



MINUTES OF THE GREEN BAY PLAN COMMISSION

**MONDAY, NOVEMBER 11, 2019, 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, Lisa Hanson, Timothy Gilbert, Sidney Bremer, Jacob Miller, Jerry Wiezbiskie, Excused: None

B. APPROVAL OF THE AGENDA.

I. Approval of the agenda for the November 11, 2019, meeting of the Green Bay Plan Commission.

Moved by Sidney Bremer, seconded by Lisa Hanson to approve the amended agenda to reflect the room change to Room 310. Motion carried.

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

C. APPROVAL OF MINUTES.

I. Approval of the minutes from the October 21, 2019, meeting of the Green Bay Plan Commission.

Moved by Jerry Wiezbiskie, seconded by Ald. Veronica Corpus-Dax 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. (ZP 19-08) Consideration with possible action on the request to authorize a Conditional Use Permit (CUP) for vehicle sales and repairs located at 314 North Monroe Street, submitted by Justin Wineck, (Ald. R. Scannell, District 7).

Moved by Lisa Hanson, seconded by Ald. Veronica Corpus-Dax to open the floor. Motion carried.
Yes- Jacob Miller, Jerry Wiezbiskie, Lisa Hanson, Randall Petrouske, Sidney Bremer, Timothy Gilbert, Veronica Corpus-Dax, No- None, Abstain- None

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

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

Moved by Jerry Wiezbiskie, seconded by Jacob Miller to approve the request to authorize a Conditional Use Permit (CUP) for vehicle sales and repairs located at 314 North Monroe Street subject to:

a. Compliance with all regulations of the Green Bay Municipal Code not covered under the conditional use permit, including standard site plan review and approval.

b. Necessary approvals and licenses by the appropriate state agencies shall be acquired and maintained.

Motion carried.

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

2. (ZP 19-25) Consideration with possible action on the request to rezone a portion of a parcel in the 1820/1830 Block of South Norwood Avenue from Low Density Residential (R1) to Highway Commercial (C2), submitted by Tony Wied. In addition, the Department of Community and Economic Development is recommending that the rear yard of the following tax parcels be rezoned from Low Density Residential (R1) to General Commercial (C1): 1800 South Ashland Avenue (Tax Parcel: 1-11138), 1804 South Ashland Avenue (Tax Parcel: 1-11136) and 1812 South Ashland Avenue (Tax Parcel: 1-11135) (Ald. Johnson, District 9).

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

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

Moved by Randall Petrouske, seconded by Jerry Wiezbiskie to close the floor for discussion. Motion carried.

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

Moved by Randall Petrouske, seconded by Jerry Wiezbiskie to approve the applicants request and the additional staff request to remove the R1 Zoning strip. Motion withdrawn.

Moved by Randall Petrouske, seconded by Jerry Wiezbiskie to approve the reduction of the R1 Zoning strip from 25 ft. to 10 ft. along the entirety of the R1 Zoning strip in the 1820/1830 Block of South Norwood Avenue. Motion carried.

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

3. (ZP 19-26) Consideration with possible action on the request to authorize a Conditional Use Permit (CUP) for Limited Production Use at 340 North Broadway, submitted by Sandra McDonald, Cupid's Arrow Escargot, LLC (Ald. R. Scannell, District 7).

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

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

Moved by Ald. Veronica Corpus-Dax, seconded by Lisa Hanson to close the floor for discussion. Motion carried.

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

Moved by Sidney Bremer, seconded by Ald. Veronica Corpus-Dax to approve the request to authorize a Conditional Use Permit (CUP) for Limited Production Use at 340 North Broadway subject to the following conditions:

1. Proper approvals from Federal bodies associated with this facility.

2. No odor shall be associated with this use. This CUP could be revoked if smell is an established problem.

Motion carried.

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

4. (ZP 19-27) Consideration with possible action on the request to repeal Zoning Ordinance (ZO) 7-00 for 840 South Huron Road and to rezone the subject parcel from Rural Residential (RR) to Highway Commercial (C2), submitted by Jeff Osgood, Kwik Trip, property owner (Ald. Corpus-Dax, District 2).

Moved by Lisa Hanson, seconded by Ald. Veronica Corpus-Dax to approve the request to repeal Zoning Ordinance (ZO) 7-00 for 840 South Huron Road and to rezone the subject parcel from Rural Residential (RR) to Highway Commercial (C2). Motion carried.

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

5. (ZP 19-28) Consideration with possible action on the request to rezone 1820 Frank Street from Low Density Residential (RI) to Office/Residential (OR), submitted by Michael J. Coppens, property owner (Ald. Wery, District 8).

Moved by Randall Petrouske, seconded by Jerry Wiezbiskie to approve the request to rezone 1820 Frank Street from Low Density Residential (RI) to Office/Residential (OR). Motion carried.

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

6. (SP 19-03) Consideration with possible action on the request to declare City owned property as surplus, located along the 1300 Block of South Huron Road (Parcel 21-182-3), submitted by Paul Kosmoski (Ald. Corpus-Dax, District 2).

Moved by Jerry Wiezbiskie, seconded by Randall Petrouske to approve the request to declare City owned property as surplus, located along the 1300 Block of South Huron Road (Parcel 21-182-3), subject to the following conditions:

- a. The 12 ft. Utility Easement located along South Huron Road must be maintained with Wisconsin Public Service for electrical and gas service (exhibit attached).
- b. The applicant shall work with American Transmission Company through their Encroachment Request process, maintaining a 100 ft. easement over their facilities.
- c. Sale of the subject parcel at market value shall first be offered to the property owner of parcel 21-183.

Motion carried.

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

E. INFORMATIONAL.

1. Director's Report.

There was no Director's Report.

2. Date of next meeting: Monday, November 25, 2019.

F. ADJOURNMENT.

Moved by Lisa Hanson, seconded by Sidney Bremer 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

- [Tim] Welcome, finally, on Monday, November 11th, meeting of the Green Bay Planning Commission. First thing on my agenda is roll call, Tim Gilbert, Chair, is present, Sidney Bremer, Vice Chair?
- [Sidney] Present.
- [Tim] Alder Veronica Corpus-Dax?
- [Veronica] Present.
- [Tim] Commissioner Lisa Hanson?
- [Lisa] Present.
- [Tim] Commissioner Jacob Miller?
- [Jacob] Present.
- [Tim] Commissioner Randall Petrouske?
- [Randall] Present.
- [Tim] And, Commissioner Jerry Wiezbiski?
- [Jerry] Present.
- [Tim] Thank you, next item, approval of the agenda, for the November 11th, 2019 meeting of the Green Bay Planning Commission.
- Moved to approve.
- Do we need to edit it, for room?
- [Sidney] Lisa's meaning, saying, that we need to have an as far as which room we're meeting in at 3:10 .
- [Lisa] I need a 6:25 start.
- Okay.
- So, with that edit, I move the approval.
- Second.
- [Tim] We have a motion by Commissioner Bremer, a second by Commissioner Hanson to approve the recommendations, and to approve the agenda, all in favor say aye.

- [Board Members] Aye.

- [Tim] Opposed? The agenda is approved. Next item, approval of the minutes from the October 21st, 2019 meeting of the Green Bay Planning Commission.

- [Jerry] Motion approved.

- [Veronica] Second.

- [Tim] We have a motion by Commissioner Wiezbiski, a second by Alder Veronica Corpus-Dax, to approve the minutes, all of in favor say aye.

- [Board Members] Aye.

- [Tim] Opposed? Minutes are approved. Next item, record of business, item one. Consideration with possible action on the request to authorize a conditional use permit for vehicle sales and repairs located at 314 North Monroe Street, submitting by a Justin Winneck.

- [Paul] Thank you Mr. Chair, this is a request, it's kind of a two-part conditional use permit request, located at 314 North Monroe, that's the property, highlighted in red, kind of a flat-shaped lot, or L-shaped piece, Monroe between Bodart and Pine Street, across from Brown County Library. The request is one, is for vehicle sales, we're trying to do motorcycle sales. The other one will be for vehicle repair, which will include motorcycle repair. The property, the area has a downtown, it's kind of this, large purple color. The actual zoning is downtown one, or D1, and in the that district you need a conditional use permit for various, particular uses. With the building kind of looking east, this is Monroe, this is the Brown County Library here, again, it's kind of an L-shaped piece of property. The building occupies about 6,600 square feet of the site, the site's only about 8,000 square feet in size, so there's really not an opportunity for any sort of outdoor display here, or repairs, and everything will be pretty much contained within the building. We did ask the applicant to get a pre-assessment from an architect, make sure the use lined up with the building itself, and that is attached within your agenda. There's not a great detail there, but they did consult with an architect about the ability to meet current code for that particular use. We did notify effected property owners, I don't think we got any calls or questions on this one. We're recommending approval to request their two conditions, basically meaning, all municipal program requirements, including site plan review, and IMB is the necessary approvals and licenses, for state agencies, this man has a dealership license, to run that sales business there. The applicant is here tonight, if you have questions of him.

- [Tim] Thank you.

- [Sidney] I do have questions of you, Paul.

- Sure.

- Did the staff talk about whether this was highest and best-use? We're kind of, crossing over Monroe Street here, as far as extending the downtown. And, it seems somehow to my way of thinking, motorcycle sales across from the library seems incongruent, I don't have any official reason to object, but it just seems odd.

- [Jerry] Well, we don't discriminate against uses in this case, I think it does fit within this area, the use is for self-contained. There is a major development proposed, it will become the associated lot with the grocery store and the multi-family there, another development potentially in the area. I think the market will probably dictate maybe the reuse of those buildings in the future, I think this use is perfectly fine in the short-term, maybe even the long-term.

- [Sidney] I guess, part of my surprise was that I was thinking that things that had to do with automobiles went under the highway commercial, but dropped.
- Well, they do, and they're permitted in that district, and that's really where they're intended, the downtown really is kind of, a catcher on the district, and that's why it's a conditional use permit, so it comes with four, this body and the Council, for a little more oversight on that.
- [Sidney] So, it's up to us to decide whether or not it's appropriate then?
- [Paul] Correct, yes, well by adding conditions to make it fit within the neighborhood, so to speak.
- [Sidney] Thank you.
- [Randall] So, do you know, is there any intended usage of that lot that's I believe, north of the property, for outdoor display of sales, or are all the sales displays intended to be indoor?
- [Paul] I don't know the ownership relationship, but as far as a conditional use permit, it's limited to the boundary of the property here that's in red, so we wouldn't have any sort of outdoor sales or repair in that parking lot.
- [Sidney] And, the building basically covers that entire L, right?
- [Paul] Yeah, about 90% of it, yeah.
- [Tim] Is there any further discussion? Yes, Jerry?
- [Jerry] It's seeming to me that this kind of, falls in line with, we have a lot of bicycle shops and sales, except for the noise of course, maybe that's, people might be concerned about that, but I can see where this would probably would be a blend of what we're doing downtown, anyways.
- [Paul] Right, it's got a catcher in someways.
- [Jerry] Okay, thank you.
- [Tim] Are there any questions for the applicant?
- [Lisa] Move to open the floor.
- [Veronica] Second.
- [Tim] We have a motion by Commissioner Hanson, a second by Alder Corpus-Dax, to open the rapport up for the public, any further discussion on that? Okay, there is none, all of in favor say aye.
- [Board Members] Aye.
- [Tim] Opposed? Is there anybody who wishes to speak on this item?
- [Woman] Do we have the applicant here?
- [Tim] Is the applicant here?
- [Justin] Yes, that's me.

