



MINUTES OF THE GREEN BAY PLAN COMMISSION

MONDAY, SEPTEMBER 28, 2020, 6:00 PM
Virtual Meeting. Public may join via Zoom.

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: Lisa Hanson - Chair, Jacob Miller – Vice-Chair, Ald. Veronica Corpus-Dax, Sidney Bremer, Randall Petrouske, and Derius Daniels

Present: Ald. Veronica Corpus-Dax, Jacob Miller, Randall Petrouske, Derius Daniels, Sidney Bremer,
Excused: Lisa Hanson

Others Present: Ald. Randy Scannell, Ald. Mark Steuer

C. APPROVAL OF THE AGENDA.

I. Approval of the agenda for the September 28, 2020, meeting of the Green Bay Plan Commission.

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

Yes- Jacob Miller, Randall Petrouske, Sidney Bremer, Ald. Veronica Corpus-Dax, Derius Daniels, No-
None, Abstain- None

D. APPROVAL OF MINUTES.

I. Approval of the minutes from the August 31, 2020, meeting of the Green Bay Plan Commission.

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

Yes- Jacob Miller, Randall Petrouske, Sidney Bremer, Ald. Veronica Corpus-Dax, Derius Daniels, No-None, Abstain- None

E. REGULAR BUSINESS.

I. (ZP 20-23) Consideration with possible action on the request to authorize a Conditional Use Permit (CUP) for a Material Recovery Facility (Auto & Metal Salvage Operation) at 1156 Velp Avenue, submitted by Burrows Midwest, LLC/dba Midwest Scrap Metal, property owner (Ald. R. Scannell, District 7).

* Item is a continuation from the August 31, 2020 Plan Commission Meeting.

David Buck indicated that the applicants would like to postpone this item to the next Plan Commission Meeting on October 12, 2020, as they were not able to attend tonight.

Moved by Ald. Veronica Corpus-Dax, seconded by Randall Petrouske to postpone the request to authorize a Conditional Use Permit (CUP) for a Material Recovery Facility (Auto & Metal Salvage Operation) at 1156 Velp Avenue until the next scheduled Plan Commission Meeting.

Before voting, Vice-Chair Jake Miller entertained a motion to open the floor for comments for those who will not be able to make the next meeting.

Moved by Ald. Veronica Corpus-Dax, seconded by Sidney Bremer to pen the Floor for discussion.

Yes- Jacob Miller, Randall Petrouske, Sidney Bremer, Ald. Veronica Corpus-Dax, Derius Daniels, No-None, Abstain- Non

Moved by Sidney Bremer, seconded by Ald. Veronica Corpus-Dax to close for floor for discussion. Motion carried.

Yes- Jacob Miller, Randall Petrouske, Sidney Bremer, Ald. Veronica Corpus-Dax, Derius Daniels, No-None, Abstain- None

With a motion made and seconded to postpone the item, Vice-Chair Jake Miller asked for a vote. Motion carried.

Yes- Jacob Miller, Randall Petrouske, Sidney Bremer, Ald. Veronica Corpus-Dax, Derius Daniels, No-None, Abstain- None

2. (ZP 20-24) Public Hearing on the request to rezone 0 N. Huron Road from Rural Residential (RR) to Conservancy (CON), submitted by Holly Baseman, on behalf of Baird Creek Preservation Foundation, property owner (Ald. B. Dorff, District 1 and Ald. V. Corpus-Dax, District 2).

Vice-Chair Jake Miller read into record the rules and procedures for the public hearings and stated that all public hearings have been properly posted and published.

Vice-Chair Jake Miller then opened the public hearing regarding the request to rezone 0 N. Huron Road from Rural Residential (RR) to Conservancy (CON).

Vice-Chair Jake Miller asked three times if there was anyone wishing to speak regarding this request. Hearing/seeing no one, the public hearing was closed.

3. (ZP 20-24) Consideration with possible action on the request to rezone 0 N. Huron Road from Rural Residential (RR) to Conservancy (CON), submitted by Holly Baseman, on behalf of Baird Creek Preservation Foundation, property owner (Ald. B. Dorff, District 1 and Ald. V. Corpus-Dax, District 2).

Moved by Ald. Veronica Corpus-Dax, seconded by Sidney Bremer to approve the rezoning of 0 N. Huron Road from Rural Residential (RR) to Conservancy (CON). Motion carried.

Yes- Jacob Miller, Randall Petrouske, Sidney Bremer, Ald. Veronica Corpus-Dax, Derius Daniels, No- None, Abstain- None

4. (ZP 20-25) Public Hearing on the request to amend the boundaries Zoning Ordinance 9-03, Planned Unit Development (PUD) for the property located in the 200 Block of Highland Park Avenue, Tax Parcel 21-1229, submitted by Judy Husar, United Financial Group, Inc. Parkway Highlands III, LLC, property owner. (Ald. C. Stevens, District 5).

Vice-Chair Jake Miller opened the public hearing regarding the request to amend the boundaries Zoning Ordinance 9-03, Planned Unit Development (PUD) for the property located in the 200 Block of Highland Park Avenue.

Vice-Chair Jake Miller asked three times if there was anyone else wishing to speak regarding this request. Hearing/seeing no one, the public hearing was closed.

5. (ZP 20-25) Consideration with possible action on the request to amend the boundaries Zoning Ordinance 9-03, Planned Unit Development (PUD) for the property located in the 200 Block of Highland Park Avenue, Tax Parcel 21-1229, submitted by Judy Husar, United Financial Group, Inc. Parkway Highlands III, LLC, property owner (Ald. C. Stevens, District 5).

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

Yes- Jacob Miller, Randall Petrouske, Sidney Bremer, Ald. Veronica Corpus-Dax, Derius Daniels, No- None, Abstain- None

Moved by Randall Petrouske, seconded by Sidney Bremer to close the floor for discussion. Motion carried.

Yes- Jacob Miller, Randall Petrouske, Sidney Bremer, Ald. Veronica Corpus-Dax, Derius Daniels, No- None, Abstain- None

Moved by Randall Petrouske, seconded by Derius Daniels to amend the boundaries Zoning Ordinance 9-03, Planned Unit Development (PUD) for the property located in the 200 Block of Highland Park Avenue.

Motion carried.

Yes- Jacob Miller, Randall Petrouske, Sidney Bremer, Derius Daniels, No- Ald. Veronica Corpus-Dax, Abstain- None

6. (ZP 20-26) Public Hearing on the request to authorize a Conditional Use Permit (CUP) for the height of a detached accessory structure located at 1006 N. Buchanan Street, submitted by Julian Hernandez, property owner (Ald. M. Steuer, District 10).

Vice-Chair Jake Miller opened the public hearing regarding a Conditional Use Permit (CUP) for the height of a detached accessory structure located at 1006 N. Buchanan Street.

Vice-Chair Jake Miller then asked three times if there was anyone else who wished to speak. Hearing/seeing no one, the public hearing was closed.

7. (ZP 20-26) Consideration with possible action on the request to authorize a Conditional Use Permit (CUP) for the height of a detached accessory structure located at 1006 N. Buchanan Street, submitted by Julian Hernandez, property owner (Ald. M. Steuer, District 10).

Moved by Sidney Bremer, seconded by Randall Petrouske to authorize a Conditional Use Permit (CUP) for the height of a detached accessory structure located at 1006 N. Buchanan Street, subject to compliance with all of the regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit, including standard site plan review and approval. Motion carried.

Yes- Jacob Miller, Randall Petrouske, Sidney Bremer, Derius Daniels, No- None, Abstain- Ald. Veronica Corpus-Dax

8. (SP 20-01) Consideration with possible action on the request to declare city property located at 946 Velp Avenue as City Surplus, submitted by Vyacheslav (Sam) Teslyuk, adjoining property owner (Ald. R. Scannell, District 7).

Moved by Sidney Bremer, seconded by Ald. Veronica Corpus-Dax to declare city property located at 946 Velp Avenue as City Surplus, subject to the following conditions:

1. The existing power pole shall remain in its current location as noted in the attached WPS Exhibit.
2. The owner of parcel 18-583 shall be offered the subject parcels for purchase prior to opening the sale to other interested parties.

Motion carried.

Yes- Jacob Miller, Randall Petrouske, Sidney Bremer, Ald. Veronica Corpus-Dax, Derius Daniels, No-

None, Abstain- None

F. INFORMATIONAL.

I. Director's Report.

David Buck and Paul Neumeyer presented the Director's Report.

2. Date of next meeting: Monday, October 12, 2020.

G. ADJOURNMENT.

Moved by Ald. Veronica Corpus-Dax, seconded by Commissioner Sidney Bremer to adjourn. Motion carried.

Yes- Jacob Miller, Randall Petrouske, Sidney Bremer, Veronica Corpus-Dax, Derius Daniels, No- None, Abstain- None

VERBATIM MINUTES

- Okay, should be good to go.
- Gonna show the PowerPoint?
- Yeah, Paul said he'd take care of the PowerPoint.
- Okay, good, just wanted to make sure who I was talking to. All right, hello and welcome to the Monday, September 28th, 2020 meeting of the Green Bay Plan Commission. We're gonna start with roll call. Chair Lisa Hansen is absent. Vice chair Jacob Miller, present. Veronica Corpus-Dax?
- Present.
- Sidney Bremer?
- Present.
- Randall Petrouske?
- Present.
- And Darius Daniels?
- Present.

- Move on to the approval of the agenda. Approval of the agenda from the September 28, 2020 meeting of the Green Bay Plan Commission.

