



MINUTES OF THE GREEN BAY PLAN COMMISSION

**MONDAY, NOVEMBER 26, 2018, 6:00 PM
CITY HALL, ROOM 604 - THE HARRY MAIER ROOM**

A. ROLL CALL.

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

Members Present: Veronica Corpus-Dax, Randall Petrouske, Jacob Miller, Jerry Wiezbiskie, Lisa Hanson, Sidney Bremer, Timothy Gilbert, Excused:

B. APPROVAL OF THE AGENDA.

I. Approval of the agenda for the November 26, 2018, meeting of the Green Bay Plan Commission.

Moved by Lisa Hanson, seconded by Jerry Wiezbiskie to approve the agenda. Motion carried.

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

C. APPROVAL OF MINUTES.

I. Approval of the minutes from the October 22, 2018, meeting of the Green Bay Plan Commission.

Moved by Jerry Wiezbiskie, seconded by Sidney Bremer to approve the minutes. Motion carried.

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

D. REGULAR BUSINESS.

1. (ED 18-01) Consideration with possible action on the request to approve a drainage easement discontinuance at 1208 Wolverine Court, submitted by Louis Ullmer (Ald B. Dorff).

Moved by Jerry Wiezbiskie, seconded by Ald. Veronica Corpus-Dax to the approve the request for a drainage easement discontinuance at 1208 Wolverine Court, subject to the following condition:

1. The discontinuance is limited to the easterly 10 ft. and the westerly 20 ft. shall be retained as Drainage Easement.

Motion carried.

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

2. (SV 18-03) Consideration with possible action on the request to vacate an unimproved portion of right-of-way north of Deckner Avenue, submitted by Green Bay Area Public School District (Ald. C. Stevens).

Moved by Randall Petrouske, seconded by Lisa Hanson to approve the request to vacate an unimproved portion of right-of-way north of Deckner Avenue, subject to the following condition:

1. Wisconsin Public Service does not require an easement for the light pole facilities in this area as long as they can have access to the property to maintain/replace the facilities. If the vacation of the street prevents WPS from maintaining or replacing the facilities, they will be removed.

Motion carried.

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

3. (VR 18-03) Consideration with possible action on the request for a subdivision variance at 1717 Morrow Street for a lot to be created smaller than the allowed square footage, submitted by Rob Harris (Ald. C. Stevens).

Moved by Lisa Hanson, seconded by Sidney Bremer to approve the variance request at 1717 Morrow Street for a lot to be created smaller than the allowed square footage, subject to the following condition:

1. The Certified Survey Map submitted to create these lots must reflect the dimensions as proposed in the application.

Motion carried.

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

4. (VR 18-04) Consideration with possible action on the request for a subdivision variance on Burns Avenue (Parcel 6-153-E-1) for three lots to be created smaller than the allowed street frontage, submitted by Jonqma Homes LLC.

Moved by Lisa Hanson, seconded by Randall Petrouske to approve the subdivision variance

request on Burns Avenue (Parcel 6-153-E-1) for three lots to be created smaller than the allowed street frontage. Motion carried.

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

F. INFORMATIONAL.

1. Director's Report.

Kevin Vonck presented the Director's Report. No action needed.

2. Date of next meeting: Monday, December 10, 2018.

E. ADJOURNMENT.

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

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

VERBATIM MINUTES

- Welcome to the Monday, November 22nd meeting of the Green Bay Plan Commission. First item on the agenda is roll call. Tim Gilbert, Chair, present. Sidney Bremer, Vice-Chair?

- Present.

- Alder Veronica Corpus-Dax?

- Present.

- Commissioner Lisa Hanson?

- Present.

- Commissioner Jacob Miller?

- Present.

- Commissioner Randall Petrouske?

- Present.

- And Commissioner Jerry Wiezbiski?

- Present.

- Thank you. Next item, approval of the agenda for the November 26th meeting.

- Motion to approve.

- Second.

- We have a motion and a second to approve the agenda, any further discussion? Bearing none, all in favor, say aye.

- [All] Aye.