- [Tim] Okay, if you would step up to the podium, and could you give your name and address for the record please.

- [Justin] My name is Justin Winneck, and the address of the building is 314 North Monroe.

- [Tim] Thank you.

- [Sidney] My concern, I guess, is with noise. Now, this may have something to do with the fact that my own home is just off of East Shore Drive, a lot of motorcycles really like that right-of-way. So, when somebody buys a motorcycle from you, what are they gonna do with it?

- [Justin] When somebody buys a motorcycle from me, it's not really gonna become noisy in that area, it's just gonna be like, buying a motorcycle from a dealership, Craigslist, Facebook, wherever you buy a motorcycle. So, once they purchase the motorcycle, wherever they take it, that's up to them. So, it's--

- But, they would be riding it out of there, right?

- [Justin] Yeah, in some cases, yeah, in most of the cases they'd probably be driving it out of there, unless they have it arranged to be taken home with a trailer, or what have you, but for the most part, yeah, they'll probably be driving it out, once they purchase it.

- [Woman] Is there any way to encourage, yeah is there any way to prevent people from not revving down the street, right across from the library?

- [Justin] Yes, I think that would be reasonable to address to, to the people, the customers that are buying them, let them know that this is kind of, an area where we'd like to keep it down, keep it quiet. That would be easy to do.

- [Sidney] I appreciate your willingness to take that on, thank you.

- [Justin] No problem.

- [Man] How many motorcycle sales do you anticipate, in any given day?

- [Justin] I just kind of, started out small, so I've just been selling on, like I said, Craigslist and Facebook, and I've had some success at it. I've been probably buying and selling for the last three or four years, and I started out maybe selling like, one or two a year, and as I went on, I started to, probably got up to one summer with, I think the most was 10, maybe like 12, motorcycles last year. So, I'm not sure what the success rate will be yet, this is my first time actually getting my dealer's license, and going through with making it an actual business. So, I'm hoping, obviously the more the better, but I'm guessing, just to start out with, probably somewhere between 15 to 20, around the summertime. I don't wanna shoot for much higher, but I mean, hopefully I get more, I'm still, this is all new to me. So, not every single day I'm probably not gonna sell one, maybe once a week, hopefully, and in the summertime .

- [Tim] Okay, thank you, yes?

- [Jerry] I don't know if, but there are , I live at Drive, and Drive, if you saw or drive motorcycles or anything, it's actually the number one speedway for motorcycles and crazy people on motorcycles, probably, and it brushes off on her area also. To the point where these guys have run these motorcycles, they do really cute things like standing on the handlebars, sitting up on the seat, and sometimes going so fast you can't even tell what color they are, you know. I think that's a police issue, I'm not gonna blame that on you, not gonna blame it on your business, I'm gonna blame it on the riders, probably not even them, I think it's a police issue that should be actually policed. And, if that would happen down there, I would think that hopefully the police would

get into action there, to kind of, police that, to keep the . How do you get in and out of that building would be a question I have, with the motorcycles?

- [Justin] The front part of the building, it's my dad's building and he's kind of, he bought it, it used to be WGNR Fitness, or some sort of fitness, they used to sell fitness equipment out of there. So, I'm primarily doing the sales out of the back of it, so the front part of it, there's not gonna be motorcycles and stuff on display really, it's mainly the back alley way, that we're going to be going in, and that's where they'll all come in. There's a--

- Point at the back, and the front and that good stuff .

- [Justin] So, this is the front of the building here. This is the main entrance, when it was the fitness store. So, my dad's renovating this, not totally sure what he's gonna do with it right now, but he's just fixing it up. So, the area where they'll be entering the motor cycle shop, is it you'll probably drive over here or over here, and they'll drive back and it's just in this back area of where I'm going to be working, and there's an overhead door back there. And, off to the left over here, there's a mechanic's repair shop here, and then I think, on the right side of here, there's a builder, he builds houses and stuff. It kind of, fits, I figured it was kind of, in the area of, it fits in back here. Plus too, it's a little bit hidden, so it's not really, when she was saying about the library, it's not really gonna be--

- They're not coming and going you're in an alley.

- [Justin] It's not super tacky with it being motorcycles and the two different themes. So yeah, it's gonna be back in this area, and people who come and go will just come back here, and I'll probably have a sign posted in the back, too. There's a couple, a little bit of parking back here, like I said, there's probably not gonna be too many people coming in all at once, so there's enough area for them to park back there. And, there will be probably a few, I have my motorcycles in storage right now, but I'll have a few motorcycles there on display, and most of my sales, most of where they'll see the motorcycles, is basically how they see 'em now, I'll have 'em posted on Craigslist, and Facebook Marketplace, and I may even set up a website. So, usually they contact me and they'll tell me what they're looking at, what motorcycle, and if I don't have it here, this is where, we'll out the business. So basically, and I'll probably have a few there, and tools and stuff to do minor repairs.

- [Jerry] And, not necessarily a congregation spot, where they all congregate and--

- Yeah, no, it'll just be--

- That's where they get together, especially down by Bay Beach and on that area, and once they all get together, there's no stopping 'em. I'm sure you know who the crowd is, sad to say, but I've been told already by the police department, that the only way that could probably control the speed, because the reason those crotch-rockets, those assholes--

- [Justin] Oh no, I have some Harley Sportsters, and I do deal with craft sports bikes, because they're a little lower cost, and since I'm still somewhat beyond, I'm limited to my budget. So, I just can't really afford expensive Harleys, but I've sold 330 Cruisers, and different types, that are more like sport-tour bikes, where they're not full-on crotch-rocket, they're kind of like, a cross-over. And, I do have some Harley Sportsters, which are smaller Harleys.

- [Man] Okay well, it's not up to this body to control, my problems or her problems really with bad exit, or really that way. We're here to vote on whether this could pass the, ordinances and everything in that area. I was just kind of, curious 'cause, I feel sorry for 'em, we lose at least one or two a year.

- Yeah, yeah.

- They've wrap themselves around telephone poles, and it's just very, very unfortunate.
- It's sad.
- [Man] All right, thank you very much and good luck to you.
- Thank you.
- While Mr. Winneck is there, Paul, could you put the map back up on the wall?
- [Sidney] Now, I'm finding myself confused, can you should us again, where the area is that you would be, as you said, conducting your business.
- [Justin] Yeah, so this is the front of the building, and then this is, I think the library is somewhere over here. So then, you take the, go in the back alley way, you can enter from either side.
- Thank you, yes.
- It'll be back in this small area, so it's kind of, tucked away in there.
- [Sidney] Perfectly clear, thank you very much.
- [Jerry] Not much of an area of congregation.
- [Justin] Yeah, pretty much, it's just gonna be, it's kind of peaceful back there.
- [Jerry] Well, maybe you can be a better policeman than the policemen, just police the noise and activities.
- [Justin] Thanks.
- [Tim] Are there any other of questions? Okay, thank you.
- [Justin] Yep, thank you.
- [Tim] Does anybody else wish to speak on this? Okay, thank you.
- [Sidney] Motion to close the floor, and return to regular business.
- Second.
- [Tim] We have a motion by Commissioner Bremer, a second by Commissioner Wiezbiski, to close the floor, all in favor?
- [Board Members] Aye.
- [Tim] Opposed? And we're back.
- [Jerry] Motion approved?
- [Jacob] Second.
- [Tim] We have a motion by Commissioner Wiezbiski and a second by Commissioner Miller, to approve the recommendation. Is there any further discussion? There is none, the Chair would ask, that you cast your vote.

- [Woman] Unanimously approved.

- [Tim] Thank you. City council will meet, what, next Tuesday?

- Next Tuesday, yeah.

- That would be the--

- 19th.

- [Man] 19th, correct.

- [Tim] Okay, thank you.

- [Man] I did follow up with, over the next .

- [Tim] Next item, item two, consideration of possible action under request to rezone a portion of the parcel in the 1820/1830 block just south Norwood Avenue. It's a low-density residential to a highway-commercial, submitted by Tony Weed. In addition, the department of Community and Economic Development, is recommending that the rear yard, the following tax parcel be rezoned from the lower-density residential to general-commercial. 1800 South Ashland Avenue, 1804 South Ashland Avenue, and 1812 South Ashland Avenue.

- [Paul] Thank you, Mr. Chair, I know it's an awful, there's two separate requests going on. The initial request was for Mr. Weed to consider rezoning the spherical property adjacent to his commercial building, the Dino Stop, the one on South Norwood Avenue, and we included staff in, three parcels to the north is also that same zoning district. It's a strip of R1 zoning property that, Mr. Weed needs to encroach into for a pick-up window. This is the northwest corner of Lombardi and Ashland, again, the Dino Stop's on the corner, three commercial buildings are in the lots up to the north of Victory, single-family homes across the street of South Norwood Avenue. The con. plan shows high-intensity retail office and housing on the corner, it shows some R1, probably because of the single-family home that was there back in the day, and then commercial use is to the north, just south of Victory. I believe this is per Legends District, it does pick up the Dino Stop, I don't think there's any particular recommendation from the zoning perspective. So, this is what we have to go off of, from future land-use recommendation. The zoning of the area, there's some industrial across from National Avenue at the Legends District, to the south which is part of the PUD, or the tundra, and so forth. The Dino Stop itself has a C2, or highway commercial zoning, properties to the north have general commercial, or C1 zoning district. And of course, there is a span of R1 zoning, so this is a close-up of that area, Victory to the north here, South Norwood, Lombardi, National, and this is the Dino Stop, here on the corner, C2 zoning, C1 zoning, and there's a strip of R1 zoning, that the reason for the request, is to offer encroachment into that area. So, this is a residential strip, that was intended years ago as kind of, a buffer, or transition to the residential properties across the street. We do have a handful of these in town, we don't do this practice any longer, because we have setback requirements, and other transitional yard requirements. So, the request is to take this stretch here to C2, to amass the adjoining zoning, and to take this from R1/C1 to match the adjoining zoning. The strip again, was intended as a transitional yard to the residents, and also prevents any sort of access to South Norwood Avenue. This is kind of, an oblique picture of it, this area, we're looking north, northeast, Norwood, Lombardi, Ashland, this is the Dino Stop here, there's pumps, and then the three commercial lots to the north. So, the area in question is here, I think there is a desire by the owner to add a drive-through window, or a pick-up window here, there's roughly 25 feet from the sidewalk to that building front. So, that strip of R1, basically precludes him from expanding anywhere in the area. There was some past expansions on the Dino Stop site, back in '95, there was a car wash that was added at that time, they also tried to remove this strip of R1 property, and that was denied. So again, the request is coming back forward to be considered again tonight. Staff is recommending denial of the request, we feel it's important to keep that transitional area, that buffer,

even though that technique is outdated, so to speak, we don't use that any longer. We feel it's important to eliminate any sort of commercial access to South Norwood, and to prevent any encroachment into, what we call, or consider the neighborhood, so to speak. We're recommending the denial of the initial request, our request for studying the other three parcels, we'd like to withdraw that, for consideration at this point.

