



MINUTES OF THE GREEN BAY PLAN COMMISSION

MONDAY, OCTOBER 12, 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, Derius Daniels, and Autumn Linsmeier

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

Others present: Ald. Mark Steuer, Ald. Randy Scannell, Ald. Barb Dorff

C. APPROVAL OF THE AGENDA.

I. Approval of the agenda for the October 12, 2020, meeting of the Green Bay Plan Commission.

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

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

D. APPROVAL OF MINUTES.

I. Approval of the minutes from the September 28, 2020, meeting of the Green Bay Plan Commission.

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

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

E. REGULAR BUSINESS.

I. Consideration with possible action on communication from Ald. Steuer (District 10) to review Zoning Code 13.541 pertaining to “fence location and heights” in order to seek updates on revisions to increase the efficiency of the ordinance.

Moved by Ald. Veronica Corpus-Dax, seconded by Jacob Miller to refer to staff a communication from Ald. Steuer (District 10) to review Zoning Code 13.541 pertaining to “fence location and heights” in order to seek updates on revisions to increase the efficiency of the ordinance. Motion carried.

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

2. (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)

* This item is a continuation from the August 31 and the September 28, 2020 Plan Commission meetings.

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

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

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

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

Moved by Randall Petrouske, seconded by Ald. Veronica Corpus-Dax to approve the request with

the added condition that no business shall be conducted on Sunday's. No Vote taken

Moved by Sidney Bremer, seconded by Jacob Miller to amend the motion made by Randall Petrouske and Ald. Veronica Corpus-Dax adding an additional condition of 3-months to add fencing and vegetation to the subject property. No vote take. Sidney Bremer withdrew her motion.

An amended motion moved by Randall Petrouske, seconded by Ald. Veronica Corpus-Dax to approve to the request to authorize a Conditional Use Permit (CUP) for a Material Recovery Facility (Auto & Metal Salvage Operation) at 1156 Velp Avenue, subject to the following conditions:

- a) Salvage operations are prohibited along the Velp Avenue frontage within an area encompassed by the Velp Avenue right-of-way/western property line on the south extending northeast 130 ft. along the western property line and 200 ft. along the Winford Avenue right-of-way / eastern property line;
- b) Area prohibited for salvage uses (referenced in condition 1) shall have pavement, curb-cuts, and other improvements removed and the area returned to vegetative ground cover;
- c) Unused curb-cuts along Winford Avenue be removed and replaced with appropriate curbing as regulated by the Department of Public Works;
- d) Inclusion of a landscaped buffer/vegetative screen along the south side of the fence that is a minimum of six feet in height and not less than 90 percent opaque on a year-round basis;
- e) No drop-off/pick-up or other business operations are permitted after 7:00 p.m. on Monday through Friday or after 1:00 p.m. on Saturdays; No business shall be conducted on Sunday's;
- f) Area prohibited for salvage uses (referenced in condition 1) be brought forward for a zone change request from the General Industrial District designation to a Commercial District designation; and
- g) All conditions shall be in place prior to establishment/occupancy of the auto salvage / scrap yard use.

Motion carried.

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

3. (ZP 20-27) Public Hearing on the request to authorize a Conditional Use Permit (CUP) for a two-family dwelling in an Office/Residential (OR) district at 114 South Ashland Avenue, submitted by Robert Clark, property owner. (Ald. B. Johnson, District 9)

Chair Lisa Hanson read into record the rules and procedures for all public hearings and stated that all hearings have been properly posted and published.

Chair Lisa Hanson opened the public hearing on the request to authorize a Conditional Use Permit (CUP) for a two-family dwelling in an Office/Residential (OR) district at 114 South Ashland Avenue.

Chair Lisa Hanson then asked three times if there was anyone else who wished to speak. Hearing/seeing none, the public hearing was closed.

4. (ZP 20-27) Consideration with possible action on the request to authorize a Conditional Use Permit (CUP) for a two-family dwelling in an Office/Residential (OR) district at 114 South Ashland Avenue, submitted by Robert Clark, property owner. (Ald. B. Johnson, District 9)

Moved by Sidney Bremer, seconded by Ald. Veronica Corpus-Dax to open the floor for

discussion. Motion carried.