- Opposed? Agenda is approved. Next item, approval of the minutes from the October 22, 2018 meeting of the Green Bay Plan Commission.

- Motion to approve.

- Second.

- We have a motion and a second to approve the minutes, any further discussion? Bearing none, all those in favor say aye.

- [All] Aye.

- Opposed? The minutes are approved. Next item, regular business, item one. Consideration with possible action on the request to approve a drainage easement discontinuance at 1208 Wolverine Court, admitted by Lewis Ullmer.

- Thank you. For this easement discontinuance, we are looking just out of this one parcel, so on the original plot, the easement is shown throughout this entire drainage right here. There's a proposed new build on this for another single family home. There's currently a 30 foot easement at this portion of it. After discussions with the property owner and then also with our Department of Public Works, we have decided it's only necessary to keep the 20 foot portion versus the full 30 foot. I believe that in your documentation, Heather requests that the petitioners are looking for an 18 foot easement. DPW came back and said that 20 feet was agreeable, so I believe that the applicant is okay with that measure as well. To give you some context for this, the easement runs all the way through here and this is a strong water retention area that the city owns and this is the proposed area that the new home will be on, so this is where that easement area is bending into the encroachment on, so by minimizing it down to 20 foot, they should be able to get the site plan that they have or maybe some minor modifications onto this parcel. So we are recommending approval of this request with this condition that they keep, that they are limited to discontinuing only the 10 feet on the eastern portion, keeping the western portion.

- Okay, thank you. Any discussion among staff? Thank you. Is there anyone that would wish to speak on this matter? Okay, thank you.

- Motion to approve.

- Second.

- We have a motion by Commissioner Wiezbiski and a second by--

- Veronica.

- Alder Veronica Corpus-Dax to approve this recommendation, any further discussion? Bearing none, I would ask that you submit your vote.

- Sorry, I'm having technical difficulties here.

- Just waiting for Randy and Jake.

- I haven't gotten an option to vote.

- No, me neither.

- Okay, how do you guys vote?

- In favor.

- Same.

- Okay, unanimously approved.

- Okay, thank you. Next item, item two. Consideration with possible action on the request to vacate an unimproved portion of the right-of-way north of Deckner Avenue, submitted by Green Bay Area Public School District.

- Thank you. So, this is kind of a no-brainer. This is an unapproved portion of right-of-way that was plotted years and years and years ago. It was never really intended to do anything unless there were further improvements done in this area here which are not proposed by the city or any other entities at this point. So this is Sullivan Elementary School. They're looking to do a parking expansion of this area and in order to do that, they need to vacate this portion of right-of-way so they can do another pole for that area. We have contacted all of our utility and service providers and there were no comments or conditions aside from this from WPS. They do have some lighting facilities there and they don't necessarily need any easement area over that but they do need access to those facilities, so I have put them in contact with the applicant and I believe that they are working something out and if they can't work something out than WPS will just remove those poles. So I think during their site plan process, they will figure out this condition, but that's the only condition we have as part of this application.

- Thank you.

- And just to be sure, what you're saying is the condition is not a binding condition?

- It is binding that they have to do something, they either have to get into an agreement with the school district or WPS or or WPS will remove those. So, it's our duty as the city to let the applicant know what type of utilities are in the area and that they have to adhere to this condition, so that they either have to have some sort of an agreement or easement, that's between the two of them or WPS will remove those facilities. So we have the obligation to tell them that there are things there but because they're not our facilities, we can't dictate how they take care of that issue, so both parties know, they know it has to be resolved.

- Good enough.

- Thank you. Is there any further discussion? Is there anybody present that would like to speak on this item?

- [District Representative] I'm from the school district. I'm just here as a resource if you have any questions.

- Thank you.

- [District Representative] But it is our intent to work with WPS to maintain access to those lights.

- Thank you.

- I move to approve.

- Second.

- Second.

- We have a motion by Commissioner Petrouske. A second by Commissioner Hanson to approve the request. Any further discussion? Bearing none, I'll ask you to cast your vote.

