



MINUTES OF THE GREEN BAY PLAN COMMISSION

TUESDAY, MAY 26, 2020, 6:00 PM

Telephonic Meeting

Public may also view at

www.youtube.com/CityOfGreenBay

A. ZOOM MEETING INFORMATION.

I. This item contains documents which provide call in information and instructions for the Zoom Meeting.

B. ROLL CALL.

I. Members: Tim Gilbert – Chair, Sid Bremer – Vice-Chair, Ald. Veronica Corpus-Dax, Lisa Hanson, Jacob Miller, and Randall Petrouske

Present: Randall Petrouske, Lisa Hanson, Veronica Corpus-Dax, Jacob Miller, Sidney Bremer,

Excused: Timothy Gilbert

Others Present: Ald. John Vander Leest, Ald. Mark Steuer, Ald. Lynn Gerlach, Ald. Kathy Lefebvre

C. APPROVAL OF THE AGENDA.

I. Approval of the agenda for the May 26, 2020, meeting of the Green Bay Plan Commission.

Moved by Ald. Veronica Corpus-Dax, seconded by Lisa Hanson to approve the agenda. Motion carried.

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

D. APPROVAL OF MINUTES.

1. Approval of the minutes from the May 11, 2020, meeting of the Green Bay Plan Commission.

Moved by Lisa Hanson, seconded by Ald. Veronica Corpus-Dax to approve the minutes. Motion carried.

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

E. REGULAR BUSINESS.

1. Discussion with possible action on a communication by Ald. Kathy Lefebvre to look at residential policy per storm water runoff; residences are experiencing rain water runoff from elevated housed because of floodplain building evaluation requirements (FEMA).

Moved by Ald. Veronica Corpus-Dax, seconded by Lisa Hanson to refer to staff for return to Plan Commission in July regarding a communication by Ald. Kathy Lefebvre to look at residential policy per storm water runoff; residences are experiencing rain water runoff from elevated housed because of floodplain building evaluation requirements (FEMA). Motion carried.

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

2. Discussion with possible action regarding a communication by Ald. Mark Steuer to look at the feasibility, and various site locations, of a virtual drive-in theatre/performing arts venue, as is being done in numerous other locations.

Moved by Ald. Veronica Corpus-Dax, seconded by Lisa Hanson to refer to staff for return to the Plan Commission in June regarding a communication by Ald. Mark Steuer to look at the feasibility, and various site locations, of a virtual drive-in theatre/performing arts venue, as is being done in numerous other locations. Motion carried.

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

3. (ZP 20-13) Public Hearing on the request to authorize a Conditional Use Permit (CUP) to establish a live-work use within a Low Density Residential (RI) district at 2475 Shady Oak Lane, submitted by Mimi & Chad Schroeder, petitioner. (Ald. J. Vander Leest, District 11)

Vice-Chair Sidney Bremer read into record the instructions and procedure for the Public Hearing and that the public hearing was properly posted.

Vice-Chair Sidney Bremer opened the public hearing regarding the request to authorize a Conditional Use Permit to establish a live-work use within a Low Density Residential (RI) district at 2475 Shady Oak Lane.

Vice-Chair Sidney Bremer asked three times if there was anyone present who wished to speak. Hearing/seeing no one, the public hearing was closed.

4. (ZP 20-13) Consideration with possible action on the request to authorize a Conditional Use Permit (CUP) to establish a live-work use within a Low Density Residential (RI) district at 2475 Shady Oak Lane, submitted by Mimi and Chad Schroeder, petitioner (Ald. J. Vander Leest, District 11).

Moved by Jacob Miller, seconded by Lisa Hanson to open the floor for discussion. Motion carried.
Yes- Jacob Miller, Lisa Hanson, Randall Petrouske, Sidney Bremer, Veronica Corpus-Dax, No- None, Abstain- None

Moved by Lisa Hanson, seconded by Randall Petrouske to close the floor for discussion. Motion carried.
Yes- Jacob Miller, Lisa Hanson, Randall Petrouske, Sidney Bremer, Veronica Corpus-Dax, No- None, Abstain- None

Moved by Jacob Miller, seconded by Randall Petrouske to authorize a Conditional Use Permit (CUP) to establish a live-work use within a Low Density Residential (RI) district at 2475 Shady Oak Lane, following conditions:

1. Live-work unit being limited to use by the applicant.
 2. If the use ceases or ownership changes, any new live-work use shall not be reestablished without Plan Commission and City Council review and approval.
 3. No more than three (3) passenger vehicles shall be parked at the residence at any time for business-related purposes and no commercially licensed passenger vehicles are allowed.
- Motion carried.

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

5. (ZP 20-15) Public Hearing on the request to authorize a Conditional Use Permit (CUP) to establish a two-family dwelling within an Office/Residential (OR) district at 1207 East Walnut Street, submitted by John Halle, 1207 East Walnut LLC, property owner (Ald. B. Galvin, District 4).

Vice-Chair Sidney Bremer read into record the instructions and procedure for the Public Hearing and that the public hearing was properly posted.

Vice-Chair Sidney Bremer opened the public hearing regarding the request to authorize a Conditional Use Permit to establish a two-family dwelling within an Office/Residential (OR) district at 1207 East Walnut Street.

Vice-Chair Sidney Bremer asked three times if there was anyone present who wished to speak. Hearing/seeing no one, the public hearing was closed.

6. (ZP 20-15) Consideration with possible action on the request to authorize a Conditional Use Permit (CUP) to establish a two-family dwelling within an Office/Residential (OR) district at 1207 East Walnut Street, submitted by John Halle, 1207 East Walnut LLC, property owner (Ald. B. Galvin, District 4).

Moved by Lisa Hanson, seconded by Randall Petrouske to authorize a Conditional Use Permit (CUP) to establish a two-family dwelling within an Office/Residential (OR) district at 1207 East Walnut Street, subject to compliance with all other regulations of the Green Bay Municipal Code not covered under the Conditional Use permit. Motion carried.

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

7. (ZP 20-16) Public Hearing on the request to amend the existing Green Bay Packaging Planned Unit Development (PUD) to include the expanded mill operation at 1601 North Quincy Street, submitted by Matt Szymanski, Green Bay Packaging, applicant (Ald. K. Lefebvre, District 6).

Vice-Chair Sidney Bremer read into record the instructions and procedure for the Public Hearing and that the public hearing was properly posted.

Vice-Chair Sidney Bremer opened the public hearing regarding the request to amend the existing Green Bay Packaging Planned Unit Development to include the expanded mill operation at 1601 North Quincy Street.

Vice-Chair Sidney Bremer asked three times if there was anyone present who wished to speak. Hearing/seeing no one, the public hearing was closed.

8. (ZP 20-16) Consideration with possible action on the request to amend the existing Green Bay Packaging Planned Unit Development (PUD) to include the expanded mill operation at 1601 North Quincy Street, submitted by Matt Szymanski, Green Bay Packaging, applicant (Ald. K. Lefebvre, District 6).

Moved by Lisa Hanson, seconded by Ald. Veronica Corpus-Dax to amend the existing Green Bay Packaging Planned Unit Development (PUD) to include the expanded mill operation at 1601 North Quincy Street, subject to the draft amendment to the Planned Unit Development District (PUD) Ordinance. Motion carried.

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

9. (PP 20-02) Consideration with Possible Action on the Request by the Department of Community & Economic Development to Institute a Zoning Action Notification Sign Policy as it relates to requests for a Conditional Use Permit (CUP), Zoning Designation Change, Planned Unit Development, Comprehensive Plan Amendment and/or Area Plan Creation/Amendment.

Moved by Randall Petrouske, seconded by Lisa Hanson to amend the Plan Commission Rules and Policies and adding Number 26 - Zoning Action Notification Sign Policy as it relates to requests for a Conditional Use Permit (CUP), Zoning Designation Change, Planned Unit Development, Comprehensive Plan Amendment and/or Area Plan Creation/Amendment. Motion carried.

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

F. INFORMATIONAL.

1. Director's Report.

Kevin Vonck presented the Director's Report.

2. Date of next meeting: Monday, June 22, 2020.

G. ADJOURNMENT

Moved by Ald. Veronica Corpus-Dax, seconded by Lisa Hanson to adjourn. Motion carried.

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

VERBATIM MINUTES

- Sid Bremer and I want to welcome you all to the, the Meeting of the Green Bay Plan Commission for Tuesday, May 26th, 2020. This is a telephonic meeting and we are meeting through the wonders of the internet. We begin with a roll call. Kevin Vonck has already explained that our Chair Tim Gilbert is unable to join us. My name is Sid Bremer and I'm the Vice Chair. Alder Veronica Corpus-Dax?

- Present.

- Commissioner Lisa Hanson?

- Present.
- Commissioner Jacob Miller?
- Present.
- And Commissioner Randall Petrouske?
- Present.
- Okay. May I have a motion to approve the agenda for this meeting on May 26th?
- So moved.
- I think that was Alder Corpus-Dax?
- Yep.
- Second from Lisa.
- And second from Commissioner Lisa Hanson. All those in favor please raise your hands?
- [Veronica] Aye.
- Anybody opposed? Okay, the agenda is approved. Kevin, I have a little set of six pictures up here, but my screen is taken up otherwise by the agenda for the Plan Commission. I don't know if that's the, there, that's more like it. So I can see y'all. We also need a motion to approve the minutes of the May 11th meeting of the Plan Commission.
- So moved, Lisa Hanson.
- Second.
- Thank you, Commissioner Hanson, a second?
- [Veronica] Alder Corpus-Dax.
- Thank you, Alder Corpus-Dax. I would like to propose, well, I thought I had some changes but they aren't necessary at all. I take that all back. Any, all those in favor of approving those minutes?
- Aye.
- Hands will work. And I'm seeing hands for all of us. Anybody opposed? Okay, the minutes are approved unanimously. We have nine items of business. The first is discussion with possible action on a communication by Alder Kathy Lefebvre to look at residential policy per storm water runoff, residences are experiencing rain water runoff from elevated houses because of floodplain building elevation requirements from FEMA. The staff is suggesting that we refer this to them. May I have a motion to that effect?
- Motion to refer to staff.
- Thank you, Alder.
- Second.

- That was Commissioner Hanson? And a second?
- Second was from Commissioner Hanson.
- Oh, thank you, the Alder, Alder Veronica Corpus-Dax, who I still can't see on my screen here.
- Yep, I'm hiding my face right now.
- There she is.
- She's off for the moment.
- Okay, very good.
- And then with that, Madam Chair, I believe Alder Lefebvre is at the meeting. Just before you refer--
- Thank you.
- If she wanted, to provide her an opportunity to provide some context on this request?
- Excellent. Alder Lefebvre?
- Yes, thank you very much.
- Would you, all right, okay, we're glad--
- Thank you very much.
- To have you with us.
- [Kathy] Thank you. Yes, it came up actually it's almost a year ago. I was over on the, it's Reber or Berner Street, there's a gentleman who, he's between, there's actually two houses between two that had to raise up. And it's not that their downspouts are coming over, but because we had all the rain last year, remember in spring it was so rainy and then June it continued, their backyards would, the water would just sit and doesn't drain anywhere. So they have this issue with water all the time in the one house, I believe it's a rental, and the landlord's not doing anything. Now, he got water in his basement and it's probably still there. It doesn't, it just constantly comes in. So that's the reason I brought this up because I thought there was something put in place that would, you had to mitigate any runoff of your property. And with talking to Inspections staff, I guess there is no requirement even for your downspouts to be, someone down the road on Lakeside told me that he was required by Inspections to connect his downspouts into the storm drain, storm sewer, and talking to staff they said that that's not true. So I would like to know, maybe staff can right now go through it for everybody? Some of the regulations that there are out there?
- Would you have any objection to giving the staff some time to research that and bring it back to us in August?
- [Kathy] Sure, that'd be okay too. But yeah, August is a long time, but, we're already getting into the rainy season. But yeah, this has been put off for a while so I guess we can just wait a little bit longer. And to everyone's attention to look at this and I think that this is something that the city should actually be helping those who are facing this problem.

- Okay, Dax and Commissioner Hanson, are you willing to accept the return in August as part of your motion? Yes, I get a yes from Commissioner Hanson. Is that okay with you, Alder Corpus-Dax?

- Director Vonck, is that the soonest that we'd be able to address or come back with this information?

