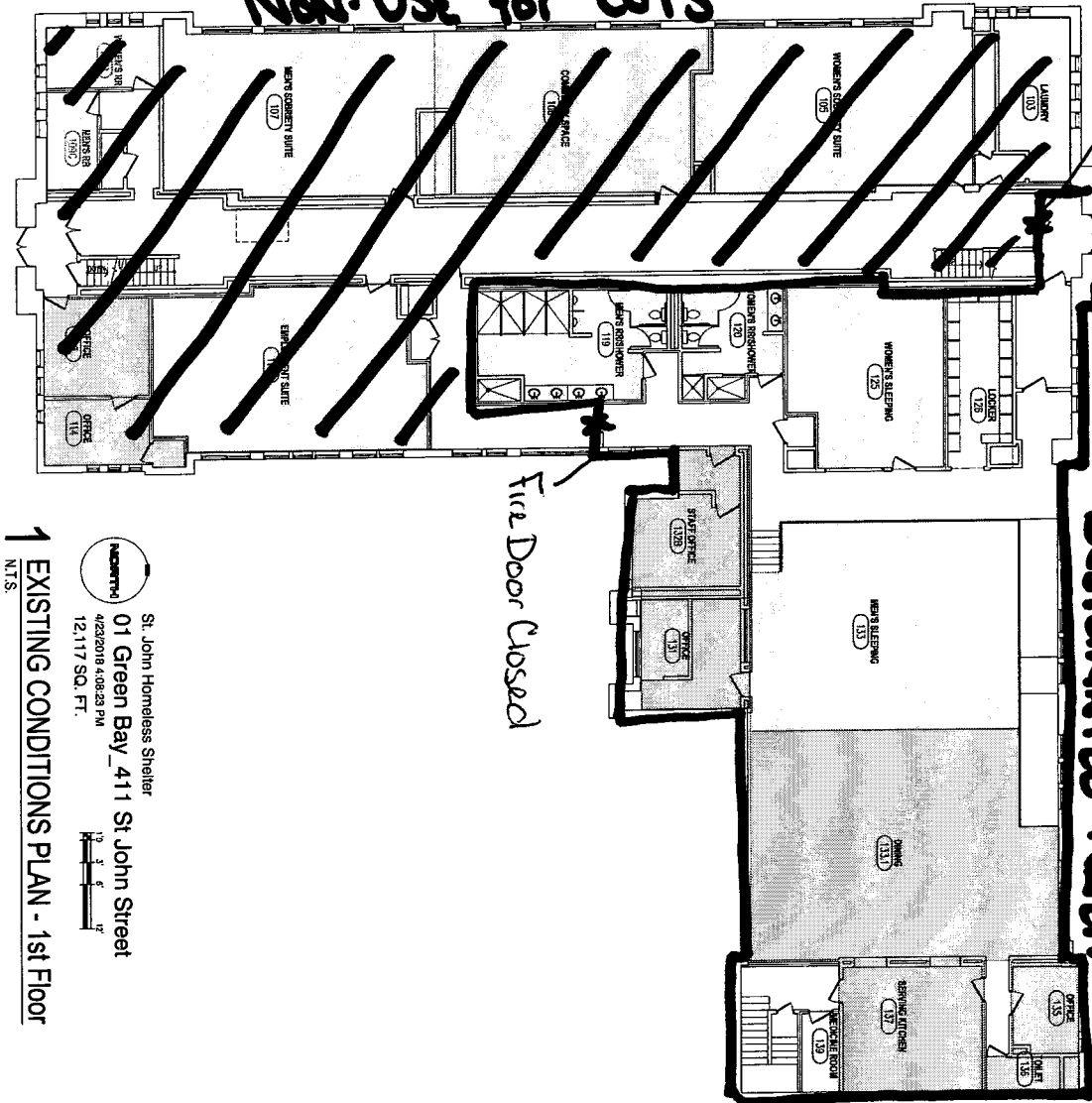
Non-USE for COTS

Fire Door Closed

Entrance

DESIGNATED AREA

Fire Door Closed



1
N.T.S.

1
EXISTING CONDITIONS PLAN - 1st Floor

St. John Homeless Shelter
01 Green Bay_411 St. John Street
4/23/2018 4:08:23 PM
12,117 SQ. FT.

- LEGEND**
- ☐ Residence (Sleeping Suites, Amenities)
 - ☐ Programming (Community Space, Classroom)
 - ☐ Services (Dining, Kitchen, Denition/Sorting, Storage)
 - ☐ Business Administration (Staff)

NOT FOR CONSTRUCTION

ILLUSTRATIONS PROVIDED HEREIN ARE FOR PRELIMINARY EXISTING CONDITIONS AND/OR DESIGN SCENARIOS. DRAWINGS AND DESCRIPTIONS SHOWN WITHIN THIS DOCUMENT AND ANY ATTACHMENTS ARE SUBJECT TO CHANGE WITHOUT NOTICE AND WITHOUT LIABILITY. ANY CHANGES TO THIS DOCUMENT SHALL BE THE RESPONSIBILITY OF THE CLIENT AND SHALL BE APPROVED BY THE CLIENT IN WRITING.

SCENARIO LEGEND

- EXISTING ITEM TO REMAIN.
- EXISTING ITEM TO BE REMOVED.
- EXISTING ITEM TO BE RELOCATED.
- EXISTING, RELOCATED ITEM.
- NEW WORK.
- EXISTING CONSTRUCTION TO REMAIN.

EXISTING CONIDTIONS PLAN

411 St. John Street
Green Bay, Wisconsin
1st Floor

ST. JOHNS SHELTER

ESTD 2007



EX1.1

1 of 1



GREEN BAY POLICE DEPARTMENT

307 S Adams St, Green Bay WI

920-448-3200

As a Community Police Officer in District C with the City of Green Bay WI, I am very aware of the growing challenges that the homeless and those living at or near poverty may face in our community. I have been working with a group I chair called the "Basic Needs Committee" for the past 6 years. This group is made up of hospitals, treatment providers, housing and domestic violence organizations. The overall goal of the group is to form a continuum of care that would address the needs of this population during the night and daytime hours. One of our many tasks has been to work in a collaborative partnership between all agencies which includes St John's Shelter and Micah Center.

Last summer Basic Needs completed a mapping exercise and one of the shortages or "gaps" identified in the current continuum was safe housing. This was especially true for those that were low income and /or currently homeless. One part of filling this need was to have 365 day emergency shelter available. Currently St John's was open during shelter season for six months (1 November-30 April). An off season model was something that was needed. The COTS (Churches Offering Temporary Shelter) filled that void. It also spread responsibility out to the outlying communities (Allouez, Bellevue, Howard) giving them the opportunity to take part.

In just over a one year period from late 2016 into 2017 the community saw four unsheltered homeless deaths on the street. Statistics show that when our most chronic are housed or sheltered and provided treatment options we experience a reduction in police services. Without this contacts can be time consuming and problematic when police are given no placement options. The book "Problem Oriented Policing" reflected this by saying "The police at times are forced to use ordinances and criminal statutes, a process that is unkind to the homeless, distasteful to the police and inappropriate for the criminal justice system".. Herman Goldstein. This current partnership with agencies is a great step forward in helping to solve problems for those most vulnerable that have no safe place. Having the COTS-off season model continue is an important step in solving this important community issue.

Sincerely,

Paul Van Handel
Community Police, GBPD
Basic Needs
President-WI Assoc of
Community Oriented Police
OFC 448-3143...EXT 3



"BETTER BY THE BAY"



Metro Fire Department

Joe Gabe
Fire Marshal

June 29th 2018,

Green Bay Zoning Department
Paul Neumeyer-Zoning Director
Green Bay City Hall
100 North Jefferson Street
Green Bay, WI 54301

RE: St. Johns Homeless shelter application for temporary use permit for the use of The St. Johns Homeless Shelter during the summer off-season located at 411 St. Johns Street.

Dear Mr. Neumeyer,

The Green Bay Metro Fire Department was made aware of the COTS Program in late May 2018, through multiple requests for emergency services to a Church in Allouez after hours. After conducting research about the COTS program, fire and building officials in the City of Green Bay and Allouez determined that the COTS program is a Homeless Shelter in the summer offseason that rotates from church to church throughout Brown County a week at a time. This program is a scaled back homeless shelter program with reduced hours of operation and resources. The research also indicated that 80 % of the rotating homeless shelter churches are located within the City of Green Bay.

Housing the homeless people in the rotating community churches presents problems for the building and fire code officials. The churches participating in the COTS program encounter a change of use zoning and building violations with the host churches as they do not contain the proper life safety systems to house sleeping people (sprinkler systems and fire alarm systems). Housing of the homeless in churches that do not contain the proper life safety systems places the residents, volunteers, and emergency personnel at risk.

The Green Bay Metro Fire Department advocates the use of the existing St. Johns Homeless Shelter located at 411 St. John Street in the City of Green Bay for the COTS program. The current St. Johns building contains all of the life safety systems (Sprinkler System & Fire Alarm System) needed for residential type occupancy to help minimize the risk.

If anyone has any questions in regards to this letter please feel free to contact the Green Bay Fire Marshal's Office at (920)448-3289.

Respectfully,

Captain Joe Gabe IAAI-CFI
Fire Marshal's Office
Green Bay Metro Fire Department
Phone-(920)448-3289
joega@greenbaywi.gov



Report to the Green Bay Plan Commission

MEETING DATE

July 9, 2018

PREPARED BY

David Buck, Staff

AGENDA ITEM # E.6.

(ZP 18-20) Consideration with possible action on the request to create a Planned Unit Development (PUD) for the development of an apartment campus at 1060 Gray Court, Submitted by Jon LeRoy, Mau and Associates, on behalf of Gerald and Gloria Bigelow, property owners (Ald. R. Scannel, District7).

BACKGROUND

Primary Address: 1060 Gray Court

Aldersperson/District: Ald. Randy Scannell / District 7

Reason for Request: To permit the development and construction of a six 12-unit building apartment campus on a majority of the site while retaining specific areas of the property for future lot reconfiguration, general industrial and future general commercial uses.

Subject Parcel Zoning and Land Use: Subject property is zoned General Industrial Zoning District (GI) and is currently undeveloped green space.

Surrounding Zoning and Land Uses:

North: General Industrial (GI) / Warehousing

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

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

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

Comprehensive Plan: The 2022 Smart Growth Plan designates this area as Industrial on the western portion of the property, Medium & High Density Housing on a majority of the property in the center and Commercial land uses on the south and east. Additionally, the Velp Avenue Areawide Plan designates the easternmost portion of the site as Transformative Opportunity Site #4, appropriate for commercial or mixed-use land uses

The proposed zone change to a Planned Unit Development, as drafted, is consistent with the recommendation of the Comprehensive Plan and Velp Avenue Areawide Redevelopment Plan.

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

This Planned Unit Development (PUD) request is the second step in the process required to establish the proposed multiple-family development. The first step, an amendment to the City of Green Bay Smart Growth 2022 Comprehensive Plan designating future land uses from Commercial and General Industrial land uses to Medium and High Density Housing took place in June 2018 with the approval of Miscellaneous Ordinance I-18. Now that the Comprehensive Plan has been amended, the property owner is requesting a zone change to the PUD designation.

The PUD designation rather than a straight rezoning is necessary because the land uses which may be established and/or maintained on the subject property will not be following existing lot lines and the lot cannot be divided at this time as such a division would create a lot without frontage upon a right-of-way. The PUD is drafted to essentially divide the property into three separate areas from a land use and dimensional/area regulation standpoint. These three areas (Areas A, B, and C) are depicted and described within the draft PUD ordinance as Exhibit A, which is attached to this report.

Within the PUD, Area A shall be regulated as the General Industrial Zoning District (GI); Area B shall be regulated as the Varied Density Residential Zoning District (R-3); and Area C shall only permit vehicular, pedestrian and utility access until such time that the area is combined/consolidated with adjacent properties, thereby becoming suitable for commercial development. At that time, Area C shall then be regulated as the General Commercial Zoning District (CI). Staff has included a conceptual site plan for the multiple-family development as Exhibit B within the draft PUD ordinance and requires general conformity with it. All other aspects of the proposed multiple-family development or future development will be regulated per the Zoning Ordinance including items such as lighting, landscaping, signage, etc.

If the draft PUD is approved, the final step for the development of the proposed apartment campus will simply be administrative review and approval of all elements required for site plan approval and building permit issuance.