- I must have, there we go, I must have frozen myself

- Okay, it has been approved, the item, thank you. Next item, item three, consideration with possible action on the request for the subdivision variance at 1717 Morrow Street for a lot created smaller than the allowed square footage submitted by Rob Harris.

- Thank you. As with all the variance requests, we do put the modification standards within the staff report for you, so you guys have those in front of you. We do look at this for strict compliance with that, if they can prove that there's a hardship, then we typically go in favor of the application. So for the one that's in front of us, this is for this parcel here, which is kind of hard to see. It's got this kind of odd shape here. How it functions on the ground now is that there was a tenant in this building. I believe that they want to parcel it off to having a new tenant go there and to have that tenant gain ownership. The rest of this parcel is typically used by the parcel business that's on this one. So what we're looking for with the variance request is if strict compliance with Vicky, their ability to do this as far as to promote their benefit within the city. So with this, they would technically still be able to give 20,000 square feet as is required by our zoning code but with that, they would only just be making the lot larger, again, less compliant. Typically we want those squared off parcels so that means it's just a lot easier for boundaries and other standing on how properties function, so if they do the clean line here that they're proposing and they get that 14,000-ish square feet, which is how the site functions right now, right now this side half is still used mostly operationally by the parcel here, so to split these here and then to combine these in the future makes the most sense 'cause that's how the on-the-ground operations work now and it's how the site functions now. They could have expanded this to make the 20,000 square feet but then they would have just had to do cross easements with the people who are actually going to be using the site, so as we're listing the benefit, I am ready to make them follow that strict compliance of the code. Excuse me. So, with that, we don't really see any others issues. There are some features on the site that caused them to need this type of a request, so with that, we are recommending the approval. The only thing that we would require is that when the CSM comes in, 'cause that's not necessarily the end of it, it does follow these strict standards for the dimensions that they propose as part of this variance request. So if there were any adjustments that they wanted to take, they would have to come back through and have their variance amended. So with that, that's the only condition that we have as part of the approval here.

- Okay, thank you. Is there any discussion among staff? And if not, shall we entertain a motion?

- Motion to approve.

- Second.

- We have a motion by Commissioner Bremer and second by Commissioner Hanson to approve the request, further discussion? Very well, I ask that you cast your vote.

- Unanimously approved.

- Okay, I have that approved unanimously. Thank you. Next item, item four, consideration with possible action on a request for a subdivision variance on Burns Avenue, parcel 6-153-E-1, for three lots to be created smaller than the allowed street frontage submitted by Jonqma Homes, LLC.

- Thank you. So, for this variance request, we're looking at this parcel right here. They have on their proposal, I think it was part of their site plan, they have these select parcels that they also have under their control but this is the the one we're looking at here. This right here is Mason street and Taylor is right here, so this is on the left side of town. What they are proposing is to take the currently vacant lot and divide it into three separate lots for single family development. So for the standards we have to be standing five feet in width and 7500 square feet for our R-1 standards. It meets the area standard but does not meet the frontage standards, so they're proposing lots that are 69 feet frontage. While this is a small lot of vocation, it's only six feet, we also are still looking at that hardship criteria, so to me, this doesn't meet any hardship criteria because it's vacant land surrounded by other vacant land in an already established neighborhood. So with that, we try to get a feel for what has already been permitted within the neighborhood, either through planning or different variances. So we looked at the average frontages in a 300 foot radius of this neighborhood, not including quarter lots or anything that's on a cul-de-sac, 'cause those get counted differently and with that, the average was 58.89 feet, so over the standard that's already allotted at the standard five foot that we require but the average here is 78.89 feet. The majority of them that are around them are 80 feet, so most of the ones that are across the street are all 80 foot lots, which was done during the original planning. So all this is a minor request of only six feet per lot, I don't see a hardship being met here, so with that, we are requesting denial.

- Thank you.

- I'm trying to get a clearer sense of what this would mean. Apparently, that whole area was once a major estate, I take it, because there was a large house to the back.

- Public data, because Roswell Woodman planted out the rest of the neighborhood at the time.

- Right and there's a driveway going into that from Pine Street, going into that large area?