- Sure, we'd probably would be able to come back in July, only because I know our next meeting is coming up in June already. But if you want to change it to July, we should be able to get something back by then. Just to, I think, to address Alder Lefebvre's point, I think there's a few layers of terms of when we may require action when it does become an actual nuisance or a hazard in terms of health and safety and when we might require things. But there's some cases where it's just, right? It rains and water runs where it's going to run, and so I think that would just give us an opportunity to provide some context to some of the nuances and what our ordinances require, and then if there's recommended actions or changes we could do that, we could bring that back by July.

- Okay.

- Are you happy with that, Alder Corpus-Dax?

- Yep, that's fine.

- And Commissioner Hanson? And I would assume that Alder Lefebvre would also be happier having it back in July rather than August?

- [Kathy] Yes, I would prefer that if that's possible. Thank you very much.

- Okay, all those, is there any discussion on this item? Then all those in favor of referring it to the staff to bring it back to us in July, please raise your hands? And I'm still missing one here, there we go. Thank you, any opposed? Okay it passes unanimously. Item number two, and thank you very much for bringing this to us, Alder Lefebvre.

- [Kathy] And thank you very much for hearing me out.

- You're very welcome. Item number two is discussion with possible action regarding a communication from Alder Mark Steuer to look at the feasibility, and various site locations, of a virtual drive-in theater, performing arts venue, as is being done in numerous other locations. And the staff has recommended that staff refer for review and return it in June. Do we have a motion to that effect?

- Can we, Madam Chair, can we have Alder Steuer provide any additional information?

- Excellent. We'll do that. And I'm not able to see on the screen here, Kevin, so you're gonna need to help me as best we can. I know I saw Alder Steuer.

- Yeah, Alder Steuer's here, and he's available to speak.

- Very good.

- Thank you, Madam Chair.

- Indeed.

- I was corrected a little bit by one of the alders mentioning that a virtual drive-in, that would be virtual would defeat the purpose of a drive-in theater, so virtual is a word that would be more computer generated, et cetera. But with that being said, during this time, this pandemic, there have been numerous music venues,

theaters, different places that are hurting for activity. And they've been cropping up in different areas. There are some drive-in theaters that still exist. Green Bay had several, but as far as I know there are no more drive-in theaters. But they are popping up in different areas as long as you have, as long as you have a portable projector, Bluetooth speakers, you pick a movie, and then you can drive up and watch, and you can do it on the side of a building, you can do it, you could pop up a screen somewhere. I know that some of the neighborhood associations have done that in the past. I'm just looking at opportunities for our, something like this to come up and depending on how long this pandemic goes on for, this might be, we might be thinking about this for the next six, eight months, or longer. So, I'm gonna be looking at my iPhone, because there were a number of places in the area. There's the Skyway Drive-in up in Door County. There's a place called Get Reel De Pere Cinema, I think that's indoor. Field of Scenes is out off of 41 toward Wrightstown, and that's a cinema with pizza, beer, and mini-golf. There's a Get Reel Chilton Twilight Drive-in Theater in Chilton. A Fly-In Theater in Oshkosh. Big Sky Twin Drive-in Theater northwest of Madison. And there's a couple toward Milwaukee. So they're out there, they're cropping up. And I just, a friend of mine who's involved in music said, you know, it'd be nice to have a drive-in theater or something that we could do something. So I just brought it forward for discussion, and see if anybody's interested in pursuing this, and I agree that it should go back to staff, and I'm more than willing to chime in and give my thoughts on this as well, so I can share that with staff.

- Very good. And do I understand that your intention is to be looking at drive-in theaters and virtual performing arts venue?

- Well, when you say virtual, I, yeah, I guess. I don't know if that's the correct pronunciation or description of that word.

- Okay.

- But it would be entertainment, that could be movies, it could be music, and if you go on, if you Google and go out there on the internet, there's all sorts of performers that are doing small concerts or in-house concerts, different things, small gatherings. And it all depends on the governor's directives and even though that's off to the side now too, and things seem to be changing daily on this. So it's a little hard to kind of keep up with how we're supposed to be living our lives at times.

- Okay.

- So that's it, I'm just, I'm looking at it could be music, it could be film, performance art, anything that could be shown or performed.

- Okay, thank you. Again, the staff has recommended that we refer this to staff and for to report back to us at the June meeting for discussion and possible action. May we have a motion to that effect? I think Alder Corpus-Dax was already there.

- So moved, yep.

- So moved, and a second?

- Second.

- My great team of Corpus-Dax and Hanson, we've got it again. All those in favor please raise your hands, I can actually see you all now, that's great. Any opposed? Thank you, that motion passes unanimously and the matter is referred to the staff to return to us for discussion and action at our meeting in, excuse me, in July, no, in June. The next item, item number three, as well as item number six, excuse me, as well as items number five and seven, are for public hearings in advance of consideration with possible action on the issues that they raise. Director Vonck, is it okay if I just read the directions once on the public hearings?

- Yes, that would be acceptable, as notice for all of the hearings.

- Very good. Thank you all. This will allow us to move forward a little more quickly. This enables the commission to know areas of public concern on each item before we begin our deliberations on its specifics, even though there will also be opportunity during the discussion and possible action item for people to speak. But we want you to know that this public, each of these public hearings has been properly posted and public notification has been published twice in the Green Bay Press Gazette. The Plan Commission is interested in hearing public comments on the subject agenda items. We invite your comments and ask that after your name has been called by Director Vonck you state, please, your address, whether you represent a group or association, whether you favor, oppose, or are only providing information in the matter, and then offer us your comments or concerns. We also ask that you confine your testimony in each case to facts related to the proposal at hand and avoid repetitive testimony. You must be recognized by the Plan Commission in order to speak and please address your comments to the chair. We will now open the public hearing. Item number three. A request to authorize a Conditional Use Permit, that is a CUP, to establish a live-work use within a Low Density Residential district at 2475 Shady Oak Lane, submitted by Mimi and Chad Schroeder, petitioner. And I want to ask first for anybody to speak who is in favor of this particular request.

- Madam Chair?

- Yes?

- Before they start, I think it might be appropriate to have staff just provide a quick overview for those in attendance just to allay what decision is at stake here tonight.

- Thank you for reminding me, Director Vonck. So I believe we have, I believe it is Paul Neumeyer who is in charge of this issue? Paul, are you there, and can help us with focusing our attention?

- I am Madam Chair, thank you. This is a request for a Conditional Use Permit for a live-work unit at 2475 Shady Oak Drive. This property is on the west side of Green Bay, it's north of Lombardi Avenue between Belmont and Wood Lane. It is predominantly a single-family neighborhood, Low Density Residential zoning. The request is for a live-work unit for a photography business in conjunction with the residence. This may be a little familiar to you, it's the same applicant that applied for the property on South Monroe. They did receive the CUP on that site. However their land transaction fell through, so they were out looking for other properties and they arrived at this site here. So their same operation, basically, proposed at this location. There is a letter attached in your agenda that details their plan for the use of the property. The applicant did conduct a neighborhood meeting back on May 1st. Prior to that we had quite a bit of input from neighbors, and since that time we've had quite a bit of input from property owners, so you may hear from them in the public hearing. That's all staff has to offer at this point.

- Thank you, Mr. Neumeyer. Okay, now, I will ask for anybody to speak. Indicate by clicking on the raise your chat or raise your hand piece of this puzzle, if you are in favor of this particular proposal and wish to speak to it. And I'll leave it to Director Vonck to please recognize people.

- Sure. I believe the applicants are here if they wanted to provide any words first, just about the proposed project itself. So I think Chad and--

- And Mimi.

- Yep, and Mimi, so I'll unmute you.

- There.

- Be available to speak.

- Thank you for coming back and helping us with this again. Please?

- Thank you. We were proposing doing the same thing at the 2475 Shady Oak as we were on South Monroe. We are basically a small business wanting to conduct our business. As maybe some of you remember, my building burned down last spring and I have been looking for another replacement since then and have been renting from other photographers for the last, over the calendar year. That can be confusing for my clients, obviously, as well as for myself, but we're hoping to just kind of lock it in and have it just be the permanent address. Again, small business. I don't have any employees since the fire of last year. That could possibly change with maybe one part-time, maybe two, but nothing more than that. We've checked with the requirements of a live-work and so the driveway is long enough for an additional car or two. Ours would be limited to possibly one to, well, maybe two to three appointments a day, two to three cars a day. Maybe just two or three days a week. And depending on the time of year there would probably be zero because 1st and 2nd quarter are far slower than the 3rd and 4th quarter. 50% of my photo sessions are actually off-site, so whether that be at a corporation or a family's home or a city park. So with those numbers that I am mentioning, that would also be part of that 50%. So it would probably be even less, but I just want to make sure that I'm being honest with everybody about the possibility. When we had our neighborhood meeting there were some neighbors that were concerned about their property values going down because of a home-based business being in the neighborhood. But there were also people that were concerned that their property taxes would go up. I don't really think that the business in the home would change the property values from a property taxes purposes at all. It's typically the sale price of a home that would change that for somebody, if your general area goes up in value. But the business pays property taxes and has for 23 years plus, and we personally pay taxes. One of the other concerns was, I guess, whether the business would grow so big that I would construct a large building or something, and that is just never gonna happen. If it got so big then we would be in a commercial sized building, but right now I don't need that much square feet to be in a commercial sized building. There would not be any surprises because the city does regulate whether I can have signage, the amount of square footage I can actually use in my home for this. So it's not something that I can make decisions on. That's all regulated by you guys. So, I think that kind of covers everything that I wanted to say because I know that there are neighbors that don't want me there, and I don't, we were gonna, we're gonna do the best that we can, and I just would really like to get this settled. It would just be good to finally have some finality. Thank you.

- Thank you, Ms. Schroeder. Is there anybody else here to speak in favor of this proposal? And I see a hand up from Ed Rudd. Kevin, can you?

- Yep.

- There we go.

- He's, Ed Rudd is available to speak.

- Please.

- Oh, he just got muted.

- Whoops.

- Hold on. All right.

- There we go.

- I was a little early to this. I am opposed to it, so I'll wait.

- Oh, okay, if we could ask you then, please, to wait. I'm following a required series here. Anybody wishing to speak in favor? Director Vonck, are you seeing anyone?

- I do not see any hands. I do not see anymore hands at this time.

- Okay, then, Mr. Rudd, it goes back to you, sir, because I now ask for anybody who wishes to speak in opposition, please.

- Thank you. My name is Ed Rudd. I live at 2468 Ironwood, which is directly behind this property in question. First part, as far as a public meeting, neighborhood meeting, I was never invited or asked to go to any such neighborhood meeting. And I think with our property lines adjoined, I think I should've been involved in that. Secondly, I don't agree with the changeover for the zoning. I came into a quiet residential neighborhood expecting a quiet residential neighborhood where I can go into my backyard or I can walk my dog around the block and not have to deal with a lot of people or a lot of new drivers to the area. And so overall I'm not real excited about them being there. Secondly, I know that I've opened several businesses in Green Bay over the years, and I'm required to have X number of parking, and it was already addressed. I'm required to have a marked handicapped spot, and you're required to have X number of car parking for your employees. So I don't see how they could have customer cars, employee cars, and a handicapped spot all on this little driveway that's just about two cars long and two cars wide. Another thing too is, I don't see if they're, where they're gonna operate this business in this house, unless they're gonna operate it in the lower unit. And if they're gonna operate it in the lower level of the house, this is not ADA compliant. So if anything should go on here, a person with a handicap cannot get out of this house. They can't really get into the house. They can enter at the first level, but to get to the lower grade, there is no elevator and there is no ramp to that. There is a walkway in the back of the house but the grade is far too steep for anybody with any disabilities to get out of that area by themselves within a reasonable amount of time. So I don't want it as my neighborhood business. And I don't think it's safe to operate there. And as far as making adjustments on the property tax, I don't think anybody's gonna be able to determine what it'll do to our property tax or our property values at this time. Again, I've been involved in several commercial businesses, and there is many variables. And I don't think the neighbors want to have it next door to them, we don't think they want it to affect their property value and so on. So, I just, again, to just bring it up at the end, I don't think I want the traffic here, and I don't think I want this directly behind my house where I look out my sunroom and see somebody having a photo shoot, 45 or 55 feet from my back of my house. Okay, I'm good, thank you.

- Thank you, Mr. Rudd. Any other wishing to speak in opposition?

- Alder Vander Leest, I just wanted--

- Yes, Alder Vander Leest, please.

