



AGENDA OF THE ZONING & PLANNING BOARD OF APPEALS

MONDAY, APRIL 20, 2020, 5:30 PM

Telephonic Meeting

public may also view at

www.youtube.com/CityOfGreenBay

A. GoTo Meeting Information

- I. Please find information to join this meeting via "ToGo Meeting" along with instructions.

B. Roll Call.

- I. Members: Don Carlson - Chair, Gregory Babcock - Vice Chair, Tommy Everman, Noel Halvorsen and Jim Hutchison

Does anyone need to abstain from voting? Was anyone out to any of the properties?
Did you speak to anyone regarding this variance request?

C. Approval of the Agenda.

- I. Approval of the agenda for the April 20, 2020, meeting of the Zoning & Planning Board of Appeals.

D. Approval of Minutes.

- I. Approval of the minutes from the February 17, 2020, meeting of the Zoning & Planning Board of Appeals.

E. Regular Business.

- I. (Appeal 20-008) Jean Challe, Jones Sign, on behalf of the Green Bay School District, property owner, proposes to install an Electronic Message Center (EMC) to an existing monument sign in a Public Institutional (PI) District at 2130 Basten Street. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-2015(j)(2) size of electronic signage (Ald. C. Stevens, District 5).

2. (Appeal 20-009) Perry Lasee, property owner, proposes to retain an existing driveway in a Low Density Residential (R1) District at 1825 Burns Avenue. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-1716(b)(3)(c), Parking for single and two family uses (Ald. J. VanderLeest, District 11).
3. (Appeal 20-010) Brian D. Smith, SmitCo Eateries, Inc., on behalf of GFC Realty II LLC., property owner, proposes to construct a new restaurant building and parking lot in a Highway Commercial (C2) District at 1860 West Mason Street. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-810, Table 8-2, Floor Area Ratio (FAR) (Ald. J. VanderLeest, District 11).

F. Informational.

1. Discussion revisions to process and application to the Board of Appeals.
2. Date of next meeting: May 18, 2020.

G. Adjournment.

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

GoToMeeting Instructions for BOARD OF APPEALS

How to Join the Meeting (Please log-in 10 minutes prior to meeting time)

Zoning & Planning Board of Appeals

The City of Green Bay is inviting you to a scheduled GoToMeeting.

Topic: Zoning & Planning Board of Appeals

Time: Apr 20, 2020 05:30 PM Central Time (US and Canada)

Please join the BOA meeting from your computer, tablet or smartphone.

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You can also dial in using your phone.

United States: +1 (571) 317-3122 Access Code: 754-943-141

Join from a video-conferencing room or system.

Dial in or type: 67.217.95.2 or inroomlink.goto.com

Meeting ID: 754 943 141

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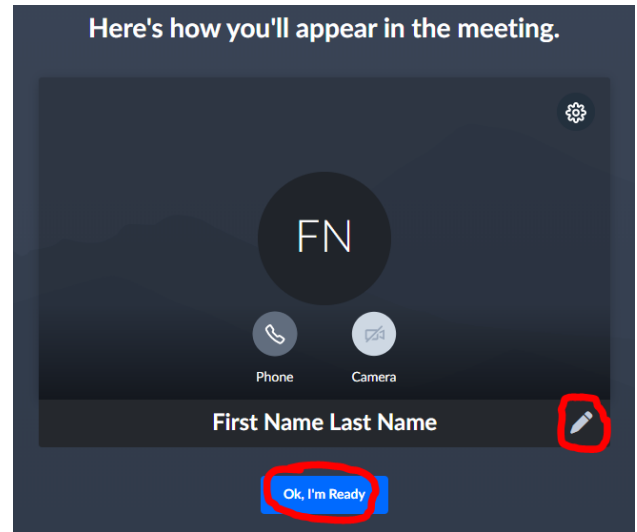
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Join from software downloaded onto your computer. Includes a full suite of features & tools.

- Type in your name and click the blue “Ok, I’m Ready” button when you’re ready to join the meeting.



Helpful Tips

- Muting yourself when you’re not talking will prevent your background noise from interfering with others’ ability to listen to and participate in the meeting.
- If you’re using a telephone, please identify yourself with your phone number and name before you speak.
- If you’re on a computer, in the top right corner, you can view Participants, Chat, and other Settings





MINUTES OF THE ZONING & PLANNING BOARD OF APPEALS

**MONDAY, FEBRUARY 17, 2020, 5:30 PM
CITY HALL, ROOM 604 - THE HARRY MAIER ROOM**

A. ROLL CALL.

I. Members: Don Carlson - Chair, Gregory Babcock - Vice Chair, Tommy Everman, Noel Halvorsen and Jim Hutchison

Does anyone need to abstain from voting? Was anyone out to any of the properties? Did you speak to anyone regarding this variance request?

Present: Tommy Everman, Don Carlson, Jim Hutchison, Gregory Babcock, Noel Halvorsen,
Excused:

Chair Don Carlson asked if anyone need to abstain from voting, went out to any of the properties or spoke to anyone regarding the variance requests? All stated no.

Others Present: Ald. Mark Steuer, Ald. Barb Dorf and Ald. Veronica Corpus-Dax

B. APPROVAL OF THE AGENDA.

I. Approval of the agenda for the February 17, 2020, meeting of the Zoning & Planning Board of Appeals.

The agenda and minutes were approved with one vote. See Agenda Item C.I for motion and vote.

C. APPROVAL OF MINUTES.

I. Approval of the minutes from the November 18, 2019, meeting of the Zoning & Planning Board of Appeals.

Moved by Tommy Everman, seconded by Jim Hutchison to approve both the agenda and minutes. Motion carried.

Yes- Don Carlson, Gregory Babcock, Tommy Everman, Noel Halvorsen, Jim Hutchison, No- None, Abstain- None

D. REGULAR BUSINESS.

1. (Appeal 20-001) Benjamin Buehler, property owner, proposes to construct an attached garage in a Low Density Residential (R1) District at 3579 Van Laanen Road. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-604, Table 6-2, rear yard setback, Section 13-615(b)(2), size of accessory building and Section 13-1715(c), driveway width (Ald. B. Dorff, District 1).

Moved by Noel Halvorsen, seconded by Tommy Everman to grant the variances for rear yard setback and driveway width approve 2 of the three variances. Motion carried.

Yes- Don Carlson, Gregory Babcock, Tommy Everman, Noel Halvorsen, Jim Hutchison, No- None, Abstain- None

2. (Appeal 20-002) Tim Philipps, property owner, proposes to construct a 12 ft. x 20 ft. driveway expansion within a corner side yard setback located in a Low Density Residential (R1) District at 2089 Fern Lane. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-604, Table 6-2, corner side yard setback (Ald. A. Nicholson, District 3).

Moved by Tommy Everman, seconded by Jim Hutchison to open the floor for the February 17, 2020, meeting of the Zoning & Planning Board of Appeals for discussion. Motion carried.

Yes- Don Carlson, Gregory Babcock, Tommy Everman, Noel Halvorsen, Jim Hutchison, No- None, Abstain- None

Moved by Noel Halvorsen, seconded by Tommy Everman to table the request to allow for the applicant to return with a completed application and additional details regarding the request. Motion carried.

Yes- Tommy Everman, Noel Halvorsen, Jim Hutchison, No- Don Carlson, Gregory Babcock

3. (Appeal 20-003) Larry and Darlene Sterckx, property owners, propose to construct an attached garage in a Low Density Residential (R1) District at 304 North Platten Street. The applicants request to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-604, Table 6-2, rear yard setback (Ald. M. Steuer, District 11).

Moved by Gregory Babcock, seconded by Noel Halvorsen to grant the variance as requested and added and approved a variance for an accessory building to exceed the size of the principal dwelling, Section 13-615(b)(2), size of accessory building. Motion carried.

Yes- Don Carlson, Gregory Babcock, Noel Halvorsen, Jim Hutchison, No- Tommy Everman, Abstain- None

4. (Appeal 20-004) Phil Jennings, Creative Sign Company, on behalf of the Freedom House Ministries, Inc. property owner, proposes to install a two wall signs in a Varied Density Residential (R3) District at 2997 St. Anthony Drive. The applicants request to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-2007(c), institutional identity signs (Ald. K. Lefebvre, District 6).

Moved by Gregory Babcock, seconded by Jim Hutchison to grant the variance as requested, with the change of only one sign instead of two signs. Motion carried.

Yes- Don Carlson, Gregory Babcock, Tommy Everman, Noel Halvorsen, Jim Hutchison, No- None, Abstain- None

5. (Appeal 20-005) David Chrouser, Mau & Associates, on behalf of Kevin and Marne Williams, property owners, propose a residence and site alterations within the AE District of the 100-year floodplain and Low Density Residential (R1) District at 1937 Lakeside Place. The applicants request to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-1330(a)(1) fill area (Ald. K. Lefebvre, District 6).

Moved by Tommy Everman, seconded by Noel Halvorsen to grant the variance as requested and per the revised submitted site plan. Motion carried.

Yes- Don Carlson, Gregory Babcock, Tommy Everman, Noel Halvorsen, No- None, Abstain- None

6. (Appeal 20-006) David Chrouser, Mau & Associates, on behalf of Douglas Schneider, property owner, proposes to pave an existing nonconforming drive and parking area in a Varied Density Residential (R3) District at 212 Alvina Street. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-604, Table 6-2, side yard setback fill area (Ald. C. Wery, District 8).

Moved by Tommy Everman, seconded by Jim Hutchison to grant the variance as requested. Motion carried.

Yes- Don Carlson, Gregory Babcock, Tommy Everman, Noel Halvorsen, Jim Hutchison, No- None, Abstain- None

7. (Appeal 20-007) Jessy Geurts, on behalf of Green Bay East Kingdom Hall of Jehovah's Witnesses, property owner, proposes to modify their existing surface parking lot in a Varied Density Residential (R3) District at 2895 East Mason Street. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-609, impervious coverage, Section 13-1821, interior lot landscaping and Section 13-604, Table 6-2, front and corner side yard setback (Ald. V. Corpus-Dax, District 2).

Moved by Noel Halvorsen, seconded by Gregory Babcock to grant the variance as requested.
Motion carried.

Yes- Don Carlson, Gregory Babcock, Tommy Everman, Noel Halvorsen, Jim Hutchison, No- None, Abstain- None

Moved by Noel Halvorsen, seconded by Gregory Babcock to close the meeting floor for discussion . Motion carried.

Yes- Don Carlson, Gregory Babcock, Tommy Everman, Noel Halvorsen, Jim Hutchison, No- None, Abstain- None

E. INFORMATIONAL.

I. Discussion revisions to process and application to the Board of Appeals.

P. Neumeyer and Board Members discussed the new application and process.

2. Date of next meeting: March 16, 2020.

F. ADJOURNMENT.

Moved by Tommy Everman, seconded by Noel Halvorsen to adjourn. Motion carried.