Ald. R. Scannell and adjacent property owners have been notified of the request. Staff received no inquiries regarding this request as of the drafting of this report.

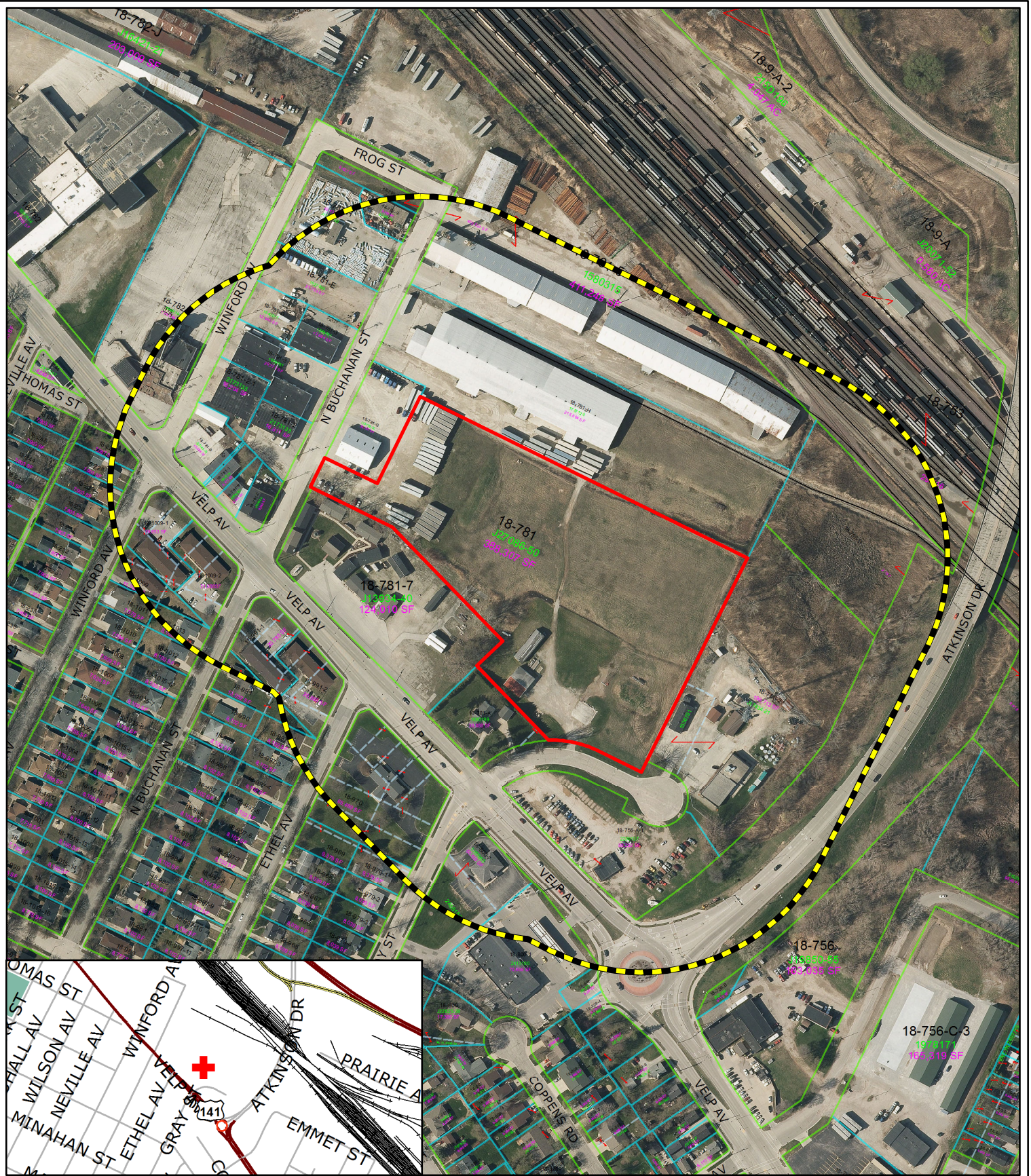
RECOMMENDATION

Approval of the request, subject to the draft Ordinance.

FISCAL IMPACT

ATTACHMENTS

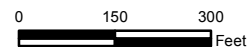
1. ZP 18-20 Map_PUD 1060 Gray Ct
2. Draft PUD 7.2.18



- Subject Property
- 400+' Notice Area

Zoning Petition (ZP 18-20)
Request to create a Planned Unit Development
(PUD) for the Development of an Apartment
Campus at 1060 Gray Court

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



ZONING ORDINANCE NO. XX-18

AN ORDINANCE
CREATING A PLANNED UNIT DEVELOPMENT (PUD) OVERLAY DISTRICT FOR
PROPERTY LOCATED AT 1060 GRAY COURT
(ZP 18-20)

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 property:

Legal Description: WHITNEY OR LAVENTURE CLAIM PRT COM INSECTN OF
VELP AVE WITH W LINE OF LOT 3 OF SD CLAIM TH N26°E 19.90 CHS TO
N/L OF SD CLAIM AT POINT BTWN LOTS 53 & 54 FT HOWARD MILITARY
RESERVE TH W ON N/L OF SD CLAIM 20 CHS TH S TO VELD AV TH SELY
ALG VELD

Tax Parcel: 18-781 (1060 Gray Court)

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

A. Purpose and Intent. The Planned Unit Development (PUD) is being utilized to permit the development and construction of a six 12-unit building apartment campus on a majority of the site while retaining specific areas of the property for future lot reconfiguration and general industrial and future general commercial uses.

B. Land Use Regulation. The land uses which may be established and/or maintained on the subject property and dimensional/area requirements applied thereto are divided into three areas as depicted in Exhibit A and described in detail below:

1. Uses permitted and dimensional/area requirements applied in Area A, as depicted on Exhibit A and described below, shall be regulated as the General Industrial Zoning District (GI), set forth in in Section 13-900 of the Green Bay Municipal Code.

Area A: Part of Laventure or Whitney's Claim, West Side of the Fox River, in the City of Green Bay, Brown County, Wisconsin, More Fully Described as follows: Commencing at the East Corner of Lot 1, Volume 20 Certified Survey Maps, Page 233, Map No. 3619, Doc No. 1172078, Brown County Records; Thence N44°15'29"W, 330.32 feet along a North Line of said Lot 1 to the Point of Beginning; thence continuing N44°15'29"W, 33.51 feet to

a North Corner of Said Lot 1; thence N63°27'52"W, 211.21 feet along a North Line of Said Lot 1; thence N26°14'45"E, 74.97 feet along the East Right-of-Way of North Buchanan Street; thence S63°45'15"E, 135.00 feet; thence N26°14'45"E, 223.30 feet; thence S63°36'59"E, 105.36 feet; thence S25°47'43"W, 310.28 feet to the Point of Beginning (Land Area contains 42,205 square feet/0.97 acres more or less).

2. Uses permitted and dimensional/area requirements applied in in Area B, as depicted on Exhibit A and described below, shall be regulated as the Varied Density Residential Zoning District (R-3), set forth in in Section 13-600 of the Green Bay Municipal Code.

Area B. Part of Laventure or Whitney's Claim, West Side of the Fox River, in the City of Green Bay, Brown County, Wisconsin, More Fully Described as follows: Beginning at the East Corner of Lot 1, Volume 20, Certified Survey Maps, Page 233, Map No. 3619, Doc No. 1172078, Brown County Records; thence N44°15'29"W, 330.32 feet along a North Line of Said Lot 1; thence N25°47'43"E, 310.28 feet; thence 63°36'59"E, 734.63 feet to the West Line of Volume 17, Certified Survey Maps, Page 105, Map No. 3213, Document 1103215, Brown County Records; thence S26°21'38"W, 182.23 feet along said West Line; thence N44°31'58"W, 365.66 feet; thence N43°51'10"W, 325.14 feet to the Point of Beginning (Land Area contains 300,046 square feet/6.89 acres more or less).

3. No uses other than vehicular, pedestrian and utility access shall be permitted in Area C, as depicted on Exhibit A and described below, until such time that the area is combined/consolidated with adjacent properties. Once combined/consolidated, uses and dimensional/area requirements applied in Area C shall be regulated as the General Commercial Zoning District (C1), set forth in in Section 13-800 of the Green Bay Municipal Code.

Area C. Part of Laventure or Whitney's Claim, West Side of the Fox River, in the City of Green Bay, Brown County, Wisconsin, More Fully Described as follows: Beginning at the East Corner of Lot 1, Volume 20, Certified Survey Maps, Page 233, Map No. 3619, Doc No. 1172078, Brown County Records; thence S45°53'47"W, 84.69 feet along the East Line of Said Lot 1; thence S44°06'13"E, 237.81 feet to the North Right-of-Way Line of Gray Court; thence 120.55 feet along said Right-of-Way Line being the arc of a 246.74 foot radius curve to the right whose long chord bears S77°34'57"E, 119.36 feet; thence S63°35'07"E, 108.34 feet along said North Right-of-Way Line of Gray Court; thence N26°21'38"E, 368.03 feet along the West Line of Volume 17, Certified Survey maps, Page 105, Map No. 3213, Doc No. 1103215, Brown County Records; thence S44°31'58"W, 365.66 feet; thence N43°51'10"W, 325.14 feet to the Point of Beginning (Land Area contains 46,450 square feet/1.07 acres more or less).

- C. Lighting. All lighting on the subject property shall be regulated as set forth in Section 13-500, Green Bay Zoning Code.
- D. Signage. All signage shall be regulated as set forth in Chapter 13-2000 Green Bay Zoning Code.
- E. Site Plan Review & Standards
1. Prior to the issuance of any building permits, site plans shall be submitted and reviewed per Chapter 13-1800, Green Bay Zoning Code.
 2. Development of Area B, as depicted on Exhibit A and described above, shall be in general conformity with attached Exhibit B.
 3. Any ground-mounted and/or roof-mounted mechanicals shall be screened compliant with Chapter 13-1815, Green Bay Zoning Code.
- F. Access/Parking/Pedestrian Circulation
1. All parking shall be regulated as required in Chapter 13-1700, Green Bay Zoning.
 2. Pedestrian access shall be provided from Gray Court to the development and connected via an internal pedestrian network to the primary entrance of the principal buildings.
- G. Landscaping/Transitional Yard
1. Prior to the issuance of any building permits, detailed landscape plans shall be submitted and reviewed per Chapter 13-1800, Green Bay Zoning Code.
- H. Prior to the issuance of any building permits, stormwater management plans, meeting the standards established by the City's Department of Public Works, shall be submitted to and approved by the City. See Chapter 30, Green Bay Municipal Code.
- I. 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 – Land Area Plan