- I moved to approve.

- Second.

- Motion by Commissioner Bremer, second by Veronica Corpus-Dax. All in favor, please say aye.

- Aye.

- Aye.

- Aye.

- Aye.

- Next up, approval of minutes from the August 31st, 2020 meeting of the Green Bay Plan Commission.

- Motion to approve.

- Second.

- Motion by Veronica Corpus-Dax, second by Sid Bremer. All those in favor, please say aye.

- Aye.

- Aye.

- Aye.

- On to regular business. And this is consideration with possible action on the request authorized conditional use permit for a material cover facility auto and metal salvage operation at 1156 Velp Avenue, sent out by Burroughs Midwest, LLC, DBA, Midwest Scrap Metal, property owner.

- Thank you, Mr. Chairman. This is actually a continuation. It's still an open item. Some people call it old business. From the August 31st Plan Commission meeting where the Plan Commission requested it be postponed to get some additional information. And I guess the first thing I wanted to mention is the petitioner has submitted a, and I did get all the documentation in the civic clerk, so it should be there, but they did ask for a consideration to postpone this item to the next meeting, which would be October 12th. Bulk of the principal, petitioners or applicants cannot be here tonight. I believe Eric Burrows might be on right now, but he has a conflict coming up a little bit later in the evening. And so I guess that's the first thing I want to mention. He does have a request to postpone to October 12th. So I'll throw that out there. And I don't know if you want to talk about it, otherwise I'll get into the rest of the report.

- I'd be willing to make that a motion to postpone until the October meeting so that it allows the petitioners to attend.

- Second.

- Second.

- My only thing I'd like to toss out there is I think we did have a couple alders and maybe some other interested parties that may not be available at that time if they did want to say anything before we move on to the next item, open up to do that.

- Also Mr. Chairman, I think there's quite a few, well, I dunno if there's quite a few, I can't see how many people are on, but I believe there's probably quite a few people that also would want to speak. Again, the public hearing was at the last meeting, so you'd have to open the floor to hear them. And you don't have to postpone it if you don't want to. So, just throwing that out.

- I think probably what we should do is allow any of the comments from the alders. Let's open up the floor, let anybody that did show up tonight, allow their voice to be heard. We'll probably, we'll postpone, but at least since people made the time out of their night to be here, we should probably let them speak.

- Mr. Miller, may I suggest that we restrict that to people who cannot attend the October meeting when we consider this entirely? Again, so the applicants can be present to hear the comments from the floor. And simply ask people please to regard the fairness of the situation, recognizing that it is an imposition for them to have to come back.

- I think that's fair. We'll have to leave it up to everyone to make that determination if they can make the next meeting or not. But we certainly do want to hear from the public, if they do have anything they would like to say.

- I just want to pipe in quick. As the alder for the district I would certainly be here next time so I can save all my commentary for then. And I have no problem with the postponement whatsoever. I think it's a good idea that the business owners can be there and have the time to really vet through this thing with them. So, that's all I got.

- Thanks, Randy. And Alder Steuer.

- You're on mute, Alder Steuer.

- Let's try that. I'm seguing from another meeting that I have to run back to right away, so I just wanted to chime in here. And it sounds like we're going to delay?

- Mm hmm.

- Okay. Well, we're keeping a real close tab on this with all the neighbors and such. So my district is 10, which is right across the street from the zoning requests or the conditional use request. So I'll go along with that, but we are gathering data and we will incorporate that into our next meeting. If need be. That's all I have.

- Okay, I think we did have a motion from Alder Corpus-Dax to open the floor. I did not hear a second.

- Second.

- Second by Commissioner Bremer. All those in favor, please say aye.

- Aye.

- Aye.

- Aye.

- Floor is now open for public comment. As mentioned by Commissioner Bremer before, if you can make the meeting next month in October, please hold your comments until then. If you need to make your comments tonight and won't be able to make that next meeting, we'd like to hear from you now. Are we gonna use the chat or the hands up for order? It looks like everyone else is on mute. So why don't we just, if you do wish to speak, please speak up now. We'll need your name and address.

- I think the mute is handled from us, Jake. So we need somebody to unmute them. Who is going to be doing that, please?

- I think Paul, right?

- Yeah, I'm not sure who is wanting to speak right now. So if there's a raised hand option, then I can unmute you.

- Can I ask when the next Plan Commission meeting is? I apologize for that.

- October 12th.

- October 12th.

- And if people who are not familiar with Zoom, if you look down on the bottom of your screen, there's a reaction, a little smiley face reaction button. If you click that, there'll be a hand. And if you put that up, then Madison can see that you want to speak and she can put you in the queue, I guess, to speak. And then, Mr. Chairman, do you want me to just give a quick, brief update of what in the last meeting to this meeting? Before you take comments, or you just want to take the comment now and wait for the-

- It doesn't sound like we have a ton looking to speak. It looks like there's somebody talking or looking for agenda items four and five, but let's just, we'll ask again here. See if anybody does want to speak at this time. We'll close the floor, let you give us a quick update of where you're at and see if there's anything else that needs to be done and then move on from there. So I'll ask again, if anybody from public does wish to speak at this time, please say so. Either raise your hand or unmute yourself and say so.

- I see one person who has raised their hand. LGL555DL, I'm not sure who that is.

- This is Tracey First.

- So you're unmuted.

- Yes. Sorry, we've never joined a Zoom meeting and we had internet issues until now. So I apologize if we're talking out of turn or not when we should be in the session. But we are homeowners on Danz Ave. and we came on here because we received a letter for the zoning committee that someone's looking to build behind our property.

- I believe that's a different item, Mr. Chair.

- Yes, it is. Thank you, and hang on. We'll be getting on, this is for the 1156 Velp Avenue at the moment. So please hold on your comment, we'll get to it shortly. So, yes, just again, anybody that's looking to speak on 1156, that is a conditional use permit for 1156 Velp Avenue.

- I think a Bigelow Rentals raised his hand.

- If you can unmute, or if somebody can unmute him.

- Who is it that wishes to speak?

- It's Bigelow Rentals.

- Mr. Bigelow, can you unmute yourself? Should be in the lower left hand corner of the screen. There we go.

- I just want to say I got quite a few issues to talk about but I can wait 'til the 12th to talk about it. At your next meeting.

- Yes, if you will be available on October 12th I think that'll be a little bit easier to go through. Thank you. All right, we'll ask one more time here, just in case. Again, we are looking for comments on what the conditional use permit for 1156 Velp Avenue. We'll be taking us up again October 12th, if you can make it at that time. Otherwise, if you can not, please make yourself known right now. All right, it sounds like we have no one. I'll look for a motion to return to our regular order.

- So moved.

- Second.

- Moved by Commissioner Bremer, and seconded by Veronica Corpus-Dax. All in favor, say aye.

- Aye.

- Aye.

- Aye.

- Aye.

- And we are back in regular order. David, if you would just walk us through the changes that were made from the last time we saw this last month, and then we'll see if there's anything else that's needed either by the commission or anyone else. And then we'll look to postpone until October.

- Okay, and I'll be very brief. I won't get into the nuts and bolts of it, but the item was postponed August 31st. The Plan Commission had some specific information they were interested in receiving or gathering. One was just a little more public input and more time for public input. They also wanted to hear from the alder persons for the two districts associated. They wanted a quick review of current activities on the site, a staff contact of the neighborhood. Maybe some discussion on traffic potential impacts. Environmental impacts, and if you recall, there was a very large submittal that we talked about, several, maybe not several hundred pages, but pretty close. And that was kind of vetted for content and it is included in your packet now. So that's all on your packet. So just to let you know, and like I said, I won't get into the nuts and bolts, but we did address each one of those items. And since that time as well, had a neighborhood, the neighborhood association, Mather Heights Neighborhood Association was good enough to have a meeting last Monday. It was well attended by about 20 residents. And so they were contacted. You see the alders are here. Our traffic engineer has kind of looked at the site. We have received in total eight comments coming from area businesses and two individual letters from residents and a petition that has approximately 17 signatures on it as well. So we have all that, that's all in your packet. Based on that, staff did add a couple of conditions, recommended conditions, from the original four that were recommended for the conditional use permit. One, I'll just kinda tell you basically what they are, was an hours of operation condition. And the other was a condition that the southern portion of the site along the Velp actually start the process of a zone change. So they're worded a little bit differently and I'll give more detail on October 12th, but.

- Hey David, quick question. Just for my personal record, I want to capture this. So looking at the packet, it looks like with all the information that was received from the community, as well as the new update, the recommendation from staff was still to move forward with the permit, correct?
- Correct, the recommendation is still for approval, but now with the six conditions that are listed in the staff report rather than the original four.
- Thank you, thank you so much.
- You're welcome.
- Chairman Miller?
- Yes, sir.
- I'll be there October 12th and I will be talking with the city and such on all these matters and the neighborhood associations, but I have another, my other meeting I probably should get back to. So I'm going to do that. Thank you for your patience. And I will be duly involved.
- Thank you, Alder.
- Thank you.
- Commissioners, is there any other questions for David on this? I do have one and I apologize if I just looked over it. Was there, for the front portion that we'll call the prohibited section, I think is what you refer to it as. So we want to look to start the zoning change in that. Would that be done via the petitioner or would that be the city taking that up?
- It would likely be the city would start the process for the zone change. Just on that southern portion.
- Okay, and the petitioner, they would still own the entire parcel, right?
- Correct, they would own it, but they would basically allow that request to go forward. I mean, we could do it as a city anyway, but as a condition of their approval to bring that forward, if I could have recommended that the zone change actually happen, I would. But that obviously can only be approved by the city council. So petitioner can't technically change it himself, anyway.
- Sure. Just trying to get a vision of what it would look like. They would still have control over it, obviously, even though it would be zoned there. Was the idea of kind of just have it be ready to go if someone did come forward looking to put a business at that?
- Correct, and also the zone change would be an additional protection that no industrial use could go on there. Because it wouldn't have industrial zoning any longer on that front portion.
- Got it. With that front portion, is there any known environmental remediation that would be needed?
- None that's known.
- Okay. All right, that's all I had.
- Then I call for the vote, please, on the motion to postpone until the 12th of October.
- Was that your motion, Sid? I didn't know if I heard a second on that.