Yes- Don Carlson, Gregory Babcock, Tommy Everman, Noel Halvorsen, Jim Hutchison, No- None, Abstain- None



Zoning & Planning Board of Appeals

VARIANCE APPLICATION

Department of Community
and Economic Development
100 N. Jefferson Street, Rm 608
Green Bay, WI 54301-5026
(920) 448-3300 - phone
(920) 448-3426 - fax

Application Deadline: First Tuesday of the Month at 12 Noon.

Date: 2-26-20 Project Address: 2130 Basten St, Green Bay WI Project #: 99988 Appeal #: 20-008

PROPERTY OWNER	APPLICANT INFORMATION
Name: Green Bay Area Public Schools	Name: Jones Sign Company
Address: 200 South Broadway	Address: 1711 Scheuring Rd
City, State, Zip: Green Bay, WI 54303	City, State, Zip: DePere, WI 54115
Phone: 920-448-2000	Phone: 920-425-9782
Email:	Email: jchalle@jonessign.com

Describe proposed plan:

To replace the reader board on the existing monument sign with an Electronic message center into the reader board cabinet. To have the Electronic message center sign face the same size as the reader board sign face.

The existing monument sign face area is $8.17' \times 4.92' = 40.20$ sf.

The existing reader board cabinet is $8.17' \times 3.75' = 30.63$ sf

The existing reader board sign face is $8.08' \times 3.41' = 27.55$ sf

List variances required to implement the proposed plan (include ordinance numbers and short explanation of each):

Sec. 13.2015. - Elementary or secondary school signage (j) Electric signage is permitted subject to:

(2) Electronic message signs shall occupy no more than 50 percent of the face of the ground sign area.

Describe what hardships are imposed by zoning ordinances listed in section above making conformity unfeasible or unnecessarily burdensome:

If the Electronic sign size is decreased the word size would have to be decreased which would make it harder for the staff and parents to read the messages.

Describe what unique physical characteristics affect this property which prevent you from complying with the zoning ordinance:

The intent is just to replace the existing reader board display with an electronic message center board.

If the electronic message center board would need to be made smaller, then the sign cabinet would need to be reconstructed. This was not the intent of the project and will incur additional cost.

Describe how granting this variance will neither harm public interest nor undermine the purpose of the ordinance:

The existing monument sign fronts Danz Avenue and is directly across from a large field / wooded area that extends the entire length of school property facing Danz Avenue (from Basten street to Morrow street).

The nearest residential building is on Basten street which is 200 feet away from the sign. Therefore, there will not be any harm to residence due to a larger Electronic message center.

City code already allows for an Electronic message center in this area. We are just asking for a larger size to fit into existing cabinet.

Prepare and submit a copy of a site plan (NO LARGER THAN 11X17) detailing your request completely and any additional information which will support your variance request.

Jean Challe / Jones Sign Co.
Signature of Applicant

2-26-20
Date

OFFICE USE ONLY:	Parcel#	Residential \$75 _____	Commercial \$150 _____
District: Zoning:	Meeting Date:	Receipt #:	



S I T E P L A N



N.T.S.

W O R K S C O P E

MS.1 NEW DF RGB EMC FOR EXISTING MONUMENT SIGN (Qty 1)

C O D E I N F O R M A T I O N

Under code allowance:
Movement restrictions: Messages shall not repeat in intervals of less than four seconds nor last longer than ten seconds. Individual messages may last longer than ten seconds. Rotating signs shall be limited to a maximum of eight revolutions per minute and shall not flash or have traveling bulb effects.

No chasing lights are permitted.
Notes: Sec. 13.2015. - Elementary or secondary school signage.
No such sign shall be illuminated that is greater than necessary for adequate visibility.
Message center signs that are found to be too bright shall be modified with the instruction of the city.

An electronic message sign shall not operate beyond 10:00 p.m.
An electronic message sign shall not face a residentially-zoned property.

JONES SIGN
Your Vision. Accomplished.
WWW.JONESSIGN.COM

JOB #: **247672-R0**
DATE: 01.02.2019
DESIGNER: J MILLER
SALES REP:
PROJ MGR: M WISE

REV.	DATE	BY	DESCRIPTION
1	00.00.00	XX	XXXX
2	00.00.00	XX	XXXX
3	00.00.00	XX	XXXX
4	00.00.00	XX	XXXX
5	00.00.00	XX	XXXX
6	00.00.00	XX	XXXX
7	00.00.00	XX	XXXX
8	00.00.00	XX	XXXX
9	00.00.00	XX	XXXX
10	00.00.00	XX	XXXX

CLIENT APPROVAL	DATE
LANDLORD APPROVAL	DATE
QC	



EXTERIOR SIGNAGE
2130 Basten Street
Green Bay, WI 54302

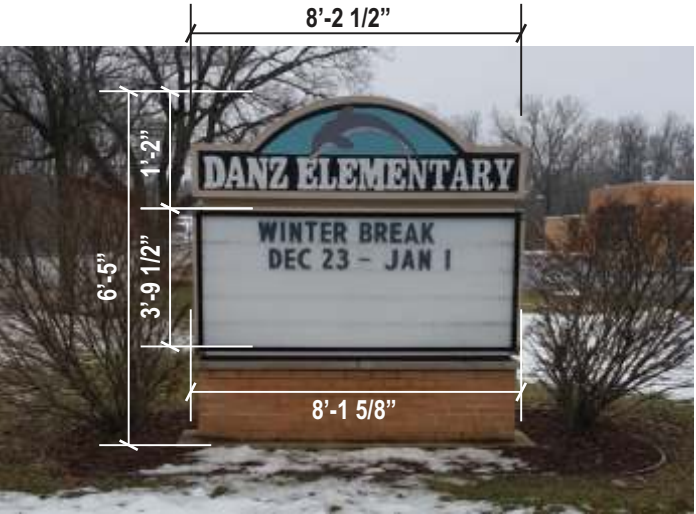
DESIGN PHASE: CONCEPTUAL

SHEET NUMBER

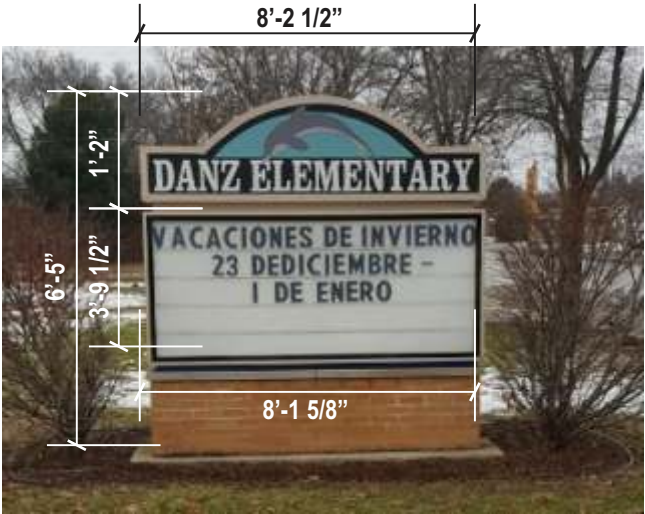
1.0

MS.1 NEW DF RGB EMC FOR EXISTING MONUMENT SIGN (Qty 1)

EMC CABINET SQUARE FOOTAGE: TOTAL - 27.6



SIDE 1 EXISTING
SCALE: NTS



SIDE 2 EXISTING
SCALE: NTS



SIDE 1 PROPOSED
SCALE: NTS



SIDE 2 PROPOSED
SCALE: NTS

SPECIFICATIONS:

- 1. NEW 16MM DF WATCHFIRE TWINPACK SLIM RGB ELECTRONIC MESSAGE CENTER READERBOARD TO REPLACE EXISTING MANUAL BOARDS.
- 2. WIRELESS COMMUNICATION INCLUDED IN EMC.
- 3. 120 VOLT. 14.0 AMPS (7.0 PER FACE) SINGLE PHASE SERVICE.
- 4. CABINET SIZE 41" H X 97" W X 5" D VIEWING AREA 36" H X 96" D
- 5. EXISTING CENTER POLE IS 4" X 4" SQ
- 6. EXISTING RETAINERS WILL NOT REMAIN ON READERBOARD. NEW EMC WILL HAVE BLACK P-1 EDGES.
- 7. TOP PORTION (NON ILLUMINATED DOLPHIN) WILL BE REMOVED & REINSTALLED.

*NOTE: THE EXISTING SIGN WILL BE REMOVED FROM SITE AND BROUGHT BACK TO JONES SIGN TO HAVE EMC INSTALLED AT JONES SIGN SHOP AND SIGN WILL BE RE-INSTALLED AT THE SITE ON EXISTING BASE.

COLORS/FINISHES

P-1 BLACK



FRONT VIEW
SCALE: 3/4"=1'

SIDE VIEW
SCALE: 3/4"=1'

EMC DETAILS

PRODUCT SPECIFICATIONS	
Pixel Pitch:	W16mm LED RGB
Pixel Matrix:	54 X 144
Cabinet Size:	41in H x 97in L x 5in D
Viewing Area:	36in H x 96in L
Cabinet Style:	Double Face Twinpak (Slim)
Character Size:	6 lines / 28.8 Characters at a 4" type
Approx. Weight:	641.00 Lbs.
Warranty:	Standard 5 Year Watchfire warranty applies.
Mfg. Lead Time:	2-4 weeks (after this document is signed & returned and receipt of down payment).
Electrical Service:	120 VOLT 14.0 amps (7.00 per face) Single Phase Service. Refer to the Installation manual for details on wiring. Based on 18 hours of operation a day, plus or minus 10% depending on how the sign is programmed. Example: 8.7 kWhrs a day x \$0.07 = \$0.61/Day
STANDARD FEATURES	
Brightness	Daytime 10000 NITs Maximum/Nighttime 750 NITs Maximum
Color	LED RGB
Color Capability	Min. 18.0 Quadrillion
Energy-Conscious LED	Use optional Sign Brightness Adjustment to run sign at less than 10000 NITs.
Includes	Ignite Graphics Software
Video	plays prerecorded clips up to 30FPS;imports Windows Video (AVI);Animated Text & graphics
Viewing Angles	140 Horiz/70 Vert
OPTIONS	
Software	Ignite DP
Communications	4G Wireless w/ 5 Year Cellular Data Plan
Software Training	Web Based Software Training
Temperature Sensor	w/100-Step Photocell w/15 ft Cable
Cabinet Separation	Standard Up To 15 Feet
Power Requirements	Standard As Quoted
Sign Mounting Kit	Not Ordered / Not Required
Warranty	Standard 5-Year Parts Warranty
Personal Computer	PC Not ordered. Ignite Included
Technician On-Site	Not Ordered
Spare parts kit	Not Ordered
Custom Artwork	Not Ordered
CUSTOM SIZE!	