- [Tim] Thank you. Any discussions?

- [Randall] I have a question, what was the rationale for the policy change to eliminate these type of strips as a buffer?

- [Paul] I don't think we've eliminated too many of them, there's again, there's a handful of 'em around, trying to separate commercial and residential uses, I think most of 'em are still in place, as far as I recall.

- [Randall] I mean, like you said, it's no longer a policy that these are created, why was that policy changed, or what was the rationale behind changing the policy before?

- [Paul] I think a stronger zoning code, stronger setback requirements and transitional requirements, above and beyond that, I think that strip prevents commercial access from that commercial use to, basically a residential street. So, the idea here is that that traffic is supposed to go to the or to Ashland Avenue to exit.

- [Randall] So, if the, in this case, if that R I strip were removed, would the existing property conform to our current setback requirements?

- [Paul] It depends on width, so there's a 15 foot setback that'll be required for that commercial district. Typically, you might find an aisle space of 10 or 12 feet wide, for a drive-through or pick-up window, that might leave you with about 13 feet, so it would be right on the edge possibly, of being compliant or not. We wouldn't know until we saw a site plan layout.

- [Woman] But then, you're saying too, that if we change all of that to commercial, that then they would have access to, have exits onto Norwood.

- [Paul] They potentially would, right. Each parcel would be entitled to one driveway, there are spacing requirements for existing drives that might be there, but the would be entitled to one driveway.

- [Man] Thank you.

- [Board Member] Would you show me where the drive-up window is on that particular shot?

- On this one?

- Yeah.

- [Paul] Sure, these are some building footprints here, this is the Dino Stop and the canopy, so it would be right about in the .

- [Jerry] Oh, okay.

- [Sidney] And, does the yellow strip now, covered by terrace, or it goes up to the terrace?

- [Paul] Right, so there is some grass, there is some landscaping, there is some transition already, that was required as part of the previous site plan. It's basic landscape.

- [Man] Will it end up going right there where the trash can is, or something?

- [Paul] I think approximately, yeah, I can't speak for the petitioner, but I imagine it's somewhere in the middle, possibly in that area.
- [Tim] And, you stated that the reason for the denial, is to prohibit, commercial traffic onto Norwood?
- [Paul] I think that's one compelling theory, a component is maintaining the transition that was setup years ago. The zoning goes back to '73, I think it's been effective, it's not again, preferred, but it's effective in what it does in creating that transition, and not allowing access.
- Although, there's already exits onto Norwood by the gas pumps.
- [Paul] That's a topic maybe for another day, we believe as staff that this is an illegal driveway, so there was a home here in 2005, between 2005 and 2010, the home was removed. The driveway apron itself was left, and then there was some access, we don't have a recordable permit for that, that's not part of this discussion, necessarily, but we don't believe that that's a legal driveway.
- [Sidney] So, if the commercial buildings were residences, then they could have driveways onto Norwood?
- [Paul] Could, right, it was a non-conforming structure at that time, potentially.
- [Sidney] Thank you. Yeah, is there anybody here wishing to speak on this?
- [Tony] I would be as the owner, willing to answer questions.
- [Lisa] Move to open the floor.
- [Veronica] Second.
- [Tim] We have a motion by Commissioner Hanson, a second by Alder Corpus-Dax to open the floor for discussion, all those in favor say aye?
- [Board Members] Aye.
- [Tim] Opposed? Okay, if you'd like to come up to the podium, and state your name and address for the record please.
- [Tony] Tony Weed, the address is 1828 South Ashland .
- [Tim] And, you would like to put in a window, a drive-up window, on that side?
- [Tony] Correct, so on this side of the building, what we were looking to do is remodel the exterior, and place a different restaurant in, which we would operate, and we would have a proposed to put a pick-up window along the side of the building .
- [Sidney] Could you go up to the screen, and show us where'd that go?
- Oh, sure.
- [Sidney] So, you're not talking about extending the building?
- [Tony] Correct, yeah, so the building would stay the same, we would certainly remodel the building, it's in need of some repair. The driveway before the pick-up window, would go from here to about here. So

basically, folks would drive on this side of those trees, and maybe, it's right along the trees, so we would have to replant them, or put in different landscaping. But, the customers would drive right along the building here, they would pick it up, the products, and then they would simply just drive out, and exit out the driveway which is right here. It's just a thing now, becoming more and more requested by customers that, from a convenience standpoint, that they like to order on an app on their phone, and be able to drive-up and pickup the, without incident, to drive away. So, it's really a convenience factor, we certainly wouldn't be moving the building at all, maybe bumping it out a foot, architecturally we would have to, just so that there'd be a little bit of a, cut-out for the person to be inside to handout the food, but it wouldn't encroach. So, that's what we were requesting, and then in speaking with Mr. Neumeyer, he explained that we would need to take away that old zoning, which is the yellow strip, and then just basically make the zoning out entire piece, the same as what it is over here. So, that's our request. And then, that's the pictures of what it would look like to, that I could show you as well.

- [Sidney] Do you have another one, Paul, to kind of, show where, I was wondering if there was one that showed where the other driveway was, that Mr. Weed was mentioning, where people would exit. I guess that will help.

- [Tony] Okay so, there's a driveway here, here, and then we also have a driveway there.

- [Sidney] The driveway there then, is the one that was to the residential property, right?

- Correct. The house was just in such bad repair, that we ended up having to take it down, that's why.

- [Tim] And, if this is not approved, what would your alternative be? Just to have customers actually enter the premises to pickup their merchandise?

- [Tony] Yeah, yes, that would be an alternative, this would just allow for more convenience,. It's a competitive marketplace, especially in the convenience store business, so looking for additional ways, you know, being a sustainable business, and especially a small business.

- [Randall] I have a couple follow up questions, how long have you owned this property?

- [Tony] It's been in our family since 1992.

- [Randall] And, do you have a site plan developed yet?

- [Tony] I have an initial site plan, that I could handout, I haven't gone through with the full, wanted to meet tonight and see which direction, but I do have some, a surveyor that's put together a plan that I could certainly handout, if you would like. Along with an exterior of what it would look like, and then an exterior of what it currently looks like, for you to see.

- I'd like to see it over.

- Thank you.

- So, it's that order. The survey is kind of small, so I apologize for that, but on the east side you'll see, some markings of where the pick-up window would be.

- [Woman] I do have a question about how the customers are gonna access that drive-through area, is it through that, questionable north driveway?

- [Tony] Yeah, see, the driveway was, you know, we did, I mean, we hired a contractor, and we did get a permit for demolition, in speaking with Mr. Neumeyer, that was the first I had heard that that was a, some sort

of a question at this point. So, that is typically used, but yep, so that would be an option, but then there's also the street here, which is the front edge road, that you would also be able to access as well.

- [Woman] So, there's no way if someone pulls into your main parking lot, by the gas station area, that they would be able to get around, they would have to leave your property to get onto, to get to the driveway.

- Right, exactly.

- [Man] So, that'd be the turn in?.

- [Tony] Correct, to access it, would be to turn in here, or to come down the proper road there.

- [Randall] It looks like, based on the site plan, and the pictures that you don't intend to add any other entrances or exits, is that correct?

- That's correct.

- [Man] And, it also looks like you wouldn't be removing the sidewalk, you would be able to create clearance without going into the sidewalk area?

- [Tony] That's correct, the driveway would be approximately about 13 feet from the sidewalk, would be the start of the driveway, and then it would go into the building. So, a typical zone property would be a 15 foot setback, but the way we have it right now, we would need the driveway to be about 11 or 12 feet, so it's right around, like Mr. Neumeyer said, 13, 14, 15 feet, somewhere in there, but correct, we certainly wouldn't, it wouldn't effect anything near the sidewalk. And, I've walked it with neighbors and so forth, and talked to folks that live along there, many favorable reviews, haven't had any negative, and walked it and showed them the exteriors, and what we were looking to do.

- [Sidney] How do people currently drive into your property?

- [Tony] Currently, they come in either through this driveway, this driveway, this driveway, or this driveway.

- [Sidney] So, some of them come directly off Ashland, others take that corner around there onto Lombardi, and then uey around?

- Yep, or they come from the neighborhood and turn in this driveway.

- [Sidney] Because, I share the staff's concern, with the commercial traffic along, the Norwood side, thank you, but this alternative route, is that feasible? And, I guess I'm wanting your thoughts about that, how would you get people to come up to, come through the top there? Along Victory Boulevard and then down that cul-de-sac, to access your property?

- [Tony] Well, we would certainly do it through education, and explain to our current customers, you know, what the easiest way to come through. So, my guess is folks, that our regular customers would probably use this road, because it would seem to me, that it would be pretty convenient just to do that. So, whether they're coming from downtown or whatever, that seems to be a nice way to go, but yeah, if they're coming around, certainly they could just take Norwood, too, and come this way. So, it would just be through education.

- [Sidney] Most of them would be used to taking Lombardi, and go at it that way, I would assume.

- [Tony] Yeah, I think Ashland seems to be pretty, yeah, obviously it's busier.