- When the public is done speaking then I'd like to address the, I'd like to address, you, Madam Chair, then, and the committee, after the public hearing?

- Very good.

- Thank you, just so you know that I'm--

- I appreciate knowing your preference, thank you.

- My video is working okay and you can hear me. Thank you very much.

- Yes indeed, thank you. Okay.

- Okay, I have an Ann S., followed by a Pam Tebo. So I'm gonna put on Ann S. first.

- Ah, there she is.
- And, okay, Ann S. is live.
- And you will need to give us your full name, please.
- [Ann] Ann Schmidt.
- Thank you, Ms. Schmidt, and your address and so forth.
- [Ann] My address is 2466 Shady Oak Drive.
- Thank you.
- [Ann] And we live almost exactly across the street from the property being spoken about. I just wanted to state that, we've lived here in this neighborhood for 28 years, and we're just, we really want to preserve the nice quiet residential neighborhood that we've lived in for those years. I have concern, I agree with Mr. Rudd, some of his concerns, and I worry about the increased traffic. Also, the parking. And if this permit goes through, I guess I worry then there may be others on our street, and like I said, and once again, that residential neighborhood is the reason we've been living here, may no longer be there. So that's just my comments. I do oppose the granting of the permit.
- Thank you, Ms. Schmidt. And I believe, Director Vonck, you said Ms. Tebo next?
- Yes, I have Ms. Pam Tebo who is up next, and then I believe somebody with a Michael, was raising their hand, so we'll go to Ms. Tebo next.
- Thank you. I also think that this is not a good idea. Can you hear me?
- Pardon me, we would, we do need to know your address before we hear your comments.
- I am so sorry.
- Thank you.
- I live at 20, yes, I live at 2462 Ironwood Drive. I am behind and to the east of the property in question.
- Thank you.
- Thank you. I also think that this is a very poor idea. People purchased these homes in this area. People have built homes in this area, because it was strictly a residential area. To turn it into something else, what this is actually going to be is a commercial property that they are putting into a residential area, and I totally disagree that this should be done. My main concern is traffic. We do not have sidewalks on Ironwood Drive, on Shady Oak. We have a lot of people walking in the streets, walking their dogs, pushing their children in strollers, having kids on bikes riding up and down the streets. We do all of our outdoor activities in the neighborhood in the street. To have additional parking or to have additional traffic is going to increase the hazard. And I just totally oppose this whole thing. Commercial property needs to stay in a commercial zoned area, not area that was zoned as RI, that is residential and that we want to keep that way. Thank you.
- Thank you. And next?
- I thought I had somebody, screen name is Michael, yep, raised their hands?

- Yes.

- Yep, so I will turn to them next. Whoops, unmute.

- You went the other way. There we go.

- I did.

- Just a moment, please. And if you would start, once Director Vonck gets your mic going here, with your correct name?

- All right.

- 'Cause right now you're still Michael.

- Yeah, and for some reason it's not letting me unmute. Maybe if you can try unmuting yourself?

- There.

- There we go.

- Okay, please?

- I am Maxine Olsen and Michael is sitting right beside me. I live at 1921 Evans Court and I have lived here for 31 years. I did send a letter to the Planning Commission and that was dated the 22nd of May, and perhaps it hasn't reached city hall yet, but I'm going to read that letter because it's signed by other people in our Court. It says "Green Bay Planning Commission. "It was brought to our attention by a neighbor "that the Planning Commission is considering a zoning change "to a residence on Shady Oak which would allow "an in-home business to operate with clients. "We're against any zoning changes "that would allow an in-home business with clients "coming to a home in our neighborhood. "We are neighbors who live in the neighborhood. "We chose our property because it was zoned residential, "it was quiet, without traffic. "Shady Oak does connect with the small street of Evans Court", so this, and I'm adding this to the letter here, just to give you a description, Shady Oak comes into the cul-de-sac and so there's a lot of turn around there, and then I'll go back to the letter, "A business which has clients coming to a home "creates extra traffic and danger "for children and adults in the neighborhood. "This type of zoning change, we feel, "would also allow, would lower property values "to the homes in the neighborhood, "and while COVID-19 is a present health issue, "it's not going to be resolved in the real near future. "Extra people coming into the neighborhood "for a business is a health risk. "Please vote to keep this neighborhood "zoned as residential only", and it's signed by Michael and Maxine Olsen, 1921 Evans Court, Miriam and Jeremy Nelson, 1921 Evans Court, Mike and Susan Grenwall, 1932 Evans Court, Chris and Cheryl Williams, 1924 Evans Court, Kathy and Steve Johnson, 1920 Evans Court, and Patrick and Jill Zelzer, 3296 Shady Oak Drive. Their driveway and backyard abuts the court, and so that is why it affects Evans Court. So, thank you for letting us speak.

- Thank you very much. And Director Vonck, do we have others who wish to speak in opposition to this item, if you would show your hands, raise your hands?

- Yes, I have a Ms. Jean Eastman who's up next.

- Very good, and we're still trying, there, your mic is now off, and thank you very much, Ms. Eastman.

- Hello, yes. I'm a trustee to the property just east, next door, to the place that we're talking about. And the address is 2465 Shady Oak Drive. It's under the Viola Vonckx Survivors' Trust. We are also in the process of

selling our home. And this is not good for our prospects. The stigma of having a business next door will impact our home's value and impede our ability to sell. Just having this going on is affecting our sale. Interested buyers that like our home and are possibly comparing ours with other homes have to factor this in, and it pushes us out of the competition with the comparable homes in the market. I'm totally opposed to this. My mom enjoyed this neighborhood for 30 years. We sat in the backyard on that deck and enjoyed the quiet peacefulness. I just don't see that continuing for future owners, and I just don't think it's right, like many have said, it will impede the peacefulness and quiet of this residential neighborhood that's been enjoyed for many years. And most importantly, this is not good for our property values nor the saleability of our homes. Thank you.

- Thank you, Ms. Eastman. And Director Vonck, do you see anybody else who wishes to speak in opposition? I see one.

- Yep, Ms. Cary Anderson.

- Yes, and we're trying to get your mic off here, Ms. Anderson, and here we are, please, starting with your address?

- Hi, 2452 Ironwood Drive. I'm the owner, it's in a lifetime estate, but the house is, for my mother who lives. And I am opposed to this permit. I'm too afraid that it's gonna increase traffic. It's a lovely, beautiful, quiet neighborhood and I just want my mom to enjoy the rest, you know, of her days there, having it be quiet and safe. I don't want increased traffic. I worry about all the walkers and the kids that bike around, and I just really feel that this business should not be allowed in the neighborhood. Thank you.

- Thank you very much, Ms. Anderson. Is there anyone else who wishes to speak in opposition? And before we turn to Alder Vander Leest, is there anybody who wishes to speak simply to present information but not either opposed or in favor?

- All right, then--

- I do not see anyone.

- I've got a question.

- Okay, and we will be having discussion and action on this item next on our agenda. Do you want to save your question 'til then or ask it now, Alder Steuer?

- I think I'll wait, I'll wait.

- Thank you. Then Alder Vander Leest, would you like to speak now?

- Yes, I would ma'am, thank you, Madam Chair.

- Thank you very much.

- I have a list of 16 different people that, on Shady Oak, that are in opposition to the conditional use permit--

- Okay, and we will be having discussion and action on this item next on our agenda. Do you want to save your questions until. Excuse me, we have some interruption here, the tag is Tina Hoffman.

- [Mark] I'll wait.

- Thank you. Okay, please, Alder Vander Leest, continue.

- I'd like to list 16 different names that are in opposition to the conditional use permit. Dave Lessmiller, he lives on Shady Oak. Jan Paplham lives right across the street, 2475 Shady Oak. Ann Schmidt, 2466. David and Diane Anderson, 2454 Shady Oak. Pat Zelzer 2496 Shady Oak. Jamie Berndt, 2480 Shady Oak. Paul--

- [Sidney] Please, Alder Vander Leest, continue.

- [John] I'd like to list 16 different names.

- Hm. Okay.

- Do you want me to continue reading on?

- Please, yes.

- Okay, Paul Legois Shady Oak Drive. Pamela Tebo, 2462 Ironwood. Steve Johnson, 1920 Evans Court. Phil and Kim Kurimski, 2451 Shady Oak. Michael and Maxine Olsen, 1921 Evans Court. Herman Willkommen, 2457 Shady Oak. Heather Ann Lee Hudson Denny, 2488 Shady Oak. Cathy Gierczak, 2494 Shady Oak. Kristin Mitchell, Shady Oak. And Cary Anderson, 2462 Ironwood Drive. Also, the realtor that's trying to sell the home next to 2475 has expressed to me that a lot of her clients do not want to make a commitment because they don't want to really move next to a small business in the home, in other words, they oppose, the realtor that's representing Ms. Eastman, they called me and mentioned that they don't want to, it's stopping the sale of their home, so they're not in support of it as well. The heartbeat that I got from the neighbors is that they're not interested in this small business locating in their neighborhood. A lot of the people, they want the homes, some of the homes are over 400,000. They've spent a lot of money on the homes. And it's a nice district as far as the neighborhood, and the vast majority do not want to have the conditional use permit go forward. And you heard from some of the people in the district. Not everybody can chime in. I'm not the most computer-savvy person, but the main thrust is that the neighborhood does not want it, and that's the message. I'm standing with the neighbors that elected me as well, and that's their wish that they don't really want the conditional use permit to go forward. So that's my stance on it and I thank you for your time tonight on this. Thank you.

- Thank you, Alder Vander Leest. Is there anybody else who wishes to speak on this item? Is there anybody else who wishes to speak on this item? Please raise your hand if you're out there and haven't yet had a chance to? And is there anybody else who wishes to speak on this item? Then this public hearing is now closed and we will--

- Madam Chair, do you want me to just unmute the mics for a moment, just to see if anybody's out there?

- Excellent, let's do that.

- Okay, so I'm gonna unmute everyone for just one moment and if you want to ask one more time?

- And I will ask one more time, and rather than raising your hand, you can just speak up, is there anybody else who wishes to speak on this item?

- Is there a chance to?

- We'll be having a discussion and action on this item immediately following this, and you will have an opportunity to speak then.

- Okay, thank you.

- And I am seeing some action at phone number 920-327-0019, is somebody there who's willing to, interested in speaking at this point? It seems to be unmuted, but I'm not hearing--

- [Kristin] I have a question for, can I ask a question of the owners, 'cause I was not able to attend the neighborhood meeting?

- I am afraid, you're welcome to raise your concern, yes, and it's a Kristin Mitchell, I believe?

- [Kristin] Yes, yes, my name is Kristin Mitchell. I live at 2492 Shady Oak Drive. A corner of our property was within the circle but we did not receive a letter from the city. And my question is that... I think the letter that went out stated that the business would be conducted in the home, but I am assuming that you are going to be taking photographs outside as well as inside of the home?

- And we won't ask the applicants to respond to your question now, but I'm sure when we reach our discussion and action on the item they will respond to that.

- [Kristin] Okay, thank you very much, Chairperson.

- Indeed, thank you, Ms. Mitchell. Anybody else, the mics have been muted again.

- We have Alder Gerlach.

- Alder Gerlach, thank you.

- Thank you. I have a few questions, and I understand that we're not going to do a back and forth and get answers, but I would just like to ask a few, or put these questions out there. First of all, and you understand, I am the new Alder, so I have, I have very little background and I'm just learning. But it just so happens that I was in the city council Meeting, the common council meeting, when this business was approved to go ahead and start operating on a Monroe Street property, I remember that well. I remember the conversation and the discussion. I happened to be sitting next to this photographer. I was just an ordinary citizen at the common council meeting, and so one thing I would like to know is what progress has she made, what has happened with this prior approved business in a different part of town, and is it up and running, and what's the status? I'm also interested in being very clear on how many photo shoots she plans to do a day or in a typical week in this property. I listen to people and I'm getting the impression that people see this as a lot of cars coming and going and people constantly in and out of the house, and I just think that perhaps the wrong impression is being made. I wonder how many people will be coming on a typical day to have their picture taken? She did say, I believe, that this would be only 50% of her business, that the other 50% would be offsite. So I just, you know, as a homeowner, I can understand that feeling of, hey, wait a moment, this is my neighborhood, I've been here a long time and I don't want a business here. But I'm afraid that this particular business might be getting lumped in with a store or a lot of foot traffic. And I suspect that it might actually enhance the neighborhood. I remember the prior property that she was asking to work at as a photographer, and it was approved, she did say she'd be making some improvements to the yard because she will do some photo shoots outside. So those are questions in my mind. I will tell you, in my other job, not being an alder, but as a communication consultant, I do spend a lot of time listening to community leaders, business leaders, non-profit leaders, in the Green Bay area, talking about the need to have a vibrant economy and to have variety and to grow and develop, and I just hope that we're giving this an open mind and really thinking about whether this might be a good thing for the neighborhood rather than a bad thing? And my final question is, I wonder if staff has advice on this or an opinion? And now I will be quiet, thank you very much.