EVENING VIEW
SCALE: NTS

JONES SIGN Your Vision. Accomplished. WWW.JONESSIGN.COM	JOB #: 247672-R0 DATE: 01.02.2019 DESIGNER: J MILLER SALES REP: PROJ MGR: M WISE	REV. DATE BY DESCRIPTION	CLIENT APPROVAL DATE			EXTERIOR SIGNAGE 2130 Basten Street Green Bay, WI 54302		SHEET NUMBER 2.0
		1 00.00.00 XX XXXX				DESIGN PHASE: CONCEPTUAL		
		2 00.00.00 XX XXXX	LANDLORD APPROVAL DATE					
		3 00.00.00 XX XXXX	QC					



Zoning & Planning Board of Appeals

VARIANCE APPLICATION

Department of Community
and Economic Development
100 N. Jefferson Street, Rm 608
Green Bay, WI 54301-5026
(920) 448-3300 - phone
(920) 448-3426 - fax

Application Deadline: First Tuesday of the Month at 12 Noon.

Date: 3-30-2020 Project Address: 1825 Burns Ave Project #: 100483 Appeal #:

PROPERTY OWNER		APPLICANT INFORMATION	
Name:	<u>Perry Lacey</u>	Name:	<u>Same</u>
Address:	<u>1825 Burns Ave</u>	Address:	
City, State, Zip	<u>Green Bay WI 54303-2380</u>	City, State, Zip	
Phone:	<u>920 634 4421</u>	Phone:	
Email:	<u>N/A</u>	Email:	

Describe proposed plan: To add concrete to existing side of driveway for another stall to be used.

List variances required to implement the proposed plan (include ordinance numbers and short explanation of each):
Rep & Res 60 (4-11) Recreational Vehicle Parking

Describe what hardships are imposed by zoning ordinances listed in section above making conformity unfeasible or unnecessarily burdensome:
Species control for neighbor property / Not able to use full use of garage.

Describe what unique physical characteristics affect this property which prevent you from complying with the zoning ordinance:
To be able to park extra trailer for side of garage. to be able to get out of main drive

Describe how granting this variance will neither harm public interest nor undermine the purpose of the ordinance:
It will actually help my neighbor & look plot better for the neighbors land

Prepare and submit a copy of a site plan (NO LARGER THAN 11X17) detailing your request completely and any additional information which will support your variance request.

Perry Lacey
Signature of Applicant

Date

OFFICE USE ONLY:	Parcel# <u>6-2006</u>	Residential \$75 ☒	Commercial \$150 ☐
District: <u>11</u> Zoning: <u>R1</u>	Meeting Date:	Receipt #:	

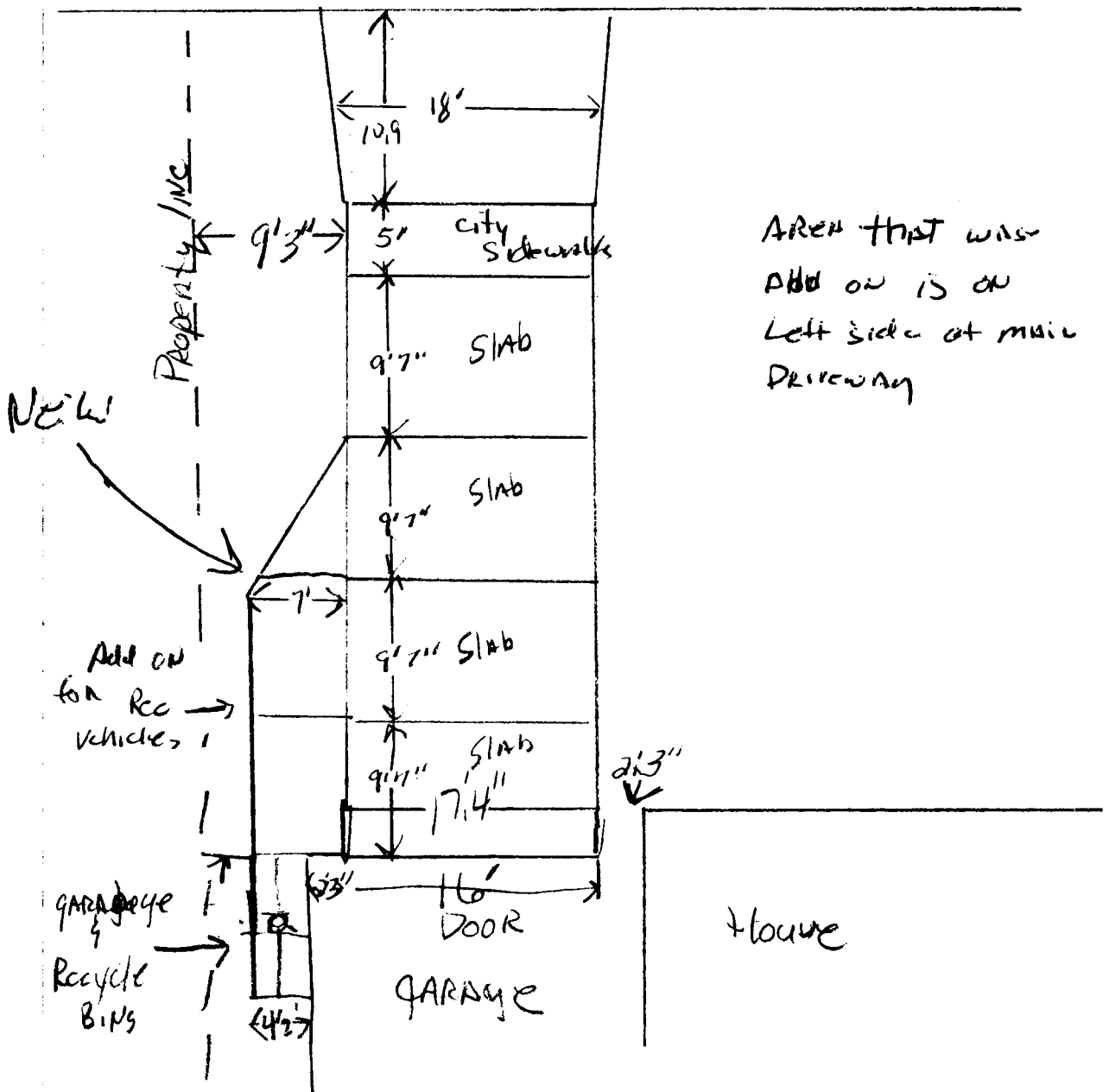
PERRY LASEC
1825 BURNS AVE 54303

PH# 920 634 4421

Perry Lasec

PINE
TERR

BURNS AVE





Zoning & Planning Board of Appeals

**VARIANCE
APPLICATION**

Department of Community
and Economic Development
100 N. Jefferson Street, Rm 608
Green Bay, WI 54301-5026
(920) 448-3300 - phone
(920) 448-3426 - fax

Application Deadline: First Tuesday of the Month at 12 Noon.

Proj# 100179

Appeal 20-010

Date: 04/01/2020 Project Address: 1860 W. Mason Street

Project #: Appeal #:

PROPERTY OWNER	APPLICANT INFORMATION
Name: GFC Realty II, LLC - Jeff Miceli	Name: SmitCo Eateries, Inc. - Brian D. Smith
Address: 5215 Old Orchard Rd., Suite 630	Address: 155 E. Fantinel Dr., Suite D
City, State, Zip Skokie, IL 60077	City, State, Zip Springdale, AR 72762
Phone: 847-581-4212	Phone: 479-409-6252
Email: jeff.miceli@ogrienintl.net	Email: bsmith@smitcoinc.com

Describe proposed plan:

Redevelopment of the property at 1860 W. Mason Street to include removal of the existing, vacant restaurant and construction of a new Popeyes Louisiana Kitchen Restaurant with drive-through. Project will include parking lot maintenance/reconfiguration, new landscaping, and the elimination of one access drive from Frontage Road at the west end of the property (the driveway nearest the intersection of S. Taylor Street and Frontage Road).

List variances required to implement the proposed plan (include ordinance numbers and short explanation of each):

The Highway Commercial (C2) District dimensional requirements of Chapter 13-810, Table 8-2, requires the minimum Floor Area Ratio (F.A.R.) to be not less than 0.1 (10%) for the subject site. The F.A.R. of the existing development is .087 (8.7%); the proposed redevelopment requires a variance to allow for a F.A.R. of .054 (5.4%).

Describe what hardships are imposed by zoning ordinances listed in section above making conformity unfeasible or unnecessarily burdensome:

See Attached.

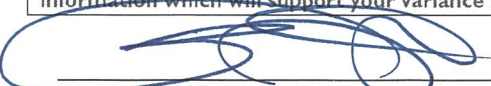
Describe what unique physical characteristics affect this property which prevent you from complying with the zoning ordinance:

See Attached.

Describe how granting this variance will neither harm public interest nor undermine the purpose of the ordinance:

See Attached.

Prepare and submit a copy of a site plan (NO LARGER THAN 11X17) detailing your request completely and any additional information which will support your variance request.


Signature of Applicant

4-6-20
Date

OFFICE USE ONLY:	Parcel#	Residential \$75 ____ Commercial \$150 ____
District: Zoning:	Meeting Date:	Receipt #:



April 6, 2020

SmitCo Eateries, Inc., Popeyes Louisiana Kitchen Restaurant, Green Bay, WI

PROPOSAL

SmitCo Eateries, Inc. proposes to redevelop the property located at 1860 W. Mason Street. The site is bounded by S. Taylor Street right-of way to the west and Frontage Road to the north. The existing site currently contains a parking lot with three access points and a restaurant building that previously provided indoor seating, and at one time, drive-in (in car) service.

The proposed project includes razing the existing building, milling the existing parking lot and removal of excess pavement areas in order to construct a new 2,532 S.F. restaurant building with drive-through service and a reconfigured parking lot using the existing base. The project will also eliminate the western most access point from Frontage Road (just east of the intersection of Frontage Road and S. Taylor Street).

The subject property is one legal parcel of record but was previously “split zoned”; the east part of the property was zoned C1 (General Commercial) and the west part was zoned C2 (Highway Commercial). A restaurant with drive-through is a permitted use in the C2 District and a Conditional Use in the C1 District. A rezoning was recently approved by the City; the entire property is zoned C2 and the proposed restaurant with drive-through use is a permitted use.

The proposed development asks for relief from the Highway Commercial (C2) District dimension requirements of Chapter 13-801, Table 8-2 which requires the minimum Floor Area Ratio (F.A.R.) to be not less than 0.10 (10%) for the subject site. The F.A.R. of the existing development is 0.087 (8.7%); the proposed development requires a variance to allow for a F.A.R. of 0.054 (5.4%).