Exhibit B – Conceptual Site Plan – Area B

EXHIBIT A

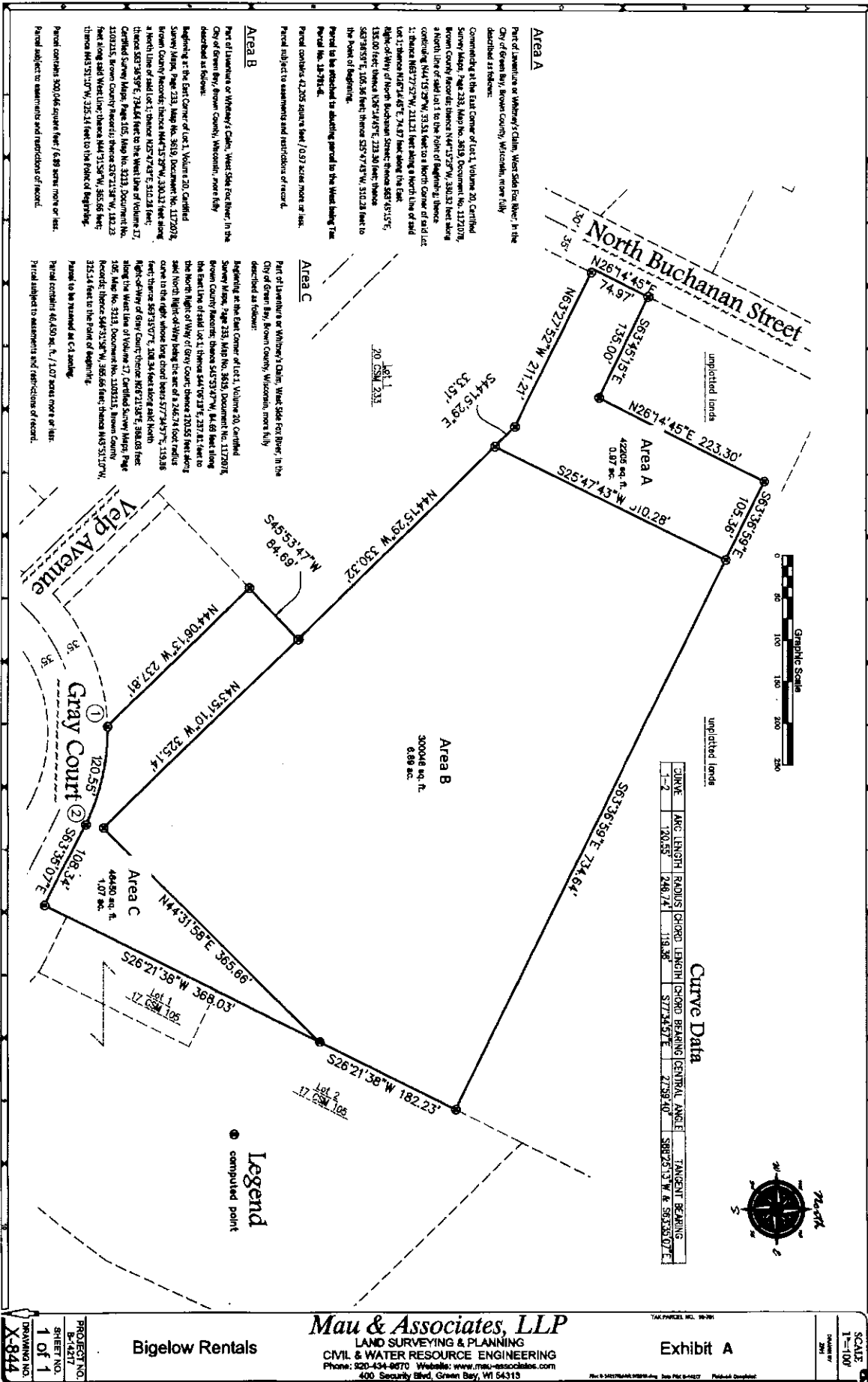
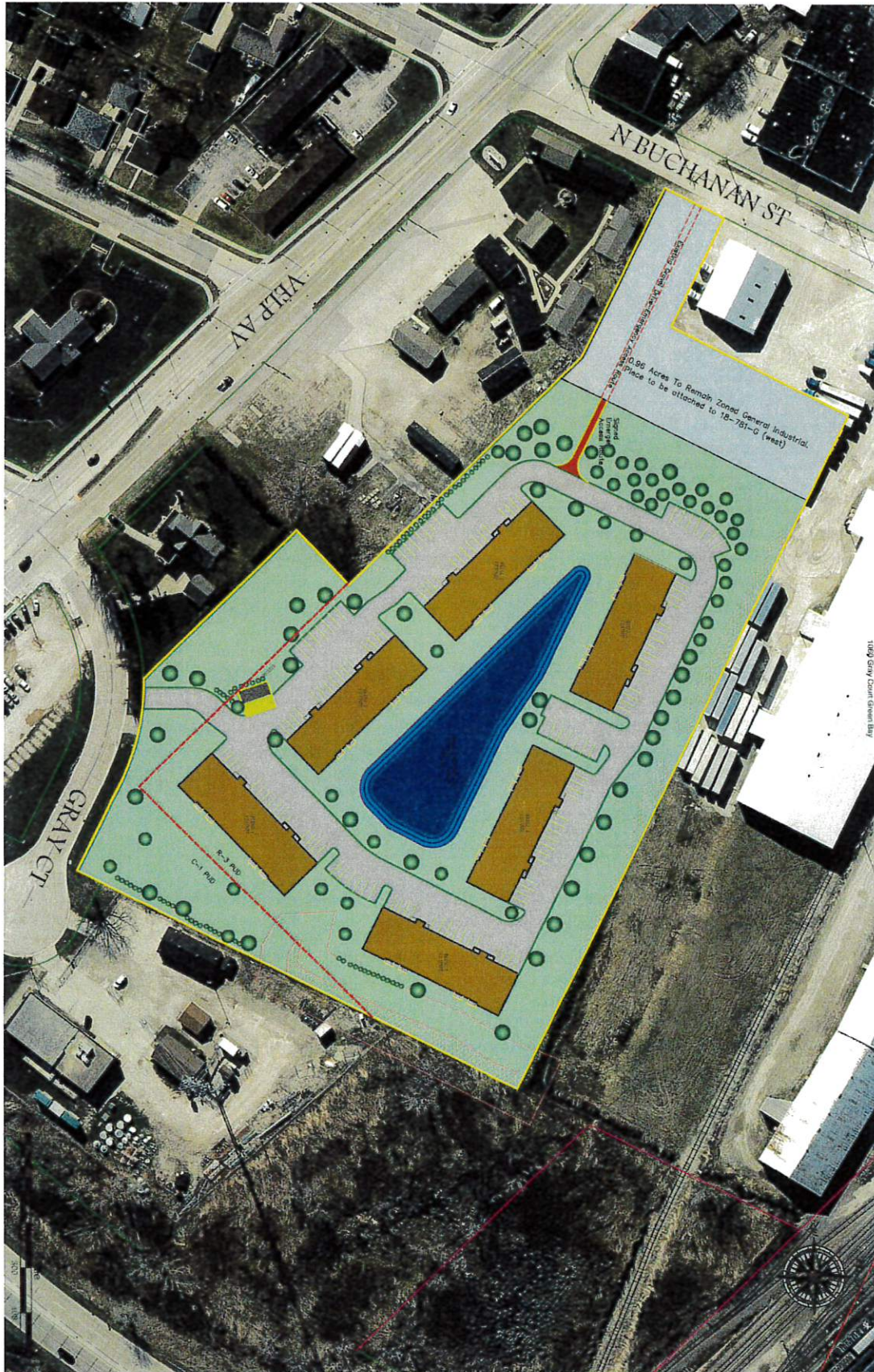


EXHIBIT B

PUD Multi Family / Future Commercial Development Proposed Layout



PROJECT NO.
B-1521
SHEET NO.
1 OF 1
DRAWING NO.
S-2984

Bigelow

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

Conceptual Layout
Multiple Family Development - Area B

SCALE
1"=100'
DATE
ALL



Report to the Green Bay Plan Commission

MEETING DATE

July 9, 2018

PREPARED BY

Stephanie Hummel, Staff

AGENDA ITEM # E.7.

(TA 18-04) Consideration with possible action on the request to amend the Green Bay Zoning Code Sections 13-1500 and Section 5 of 13-200 as related to Historic Preservation.

BACKGROUND

Comprehensive Plan:

The City's Smart Growth 2022 Comprehensive Plan provided an analysis of Historic Preservation as related to existing conditions and major issues faced in Green Bay. It also provided an objectives and policies section that provides guidance on progressing preservation efforts in the City. This section repeatedly recommends a more active and powerful role for the Historic Preservation Commission, specifically related to redevelopment of historic properties. It also recommends updating the ordinance from advisory to binding, without heavy regulation in the binding ordinance. All sections of the Implementation Program are directed to the Planning Department and Historic Preservation Commission. Most of these items would require a financial investment, including a new Intensive Resources Survey, literature drops and workshops, and the creation of design guidelines.

Analysis:

Staff has prepared revisions to Section 13-1500 and Section 5 of 13-200 of the Green Bay Municipal Code. These sections guide our Historic Preservation Commission for the City. Along with some technical updates, there are three main objectives in revising these sections of code:

- Create a Landmarks Commission to replace the Historic Preservation Commission (HPC)
- Offer staff-level reviews for faster permit turnaround
- Achieve Certified Local Government status with a binding review ordinance

The Landmarks Commission would replace our existing HPC and will be appointed with professionals in the field, as well as historic property residents and owners. This will give a new level of effectiveness to the Commission and allow them to be utilized as a tool for property owners who are considering exterior work to their historic property. The Commission make-up is listed in Section 13-215.

Staff-level reviews would be offered through this ordinance update, which would negate long wait times for permits. The Commission would still be responsible for major projects, but minor projects would be reviewed by staff. Staff-level reviews are listed in Section 13-1508(e).

As listed in the Comprehensive Plan review, there are numerous objectives for preservation detailed in our Smart Growth 2022 Plan. The ordinance update from advisory to binding is listed, as well as a variety of projects and community outreach initiatives. If the City has a binding design review as part of our ordinance, we could apply to be a Certified Local Government (CLG). CLG status makes a municipality eligible for up to \$25,000 in grant funding annually. This funding could be used for new surveys, marketing tools, educational outreach, events, along with many other things. It allows a municipality to further their preservation efforts without a cost to tax payers.

With a more professional commission, faster review options available and all decisions appealable to City Council, staff believes it will make a binding review more effective than our current advisory review. Each project and recommendation is reviewed on a case-by-case basis; nothing is out-right prohibited. Staff has compiled "cheat sheets" for each property which detail defining features of the property, architectural style, and what previous work has been completed. This is what the Commission will use when analyzing each project. This is also the least restrictive binding ordinance allowed, giving the City and property owners much flexibility.

Staff is in support of revising the proposed sections of code. With the proposed ordinance, the City can help offer a level of protection to property owners to ensure historic degradation does not occur next door, in their district, or throughout the City. This will protect property values and historical integrity, while opening the City up to new funding opportunities.

A public meeting was held on April 30, 2018, with generally positive response. Staff has also met with and presented to the Astor Board and Astor Neighborhood Association in early 2018. Alderpersons with historic properties in their districts (B. Galvin, R. Scannell and B. Johnson) have been updated as these meetings have progressed. The attached "Quick Facts" sheet has been supplied to the Alderpersons, as well as neighborhood associations.

RECOMMENDATION

Approval of request, as proposed in the attached draft text amendment.

FISCAL IMPACT

ATTACHMENTS

1. Clean Draft Ordinance, TA 18-04, HPC Update
2. Historic Preservation Ordinance; Quick Facts
3. DRAFT GO 18-18 - Amend and create sections of Chapter 13 relating to historic preservation of sites, structures & distri

SECTION 5. HISTORIC PRESERVATION

13-214. Purpose and intent. It is hereby declared a matter of public policy that the protection, enhancement, perpetuation, and use of improvements or sites of special character or special architectural or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety, and welfare of the people. The purpose of this section and Chapter 13-500, Green Bay Municipal Code, is to:

- (a) Effect and accomplish the protection, enhancement, and perpetuation of such improvements, sites, and districts which represent or reflect elements of the City's cultural, social, economic, political, and architectural history.
- (b) Safeguard the City's historic and cultural heritage as embodied and reflected in such historic structures, sites, and districts.
- (c) Foster civic pride in the notable accomplishments of the past.
- (d) Stabilize and improve property values.
- (e) Protect and enhance the City's historic districts, structures, and sites for the benefit of residents, tourists, and visitors and serve as a support and stimulus to business and industry.
- (f) Improve and enhance the visual and aesthetic character of the City.
- (g) Educate the public regarding the need and desirability of a City historic preservation program and its enhancement of the quality of life.

13-214(m). Definitions. In this section:

- (a) Alteration. Any act or process which changes one or more of the exterior features of an improvement, including but not limited to the erection, construction, reconstruction, or moving of any improvement.
- (b) Certificate of Appropriateness. A statement issued by the Landmarks Commission (LC), or their designee, verifying that the LC has reviewed an application for a proposed alteration, rehabilitation, construction, reconstruction, or demolition of a historic structure, historic site, or any improvement in a historic district; that the LC has found the requested action to be appropriate to the general character of the improvement, historic structure, historic site, or historic district; and that the requested action may be taken subject to applicable building and zoning codes.
- (c) Character. All those visual aspects and physical features that comprise the appearance of a historic structure, historic site, or historic district. Character-defining elements include the overall shape, its materials, craftsmanship, decorative details, spaces, and features, as well as the various aspects of its site and environment.
- (d) Contributing Building. A building, object, or site located within the boundaries of a local historic district and identified as contributing to the historical, cultural, archeological, or architectural significance of the local historic district.
- (e) Demolition. Any act or process which destroys in part or in whole an improvement.
- (f) Features. Elements that give a historic structure, historic site, or historic district its visual character and that should be taken into account in order to preserve them to the maximum extent possible. For historic structures, features also include the kind and texture of

the building material, and the type and style of all windows, doors, and all other architectural elements.