- Thank you so much, Alder Gerlach. And is there anybody else who wishes to speak on this issue? I'm seeing some action at a phone, 920-265-1210, and the microphone is open there if you wish to speak as part of the public hearing?

- [Bonnie] Hello?

- Yes, if you would identify yourself, please, with your name and address?

- [Bonnie] My name is Bonnie Van Egeren. And I sent a letter to Paul Neumeyer for the Plan Commission. And I was under the, I had the understanding that it was gonna be read at the meeting and I was just surprised that it was not read.

- We are not yet at the discussion and action stage of considering this application. But if that is the request you made of Mr. Neumeyer, I'm sure he will honor it.

- [Bonnie] Okay, thank you.

- Thank you very much. And is there anybody else who wishes to speak on this item? And I see, oh I'm sorry, I only have the first name here, Mr. Olsen, is that correct? Can we have that mic open, Director Vonck, the Michael mic?

- Yep, open.

- Okay, please.

- Okay, I guess I just have a rhetorical question. And the question is, how can the Planning Committee vote to approve a request that, everything I've heard tonight, and everything I've heard in my neighborhood, is the only folks that are for it are the people who applied for it, and everyone else in the neighborhood is against it? So I would be surprised and shocked and dismayed if you decided to approve this in your committee. Thank you.

- Thank you for sharing your opinion. And anybody else who wishes to speak on this matter? And I see Mr. Rudd, you have spoken already, if you wouldn't mind, Mr. Rudd, waiting until we're at the discussion and action stage on this item, I'd appreciate it, and we'll recognize you then. Anybody else? Is there anybody else who wishes to speak on this matter? Then I will call the public hearing closed and we will turn to item number four on the agenda, which should come as no surprise to anybody. It's consideration with possible action on the request to authorize a Conditional Use Permit, a CUP, to establish a live-work use within a Low Density Residential district at 2475 Shady Oak Lane, submitted by Mimi and Chad Schroeder, petitioner. And I would ask, first of all, Mr. Neumeyer, if you would be so good as to tell us anything else the staff thinks is important for us to keep in mind as we consider this, and I trust that you'll also be reading the letter from Ms. Mitchell.

- Thank you, Madam Chair. There are a few things I could add, if Kevin could just advance the slides, I think we've kind of determined that this is a Low Density Residential area that has been built out with single-family homes. As far as a live-work unit, due to the zoning code already that has to be complied with, and the applicant alluded to some of those already. In the next couple of slides you can kind of see some of those standards that are already built in. Notice property owners within 200 feet. We were very careful in all the correspondence that we received. I was not under the impression I would be reading any, attach all of our correspondence in your report and that is available to the public as well. Staff feels that this is a low intensity use for the most part, and we are supporting the request with the condition that the, it's limited to the applicant's use, and if there is a change in ownership or if this use ceases, that they'd have to come back before the Planning Commission and Council for reconsideration.

- Thank you, Mr. Neumeyer. What we will be doing next is offering the commission as well as the alders who are in attendance the opportunity to ask Mr. Neumeyer and Director Vonck, or any other staff members here, any questions they have. And I would start that off with the admission that we're talking about a live-work use, and that there are specific requirements for that, and I wonder, Mr. Neumeyer, if you can share what the requirements are for parking, for ADA accessibility, and for signage?

- Signage is not permitted. This is a Low Density Residential district, so no signs are permitted outside of your address, basically. This is a residential property, it's not a commercial property, so ADA requirements as far as parking are not required. That's for a single home, but those are two spaces per dwelling in them.

- Okay, other commissioners or alders that would like to ask Mr. Neumeyer something. Commissioner Hanson? Oh, we need to open your mic first.

- Sorry, I think you just asked a couple of questions that I had, but I can certainly understand the residents in this area being very worried, because it sounds like they think that this is gonna be a commercial property and a commercial business. So just for clarification, this isn't changing the zoning. It's still staying residential, but it's a conditional use permit just for this person who lives here, and it resides with this person, it doesn't stay with the property, correct?

- Correct.

- Condition of approval that staff is recommending, yes.

- And this was just aside, but I'm not sure that this is a question you could answer, but the one woman was bringing up that they were having problems selling the property next door, and I guess I'm, is that something that needs to be disclosed by a realtor, 'cause I've never, in all the properties that I've purchased, never learned anything about properties next door ahead of time, and I didn't know if that was something that realtors needed to disclose? Because I don't understand how they would even have that, know that?

- Mr. Neumeyer or Director Vonck, do you have a response to that?

- I'm not sure either. It's usually the zoning that's disclosed, and the zoning does not change anything in this case. It's simply conditional use permit.

- Okay. All right, I figured you probably wouldn't know the answer to that, but that was very confusing to me, so, okay, thank you so much.

- And Director Vonck, can you help us with that question?

- Sure, just to followup on that, when selling a property you're required to disclose any pending zoning changes, any pending special assessments or charges on the property, anything that may be outstanding in terms of the city. With that, it doesn't preclude any realtor, any individual from contacting our office or looking through our public records. If you search this address, you could potentially find, this Planning Commission item agenda, and find out that this CUP is in the process of being applied for. So again, it's a public process that has to be done. While not forced to be disclosed, anybody is welcome to disclose just like any other action throughout the city.

- Thank you.

- I've purchased two properties that were out of compliance with the city. One of them I didn't know before I bought it, and one I knew before because of the other one. So if there's supposed to be, I guess I don't know if they are actually able to disclose all the things that they're supposed to or even know that they're supposed to disclose things, but, I don't know, thank you.

- Sure.

- Thank you. Any other questions from the commissioners or any alders in attendance for, questions for the staff? In particular, Alder Steuer?

- Thank you, Madam Chair. Paul, I was gonna ask you have you seen much in the last number of months where this is getting to be a trend of any sort, this work-live kind of relationship? Have you seen many of these over the last six months or even a year in the city of Green Bay?

- I don't recall too many except for the one on South Monroe, and that was the same applicant. But I don't remember anything recently, no.

- Okay. Well I, over time, I've seen a lot of conditional uses that have come into neighborhoods, mostly CBRFs and things on that order, and we're not allowed to really control those anymore. At first blush, I listened to all the folks that are against this, and I think they were, it sounded to me like that there was gonna be a lot of foot traffic, a lot of car traffic, a lot of this and that, and I kind of agree with Alder Gerlach on this, that I don't see it as much. I will be definitely listening and trying to figure out how to move forward on this issue, but many times we defer to the alder in the area, but in this case, I will listen to all parties, and I just want to make sure that it's not misrepresented in a sense, the fact that people, realtors say you can't buy a house next door and that, and I, I don't know, there may be people that cut hair out of their homes, they might get one or two cars a day, and I guess that's what I look at, is it really the cause of serious impact on the neighborhood? And at first blush I don't see it, but I'll be open minded moving forward. Thank you, Madam Chair.

- Thank you, Alder Steuer. And to followup on one of the points that Alder Steuer just raised, I wanted to check on legislation. I believe it was a state law, pardon me, a law passed by the state legislature within the last couple of years that prohibits us from considering a nose count of people for or against any particular issue, but allows us to consider the reasons that they raised for their opinions. Am I right about that? Director Vonck or Mr. Neumeyer?

- You are. Go ahead, Kevin.

- Oh, did I hear a yes for that?

- Yep, yeah, so I think we've talked about this with some of the more controversial conditional use permits. State statute section 59.69, that was, in 2017, Wisconsin Act 67, and we talked about this a few times, and then really it boils down to, number one, if an applicant basically meets everything that's required of them, that the body should or must grant the permit. And in terms of taking testimony, it has to be, any denial has to be based on substantial evidence, facts. And unfortunately, it took away the ability to, I guess, listen, in a sense, to neighbors' concerns, unless those concerns were brought up with factual evidence. And then with that, it still allows for conditions which we are imposing, but they to have to be done that are reasonable and to the extent practicable. And so I think that the challenge is, and then, look, it's not singling out this property, we deal with it all across the city from all types of different CUPs, and this is other communities too, it's statewide, and that is, unless there is a substantial piece of evidence that shows there will be a measured impact on negative, or negatively impacting health, safety of the community, the body has to grant the CUP.

- Thank you. I do want to emphasize that we have been listening carefully to the reasons that people have been giving for both their support and their opposition, but also, in response to a difficult question, we are not allowed to simply grant or not grant based upon the number of current residents, particularly, since there might be other residents in the future, and as I recall, also check me on this, this is a matter of the state legislature's concern to protect the property rights of people who own particular property, to use it within the law? And I'm seeing a nod from Mr. Neumeyer. Correct, Director Vonck?

- Yes, that's correct.

- Okay. Alder Corpus-Dax, a question for the staff?

- Yes, Director Vonck, a number of residents, neighbors, had concerns regarding property taxes going up, the values of their home going down, because of this type of CUP, or this type of residence going in. Do we have any evidence of that actually occurring?

- No, we do not, and I think I just, to quickly address property values on two realms. One, in terms of assessment, this will not change how we assess the property. Because the zoning remains single-family residential, our assessors still looks at it as a single-family residential use. Just because they may have equipment or rooms staged differently, it doesn't change the character of the property itself. The only way that it would change is if they put on, let's say, an addition to the home or made other improvements, but with that, it would still have to meet all the standards of a single-family residential district. So at the end of the day, they can't do anything that doesn't make it look like a single-family residential house or that any other person in the community couldn't do. Then in terms of sales, what it means is, look, at the end of the day, single-family homes sell for what a single-family home just like it looked like, or had the same characteristics, the same things, so that when you look at comps, this again, it's a moot point because I think the CUP is for this particular owner, so that doesn't come with the property, and the next property owner does not get this piece of entitlement with it. And so it's a moot point in terms of the comps on the values. So, we do have others throughout the community, but there's been no really measured impact on either assessment or sales value.

- Thank you.

- Any other questions from the commissioners or alders? I do want to double-check my memory here because I don't have the papers in front of me with our television, our Zoom arrangement. As I recall, the person who is interested in selling the property is the child of a gentleman who has lived there and has run a financial advising and insurance business from his home, previously from that location, do I recall that correctly? Mr. Neumeyer?

- I don't know that I can confirm that, but I've heard that as a rumor, yes.

- Okay. Are other people.

- [Woman] Sent out a new business plan.

- Madam Chair, you went mute, hold on.

- Just did the wrong thing, okay.

- Repeat that again?

- Yes, am I recalling that correctly? Okay. And I see we do have some response from other people, but at this point we can only hear from alders and commissioners, are there any others of those who wish to ask a question of the staff? And yes, Alder Vander Leest?

- After you make your decision tonight, does this still have to be approved by the city council? That's for Dr. Vonck.

- Yes.

- Yes it does.

- Okay, that's fine then.

- All of our decisions are recommendations to the city council.

- Okay.

- Correct.

- And I did note that Alder Gerlach asked a question about what happened to the previous arrangement on South Monroe Street and wonder if we have any information that can be provided by the staff there? Or is that something we had better ask the applicants?

- Yeah, I can't offer any guidance on that, that would be for the applicant.

- Okay, thank you. Any other questions for staff? Yes, Alder Steuer?

- Thank you, thank you, Madam Chair. Director Vonck, I just wanted you to clarify again, you were talking about the state and the CUP approvals, so I just want to get this in my mind's eye. You mentioned that there are a lot of citizens that have been against this particular element, this particular agenda item. But you're saying that the state precludes that, is that, are you saying that if there are no distinct opposition points to this, that you're feeling that it should go forward? I just need some clarification on that.