UNNECESSARY HARDSHIP

Denial of the variance will not provide the minimal relief necessary to allow the applicant to redevelop the currently unoccupied property with a permitted use. Popeyes Louisiana Kitchen is a national chain with franchisees having rights to develop the brand in different regions of the County. The brand standards (i.e. site size and layout, building design, floorplan, menu, signage, etc.) are controlled by the Popeyes Louisiana Kitchen Corporation and franchise owners have limited ability to deviate from the corporate standards. The quick-serve restaurant industry recognizes the faster pace at which society

moves and has evolved and adapted to meet the needs of their customers...to provide quality food and good service in a timely fashion. This is reflected in both the smaller building floor plan (efficient customer service area and less indoor seating) and the site design (more parking for carry-out customers, additional queuing/stacking area, drive-through by-pass lane for more efficient internal traffic flow, and in some cases, double drive-through order lanes) to accommodate the increase in carryout and drive-through customers. Increasing the size of the building to meet the F.A.R. standard required by the Code is unnecessarily burdensome and would result in unused interior building space and would not adhere to the brand building standards. In addition, due to the location and shape of the property as noted below, less available parking and/or vehicle maneuver area would be available if the increased F.A.R. standard were to be required. A reduction in the drive-through stacking/queuing and parking would not adhere to the brand site standards.

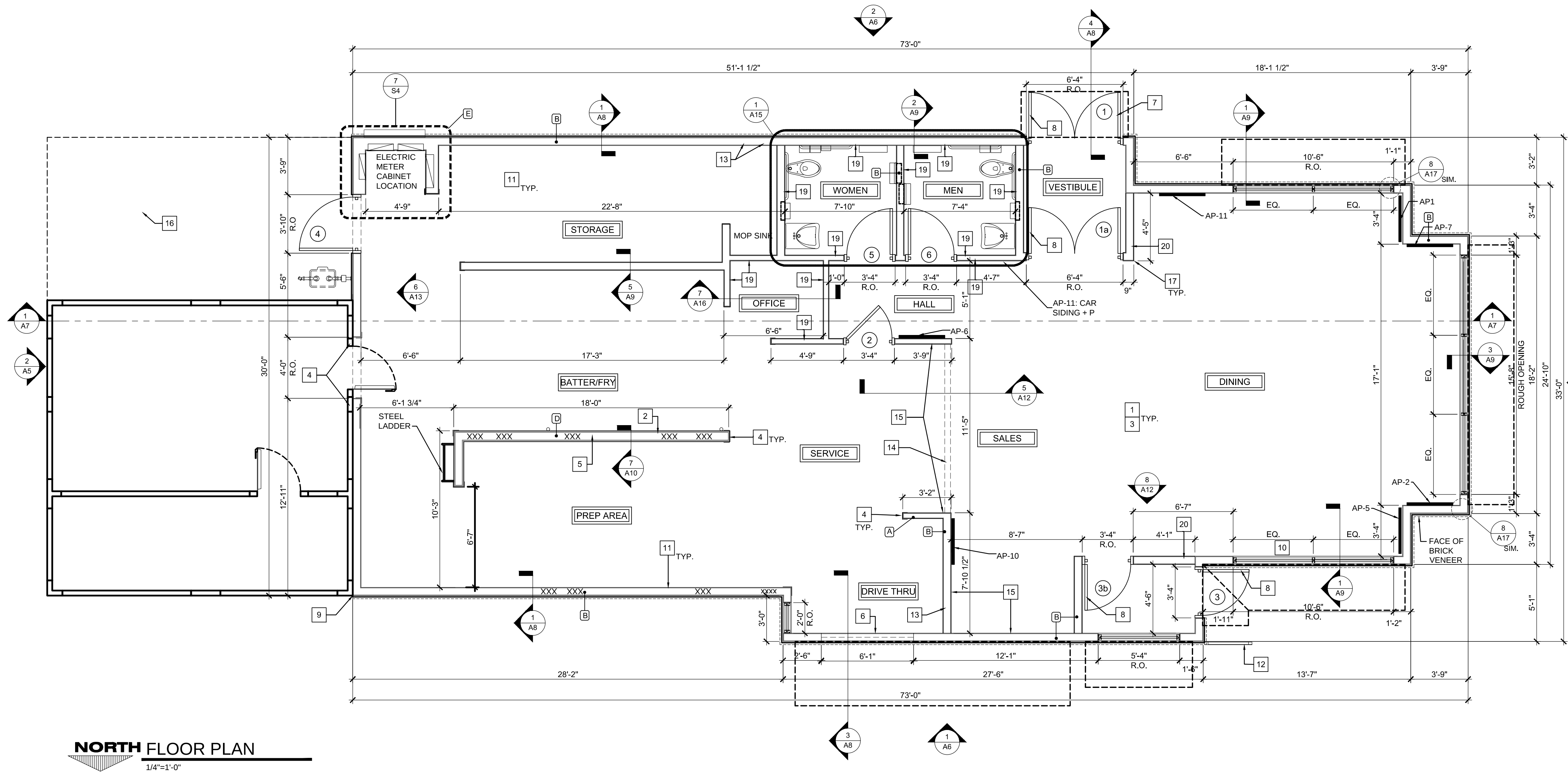
UNIQUE PROPERTY LIMITATIONS

Factors that contribute to the uniqueness of this property include the triangular shape and the fact that it is bounded on all three (3) sides by public roads. The divided highway design of Mason Street on the south and the round-about intersection to the southwest result in increased/wider street rights-of-way in those areas. In addition, the triangular shape of the property results in converging lot lines from west to east that create a pinch point. Those combined factors result in less usable area for development versus a more conventional square or rectangular property.

NO HARM TO PUBLIC INTEREST

With respect to the Commercial Districts, the Ordinance strives to provide efficient use of land (i.e. ensure the site will not be underdeveloped via the minimum F.A.R. requirement), ensure compatibility with adjacent districts and uses, control traffic and improve the pedestrian environment. In general terms, the intent and purpose of the Ordinances are to provide safe and healthy living conditions in every aspect throughout the community. The requested variance will not harm the public interest nor will it undermine the purposes of the Ordinance.

- The entire area as proposed is required to fit the Popeyes prototype site layout to provide adequate drive-through queuing/stacking, adequate parking for dine-in and carry-out patrons, and employees, and safe and efficient internal traffic circulation.
- Elimination of the western most driveway on the frontage road will improve safety and reduce potential onsite and offsite traffic congestion resulting from automobile ingress and egress immediately adjacent to the intersection of S. Taylor Street and Frontage Road.
- The project results in a decrease of impervious surface area on the property in comparison to the current developed condition thereby reducing stormwater runoff from the site.
- The proposed site design will provide adequate onsite parking and drive-through queuing/stacking while at the same time allow for safe internal circulation.
- The proposed use is a permitted use in the C2 District and will complement the existing development in the area.



NORTH FLOOR PLAN
1/4"=1'-0"

FRAMING SYMBOLS

- [A] 2X4 FRAMING @ 16" O.C.
- [B] 2X6 FRAMING @ 24" O.C.
- [C] 2X8 FRAMING @ 24" O.C.
- [D] 6" METAL FRAMING @ 16" O.C. W/ 2 LAYERS TYPE X GWB
- [E] 2X10 FRAMING @ 16" O.C.

1 DOOR NUMBER. SEE SHEET A-10 FOR DETAILS

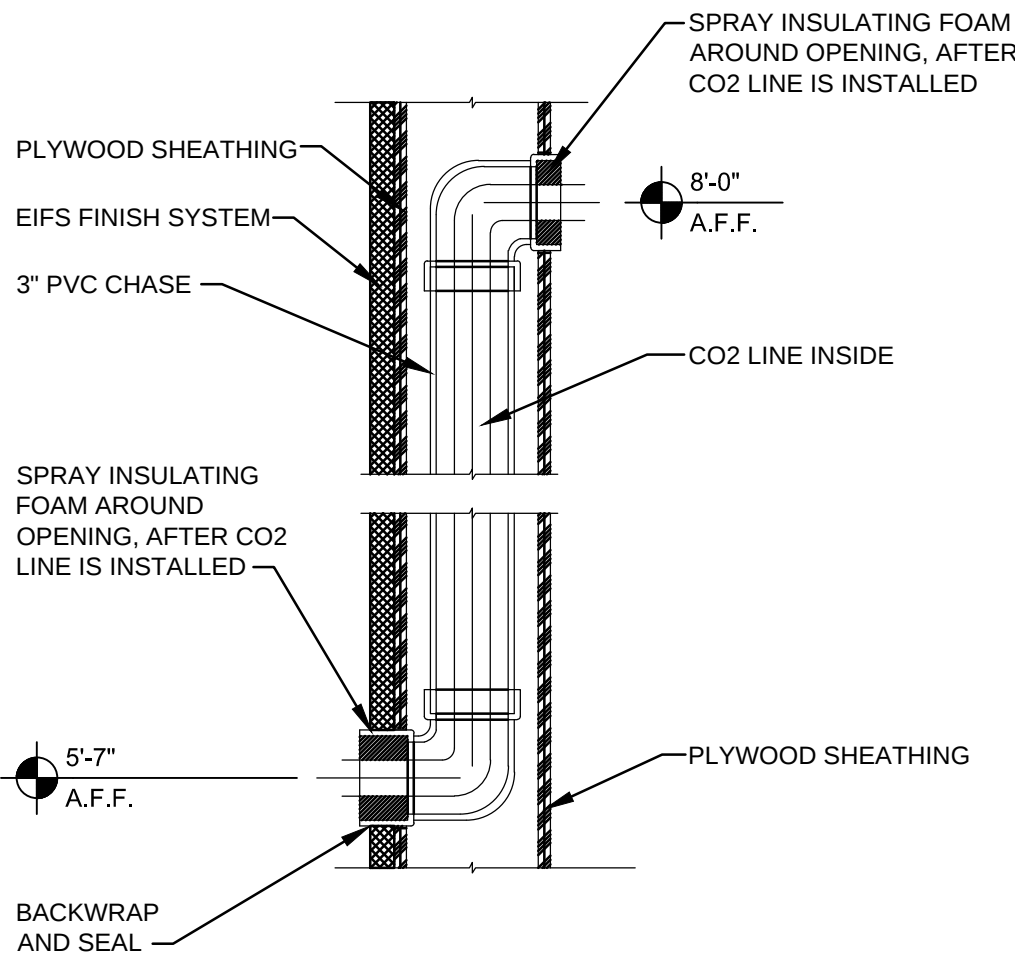
6 A12
DETAIL NUMBER
SHEET NUMBER

PLAN DETAIL

1 A3
DETAIL NUMBER
SHEET NUMBER

SECTION DETAIL -
ARROW
INDICATES
DIRECTION OF
VIEW

XXX DENOTES BLOCKING
AS REQUIRED



CO2 LINE PENETRATION
1 1/2"=1'-0"