(g) Historic District. A place or area designated as an historic district pursuant to the provisions of this chapter. In order to be designated, the following requirements shall be met: the historic district may contain, within definable geographic boundaries, one or more historic structures along with such other buildings, places or areas which, while not of such historic significance to be designated as historic structures, nevertheless contribute to the overall visual characters of the historic structure or structures located within the District.

(h) Historic Site. A place or area designated as an historic site pursuant to the provisions of this chapter. In order to be designated, the following requirements shall be met: the historic site must represent, within definable geographic boundaries, any building, landscape, site, improvement, event, or structure that is or was of local, regional, or national significance.

(i) Historic Structure. Any improvement which has a special character or special historic interest or value as part of the development, heritage, or cultural characteristics of the City and which has been designated as an historic structure pursuant to the provisions of this chapter.

(j) Improvement. Any building, structure, place, work of art, or other object constituting a physical betterment of real property, or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs and the like.

13-215. Landmarks Commission composition. The Landmarks Commission (LC) is established to promote and administer all historic preservation functions required by Green Bay Municipal Code Chapter 13-1500 and Section 5 of Chapter 13-200. Pursuant to the provisions of Wis. Stats. 62.23(7)(em), a Landmarks Commission is hereby created, consisting of seven members. Of the membership, one shall be a registered architect, one shall be a historian or licensed contractor, one shall be a licensed real estate broker or licensed appraiser, one shall be an alderperson, and three shall be citizen members. Two of these citizen members shall reside in or own a certified historic structure or site. All members must be current residents of the City of Green Bay. Each member shall have, to the highest extent practicable, a known interest in historic preservation. If an architect, historian/contractor, or real estate broker/appraiser is not available at time of vacancy, an appropriate alternative professional may be appointed by the Mayor only if two of the three listed professions are already represented on the Commission. The chairperson of the LC shall be chosen by the members of the LC, but may not be a person affiliated with the city government in any capacity beyond the LC, including employment, appointment, or election. The Mayor shall appoint the commissioners, subject to confirmation by the Common Council. Of the initial members so appointed, two shall serve a term of one year, two shall serve a term of two years, and three shall serve a term of three years. Thereafter, the term for each member shall be three years.

13-216. Historic structure, historic site, and historic district designation criteria. For purposes of this ordinance, a historic structure, historic site, or historic district designation may be placed on any site, natural or improved, including any building, improvement, or structure located thereon or any area of particular historic, architectural, archeological, or cultural significance to the City. See section 13-1502 for designation provisions.

13-217. Powers and duties of Landmarks Commission. See Section 13-1507 for powers and duties.

CHAPTER 13-1500. HISTORIC STRUCTURES, SITES, AND DISTRICT REGULATIONS

13-1501. Purpose and intent. It is hereby declared a matter of public policy that the protection, enhancement, perpetuation, and use of improvements or sites of special character or special architectural or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety, and welfare of the people. The purpose of this Chapter and Section 5 of Chapter 13-200, Green Bay Municipal Code, is to:

- (a) Effect and accomplish the protection, enhancement, and perpetuation of such improvements, sites, and districts which represent or reflect elements of the City's cultural, social, economic, political, and architectural history.
- (b) Safeguard the City's historic and cultural heritage, as embodied and reflected in such historic structures, sites, and districts.
- (c) Foster civic pride in the notable accomplishments of the past.
- (d) Stabilize and improve property values.
- (e) Protect and enhance the City's historic districts, structures, and sites for the benefit of residents, tourists, and visitors and serve as a support and stimulus to business and industry.
- (f) Improve and enhance the visual and aesthetic character of the City.
- (g) Educate the public regarding the need and desirability of a City historic preservation program and its enhancement of the quality of life.

13-1501(m). Definitions. The terms and definitions in Green Bay Municipal Code § 13-214(m) apply to this section.

13-1502. Designation of historic structures, sites, and districts. Pursuant to the provisions of Wis. Stats. 62.23(7)(em) as it may be amended from time to time, the Landmarks Commission (LC) may after notice and public hearing designate a structure, site, or district as historic.

(a) Standards for designation. The designation may be applied to any area of particular historic, architectural, archeological, or cultural significance to the City, including those that:

- (1) Exemplify or reflect the broad cultural, political, economic, or social history of the nation, state, or community.; or
- (2) Are identified with historic personages or with important events in national, state, or local history; or
- (3) Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for the study of a period, style, or method of construction or of indigenous materials or craftsmanship; or
- (4) Are representative of the notable works of master builders, designers, or architects who influenced their age; or
- (5) Have yielded or may be likely to yield information important to history or prehistory; or
- (6) Historic structures and sites which are on the National or State Register of Historic Places shall be designated as a City historic structure or site.

(b) The LC may adopt specific operating guidelines for historic structure, historic site, and historic district designation providing such are in conformance with Chapter 13-1500 and Section 5 of Chapter 13-200, Green Bay Municipal Code.

13-1503. Procedure for nomination and designation of historic structures, sites, and districts. The Landmarks Commission (LC) may after notice and public hearing nominate to the Common Council parcels for historic structure, site or district designation, or recommend rescinding such designation previously made upon application of the criteria herein. No such nomination or recommendation shall

be final until approved by the Common Council. The procedure for designation of a historic district may be initiated by the LC or by property owners wishing to be included within an historic district.

(a) The LC shall notify the owners of record, as listed in the office of the City Assessor, of all properties proposed for designation or inclusion within a proposed district and all properties within one hundred (100) feet of the proposed site or district's boundaries. These owners may confer with the LC prior to final action on the designation.

(b) The LC shall notify all Council members of the proposed district, the Mayor, Director of Public Works, Director of Parks and Recreation Department, Development Services Manager, Zoning Administrator, and the Director of the Department of Community and Economic Development. Each may respond to the LC with its comments on the proposed designation at or prior to the hearing.

(c) The LC shall conduct the public hearing. It may call witnesses, including experts, and may subpoena such witnesses and records as it deems necessary. The LC may view the properties in question and direct the conduct of an independent investigation into the proposed designation or rescission.

(d) After the close of the public hearing, the LC shall make and forward a recommendation to the Common Council. The owners of record of the above-referenced properties shall be notified in writing by the LC of the date, time, and place the Common Council will act on its recommendation.

(e) The Common Council shall approve or deny the recommendation of the LC.

(f) Upon approval by the Common Council of any nomination or recommendation of the LC, the historic structure, site, or district shall be designated as such on or removed from the City's official zoning map.

13-1504. Recognition of historic structures and sites. At such time as a historic structure or site has been properly designated and approved in accordance with this section, the Landmarks Commission may allow and/or cause to be prepared and erected on such structure or site a suitable plaque identifying the structure or site and placed so as to be easily visible to passing pedestrians.

(a) In the case of a historic structure, the plaque shall state the accepted name of the structure, the date of its construction, and other information deemed appropriate by the LC and acceptable to the owner.

(b) In the case of a historic site that is not the site of an historic structure, the plaque shall state the common name of the site and such other information deemed appropriate by the LC.

(c) In the case of a historic district, a marker or sign shall state the name of the district and such other information deemed appropriate by the LC.

13-1505. Historic districts are overlay districts. A designated historic district shall be considered an overlay district that is in addition to the underlying base zoning. Provisions for specific uses within the base district(s) may be modified, and specific guidelines for design review may be added through the historic district preservation plan, as provided in Chapter 13-1506.

13-1506. Creation of historic district preservation plan. In conjunction with the creation of a historic district, the Landmarks Commission, with the assistance of the Planning Department, shall prepare an historic preservation plan for the district. The plan shall include the following:

(a) A statement of preservation objectives.

(b) A cultural and architectural analysis supporting the historic significance of the area and any specific guidelines for development.

(c) An inventory of buildings that contribute to the distinctive architectural or special historic character of the district as a whole (contributing buildings) and buildings that do not so contribute (noncontributing buildings).

(d) Guidelines applicable to renovation of existing buildings and structures, to any new construction, and to site improvements within the district. The general guidelines in Chapter 13-1509 should be supplemented with more specific guidelines based upon the cultural and architectural character of the district.

13-1507. Powers and duties of Landmarks Commission

The Landmarks Commission (LC) shall have the following powers and duties.

(a) Designation of historic structures, historic sites, and historic districts. The LC shall have the power, subject to Section 13-1503 of the Municipal Code, to recommend designation of historic structures, historic sites, and historic districts within the City limits. Such recommendations for designation shall be based on Section 13-216 and Section 13-1502 of the Municipal Code. Approval by the Common Council results in historic structure, historic site, or historic district designation. Once designated, such historic structures, sites, and districts shall be subject to all provisions of Chapter 13-1500 and Section 5 of Chapter 13-200 of the Municipal Code.

(b) Regulation of Construction, Reconstruction, Alteration, and Demolition.

(1) No owner or person in charge of a designated historic structure, designated historic site, or a structure within a designated historic district shall reconstruct, alter, or demolish all or any part of the exterior of such property, or construct any improvement upon such property, or cause or permit any such work to be performed upon such property, or demolish such property unless a Certificate of Appropriateness (COA) has been granted. A COA is the certificate issued by the LC, the Director of Community and Economic Development, or their designee, approving alteration, rehabilitation, construction, reconstruction, or demolition of a designated historic structure, designated historic site, or a site or structure located in a designated historic district. Unless a COA has been granted, the Development Services Manager shall not issue a permit for any such work.

(2) Upon filing of any application for a COA with the LC, the LC shall approve the application unless:

a. In the case of a designated historic structure or designated historic site, the proposed work would detrimentally change, destroy, or adversely affect any exterior feature of the improvement or site upon which said work is to be done;

b. In the case of construction of a new improvement upon a designated historic site or within a designated historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within the district;

c. In the case of any property located in a designated historic district, the proposed construction, reconstruction, exterior alteration, or demolition does not conform to the purpose and intent of Chapter 13-1500 and Section 5 of Chapter 13-200 of the Municipal Code, or to the objectives and design criteria of the historic preservation plan for said district;

d. The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the city or state;

e. In the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair.

(3) If the LC determines that the application for a COA and the proposed changes are consistent with the character of the features of the property or district, it shall issue the COA. The LC shall make this decision within thirty (30) days of the filing of the application. If the LC is unable to make a decision within thirty (30) days, the Director of Community and Economic Development, or their designee, shall make the decision.

(4) The issuance of a COA shall not relieve the applicant from obtaining other permits and approvals required by the city. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of a COA required for the proposed work.

(5) A COA expires one (1) year from the issuance date.

(6) Ordinary maintenance and repairs may be undertaken without a COA provided that the work involves repairs to existing features of a historic structure or structure within a designated historic district. A COA is not required for the replacement of elements of a structure with pieces identical in material and appearance, provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit. See also 13-1508(d) of the Municipal Code.

(7) Work done without a COA.

a. If a COA is not obtained prior to the commencement of work, a fee will be charged as established by the Common Council

b. When work or demolition has been done upon a designated historic structure, designated historic site, or structure within a designated historic district without a COA, and the LC finds that the work or demolition requires a COA but does not qualify for a COA, that work or demolition constitutes a violation of this ordinance and the LC may require the owner to restore the structure or site to the condition the structure or site was in before the inappropriate work was conducted or modify the work so that it qualifies for a COA. If work or demolition cannot be restored, a fee will be charged as established by the Common Council.

c. If the owner does not comply with the restoration or modification requirement within sixty (60) days, the LC may seek an order from the circuit court to require the owner to restore the structure or site to its former condition or to modify the work so that it qualifies for a COA.

d. If the owner does not comply or cannot comply with the order of the court, the LC or its agent may elect to, but is not required to, enter the property and conduct work necessary to restore the structure or site to its former condition or modify the work so that it qualifies for a COA in accordance with the court's order. The cost of the work shall be charged to the owner and may be levied by the City as a special assessment against the property. When acting pursuant to said order of the circuit court, the LC or its agents may enter a property for purposes of this section.

(c) Appeals. Should the LC or their designee fail to issue a COA due to the failure of the proposal to conform to the requirements and guidelines of Chapter 13-1500 and Section 5 of Chapter 13-200 of the Municipal Code and applicable guidelines, the applicant may appeal such decision to the Common Council within thirty (30) days. In addition, if the LC fails to issue a COA, the LC shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a COA within the requirements and guidelines of Chapter 13-1500 and Section 5 of Chapter 13-200.