- Sure. Yeah, again, if you want some deep reading in the state statutes, it's section 59 sub 69, or you can look at, in 2017, the legislature passed the Wisconsin Act 67. You could also probably talk to Planner Buck on this, he did some extensive research on what that meant. And really what it did, look, it's a case of state preemption, and basically told local bodies what they could or could not do when it comes to land use, and in particular, what they could or could not do when it came to issuing conditional use permits. And it basically said, all right, you as a body, have to issue the CUP if the applicant checks all the boxes in terms of everything is conforming, they do everything you ask them to do on that CUP, you have to give it to them, unless there is substantial documented evidence that there will be a negative impact on health or safety. And so that has to be based not just, I think as Chair Bremer talked about, it's not just a head count or a vote count in terms of popularity, there has to actually be provided some substantial evidence that this will have a negative impact. And so whether that's the evidence showing a dramatic increase in traffic, a dramatic increase in light, sound, other types of pollution, those types of things, unless there's some documented evidence, which again is tough, because you don't know what you don't know until it happens, and so it makes it harder to do that, but basically that is the place that the state put us in and then put every other community in here.

- So, I guess my question, my question would be then, if, let's just say this was approved and it went forward, and there could be possible litigation or other things that come forward, I don't know, I'm just looking at this down the road, like what are the cause and effects of this if it is approved or if it isn't approved?

- Sure. Two things, without, right, we don't have counsel here, and so I just want to be careful. I think, and this is ultimately up to the city council to decide, but if the city council were to deny the permit and they would have to deny it based on, they'd have to cite the evidence on which the reasoning on which they were denying that permit. The applicant could potentially challenge that, but that's a process that would have to unfold. I think the other way is if the council approved the permit, again I think it's very clear, these are conditional uses, and so if it could be demonstrated that the applicant was out of compliance with it, was not abiding by the conditions that were placed, including there's things that are very specific on what you can do and can't do with a home-based business, we could come back, somebody could complain, we could make a recommendation to council to revoke the permit.

- Okay. Well, all I heard so far today was citizens that were against it, it was more verbal than anything else. There was no documentation behind it. So, like I said, it's kind of a catch-22 because how do you find out about the traffic that's coming through until it happens? So it's a difficult situation. So, I will keep an open mind. And that's all I have right now. Thank you, Madam Chair.

- As a matter of history, the commission has generally taken into account reasons that are offered by people who speak both in favor and in opposition to various matters, and Director Vonck just mentioned reasoning as well. So it doesn't have to be a formal traffic study. We have the information from our applicants as to how many people they expect to have at their home for purposes of using the photographic studio. That allows us then to take as a matter of fact the level of traffic increase that would occur. That is simply an example.

- Sure, and I think just to illustrate one more point on that, I think we have made clear in our code what you can and cannot do in a home-based business, and I think specific things, by limiting like the space it can actually occupy and be part of a home, you can't convert a whole single-family house into office uses, you're capped at a percentage, and by that, no matter what the specific business is, there is certain expect, there's certain limits on what that business could potentially do. And at the end of the day, if you were in the neighborhood, you again, especially with no signage, you would not be able to tell which home had a home based business and which one did not. That is the intent of the ordinance or those rules that we had in place, is to really protect, I guess, the majority or the predominant use of single-family residential. In those areas, this allows for some flexibility to have that business, but it's done so in a way to put some constraints on how big that business could actually be or operate.

- Thank you. And Mr. Buck, would you want to add anything to what we have discussed so far about the legislative limitations we have?

- No, I think Kevin did a great job of summarizing them. That is exactly what happened. They did, basically said opinion, opinion cannot be used to deny or approve.

- Thank you very much. Alder Gerlach, any questions for the staff?

- I have one, sorry. I guess I'm unmuted. I have just one final question please. It seems to me, and I want to be really clear on this, because I know I'm speaking in opposition to a lot of opinions. So, Director Vonck, I want you to please lay out clearly what is the recourse for neighbors if this is granted and they find out it didn't work the way they were promised it would work and they are unhappy, what can they do?

- Thank you.

- Sure. So we maintain, with another department, our housing and zoning inspection. And so right traditionally that's things you deal with, property appearance, but that also deals with compliance of zoning issues, and if the neighbors feel that because of the issuance of this conditional use permit there are negative impacts that start happening to the neighborhood in terms of, as I said, traffic, noise, general things that cause more disturbance to the neighborhood and the community, they are able to file a complaint with our department, with the inspection department, and that gets routed and gets investigated and then followed up upon. If it comes to a point, and again, if staff would like to, you know, have a, or if the council wishes to add a condition, I think we've done in other places, that we come back in six months or a year with a report or an update, I think that's a potential thing to do. I know one of the CUPs that we've dealt with with the Transformation House, I know there's a lot of concern, and basically it provided for some discretion in terms of myself, the zoning administrator, Plan Commission, to bring it back to review it if there were some concerns. I don't know if we necessarily need to formalize it like that because there is a path in terms of following up on these things. And what we need to do then is if there's evidence that says, yes, because of this particular use, there are negative, either one, they're in violation of some of the conditions that were set, they're not operating like the zoning code allows or the CUP allows. There is a process then that you could take to this body and then recommend to council that that CUP get revoked. And again, there'd be a process just like this. I think in some cases you have to look at, you know, it's because of the CUP itself, it's not because, and I think, we deal with this in other areas, we have, residents who may just have a lot of vehicles, and they don't have a business in their home, but they have eight vehicles, or they have a lot of people living in the dwelling, and then just, they generate themselves a lot of traffic. And so you have to look, and the evidence that we look at is the impact of actually having the CUP would be the reason that negative externalities that didn't happen before now are

happening, and then that would be a reason then for council to potentially revoke the CUP. So I just want to say, overall, I think it's tough what the state imposed upon us. And in terms of, right, being a fan of local control, and in making those land use decisions, what they were trying to do is just kind of balance out, look, if you say in your ordinance, in your code, that if you do these things you should be able to get approval to do it. They just wanted to provide, I think, in the sense of the side, setting on a business or an applicant, some more certainty, than, look, if I play by the rules then I should be able to get this permit or get something done.

- Thank you. Thank you for that question Alder Gerlach. I think we've, is there, are there any other questions for the staff, first of all?

- I'd like to make one comment, Madam Chair?

- Yes, and then we will open the floor, but please, go ahead, Alder Vander Leest.

- I'd ask the Planning Commission to deny this request because of the number of requests of denial that they don't want it, keep their neighborhood, quiet neighborhood they don't want the extra traffic. They don't want the extra business that would be generated there. And I feel that the neighbors spoke out, and I think that their concerns are real. So I would recommend that the Planning Commission deny this request, thank you.

- Thank you. May we have a motion to open the floor?

- I think Commissioner Miller had a question.

- Ah. I'm sorry, ah, Commissioner Miller, yes, there.

- That's what I was gonna do, is just ask for a motion to open the floor. In the interest of all time, we do have a number of items coming up after this, so if we could be brief on it, but I think there's a lot of interested parties here, it would be good to try to get some of the last comments out, or questions there. It does sound like there's a direction we're gonna have to go on this, but since all parties are here, I would make a motion to open the floor just to have the last couple of comments be made.

- And I second.

- And a second from Commissioner Hanson to the motion by Commissioner Miller that we open the floor. The commissioners vote on this please. And it is a roll call vote. And I see we have Commissioner Petrouske with his hand up, Commissioner Miller with his hand up, Alder Corpus-Dax with her hand up, Commissioner Hanson, I believe, has her hand up, and I do as well. So, the floor is now open for further comments and questions. We do not have to go in any particular order at this stage. I would ask that you not simply repeat things that were already stated in the public hearing before hand. But please do be assured that we are listening to the reasons that you're presenting for your particular positions. So, Alder...

- Yeah, so I will go through and call as I see hands raised. I think, again, it's important to, again, address the commission. And the commission, if it so chooses, can relay questions to the applicant. But it is important, with these comments, again, keep it brief and also address the commission. So I think I first saw Michael and then Ed Rudd.

- Okay.

- I'm Maxine, under the name of Michael.

- [Michael] You're not supposed to be on there.

- I have--

- [Michael] You're not supposed to be on there.

- Is that, am I okay to talk?

- Yes, please.

- Yeah, and if you could just, please, one more time, just state your full name and address just for the record, please.

- Okay.

- Thank you.

- Maxine Olsen, 1921 Evans Court.

- Thank you.

- I have a couple of questions. I'm wondering how many delivery trucks for supplies are expected, and also if there will be chemicals for, you know, picture development, used in the home and stored in the home and if there's a lot of that?

- [Michael] Signage.

- The other question I had was, probably for the people, I'm not sure, are they going to limit it to simply two customers per day, since that's what they indicated, because their high season for photographs would probably be during the seasons where there would be most, you know, children, and people using the streets. So, as we're concerned about the traffic, that. Another thing, I guess regarding the CUP, when you okayed it once, as it has been for another property, and for whatever reason their sale fell through, does that mean that just because it fits one property it's gonna fit all, and you go ahead and carte blanche, it's okay? One other thing, I understood there are no signs to be permitted, is that correct? So I'm done, thank you.

- Thank you very much. And Director Vonck suggested that I refer questions to the applicants. Please, Mr. and Ms. Schroeder, if you care to respond to the particular questions Ms. Olsen just asked?

- In regards to the chemicals on the property, no, there would not be any. I have a lab that does all that for me, and so they deliver the finished product. As far as a delivery schedule, maybe a couple times a week that I would have a UPS truck delivering.

- Try to group them together.

- And we do group them together, so we don't, not every individual person has an order sent and shipped at the same, at different times, we send them all in grouping to save on all of that, so, And I--

- Oh, there was amount of appointments per day, I think it was an average that was stated.

- Oh, yeah, I stated an average of like 80 drapes, maybe like 3rd and 4th quarter.

- That's high.

- Okay, can you give us some sense of the range that goes into that average?

- In the summer most of my clients would be high school seniors. So a lot of them want to go to a park or downtown or to the river, so--

- Botanical Garden.

- Botanical Garden, it's all of those. I do executives, so maybe three of those a week. Again, small, I don't know if that answers the question. I'm not, I'm not planning on photographing five days a week, I'm planning on photographing two or three days a week. The rest of it would have to be working on computers and doing all that needs to be done for their orders.

- And is that pretty much consistent with your De Pere business before it burnt down?

- Yes.

- So you do have a pretty good business experience to be able to tell us what your plans are?

- Yes, and it is very cyclical. It is, January and February, March, April, that's, there's nothing going on. It's just, that's just not a busy time of year.

- And to address, personally, the traffic, I think that that was related to the question about appointments. And as the Director had stated about--

- I can't tell who's speaking, do we know who's--

- I'm sorry, that's my husband, Chad.

- Oh, thank you very much, Mr. Schroeder, I'm sorry. Go ahead.

- I don't work in her business, but I just wanted to add that we don't have any children, so the amount of cars that would be in the driveway would be, well they wouldn't, ours would be in the garage, so there would be no street parking, that sort of thing. So I guess that was part of the answer to that, traffic question.

- And I recall, Ms. Olsen, then you also, for the staff, but I've lost track of what it was, do you mind repeating? And Kevin, you'll need, Director Vonck, you'll need to open her mic for that. For Ms. Olsen.

- Yeah.

- Okay, thank you.

- Yeah.

- Okay, my question regarding the CUP was just because the, it was granted for one property, it just means it goes for all properties, is that the way, the way your granting works?

- Director Vonck?

- Sure, for us, no. No, so every conditional use permit is tied to a particular property so it is only good for that property and in this case we are actually limiting it to this specific property owner. And so this is a very customized CUP. And then it's looked at on a case-by-case basis. So should this occupant decide not to do this anymore, or move somewhere else, they do not, A, they do not get to take the CUP with them and go bring it to another property, and B, this house does not have a CUP anymore. So they're one and the same, specifically for this particular property. And that's for any CUP in the city.

- And our understanding, if I understood you correctly, there are to be no signs on the outside indicating that it is a photography studio or any other business?

- That is correct. I'd have to double-check with our zoning administrator. I think a, in a residential district, you can have a one square-foot sign, but that is for anybody, like a traditional address sign, like to put like your name or your family. We cannot regulate content of that sign and what's on that sign. But I believe the maximum dimensions, it's one square-foot, so one by one is the max, and I'll defer to Mr. Neumeyer on that.

- Thank you.

- That's correct. You're limited to one square-foot. It's basically your address of your property. If there's a rummage sale you might find a temporary sign, real estate signs, stuff like that, but no commercial signs are permitted.

- So a one square-foot sign indicating that it was such and such photography studio and the house number would be permitted?