- [Sidney] Well, for this purpose, they wouldn't enter, oh, they would enter, that's right, through Ashland and then go out Norwood, and loop-around that way. I'm just wondering if there's some way for signage to get people to make the turn, if they want to use the drive-through.
- [Tony] Oh, I see, on Ashland up there?
- [Sidney] Yeah, I'm trying to figure out a way to keep them off Norwood.
- Off of Norwood?
- [Sidney] If they're going to use the drive-through, and I guess Paul, do you have any thoughts about that?
- [Paul] I think that'd be considered off-premise advertising.
- [Sidney] Okay so, limited possibilities for that.
- [Tony] But it'd be our, you know, to educate and explain the easiest way to get in, thinking we'll have, the repeat customers, hopefully, that we can explain.
- [Tim] Jerry?
- [Jerry] A couple things, you already have cars going down Norwood that could be commercial, or they could be just regular customers, this is just a step away from turning into commercial. A question I have for Paul is, if there's any quandary or any issues about that driveway, shouldn't that be resolved first, before we even come here with this? Is that always gonna be an issue, or it's gonna go away?
- [Paul] Well, I think the request came first for the zoning change, potentially. If it's approved, it's a new point, and that driveway would be permitted by right.
- Okay.
- If it's denied, then there's an enforcement issue potentially, about what we do with the drive.
- [Jerry] So, if it's denied, then you would have to address it? Otherwise, you wouldn't even have to address it.
- [Paul] We may have to address it, we'd have to talk as a staff about how that would be enforced, if it would be enforced.
- [Jerry] And, the other thing that kind of, disturbs me a little bit, I think this gentleman has probably, pretty well answered it, appears to me like, you talked to the neighbors, and they don't really care, do they?
- [Tony] I've talked to many of them, yeah, especially the ones right in front, yeah, I haven't had any negative feedback. With the, they got a letter, and so they're worried, 'cause their house was circled, and so just in the educational, we're explaining, look, it's not anything to do with that side of the street. This store has been here since, well since forever, I probably, '40s I would think?
- [Jerry] Where's the dinosaur, that was my other question, is he still there?
- Yeah, the dinosaur is still there, yeah, and that's been there since the '50s.
- Oh, there he is!

- [Tony] Yeah, he's still hanging out, just had a makeover this summer. So yeah, I mean, it's been there quite a long time, they're used to it, and I mean, that's our job to be a good neighbor, and obviously to get along and make sure that we're doing our part.

- [Jerry] Okay, then you mentioned those trees there would have to be, probably, removed, because it's kind of a short turn to get lined up with the driveway coming in there. And then, I would imagine, you also mentioned that, probably be easier to show it on this slide here, about, looks like you're gonna have green space on the other side of that sidewalk, between the driveway and the sidewalk. So, you're gonna have to plant, do some shrubbery, or something along there? So, that's gonna be all cleaned up too, it's not just gonna be an ugly driveway, with lights shinning all over, on people's houses, and all that stuff.

- Yeah, the driveway?

- Yeah, yeah.

- Yeah, the good thing is the lights are facing up, which is parallel with houses, so there wouldn't be any headlights, so when they go through that, with the neighbors of course, but yeah we could certainly with a site plan talk about, there's 13 to 15 feet that would be from the sidewalk to the driveway, where we could replant. I mean, these trees are mature, some have died.

- [Jerry] I think it makes it more appealing, too, it makes it more appealing--

- It would look nice.

- [Jerry] Elevation of the building.

- It would look much nicer.

- It would clean it up.

- [Tony] Yeah, with a nice landscape, but if it's a or whatever, we could decided.

- [Jerry] You purchased that land that we're talking about in question where there used to be house, do you own that?

- [Tony] That's been, yeah, the house has been down for, I don't know how long, it's been 15 plus years.

- [Jerry] Do you know who owns it?

- [Tony] We owned it, probably, we've owned it since the mid '90s, 1993?

- [Jerry] And, still do?

- [Tony] Oh, yeah, yes sir, the land for sure, we had a permit to demolish it, and then we left it .

- [Jerry] The driveway is yours then.

- [Tony] Well, that's certainly my position, I'd hate to lose it, I mean, that would be a negative effect on our business.

- [Jerry] So, that kind of, goes away, right away. You bought it, and it's there.

- [Tony] We would still have the house if it was, it was just in such rough shape, that that's why we took it down.
- [Jerry] Is that still buildable for a home?
- [Tony] Well, with the setbacks now, it would be a small house, yeah, very small.
- [Jerry] Interesting.
- [Tony] To build anything out of the current, would be about this big.
- [Jerry] Yes, tiny house.
- [Tony] Yeah, it would be tiny, it's green space at this point, we just cut it and maintain it.
- [Jerry] Well, thank you, and if I recall, I go by there, you're, well, a pretty clean shop, nice, clean-looking station.
- [Tony] That's our job, you know, to be a good neighbor and run a clean operation.
- [Jerry] You're always busy, that's nice, all right, thank you sir.
- Thank you.
- Thank you, any further questions? Thank you.
- All right, thanks.
- [Tim] Is there anybody else that wishes to speak on this item?
- [Randall] Move to close the floor, and return to regular order.
- [Jerry] Second.
- [Tim] We have a motion by Commissioner Petrouske, a second by Commissioner Wiezbiski, to close the floor, all in favor?
- [Board Members] Aye.
- [Tim] Opposed? Okay, we're back.
- [Man] I have some followup questions for staff. So, in a vacuum, assuming that this yellow strip didn't exist, and we were only dealing with the setback question, the 15 foot setback question, is it a regular practice, or a feasible practice, to grab that two foot exception for businesses?
- [Paul] That's a matter for the Board of Appeals to consider. So, the 15 foot setback is a building and parking setback, measured from the right-of-way line, you can't encroach in that, administratively we can't do anything. So, it'd be shipped off to the Board of Appeals, for their consideration.
- [Randall] So, even if, in a theoretical world where we agree to strip out this buffer zone, under their proposal they would have to go to Board of Appeals to determine whether they would get approval for the setback variance?

- [Paul] Potentially, yeah, I didn't, inform the applicant of that process as well.
- [Randall] And those, in this visual here, those three properties north of the Dino shop, below the cross-street, which is that Victory?
- Yes.
- Are those all currently under, with commercial use?
- [Paul] I believe so, the is up on top, there's a chiropractic office, I'm not sure if the house, maybe the house is still in residential use, I'm not quite sure, still may be rental.
- [Woman] It is residential.
- It is residential?
- Yeah, it still has the zoning for business, but it's residential.
- [Paul] So, that's a remnant property from years ago.
- [Woman] There is a furniture shop around here.
- [Man] I'm inclined to approve the applicant's request, to remove this zoning, and I'll tell you why. This area's clearly become commercial already, if this buffer strip is something's that, sort of, a relic of the past, and inconsistent with this strip of properties, combining the math with the business owner who has been operating this property successfully for nearly 30 years, 20-something years, and a property that's been in existence since the '40s, I think it's probably the right approach. I don't think that guarantees approval, obviously, he'd have to go through the Board of Appeals, but I think a relic that we don't use anymore, shouldn't be the impediment to that, that's why I'm inclined to approve the request of the business owner.
- [Jerry] I second it, motion approved to, not by a normal way of voting, but I think, it's a relic, I think he's doing a good job with the business and everything there, and I don't think it's detrimental to the neighborhood.
- [Randall] I guess, it wasn't a formal motion yet, but I just wanted to kind of, approach the topic, and see what others thought.
- [Woman] I think I'm a little, if it weren't for approval, I think I'd be a little bit more comforted by the fact that it would have to go through the Board of Appeals for setbacks, my thoughts on it, I certainly appreciate what their plans look like, and how the building, the renovations that they would do, and how much nicer it would look. I'm concerned about the weird traffic pattern, and I'm concerned that if we take the zoning, if take that zoning away from the Dino Stop property, and then we also remove it from those three others, it is, I mean, it's hard to see in that picture right there, but it is really transitional. There's a lot, basically, it's all houses all over there, I guess, I'm leaning toward following staff's recommendation at this point.
- [Tim] Point of clarification, whether we approve or deny this request, on the strip for the Dino Stop, am I correct that the staff is gonna withdraw the other three?
- That is our recommendation, yeah, so we actually initiated that request, because we felt, if we we're gonna support the request, to remove it, would we do it for all the properties? So, it's more or less, an exercise in studying in the situation, but we've decided to remove that request.
- [Tim] Okay so, we could approve to the request of the Dino Stop, or deny it, and in any other case, the others would be withdrawn.

- [Paul] Well, you can take 'em as a whole, or take 'em individually, it's up to you, I guess, we're just simply saying our recommendation to the Planning Commission.

- Okay, thank you, yes, Jerry?

- [Jerry] Correct me if I'm wrong, if we do approve it, there's no reason for it for it to go to Board of Appeals?

- [Paul] There may be a need to go, with the setback. Well, we haven't received an official submittal yet, but we suspect based on the dimensions, that they'll need a variance for the setback off of South Norwood Avenue.

- [Jerry] When is that determined? Why wasn't it determined before it came here?

- [Paul] Well, we're talking about the zoning first, and then, the second part is not necessarily, part of the discussion, I mean, it kind of is, but that's a separate process that we'd look at. If it's not compliant, then they have a recourse to go to the Board of Appeals. So again, there's a 15 foot setback if they obtain the zoning, they're talking about maybe 13 feet of green space, and then 12 foot aisle space, something like that. So, they're encroaching about, two or three feet into that setback area, potentially.

- [Jerry] Okay, thank you.

- [Sidney] This one's really tough, I am appreciative of the staff's concern to protect the residential properties across the street. Persuaded by Randy's point about, an old way of doing something, it makes sense to have this brought into conformity with what is the current practice in the city at this point, and I'm also inclined not to want to continue that in a way that then becomes a hindrance for an expansion of the convenience of this particular commercial operation, but I'm just stuck on the commercial traffic. Clearly, Victor, if that's the name of it again.

- Victory, Victory.

- Victory, oh, right, the cul-de-sac is not an alternative, although indeed, by word of mouth, people who come there often might do that, but other folks are gonna come in, the way they've always come in, 'cause that's where Dino is. So, I think that's not likely to solve the traffic problem, we've still got the issue of the traffic, commercial traffic along that place, a residential street on the west side. I'm caught between those two, and I'd be happy to hear what other people think, yes, come on.

- [Man] I'm stuck less on the site plan and what's all going on with that, and more on, the intent, the original purpose was to provide a buffer, and, do we feel that a buffer is still needed there? Or, is the setback, take care of what our concerns are there? And then, the second part of it too is, these other properties to the north, obviously, Dino Shop is invested in what they're doing there, seems like they have a plan for what they wanna do there, but opening this up, to these properties of the north, I think could be a bigger thing to worry about down the road of, I mean, this is a hot area for development, and there's probably gonna be something that's gonna come up here in the next five, 10 years, we're gonna have to deal with this thing, probably again. I'd like to not have to deal with it, for that, so I think we need to figure out what we wanna do with this strip, and not worry so much about the site plan, what's going on there, 'cause there's other processes for that. Do we wanna keep the buffer there, is there a purpose to keep the buffer there, is there any downside to any word of it? Is where I'm at, and I'm still in between, I don't know.