(d) Demolition by neglect. Neglect in maintaining, repairing, or securing a designated historic structure, designated historic site, or a structure in a designated historic district that results in deterioration of an exterior feature of the structure or site or the loss of structural integrity of the structure or site constitutes demolition by neglect. Upon a finding by the LC that a designated historic structure, designated historic site, or structure in a designated historic district is threatened by demolition by neglect, such neglect constitutes a violation of this ordinance and the LC may do either of the following:

(1) Require the owner of the property to repair all conditions contributing to demolition by neglect; or

(2) If the owner does not make repairs within sixty (60) days, the LC or its agent may elect to, but is not required to, enter the property and make such repairs as are necessary to prevent demolition by neglect, provided:

a. That an estimate of the anticipated cost is provided to LC and it authorizes going forward with the repairs, designating a source of the funds to be made available; or

b. The LC, through grants, donations, or other efforts on its own, provides the funding necessary to accomplish the necessary repairs. Such funds shall be handled and accounted for in accordance with Section 13-1507 (l) of the Municipal Code.

The costs of the work shall be charged to the owner, and may be levied by the city as a special assessment against the property. The LC or its agents may enter the property for purposes of this section upon obtaining an order from the circuit court. All funds recovered from a property owner pursuant to this provision shall be returned to the same source from which it was obtained. (e) Develop appropriate criteria and standards for identifying and evaluating neighborhoods, areas, places, structures, and improvements within the City which have distinctive character of special historic, aesthetic, architectural, archaeological, or cultural interest or value and might be classified as historic sites, structures, or districts.

(f) Conduct studies and surveys of neighborhoods, areas, places, structures, and improvements within the City for the purpose of determining those of a distinctive character or special historic, aesthetic, architectural, archaeological, or cultural interest or value and of compiling appropriate descriptions, facts, lists, and files.

(g) Promote public education, interest, and support for the preservation and enhancement of such historic sites, structures, or districts.

(h) Cooperate with and advise the Common Council and other agencies and departments of government with regard to such matters as may be appropriate with respect to historic sites, structures, or districts.

(i) Cooperate with and enlist assistance from the National Trust for Historic Preservation, the State Historical Society, the County Historical Society, and other agencies, groups, or individuals active in the field of historic and cultural preservation.

(j) Work on a voluntary basis with the owners of historic sites and structures advising them on the benefits, problems, and techniques of preservation and encouraging their participation in preservation activities.

(k) Nominate those neighborhoods, areas, places, structures, and improvements of special historic, aesthetic, architectural, archeological, or cultural significance to the National Register of Historic Places if appropriate.

(l) As it deems advisable, receive and solicit funds for the purpose of historic preservation in the city. Such funds shall be placed in a special city account for such purpose, to be administered by the LC.

13-1508. Review of construction, reconstruction, or alteration. No owner or person in charge of a historic site, historic structure, or site or structure within a historic district shall construct or alter any part of the structure or site, and no building permit shall be issued for the structure or site until design review has been completed and a Certificate of Appropriateness (COA) has been issued.

(a) Intent. Design review is binding in nature. The general guidelines in Chapters 13-1510 and 1511, Green Bay Municipal Code, and any specific guidelines developed for the historic district in question shall be used in design review.

(b) Applicability. The following applications for designated historic sites, designated historic structures, or sites within designated historic districts, or structures within designated historic districts shall be subject to design review.

(1) Applications which involve modification of the physical configuration of a property, such as the erection of a new building, the demolition of an existing building, or the expansion of an existing building.

(2) Applications that involve a change in the exterior appearance of a property, such as roofing, siding, window replacement, fencing, paving, or signage.

(3) Any other application requiring a building permit from the Department of Community and Economic Development, with the exception of interior alterations that will not change the exterior appearance of the structure.

(c) Maintenance and repairs permitted. Ordinary exterior maintenance, painting, and repairs may be undertaken without a review and recommendation by the Landmarks Commission (LC) provided that:

(1) The work involves repairs to existing features of an historic structure or site or replacement of elements of a structure with pieces identical in material and appearance, and

(2) Provided that the work does not change the exterior appearance of the structure or site.

(3) Sandblasting of any exterior surface is prohibited. Other types of abrasive exterior cleaning including, but not limited to, and media blasting or water blasting with any media additive, or corrosive cleaning including, but not limited to, muriatic acid wash, are also prohibited unless specifically approved prior to work by the LC.

(d) Building permit required. (Cr. GO 31-09) A building permit is required for applications as listed in Section 13-1508(b) that are subject to design review.

(e) Authority to Issue COA. The LC and, in certain limited cases described below, the Director of Community and Economic Development, or their designee, may issue a COA in accordance with this section. The Director of Community and Economic Development, or their designee, shall make this decision within thirty (30) days of the filing of the application. If the Director/designee is unable to make a decision within thirty (30) days, approval of the COA shall be granted. If a COA is denied by the Director/designee, this decision may be appealed to the LC. The Director of Community and Economic Development, or their designee, may issue a COA in the following cases:

(1) Roof repair/replacement.

(2) Gutter repair/replacement.

(3) Private sidewalk and driveway repair/replacement of the same dimensions and orientation.

(4) Chimney repair and tuckpointing according to the Secretary of the Interior Standards and in appropriate color and design.

(5) Installation of fences.

(6) Storm window or storm door installation, repair, or replacement.

(7) Installation of glass blocks in basement window openings.

(8) Painting of existing unpainted brick.

(9) Unattached nonvisible accessory structures.

(10) Replacement of identical siding.

(11) Replacement or repair to porches identical to existing style and materials.

(12) Commercial sign replacement of identical dimensions.

13-1509. Design review procedures.

(a) Any application for a permit from the Department of Inspections shall also be filed with the Landmarks Commission (LC).

(b) As part of the application, the applicant shall submit a detailed description of the proposed construction, reconstruction, or alteration, together with any architectural drawings if those services have been utilized, along with a description of the construction or alteration sufficient to enable the LC to evaluate the final appearance of the structure. Photos and/or material samples are required as part of the application.

(c) Design review shall be conducted concurrent with site plan review, as specified in Chapter 18, Site Plan Review, when site plan review is required.

(d) Property owners within 100-feet of the subject property will be notified of the Design Review if the COA is being reviewed by the LC.

(e) After the filing of any application, the LC shall issue a Certificate of Appropriateness (COA) subject to the requirements of 13-1507, Green Bay Municipal Code. During the period of review, the Commission will work with the applicant to preserve the historical attributes of the building, structure, or site. If the LC does not issue a COA based on the requirements of 13-1507(b)(2), Green Bay Municipal Code, the LC shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a COA within the requirements and guidelines of Chapter 13-1500 and Section 5 of Chapter 13-200, Green Bay Municipal Code.

13-1510. Guidelines for renovation of existing buildings. The Landmarks Commission will consider the following factors in arriving at its recommendation:

(a) Whether there is a change in use that requires minimal change to the defining characteristics of the building and its site and environment.

(b) Whether the historic character of the property will be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

(c) Each property shall be recognized as a physical record of its time, place, and use and maintaining features and architectural elements of the period shall be encouraged.

(d) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

(e) Deteriorated historical features should be repaired rather than replaced, where feasible. Where replacement is necessary, the new feature shall match the old in design, color, texture and other visual qualities, and, where possible, materials.

(f) The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest methods possible. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used.

(g) New additions, exterior alterations, or related new construction should not destroy historic materials that characterize the property. The new work should be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

(h) New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(i) The "Secretary of the Interior's Standards for Rehabilitation" (36 CFR 67 and 68 as amended).

13-1511. Guidelines for new structures and additions. The following elements shall be visually compatible with the contributing buildings and environment to which they are visually related and with the architectural style(s) of the district, where applicable:

(a) Building height.

(b) Building volume and massing.

(c) On the street elevation of a building, the proportion between the width and height in the façade.

(d) The proportions and relationships between doors and windows in the street façade.

(e) The directional expression of the street façade (horizontal or vertical expression).

(f) Exterior building materials.

(g) Roof design and shape.

(h) Landscape plan, off-street parking and drives, fencing, and other aspects of site design.

13-1512. Standards for approval of demolition or recommendation of preservation. The following standards shall be considered:

(a) Whether the building or structure is of such architectural or historic significance that its demolition would be detrimental to the public interest.

(b) Whether the structure, when in an historic district, although not itself an historic structure, contributes to the distinctive character of the historic district as a whole and, therefore, demolition would be detrimental to the public interest.

(c) Whether the demolition of the structure would be contrary to the objectives of the Historic Preservation Plan for the applicable historic district, where applicable.

(d) Whether the structure is of such old, unusual, or uncommon design, texture, and/or material that it could not be reproduced or could be reproduced only with great difficulty and/or expense.

(e) Whether the structure is in such a deteriorated condition that it is not structurally or economically feasible to preserve or restore it, provided that any hardship or difficulty claimed by the owner, which is self-created or the result of any failure to maintain the structure in good repair, cannot qualify as a basis for the issuance of a demolition permit.

(f) Whether the denial of the application would deny the owner of the structure all economically-viable use of the property.

13-1513. Interim control. No building permit shall be issued by the Building Inspection Superintendent for alteration, construction, demolition, or removal of a nominated historic structure, a nominated historic site, or any property or structure within a proposed historic district from the date of the first notice of public hearing by the Landmarks Commission until final disposition by the LC or Common Council, unless such action is authorized by formal resolution of the Common Council as necessary for public health, welfare, or safety. The period of delay shall not exceed ninety (90) days.

13-1514. Penalties for Violations. Any person or persons violating any provision of Chapter 13-1500 or Section 5 of Chapter 13-200, Green Bay Municipal Code, may be fined no less than \$50.00 for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate offense. Notice of violations shall be issued by the Development Services Manager. Fine amounts shall be established by Common Council.

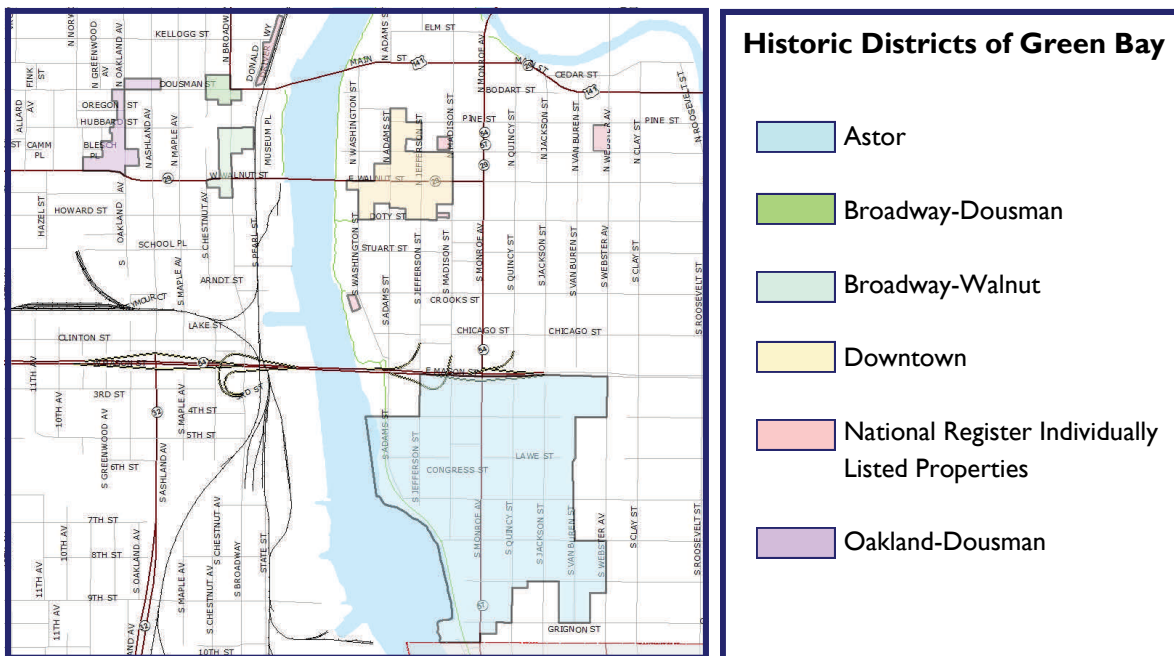
13-1515. Conditions Dangerous to Life, Health or Property. Nothing contained in this chapter shall prohibit the making of emergency repairs to a historic building in compliance with an order of any governmental agency or court of law to remedy conditions determined to be dangerous and a substantial threat to life, health or property. In addition, nothing contained in this chapter shall prohibit the demolition of a historic building which has been condemned in accordance with the provisions of §66.0413(3), Wis. Stats. In any such cases, no approval from the LC shall be required. A building official shall send a copy of any emergency order or demolition permit affecting a historic building to the LC at the time that such order or permit is issued.