- Just the house number, basically, with that size.

- Okay, so it's not naming the photography studio?

- Just, in terms of the content, we can't regulate. All we can regulate is the size. But with one square-foot you really can't fit much on there. So in practical reasons, you're probably just getting the number on there. There are also, though, again, I think to answer Alder Gerlach's questions about enforcement, we do have provisions in our code for temporary signage which individuals can do for rummage sales. But, right, sometimes those signs stay up too long and then go too long and then so we enforce that, and then have those removed if they come out of compliance with that. So again, I think that the goal is to make sure that this business operates no differently than any other single-family residential property in that neighborhood.

- Thank you. And I think we're ready for any other questions or comments, Mr. Rudd, yes, you were next on the list.

- Yes, I have Mr. Rudd, and then followed by Pam Tebo.

- Thank you. You need to open Mr. Rudd's mic. There.

- Okay, he's open.

- Are we good now?

- Mr. Rudd?

- Hello. So, Ed Rudd, 2468 Ironwood. I am directly behind the property in question. And the applicants mentioned when they were working on the Monroe property that they were gonna do photo shoots in the backyard. Again, the photo shoot is in my backyard. So, I could throw a marshmallow and hit that property line. So the whole back of my house, the back room is all glass. So when they have a photo shoot, my quality of life on my property is being taken away. Why should I have to sit there and maybe move my family function so they can have a professional event there? I think that they should be looking for a property that has nobody in the backyard and it shouldn't be here. Again, that's my property line right there, and that's my backyard, and so I can't have the quiet enjoyment of sitting in my glass room here while they're conducting business? And the last thing, and I'll let it go at this, has any other applicant said they were gonna have this much use and have something different? Are you planning on, is Green Bay planning on policing this? Because the residents in the area, it shouldn't be our responsibility to police this, and it shouldn't be our responsibility to make sure they

operate their business correctly. I know that other businesses I've had, they have had inspectors come by on a regular basis, and I think Mr. Neumeyer was one of them, and I don't have a problem with that. But I would like to know that they are gonna come there on a very regular basis and police the situation to make sure it is what they say it is going to be. Again, I think they should choose a property that does not have a neighbor in the backyard trying to enjoy the comfort of his home. Thank you.

- Thank you, Mr. Rudd. We have already talked about the fact that the city runs on a complaint basis. As a citizen, that is your responsibility to make complaints if something needs to be checked. We thank you for raising that question and for explaining the situation you would find yourself in. Another comment or question? I'm looking--

- Next up we have a Pam Tebo.

- Yes, Ms. Tebo? Oh, we need to unmute you, Ms. Tebo, I'm sorry. There we go.

- There we go, I did it. Thank you, again, I live at 2462 Ironwood Drive. I would like to know if the professional studio will also have wedding parties as part of their group of people that they would be photographing?

- Wedding parties, do you have any other questions that you would like us to ask the applicants?

- Well, the wedding parties, because that would increase the amount of people in the area, that would increase the amount of traffic, and that would increase the amount of parking spaces that would be taken up if it was a large wedding party. Did they have wedding parties in their, did they photograph wedding parties in their De Pere studio? And will that be something that they are also going to be doing in their professional studio that they will be putting in our residential neighborhood? I'd like you to ask them that.

- And Ms. Schroeder, would you respond to that question, please?

- We do not photograph weddings. I'm a little too old for that. So there will not be the charter bus type situation that you might be familiar with if you go to Pamperin Park, Fonferek, on any given Saturday, you might see seven of those. But no, I don't do, I don't photograph weddings.

- Thank you very much. Any other questions or comments, Ms. Tebo, was there anything else you wished to say? Thank you.

- That was all at this time.

- That was all, okay. I have an Ann, I believe that's Ann Schmidt up next.

- Yes, Ms. Schmidt?

- [Ann] Okay, I'm, can you hear me?

- Yes, we can hear you.

- [Ann] Okay, I was just looking for clarification in the letter that we had received on April 16th from the applicant. The letter indicates that the hours for the studio would be by appointment. However, the appointments would be Monday through Friday, 9:00 to 6:00, with an occasional appointment later, and during the summer months and seldom on a Saturday. Is that still true being that they had indicated there would be two to three times per week only?

- Ms. Schroeder, would you like to address that question?

- So, in my letter I was trying to set the parameters that, when people make appointments, it would be between the hours of 9:00 to 6:00 Monday through Friday, but it's not, we wouldn't be open 9:00 to 6:00, if that makes sense, It would just be that I wouldn't want you to think that I would have somebody driving into the neighborhood at 7:30 in the morning or at 9:00 at night. When people book their appointments, I'd like to keep it in between, from those hours, but it is by appointment, so no, it is one and the same, I just probably didn't word that correctly in the letter, or at least it sparked concern. We'd still be looking at two to three appointments a day, however, it would not be Monday through Friday. It would be like two to three days out of those days, if that makes sense?

- Mm hm.

- [Man] Well it'd be 'til 6:00 at night.

- [Man] She just said two to three eventually.

- [Ann] But it would have the potential to be Monday through Friday and occasionally a Saturday. If you got busy and it was a busy season, you could potentially have Monday through Friday and on a Saturday, between, anywhere between the hours of 9:00 and 6:00 and occasionally past six o'clock?

- By appointment only.

- By appointment only, but--

- [Ann] Right, but that, I mean that kind of is irrelevant. I get the by appointment only, but the question I'm asking is it could potentially be six out of the seven days a week that you could have appointments at your house?

- I don't see that happening, I really don't.

- [Ann] Okay, well.

- We've been doing this for 23 years and that is just not the case. And I don't think I could handle that much activity. I've been doing this by myself.

- [Ann] Which concerns me then about having your employees that you are saying you are gonna have one to maybe two part-time employees, and then, so then to me you are looking at increased traffic.

- No, I think I lost everybody after the fire. So they all had to go and get other jobs. And I've been trying to do it all myself. And because I don't have a permanent business address, my volume has gone down. So I don't anticipate that it's gonna, I just can't possibly imagine photographing five or six days a week, it just is not even, if you talk to any professional photographer and they will tell you the same thing.

- So those aren't facts.

- Thank you.

- [Man] So those aren't facts.

- [Ann] Okay, I'm just going by, what the information you had in your letter.

- Mm hm.

- Okay, and anybody else who wishes to speak at this time?

- I have Cary Anderson.

- Ms. Anderson, please?

- Hi, Cary Anderson, 2462 Ironwood Drive. I just, I have two questions. So one, will you be outside taking pictures? And then two, what happened to your Monroe Street property? Why are you not photographing there? Thank you.

- Thank you, Ms. Anderson. And we'd ask the Schroeders then to address those questions.

- Okay, so, the outside photography would occur. But the property isn't necessarily set up for that right now, I would have to do some landscaping, which I love to do. So a lot of that would be adding trees or shrubbery, flowers, that sort of thing. And at certain times you can't really be out there in the middle of the day. But with that being said, because the property really isn't set up for that, it would probably be a while before I would have that stuff mature enough to do anything and it would fall into the going to a city park to work. I do that now as it is, so that's pretty common. As far as the Monroe Street home, the very morning after we were given permission by the city council, someone put an offer in on the same property. We did not have a bump clause on our purchase agreement because the home had been on the market for over a year and we didn't think we needed to worry about someone bumping us. We were given the option of doing a, taking off our wholesale contingency and what was the other thing?

- Well that was it, that was the, we needed to respond within 72 hours I think.

- Yeah, or 48. So we lost it, 'cause we couldn't possibly--

- Sell our house.

- Have, well, we didn't even have our house on the market at that point. So going into, moving into your neighborhood, once that happened to us that was so devastating, so we thought, okay, we'll put our house up on the market, and we will find a place because we're not gonna take that route again, 'cause we don't want to lose out on another property. That being said, our house sold in less than, well, three days, which put us into kind of a situation where we needed to find something that was appropriate. And so that's how we--

- This works good.

- This works great. But that's what happened with the Monroe Street property.

- Thank you very much. Any other comments or questions from the public? The Schroeders have been very kind about responding to particular questions, but I also want you to have an opportunity to say whatever you would like to say at this point.

- Yeah, I believe Ms. Tebo's raised her hand, but I think she's already spoken--

- Yes.

- Once.

- Yes.

- For me to talk?

- Ms. Schroeder, please, and Mr. Schroeder.

- So, thank you. Thank you very much. I understand the concern because I think that a lot of opinion is not necessarily how it's going to be. I think you will know us more as neighbors than actual business. We, I mean, we're very good neighbors, and we're coming from a very good neighborhood. And so we will be living there, regardless.

- We are coming.

- We are coming to your neighborhood.

- Yeah. So, if I may, I know Alderman Vander Leest is a well-respected Alder. I'm slightly disappointed that he didn't read any letters or didn't list off any names or enumerate how many positive comments he got. The letter that our next door, our future next door neighbor Bonnie wrote is lengthy, so probably not inappropriate to read in this forum. But she was all in favor of having us as neighbors, with the conditional use permit. And then her neighbor adjacent directly west also was at the meeting, the informal driveway meeting, that we had, that, and she was also very much in favor. I'm sorry, Mr. Rudd, I apologize. I believe we just were not aware, call it naivety. We thought it was just along, 200 to 400 feet on either side of the property on that street. We weren't, I'm sorry, we weren't considering the block behind us, so I apologize for that, our shortsightedness.

- Thank you Mr. and Ms. Schroeder. May I have a motion to close the floor? Commissioner Hanson?

- So moved.

- And a second?

- Second.

- Thank you, Commissioner Petrouske. Commissioners, what comments do we have at this point? Or is it time for a motion?

- We had Commissioner Miller.

- Ah, Commissioner Miller, and your mic is now open.

- So, I will make a motion to approve with adding two conditions, and I apologize, maybe they might already be in there. I wasn't able to pull it up. But, could we include, and this might be a little vague, can we add a condition there to specifically eliminate large gatherings and probably set a limit on that, where if a certain amount was there we could say no more past five, six, whatever the number would be appropriate? And then a separate condition of requiring some sort of landscaping or other coverage for outdoor photography so there is some sort of a barrier between them and the neighbors. I think those would be two appropriate ones. Those are a little vague though, so I'm not quite sure how much we could do with that.

- Okay, would somebody like to second that motion?

- I guess I have a question, is that something that we can set as requirements? I guess staff or Dr. Vonck?

- Sure, and I may pull in my colleagues on this. So I think in terms of a condition on large gatherings, I think you just want to be specific that it's business related gatherings. We really don't have conditions on having, right, 50 to 100 people over to my house, other than nobody wants to get corona. But in terms of business related activities, I think if you wanted to put a numerical cap on there, I think that's appropriate and within your realm of having met conditions. I would, right, depending which way you want to go, you could say large gatherings. It then becomes up to interpretation, back and forth about what large is. If you want to enforce

something, a number is cleaner. And then, I think with the same thing, with additional landscaping, the second condition, I think, just, we could, that one I'm a little more hesitant about in terms of a appropriate one. And that is generally between single-family residences we don't have any landscaping standards. Generally if it's between different properties of different zoning classes, right, we bring in landscaping requirements, buffering requirements, and setback requirements. I think it's something that you could potentially add in here, but I think that one you may want to be a little more nebulous on or, it may be harder for us to enforce what the right amount of landscaping is in terms of that. But for the first one in terms of putting a cap on numbers of gatherings, I think we've done that before for other CUPs in terms of the amount that could be business related at any one time.

- Does anybody at the commission wish to propose a number to go with that limitation?

- Well, I'd like to kind of actually ask a question. It seems like one of the largest concerns of the neighbors is traffic in the community. Maybe the right solution for a limit is not a number of persons, but a number of vehicles. Just a thought to throw out there based on what everyone else thinks?

- I do want to ask our applicants, please, because Ms. Schroeder mentioned her intention to landscape in the back, apart from whether or not we required, and Director Vonck has suggested that this might be unprecedented, some kind of buffer between your yard and the neighbor's, would that be part of your landscaping plan so as to provide a screen between any photographs you took and neighbor houses? If we could have that mic opened up? Yes?

- So, yes, thank you. Yes, it would be to block that view. So there would be most likely evergreens, spruces, arborvitae, white pines, those types of things that would be a natural barrier that would blend in with the surrounding area.

- Thank you.

- Mm hm.

- Okay, commissioners, we still have open then a motion. Let me ask Mr. Miller, Commissioner Miller, do you want to withdraw the landscaping piece in your motion? Do you want to leave it there? Do you want to add a capped number?