- [Woman] I don't know if this helps or hurts, our current subdivision code does not allow for gyro-fronting lots like this, because it creates this scenario here, where there's access on all sides. Some of these lots have three frontages, and they have access on all three of those frontages, so this buffer area for the zoning, also helps protect with that, it has less access points, or else you could have it on each one of your entry, each one

of your right-out-ways. So, something else to keep in mind is, those lots aren't going to change, they're always gonna be double-fronting, but the access doesn't have to be on all sides, either.

- [Board Member] As you all will see, buffers where it is now.

- [Woman] It's really the only protection of that.

- [Randall] Although, this particular site, already does, I mean, both sides are already zoned, and the entrances are already existing and in-use. So, that differentiates this particular parcel, from the other parcels. It seems that like the buffer zone only covers a very small portion of this particular property, as opposed to the entirety of the other properties, if that makes sense?

- Yeah, you're pointing out there is access just below the yellow strip, the current driveways that go onto Norwood.

- Could we show on this?

- It's not residential.

- [Randall] The prior one, there, exactly, or approximately where that yellow zone would--

- [Paul] It's right by the canopy, it's right here, it's right at the beginning of the drive, and runs directly north to the .

- [Tim] This business is an old business, it's been here since, before my time, so it's obviously old. And, it's a very well established business, and I don't, whether we approve this or deny this, the business is gonna thrive, as it has, and it will continue to. The owner has stated that if they don't receive this recommendation, that they'll just go old-school, where the customer will go into the premise, pick up his merchandise and leave. So, the success or failure of the business, isn't contingent upon what we do here today at all, so it's my inclination and I prefer, to keep the buffer, and maybe have to deal with it down the road sometime, that's my--

- [Man] I see already, that the buffer zone, for the greater majority of that property line, has been disrupted, it no longer exists. Now, the additional thing that we're voting on, is just a small little addition, to the buffer zone that is already erupted.

- [Sidney] Where is the buffer zone erupted? I mean, there is the residential driveway, but there's no longer--

- Right here, this is the end of the buffer zone. This is driveways, and this is all his property, basically going right in there, there's nothing over here either, the buffer zone is not contingent through there.

- [Woman] Well no, but it's across from the houses, it's across from all the residential.

- [Jerry] Oh, go back to the office, please.

- So, the buffer zone--

- Starts where the houses start, yeah, yeah, because it starts where the--

- [Jerry] The buffer zone somewhat, helps these people here, a little bit, but look, this is actually, this in fact is the end of the buffer zone, that property, and there's nothing for this property.

- [Sidney] Or, say it this way, Jerry, it's the beginning of the buffer zone, and then across the street it's the beginning of the housing that runs to the--

- Well, from here to here, that starts in the buffer zone, and he's still gonna provide somewhat of a buffer zone, he's talked about planting trees and bushes, or shrubbery.

- [Randall] I kind of see Jake's point, so the question is really a fundamental one of is the 15 foot setback sufficient going forward, to provide a buffer on its own, or do we need this sort of, artificially constructed buffer, that I assume predated the 15 setback requirements. So, in other words, today, going forward, 15 foot setback replaces the buffer zone?

- [Paul] Correct, I think the zoning strip was an extraordinary step taken by the staff, at that time, of the city to create, line the sands, so to speak, that's my, again it's not used through the community, it's rarely used, that's why we felt it was important to retain that.

- [Randall] So, if the, just in a theoretical sense, if we were to strip this zone, this buffer zone, off of this entire strip of properties, if any of the properties were going to encroach upon that 15 foot zone, with some kind of change, they would have to go through the Board of Appeals, to get that approved.

- Correct.

- [Woman] Except for access.

- Except for access.

- That's the big of that buffer, is it's stopping commercial access from entering Norwood. So, you know, imagine the top three properties redeveloped with a six-story hotel, with driveways all going onto Norwood, or going onto the frontage, that's what that was used, sort of like in plats, they'll put in no access, restrictions on plats, you can't do that with soil. So, that is the other point of that, I don't really think it was meant to be a big setback, it was meant to stop traffic .

- [Woman] And, this goes back to a point that Paul, I believe, made earlier, that it would be pretty hard to contend the use of the driveway to what used to be the old residential area, because that is owned by the Dino folks.

- Right, I mean, well.

- And, right now, there's no point in using that driveway, because there's nothing there, it goes to a vacant lot.

- Well, we shouldn't have granted a permit if there was a permit, to allow access, because we can't go through that available strip of property, so to speak. So, that's an indication to us why it's illegal, also based on aerial photography.

- [Man] Do we have any idea of how long it's been in continuous use, for the business?

- [Paul] I wouldn't dispute 1940, or '45, I'm sure it goes back quite a ways, but there's been modifications to the building over time, as well, expansions, the building itself, the car wash, the and so forth.

- [Randall] No, I just mean the residential driveway, it's been that long since it's been used as a residential driveway?

- [Paul] Based on, I didn't check the raised permits, but between 2005 and 2010, the home was removed, and then the driveway was improved to some degree, some paving was added to connect to the apron that was there.

- [Randall] So, it was essentially converted from residential use to commercial use, in about 2005, 2010.
- [Paul] Right, somewhere in-between there.
- [Sidney] And, there's some parking in the back of the building, right, in the back of the Dino building?
- [Paul] There is, yes, yes, that's perfectly fine.
- That's the commercial use, that it now has, okay, so there is use of that driveway currently, but minimal use that would become probably maximum use, if you had the drive-through.
- [Paul] Well, I would think it would be dedicated to those going through the drive-through, or pick-up window, it's not gonna be gas customers, it's probably gonna be just, for that entity.
- [Randall] So, I think the way that I come down on this is, because this is a way of doing things that is no longer deemed appropriate or useful by the city, it shouldn't stand in the way of progress here, and because of the additional protection of having to go through, having the 15 foot setbacks, and having to go through a Board of Appeals, to deviate from that, I'm still inclined to grant the request of the applicant. And, I would move to grant the applicant's request, and to circle in the initial request by the board, to just strip the entire zone out from this area. So, we can just allow the existing standards to be in place.
- [Jerry] Is that a motion?
- [Randall] Yes.
- [Jerry] I second the motion.
- [Tim] Okay, so we have a motion by Commissioner Petrouske, and a second by Commissioner Wiezbiski, to approve the recommendation, and to allow the other three commercial properties, or is--
- Right, to approve, not the recommendations, to approve the applicant's request, and to also, re-include, I guess, the staff's initial recommendation to rezone the R1 strip.
- Of the whole strip.
- To be conforming with the zoning around it.
- Okay. Thank you, do we have any further discussion on that?
- [Woman] That leaves me still stuck with the traffic issue, because that driveway then is going to become an active commercial driveway.
- That's where I'm at, too.
- [Woman] Yeah.
- [Board Member] Yeah.
- [Man] I would really like if somebody from the community had come and gave some thoughts, or who's the Alder in that one?
- Johnson.

- Johnson.

- [Man] Just their thoughts on it, I mean, I don't personally have a problem with it, and I would love to clean up that zoning, I do, I do see your points.

- [Paul] I can give you one suggestion, I guess, if it would help, I'm this motion, go or not, so it's 25 feet in width, this band, you can adjust that width. You can do it for all, or a portion of it. So, you can reduce the buffer, so to speak, from 25 to some other dimension that you feel comfortable with, but you can still leave it in place, which would not allow access. So, you can shrink up that 25 feet to something more desirable, potentially.

- [Woman] And then, the setbacks would still be in place?

- [Paul] Well, the setbacks might become mute at that point, it's just, you probably could encroach right up to, that yellow strip, wherever it goes.

- [Woman] But, they wouldn't have the access to Norwood, then?

- [Paul] Well, right, so it depends on how you want to balance the two, you could consider that.

- [Sidney] How would that work then, for the petitioner, as far as, access to the drive-through?

- [Paul] I think, that still would be an enforcement issue for the city, potentially. So, it might solve one issue, but not both.

- [Man] If the driveway weren't allowed to be used, you'd have to use the frontage road then to access the drive-through.

- [Board Member] If the driveway were permitted, so then you'd have either choices.

- [Sidney] And, the driveway is there so, for it not to be permitted would be for the city to, do something to de-permit it.

- [Man] Ordered out.

- [Woman] Ordered out, because it is presumably, in that case, considered an illegal improvement.

- Correct.

- So, if we were to shrink, essentially, this buffer zone, down to say 15 feet to sync up with what a normal setback would be, that still leaves us with the problem, that there would be a two-foot encroachment. Would the staff take a different analysis of this, if we're dealing with a two-foot encroachment on the buffer zone?

- [Paul] I think you'd want to consider a distance that would be accommodating to the applicant, to give them sufficient room to still operate. 'Cause I think, you're still allow them to expand the business, continue that business, you just may be denying them access, but maybe the access is still a critical issue. It's just one way of looking, another way of looking at it, so to speak.

- [Tim] But, if we kept the buffer, even if we went down to even 10 feet.

- [Paul] True, or five feet, or one-foot.

- [Tim] And, we still prohibit any access for the Norwood?

- [Paul] In theory, yes.
- [Randall] So, I'd be willing to withdraw my motion, and bring a new motion, if the Chair will allow that.
- [Tim] The Chair would allow that, is Commissioner Wiezbiski okay with that? He seconded the motion.
- [Jerry] I stand firm on my decision.
- [Sidney] But, there's no motion left for him to second.
- It's on that second tangent.
- There's a motion.
- [Woman] Pardon?
- [Jerry] The second motion, is almost on the table, you're --
- Right, okay, so, I would move to adjust the R1 buffer zone to 10 feet, keeping it in place, but amend it down to 10 feet. I think that would be an appropriate way to accommodate this petitioner while preserving other properties, but preventing other properties from creating access and drumming up the traffic onto a high level. Provided that the petitioner can find a way to resolve the entrance issue, I guess that's between them and staff, and the city for the enforcement action, but I don't wanna punish them by saying that their success is likely to continue in perpetuity, and constrict their ability to evolve with the times. If they think this a good way to run their business, I'm not inclined to stand in the way of it. So, I think with that buffer in place, prevent a blowup of traffic on that strip, I'm comfortable that it would meet the petitioner's needs. So, I will re-file my motion, or re-bring my motion to modify the 25 foot strip, down to 10 feet.
- The entire strip?
- The entire strip. So, what I'm proposing, Jerry, is to move that from 25 feet down to 10, which would create enough room for the applicant.
- For the length of it, all the way down here, Norwood?
- [Randall] That would create enough room for the applicant to--
- [Jerry] Use that driveway?
- [Randall] Yes.
- [Jerry] And, we don't know if you can really use that driveway, but I don't think anybody's gonna bother them.
- [Randall] That's true whether we approve--
- [Jerry] That's not in focus right now.
- [Randall] That's right, that's right, and it preserves the rest of the strip as a buffer to prevent all the businesses from creating an access on to Norwood.