CONSTRUCTION KEY NOTES

- DIMENSIONS ARE SHOWN:
1) EXTERIOR WALLS: FROM INTERIOR FACE OF GYPSUM BOARD TO THE EXTERIOR FACE OF PLYWOOD.
2) INTERIOR WALLS: FROM THE FACE OF FINISH WALL TO THE FACE OF FINISH WALL, U.N.O..
- INSTALL 3'-0" W X 8'-0" H X 18 GA STAINLESS STEEL PANEL BEHIND OVENS AND FRYERS. S/S SHALL EXTEND 18" BESIDE EQUIPMENT. REFER TO INTERIOR KITCHEN ELEVATIONS AND EQUIPMENT PLAN FOR LOCATIONS.
- ALL GYPSUM WALL BOARD BELOW FINISHED CEILING HEIGHT IS TO BE PREPARED FOR PAINTING OR WALLCOVERING AS INDICATED ON INTERIOR ELEVATIONS AND FINISH SCHEDULE. SEE GEN. CONSTR. NOTES FOR DINING AREA
- GENERAL CONTRACTOR (G.C.) TO PROVIDE 2"x2" FULL HEIGHT CORNER GUARDS ON ALL OUTSIDE CORNERS @ KITCHEN WALLS.
- HOOD WALL TO BE CONSTRUCTED WITH 6" METAL STUD STUDS @ 16" O.C.. INSTALL 2 LAYERS 5/8" MOISTURE RESISTANT TYPE X GYPSUM WALL BOARD ON BOTH WALL SIDES FROM FINISHED FLOOR TO BEYOND CEILING.
- ELECTRIC DRIVE-THRU WINDOW TO BE INSTALLED AT THE LOCATION SHOWN. VERIFY REQUIRED ROUGH-IN AND ELECTRICAL REQUIREMENTS WITH MANUFACTURER BEFORE PROCEEDING.
- THE ARCHITECT AND ENGINEERS OF RECORD SHALL VERIFY ALL ACCESSIBLE APPROACHES AND ENTRANCES TO VERIFY THAT THEY COMPLY WITH ALL APPLICABLE CODES. G.C. TO ENSURE THAT ALL DIRECTIONS AND DIMENSIONS GIVEN ARE STRICTLY ADHERED TO. IF CHANGES ARE MADE THAT CONTRADICT WITH THE DRAWING, OR IF EXISTING FILED CONDITIONS MAKE THE DRAWINGS NOT APPLICABLE, THE ARCHITECT MUST BE CONTACTED IMMEDIATELY.
- ALL DOORS SHALL BE ABLE TO BE OPENED FROM THE EGRESS SIDE WITHOUT THE USE OF A KEY, SPECIAL KNOWLEDGE OR EFFORT, AND COMPLY WITH ALL CODES. MANUALLY OPERATED FLUSH BOLTS OR SURFACE BOLTS SHALL NOT BE USED.

- GC SHALL COORDINATE WITH KOLPAK TO PROVIDE THE INSTALLATION KIT TO MOUNT THE WTB ON THE OUTSIDE OF THE BUILDING.
- ALL GLAZING WITHIN A 24" ARC OF DOORS WHOSE BOTTOM IS LESS THAN 60" ABOVE THE FLOOR AND ALL GLAZING IN DOORS SHALL BE SAFETY TEMPERED.
- PROVIDE 1/2" MOISTURE RESISTANT GYPSUM WALL BOARD ON ALL INTERIOR KITCHEN WALL SURFACES FROM FINISHED FLOOR TO 24" ABOVE FINISHED FLOOR, UNO. PROVIDE 1/2" PLYWOOD FROM 24" AFF TO BEYOND CEILING ON ALL KITCHEN WALLS.
- INSTALL GUARDRAIL ACCORDING TO THE MANUFACTURER'S SPECIFICATION, SEE DETAIL 3/A6.
- SEE P1 SHEET FOR SODA LINE CHASES. VERIFY LOCATIONS WITH BEVERAGE PROVIDER.
- INSTALL THE HALF WALL AND FRONT COUNTER AFTER THE KITCHEN EQUIPMENT HAS BEEN BROUGHT IN. PROVIDE 1/2" GYPSUM WALL BOARD ON THE SIDE FACING THE DINING. PROVIDE 1/2" PLYWOOD WITH FRP ON THE SIDE FACING THE KITCHEN.
- INSTALL POPEYES CAR SIDING ON WALL SURFACE FROM TOP OF COUNTER TO BEYOND CEILING ON ALL WALLS AROUND THE SELF SERVE DRINK STATION. (VERIFY WITH THE HEALTH DEPARTMENT IF THIS SURFACE IS ALLOWED.)
- PROVIDE MINIMUM 4" CONCRETE SLAB WITH WWF 6X6-W1.4 X W1.4 FOR THE INSTALLATION OF THE EXTERIOR COOLER/FREEZER. PREPARE SUBSTRATE AS SPECIFIED BY THE STRUCTURAL DRAWINGS.
- ALL WOOD TRIM PROVIDED BY VENDOR MUST BE FINE SANDED AND SEALED WITH CLEAR POLYURETHANE FINISH BY THE GC TO MATCH THE ADJACENT CAR SIDING.
- CLOSET INTERIOR WALLS TO BE SHEATHED WITH 5/8" PLYWOOD AND COVERED WITH FRP
- PROVIDE 5/8" PLYWOOD SHEATHING ENTIRE WALL FOR MOUNTING OF EQUIPMENT AND ACCESSORIES.
- WALL MOUNTED TV LOCATION. PROVIDE 5/8" PLYWOOD SHEATHING ENTIRE WALL FOR MOUNTING OF TV.

SPECIFICATIONS

DIVISION 9: FINISHES
SECTION 09 29 00
GYPSUM BOARD

Part 1 - GENERAL

1.1 SECTION INCLUDES

- STANDARD GYPSUM BOARD
- FIRE-RESISTANCE RATED GYPSUM BOARD
- FIRE RESISTANCE RATED - MOISTURE RESISTANT GYPSUM BOARD

PART 2 - SCOPE

1.1 SCOPE: FURNISH AND INSTALL GYPSUM WALL BOARD AS A SUBSTRATE FOR THE INTERIOR FINISH MATERIALS ON INTERIOR WALLS AS SHOWN ON DRAWINGS. FURNISH AND INSTALL GYPSUM WALL BOARD SUSPENDED CEILING WITH HANGERS AND SUPPORTS.

1.2 MATERIALS: MATERIAL NAMES ARE BASED ON A NATIONAL GYPSUM GOLD BOND STA-SMOOTH BEVEL EDGE SYSTEM BY U.S. GYPSUM.

WALLS EXCEPT WHERE NOTED: 1/2" STA-SMOOTH GYPSUM WALL BOARD.

WALLS WHERE NOTED: 1/2" THINK TAPERED EDGES MOISTURE RESISTANT (M/R) GYPSUM WALL BOARD.

DROPPED CEILING WHERE NOTED: 1/2" STA-SMOOTH GYPSUM WALL BOARD.

FIRE RATED WHERE NOTED: 5/8" FIRE RATED GYPSUM WALL BOARD.
5/8" FIRE RATED M/R GYPSUM WALL BOARD.

2. FASTENERS:

- GWB-54 1-5/8" LONG ANNULAR RING SHANK NAILS MEETING THE REQUIREMENTS OF ASTM C-380.
- 1-1/4" LONG TYPE-W DRYWALL SCREWS TO WOOD STUDS.
- 1-1/4" LONG TYPE-S DRYWALL SCREWS TO INTERIOR METAL STUDS.
- 1-1/4" LONG TYPE-S12 CORROSION RESISTANT SCREWS FOR EXTERIOR GYPSUM SHEATHING TO METAL STUDS.

E. JOINT TREATMENT COMPOUND SHALL BE READY MIXED. JOINT TAPE SHALL BE CROSS FIBERED, PERFORATED, FEATHER EGED. CORNER BEADS SHALL BE GALVANIZED STEEL ROLL-FORMED U-SHAPED CHANNELS.

F. HANGERS AND SUPPORTS: 2X4 WOOD FRAMING. SUBSTITUTION: FOR STEEL TRUSS BUILDINGS 1-1/2" CARRYING CHANNELS, 3/4" FURRING CHANNELS, 8 GAUGE HANGER WIRES, 16 GAGE TIE WIRES, AND 1" TYPE S SCREWS.

PERFORMANCE
1. INSTALLATION

A. CUTTING WALLBOARD: GYPSUM WALLBOARD SHALL BE CUT BY SCORING AND BREAKING, OR BY SAWING, WORKING FROM THE FACE SIDE. WHERE BOARD MEETS PROJECTING SURFACES, IT SHALL BE SCRIBED NEATLY.

B. INSTALLING WALLBOARD: GYPSUM WALLBOARD SHALL BE APPLIED AT RIGHT ANGLES TO FRAMING MEMBERS. BOARDS OF MAXIMUM PRACTICAL LENGTH SHALL BE USED SO THAT AN ABSOLUTE MINIMUM NUMBER OF END JOINTS OCCUR. WALLBOARD JOINTS AT OPENINGS SHALL BE LOCATED SO THAT NO END JOINT SHALL ALIGN WITH EDGES OF OPENINGS. END JOINTS SHALL BE STAGGERED.

C. FASTENING WALLBOARD: ATTACH WITH SCREWS OR NAILS SPACED APPROXIMATELY 8" O.C. THE NAILS SHALL BE DRIVEN HOME WITH THE HEAD SLIGHTLY BELOW THE SURFACE OF THE BOARD IN A DIMPLE FORMED BY THE DRIVING TOOL.

D. FASTENING EXTERIOR GYPSUM SHEATHING: ATTACH TO METAL STUDS WITH SCREWS @ 12" O.C. WITH HEAD FLUSH WITH SURFACE.

E. JOINTS FINISHING: JOINT COMPOUND, QUICK-TREAT, AND TOPPING COMPOUND SHALL BE APPLIED IN ACCORDANCE WITH PRINTED INSTRUCTIONS CONTAINED IN THE PACKAGE. A UNIFORMLY THIN LAYER OF JOINT COMPOUND SHALL BE APPLIED OVER THE JOINT UNDER THE TAPE TO PROVIDE PROPER BOND. CEILING AND WALL ANGLES AND INSIDE CORNER ANGLES SHALL BE REINFORCED WITH THE TAPE FOLDED TO CONFORM TO THE ANGLE AND EMBEDDED IN THE COMPOUND.

AFTER THE COMPOUND IS THOROUGHLY DRY, APPROXIMATELY TWENTY FOUR (24) HOURS FOR REGULAR COMPOUND, 2-1/2 HOURS FOR QUICK TREAT, THE TAPE SHALL BE COVERED WITH A COAT OF JOINT COMPOUND OR TOPPING COMPOUND SPREAD OVER THE TAPE APPROXIMATELY 3" ON EACH SIDE OF TAPE, AND FEATHERED OUT AT THE EDGE. AFTER THOROUGHLY DRY, APPLY ANOTHER CROWN OVER JOINTS. THIS COAT SHALL BE SMOOTH AND THE EDGES FEATHERED APPROXIMATELY 3" BEYOND THE PRECEDING COAT. ALLOW EACH APPLICATION OF COMPOUND TO JOINTS AND NAIL HEADS TO DRY, THEN SAND IF NECESSARY. ALL WALLBOARD AND TREATED AREAS SHALL BE SMOOTH AND READY FOR PAINTING OR WALLCOVERING.