- I think Alder Corpus-Dax made the motion and I seconded. It was a while back, I don't quite remember.

- Okay, so we have a motion by Alder Corpus-Dax and a second by Commissioner Bremer. Any other discussion by the commission? All right, with that, we will take a roll call vote on this one. Vice Chair, Jacob Miller, aye. Alder Corpus-Dax?

- Aye.

- Commissioner Bremmer?

- Aye.

- Commissioner Petrouske?

- Aye.

- And Commissioner Daniels.

- Aye.

- This item will be the first item on the agenda for October 12th.

- All right, on to item two. This will be a public hearing on the request to rezone 0 North Heron Road from rural residential to conservancy. Submitted by Holly Baseman on behalf of Baird's Creek Preservation Foundation, property owner. And that is parcels 21-385 and 21-387. As mentioned, this will be a public hearing. This public hearing has been properly posted and a public notification has been published in the Green Bay Press Gazette. The Plan Commission is interested in hearing public comments on the subject agenda item. We invite your comments and ask that after your name has been called you state your address, whether you represent a group or association, whether you favor, oppose, or are only providing information on this matter, and your comments and concerns. We also ask that you confine your testimony 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. Comments will be limited to five minutes. We will be taking testimony in this order, first with those in favor, then those opposed, and then finally, those only providing information. First, then, let's see, whose item is? This is, oh, Madison.

- This is my item, yes.

- Why don't you get us started then, just give a quick overview of what we're looking at.

- Sure, and I will add in, we had one call. It was someone who lives around that area and he was requesting more information and was in favor. Just wanted to add that in. Oh, you're muted. Okay, so I can just kinda jump into the background. Paul, if you'd like to move to the next. Perfect, thank you. So these are two parcels located at 0 North Huron Road. You can see them over in, sorry, I'm doing Zoom at the same time. You can see them over on the left. They are in blue. There's a north and a southern parcel along the railroad tracks. And you can see in the bottom map, it's over on the east side. The purple outline is a 400 foot radius of everybody who was contacted regarding this rezone. Now these two parcels were actually purchased in spring 2020, and they are requesting to rezone from rural residential to conservancy. And they are wanting to, Baird's Creek is wanting to gift these two parcels to the city after they have been completely revitalized and brought back to their native habitat. So that's kind of the background on that.

- Thank you, Madison, I think that's a good start. All right, we will now open a public hearing on a consideration of possible action on the request to rezone North Huron Road from rural residential to

conservancy. So if you do wish to speak on this matter, we're going to start with those that are in favor. Please either raise your hand or put a message on the side. Just somehow indicate that you'd like to speak, please. I'm not seeing anything. Either Paul or anybody else, is there anyone putting their hand up for anything?

- Don't see anything on my end.

- Okay, we'll move on to anyone that is opposed. Not seeing anyone there as well. And then we'll just do information only as well. Not seeing anybody else. This'll be your last opportunity if you do wish to speak, speak on this item. Let the record please reflect that no one has come forward. Let's see, oh, I gotta do it three times, don't I? Does anyone wish to speak? Does anyone wish to speak? Does anyone wish to speak? Now let the record reflect that no one has come forward. This public hearing is now closed. We will move on to agenda item number three. And this is consideration with possible action to request to rezone North Huron Road from rural residential to conservancy, submitted by Holly Basemen on behalf of Baird Creek Preservation Foundation, property owner. Madison?

- Great, thank you, Mr. Chair. We can probably move on to the next slide. So this does align with the 2022 smart growth comprehensive plan. We have it listed as parks, a greenway parkway. And as you can see the Bastian family real estate development, both of those along the railroad tracks are green. And move on to the next slide. So it is currently rural residential. Surrounding zoning would be low density residential and also PI, public property institutional. And I think it's important to note too, on the east side, kind of near the right hand corner, that is already owned by the city and that is conservancy. So could kind of connect these all together. And next slide. Here is a street view. You can see a glorious sky in that as well. So you see the railroad tracks and on the top image to the right of those tracks is the northern parcel. And that's the one that needs to be fully restored and needs some attention for preservation. To the left of the railroad tracks is the southern portion of the two parcels. And you can see the aerial photo below as well. Thank you.

- Thank you, Madison.

- Right, so our recommendation staff is to approve the request. The proposed rezoning would allow for the conservancy district to be established for the two parcels and promote the preservation of open space, natural and scenic features. It also would be used to preserve watercourses, floodplains, wetlands, and stormwater management facilities along the Baird Creek Preservation.

- Excellent. Commissioners, do you have any questions for Madison?

- Please, this is Sid Bremer. Madison, I just wanted to confirm that the Baird Creek Preservation Foundation does indeed own these two pieces of property, both to the north and to the south of the railroad, correct?

- Yes.

- Because the old maps show other people as the owners, of course.

- Yes.

- Thank you.

- They were just purchased in spring 2020.

- Sure. And Chairman Miller, there's Alder Corpus-Dax.

- Sorry, I'm looking at my notes. Alder Corpus-Dax, please.

- Thank you Chair. I don't have a question for Madison, but I did receive a message from Alder Dorf whose district is also part of this. And she did say that she, I just wanted to note that she did say that she was in support of this. She just wanted that noted.

- Great, any other commissioners with any comments or questions? Seeing none, I will ask for a motion.

- Motion to approve.

- First of all, do we need to find out if there's anybody here that wants to speak on this issue? I think the easiest way for them to show, even though that might look a little bit odd, is under reactions. If you click there, you can do a thumbs up or you can clap, either one. That'll tell us that you would like to speak.

- That's a great idea. If you could just make some indication, either there as Commissioner Bremer had mentioned or in the chat, just indicate that you'd like to speak. We'll give you a moment to do that. Not seeing anything there. So I believe we do have a motion from Alder Corpus-Dax. I did not hear a second.

- I'd be happy to second. I can't see any possible objections to them being able to do their conservation work.

- And a second by Commissioner Bremer. Unless there's any other comments, we will go to a roll call vote. Vice Chair Miller, aye.

- Alder Corpus-Dax?

- Aye.

- Commissioner Bremer?

- Aye.

- Commissioner Petrouske?

- Aye. And Commissioner Daniels?

- Aye.

- Perfect, thank you. All right, we are going to be moving on to agenda item number four. This is another public hearing. Now this is on the zoning order, it's 9-03 plan new development for the property located at 200 block of Highland Park Avenue, tax parcel 21-1229, submitted by a Judy Husar, United Financial Group, Inc., Parkway Heights, LLC, property owner. This public hearing has been properly posted and public notification has been published 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 you state your address, whether you represent a group or association, whether you favor, oppose, are only providing information on this matter, and your comments and concerns. We also ask you can, your 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. Comments will be limited it to five minutes. Before we open up for the public hearing, I will ask Paul for a quick rundown of what we are looking at.

- Sure, thank you, Mr. Chair. Let me get to the PowerPoint here. So, this request is a PUD amendment to a PUD boundary that was approved back in the early 2000s. The property is located between Morrow Street on the north, I can kind of point to the screen here. West of North Danz Avenue and then north of Deckner Avenue. This is a 10 acre parcel that was really part of a larger campus that United Financial used to develop some senior housing, again, back in the early 2000s, mid 2000s. For whatever reason, this piece was never really built out. It was intended for multifamily development at one point, but it was never built out. The

underlying zoning is varied density residential. So if the boundary is adjusted, it will have a future use for multifamily. There were some comments that we did receive today. I included those in the action item attachments. And those are some petitions from some nearby neighbors who had concerns about access to and from this property. I don't know that that's directly related to what's proposed with this amendment. The existing PUD does show access to Deuchert Street, which is right here, a small stubbed public street. Of course there is access along Highland Parkway here. So you can take their comments, but I'm not sure that those are directly related to the request before you.

- Thank you, Paul. All right, we will now open the public hearing on the zoning order 9-03 plan unit development for the property located at 200 block of Highland Park Avenue submitted by Judy Husar, United Financial Group. We're going to be starting with those who wish to speak in favor. I did see one comment from, I believe Judy. I don't know if anyone else wishes to speak, but we will start with her since she was the first to chime in. Judy, you can please unmute yourself, provide your name and address as well.

- Yes, I'm Judy Husar from United Financial Group. Can you hear me okay?

- Yes.

- Great, address, 660 West Ridgeview Drive, Appleton, Wisconsin, 54911. I'm just saying I'm here in support. I am the applicant applying on behalf of an estate that owns that. And I just want to say I'm here to answer if there are any questions outside of what's already been written in the writeup. I'm available and I also have a consultant, Jeff Rustic from Schuler and Associates. He, I believe, is also available for any questions. However, I am not sure if he's on the participant screen or not, and he can speak for himself. Thank you.

- Great, thank you, Judy. Looking for anyone else who is wishing to speak in favor of this item. Please enter your name in the chat, put something that can indicate that you're wishing to speak.