Historic Preservation Ordinance Update:

Quick Facts

The City of Green Bay's Department of Community and Economic Development staff and the Historic Preservation Commission have been working to revise our existing Historic Preservation ordinance. Generally, we are hoping to accomplish **THREE** objectives with the ordinance update:

1. **Create a Landmarks Commission to replace the Historic Preservation Commission**
2. **Offer staff-level reviews for faster permit turnaround**
3. **Achieve Certified Local Government status with a binding review ordinance**



The **Landmarks Commission** will be appointed with professionals in the field, as well as historic property residents and owners. This will give a new level of effectiveness to the Commission. The Landmarks Commission should be viewed as a tool for property owners, versus a necessary step in the process.

Staff-level reviews would negate the need to go before the Landmarks Commission for minor projects, streamlining the process so property owners can get permits faster.

With a more professional commission, faster review options available, and all decisions appealable to City Council, we believe it will make a binding review more effective than our current advisory review. Each project and recommendation is reviewed on a case-by-case basis; **nothing is out-right prohibited**. "Cheat-sheets" for each property will detail defining features of the property, architectural style, and what previous work has been completed on the property. This is what the Landmarks Commission will use when analyzing each project.

This is the least restrictive binding ordinance allowed, giving the City and property owners much flexibility. With the proposed ordinance, the City can help offer a level of protection to those property owners to ensure historic degradation doesn't occur next door, or in their district. This will protect property values within the districts.

Overall, this ordinance update is intended to protect the historical integrity of our properties, districts, and the City. Green Bay is the oldest city in Wisconsin, and we need to continue protecting that history!

What the new ordinance **won't** do:

- Require property owners to overspend on projects; cost estimates and contractor bids will be taken into consideration on each application
- Give the City control over painting, landscaping, or the interior of a historic property
- Change how you are taxed or how assessments are done; historic designation has no bearing on these things
- Create further City oversight of your property; historic properties are already regulated under Chapter 13 of the Municipal Code, requiring a review of all exterior projects
- Allow the City to out-right deny applications based on materials or style; each property is unique and requires an individual analysis for proper renovation

What the new ordinance **will** do:

- Open the City up to grant funding from the state for Historic Preservation initiatives, including updated surveys, educational outreach, events, and tourism projects
- Protect the historical integrity of properties and districts, while also protecting property values
- Create a more effective process that will allow property owners to use the Landmarks Commission as a resource and will minimize the wait time between application and building permit
- Require more professionals and historic property owners to be actively involved through the Landmarks Commission
- Allow all reviews to be appealable to City Council

Funding Sources Available

State Historic Tax Credits: 25% Residential, 20% Commercial

Federal Historic Tax Credits: 20% Commercial

Historic Preservation Revolving Loan Fund: up to \$10,000 at 2% interest rate

Single-Family Conversion Grant: up to \$10,000; additional \$5,000 loan at 0% available for owner occupants

Commercial Façade Grant: up to \$5,000 not exceeding 75% of total project costs

Community Development Revolving Loan Fund (Commercial): \$10-250,000 at 4% interest rate

Low- to Moderate-Income Households: please contact Kevin King at (920) 448-3402 for additional programs

For additional information on funding sources within the City, please contact the Department of Community and Economic Development at (920) 448-3300.

For additional information regarding Historic Preservation, please contact Stephanie Hummel at (920) 448-3424 or stephaniehu@greenbaywi.gov.

GENERAL ORDINANCE NO. 8-18
DRAFT
AN ORDINANCE
AMENDING AND CREATING SECTIONS OF CHAPTERS 13,
GREEN BAY MUNICIPAL CODE,
RELATING TO THE HISTORIC PRESERVATION OF SITES,
STRUCTURES AND DISTRICTS

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

SECTION 1. Sections 13-214 through 13-217, Green Bay Municipal Code, is hereby amended as follows:

HISTORIC PRESERVATION

Sec. 13-214. Purpose and intent.

(1) It is hereby declared a matter of public policy that the protection, enhancement, perpetuation, and use of improvements or sites of special character or special architectural or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety, and welfare of the people. The purpose of this section and Chapter 13-500, Green Bay Municipal Code, is to:

- (a) Effect and accomplish the protection, enhancement, and perpetuation of such improvements, sites, and districts which represent or reflect elements of the City's cultural, social, economic, political, and architectural history.
- (b) Safeguard the City's historic and cultural heritage as embodied and reflected in such historic structures, sites, and districts.
- (c) Foster civic pride in the notable accomplishments of the past.
- (d) Stabilize and improve property values.
- (e) Protect and enhance the City's attractions—historic districts, structures, and sites for the benefit of ~~to~~ residents, tourists, and visitors and serve as a support and stimulus to business and industry.
- (f) Improve and enhance the visual and aesthetic character of the City.
- (g) Educate the public regarding the need and desirability of a City historic preservation program and its enhancement of the quality of life.

(2) Definitions. In this section:

- (a) Alteration. Any act or process which changes one or more of the exterior features of an improvement, including but not limited to the erection, construction, reconstruction, or moving of any improvement.
- (b) Certificate of Appropriateness. A statement issued by the ~~Historic Preservation~~Landmarks Commission (HPCLC), or their designee, verifying that the ~~LCHPC~~ has reviewed an application for a proposed alteration, rehabilitation, construction, reconstruction, or demolition of a historic structure, historic site, or any improvement in a historic district; that the ~~LCHPC~~ has found the requested action to be appropriate to the general character of the improvement, historic structure, historic site, or historic district; and that the requested action may be taken subject to applicable building and zoning codes.
- (c) Character. All those visual aspects and physical features that comprise the appearance of a historic structure, historic site, or historic district. Character-defining elements include the overall shape, its materials, craftsmanship, decorative details, spaces, and features, as well as the various aspects of its site and environment.
- (d) Contributing Building. A building, object, or site located within the boundaries of a local historic district and identified as contributing to the historical, cultural, archeological, or architectural significance of the local historic district.
- (e) Demolition. Any act or process which destroys in part or in whole an improvement.
- (f) Features. Elements that give a historic structure, historic site, or historic district its visual character and that should be taken into account in order to preserve them to the maximum extent possible. For historic structures, features also include the kind and texture of the building material, and the type and style of all windows, doors, and all other architectural elements.
- (g) Historic District. A place or area designated as an historic district pursuant to the provisions of this chapter. In order to be designated, the following requirements shall be met: the historic district may contain, within definable geographic boundaries, one or more historic structures along with such other buildings, places or areas which, while not of such historic significance to be designated as historic structures, nevertheless contribute to the overall visual characters of the historic structure or structures located within the District.
- (h) Historic Site. A place or area designated as an historic site pursuant to the provisions of this chapter. In order to be designated, the following requirements shall be met: the historic site must represent, within definable geographic

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boundaries, any building, landscape, site, improvement, event, or structure that is or was of local, regional, or national significance.

- (i) Historic Structure. Any improvement which has a special character or special historic interest or value as part of the development, heritage, or cultural characteristics of the City and which has been designated as an historic structure pursuant to the provisions of this chapter.
- (j) Improvement. Any building, structure, place, work of art, or other object constituting a physical betterment of real property, or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs and the like.

Sec. 13-215. Historic Preservation Landmarks Commission composition.

The Historic Preservation Commission (HPC) Landmarks Commission (LC) is established to promote and administer all historic preservation functions required by Green Bay Municipal Code Chapter 13-1500 and Section 5 of Chapter 13-200. Pursuant to the provisions of Wis. Stats. 62.23(7)(em), Aa Historic Preservation Landmarks Commission is hereby created, consisting of seven members. Of the membership ~~and if available in the community~~, one shall be a registered architect, one shall be a historian, one shall be a licensed real estate broker or licensed appraiser, one shall be an alderperson, and three shall be citizen members. Two of these citizen members shall with priority given to persons who reside in or own a certified historic district, structure, or site. All members must be current residents of the City of Green Bay. Each member shall have, to the highest extent practicable, a known interest in historic preservation. If an architect, historian/contractor, or real estate broker/appraiser is not available at time of vacancy, an appropriate alternative professional may be appointed by the Mayor only if two of the three listed professions are already represented on the Commission. The chairperson of the LCHPC shall be chosen by the members of the LCHPC, but may not be a person affiliated with the city government in any capacity beyond the LCHPC, including employment, appointment, or election. The Mayor shall appoint the commissioners, subject to confirmation by the Common Council. Of the initial members so appointed, two shall serve a term of one year, two shall serve a term of two years, and three shall serve a term of three years. Thereafter, the term for each member shall be three years.

Sec. 13-216. Historic structure, historic site, and historic district designation criteria.

(1) For purposes of this ordinance, an historic structure, historic site, or historic district designation may be placed on any site, natural or improved, including any building, improvement, or structure located thereon or any area of particular historic, architectural, archeological, or cultural significance to the City. See section 13-1502 for designation provisions., such as historic structures, sites, or districts which:

- (a) Exemplify or reflect the broad cultural, political, economic, or social history of the nation, state, or community; or

- (b) ~~Are identified with historic personages or with important events in national, state, or local history; or~~
- (c) ~~Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship; or~~
- (d) ~~Are representative of the notable work of a master builder, designer, or architect who influenced his age; or~~
- (e) ~~Have yielded, or may be likely to yield, information important to prehistory or history. The Commission may adopt specific operating guidelines for historic structure, historic site, and historic district designation.~~

Sec. 13-217. Powers and duties of Historic Preservation Landmarks Commission.

(1) ~~-See Section 13-1507 for powers and duties. The authority and activities of the Commission shall be advisory, and it shall act in a cooperative capacity and rely upon voluntary compliance. The basic function of the Commission shall be the development of public support and the location and identification of historic sites, historic structures, and historic districts. The duties of the Commission shall be to:~~

- (a) ~~Develop appropriate criteria and standards for identifying and evaluating neighborhoods, areas, places, structures, and improvements within the City which have distinctive character of special historic, aesthetic, architectural, archaeological, or cultural interest or value and might be classified as historic sites, structures, or districts.~~
- (b) ~~Conduct studies and surveys of neighborhoods, areas, places, structures, and improvements within the City for the purpose of determining those of a distinctive character or special historic, aesthetic, architectural, archaeological, or cultural interest or value and of compiling appropriate descriptions, facts, lists, and files.~~
- (c) ~~Promote public education, interest, and support for the preservation and enhancement of such historic sites, structures, or districts.~~
- (d) ~~Cooperate with and advise the Common Council and other agencies and departments of government with regard to such matters as may be appropriate with respect to historic sites, structures, or districts.~~
- (e) ~~Cooperate with and enlist assistance from the National Trust for Historic Preservation, the State Historical Society, the County Historical Society, and other agencies, groups, or individuals active in the field of historic and cultural preservation.~~

- ~~(f) Work on a voluntary basis with the owners of historic sites and structures advising them on the benefits, problems, and techniques of preservation and encouraging their participation in preservation activities.~~
- ~~(g) Designate, with the approval of the Common Council, those neighborhoods, areas, places, structures, and improvements of special historic, aesthetic, architectural, archeological, or cultural significance as historic sites, structures, or districts of the City and nominate those neighborhoods, areas, places, structures, and improvements of special historic, aesthetic, architectural, archeological, or cultural significance to the National Register of Historic Places if appropriate.~~

SECTION 2. Sections 13-1501 through 13-1513, Green Bay Municipal Code, is hereby amended as follows:

CHAPTER 13-1500.

HISTORIC STRUCTURES, SITES, AND DISTRICT REGULATIONS

Sec. 13-1501. Purpose and intent.