GENERAL CONSTRUCTION NOTES

GYPSUM BOARD / EXTERIOR SHEATHING NOTES:

- EXTERIOR SHEATHING SHALL BE 1/2" EXTERIOR PLYWOOD NAILED IN ACCORDANCE WITH THE STRUCTURAL NAILING SCHEDULE. REFER TO SHEETS S-4.
- 1/2" PLYWOOD TO BE INSTALLED ON ALL INTERIOR WALLS. ALL JOINTS ARE TO BE PROPERLY SECURED.
- GYPSUM BOARD SHALL BE TYPE "MOISTURE RESISTANT" IN ALL AREAS TO RECEIVE WALL TILE OR FRP PANELS.
- ALL WALLS TO RECEIVE 1/2" MOISTURE RESISTANT GYPSUM WALL BOARD INSTALLED TO 24" AFF UNO.

INSULATION NOTES:

- ALL EXTERIOR WALLS TO RECEIVE FIBERGLASS BATT INSULATION TO MATCH DEPTH OF WALL CAVITY.

KITCHEN WALL NOTES:

- PROVIDE 1/2" PLYWOOD FROM 24" AFF TO 9'-6" AFF IN ALL KITCHEN WALLS.
- PROVIDE 1/2" GYPSUM WALL BOARD FROM 24" AFF TO 5'-6" AFF AT INTERIOR TOILET ROOM WALLS.

DINING AREA NOTES:

- PLASTIC LAMINATE TO ADHERE TO 1/2" PLYWOOD SUBSTRATE. PLYWOOD FROM FINISH FLOOR TO 2'-10" AFF.
- VINYL WALL COVERING ON 1/2" GYPSUM BOARD.

BLOCKING NOTES:

- "xxxxxxx" INDICATES BLOCKING REQUIRED IN WALL FOR PLUMBING LINES AND RESTROOM ACCESSORIES. BLOCKING SHALL BE FIRE RETARDANT WHERE REQUIRED BY CODE.
- CONTRACTOR TO VERIFY REQUIREMENTS WITH LOCAL BUILDING OFFICIALS PRIOR TO BIDDING. CONTRACTOR IS RESPONSIBLE FOR OBTAINING MANUFACTURERS' CUT SHEETS AND LOCATING BLOCKING AS REQUIRED. THIS INCLUDES KITCHEN EQUIPMENT AND ITEMS FURNISHED AND INSTALLED BY OTHERS.

FRAMING NOTES:

- CONTRACTOR MAY SUBSTITUTE METAL STUDS FOR INTERIOR WALL, AND SOFFIT FRAMING IF REQUIRED. WHERE USED, METAL FRAMING TO BE 25 GA. UNLESS OTHERWISE SPECIFIED(U.N.O.).
- REFER TO FRAMING NOTES FOR WALL SECTIONS.
- ALL INTERIOR WOOD FRAMING TO BE #2 SPRUCE, FIR OR WHITE PINE. WHERE REQUIRED BY CODE, FRAMING SHALL BE #2 FIRE RETARDANT YELLOW PINE. CONTRACTOR TO VERIFY REQUIREMENTS WITH LOCAL BUILDING OFFICIALS PRIOR TO BIDDING.
- ALL WOOD IN CONTACT WITH THE SLAB MUST BE PRESSURE TREATED.
- ALL INTERIOR WALLS TO BE FRAMED TO UNDERSIDE OF TRUSS U.N.O..
- ALL INTERIOR WALLS THAT ARE NOT SHEAR WALLS TO BE ANCHORED W/ 5/8" DIA. EXPANSION ANCHORS AT 6'-0" O.C. SEE STRUCTURAL DWGS. FOR SHEAR WALL ANCHORS.

ARCHITECTURAL FLOOR PLAN



PROJECT INFORMATION

PROPOSED BUILDING FOR:
POPEYES GREEN BAY
1860 W MASON STREET • GREEN BAY, WI 54303

PROFESSIONAL SEAL

PRELIMINARY DATES

NOT FOR CONSTRUCTION

JOB NUMBER

1855380

SHEET NUMBER

A1

EXISTING SITE DATA			
	AREA (AC)	AREA (SF)	RATIO
PROJECT SITE	1.08	46,870	
BUILDING FLOOR AREA	0.09	4,058	8.7%
PAVEMENT (ASP. & CONC.)	0.62	27,026	57.7%
TOTAL IMPERVIOUS	0.71	31,084	66.3%
LANDSCAPE/ OPEN SPACE	0.36	15,786	33.7%

PROPOSED SITE DATA			
	AREA (AC)	AREA (SF)	RATIO
PROJECT SITE	1.08	46,870	
BUILDING FLOOR AREA	0.06	2,532	5.4%
PAVEMENT (ASP. & CONC.)	0.53	23,007	49.1%
TOTAL IMPERVIOUS	0.59	25,539	54.5%
LANDSCAPE/ OPEN SPACE	0.49	21,331	45.5%

SITE INFORMATION:

LEGAL DESCRIPTION: Part of Parcel 2 of Certified Survey Map No. 1182 recorded in the office of the Register of Deeds for Brown County, Wisconsin on June 19, 1973, in Volume 4 of Certified Survey Maps, Page 375 as Document No. 772393;.

PROPERTY AREA: AREA = 46,870 S.F. (1.08 ACRES).

EXISTING ZONING: C2 & C1

PROPOSED ZONING: C2

PROPOSED USE: QUICK SERVE RESTAURANT W/ DRIVE THRU

AREA OF SITE DISTURBANCE: 22,909 (0.53 AC)

SETBACKS: BUILDING: FRONT = 15'
SIDE = 15'
REAR = 15'

PAVEMENT: FRONT = 15'
SIDE = 15'
REAR = 15'

PROPOSED BUILDING HEIGHT: 22'-4" (MAX. HEIGHT ALLOWED 35')

PARKING REQUIRED: 1 SPACE PER 3 SEATS (17 SPACES REQ.)

PARKING PROVIDED: 31 SPACES (2 H.C. ACCESSIBLE)

HANDICAP STALLS REQUIRED: 2, HANDICAP STALLS PROVIDED: 2

HOURS OF OPERATION: 10:30AM-10:00PM, 7 DAYS

BUILDING OCCUPANCY CLASSIFICATION = ASSEMBLY A2 (RESTAURANT)

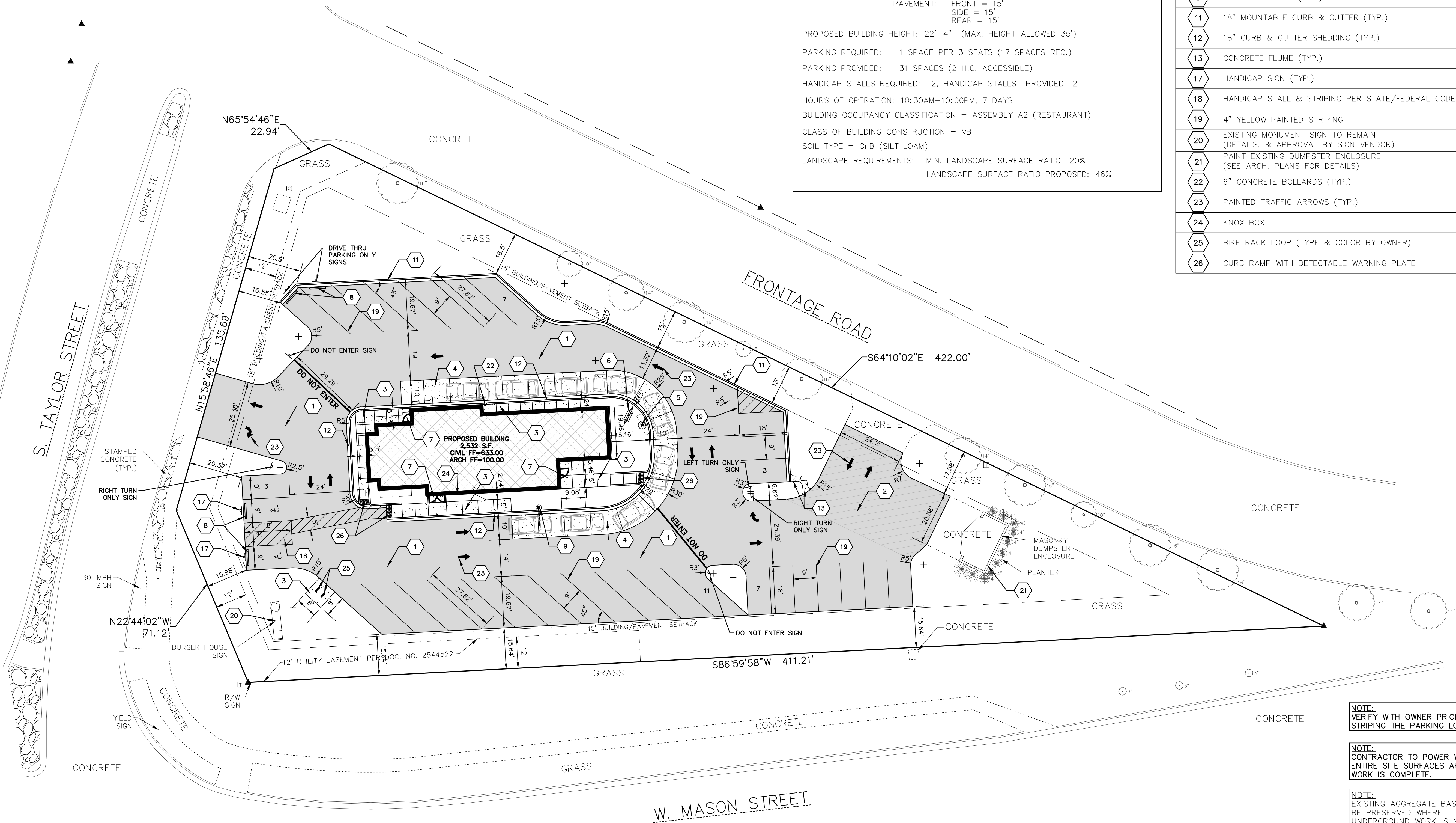
CLASS OF BUILDING CONSTRUCTION = VB

SOIL TYPE = OnB (SILT LOAM)