- Joshua Schwalbe said that he had wanted to speak on this item. I don't know if he wishes to do so as part of the open hearing or whether he would like to wait until we're discussing the item for action.

- Josh, if you would unmute yourself if you do want to speak now, otherwise you can hold 'til the actual agenda item.

- Sure and thank you, Chairman Miller. I was mostly speaking on informational purposes. So I don't know if you want me to speak now or if you call for information. I also, I was wondering how people that called in on the phone can notify you that they would also like to speak. 'Cause I know that there are a couple of people that connected through telephone calls and I believe that they're muted. So I'm not sure if they can notify you on whether they wanted to speak or not.

- I believe they should be able to unmute themselves. Is that correct? I forgot who was running the show. But I believe they can unmute themselves.

- Sure, we can also unmute by all.

- This is Scott Shepherd from WPS and I just unmuted myself with the *6. I'll mute myself and listen.

- So there you go. Anyone else wishing to speak, it's *6 to unmute yourself. So again, we are looking for those in favor at the moment. We'll move on to those opposed in a second. Let's see a hand or some other indication. All right, if you wish to speak opposed to this item, please either raise your hand or unmute yourself.

- Did you say opposed?

- Yes, opposed to this item.
- Okay, I'm sorry, I thought maybe it was information.
- That's up next. Anyone else for opposed?
- I'm opposed without any type of provisions for a traffic study.
- We did hear you, but could you please identify yourself and provide your address?
- I'm sorry.
- Cindy Schwalbe, 232 North Danz Avenue, Green Bay, Wisconsin, zip code, 54302.
- And just to repeat you are opposed without any conditions. Is that what you said?
- Correct.
- Okay. All right, anyone else looking to speak in opposition?
- My name is Tracey Furst, I'm a property owner in the area.
- Go ahead, Tracey.
- I own property at 211 North Danz Avenue. I am opposed. I'm sorry, I have a laundry list of questions, which I don't want to bring up now because we just received this information last week so we do not have a whole lot of information. But we have a whole lot of questions to ask regarding this.
- We might be able to answer a good number of those when we get to the agenda item, which will be next after this. And we will be very likely opening the floor. So if you do, some information, you'll have an opportunity to speak then as well.
- Okay.
- All right, looking for anyone else that is opposed. And those looking to provide information only. Josh, saw your hand go up first so go ahead, Josh.
- Okay, my name is Joshua Schwalbe. You heard from my mom just a minute ago. I live at, requested my address. It's 115 Nanhu West Road, Nanhu International Subdivision Second Phase, building six unit one, apartment 1702.
- I love it!
- On a side note, if I could tell you the density here, it's very fascinating. But anyway, to get to the point, I know that this is simply an item to adjust the boundary of a planned unit development. Kind of a procedural task in order to make the property in question more develop-able. But I wanted to speak on behalf of my parents. They live immediately across the street from a dead end named Deuchert that, and I wasn't able to review the original plan unit development. But I believe that that will be connected to any kind of multifamily development that will go in there. We're concerned mostly about the traffic that it would generate giving access to North Danz Avenue. And I can say I've lived at that property for about 15 years and I'd like to speak on the record about the character of the traffic that may go to pique the ear of any potential developer. It's very close to Danz Elementary School on one side and Prebble High School on the other. There are times in the day that have a huge surge of traffic. Anyone that lives in the neighborhood is well aware of the surge of

traffic when they bought their house. They know that anywhere from 2:30 on, you just have to wait to get out of your driveway. We're mostly concerned with an increase in traffic that a multifamily development might generate if Deuchert is an access and ingress and egress point to Danz Avenue. And we don't really have any opposite efficient developing the area. I know that it's supported in the 2022 smart growth plan and the underlying zoning, the varied residential zoning does designate this as a good candidate for some multifamily homes. If I can ask that maybe a couple of my visual aids get put on the screen? I can narrate those very quickly and then we can move on.

- Paul, is that something that we can do? I heard you two discussing before we started. Is that something we can do? Or should we hold off 'til the actual agenda item?

- I can bring them up. It depends if you want to see those at this point or at the action item, I guess.

- I figured if I brought it up now, I only have to pique your ear once.

- I would say if you have them available and they can be shared, why not? Let's just do it right now since he's already speaking.

- Thank you, Chair Miller.

- I received the one email. I think there was just one.

- Correct, there's four photos, very simple. Little marker on them. This is the first picture. The red X is where we don't want the division included in the plans. And I know that going on the record as early as possible is the best for everyone so that they can make plans around any kind of public opposition. The green circled areas are both potential connections that are available. So we're not saying that there aren't any possible connections to this type of development, just, we're opposed to anything that connects Deuchert Street. The next one just kind of outlines the high traffic area that I gave the characterization with the school's letting out. And then the next, to give a street view of the back. This is looking east. The green and white house is the house that I grew up in. Backing is difficult. We bought the house knowing that, but it would make it increasingly more difficult if we had a new multifamily development with access to Danz Avenue here. And the next photo is standing in the street by our house, looking into the dead end. I'd like to add bonus points if we can keep a row of trees masking the character of the multifamily housing, but that's on our Christmas wishlist. I believe that that completes my concerns. I'm open for any questions that the commission may have.

- Appreciate it, Mr. Schwalbe. And looking for anyone else looking to provide information only on this item.

- Yes, hello, this is Scott Shepherd again, representing Wisconsin Public Service, WPS. Address for the business, 700 North Adams, Green Bay. And when it comes to the actual PUD alterations or PUD amendments, we're not going to offer an opinion or information on that. We just would like to represent that in the past, there was a gentleman's agreement, I think, to have a berm placed partially on our property, partially on the development's property. Again, it was a gentleman's agreement made 20 years ago, a nonbinding agreement. And as such, we're no longer interested in having any, should I say, berms for sighting purposes or limiting view of our substation there. And the reason is that there's going to come a time here soon, where we'll have an interest in expanding that substation within our own property limits. So I just wanted to make sure everybody knew that there's, no berms should be placed on the property line partially on WPS substation property. Thank you for your time.

- Thank you. Anyone else wishing to speak providing information only? And again, if you were calling in, I believe it's *6, or was it #6, to unmute yourself. Otherwise, if you are on the video call, use the chat function or any of the other options there.

- Can I speak? This is Judy again.

- Judy, we will be only giving one opportunity to speak in this session. We will be taking it up the agenda item next, and we will open the floor, so you'll have an opportunity to speak again at that time.

- Thank you.

- Hey Paul, Cindy Schwalbe again. I had emailed you a petition with many of the neighbors signatures on that. Was that submitted into the records or?

- I'm sorry, who is speaking?

- Cindy Schwalbe.

- Thank you, Cindy.

- 232 North Danz. I see a petition from, that Deuchert access.

- And you were asking if Paul had received something? I'm sorry, you were cutting out a little bit there.

- Right. I wondered if he had received it. As far as there were procedures, in Deuchert, to access.

- I was having a hard time hearing you. I don't know, Paul, it sounds like she was directing that to you. I don't know if you had a better ear on it than I did.

- Sure, yeah, no, I did receive, I think three emails from her today with petitions and those are included in the action item. The next item I guess. So it's not entered in the public record necessarily, no. But I suppose it could be, if it's desirable.

- I would desire that, yes.

- Okay, was that all of your comment there?

- Yes.

- Okay, thank you so much. All right, anyone else looking to provide information only? And again, this is for the plan unit development at 200 block of Highland Park Avenue. All right, gonna be asking three times here. Does anybody wish to speak on this matter?

- It looks like somebody named Jeff would like to speak.

- Hi, Jeff Rustic with Schuler and Associates. 2711 North Mason Street, Appleton, civil engineering and land surveying consultant representing the owner. Since it's not really coming out and maybe it will in the action item, this proposal really has nothing to do, any kind of request for any kind of access or anything that would be under a site design option. This is merely a removal of the PUD overlay of this property. And for later I would be available for any technical type questions, thank you.

- Thank you, Jeff. Anyone else looking to come forward? All right, is anyone else looking to speak today? Is anyone wishing to speak? Is anyone wishing to speak? Let the record reflect that no one has come forward and this public hearing is now closed. We'll move on to agenda item five, which is the action on this. Consideration of possible action on the request to amend the boundary zoning ordinance 9-03 plan development for the property located at 200 block of Highland Park Avenue. Submitted by Judy Husar, United Financial Group, Inc., Parkway Highlands Three, property owner. Paul, take us away.

- Yeah, I just want to highlight a few more points. Again, this is the aerial of the area. The comprehensive plan recommends medium to high density residential. So everything in brown here constitute higher density multifamily use for a future land use, including those properties up to Danz Avenue. Again, if the PUD is recommended for approval, it's not really seen very well here, this is the zoning of the area, but there's some black boundary lines and zoning lines, and this will be the subject area that would be removed. The kind of tan color is varied density residential. So that would still permit future multifamily development at some point. This is a site plan that was provided by the applicant. It's a little grainy. You can kind of see maybe their vision for building out that site at one point. They do not show access to Deuchert Street on this concept. However, I think on the original concept plan, it did show a driveway. And again, that's allowed as part of the PUD. If the PUD boundary is amended, again, I think the property owner, whoever that may be, would be entitled to access Deuchert Street as well as the other public streets for public access. Beyond that, we did notice property owners within 400 feet. We didn't get any other correspondence that I'm aware of as of what we received today and what's been said. Our staff has recommended approval of the request as proposed.

- Thanks, Paul. Commissioners, do we have any questions?