(1) It is hereby declared a matter of public policy that the protection, enhancement, perpetuation, and use of improvements or sites of special character or special architectural or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety, and welfare of the people. The purpose of this ~~section~~ Chapter and Section 5 of Chapter 13-200, Green Bay Municipal Code, is to:

- ~~(a) Protect, enhance, and perpetuate~~ Effect and accomplish the protection, enhancement, and perpetuation of such improvements, sites, and districts which represent or reflect elements of the City's cultural, social, economic, political, and architectural history.
- (b) Safeguard the City's historic and cultural heritage, as embodied and reflected in such historic structures, sites, and districts.
- (c) Foster civic pride in the notable accomplishments of the past.
- (d) Stabilize and improve property values.
- (e) Protect and enhance the City's historic districts, structures, and sites for the benefit of residents, tourists, and visitors and serve as a support and stimulus to business and industry.
- ~~(f) Improve and enhance the visual and aesthetic~~ character of the City.

(g) Educate the public regarding the need and desirability of a City historic preservation program and its enhancement of the quality of life.

(2) Definitions. The terms and definitions in Green Bay Municipal Code § 13-214(2) apply to this section.

Sec. 13-1502. Designation of historic structures, sites, and districts.

(1) Pursuant to the provisions of Wis. Stats. 62.23(7)(em) as it may be amended from time to time, the ~~Historic Preservation Landmarks~~ Commission (~~LHPC~~) may after notice and public hearing designate a structure, site, or district as historic.

(a) Standards for designation. The designation may be applied to any area of particular historic, architectural, archeological, or cultural significance to the City, including those that:

~~(1.)~~ Exemplify or reflect the broad cultural, political, economic, or social history of the nation, state, or community; or

~~(2.)~~ Are identified with historic personages or with important events in national, state, or local history; or

~~(3.)~~ Embody the distinguishing characteristics of an architectural types or specimens inherently valuable for the study of a period ~~or periods~~, styles, or methods, ~~or of~~ construction or of indigenous materials or craftsmanship; or

~~(4.)~~ Are representative of the notable works of master builders, designers, or architects who influenced their age; or

~~(5.)~~ Have yielded or may be likely to yield information important to history or prehistory; or

~~(6.)~~ Historic structures and sites which are on the National or State Register of Historic Places shall be designated as a City historic structure or site.

(b) ~~Exemptions. The property of bona fide churches that is used for religious purposes is exempt from any provision of this section which may have a coercive effect upon the practice of religion. Relief from such coercive provision may be obtained by application for a variance to the Historic Preservation Commission. The Commission~~LC may adopt specific operating guidelines for historic structure, historic site, and historic district designation providing such are in conformance with Chapter 13-1500 and Section 5 of Chapter 13-200, Green Bay Municipal Code.

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Sec. 13-1503. Procedure for nomination and designation of historic structures, sites, and districts.

(1) The ~~Historic Preservation~~Landmarks Commission (LC)~~Commission~~ may after notice and public hearing nominate to the Common Council parcels for historic structure, site or district designation, or recommend rescinding such designation previously made upon application of the criteria herein. No such nomination or recommendation shall be final until approved by the Common Council. The procedure for designation of an historic district may be initiated by the ~~Historic Preservation Commission~~LC or by property owners wishing to be included within an historic district.

- (a) The ~~Commission~~LC shall notify the owners of record, as listed in the office of the City Assessor, of all properties proposed for designation or inclusion within a proposed district and all properties within one hundred (100) feet of the proposed site or district's boundaries. These owners may confer with the ~~Commission~~LC prior to final action on the designation.
- (b) The ~~LC~~Commission shall notify all Council members of the proposed district, the Mayor, Director of Public Works, ~~Director of~~ Parks and Recreation Department, ~~Building Inspections Superintendent~~Development Services Manager, Zoning Administrator, and ~~Planning Director~~the Director of the Department of Community and Economic Development. Each may respond to the ~~Commission~~LC with its comments on the proposed designation at or prior to the hearing.
- (c) The ~~Commission~~LC shall conduct the public hearing. It may call witnesses, including experts, and may subpoena such witnesses and records as it deems necessary. The ~~LC~~Commission may view the properties in question and direct the conduct of an independent investigation into the proposed designation or rescission.
- (d) After the close of the public hearing, the ~~Commission~~LC shall make and forward a recommendation to the Common Council. The owners of record of the above-referenced properties shall be notified in writing by the ~~Commission~~LC of the date, time, and place the Common Council will act on its recommendation.
- (e) The Common Council shall approve or deny the recommendation of the ~~LC~~Commission.
- (f) ~~Designation on official zoning map.~~ Upon approval by the Common Council of any nomination or recommendation of the ~~Commission~~LC, the historic structure, site, or district shall be designated as such on or removed from the City's official zoning map.

Sec. 13-1504. Recognition of historic structures and sites.

(1) At such time as an historic structure or site has been properly designated and approved in accordance with this section, the ~~Landmarks Commission~~Commission may allow and/or

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cause to be prepared and erected on such structure or site a suitable plaque identifying the structure or site and placed so as to be easily visible to passing pedestrians.

- (a) In the case of ~~an~~ historic structure, the plaque shall state the accepted name of the structure, the date of its construction, and other information deemed appropriate by the ~~Commission-LC~~ and acceptable to the owner.
- (b) In the case of ~~an~~ historic site that is not the site of an historic structure, the plaque shall state the common name of the site and such other information deemed appropriate by the ~~LCCommission~~.
- (c) **In the case of a historic district, a marker or sign shall state the name of the district and such other information deemed appropriate by the LC.**

Sec. 13-1505. Historic districts are overlay districts.

A designated historic district shall be considered an overlay district that is in addition to the underlying base zoning. Provisions for specific uses within the base district(s) may be modified, and specific guidelines for design review may be added through the historic district preservation plan, as provided in Chapter 13-1506.

Sec. 13-1506. Creation of historic district preservation plan.

(1) In conjunction with the creation of ~~an~~ historic district, the ~~Historic Preservation Landmarks Commission-Commission~~, with the assistance of the Planning Department, shall prepare an historic preservation plan for the district. The plan shall include the following:

- (a) A statement of preservation objectives.
- (b) A cultural and architectural analysis supporting the historic significance of the area and any specific guidelines for development.
- (c) An inventory of buildings that contribute to the distinctive architectural or special historic character of the district as a whole (contributing buildings) and buildings that do not so contribute (noncontributing buildings).
- (d) Guidelines applicable to renovation of existing buildings and structures, to any new construction, and to site improvements within the district. The general guidelines in Chapter 13-1509 should be supplemented with more specific guidelines based upon the cultural and architectural character of the district.

Sec. 13-1507. Powers and duties of ~~Landmarks~~Historic Preservation Commission

(1) The ~~Historic Preservation Landmarks~~ Commission (LC) shall have the following powers and duties.

(a) *Designation of historic structures, historic sites, and historic districts.* The ~~Historic Preservation Commission~~LC shall have the power, subject to Section 13-1503 of the Municipal Code, to recommend designation of historic structures, historic sites, and historic districts within the City limits. Such recommendations for designation shall be based on Section 13-216 and Section 13-1502 of the Municipal Code. Approval by the Common Council results in historic structure, historic site, or historic district designation. Once designated, such historic structures, sites, and districts shall be subject to all provisions of Chapter 13-1500 and Section 5 of Chapter 13-200 of the Municipal Code.

(b) *Regulation of Construction, Reconstruction, Alteration, and Demolition.*

1. No owner or person in charge of a designated historic structure, designated historic site, or a structure within a designated historic district shall reconstruct, alter, or demolish all or any part of the exterior of such property, or construct any improvement upon such property, or cause or permit any such work to be performed upon such property, or demolish such property unless a Certificate of Appropriateness (COA) has been granted by the ~~Historic Preservation Commission~~. A Certificate of Appropriateness COA is the certificate issued by the ~~Historic Preservation Commission~~LC, the Director of Community and Economic Development, or their designee, approving alteration, rehabilitation, construction, reconstruction, or demolition of a designated historic structure, designated historic site, or a site or structure located in a designated historic district. Unless a Certificate of AppropriatenessOA has been granted, the ~~Building Inspection Superintendent~~Development Services Manager shall not issue a permit for any such work.

2. Upon filing of any application for a Certificate of AppropriatenessOA with the ~~Historic Preservation Commission~~LC, the ~~Historic Preservation Commission~~LC shall approve the application unless:

- a. In the case of a designated historic structure or designated historic site, the proposed work would detrimentally change, destroy, or adversely affect any exterior feature of the improvement or site upon which said work is to be done;
- b. In the case of construction of a new improvement upon a designated historic site or within a designated historic district, the exterior of such improvement would adversely affect or not harmonize with the external

appearance of other neighboring improvements on such site or within the district;

- c. In the case of any property located in a designated historic district, the proposed construction, reconstruction, exterior alteration, or demolition does not conform to the purpose and intent of Chapter 13-1500 and Section 5 of Chapter 13-200 of the Municipal Code, or to the objectives and design criteria of the historic preservation plan for said district;
- d. The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the city or state;
- e. In the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair.

- 3. If the ~~Historic Preservation Commission~~LC determines that the application for a ~~Certificate of Appropriateness~~OA and the proposed changes are consistent with the character of the features of the property or district, it shall issue the ~~Certificate of Appropriateness~~OA. The ~~commission~~LC shall make this decision within thirty (30) days of the filing of the application. If the ~~Historic Preservation Commission~~LC is unable to make a decision within thirty (30) days, the Director of Community and Economic Development, or their designee, shall make the decision.
- 4. The issuance of a ~~Certificate of Appropriateness~~OA shall not relieve the applicant from obtaining other permits and approvals required by the city. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of a ~~Certificate of Appropriateness~~OA required for the proposed work.
- 5. A ~~Certificate of Appropriateness~~OA expires one (1) year from the issuance date.
- 6. Ordinary maintenance and repairs may be undertaken without a ~~Certificate of Appropriateness~~OA provided that the work involves repairs to existing features of a historic structure or structure within a designated historic district. A ~~Certificate of Appropriateness~~OA is not required for the replacement of elements of a structure with pieces identical in material and appearance, provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit. See also 13-1508(d) of the Municipal Code.

7. ~~Work done without a Certificate of Appropriateness~~OA.

- a. ~~If a Certificate of Appropriateness~~OA is not obtained prior to the commencement of work, a fee will be charged as established by the Common Council.
 - b. When work or demolition has been done upon a designated historic structure, designated historic site, or structure within a designated historic district without a ~~Certificate of Appropriateness~~OA, and the ~~Historic Preservation Commission~~LC finds that the work or demolition requires a ~~Certificate of Appropriateness~~OA but does not qualify for a ~~Certificate of Appropriateness~~OA, that work or demolition constitutes a violation of this ordinance and the ~~Historic Preservation Commission~~ LC may require ~~the~~an owner to restore the structure or site to the condition the structure or site was in before the inappropriate work was conducted or modify the work so that it qualifies for a ~~Certificate of Appropriateness~~OA. If work or demolition cannot be restored, a fee will be charged as established by the Common Council.
 - c. If the owner does not comply with the restoration or modification requirement within sixty (60) days, the ~~LC~~Historic Preservation Commission may seek an order from the circuit court to require the owner to restore the structure or site to its former condition or to modify the work so that it qualifies for a ~~Certificate of Appropriateness~~OA.
 - d. If the owner does not comply or cannot comply with the order of the court, the ~~Historic Preservation Commission~~LC or its agent may elect to, but is not required to, enter the property and conduct work necessary to restore the structure or site to its former condition or modify the work so that it qualifies for a ~~Certificate of Appropriateness~~OA in accordance with the court's order. The cost of the work shall be charged to the owner and may be levied by the City as a special assessment against the property. When acting pursuant to said order of the circuit court, the ~~Historic Preservation Commission~~ LC or its agents may enter a property for purposes of this section.
- (c) Appeals. Should the ~~Historic Preservation Commission~~LC or their designee fail to issue a ~~Certificate of Appropriateness~~OA due to the failure of the proposal to conform to the requirements and guidelines of Chapter 13-1500 and Section 5 of Chapter 13-200 of the Municipal Code and applicable guidelines, the applicant may appeal such decision to the Common Council within thirty (30) days. In addition, if the ~~Historic Preservation Commission~~LC fails to issue a ~~Certificate of Appropriateness~~OA, the ~~LC~~Historic Preservation Commission shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a

~~Certificate of Appropriateness~~OA within the requirements and guidelines of Chapter 13-1500 and Section 5 of Chapter 13-200.