LANDSCAPE REQUIREMENTS: MIN. LANDSCAPE SURFACE RATIO: 20%
LANDSCAPE SURFACE RATIO PROPOSED: 46%

SITE PLAN KEYNOTES

- 1 STANDARD ASPHALT (TYP.)
- 2 HEAVY DUTY ASPHALT (TYP.)
- 3 CONCRETE SIDEWALK (TYP.)
- 4 DRIVE THRU BLACK CONCRETE (TYP.)
- 5 MENUBOARD CANOPY, SPEAKER POST AND OCB (TYP.)
- 6 MENUBOARD (TYP.)
- 8 PRECAST WHEEL STOP
- 7 CONCRETE STOOP (TYP.) SEE ARCH. PLANS FOR FINAL DESIGN AND LOCATIONS
- 9 CLEARANCE POLE (TYP.)
- 11 18" MOUNTABLE CURB & GUTTER (TYP.)
- 12 18" CURB & GUTTER SHEDDING (TYP.)
- 13 CONCRETE FLUME (TYP.)
- 17 HANDICAP SIGN (TYP.)
- 18 HANDICAP STALL & STRIPING PER STATE/FEDERAL CODES.
- 19 4" YELLOW PAINTED STRIPING
- 20 EXISTING MONUMENT SIGN TO REMAIN (DETAILS, & APPROVAL BY SIGN VENDOR)
- 21 PAINT EXISTING DUMPSTER ENCLOSURE (SEE ARCH. PLANS FOR DETAILS)
- 22 6" CONCRETE BOLLARDS (TYP.)
- 23 PAINTED TRAFFIC ARROWS (TYP.)
- 24 KNOX BOX
- 25 BIKE RACK LOOP (TYPE & COLOR BY OWNER)
- 26 CURB RAMP WITH DETECTABLE WARNING PLATE

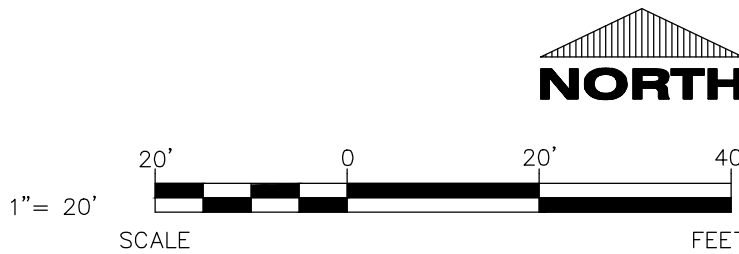


NOTE:
VERIFY WITH OWNER PRIOR TO STRIPING THE PARKING LOT.

NOTE:
CONTRACTOR TO POWER WASH ENTIRE SITE SURFACES AFTER ALL WORK IS COMPLETE.

NOTE:
EXISTING AGGREGATE BASE SHALL BE PRESERVED WHERE UNDERGROUND WORK IS NOT PROPOSED TO MINIMIZE DISTURBANCE.

SPECIFICATION NOTE:
SEE SHEET C0.1 FOR PLAN SPECIFICATIONS AND REQUIREMENTS



CIVIL SITE PLAN

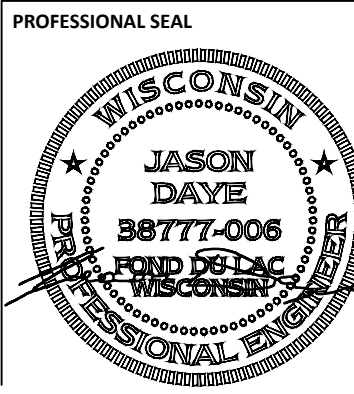
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ARCHITECTS • ENGINEERS • SURVEYORS
Always a Better Plan
100 Camelot Drive
Fond Du Lac, WI 54935
Phone: (920) 926-9800
www.EXCELENGINEER.com

COLLABORATION

LOUISIANA
P
ARCHITECT

PROJECT INFORMATION

PROPOSED BUILDING FOR:
POPEYES GREEN BAY
1860 W MASON STREET • GREEN BAY, WI 54303



PRELIMINARY DATES

JAN. 31, 2020
FEB. 21, 2020
APR. 2, 2020

JOB NUMBER

1855380

SHEET NUMBER

C1.1



CITY OF GREEN BAY BOARD OF APPEALS

RULES OF PROCEDURE

Revised: 8-20-13

SECTION 1.0 AUTHORITY AND PURPOSE

These Rules of Procedure are adopted by the City of Green Bay's Board of Appeals (hereinafter known as the Board). This Board has been established pursuant to Wisconsin Statutes and Chapter 13-209 of the City of Green Bay's Zoning Ordinance, and assumes all responsibilities, duties and powers as provided therein. These rules are intended to be supplementary to the provisions of the Zoning Ordinance.

By statute and the City's ordinances, the Board has the following authority: a) to develop and adopt these Rules of Procedure; b) to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the Zoning Ordinance or of actions of the Board; and c) to authorize upon request in specific cases such variance from the terms of the Zoning Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

SECTION 2.0 MEMBERSHIP

- 2.1 Membership. The Board shall consist of five members, plus two additional alternates as provided for in the Zoning Ordinance and Wisconsin Statutes. Unless specified otherwise, "the Board" means its assembled members or alternates acting as members due to the absence or recusal of one or more of the members.

SECTION 3.0 OFFICERS

- 3.1 Selection. Annually, the Board shall select from its membership a Chair and a Vice-Chair. The Board may, at any meeting or hearing, elect a replacement for an officer who is unable to perform the duties of the office. This officer shall serve until the next organizational meeting of the Board. All officers are eligible for reelection.
- 3.2 Tenure. The Chair and Vice-Chair shall take office the same meeting of their selection and shall hold office for a term of one year or until their successors are selected and assume office.
- 3.3 Duties of the Chair. The Chair shall preside at all meetings, and perform such other duties as may be ordered by the Board. The Chair may administer oaths and compel the attendance of witnesses. The Chair shall, subject to these Rules and further instructions from the Board, determine the dates, times, and location of meetings, direct the official business of the Board, supervise the work of the Board and request necessary help when required. The Chair may be overruled by a majority vote of the Board members present and voting.
- 3.4 Duties of the Vice-Chair. The Vice-Chair shall act in the capacity of Chair in his or her absence or recusal. (If both the Chair and Vice-Chair are absent or recused, the Board shall elect a Chairman *pro tem* to serve as Chairman.) In the event the office of the Chair becomes vacant, the Vice-Chair shall succeed to this office for the unexpired term and the Board shall select a successor to the office of Vice-Chair for the unexpired term.

- 3.5 Duties of the Zoning Administrator. The Zoning Administrator, or designee, shall cause to execute documents in the name of the Board, perform the duties hereinafter listed and shall perform such other duties as the Board may determine. The Zoning Administrator shall record (including an audio recording of all meetings) and maintain permanent Minutes of the Board's proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact; shall keep records of its official actions; shall summarize accurately the testimony of those appearing before the Board and keep a record of all hearings; shall record the names and addresses of all persons appearing before the Board in person, or by attorney. The Zoning Administrator shall, at the direction of the Board and Chair, conduct the correspondence of the Board; have published in the official newspaper public notices of meetings and hearings as required by law and rules of procedure; file audio recordings, written summaries, and records in the office of record of the Board, which shall be a public record; and shall be the custodian of the files of the Board and keep all the records. The Zoning Administrator's Staff may assist the Zoning Administrator in performing these duties. The Zoning Administrator is not a member of the Board.

SECTION 4.0 DUTIES OF ALL MEMBERS

- 4.1 Participation. A Board member shall participate in all proceedings except in the case of a conflict of interest, a disqualification, an excused absence, or another manifest inability to serve.
- 4.2 Conflicts of Interest.
- A. Representatives and any member of the Board shall avoid conflicts of interest. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
 - 1. Issuing, deliberating, voting or reviewing a case concerning one's self or work on land owned by one's self.
 - 2. Issuing, deliberating, voting or reviewing a case involving a corporation, company, partnership, or any other entity in which the person is a part owner, or any other relationship where the person may stand to have a financial gain or loss.
 - 3. Issuing, deliberating, voting or reviewing a case which is an action which results in a pecuniary benefit to one's self.
 - 4. Issuing, deliberating, voting or reviewing a case concerning one's spouse, child, stepchild, grandchild, brother, sister, parent, grandparent, or member of one's household.
 - 5. Issuing, deliberating, voting or reviewing a case where an employee or employer is:
 - a. an applicant or agent for an applicant, or
 - b. has a direct interest in the outcome.
 - B. When a conflict of interest exists, the member of the Board shall do all of the following immediately, upon first knowledge of the case and determining a conflict exists:
 - 1. Declare a conflict exists to the Board;
 - 2. Recuse himself or herself from voting on the item for which the conflict exists; and
 - 3. Leave the meeting room, or remove himself or herself from the front table where members of the Board sit, until the Board's action on that agenda item is concluded.
 - C. A Board member shall not be required to explain the conflict of interest.
 - D. A Board member who has recused may participate in a hearing as described in 6.3.B below.
- 4.3 Non-Public Communications.
- A. Members of the Board shall avoid non-public communications. As defined here, non-public communication refers to communication or discussions about a matter before the Board that occur outside of a noticed meeting of the Board. Non-public communications can occur between two or more members of the Board or between a member of the Board and an

interested party in a matter before the Board. Members of the Board have a duty, through the public meetings law, to not prejudge a case, and to base their decision only on discussions, exhibits, and facts presented at public meetings and hearings on a case.

- B. This concern regarding non-public communications does not preclude the Board from obtaining advice, counsel, or assistance from City staff provided that the staff or department is not a party to or directly involved in the pending matter for which the advice, counsel, or assistance is sought.

4.4 Not Voting On the Same Issue Twice.

- A. Any member of the Board shall avoid situations where he or she is sitting in judgment and voting on a decision that he or she had a part in making. As used here, this shall include, but not necessarily be limited to situations in which the appeal is of an administrative or other decision of the legislative body, the Planning Commission, or any subcommittee, and the member of the Board sits on both the Board and the said board, commission or subcommittee.
- B. When the member of the Board is in this situation, the member shall do all of the actions required in Section 4.2. B. of these Rules of Procedure for cases of conflict of interest immediately, upon first knowledge of the case and determining one's prior involvement.

4.5 Attendance. If any member of the Board is absent from three consecutive regularly scheduled meetings, without having arranged for that absence with either the Chair or the Zoning Administrator, then that member shall be considered delinquent. Delinquency shall be grounds for the Green Bay Common Council to remove a member for nonperformance of duty or misconduct upon public hearing. The Zoning Administrator shall keep attendance records and shall notify the Council whenever any member of the Board is absent without excuse from three consecutive regularly scheduled meetings so the Council can consider further action allowed under law.

4.6 Training. Members are encouraged to attend training workshops regarding the functions and duties of Zoning Boards from one or more of the following organizations: Wisconsin County Code Administrators, Wisconsin Chapter of the American Planning Association, Wisconsin Towns Association, Wisconsin Counties Association, League of Wisconsin Municipalities, University of Wisconsin Extension, Local Government Center, Center for Land Use Education, local planning and zoning offices, and other related organizations.

SECTION 5.0 APPLICATION AND APPEAL PROCEDURES

5.1 Filing. Applications to the Board for variances and/or appeals of a Zoning Administrator's decision shall be filed with the Zoning Administrator by:

- A. The applicant or appellant;
- B. Any aggrieved person;
- C. A person's authorized agent;
- D. An officer, department, board, or bureau of the state; or
- E. An officer, department, board, or bureau of a local unit of government.