- Yes, please. This is Sid Bremer calling. Paul, I'm confused as to where the original boundary of the PUD was, please. And are we talking about shrinking that boundary or expanding it?

- We're talking about shrinking that boundary.

- Okay. Can you bring your map up and trace where the original boundary was? Perhaps that was the black line you were talking about before, but if you could trace it for me, I would appreciate that.

- Sure, we have a lot of different colors going on here, so I apologize. There's a couple of different plan unit developments going on. Some that include Bornemann's is on the far west side, but I think the original boundary would include roughly this line here, coming around this red boundary here and then up and including these two parcels here. The substation is located here. That was not part of that. I think there's also some power lines that run through there, that was not part of that original PUD. So the idea here would be to remove this easterly 10 acre parcel from the PUD. Leaving the balance of these properties here.

- And could you clarify please what the status of Deuchert Street would be?

- I think it's simply a dead end street. As the photos showed before, it's a really unimproved portion of a right of way. It does have residential development on either side. The southern parcel does have access to Deuchert Street. I'm not sure their address off of that, but they do have a driveway onto that street. So it's simply an unimproved portion of right of way or partially improved. And it really has remained that way for years just because there's been no development to the west.

- And why did you say that somebody buying the small piece, the piece that's being taken out of the PUD, would be able to access there?

- I think those, well, again, there's entitlement under the PUD, which specifies that there can be access to Deuchert Street. Again, with the removal of the PUD, there still is entitlement based under the current zoning code to allow for a driveway to a public street. They're not violating any spacing or number of driveways or anything to that effect. They are allowed one driveway cut per street frontage.

- I'm understanding the Schwalbe's concern to have to do with traffic and students from both Danz School to the north of here and Prebble to the south. And I would certainly share that concern and wonder whether or not such access is appropriate.

- Well, again, I believe it's appropriate under what's allowed under the zoning code. I don't know if there's a mechanism or vehicle that would require a traffic study in the sense that we're kind of working under existing

conditions. So I think they're, again, to use the word entitled, to certain privileges that are allowed under the zoning code.

- In any event, in this case, we're talking about whether or not to free the L-shaped piece from the PUD and anything that had to do with the development of that newly freed up area would come back to, well, no, not necessarily it would come to planning, right?

- Correct, right. I don't know that this PUD, if it was to remain in place, would have to come back to the Plan Commission. I don't recall past approvals, which have been several years, but any sort of removal of that PUD would simply come under current zoning standards and staff would do that review and potential approval.

- But we're talking about removing the PUD from this L-shaped piece now, right? Or vice versa, removing the L-shaped piece from the PUD.

- The piece, the 10 acre piece that is east of Highland Park Drive, we're considering that being removed from the PUD, yes. The boundary line would be pulled back to that public right of way.

- And somebody who wished to develop that piece would need to go through what kind of process?

- They would have to submit a site plan to the city for review for concurrence on zoning as well as building plan approval. So those two would get a building permit in kind of a nutshell.

- I would hope that the staff, since this would not be something, as I understand it, that would come back to the Plan Commission, I would hope the staff would pay attention to the Schwalbe's concerns. And in particular note that, pardon me, a traffic study might be appropriate here considering the two schools on either side.

- Sure, I think that's a legitimate concern and that issue could come up today or tomorrow. It won't have to wait until the site plan came in. If there's a traffic issue, I would recommend that they work with the alderman of the district and possibly our traffic department on traffic steps to be taken to address the current issues.

- Thank you.

- Any other commissioners with questions for Paul? Otherwise, I think we'd probably look to open up the floor.

- I have a question. I just want to make sure I'm understanding this correctly. So regardless of whether we okay the rezoning or not, whoever has property or owns that property there, so long as their plans to build on that property are in line with the zoning they have the right to use Deuchert Street. If I understand that correctly.

- They do, yes. Deuchert Street may look different, it may become a culdesac depending on the desire of that adjoining property owner. There's nothing to say that they will use that for full access, but if they choose to, they may have to end up putting in a culdesac for vehicles to turn around and then maybe have a driveway off of that. But again, I believe they're entitled under the zoning to have that access.

- Okay. I do have concerns with the traffic in that area should a multifamily unit development go in there because you do have Danz to the north and then you have Prebble to the south, and nine months out of the year, at least two times during the day you do have a lot of traffic. One that pertains to an elementary school, one that pertains to a high school. And typically where Deuchert Street is, when you're going north on Bader, you go from two lanes down to one. Then you also have Danz, a block of Danz that you're contending with that is also trying to sneak in there. So were are we able to, as a commission, say, you can't use Deuchert as part of an access point? I wish that we could say that because of how much, I think just how much traffic is

going to be generated from that area. But I realize that we can't. Whoever has ownership of that property has the right. Has the entitlement to use that.

- That's correct.

- Looks like you're throwing your hand up there. Why don't you go ahead.

- I just wanted to make a point, Paul mentioned this just before, but that property, there's is no development plan for that. Somebody could come in there and want to extend that street through the property as well. So it wouldn't just necessarily be a driveway that could enter Deuchert Street. But that street could continue and conceivably go all the way to Highland Park. Or excuse me, yeah, Highland Park Avenue. But without a development proposal, we wouldn't know. And I believe when Paul does site plan reviews primarily as a zoning administrator, traffic is, it always gets sent to our traffic engineer as well. Just wanted to say that.

- I'm not sure, I guess I'm not sure how, as far as, to be done, how accurate that would be at this time with both schools not being in. So traffic's gonna look real nice at this point, like right now.

- Well, we're not at the point of development right now. So maybe when that happens would be an appropriate time. And I would certainly be eager to attach a request for that onto whatever we pass tonight.

- This is Cindy Schwalbe again. So I looked at the neighborhood, also the-

- Cindy, please, please hang on for a second. Sorry, we are not an open session.

- Okay.

- Commissioners, did we have any other comments right now? Otherwise I think we should get to the open floor and let Cindy and others speak as well.

- I'd move to open the floor.

- Second.

- A motion by Commissioner Petrouske, second by Alder Dax, Corpus-Dax. All those in favor, please say aye.

- Aye.

- Aye.

- Aye.

- All right, we are now open. Cindy, since you did get a start there, why don't you keep going?

- Yes, I was going to request that the, notified when there is a plan in place. I would request that we would be given the opportunity to speak again at the point in time where it would actually matter.

- With this being a, that would just go to a site plan review. And correct me if I'm wrong, I don't think there would be notification given at that time.

- There would not, no. Unless there was some sort of variance that was being considered it would be a staff level decision, so to speak. But whatever we receive as public records, so you're welcome to stay in contact with our department. If we do receive something, we can certainly share that with the neighbors.

- Okay, and they were also saying that it would be basically a right of that property to put a driveway in? There are dead ends streets that, give access to other roadways and properties. At this point, that's what it is, is there is a dead end signage on the back side of Deuchert.

- May we hear from the staff in response to that comment?

- I'm not sure I made that out, I apologize. I'm not sure I heard the question directly. Is it in regards to the extension of Deuchert Street or?

- Yes.

- So, well, any extension would require the adjoining property owner to petition for those improvements. I suspect that if there is a site plan that comes in where they're showing a driveway to Deuchert Street, our department of public works will request, or maybe even order in that street to be improved just for their vehicles to turn around, as well as police, fire, and rescue. So although it looks like a dead end and it is today, it, at a minimum would be a culdesac, I believe. David's correct, it may also be a through street, but again, those could be costly to extend. But I think the city at a minimum would want to culdesac for our vehicles to turn around.

- Okay, I'm sorry a culdesac that would limit access to Danz Avenue? Or that would just provide your space for the driveways?

- There would be no limitation to Deuchert Street or to Danz Avenue. There would be a potential, again, culdesac. I'm kind of assuming that. Maybe I shouldn't assume, but from that there would be a driveway cut. A commercial driveway to that culdesac or to that right of way that would allow ultimate full access to Danz Avenue.

- Okay. So that culdesac mentioned and through street all the way to Highland Park, none of that addresses the issue of the traffic, the increased traffic.

- It's difficult to speculate if they will even choose to have access. Until we have a proposal, we don't know quite how to react to that fully. That's something our department of public works will have to address from a traffic perspective, as well as a design perspective.

- Okay, thank you.

- Thank you, and it looks like Josh Schwalbe also wanted to speak on this. If you're ready, please go ahead.

- Thank you, Chairman Miller. Again, I know that this is just moving the boundary of the plan unit development, but the reason why we brought our concerns up today is because as I understand it, this will be the public's only opportunity to go on record to voice our concerns about the traffic at that intersection. And I understand by right, someone only needs to submit a site plan that goes through review by our very competent staff at the city, but there'll be zero input from parameters around the development to address concerns like the traffic. So we'd like to bring it up today to address a question. Maybe a conditional non-vehicular access easement could be proposed to limit access to Danz Avenue prior to approving this change with the boundary. So again, the traffic is not necessarily connected with moving the boundary of the plan unit development, but it's the public's only opportunity to voice their concerns about a potential developer making improvements without any public involvement. To go one step further, I believe I can speak for my parents, I know my mom has a little poor connection. She's out of town right now. But she was saying, we'd like to keep that as a dead end. As a special note, the neighbors that would like to keep it as a dead end have been clearing the snow. The city does not clear the snow from Deuchert. They've been clearing the snow for themselves for the last, I'd say 20 years that I've known that area. So I don't know if that pulls any weight that we take care of

that space, but making that, restricting access with would definitely, we would be concerned about that. And again, I'd like to open myself up to questions that any of the commissioners might have.