- [Jerry] I would second that motion, because I'm about to go back on old laws, rules, or whatever, and the threat of the Board of Appeals, and all that stuff, to hurt somebody who's doing a hell of a good job running his business. So, okay, I second that.

- [Tim] Okay, we have a new motion, by Commissioner Petrouske, and a second again, by Commissioner Wiezbiski, is there any further discussion, yes, Commissioner Miller?

- [Jacob] I have a question, and potentially, a different motion, I was gonna try to pull it up, but I don't think my Internet's gonna allow me, this is in the Legend's District, and does the master plan address this area at all, at a detailed level or is it?

- [Woman] No, so it's really just covering the Dino commercial ones that are along the--

- [Jacob] It doesn't go all the way up north?

- No, so really, it just discusses what kind of commercial uses should be there, but nothing with access.

- Okay.

- Unfortunately, sorry.

- [Man] Then, my potential counter-motion would be, go back to the start of this, by the petitioner, and just worry about those, whatever two parcels, leave the buffer up north, and then just worry about where we would start it at, besides trying to clean this up.

- [Paul] Right, you could just go, this is the original petition here, so you can just go to this point here.

- [Jacob] Just go to that point, do what was already in petition, leave that buffer up on top, I know it's kicking the can down the road, but it keeps the buffer there, and I don't think any of us seem to have a problem with what they're trying to do as a business, it kind of gets the best of both worlds, kind of. So, that would be my potential counter-motion, would be, just go back to the original, as that way.

- [Sidney] So, allow staff to withdraw its extension?

- [Jacob] If that's how we have to, do it, yeah.

- [Sidney] But, we're still stuck then, with the commercial traffic in and out--

- [Jacob] They're already using that driveway, as is, and if it was, if it actually was an issue, I think it would've came up, but in an enforcement issue. So, they're already using it, we're preventing it from being used on the northern three parcels, for now, but we're basically just saying, hey, it's okay use that driveway, it's already being used, let site plan take care of the other little nitty-gritty details around, and then worry, I guess, when they come to us next time.

- [Sidney] And, we're basically accepting then, the increase in the traffic, through that driveway, which there would be, assuming that there is no other way to deal with the access to the drive-through.

- [Jacob] Yeah, I mean, I have a lot of concerns about the site plan, personally, but I'm putting that away and just worrying about the zoning on it. I really don't like any of it, it all feels pretty just, all over the place, yeah, I'd so, I mean, if I had to vote right now, I would probably just vote to deny it at this point, based on what I've seen. It's not for lack of effort of by anybody, it doesn't feel good, in general when it doesn't feel good, that means there's something off about it.

- [Tim] Yes, Jerry?

- [Jerry] Those in this proposal could spot zone the availability of having driveways for the three commercial properties of both, up on the other end here? 'Cause they already have a driveway going into the cul-de-sac area, but why couldn't they put something in the back in the future? Or, do the same thing?

- [Jacob] Why is it now, they can't?

- [Jerry] Well, once you start chipping away at it, probably, have you , you might be raising up another-- Yeah, yeah, because not only that, but you gotta remember that you're splitting up the, what if the three people across the street there, they like that, and then all of a sudden the other ones say, oh, let's do the same thing with ours. Now, you got, you know, you got a whole nother, the whole ax coming through, we go through this forever, basically.

- [Tim] Well, we at present have a motion on the floor. Motion has been made and seconded, so we need to do something with that, is there any further discussion in that motion?

- [Woman] I'm a little more comfortable with Randy's second motion, the 10-feet.

- To reducing the whole thing to 10 feet?

- Still not great, but more comfortable.

- [Woman] More palatable.

- [Jerry] That would leave us with the, that northern driveway problem, though still, right? They'd be out of compliance.

- Correct.

- Right.

- [Sidney] Could you go back to the drawing that shows those drives, that one. If Mr. Weed designed the drive-through to start from the large area in front, I can't remember now what you said, does it run to the northwest, the drive-through, as you've been conceiving it?

- No, I think--

- On the east side, which is this side of the building.

- [Sidney] So, why would it have to come in from the top?

- [Tim] Because, that's where the driver's side of the car is.

- [Sidney] I suspected there was a reason there along, okay, okay, shoot, heading out on that nice little piece of cul-de-sac.

- [Jerry] I thought of that too, you were stopped, and put the car wash .

- [Tim] Okay, is there any further discussion?

- [Jacob] I guess one other thing I would say is that, I don't think we're solving anything by reducing it to 10, 'cause then we're gonna have out of compliance driveway, and that's gonna have to be dealt with, and then that probably throws this whole plan off. So, I don't think we're gonna accomplish anything, by doing that.
- That's all.
- So, how do we, yeah.
- [Sidney] What we're doing is providing a little bit more maneuvering, with the narrower buffer, but we don't know that anything else will follow from that.
- [Man] Some day they could build that big hotel right there on that whole .
- [Board Member] It is something now, they won't have the access.
- Keep in motion.
- We have a motion to second.
- This will vote.
- To vote for the discussion, yeah, the Chair would ask that, you cast your vote in.
- And, as yes or a no.
- On what, Randy's--
- It has to be for Randy's.
- Him, it's for a motion?
- [Woman] The 10 foot buffer .
- [Jerry] I think it's my, I think it's my dry hands. You get to be 80, these things don't work too well, because your fingers are starting to run dry. That won't work at all, that's the wrong corner. That's drier than my fingers, I don't have . My vote is yes.
- Okay, that passes five to two. Great.
- [Tim] For the motion passed, five to two, and again a proposal for City Council, next Tuesday.
- [Woman] All right.
- [Board Member] Good Luck.
- Thanks, thanks for your time.
- Sorry you had to rehearse those driver signs there .
- That's okay.
- [Jerry] Thank your for running a fine business, in the city of Green Bay.

- [Tony] Oh, thank you, that's very nice to hear.

- [Man] There are a lot of gas stations.

- [Tim] Okay, so you're done.

- [Woman] Okay.

- [Tim] Next item, item three. Consideration with possible action, and a request to authorize a conditional use permit, for limited production use, at 340 North Broadway, submitted by Sandra McDonald, Cupid's Arrow Escargot LLC.

- Good Morning.

- Thank you, Mr. Chairman, okay this request is for a conditional use permit, and it's kind of hard to see in this star, in the basement of the building, where you see the star.

- Yes.

- So, the whole site itself, is downtown via Dousman, it's the main, east, west, Broadway is the main north, south, this whole entire area is what's called, it's actually 22 plus acres, called the Rail Yard. A pre-development area within the Broadway District. In 2008, that was established in 2013, it had been amended, to allow in the southern portion, from Kellogg to the south, and primarily in that building, to allow limited production and processing uses. At that time, that was for brewing, so brewing and bottling, and light-industrial basically. So, I'm kind of going to go through, you can see the zoning here shows that the con. plan, shows that it's downtown. You see that heavy black line, that's the plan unit development, then across the street is also downtown zoning. Future land use, this shows it as a gray, but that is really, had been altered into a, mixed-use future land use, but again, you can kind of see the little star there a little bit better. I don't have any pretty pictures or anything, so I'm just gonna leave this one up. This area is also covered under our downtown plans, authenticity plan, it designates the site as part of the Larsen Green catalyst site. So, the conditional use permit for limited production and processing, is not out of place, with any of our long-term plans. Again, this was changed just in 2013, to allow a limited production use. At this time we have a petitioner coming in, with a very interesting conditional use permit request, it's to establish another limited production processing use, called heliculture, or heliculture.

- [Woman] Heliculture.

- [Man] Heliculture, commonly known as, escargot snail farming. So, this is a raising and processing of snails, escargot, basically for human consumption, and also for cosmetics industry, they also use some of the products for arts industry, and that kind of thing. Petitioner is planning to use about 1,100 square feet of the basement level of the existing building, at 340 Broadway. She has been working, pretty extensively with the US Food and Drug Administration and the Department of Agriculture, and this would be, as she puts in her application, one of the first snail farms, or snail ranch, in the mid-west. So, kind of new, kind of innovative, going through a lot of processes to make that happen. Some of the requirements by these agencies are that they site has to be biologically secure, it has to be a completely controlled environment, which is, drew her to the site and the basement primarily, because it's full concrete, there is no access. It is a former industrial property, although it kind of converting now, to a mixed-use. The site would have to be inspected by the FDA, the USDA, for federal permits, and also occupancy would have to be approved from the city, or the state of Wisconsin. So, how they re-develop that space, would have to meet building codes. Petitioner plans to have just a single employee, but that would hopefully increase over time, to anywhere up to, one to five, that once she maybe, expanding outside of her area. The business would be a production processing only, there'd be no retail or restaurant uses, no access from the public, however she could use it for some educational purposes, or tour groups, it is gonna be a new feature. There's no need for any kind of loading, or unloading, or docking spaces,

all deliveries are gonna be done by personal vehicle, or through overnight shipping. We looked at this as staff, and it definitely a light-industrial limited production use, no different than any other. I mean, instead of cows, it's snails, so a little bit smaller. So, it's kind of uncommon in the States, but we are encouraged that it is a new type of business, in a re-development that's being called an innovation district, or innovation area. So, it's kind of appropriate, even though it's kind of strange. It's a very fitting addition for that development. Also, the former industrial building's basement is not very conducive to residential uses, commercial uses, but it's very conducive to industrial uses. So, it's kind of a win-win for everybody, that you can do the use, and business, get some rent out of the property, and a small business gets started. So with that, we did contact the Alderman of the district, the neighbors within 200 feet, and the Broadway, On Broadway, Inc. We haven't received any objections, we are recommending the approval of the conditional use , conditional use permit request. Here it is.

- Thank you. Is there any discussion?

- [Sidney] I have to admit a bias, a personal bias, I was raised in the San Francisco Bay Area, where snails, in garlic butter on sourdough bread, are one of the real delicacies in life, and I love it. I think this is a wonderful use of, an aspect of the old building there, that otherwise wouldn't get used, and certainly fits with having the, is well, you can beer along with that sourdough bread, and they sell the sourdough, and they make the , right?

- [Board Member] Well, they're just starting, a new bakery's moving into-- .

- [Woman] Yep, that's right they specialize in sourdough, yeah, well this is just putting the pieces together, as far as I'm concerned. I just acknowledge that I have a bias, and if you all think that I ought to remove myself from consideration , I'll do so, but I don't think it's of personal interest.

- [Tim] Thank you. Yes?

- [Jerry] I doubt if there's anybody at this table, that don't like garlic and butter, and now we add these little crustaceans with it, it's gotta be excellent. So, I think it's an interesting fit , I think it's a great fit.

- [Randall] Yeah, I agree with the staff's thoughts completely, this is exactly what we want for the innovation district.

- Mixed-use.

- [Randall] Yeah, absolutely, so I'm whole-heartedly in favor of this, I think it's a perfect, and creative use, of an underutilized space.