- Uh-huh.

- There are a mixture of mostly cedar, very old, huge, evergreens all the way around the perimeter of what, I assume to have been the original estate.

- That's what I hear.

- Yeah. So that right now that those run cross the front on Barnes. I'm just trying to get a picture of what that means, diving up that lot, what it means.

- That they would, I would imagine, clear most of it, especially the fronting trees, anything right here, imagine they would be backyards, so I think it would be able to cover purchases of the property, but to do the division, you don't have the three lots, three separate homes and then, I'm assuming, anything that's here would be taken down, just to get access to that visual in front of--

- The oddity is that that's the front lot, vis-a-vis, the front entrance of the house that move back up to the top. It's just a very peculiar situation where they clearly had established it as a single unit outlined by all those evergreens, but then set the house way back.

- Typically we see this on the far east side of town where people had the big parcels of land, built a big house, 20 years down the road they realize that they wanna sell it off, so it is really rare to see this in this kind of a neighborhood but that is exactly what happened. They had the large estate, planted accordingly, now we're selling those parcels off. So, all of this, I'm assuming was just theirs at one point and now the sale of it.

- So, is it just for, I guess, continuity? I guess I look at this and my own house was 50 by 100 and my current house is 48 by 126, so 48 feet, it's much for than six, I would go for another 20 feet

but I guess I don't see an issue with it having, I realize it's under that 75 but is it just for continuity in the neighborhood that the issue is?

- Typically, what we think for frontage as far as making sure that it matches with what the neighborhood already has established, so we also have some caveats for, like in the downtown neighborhoods, we have info lots, those can be done 50 feet frontage because the surrounding neighbors are usually right around 50 to 55 feet, if that, usually. So when you're looking at the other areas, you wanna do that 300 foot area to see what the other neighbors have is corresponding to make sure that they're all kind of similar 'cause obviously the size of the lot can then influence how big the houses or how small the houses too, so you don't want it to be much different than what's already there. But also with our standards, close to you guys in downtown, there are some OR districts there that has a smaller lot size, obviously, versus R-I, this is the same here as it's gonna be far East Side, far West Side, so take that with a grain of salt.

- So are they planning to do single family houses, three single family?

- As far as I know, I think that they have that in the description. Yeah, they're all single family with three bedroom, two baths.

- That goes good with the difficulty that I have here and that is that the 69 foot lots would fit the neighborhood fairly well. They're directly across from a 70 foot lot and the ones on either side are 80 apiece in width and just a little bit further down the street there's some that are narrower and I do understand your argument that this is not a hardship and I accept that argument, it's just that the result seems to me to be a little bit odd.

- I agree with you, but it is my job as the fiscal planner to have a strict compliance of the code. That is my recommendation.

- Okay, so, we could determine not to strictly enforce the code?

- Uh-huh.

- Yes. Jerry?

- I think that Jerry was first actually.

-, I notice across the street it was 72 feet across the street, three of them, the homes would definitely be that much smaller. I do concur the fact that you have to go by what really is handed down as far as enforcing the code and this would violate the code. The only question I have, have these people been informed of the fact that they would go to Board of Appeals to appeal this or is that not true?

- This is that entity. This is the only body that can allow for this.

- Oh, it is.

- Yeah, anything with code goes through this body versus anything under the set back related to that, so this is their way to do this.

- However, they could re appeal if they just put two houses there?

- If they put two houses there, they don't need an approval.

- Pardon me?

- If they do two houses, they don't need any approval, they could just divide the land and go.

- Okay.

- So it's just because they're doing the three, which makes them smaller than the frontage that's allowed, so that's why it's in here or else we would just do a CSM and it would be over with.

- Okay, thank you very much.

- Could you go back to the lot lines that are encompassed more in the neighborhood? Go on. The 300 foot perimeter that you're looking at here, is that also by code or is that just a number that was kind of decided on?

- That's the number that we use when we have the densely populated areas where we're looking to see if we can go down to the 50 foot, so it's usually just in our already planted areas that already have more lots than this, so that's just what we use as a standard for evaluating the area's requests.