- Sid, it looks like you had your hand up. Why don't you go ahead.

- Please, Mr. Schwalbe, since you're also familiar with the particular area and since your mother does have a kind of limited connection to us, do I understand correctly that it is now posted as a dead end street?

- That is correct. It's posted as a dead end street. I don't know if that's enforced by the city, but I know that we don't use the back of that dead end as parking. The only parking that's allowed is on either side of that access. So we keep that area very, very clear. And the back of that is just a wooded area with a dead end sign back there.

- Thank you.

- Can clarify, there is a signage that-

- Cindy, is that you're speaking again?

- Yes, that is Ms. Schwalbe again.

- Okay, it sounds like it's a pretty poor connection.

- Ms. Schwalbe, the reason I addressed your son is because the connection with you is not very good. And so we can't hear very clearly what you have to say.

- Okay.

- My apologies that that is the case.

- So in closing with my comments, I propose that the commission look at a access easement, or possibly even some kind of, well, I guess a traffic study wouldn't really give correct information because school is not in session due to the pandemic, but somehow, somehow to revisit public input before staff review a development moving forward on that property.

- Thank you, Mr. Schwalbe.

- Thank you.

- Paul, I'm going to just direct a quick question to you before we move on to the next person who wants to speak. Because this is being pulled out of a PUD, we aren't able to attach any conditions, is that correct?

- Right, we're kind of losing that authority, so to speak, to regulate the property any further, correct. It would now fall to the basic zoning requirements that we have in the zoning code.

- Understood, I just wanted to make that clear for us and anyone else that was wishing to speak as well. So yes, looking for anyone else that would be wishing to speak.

- Corey Furst, 211 North Danz Avenue.

- Go ahead, Corey, thank you.

- My property backs up to the wooded area and we are one house over from Joshua's parents. We can attest to the amount of traffic. We have three kids that go, one goes to the elementary, one to the high school, one to the middle, and traffic is horrible. When we come out of those corners, there's a lot of people, a lot of people turning around. Just recently, our own front porch was hit due to the traffic. Somebody swerved out of the way. And to what Josh was saying, we do snow blow and plow all the way down the street. We clean it out, we do take care of it. It's kind of our own little piece of serenity over there. One of the things that we're concerned about is if this gets removed, would it go back to the ability to, for the rezone, for one of us to purchase property?

- I'll direct that to staff, if they happen to know the answer,

- I don't know the answer, I'd have to direct that to the petitioner. I know Judy was looking to speak as well.

- All right, Corey, we'll try to get an answer for you there, but any other comments that you wanted to include?

- Hi, this is Judy again.

- Judy, hang on one second. Sorry, just trying to keep it in order here.

- With the property that was outlined, it does run right back to the backside of my property. How close, does the plan state how close can they build to this property?

- Let me just-

- Paul, I'll direct to you.

- Yeah, let me just bring this up quick here. So are you referring to the, can you see the screen? Are you referring to this area here?

- I'm bottom right.

- Down here.

- Yep, right there.

- Okay. I don't quite know in the sense that I don't know how the buildings are going to be oriented. If Deuchert Street is going to be a culdesac that might be considered a front yard setback. There might be an interior side yard. I don't know if there would be a structure here or parking, but there might be some transitional yard that's required between, I guess what I'll call the nonresidential use and the residential use. So it could be between 10 or 15 feet, but until we had a proposal, I wouldn't know for sure.

- Okay, and does anything like property value decrease because of the type of housing that's being put up? 'Cause within that 400 meter boundary, or 400 foot boundary, there are already three or four multifamily homes. Large ones.

- Yes, I can't speak to the value of property, that's something for our city assessor. There's an assessed value and market value, but that's a better question for the city assessor. I can't address that directly.

- This is Tracey Furst, I'm Cory's wife, so also the property owner. I guess a huge concern if you're talking about a parking lot, that's basically a parking lot that's facing our backyard, which is going to, I mean, our three children are playing back there. You're talking about cutting down woods and trees and wildlife, and now we have three small children that are playing in a backyard that's now near a parking lot where people are driving.

That's even scarier to me than the front of my house being on Danz Ave. So now you're opening up more traffic, more vehicles, also cutting off our privacy. So our entire backyard is facing apartments.

- I don't know that for sure. And I don't mean to alarm anybody. I'm just speculating again, that with multifamily, you might have units that have exterior parking. Again, with what was shown by United Financial Group here on this conceptual site plan, there is some separation. There really is no one building that close. And until I have a proposal or the city has a proposal, it's difficult for us to anticipate what the impact will be, except that there are setbacks in place, there are green space requirements, there's stormwater management that's required. So there are basic design requirements that will hopefully allow a development to fit into that neighborhood.

- Okay, I believe that's all we have for now, thank you.

- Thank you so much. Judy, I believe you were up next.

- Yes, I just wanted to note that our group, we did speak with Alder Stevens, the district alderman, on the subject, and he couldn't be here tonight because of another obligation, but he was, he did not have any further questions and appeared to be in support. Or he did say he was in support of the change. And he said that we could make that, public hearing. And my second comment is in regards to the gentlemen who spoke about the WPS and a berm. I just want to go on the record that our firm or affiliate of our firm actually owned the parcel, the same 10 acres, just south of the WPS substation and attended the public hearing when the substation was approved. This was back in, I think 2000. And WPS did agree to put a berm, on that portion. That was in the public record at the public hearing. So we'd like to make that known. And we did have letters back and forth, as the gentlemen said, what the agreement was to be. They didn't have any definitive landscaping plan yet. Was going to follow when there was development. But we just want to go on the record that WPS made that commitment back in 2000 to berm against the substation as a buffer to improve the aesthetics of whatever was going to be built there.

- Thank you, Judy, was that all?

- I believe so, thank you.

- Okay, thank you. Anyone else looking to speak on this item?

- This is Scott Shepherd from WPS. Am I allowed to address the previous comments about substation?

- Yes, you're able to speak, go ahead, Scott.

- Okay. Yes. The agreement that was discussed some 20 years ago, say as long as we don't need the property, the berm is allowed there. We didn't anticipate the need, but not like any contract or legal agreement, any binding agreement that the berm had to be placed on our piece of property. So WPS's feelings still remain that it was a nonbinding agreement, gentleman's agreement, and that we have growth plans for that substation. So a berm is taking up the space where we intend to expand towards.

- Thank you, Scott, I appreciate those comments. Anyone else looking to speak on this item as well?

- Am I allowed to speak again? This is Judy.

- Well, we are just gonna allow one turn for this. And while I do appreciate you're looking to go back and forth on that, we do want to limit it to one turn. Anyone else looking to speak on this matter? I'm not seeing any hands or any other comments. I'll entertain a motion to return to normal order.

- So moved.

- So moved.
- I don't know who got on there first, was that?
- Give it to Commissioner Petrouske and I'll second it.
- All right. Motion by Commissioner Petrouske, seconded by Commissioner Bremer. All those in favor, please say aye.
- Aye.
- Aye.
- All right, we are back to regular order. Questions or comments based on the commentary from commissioners?
- I'm sorry, Alder Corpus-Dax?
- Commissioner Bremer can go first.
- Commissioner Bremer, go ahead.
- The issue here has to do with the PUD and whether or not to redraw its boundaries. And I'm frankly not sure how the matters that relate to what would happen to the piece of land in question, if it were redrawn, I'm not sure how that relates to our decision as to whether or not to redraw the PUD boundaries. It's a little bit complicated, but I'm hearing two issues. One of them, I think we might be able to take care of fairly simply. If I could address Paul again, if WPS wanted to expand its substation, am I not correct that that would involve a boundary issue between two zoning segments? And since one of those segments is residential, that some kind of berm would be required?
- It is very possible. I think it has been talked in passing about a potential substation expansion. If that expansion is substantial, even though it's an R3 district, we would require a conditional use permit. And that would come before the Planning Commission and council. So that may be an opportunity to put conditions on the use or the expanded use to mitigate the effects on surrounding properties. Again, that's to speculate what that expansion would be, what would be proposed by WPS. But there would be some oversight, I believe, in that case.
- Without making a commitment, I would simply note that the Plan Commission has regularly been concerned about protecting residential properties around any use that differs from residential. And would be very, very likely to discuss or request or require some kind of berming there. That's not a commitment, it's simply a statement of historical fact. The other concern, of course, is the Deuchert Street concern. And I intend to add to whatever motion we end up with here, a request that any future development take into account the concerns about traffic and perform, if appropriate, a traffic study in the area.
- Alder Corpus-Dax, you had some.
- So I understand this correctly, because this is a PUD we can't put any restrictions, any conditions, any amendments?
- Well, we're actually considering removing the boundary or modifying the boundary.
- Modifying the boundary.

- So we're giving up some control, so to speak, for justified reasons, so to speak, based on the applicant's request.

- So could you amend the current PUD to give some leverage to restrict the access instead of removing the property from the boundaries to exclude that property like Deuchert?

- I suppose the PUD may play a role in that, but we'd have to be careful about a takings issue. We'd have to be concerned about what the current property owner's concern would be. Again, this is public access and they're entitled to certain rights and privileges to access a public street. Not just for the development, but for police, fire, and rescue to enter the property in a timely fashion. So it's not just a one sided argument. And I certainly sympathize with the concerns that have been expressed, but North Danz is a collector street. Maybe a minor arterial street. It tends to have higher traffic and any extension of Deuchert Street, based on the zoning, is allowed to be potentially utilized for access for, not just residents, but for emergency vehicles as well.