- [Woman] Option?

- [Randall] Well, do we open the floor, first?

- [Tim] Is there anybody who wishes to speak on this item? Okay, so we will need to open--

- [Randall] I move to open the floor.

- Second.

- Second.

- [Tim] We have a motion by Commissioner Petrouske, a second by Commissioner Hanson, to open the floor to the public, all in favor say aye.

- [Board Members] Aye.

- [Tim] Opposed? Do you want to go up to the podium, and state your name and address for the record?

- [Jeffrey] Okay, I'm Jeffrey Knutson, company's historic restorations, 401 and 409 North Broadway we have five parcels kitty-corner to the property. First of all, you're kidding yourselves that is not pure agricultural. This is not light-industrial, this is not commercial, this is agricultural. If you look at the, I googled it when I got my notes, first thing they said was it stinks worse, it stinks as bad as chickens and pigs. Now, you know how a cow stinks, now figure that. Now, we are going in the wrong direction, we've been going really good, this whole section of Broadway has been moved, fantastic in the right direction. Now, we are turning in the opposite direction, it's gonna stink a lot worse than Larsen ever stunk. This is not meant to be downtown in the city, this is meant to be out in the country. There's plenty of locations, there's plenty of old silos you can find, there's plenty of old barns, where you can use the basement of the barn, and you're out in the country where you're supposed to be. This does not belong Downtown Green Bay, the people that live, that rent the building, that she's going to be in, were not notified. You notified the landowners, but you never notified the people that are gonna have to put up with this stink. We're gonna have another vacant building when this is all done. This is agricultural, where is she going to get her permits? Ag. Department, this is agriculture, don't kid yourself. Any other questions, have I made myself clear?

- [Woman] You have, thank you.

- Thank you.

- How he really feels about it.

- [Sandy] I would like to defend myself here.

- Sure.

- [Sandy] Now, I've been doing research on heliculture for the past four, plus years, and sorry, I think you got your information wrong.

- [Tim] Address the commission, please.

- Pardon?

- Address the commission.

- [Sandy] Oh, oh, okay, I'm sorry, I think he got this information someplace else, because snails have no smell, their waste has no smell whatsoever. The only thing that they're eating are things that we eat, they'll eat wheat, barley, lettuce, carrots, cucumbers, anything we eat, they eat. And, it's dry, it has no smell whatsoever, and it's good for the land. I believe I've talked the owners of the Rail Yard District, and I guaranteed them, there will not be any smell whatsoever. I wouldn't go into something like that, into a business like this with a bakery, right? Gonna be above me, and think that I could do something like that. Everything that I'll have, will be on a compost, nothing will leave that building, there would be no need to have any venting for smell, possibly with their venting and their HVAC system, with the fresh air coming in, and going out, like the normal heating system. They don't need a lot of, temperature, they thrive between 68 and 72, and they need moisture, and we have designed a misting system which would be attached to each one of the pens, to go off on a timer. And, I just believe he's misinformed about the smell, yes, I'm working with USDA, and I'm mainly working with the APHIS Department of the Agricultural Department and the Plant, Pest Department. The reason I'm doing it in the concrete building, is because this particular snail is an invasive to farmland, and that's why the PPQ-526 permit that I have applied for, comes into affect. That I cannot receive them, because they're not natural from here, they're not needed to here, where they are in California, and probably 20 other states, as an invasive

species. So, this permit allows me to get them from another licensed farmer, snail farmer, and there's two in the United States, one in Seattle, and there's another in California, that just opened, and he's doing it out of a greenhouse also. The regulations are so strict, that a person has to, I can't open unless they come and inspect, and they okay it, I mean, there's just nothing I can do, to even open before I have their permission to grant me that. I don't have much reputation as a snail farmer, but I would definitely, all of my research that I've done, has proven that they have no smell, and if you don't clean anything, of course, but the cleanly re-clip? How do you say that? The being clean, and how do you clean it with the bleaches, and sanitation, and everything like that, is so strict that I don't believe that there would be, that would be an issue, that would be the last thing I would think of, for me to worry about, or anybody in that building to worry about. They don't consider it, as that, that's never even came up in any, anything in the permitting because they're not, it's just, it's kind of, I guess I did with what I can say, does anybody else have any questions?

- [Tim] Yes, Jerry?

- [Jerry] This being the case, there's no smell, they eat vegetables, but you said seeds first, then you changed to carrots and lettuce--

- [Sandy] Well yeah, I can show you a little bit here.

- [Jerry] That those types of things, if they're not properly refrigerated, are definitely gonna, probably smell sometimes, but what happens when the species that actually eats the stuff, where does the waste go?

- [Sandy] Okay, I'll show you. This is not exactly how this is going to be done, but if we can't use wood, we have to use metal, and nothing that can corrode, or get mold, or anything. So, I've taken from a snail farm, in Ireland, and we have taken our design from this. There will be a bed, here, this will be a grow bed, this here, the greens will be grown in here, the snails will be raised on here, okay? That's where they'll hang out, and then these board across the top is where the feed is, you can't leave the food. You feed 'em, they eat night, they're a nocturnal species. So, at the next day, whatever food's left over, it's taken away, because you don't need to, people and you just, they don't wanna, you don't wanna feed them what they won't eat, old food, or you give 'em just enough 'til it's gone, you know, that would be the time, you'd have to learn that part of it.

- [Jerry] So, this food is actually fresh at all times, when they digest it.

- Yes.

- [Jerry] Okay.

- [Sandy] And then, the cleaning parts, will be the, these are the curtains that they will, they can go down there and eat the foliage that I grow inside there, but there also will be an area where I can grow lettuce, and some cucumbers, and whatever I need to, and I have a garden at home, so you know, I grow whatever, like carrots, they love carrots, and foods like that, nutritious stuff. And foraged stuff like burdock, wild mustard, and stuff like that.

- [Jerry] Where do you get these snails from?

- [Sandy] There's a gentleman in Seattle, that is a, well he has just gotten his license to be the second licensed one, snail farmer in the United States, and he's from Seattle.

- [Jerry] Okay, why are all these, for a lack of anything else, why are all these different division involved in assessing what you're doing, and giving the okay for it? Is it just because, so it's properly done, is that?

- So, it's properly done, because they are an invasive species, and they have a way of, if they're not happy, they'll kind of, just curl up into their shell, and they'll form a coating over the top, and they look dead. So,

somebody would see that, oh, I have a dead snail, flip it out, and then it rains, he would wake up, and they're morphodites, so they don't need to have a mate, to mate. They lay eggs underground so nobody would see them.

- [Jerry] So, it could be a real mess.

- [Sandy] That's how they become invasive. We would be using metal, and a different type of plastic here, that can be washed and chemically washed, and all the dirt and everything that I would be using from this, would be composted with worms, and all the leftover feed would also go into a compost, so I could just generate good dirt to replant my plants.

- [Jerry] And, what would you do with the waste if it does occur?

- [Sandy] Then we'll go into the, what kind of waste?

- [Jerry] Say, something dies for some reason.

- [Sandy] Oh, okay, then I would also, because of the red wigglers that I'd be raising, I'd bury the, a snail would just die, because it died, just bury that in the ground, the worms will eat that. They'll eat anything that was alive at one time, they won't eat live things, but anything that was alive, and that would be composted into that. I could crush the shells for calcium, in excess, and possibly, 'cause snails need excess calcium supplements, I don't know for sure, if they would eat their own shells, if it was powdered, but all it is is calcium.

- [Tim] Ma'am, you need to address the whole council, or the whole commission.

- [Sandy] Oh, I'm sorry.

- [Jerry] Well, that's okay you're stalking me.

- Okay.

- Well, that you don't have to repeat.

- I'll attach this stuff--

- [Sandy] Yeah, but this is just to kind of, what you can get an idea.

- [Man] Okay, thank you.

- [Tim] Okay, thank you very much, does anybody else have any questions?

- I do have.

- Sidney?

- [Sidney] Go ahead, I'm sorry, none for her, I have a question for all of you.

- Oh, okay.

- Thank you.

- [Veronica] Paul, should I close the floor?

- Yes, that's right.
- Second.
- [Tim] Is there anybody else that wishes to speak? No, you've already spoken, sir.
- [Jeffrey] I can't speak again?
- [Tim] Okay, I need you to close it.
- [Lisa] Motion second. Yeah.
- [Board Member] Okay.
- [Tim] Okay, so we have a motion by Alder Corpus-Dax, a second by Commissioner Hanson, to close the floor. Any further discussion on that? Area done? All those in favor say aye.
- [Board Members] Aye.
- [Tim] Opposed? Okay, great.
- [Sidney] So, my question then is to Paul. Mr. Knutson has raised the issue about agricultural use, is that covered in FEUD? 'Cause that was convincing, and as, Ms. McDonald was talking, she was talking about it as a farm, it is farming, but we nearly precedent for that in the city, in the farm mart, which is in a residential area, and is also indoor farming. I'm wondering, I'm asking a legal question now, really, are we in legal jeopardy, if we approve something that is farming.
- [Paul] I think it's an non-traditional use, but I think it's still, as we classified as it as, light-industrial, or light-manufacturing, I don't know that it's a pure agricultural use in the sense that, it's a farm field or something like that. And, there's some latitude in the PUD that, those uses can be adjusted, certainly, there's flexibility in the PUD, but I don't know, David, if you have anything to add.
- [David] Well, you know, we didn't have, so in PUD it allows limited production and processing, and light-industrial type of uses. It does have a lot of agricultural uses, but when we look at this type of use, it goes, you're raising the food source, I guess, right? But then, you're processing it all the way through to the end, and shipping. The alternative would potentially be, they're raised off-site and shipped in and processed, and then shipped out, but it's such a small component of the production facility, it was felt to fall into that PUD, as a limited production and processing.
- [Sidney] Okay, another question would be, is it appropriate to amend the PUD?
- You know, I guess.
- I think the standpoint--
- Perspective is, yeah.
- I don't, we don't see a conflict with that.
- We don't see a conflict, I mean--
- I mean this is a, you said it's, out-of-sight, out-of-mind, from those parts, there's not a direct impact unless there's some sort of smells, but I think it's certainly regulated by the federal government.

- [David] The other thing you could do, is if there are smells or smell complaints, you could request to, would that be a commission of approval, that no orders leave the facility? The other thing to keep in mind, this is 1,100 square feet, you know, this isn't a 1950s ranch-style house. So, it's not a large meat packing plant, or anything, it's a pretty small facility.

- [Sidney] I would, so your sense is that, we don't have a legal problem here, because we do have a precedent elsewhere in the city, of having the indoor farming, and because it is processing, as you explained it, David.

- [David] Sure, and greenhouses are permitted, in this state.

- Okay, okay.