- (d) Demolition by neglect. Neglect in maintaining, repairing, or securing a designated historic structure, designated historic site, or a structure in a designated historic district that results in deterioration of an exterior feature of the structure or site or the loss of structural integrity of the structure or site constitutes demolition by neglect. Upon a finding by the LC ~~Historic Preservation Commission~~ that a designated historic structure, designated historic site, or structure in a designated historic district is threatened by demolition by neglect, such neglect constitutes a violation of this ordinance and the ~~Historic Preservation Commission~~ LC may do either of the following:-
1. Require the owner of the property to repair all conditions contributing to demolition by neglect; or
 2. If the owner does not make repairs within sixty (60) days, the ~~Historic Preservation Commission~~LC or its agent may elect to, but is not required to, enter the property and make such repairs as are necessary to prevent demolition by neglect, provided:
 - a. That an estimate of the anticipated cost is provided to ~~City Council~~LC and it authorizes going forward with the repairs, designating a source of the funds to be made available; or
 - b. The ~~Historic Preservation Commission~~LC, through grants, donations, or other efforts on its own, provides the funding necessary to accomplish the necessary repairs. Such funds shall be handled and accounted for in accordance with Section 13-1507 (l) of the Municipal Code.
 - c. The costs of the work shall be charged to the owner, and may be levied by the city as a special assessment against the property. The ~~Historic Preservation Commission~~LC or its agents may enter the property for purposes of this section upon obtaining an order from the circuit court. All funds recovered from a property owner pursuant to this provision shall be returned to the same source from which it was obtained.
- (e) Develop appropriate criteria and standards for identifying and evaluating neighborhoods, areas, places, structures, and improvements within the City which have distinctive character of special historic, aesthetic, architectural, archaeological, or cultural interest or value and might be classified as historic sites, structures, or districts.
- (f) Conduct studies and surveys of neighborhoods, areas, places, structures, and improvements within the City for the purpose of determining those of a distinctive

character or special historic, aesthetic, architectural, archaeological, or cultural interest or value and of compiling appropriate descriptions, facts, lists, and files.

- (g) Promote public education, interest, and support for the preservation and enhancement of such historic sites, structures, or districts.
- (h) Cooperate with and advise the Common Council and other agencies and departments of government with regard to such matters as may be appropriate with respect to historic sites, structures, or districts.
- (i) Cooperate with and enlist assistance from the National Trust for Historic Preservation, the State Historical Society, the County Historical Society, and other agencies, groups, or individuals active in the field of historic and cultural preservation.
- (j) Work on a voluntary basis with the owners of historic sites and structures advising them on the benefits, problems, and techniques of preservation and encouraging their participation in preservation activities.
- (k) Nominate those neighborhoods, areas, places, structures, and improvements of special historic, aesthetic, architectural, archeological, or cultural significance to the National Register of Historic Places if appropriate.
- (l) As it deems advisable, receive and solicit funds for the purpose of historic preservation in the city. Such funds shall be placed in a special city account for such purpose, to be administered by the ~~Historic Preservation Commission~~LC.

Sec. 13-~~1507~~1508. Review of construction, reconstruction, or alteration.

(1) No owner or person in charge of an historic site, historic structure, or site or structure within an historic district shall construct or alter any part of the structure or site, and no building permit shall be issued for the structure or site until design review has been completed and a recommendation-Certificate of Appropriateness (COA) has been issued by the Historic Preservation Commission.

- (a)** *Intent.* Design review is advisory-binding in nature. The intent of design review is to provide an opportunity for the Commission to advise applicants on preferred approaches to renovation or rehabilitation of existing buildings, new construction, and other alterations to property. The general guidelines in Chapters 13-~~1509~~ 1510 and ~~1510~~ 1511, Green Bay Municipal Code, and any specific guidelines developed for the historic district in question shall be used in design review.
- (b)** *Applicability.* The following applications for designated historic sites ~~or, designated historic~~ structures, or sites within designated historic districts, or structures within designated historic districts shall be subject to design review.

- ~~(1.)~~ Applications which involve modification of the physical configuration of a property, such as the erection of a new building, the demolition of an existing building, or the expansion of an existing building.
 - ~~(2.)~~ Applications that involve a change in the exterior appearance of a property, such as roofing, siding, window replacement, fencing, paving, or signage.
 - ~~(3.)~~ Any other application requiring a building permit from the Department of Inspections, with the exception of interior alterations that will not change the exterior appearance of the structure.
- (c) *Maintenance and repairs permitted.* Ordinary exterior maintenance, painting, and repairs may be undertaken without a review and recommendation by the **Historic Preservation Landmarks Commission (LC)**, provided that:
- ~~(1.)~~ The work involves repairs to existing features of an historic structure or site or replacement of elements of a structure with materials similar in pieces identical in material and appearance, and
 - ~~(2.)~~ Provided that the work does not change the exterior appearance of the structure or site.
 - ~~(3.)~~ Sandblasting of any exterior surface is prohibited. Other types of abrasive exterior cleaning including, but not limited to, and media blasting or water blasting with any media additive, or corrosive cleaning including, but not limited to, muriatic acid wash, are also prohibited unless specifically approved prior to work by the Historic Preservation Commission LC.
- (d) *Building permit required.* (Cr. GO 31-09) A building permit is required for applications as listed in Section 13-~~1507~~1508 (1)(b) that are subject to design review.
- (e) Authority to Issue Certificates of Appropriateness~~OA. The Historic Preservation Commission LC and, in certain limited cases described below, the Director of Community and Economic Development, or their designee, may issue a Certificate of AppropriatenessOA in accordance with this section. The Director of Community and Economic Development, or their designee, shall make this decision within thirty (30) days of the filing of the application. If the Director/designee is unable to make a decision within thirty (30) days, approval of the COA shall be granted. If a COA is denied by the Director/designee, this decision may be appealed to the LC. The Director of Community and Economic Development, or their designee, may issue a Certificate of AppropriatenessOA in the following cases:~~
1. Roof repair/replacement.

2. Gutter repair/replacement.
3. Private sidewalk and driveway repair/replacement of the same dimensions and orientation.
- (4) Installation of historic plaques (residential only).
4. Chimney repair and tuckpointing according to the Secretary of the Interior Standards and in appropriate color and design.
65. Installation of fences.
76. Storm window or storm door repair or replacement.
87. Installation of glass blocks in basement window openings.
8. Painting of existing unpainted brick.
9. Unattached nonvisible accessory structures.
10. Replacement of identical siding.
11. Replacement or repair to porches identical to existing style and materials.
12. Commercial sign replacement of identical dimensions.

Sec. 13-15081509. Design review procedures.

(a) Any application for a permit from the Department of Inspections shall also be filed with the ~~LandmarksHistoric Preservation~~ Commission (LC).

(b) As part of the application, the applicant shall submit a detailed description of the proposed construction, reconstruction, or alteration, together with any architectural drawings if those services have been utilized ~~by the applicant~~, along with a description of the construction or alteration sufficient to enable the LHPC to evaluate the final appearance of the structure. Photos and/or material samples are required as part of the application.

(c) Design review shall be conducted concurrent with site plan review, as specified in Chapter 18, Site Plan Review, when site plan review is required.

(d) Property owners within 100-feet of the subject property will be notified of the Design Review if the COA is being reviewed by the LC.

(ed) After the filing of any application, the ~~HPC-Historic Preservation Commission~~LC shall issue a ~~recommendation~~Certificate of Appropriateness (COA) subject to the

requirements of 13-1507, Green Bay Municipal Code. The recommendation shall serve as a nonbinding recommendation only. During the period of review, the Commission will work with the applicant to preserve the historical attributes of the building, structure, or site. If the LCHistoric Preservation Commission does not issue a Certificate of AppropriatenessOA based on the requirements of 13-1507(b)(2), Green Bay Municipal Code, the LCHistoric Preservation Commission shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a Certificate of AppropriatenessOA within the requirements and guidelines of Chapter 13-1500 and Section 5 of Chapter 13-200, Green Bay Municipal Code.

Sec. 13-15091510. Guidelines for renovation of existing buildings.

(1) The ~~HPC~~ Historic Preservation Commission~~Landmarks Commission~~ will consider the following factors in arriving at its recommendation:

- (a) Whether there is a change in use that requires minimal change to the defining characteristics of the building and its site and environment.
- (b) Whether the historic character of the property will be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property ~~should~~ shall be avoided.
- (c) Each property shall be recognized as a physical record of its time, place, and use and maintaining features and architectural elements of the period shall be encouraged.
- (d) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property ~~should~~ shall be preserved.
- (e) Deteriorated historical features should be repaired rather than replaced, where feasible. Where replacement is necessary, the new feature ~~should~~ shall match the old in design, color, texture and other visual qualities, and, where possible, materials.
- (f) The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest methods possible. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials ~~should~~ shall not be used.
- (g) New additions, exterior alterations, or related new construction should not destroy historic materials that characterize the property. The new work should be differentiated from the old and ~~should~~ shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- (h) New additions and adjacent or related new construction ~~should~~ shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

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(i) The “Secretary of the Interior’s Standards for Rehabilitation” (36 CFR 67 and 68 as amended).

Sec. 13-15101511. Guidelines for new structures and additions.

(1) The following elements ~~should~~shall be visually compatible with the contributing buildings and environment to which they are visually related and with the architectural style(s) of the district, where applicable:

- (a) Building height.
- (b) Building volume and massing.
- (c) On the street elevation of a building, the proportion between the width and height in the ~~façade~~façade.
- (d) The proportions and relationships between doors and windows in the street ~~façade~~façade.
- (e) The directional expression of the street façade (horizontal or vertical expression).
- (f) Exterior building materials.
- (g) Roof design and shape.
- (h) Landscape plan, off-street parking and drives, fencing, and other aspects of site design.

Sec. 13-15111512. Standards for approval of demolition or recommendation of preservation.

- (1)** The following standards shall be considered:
- (a) Whether the building or structure is of such architectural or historic significance that its demolition would be detrimental to the public interest.
 - (b) Whether the structure, when in an historic district, although not itself an historic structure, contributes to the distinctive character of the historic district as a whole and, therefore, demolition would be detrimental to the public interest.
 - (c) Whether the demolition of the structure would be contrary to the objectives of the Historic Preservation Plan for the applicable historic district, where applicable.
 - (d) Whether the structure is of such old, unusual, or uncommon design, texture, and/or material that it could not be reproduced or could be reproduced only with great difficulty and/or expense.

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- (e) Whether the structure is in such a deteriorated condition that it is not structurally or economically feasible to preserve or restore it, provided that any hardship or difficulty claimed by the owner, which is self-created or the result of any failure to maintain the structure in good repair, cannot qualify as a basis for the issuance of a demolition permit.
- (f) Whether the denial of the application would deny the owner of the structure all economically-viable use of the property.

Sec. 13-~~1512~~1513. Interim control~~within historic districts.~~

No building permit shall be issued by the Building Inspection Superintendent for alteration, construction, demolition, or removal of a nominated historic structure, a nominated historic site, or any property or structure within a proposed historic district from the date of the first notice of public hearing by the ~~Historic Preservation Commission~~Landmarks Commission until final disposition by the LCHPC or Common Council, unless such action is authorized by formal resolution of the Common Council as necessary for public health, welfare, or safety. The period of delay shall not exceed ninety (90) days.

SECTION 3. Sections 13-1514 and 13-1515, Green Bay Municipal Code, is hereby created as follows:

Sec. 13-1514. Penalties for Violations.

Any person or persons violating any provision of Chapter 13-1500 or Section 5 of Chapter 13-200, Green Bay Municipal Code, may be fined no less than \$50.00 for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate offense. Notice of violations shall be issued by the Development Services Manager. Fine amounts shall be established by Common Council.

Sec. 13-1515. Conditions Dangerous to Life, Health or Property.

Nothing contained in this chapter shall prohibit the making of emergency repairs to a historic building in compliance with an order of any governmental agency or court of law to remedy conditions determined to be dangerous and a substantial threat to life, health or property. In addition, nothing contained in this chapter shall prohibit the demolition of a historic building which has been condemned in accordance with the provisions of §66.0413(3), Wis. Stats. In any such cases, no approval from the LC shall be required. A building official shall send a copy of any emergency order or demolition permit affecting a historic building to the LC at the time that such order or permit is issued.

SECTION 4. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

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SECTION 5. 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

JF/SP

7/17/18