- Sid, to address your comment on a traffic study, I guess I'm not sure it would provide us much useful information now, much less in a future state, even when school would be in session. It's a busy street, we know that. I'm not sure it would be all that useful. And I think as Paul had mentioned too, we do sympathize with the property owners on Deuchert Street there too. But I understand his argument too, that, obviously, access needs to be available there. So I understand the pickle it's in. My hunch is to kind of put faith in the site plan review, but also just the geography of the site. If I'm looking to develop there, I don't think I would want to have access in that direction, just due to the complexity of all that plus the improvements probably needed. You're much better off going to Highland, for the most part. At least how I would view it. That's obviously not going to do much for the property owners on Deuchert, though, that our feelings are that way. I also feel like we're meddling a little bit too much if we're trying to either adjust the PUD or put some other writers on here. I think we're better off kind of just letting the zoning take care of what's needed in this situation. So I guess my inclination is to support this and just have faith in the site plan review to kind of take care of these other issues.

- I appreciate that, and it was not my intention to suggest a traffic study at this time, which would not fit either the non-existent development proposal or the non-existent school traffic during the COVID. But to have a sense of the accounts of the commission that any future development should involve a traffic study.

- I wouldn't be against that if that's, I don't think there's anything that we can attach to this that's going to require us, but, I think it would be part of something we would certainly want to see or the city would want to see.

- Yeah, 'cause as of right now, we have no idea what the plan is, what the site is going to be. So this is a lot of speculation about what we think might go on to the site. 'Cause right now we have no way of knowing what developments we'll put there, correct?

- Correct.

- Correct, right. We can maybe assume multifamily, but we don't know the densities, we don't know the access. And a variety of other issues potentially. Except that zone for multifamily. Again, I guess I would offer that if neighbors have concerns, it sounds like they may have a traffic concern already. I'm not sure the Plan Commission is the appropriate body necessarily. Again, I'd strongly recommend that they work with the alderman of the district, work with Dave Hansen. And ultimately the Traffic Commission would be able to weigh in on recommendations for potential traffic improvements. At least that might give a baseline for the current time. And then if there is a development that does come online, we're able to compare the two, so to speak. But I think if there is a traffic concern, I'd definitely work with your alderman at this point to address any immediate concerns.

- Have not heard any motions from any of the commissioners. Do we have any other questions or anything that we want to address at this point, either with Paul or anyone else? With that, Chair would entertain a motion. Not all at once now!

- So the motion, I'm sorry, I'm just thinking. So the motion would be to approve the PUD, the relaxing of the PUD, correct? I'm sorry, it's been a while since we stated it.

- Sure, sure.

- Yeah, Paul, why don't you restate it.

- Yeah, it's a boundary adjustment. So there's a 10 acre piece, we would change that boundary on the map to be adjacent to or on the Highland Park Avenue right of way. So we'd remove that from the PUD and instead would have the underlying zoning of R3, which would allow it to be multifamily.

- So are we stuck on giving up control here? Is that kind of what I'm getting from the commissioners? We don't want to, I guess I'll put it this way. I'm less concerned about the berms and that property. I think that would be taken care of. I'm not very concerned about that at all, to be honest, I think there's processes that. The only thing I can think of is if we would create a new PUD specifically for this and add the condition on of no access to Deuchert. I don't know, that's the only thing I can think of that would solve that problem.

- I think along those lines, you could, it's your choice, certainly, but to leave the PUD in place. Someone who purchases the property most likely will have to come forward and have to amend the PUD. That would still give control to the Plan Commission, to the common council. So removing this would help the current property owner. But I guess if you feel keeping the PUD in place as it is, is appropriate, you certainly can do that as well and retain control, I guess, to a certain degree about the look and feel of how it does build out in the future. That is a possibility, sure.

- Paul, I'm sorry, quick question with that. With the current PUD, do they not already have access to that street?

- Well, the PUD allowed access based on a conceptual site plan years ago.

- So with the current PUD, if the owners decided to do something type of development with the property, they could still access that street and do something with it under the current provisions, correct?

- They could, but the other characteristics of the site regulated under the PUD might prohibit someone from building exactly as Parkway Highlands or United Financial Group would have done. So they might be in a position to come back and amend the PUD to get a development that fits their needs, so to speak.

- So my opinion on this is that we're doing far too much speculation and micromanaging for things that may or may not happen. For that reason, I'm going to move that we approve the amendment to the border of the PUD as proposed.

- Second.

- So we have a motion by Commissioner Petrouske, second by Commissioner Daniels. Any other commissioners have any other comments before we go to a vote?

- Yes, I would like to propose an amendment to that that states the sense of the commission that before any multifamily development is put there be a traffic study. That would not be binding, I understand, because we're not saying yes or no, you can, or can't do this. Simply states that it is the sense of the commission, that there is

a traffic issue here and that further development in this area would deserve as traffic study. So I offer that as an amendment to the approval.

- I wouldn't object to that amendment.

- Paul, just to make sure, how does that look then? Does that just as a writer, or how does that appear, actually, if we were to do that?

- It kind of stays in the historical knowledge, so to speak. So, we will have to be mindful as staff to, if and when a development comes in, we'll have to alert the developer that there's concerns by the Plan Commission and neighbors about traffic. And we will ultimately would probably refer them to the traffic engineer, our city traffic engineer, who could do a preliminary analysis about what they're proposing versus what's been existing conditions, so to speak. So it will be on staff to follow up on that.

- So that amendment won't actually be on the record, it'll just be a tribal knowledge type of thing.

- Right, I think it's more or less a statement. I don't know if it would be able to be incorporated into the PUD in the sense that the PUD boundary has been removed from that property. But as staff, we're sensitive to the concerns of neighbors and the Plan Commission, so we'll make a point of addressing that if it does become an issue.

- That's acceptable to me.

- Okay. And just to close the loop, by letting this go to R3, it would go to site plan review, but there would be no other, either a public hearing or public meeting for any of the residents that would come up. Assuming they meet all the requirements site plan, there would be no public notification, correct?

- That is correct. If they meet code, we would be able to issue a permit. Unless there was some sort of variance, that'd be the only other opportunity for the immediate neighbors to participate in.

- So my recommendation then, to the neighbors on the call then, is make sure to have a line with Alder Stevens or whoever is alder at the time in the future. They're probably gonna be the most aware and able to convey your concerns. So make sure that you're in contact with them. If you start seeing any, whatever may happen. That's gonna be your best opportunity to get your . With that, we had a motion by Commissioner Petrouske, a second by Commissioner Daniels with a verbal amendment by Commissioner Bremer that a traffic would be completed before any, as part of the site plan review, we'll go with that.

- That verbal amendment is simply, it is the sense of the commission that a traffic plan should be completed before any further development.

- Got it, okay. We will take a vote. Chairman Miller, aye. Alder Corpus-Dax?

- Nay, I would prefer that more of the power lie with the commission here for any future plans.

- Commissioner Bremer?

- Aye.

- Commissioner Petrouske?

- Aye.

- And Commissioner Daniels.

- Aye.

- And just to note, when does this go to counsel? Just in case any of the neighbors did want to voice their opinion once more.

- I don't have that date in front of me. Is it next Tuesday?

- No, is it the sixth?

- It would go to the council on the sixth for the first reading.

- First reading, right.

- The second reading would go October 20th.

- And for those who did speak, that would be your next opportunity to voice your opinion on this matter at council. With that, we are going to move on to agenda item number six. We have another public hearing. This public hearing has been properly posted and public notification has been published in the Green Bay Press Gazette. The Plan Commission is interested in hearing public comments on the subject agenda items. So we invite your comments and ask for, after your name has been called, you state your address, whether you represent a group or association, whether you favor, oppose, or only providing information on this matter and your comments and concerns. We also asked you confine your testimony to the 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. Comments will be limited to five minutes. To get us started, Paul, if you would introduce this item. This is a conditional use permit on the height of a detached accessory structure located at 1006 North Buchanan Street, submitted by Julian Hernandez, property owner.

- Thank you, Mr. Chair. This is a low density residential property located on North Buchanan Street. Single family home. The property is outlined in red, rather small lot. A single family home, and there was, I believe, an existing detached garage. Let's see. From a comprehensive plan perspective, again, low density residential area. Zoning also matches that. So really a single family neighborhood. A permit was released back in June of this past year for a concrete slab to construct a new garage. It was discovered by our inspectors that the garage and the slab had been constructed. So the garage is up, it's about 90% complete at this point. That's part of the problem. The other issue is the reason for the conditional use permit is the detached garage is higher than the maximum elevation or height that's allowed under the zoning code. So structures that are higher than 16 feet, detached accessory structures higher than 16 feet require a conditional use permit. It is before you tonight for kind of an after the fact situation, an enforcement issue for us, but nonetheless, still a height issue related to the detached accessory structure. I also want to-

- Thank you, Paul.

- Yeah, I just also want to pass along, I'm sorry, that I did receive a call from Dave Jones at 1144 Desnoyers, he was in support of this request. This would be the neighbor to the east of the property and he's in support.

- Great, thank you, Paul. All right, we will now open the public hearing on this matter. Again, that is the conditional use permit for a height of a detached accessory structure at 1006 North Buchanan Street, submitted by Julian Hernandez, property owner. We'll be taking comments in order of, starting with those in favor. If you do wish to speak in favor of this item, please indicate so. Either unmute yourself and speak, otherwise, raise your hand, whatever way you can indicate that you'd be willing to speak on this.

- This is Tammy Backhaus at 1014 . And I'm in favor as well.