- [David] Commercial districts.

- [Sidney] Okay, then the other issue, and frankly, the more important one I think is this, the issue of odor, and I would certainly had doubt the approach that you took, David. That if there were complaints about odor, that that would, that the CUP would knock, that that would cancel the CUP. The other way to put it, though, that might be cleaner, would be to ask for some certification from the FDA, or department, let's see what was it, FDA and the--

- USDA.

- The FDA, and USDA, is the right one.

- USDA, thank you, I knew there was another A in there somewhere. A certification of the resources that you have been using, but backed up by that official body, that this is not, would not be a problem. It sounds like it would be very easy for you to get that certification, but I think it speaks to the concern that used to be raised.

- [David] That could be an option, just making the condition that she provide that documentation, the other thing, the way a conditional use permit would be revoked, it just does disappear. So, if there were order complaints that had come back to the Plan Commission and Council for review, then they could revoke the condition, based on it not meeting one of its criteria. At that point, you could heavier research, I mean, you could have somebody five blocks away saying, oh, I smell something, it's the snails, you know? That would have to be documented, it would have to come back through the bodies to make the determination as realistic or not. I mean, if the odor is a major concern, and you still want to recommend approval, you could just add the condition, you know, no odor will be leaving the site.

- Thank you.

- Or, associated with the snails, or whatever.

- [Tim] Do you wanna the certification, from the USDA?

- I would like to. Either the USDA or the--

- FDA.

- [Sandy] The FDA, or mainly I'm working with APHIS, which is the plant, pest, department.

- That is the USDA.

- Or, the appropriate federal body, I guess.

- Excellent, thank you all, that's the language I was after. Okay, thank you.
- [Tim] Is there any further discussion?
- [Sidney] Then I would make the motion to approve this, subject to, certification by the appropriate federal agency, that the processing of the snails does not involve odor. And, with the understanding that, a determination the odor is a problem, would revoke the .
- Good.
- Good.
- [Sidney] Good.
- [Veronica] I second that.
- [Tim] We have a motion by Commissioner Bremer, and do we have a second?
- [Veronica] Second.
- [Tim] A second by Alder Corpus-Dax, is there any further discussion? There ain't none, the Chair would ask, that you cast your vote.
- [Woman] I don't have any, I think are Jake, Jerry, or Tim.
- Okay.
- I did not get abrupt.
- Great.
- I didn't either.
- Yes.
- I vote yes.
- [Man] Aye, yes.
- [Woman] Jerry?
- [Jerry] yes.
- [Woman] Unanimously approved upon.
- [Tim] Okay, thank you.
- [Man] Thank you.
- Thank you.
- Thank you.

- [Tim] And again, this will come before City Council, next Tuesday.

- Thank you.

- [Tim] Okay, next item, item four, consideration with possible action on a request to repeal the zoning ordinance, 7-00, for 840 South Huron Road, and to rezone the subject parcel, from the rural-residential, to highway-commercial. Submitted by Jeff Osgood, property owner.

- [Paul] Thank you Mr. Chair, this is another two-part request, it involves the repeal of a previous improved zoning ordinance, and then a rezoning request. So, the property's located at 840 South Huron Road. It's at the northwest corner of Mason and Huron, it's a former Shell station, QuikTrip, acquired the property in 2014, and had plans to remodel, or reconstruct the site. This is just north of the business center, which runs about pretty much, the south side of East Mason Street. Future land use, kind of planning is commercial, this is a commercial corridor, and this is the current zoning. So, actually there's an underlying zoning of rural-residential, but there is a key-to-knee boundary around that property, that was developed about 2000. So, that was that was developed for the Shell station, it was very specific to the Shell Station, it matches the building size, the placement, height, setbacks, QuikTrip's reconstruction plans don't fit that mold for the PUD. So, our recommendation was to repeal that ordinance, 07-00, and then to rezone the property from rural-residential to highway-commercial, or C2, which should allow them the free reign to reconstruct the gas station as necessary. We didn't received any call or questions on this, so we're recommending approval, with request tonight.

- [Tim] Thank you. Is there any discussion?

- [Lisa] Can I just make a motion?

- Sure.

- Motion to approve?

- [Veronica] Second.

- [Tim] We have a motion by Commissioner Hanson, a second by Alder Corpus-Dax, approve the recommendation, is there any further discussion.

- [Randall] Just kind of, feels like it's not a Planning Commission meeting, if there's not a QuikTrip there on the agenda.

- Yeah.

- That's true.

- [Tim] Okay, thank you for that. In that case, the Chair would ask, that you would cast your vote.

- [Tim] I'll make an account.

- Okay .

- Good.

- Yes.

- Yes.
- [Woman] Jerry?
- [Jerry] Yes. Unanimously approved upon.
- [Tim] Okay, thank you.
- [Man] Thank you.
- [Board Member] You're like, snail farming? Now, long gaze.
- [Tim] Thanks for your patience. Okay next item, item five. Consideration with possible action on the request to rezone 1820 Main Street, from low-density residential, to office-residential. Submitted by Michael J. Coppins, property owner.
- [Paul] Thank you Mr. Chairman, this is another rezoning request, this one is for for 1820 Frank Street, this is on the west side of town, just north of Lambeau Field, Lombardi Avenue, and Ridge Road, on the the north east corner. If you recall back in 2015, the comprehensive plan amendment for this particular area, it included the entire corner, including 1820 Frank Street. We also did a rezoning at that time, for a planned unit development, for a major office building, that was gonna be constructed. It excluded this parcel here, because this property was not part of that development proposal. That zoning went with it, development never occurred, so that property retained it's office-residential zoning. So, the con. plan recommends a high-intensity retail-office, or housing, including 1820 Frank Street. The bounds of the property still has an office-residential zoning. Now, the property owner would like to consider a development on that site. So, being low-density residential, there's not much he can do. A rezoning change to office-residential might allow some mixed-use or some other, higher-intensity use. So, we notified effected property owners, we didn't get any calls on this one. We're recommending approval of request from RI to OR.
- [Tim] Thank you.
- [Sidney] So, do we know anything about what has happened to Plaza?
- [Paul] We continue to talk to the property owner, and there may be some development potential, we just haven't received anything officially at this point. So, it's still under consideration for development.
- [Sidney] And, this would be stand-alone, with no reference to that?
- [Paul] It may be stand-alone, there may be some partnerships, that's still up in the air as well. This is the first step in the process for that property owner to obtain that zoning. So, he some flexibility to at least propose something.
- [Sidney] And, as I recall, he was not willing to sell to--
- King.
- Mr. King.
- Mr. King, correct.
- Correct.
- [Sidney] At the time, so he was a hold-out.

- [Paul] He was, yes, and that's why he was excluded from any sort of zoning change.
- [Sidney] Okay, thank you.
- [Man] No longer hold up .
- [Randall] I would move to approve the request.
- [Jerry] Second.
- [Tim] Okay, we have a motion by Commissioner Petrouske, and a second by Commissioner Wiezbiski, to approve the recommendation. Is there any part of it that is questioned? There ain't none, the Chair would ask, that you would cast your vote.
- [Jerry] Yes for Jerry.
- [Tim] Okay, yes.
- [Woman] Okay, unanimously approved.
- [Tim] Okay. Thank you. Last item, item six.
- [Stephanie] I forgot I had one on here, maybe it's okay that I was here.
- [Sidney] Go, Stephanie!
- [Tim] Item six, consideration with possible action and the request to declare city-owned property a surplus, located all along the 1,300 block of South Huron Road, submitted by a Paul Kovlowski.
- [Stephanie] Thank you. So, this is on the far east side of town, this is Bellevue, so if you're on row here, business park, back in this area. So, this is the parcel that's in question here, that's outlined in a little different shade of blue, probably could have done that differently. This was all city-owned at one point, it was right-of-way, it was vacated, and parceled-off. There are quite a few utility providers in here, WPS and facilities, and an easement, more importantly, ATC has some pretty large facilities here, with an agreement and an easement that's 100 feet wide with the city. So, for other providers, other city functions, we don't need this parcel anymore. It's valued at about \$92,000, but it's not necessary for city functions, or anything that we would use it for, going forward. So with that, we are recommending approval of the request, I'm sorry, to declare the surplus, with the retention of those utility providers. So, ATC's already gotten into contact with Kozmowski about that. If he does pick-up that parcel, what's that going to look like for him, as far as containing that facility area. And in keeping that utility easement that WPS has requested. We were also adding in a condition that, he get the first crack at it, it is the first surplus within all other case of parcels, so we wanna have this at market value, he gets the bet at that. If that doesn't go through, then we can put out to anybody else who's adjacent, or wants to pick up that facility area. Thank you.
- [Sidney] Okay, what I'm understanding is that this is for a multi-family development.
- [Stephanie] Yes, a multi-family has been theoretically proposed in this area here.
- [Sidney] Okay, and it would allow him to expand that development in some way, how many feet wide is that little strip?

- [Stephanie] Not much, maybe 50 feet, I don't know, it's not very much land. It does follow up with their site plan, though. There are a lot of wetlands in this area, so they're being very creative with the placement of these buildings, I think, any little bit helps with that. And, we aren't gonna be using it, so I think that they're just trying to see what they can maneuver with the ATC lines, there's only so much you can buckle, while it's usually just parking surface. So, it wouldn't extend too far north, but these users are industrial or commercial in nature. You don't really need a PD on that, either way.
- [Jerry] Same width as highway.
- [Sidney] Thank you, Jerry, that helps. I always have trouble with--
- It could also be just used as setback area, as well.
- Yeah, I mean.
- Sure.
- [Stephanie] They really just need a little bit more access up here, but that's a whole thing for .
- [Randall] I move to approve.
- [Both] Second.
- [Tim] Okay, we have a motion by Commissioner Petrouske, a second by Commissioner Bremer, to approve the recommendation, are there other requests? Is there any further discussion? There ain't none, the Chair would ask, that you'd cast your vote.
- [Tim] And, I vote yes.
- [Woman] Unanimously approved.
- [Tim] Okay, great, thank you.
- [Sidney] Good job at bringing .
- [Tim] Okay, next do we have a Director's report?
- [Paul] We do not.
- [Tim] Okay, thank you all.
- [Man] Character is gone .
- [Tim] Okay, next item then, is the date of the next meeting, is Monday, November 25th, 2019.
- [Sidney] Before Thanksgiving, right?
- Yes.
- Just before.
- [Lisa] Move to adjourn.

- [Sidney] Second.
- [Tim] We have a motion by Commissioner Hanson, a second by Commissioner Bremer, to adjourn this meeting, all those in favor say aye.
- [Board Members] Aye.
- [Tim] Opposed?
- [Jerry] I'd like to wish you all a good, Merry Christmas and a Happy New Year, and I'll see you next year.
- [Woman] What?