- I think we can probably pull the landscaping or covering. From the sounds of it, I think there's gonna be plenty of monitoring of the operations that are going on, based on the neighbors here, so I'm not necessarily worried that there's gonna be anything really slipping by. I feel a little more strongly about the number of, I like what Randy had said about vehicles maybe versus people, but the wedding party thing I thought was a good point in that it sounds like it's in scope for them right now, but maybe the business changes in some time from now, and yeah, maybe you have one of those buses pull up and there's a lot there and we didn't really have a way to enforce against that, so a vehicle might be a little tough, or maybe we could specifically call out that no charter buses, no, any limousines, those type of things there. We don't want to get to the point where it's so particular where it's gonna be difficult to enforce, too, but on the other hand we don't want to be too vague. I feel more strongly about the count of people 'cause I think that's a little bit more of an issue and it also kind of takes the traffic thing into consideration as well too, than I am about the vegetation or landscaping, that type of thing. I guess I think there's gonna be a fair amount of eyes and regulation happening from the neighbors, so I'll pull the second part, and then change the first condition to, Maybe, can we do one consumer vehicle, eliminate commercial, say no commercial vehicles, only just regular consumer vehicles, and just put it at one or two? I don't know if two would be necessary and maybe that's a good question for the applicant? Why don't we just say two?

- So two vehicles rather than a number for people?

- Two consumer vehicles. Commercial vehicles of any type, besides, of course, delivery trucks and the normal type of things that would be operating in the neighborhood.

- Okay.

- Yeah, I think along those lines. We can work the wording to make sure it fits the zoning code, but something along the lines, I think, of commercially licensed passenger vehicles goes along the lines of, right, school buses, limos, those things that require that. I think that's a fair and enforceable one. And then what I heard, I think, is two standard passenger vehicles or residential vehicles could be permitted for the business.

- Yeah, so I think I cut out their having, it was just, yeah, two passenger vehicles and eliminate all commercial vehicles besides delivery or, I'd put that in the version.

- The language that Director Vonck just used, I think, was capturing your idea, Matt. Do we have a second to that motion?

- Well, before I second it, I'd like to ask the applicant if it's consistent with their business model, to limit that to two vehicles?

- Good question.

- I think it's consistent. If you have a father and a mother and a high school senior, maybe one shows up after the other one's arrived, you might get an extra car there just because someone's come from work. But that's probably it and so two to three vehicles, or two if you want me to insist on that, I will follow your rules.

- If it's going to be strictly enforced, maybe it could be three, for just odd situations.

- Mm hm.

- Sure.

- If it's two, it's gotta be two.

- Okay, Commissioner Miller, two or three?

- I'm personally comfortable with three, myself, but I feel the neighborhood probably may prefer two. I'll put forth three.

- And do we have a second to that motion then?

- I second.

- We have a second from Commissioner Petrouske. Any further conversation or discussion? Then I'm going to call the roll on this vote. Alder Veronica Corpus-Dax? Oh, I'm sorry, I should repeat, however, we are voting on, to authorize a Conditional Use Permit to establish a live-work use within a Low Density Residential district at 2475 Shady Oak Lane, submitted by Mimi and Chad Schroeder, petitioner, with the addition of a limitation of three vehicles at any one time, or no commercially licensed passenger vehicles. I believe that was your language, Director Vonck. And then we have, I don't think we had any limit on numbers of people.

- Yeah, no.

- Commissioner Hanson?

- I do have a question about the cars. What if they have friends over and it's more than three cars? Like how are we gonna differentiate?

- For the business.

- Right, so just, I mean that's the enforcement issue. And look, we deal with this with our temporary rental permits, right, in terms of they can only have so many occupants per the rental, but again, there's no prohibitions in our city on large personal, family, friend gatherings. And so we need documented evidence that it was, okay, related to the business itself. And with that, yeah, there'd be a way we'd have to enforce it is just documented evidence on the business. We can't limit in terms of individuals. Again, there's a general overarching nuisance ordinance that we have in terms of wild, unruly gatherings that really is more police than us. But in this case, there'd have to be some evidence that it was related to the business.

- Thank you. Any other comments by the Commissioners? Alder Corpus-Dax, your vote?

- Aye.

- Commissioner Hanson, yours?

- Aye.

- Commisisoner Petrouske, yours?

- Aye.

- Commissioner Miller, out of order, yours, sorry?

- Aye.

- And mine is also in favor. Thank you all for your attention to this and your willingness to share your views of it. And thank you to the Schroeders. This will come before the city council. Can you give us a date, Director Vonck?

- This will go before Council Tuesday, June 2nd, so it will go next Tuesday. If you wish to participate it will be another virtual meeting. You can either work with your alderperson or also it's available for the public to attend the meeting as well, but next Tuesday, June 2nd, 6:00 p.m..

- And I would simply add for Alder Vander Leest and for the others who are here who objected, that we are prohibited by state law from simply going with the number of objections. That had been our previous policy when it came to, or not policy, but practice, when it came to party houses for instance. But that is not a possibility, so we're paying attention to the particular reasons that were brought forward, both by the applicant and by the other neighbors. And thank you all very much. We'll go on then to item number five in the agenda, which is a public hearing on the request to authorize a Conditional Use Permit to establish a two-family dwelling within an Office/Residential district at 1207 East Walnut Street, submitted by John Halle at 1207 East Walnut, property owner. And again, the same rules apply. I will call first upon those who support and then those who oppose and then those for information. And I would ask now for anybody who supports this, no, but first of all, thank you.

- Okay, yep.

- Mr. Neumeyer, if you could introduce this particular item? Thank you.

- Madam Chair, I can do it real quickly. This is a property at 1207 East Walnut, just east of South Roosevelt, just down the road from East High. The property is highlighted in red, it's a small property that has a Mixed-Use on it, and the developer would like to convert it into a two-family. So because of the zoning being Office/Residential, two-family is only permitted by a conditional use permit. So that's the reason why this request has been made.

- And currently, because it is Office/Residential it does have a lower floor that is commercial, is that correct?

- It had a unit--

- Oh, it had it.

- Yeah, I'm not quite sure if it's currently being occupied but I think the idea is that to convert that to a first floor residential use.

- Okay, thank you. Public, anybody here who would wish to speak, first of all, in support of this proposal? And it looks, Director Vonck, as if we have fewer people to keep track of here.

- I do not see any hands at this time.

- Okay, if you would open the mic, though, let's, because we have some people who are not on video.

- All right, all the mics are open.

- Okay, does anybody wish to speak in support? Does anybody wish to speak in opposition? Does anybody wish to speak for purposes of providing information? Is there anybody who wishes to speak on this matter? And for a third time, is there anybody who wishes to speak on this matter, and I did just hear a voice.

- [John] I'm the owner of the property, or one of the owners of the property. If there are any questions I'm here to answer any questions.

- Fine, and that person is? I'm sorry, your name, sir?

- [John] John Hallee.

- Thank you very much, Mr. Hallee. Let's wait then for the next item of discussion and consideration to ask Mr. Hallee any questions we might have. Does anybody else wish to speak on this matter? I have definitely asked more than three times, so I will call this public hearing to a close and we'll move to the next item on the agenda which is consideration and possible action, item number six, on the request to authorize a Conditional Use Permit to establish a two-family dwelling within an Office/Residential district at 1207 East Walnut Street, submitted by John Halle. First of all, Mr. Neumeyer, is there anything else that we should know from the staff?

- Just to reiterate that again, this is an office unit. The Comp Plan calls for medium to high density residential at some point for this area, so the conversion to a two-family is consistent with medium density residential development. Looking at an image of the property, it looks like it may have been built as a single-family home back in the day, and I think it dates back to the early '20s. So a conversion to a two-family, I think, is certainly consistent with the neighborhood and surrounding uses. So we are recommending approval of the request.

- And the property is the one in the middle on the visual image here?

- Yes, I tried to get it centered as best I could.

- You done good, thanks very much, Mr. Neumeyer. Okay, I'm wondering, commissioners, does anybody have questions for Mr. Hallee, in which case I would entertain a motion to open the floor? Hearing no motion to open the floor, we don't have to close it. And Mr. Hallee, you have no questions being addressed to you. Thank you for being present for that purpose, however. Do we have a motion on this recommendation?

- Move to approve.

- Thank you, Commissioner Hanson. And a second to that motion?

- Second.

- Petrouske.

- Second.

- Any further conversation, discussion by the commissioners? All those in favor I will read the roll again. First of all, Alder Corpus-Dax? Ah, on the issue of authorizing a Conditional Use Permit to establish a two-family dwelling within the Office/Residential district at 1207 East Walnut Street, submitted by John Halle. Alder Corpus-Dax, your vote?

- Aye.

- Commissioner Hanson, yours?

- Aye.

- Commissioner Miller?

- Aye.

- Commissioner Petrouske?

- Aye.

- And I vote in favor as well. So it is unanimous. And we can go onto, and for, excuse me, for Mr. Hallee's information, again, this will go to city council on Tuesday the?

- 2nd, 6:00 p.m..

- 2nd of June at 6:00 p.m.. Okay, item number seven on the agenda is the public hearing on the request to amend the existing Green Bay Packaging Planned Unit Development, that is the PUD, to include the expanded mill operation at 1601 North Quincy Street, submitted by Matt Szymanski, Green Bay Packaging, applicant. And I would ask Mr. Neumeyer to get us started by introducing this item?

- Thank you, Madam Chair. This is a request to amend an existing planned unit development, and you might recall, earlier in the year, the commission and council approved a PUD for the signage for the site. So we are kind of working a little bit in reverse, trying to catch up on the zoning for the property. So the property is highlighted red on your screen. It's about 36 acres on site. This is the major mill expansion that's been discussed for the past couple of years, and it's currently underway. It's been known as the wolf pack project. So, the project, I think, actually started in late 2018, and it started under the General Industrial zoning, so this area mainly is an industrial district. But there was several issues that came up through our site plan review regarding the height, impervious coverage, and other dimensional issues that we kind of felt were better

packaged together in a PUD. So again, we're kind of catching up on the zoning here, even though the project is on its way. So there are more details attached in the packet and I can field more questions in the next item.

- Okay. Do we have anybody here to speak in favor of this proposal? Is the applicant here? I see Mr. Mihalski here. Do you wish to speak now, Mr. Mihalski, or would you rather wait until we consider this for action?

- I guess I would rather wait until we consider it for action. But I am representing Green Bay Packaging and my name is Bob Mihalski.

- Thank you very much. Okay, is there anybody that--

- [Kathy] This is Alder Kathy Lefebvre.

- Yes, Alder Lefebvre, please. Thank you for being patient with us, since you were on one of the first items and now one of the last items.

- [Kathy] I know. Thank you very much. I have no issues with this. I think Green Bay Packaging is gonna bring in a really good economic value to the city. And I'm all in favor of this item, thank you.

- Thank you, Alder Lefebvre. Anybody else, if you would unmute the mics, Kevin, thank you, Director Vonck, so we can hear if there's anybody here that wishes to speak? Some of the mics are still on, I don't know if--

- I see that, it didn't do what I wanted it to do. All right.

- It's a problematic--

- Now everybody should be unmuted. I think some people are choosing to mute themselves after I've turned it on. But yeah, everyone--

- Okay. We are going to presume that everybody is unmuted and I hear nobody asking to speak. So I will ask again, is there anybody who wishes to speak on this item? And for a third time, is there anyone here who wishes to speak on the item? Then I declare the public hearing closed and we will move to item number eight on our agenda, which is consideration with possible action on the request to amend the existing Green Bay Packaging Planned Unit Development, PUD, that is, to include the expanded mill operation at 1601 North Quincy Street, submitted by Matt Szymanski, represented by Bob Mihalski for Green Bay Packaging. And, first of all then, Mr. Neumeyer, anything else to add to the staff report?