- Thank you, Tammy, is that all you had to say?

- Yep.

- All right, thank you. Anyone else looking to speak in favor? Okay, anybody else looking to speak in opposition? And anyone looking to provide information only? All right, does anyone wish to speak on this matter? Does anyone wanna wish to speak on this? And does anyone wish to speak on this matter? Hearing none, let the record reflect that no one has come forward and this public hearing is now closed. We will move on to agenda item seven, the action phase. Consideration of possible action on a request to authorize a conditional use permit for the height of a detached accessory structure on 1006 North Buchanan Street, submitted by Julian Hernandez, the property owner, Paul, if there's anything else you want to fill us in on?

- Sure, just a few more details, thank you, Mr. Chair. Just really kind of some, not really complete plans. Again, this was kind of done after the fact. So kind of a real basic site plan showing Buchanan Street over on the left hand side, the single family home and the boundary of the garage to the rear. The site itself does comply with several dimensional requirements as far as the setback, separation from the existing single family home, the green space, those are not issues. The only issue to contend with here is the height of the structure. This is kind of the appearance or the framing of the structure. You can kind of see it's a one and a half stall garage here. There is kind of a patio area to the north side of it. And again, the roof's about 19 feet to the mid point. Again, we typically measure to the mid point of a roof line. So it's at least three feet higher than the code maximum. Unfortunately, I don't have a nice real time picture, but this is the brochure picture that was provided by the applicant. In this case, this might've been a candidate for us to support even before construction, that it seems to be in keeping with the nature of the neighborhood and the single family home that's there. So we may have considered supporting this and at this point we would support the request. We notified the affected property owners within a couple hundred feet. Again, we just had that one call from an adjoining property owner. Otherwise we are recommending approval of the request subject to the standards within the agenda tonight.

- Okay, Paul. Not seeing many people left here on the call so I don't know if we'll need to open for comment. I think all we have left here. Chair will entertain a motion to open the floor if it seems necessary. Otherwise, any comments from commissioners?

- My only comment is, want to be, because I believe this is my cousin.

- I hope you get to find out someday.

- Good, if there's no other questions or comments, Chair will entertain a motion.

- Looks like a really nice garage and three seasons porch. I move to approve.

- Second.

- We have a motion by Commissioner, by Commissioner Petrouske. Any other comments? And for vote, Chair Miller, aye. Alder Veronica Corpus-Dax will be abstaining. Commissioner Bremer?

- Aye.

- Commissioner Petrouske?

- Aye.

- And Commissioner Daniels?

- Aye.

- We'll now move on to agenda item number eight, request to declare city property located at 946 Velp Avenue as surplus, submitted by Vyacheslav Sam Teslyuk, sorry if I'm butchering that, I really apologize, adjoining property owner. Steph, would you take us away on this one?

- Sure, thank you. So this is another surplus property declaration that's from the Velp Avenue reconstruction project. So we've seen a couple of these throughout the years. Some remnant parcels that are left. These are both, two parcels, address 946 Velp Avenue. See on this exhibit here, parts of this are city owned, but already have an existing driveway and parking area on there that are from the applicant's parcel. So the, and then have them available for him to purchase, to add into the parcel so it would be joining the entire parcel. We have no use for it as a city, and it is, again, already being used as driveway and parking space. So it seems best practice to make sure this gets back to the correct property. In my staff, we're going to be adding a condition to have this do a direct sale to that property owner. I forgot to add it as a condition. So if somebody would add that in, the parcel number is 18583, that we were looking to do the direct sale to. But beyond that, we're recommending approval with the one condition of that direct sale. And then another from WPS who has a power pole there, who would like that to remain in place. The applicant is not here tonight, but he said that he was okay with those conditions.

- Looks good. Any comments, questions from commissioners?

- I do have one question to Steph, glad to see you. Is market value the same as assessed value?

- Yes, we have our assessors do that and they, we call it market value because we that's what we plan to disperse of it as. But we are able, the after the declaration of surplus, our purchasing department can then go back and forth and do negotiations. So on some of these you've seen before where we've said, you have to sell it for market value. Other ones we say, at that, around. Some we've gone for a dollar. This one we just had that it needs to go to that property owner specifically so he can negotiate that price with them.

- Okay, so, okay, I understand.

- Yeah, we just started adding the valuation because for awhile it was a lot of like, this is worth 20 grand. So we just started adding that just so you guys have a sense of what the property is worth. But they can do negotiations after it gets approved through council.

- So the condition for the recommendation says nothing about the price, only that Mr. Teslyuk be offered the first chance to purchase.

- Yes.

- Thank you.

- I'm not seeing many other people left on the call, so we probably don't need to open the floor. But if you are willing to speak on this, please indicate in some sort of a way. Otherwise Chair will entertain a motion.

- I'd like to move to approve the recommendation of the staff with the addition of the note that Mr. Teslyuk should be offered the property for sale before it might be put on the market. With whatever language Steph thinks is appropriate for that.

- Is that good, acceptable, Steph?

- Yes, I will send that verbiage over to Jess for our minutes.

- Sounds good, okay, we do have a motion. Do I hear second?

- Second.

- Second by Alder Corpus-Dax. Any other questions, comments? All right, we'll take a vote. Chair Miller, aye. Alder Corpus-Dax?

- Aye.

- Commissioner Bremer?

- Aye.

- Commissioner Petrouske?

- Aye.

- And Commissioner Daniels?

- Aye.

- All right, that takes care of number eight. We are onto the informational, starting with the director's report. I don't see Cheryl, so is somebody else filling in for her?

- Well, yeah, Cheryl is not available, she's actually at a different meeting. I can, I guess kind of fill you in. Very basically, what was on, what was forwarded to the council from the last meeting with the exclusion, of course, of the postponed item, all had been advanced forward. So there was nothing controversial, there was nothing kicked back to the Plan Commission, that I believe. I guess that would be it.

- We had one item sent back from council.

- Yeah, I think the content-

- Yep.

- Yeah, on Elizabeth and Main, I think, yeah.

- Definitely don't want to hear from me 'cause I .

- Yeah, that may come back at the October 12th meeting. We're working with the applicant at this point.

- Got it, that was a group effort. That works. All right, looks like next meeting will be Monday, October 12th. And from there, unless you got anything else, I think we're looking to adjourn.

- Motion to adjourn.

- I do have-

- Oh, nevermind.

- Commissioner Daniels?

- Sorry, I just had one quick thing. I know at the last meeting, there was a lot of emotion around one of the items that was discussed and discussed here again tonight. Some of us received communication via phone or email and we did ask for staff to go back and kind of have a meeting or give us information around what we could and could not take from, I know Commissioner, maybe, Bremer, maybe you can help with that.

- Well, we were asking basically for legal advice as to conversations that may or may not be had outside of the meeting of the commission itself. I know we had such legal advice some years ago now, but several of us were not there at that time. So perhaps David and Paul and Steph, you might be able to arrange that for the next meeting or a meeting after that. If people call and want to talk with us about an item, my memory is that we're not supposed to discuss the items outside of the commission. But I would appreciate the legal opinion so that people have a little more than my memory.

- Certainly, we'll put it on our task list and try to get one of the, either one of the city attorneys to come and speak. In lieu of that, you'll get Steph, Madison, Paul, and I to speak on it. But we'll put something, maybe not on the next agenda, 'cause I suspect it's going to be a long one, but maybe the following one. But you are right, Sid, you should not be talking to anybody outside of the commission in the commission setting. And also any documents you receive outside of this setting, you shouldn't take them, you shouldn't read through them. They get vetted through the city. For what's appropriate and what's not.

- So it's a matter of asking them to call the staff and/or to feel free to come to the meeting and express themselves there.

- Correct, the one exception may be Alder Corpus-Dax, who is in a little bit different situation, but as a plan commissioner, she should not be having one-on-ones. As a council person, she probably can. It's a little bit different for her, but everybody else, yep, everything's open to the public, everything's transparent. So one-on-ones and documents submitted, you can respectfully decline to accept them or to have the conversation.

- Thank you, and David, quick question. The Plan Commission information is public knowledge, correct?

- Correct, yep.

- Okay.

- Just a question, I think, Dave just real quick, 'cause I know it's kinda come up next meeting and I'd like to have it handy. What's the name of the statute that regulates, in the first item that we were going to be taking tonight, what's the statute that goes with that, that says we have to approve something if it meets all the criteria, even if there's dissent against it?

- Yeah, it is, well, let me find the technical term for you.

- I meant to look for it today and I just forgot. So I figured you would know.

- Yep, it's called the Developer's Bill of Rights is what it is technically, what it's referred to as. The actual official title is 2017 Act 67.

- Okay.

- And that's the statute that'll deal with where the change that CUP regulation, again, from the before, but from public opinion to fact-based.

- Okay. I just have a feeling that's going to be coming up next time and I'd rather have the verbiage on hand.

- Right, and if you would like, or if you have the inclination, you can go back to the meeting from, I believe it was May 7th of 2018. That item went through the Plan Commission on that date.
- May what, again, I'm sorry?
- May 7th of 2018.
- Got it, okay, that was just my only question. Anything else, otherwise we'll take a motion to adjourn.
- It's already been moved and seconded. I think we just need to vote.
- Was that Corpus-Dax, Alder Corpus-Dax to move, and I'm sorry, who seconded?
- Oh, maybe not, I'll second it.
- Seconded by Commissioner Bremer. All those in favor, please say aye.
- Aye.
- Aye.
- Aye.
- Aye.
- They're gone now! All right.