- It seems to me that if you go just beyond that, we're looking at a lot of, I see 62, 70, 65, 65, 55.

- It appears that in this general direction, it goes a lot of 80 and then in between it goes between 65 and 70.

- Right, I'm looking across the street of Burns, like 1776 is 65, 1773 is 65, than we have a 55, unless my eyesight is failing.

- This is also a little deceiving too, 'cause like this one is attached to this one, so this is 69 feet plus 14 feet.

- Right, then--

- This one's 55, this one's 65, yeah.

- Then we have 65, a 70 and these are proposed to be 69, is that correct?

- Uh-huh. Just from our department standpoint, we don't look at financial gain as a hardship, so that's where my recommendations come from. I also recommend denial on like 90% of these applications, so.

- Okay.

- I make the move to approve.

- Second.

- Is there anybody that would like to speak on this? Okay. Do we have a motion?

- Motion.

- Second.
- Move to approve, yep.
- And a second?
- Second.
- With a motion and a second to approve the request or to approve the denial?
- Approve the request.
- To approve the request.
- I'm agreeing with three lots.
- Oh, oh, oh.
- And that's your second?
- No. I do not approve, I concur with the staff.
- Okay, we have a motion to approve the request.
- I second that motion.
- And we have a second, okay.
- Just to get to discussion.
- And now we'll have a discussion. Is there any discussion on this?
- I'm inclined to vote in favor of the request. I know that, I certainly respect the recommendation and I understand that you guys are bound to the strict compliance of the code,

however, if we do look just a little bit farther out on that same street, we have a lot of lots that fall under the number that's being proposed by the land owner here and frankly, maybe this is more of a short term vision than a long term vision but I know that there's a need for additional housing and I know that new housing that's located within the city limits, new builds within the city limits of Green Bay are particularly a challenge from a single family perspective to have the ability to have three available, maybe that's a short sighted conclusion but I think it's a particularly pressing one and given the fact that there are substantially similar lot lines in the relatively close proximity, I'm inclined to be in favor of granting them variance here.

- Okay, thank you.

- Commissioner Petrouske, I don't think it's quite short sighted, wanting that kind of a development up here, take my planning hat off, which I might go through and then apply the code with the E hat on, we only have so many acres in the city to develop, so if we can get three houses out of two, then the deviation, again, it's not extremely significant, to the degree, in terms of looking at the limited opportunities that we have to maximize that. From the E perspective, which is what we're not, but just laying it out there and I'm making sure

- I would like to make it clear that I consider us very well advised by staff.

- Thank you.

- I second that. But yeah, knowing the vacancy rate in the city and having a new built within the city limits, that's a big deal.

- In an established neighborhood.

- Right.

- So, then yes?

- So then yes is to approve the--

- To approve the three lots.

- Okay.

- Need a one finger.

- Are we voting on the recommendation?

- We're voting on Lisa's, I think it was Lisa's motion to approve the applicant's request.

- Okay. Going against staff.

- Yes.

- Thank you.

- The motion was approved six to one.

- The motion was approved six to one.

- Yes.

- Okay, thank you. Okay, next item, Director's Report.

- Thank you. We're a little bit off on the schedule for budget and everything so we haven't met as much. The last Council meeting was Monday, November 5th. At that meeting, started curing for zoning ordinance 1618, which is rezoning 2405 West Mason Street from business park to general commercial. The applicant actually asked for that meeting to be held until January, so it is on hold right now, so that did not go through. It's being held for the moment. They did approve, there was a hearing and an approval for planning ordinance 4-18, which was closing the unapproved portion of Kellogg Street. Then as far as the Plan Commission Report ballot that evening, it was the four big plans and those were all approved at that time.

- Thank you.

- Sure.

- The date of the next meeting, tentatively, is **Monday, December 10, 2018** and next item is adjourning.

- So moved.

- Second.

- There's a motion by **Commissioner Bremer** and a second by **Commissioner Hanson** to adjourn.
All those in favor?

- **[All] Aye.**

- **Opposed? We are adjourned.**