- Sure, just a few pretty pictures, I guess, just to kind of give you some context of what this site looks like. And that was supplied by the applicant, of course. So again, this is an industrial, heavy industrial district, general industrial. We're using this PUD overlay to kind of capture some of the uniqueness of the site, and the complexity of what's going on on the site. Some of the structures are exceeding our minimum 35 feet in overall height requirement. That would have been required to get a conditional use permit. There were some other dimensional issues like green space that may have translated into a variance request, and again, we kind of packaged some of these together and put them in the PUD. So the planned unit development is attached within your agenda. If you have any questions I can go through those, but again, this is an industrial area that has long been established and is now being redeveloped. Here is a copy of the site plan, between Quincy Street and the river. The majority of the expansion is occurring kind of on the north part of the site, on the northern edge there. And there will be access from Quincy Street to driveway cuts there with loading docks there as well. We're gonna be working with Green Bay Packaging, hopefully develop some sort of buffer system for the overhead doors and the access there to kind of create some green space. And then there's some elevations just kind of giving you a sense of the size of the project, and again, you can kind of see some of the signage that was maybe discussed earlier this year. But this is kind of looking southwest at the site, the lower left, seeing the delivery and shipment area. And then there's--

- So the highway is behind us, then?
- It is to the right of us, yes.
- Oh, okay.
- So yeah, there you go, that's another view looking kind of northwest. You don't quite see Tower Drive there, but you get to see the south side of the mill.
- Okay, thank you.
- Yeah. So again, we are supporting the request. We did send out notification. Of course this is well over three acres in size, but we didn't receive any comments or questions from the neighbors or general public. And we are supporting the request based on the planned unit development amendment as proposed.
- Okay. Do any of the commissioners have questions for the staff? Would any of the commissioners wish to ask Bob Mihalski any questions of Green Bay Packaging, in which case you need to move to open the floor? Okay, so we don't need a motion to close the floor. We need a motion on the item before us.
- Move to approve.
- Commissioner Hanson moves to approve. Is there a second?
- Second.
- Second from Commissioner Corpus-Dax. Any further discussion? Then we will vote on the request to amend the existing Green Bay Packaging Planned Unit Development to include the expanded mill operation at 1601 North Quincy Street, submitted by Matt Szymanski, Green Bay Packaging, applicant. I'll read the roll. Commissioner Alder Corpus-Dax?
- Aye.
- Commissioner Hanson?
- Aye.
- Commissioner Miller?
- Aye.
- Commissioner Petrouske?
- Aye.
- And I vote in favor, also, of having buildings to put those signs on. I couldn't resist saying that. So we have a unanimous vote, and that will also go to the city council on the 2nd of June, at the meeting starting at 6:00 p.m.?
- 6:00 p.m., mm hm.
- And thank you very much for waiting, Mr. Mihalski, we appreciate your presence here. We have one last item on the agenda, and that's consideration with possible action on the request of the Department of Community

and Economic Development to institute a Zoning Action Notification Sign Policy as it relates to requests for a Conditional Use Permit, CUP, a Zoning Designation Change, a Planned Unit Development, Comprehensive Plan Amendment, and or Area Plan Creation or Amendment. And Mr. Buck, I believe you are on now to introduce this item?

- Thank you, Madam Chairman. Okay, or Chairperson, there is, you heard it a couple of times tonight. People are very interested in being noticed of any type of zoning change or land use change that happens. Historically the newspapers were heavy circulation, public notices were generally felt to be the best way to do it. The city kind of changed that, and although we still post the notices, put them in the paper, hang them in city hall, we went to, like many municipalities and counties, went to a notification. There's a lot of discussion, how far do you send the letters out? It used to be 100 feet, grew to 200. In 2015 it was changed to 200 or 400, depending on the size of the lot. So, it has been kind of a dynamic thing over time, this notification. Obviously we put things on our website, but a lot of places tend to get a lot of criticism for not notifying further out. I know you guys have talked about this in 2015 and earlier than that, cost is pretty heavily involved with sending out a lot of letters, that goes up all the time, a lot of staff cost. And there's never agreement in general on how far that should be. Another thing that happens with just sending out letters is they only go to landowners. So other interested parties, primarily tenants, people who may have a stake in the neighborhood but don't necessarily live within 400 or 200 feet, may never even know of the request and they're kind of falling through the gaps. So one thing, and you can see on your screen now, that a lot of communities are doing, is they place a zoning action or an action pending sign, you can see the one up in the upper left, they put signs on property for pretty much everything, any type of action. And city staff had been talking about this, in particular with our, not our division, but our neighborhood planners, and we all kind of agreed this was a very effective and inexpensive way to be more transparent, to let more of the neighborhood and interested parties be involved. And so we thought to bring this forward. It wouldn't require council approval. It's really one of your policy changes. So you would direct Community Development staff to basically have the signs created and start running that program, just like we do with the letters. So the sign that we're proposing, so you have varieties in all different shapes, but the one we're proposing here is on the left. So, obviously bright orange so it's noticeable. It'd be two feet by, I think by a foot and a half. You can kind of see the frame that it's gonna be put in. So it's be a, I believe it's an iron frame like you'd find real estate signs and whatnot in. This would go in the yard at least seven days prior to a Plan Commission meeting, to kind of match our letter noticing, and it would have to stay up on that property all the way through council or unless the petition is withdrawn. We talked internally, do you make the petitioner buy it, do you use a paper one, corrugated plastic one, and we kind of went all back and forth, and we kind of settled on that 18 inches by 24 inch aluminum sign with just the basic information on it, the phone number, our website address, and just that something's going on there. So they can go to our website, they'll see it in the What's New section, and be notified. So, often time there is criticism that you're not gonna be able to see it, it's not gonna be effective. So we kind of have some brief regulations, and those are in your packet in more detail, but that it needs to be installed where most visible. Now staff is installing it, so we're gonna make that judgment call, but it has to be within five feet of the right of way. So if there's a sidewalk, it's gonna be close to that sidewalk, within a person's distance. If you have multiple frontages, we may require signs on both sides. In some cases it might not be necessary if it's very narrow on one side and visible on the corner. So that would be a staff discretion. Lots with frontages over 400 feet, which is a pretty big distance, that would be like eight downtown lots, may require additional signs, and so we could add more. And then if there is no front yard, like a zero setback building, an old downtown building that's right on the sidewalk, staff would then work with the applicant to get it placed in a window, possibly put it in a doorway, or in some cases it might not be feasible to put a sign on the property at all. But obviously it couldn't be located in a spot where it is an obstruction, to vehicle traffic, to pedestrian traffic, and it can't be located in a place where vegetation could easily block it from view or parked cars could block it from view, or whatnot. But this is sort of our thought process, was we would reach a lot more tenants and a lot more interested parties that just don't happen to be landowners. As you all know, rentals have become much more popular as a housing choice, and there are people vested in their neighborhoods for 10, 20, 30 years, have spent their whole life as a tenant in the same neighborhood, and they have been kind of falling through the cracks of our letter policy. So, with that, we are recommending adding item 26 to your Rules and Policies, you have 25 right now. And 26 would be what you saw in the staff report. So it's basically what I described, written out a little better.

- Okay, we have a question or comment from Alder Steuer?

- Thank you, Madam Chair. Mr. Buck, I commend you and the office for putting this forward. I have been, sadly, privy to other Plan Commission meetings where folks were not either notified or they were too far out of the area. I can see this helping to avoid a lot of those issues in the future, very proactive. And I am very supportive of this. And I don't know if there's anything else you need from us, as we got to council, but I think this is long overdue and I commend you for it, thank you.

- Thank you, Alder Steuer. Any other comments or questions to the staff? Yes, Commissioner Miller?

- The only thing that came to my mind is how to deal with someone who purposefully didn't want to display this if there's any action on that? I'm thinking of just a situation that may be controversial and they're gonna want to try to keep it out of public view to avoid backlash. Is there something built in to make sure that we do ensure they display it in those situations?

- Right, well in the regulations, those can be massaged by the Plan Commission, they are your rules and policies, so they don't go to the council. But staff is going to be placing the signs, so we're gonna locate them in a spot that is most visible and not obstructed, and then there is a provision in there as well that the property owner must maintain them in a safe and clear fashion. So they need to report to us if somebody pulls it out, if somebody steals it, falls down, gets knocked down, or in your scenario that you just kind of mentioned, they may have taken it down themselves, at that point we can either put another one up. If they continuously disappear, we would have to probably talk internally. Director Vonck would probably have to make a call on what to do with it, chain it down, or .

- I'll be camping overnight somewhere.

- Right. So we tried to build in some protections for just that, Mr. Miller.

- And I--

- Yeah, I think--

- Go ahead.

- Sure, and in terms of bringing it to the commission, I think it's something that staff could state, in terms of an applicant can still bring a request before you, but staff could state in their report, refused to put the sign up or sign was missing during a certain period of time, and then let this body decide how they want to handle it, and maybe say, look, we don't feel the public's been adequately noticed, leave it up for another two weeks and then we'll get it at the next meeting. But yeah, that would up, I think, again, at the end of the day, these are all public actions that we're doing, so I get, right, things are easier if the neighbors don't know about it, but that is totally not what this body and what the community and our department is about. So this is just another tool to help engage the community, but also I think one of the things, from our mayor, is looking at ways to improve customer service in the community, and so I think just being able to find a way to provide information that didn't create a lot more work for our staff, and I think this can do that.

- And then you identified this as to be number 26 in our, in the... Gah, I'm losing words, now. Number 26 for the Plan Commission. That would not replace number 25, thought, correct, and we would still have the letters sent to the people within 200 feet, or in the case of a large property, 400 feet? Am I correct?

- Oh, correct. Correct, yeah, so this would be supplemental to that. We also generally call the alderperson, we notify them if it is controversial, even just like the live-work this evening, we do either request and sometimes even require neighborhood meetings. So even during the pandemic here, you saw the petitioners held one in

their driveway, everybody like 10 feet apart. But we've had really big ones as well, like St. Vincent always has a very large crowd and they do a formal presentation. So the public notice, the sign, the letters, and potential neighborhood meetings. Again, we're trying to be as open and transparent as possible. And we did receive a letter of support from staff who works with the neighborhood associations, it is something that he's heard many times before and he was very adamant about getting this instituted.

- It's something we've heard many times before too, to echo Alder Steuer. Any other comments or questions? May we have a motion to approve?

- Motion to approve.

- Motion to approve.

- Oh my goodness, I'm gonna call on Mr. Petrouske, Commissioner Petrouske, do you wish to second Commissioner Hanson? Was that a yes or no? Commissioner Hanson, are you seconding this motion?

- I will second Commissioner Petrouske's motion.

- Very nicely done. Okay, do we have any further discussion or concerns? Then I would ask that Alder Corpus-Dax, first of all, vote?

- Aye.

- And Commissioner Miller?

- Aye.

- Commissioner Hanson?

- Aye.

- Commissioner Petrouske?

- Aye.

- And I will vote an enthusiastic aye. And it passes unanimously, hallelujah. And we can move onto the informational director's report, please, Director Vonck?

- Thank you, Madam Chair. So first off, I've got \$100 to anyone who can name the other 25 policies off the top of their head? Besides Dave or Paul, because they've got those all memorized. So a report on council action, our last council meeting on May 19th, we, the report on Planning Commission, they authorized, accepted the report, its first reading, authorizing a CUP on 827 9th Street, it's for a single-family build. On starting the rezoning process from R1 to C2, that's the 1828 South Ashland Avenue, the Dino Stop. Amending the CUP to permit the temporary increase in capacity for Transformation House during the state of emergency. And then amending the zoning ordinance for Whitney Park Townhomes to permit the expansion. So some of those will be going for their second reading and resolution at the upcoming meeting on June 2nd. I also wanted to just briefly, talked a little bit about the communication from Alder Steuer, just something that we're doing internally, not only our department, but the city, is looking how we respond to business in the new normal. And so, from Public Works, looking at how we're using the right of way to parking spaces to parks. And then for us, how we're regulating the private domain, what can we allow right now under our temporary use permit, what can we do administratively, what can we cover in certain zoning districts, and there are other things that we may want to do to allow for additional activities that may require a little bit more spacing out. Or just things that might involve, right, more pick up, less in-person, indoor, sit-down dining and socializing

things. So we're just, want to apprise this, and the reason kind of for the fast track on Alder Steuer's request is 'cause it ties into a lot larger thing that we're doing at the city, just to make sure that we're doing what we can to support our businesses during a really, really challenging time.

- Thank you. Any questions for the director? Then I would announce that our next meeting date is June 22nd, and I would ask for a motion to adjourn?

- Motion to adjourn.

- Got it, Alder Corpus-Dax.

- Second.

- Second by Commissioner Hanson. All those in favor, wave your hands, and let's, I can't say let's go home, but. Thank you all very much for your patience with another lengthy double public hearing agenda. Good night, everybody, take good.