The filing for an appeal of a decision or for a variance shall be in writing on a form approved by the Board and provided by the Zoning Administrator, and upon payment of any required fees as established by the Green Bay Common Council. Appeals shall be filed with the Zoning Administrator not more than 30 days from the date of the decision being appealed. Applications for variances may be filed with the Zoning Administrator at any time.

- 5.2 Owner's Consent. The forms shall bear the signature of the owner of the property affected or shall be accompanied by a letter from the owner acknowledging the filing of the form and permission to access the property for a site inspection, if so needed. The applicant, who may or may not be the owner of the property affected, shall sign the application under penalty of perjury.
- 5.3 Required Information. The Board may consider failure to submit application materials in proper form or failure to supply the requested additional information at the time of the hearing without good cause to be sufficient grounds for dismissal, denial, or continuance of the application until such information is received by the Board.
- 5.4 Copies to be Sent. The Zoning Administrator shall promptly transmit a copy of the original application and associated documents to the Board along with the notice of the meeting time and date. In the case of appeals affecting property in the Shoreland or Floodland districts, one copy of the appeal shall also be sent to the Wisconsin Department of Natural Resources at least ten days prior to the hearing date.
- 5.6 Site Inspections. Board members may, but are not required to, conduct a site inspection for a site at issue. All such inspections shall be conducted individually and separately with members taking care to avoid non-public communications.
- 5.7 Deadline for Action. The above notwithstanding, the Board shall hear the case and render its decision not more than 90 days after receipt of the case (or from the time the appeal was filed), unless a longer period of time is mutually agreed upon by the petitioner and Board.

SECTION 6.0 MEETINGS.

- 6.1 Date, Time and Location of Meetings. Meetings of the Board shall be scheduled routinely on the third Monday of each month in City Hall. However, meetings of the Board may be held at the call of the Chair and at other such times as the Board may determine. The Zoning Administrator shall give notice of each meeting or hearing of the Board. The notice shall state the purpose, date, time and location of the meeting. Members shall be called by delivering meeting notice by first class mail or by personal delivery to members of the Board at least ten days prior to such meeting. The date, time, and place of all hearings shall be posted on the Board's official website and on a bulletin board located in City Hall, 100 North Jefferson Street, Green Bay, Wisconsin.
- 6.2 Postponements. The Board may postpone hearings on an application, at its discretion, upon request or upon its own motion. Persons obtaining a postponement shall pay all costs caused by the postponement, except when postponement was required by lack of a quorum.
- 6.4 Meeting and Hearing Conduct.
- A. In accordance with the Wisconsin Open Meeting Law (Wisconsin statutes §§ 19.81-19.98), all proceedings of the Board shall be open to the public, except that, with prior public notice, the Board may go into closed session to consult with legal counsel on litigation to which the Board may be or is a party. Formal decisions on all matters shall be rendered in open session.
 - B. Persons having an interest in any matter before the Board may attend a hearing and may request an opportunity to testify provided they identify themselves and sign an appearance card of persons attending the hearing. At the decision of the Chair, testimony may be under oath.
 - C. The Chair shall maintain order and decorum during all Board proceedings. All persons present during the proceedings shall conduct themselves properly so as not to disrupt the hearing or meeting. The Chair reserves the right to order any person to leave if that person

- has conducted himself or herself in a disorderly manner and has persisted in such conduct after being directed by the Chair to cease such conduct.
- D. The Chair may limit the amount of time allowed for each person wishing to make public comment at a Board meeting or hearing.
 - E. The Zoning Administrator shall have an audio recording made of each meeting or hearing of the Board. The Zoning Administrator shall have written minutes prepared of each meeting or hearing of the Board. The minutes shall reflect each item that the Board considered, the action that the Board took on each item, and the vote (e.g., supporting or opposing) of each member upon each question, or, if absent or failing to vote, indicating such fact. These minutes shall be of which shall be immediately filed in the office of the board and shall be a public record.
 - E. In general, in the case of a request for variance, the burden of proof will be on the applicant to demonstrate why his or her situation justifies a variance. The Board will expect the applicant to provide an argument that includes facts upon which the applicant's argument relies.
 - F. The order of a hearing will be at the discretion of the Chair, in consultation with the Board. It will generally be:
 1. Presentation/testimony by the applicant and those in support of the applicant,
 2. Presentation/testimony by those in opposition to the applicant,
 3. Presentation/testimony of others of indeterminate interest,
 4. Deliberation by the Board.

Board members may question a witness at any time. Public officials, by leave of the Chair, may make statements. In contested cases, opposing parties may cross-examine witnesses, introduce evidence, introduce expert witnesses, arrange for rebuttal testimony, etc., under such terms and conditions as the Board may set. In contested cases, the Chair may restrict the questioning of witnesses to one person per side.

- 6.5 Continuance. The Chair may continue consideration of a decision at the request of the appellant, zoning administrator, building inspector, Board member or other administrative official, officer, or department. A continuance will be considered particularly if it is after 10 p.m. or if the meeting or hearing has been in session over three hours. The date, time, and place of the continuance shall be announced prior to adjournment.
- 6.6 Parliamentary Procedure. Meetings shall be conducted according to *Roberts Rules of Order* unless specifically addressed otherwise in these rules of procedure.
- 6.7 Quorum. A quorum shall consist of three members or alternate members serving as members of the Board. The lack of a quorum necessarily postpones a scheduled meeting of the Board or hearing by the Board.

SECTION 7.0 DECISIONS

- 7.1 Majority Vote Required. If a quorum is present, the concurring vote of a majority of the members, or alternates serving as members of the Board, present shall be necessary for a decision of or an action by the Board.
- 7.2 Form of the Decision. Decisions of, and actions taken by, the Board will be reflected in its written Minutes. By statute, these minutes must show the vote of each member upon each question, or, if a member is absent or fails to vote, indicates such fact. Where it deems necessary, the Board will prepare a written decision indicating its findings of fact, conclusions of law, and rationale for the decision. The Board's decisions in variance requests will indicate whether the request is approved or denied, in whole or in part, or granted subject to certain conditions.

- 7.3 Conditions. Conditions imposed by the Board shall be specifically stated in the decision and shall be fully set forth in any subsequent order or permit. Decisions subject to conditions shall be valid only as long as the conditions are followed. By statute, unless the Green Bay Common Council has enacted an ordinance to the contrary, the Board may attach an expiration date when initially granting a variance. In the absence of the Board specifying an expiration date, a variance granted does not expire and “runs with the land,” meaning it applies to all subsequent property owners of the parcel which received the variance.
- 7.4 Filing and Notice of the Decision. Every decision shall be promptly filed in the office of the Board. Each decision shall be a public record. A copy of the findings and the decision shall be mailed to the petitioner, or his agent, by regular/registered mail within 10 business days of the close of the hearing/the filing of the decision.
- 7.5 Decisions to be Filed with the State. Decisions affecting property in Shoreland and Floodland districts shall be sent to the district office of the Wisconsin Department of Natural Resources.
- 7.6 Public Records Retention. The record of each meeting, including the minutes and all pertinent documents and recordings, shall be copied and filed with the clerk of the municipality and the zoning administrator's office. Copies of the minutes shall be distributed to each member of the Board. After approval by the Board, copies of the minutes shall be available to the public within 7 days of the meeting.
- 7.7 Decision Relates to Specific Property. The decisions of the Board regarding variance requests shall apply to the specific property which was the subject of the application rather than to any individual.
- 7.8 Variances to be Determined Individually. No decision of the Board shall act as binding precedent on later decisions by the Board. Each application to the Board shall be decided by its merits and upon the attendant circumstances.
- 7.9 Modification of a Variance. If the Zoning Administrator finds a decision by the Board is ambiguous or imprecise to the extent that the Zoning Administrator cannot act upon or execute a decision of the Board, the Zoning Administrator may request the Board to clarify its decision. Such a request for clarification shall not be considered a request for rehearing.
- 7.10 Appeal of a Board Decision. By statute, any person or persons, jointly or severally aggrieved by any decision of the board of appeals, or any taxpayer, or any officer, department, board or bureau of the municipality, may, within 30 days after the filing of the decision in the office of the Board, commence an action seeking the remedy available by *certiorari*. In most cases, seeking a remedy available by *certiorari* means an appeal to the Circuit Court of Brown County.

SECTION 8.0 REHEARINGS AND RECONSIDERATIONS

- 8.1 One Year Refiling Rule. No application for a special exception or a variance asserting the same or substantially the same claim for relief shall be received or heard by the Board for a period of one year following the date of the Board's original decision. The Board, in its discretion, may waive the one-year refiling prohibition for good cause shown upon a majority vote of the Board members.

- 8.2 Newly Discovered Evidence. The Board may, at its discretion, hear or rehear a case based upon newly discovered evidence that appears, if considered, to have substantial bearing on the outcome of the application and which could not have been discovered in the exercise of due diligence prior to the original hearing. Such a showing permits but does not require the Board to grant a rehearing and the Board's decision shall not be reversed except upon showing of an abuse or discretion.
- 8.3 Form of Request and Fees. The request for rehearing or reconsideration shall be in writing, state the reasons for the request, and be accompanied by the necessary documentation. A request for rehearing shall be subject to the same notice requirements and fees as the original hearing.
- 8.4 Procedure for Rehearing or Reconsideration. If the Board decides to rehear a case, the rehearing shall consist of argument on the record and neither party shall be entitled to introduce additional evidence except upon written request establishing to the satisfaction of the Board that newly discovered evidence exists that has a substantial bearing on the outcome of the application and that such evidence could not have been discovered in the exercise of due diligence prior to the original hearing. Parties opposing the application shall be entitled to offer evidence to rebut or refute any newly discovered evidence offered at any hearing. If possible, a rehearing shall be heard by the same Board members who participated in the original hearing. If any of those members are unavailable, a new member may participate in the rehearing after reviewing the testimony and exhibits from the original hearing.

SECTION 9.0 PER DIEM AND MILEAGE

- 9.1 Mileage may be paid for attendance at site inspection visits, if those members submit a bill for same. No mileage or per diem is paid to any members unless authorized and budgeted by the governing body.

SECTION 10.0 ADOPTION, REPEAL AND AMENDMENTS

- 10.1 These rules may be amended at any regular or special meeting by a majority vote of the Board, so long as such amendment does not result in a conflict with state law, zoning ordinance or court decision. Upon adoption, these Rules shall become effective and all previous rules of procedure, as amended, shall be repealed. These Rules of Procedure do not constitute jurisdictional requirements. Failure of the Board, its staff, or any other party to comply with any provision of these Rules for Procedure shall not invalidate any otherwise valid decision or action of the Board.

Chair: Don Carlson

Date Adopted: November 19, 2012

Zoning Administrator: Paul Neumeyer