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

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

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

Moved by Jacob Miller, seconded by Sidney Bremer to authorize a Conditional Use Permit (CUP) for a two-family dwelling in an Office/Residential (OR) district at 114 South Ashland Avenue, subject to compliance with all other regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit. Motion carried.

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

5. (ZP 20-28) Public Hearing on the request to authorize a Conditional Use Permit (CUP) for a secondhand store located at 1524-1526 North Irwin Avenue, submitted by Julio Fuentes, applicant. (Ald. K. Lefebvre, District 6)

Chair Lisa Hanson opened the public hearing on the request to authorize a Conditional Use Permit (CUP) for a secondhand store located at 1524-1526 North Irwin Avenue.

Chair Lisa Hanson then asked three times if there was anyone who wished to speak. Hearing/seeing none, the public hearing was closed.

6. (ZP 20-28) Consideration with possible action on the request to authorize a Conditional Use Permit (CUP) for a secondhand store located at 1524-1526 North Irwin Avenue, submitted by Julio Fuentes, applicant. (Ald. K. Lefebvre, District 6)

Moved by Randall Petrouske, seconded by Derius Daniels to authorize a Conditional Use Permit (CUP) for a secondhand store located at 1524-1526 North Irwin Avenue, subject to:

1) Compliance with all other regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit.

2) A site plan is submitted per Chapter 13-1800, Green Bay Zoning Code.

3) External display or sale of products are limited to the requirements found in Chapter 13-522(a)(7), Green Bay Zoning Code. (Public Hearing held 10/12/20)

Motion carried.

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

7. (ZP 20-29) Public Hearing on the request to rezone a portion of 3200 Finger Road from Rural Residential (RR) to General Commercial (C2), submitted by Joel Ehrfurth, Mach IV Engineering & Surveying, LLC, applicant. (Ald. V. Corpus-Dax, District 2)

Chair Lisa Hanson opened the Public Hearing on the request to rezone a portion of 3200 Finger Road from Rural Residential (RR) to General Commercial (C2),

Stephanie clarified that this is not an extension of Kwik Trip and the request is from Rural Residential (RR) to Highway Commercial (C2).

Chair Lisa Hanson then asked three times if there was anyone else who wished to speak. Hearing/seeing none, the public hearing was closed.

8. (ZP 20-29) Consideration with possible action on the request to rezone a portion of 3200 Finger Road from Rural Residential (RR) to General Commercial (C2), submitted by Joel Ehrfurth, Mach IV Engineering & Surveying, LLC, applicant. (Ald. V. Corpus-Dax, District 2)

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

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

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

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

Moved by Sidney Bremer, seconded by Ald. Veronica Corpus-Dax to rezone a portion of 3200 Finger Road from Rural Residential (RR) to Highway Commercial (C2). Motion carried.

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

9. (ZP 20-30) Public Hearing on a request for a Conditional Use Permit (CUP) for a restaurant drive-through at 901 Main Street, submitted by Garritt Bader on behalf of GB 901 Main LLC, property owner. (Ald. R. Scannell, District 7)

Chair Lisa Hanson opened the Public Hearing on a request for a Conditional Use Permit (CUP) for a restaurant drive-through at 901 Main Street.

Chair Lisa Hanson then asked three times if there was anyone else who wished to speak. Hearing/seeing none, the public hearing was closed.

10. (ZP 20-30) Consideration with possible action on a request for a Conditional Use Permit (CUP) for a restaurant drive-through at 901 Main Street, submitted by Garritt Bader on behalf of GB 901 Main LLC, property owner. (Ald. R. Scannell, District 7)

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

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

Moved by Sidney Bremer, seconded by Jacob Miller to close the floor. Motion carried.

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

Moved by Randall Petrouske, seconded by Ald. Veronica Corpus-Dax to authorize a Conditional Use Permit (CUP) for a restaurant drive-through at 901 Main Street subject to approval from the Zoning & Planning Board of Appeals for the variance request eliminating the need for an emergency exit lane.

Sidney Bremer then motioned that the item be tabled until after the Zoning & Planning Board of Appeals meeting and to allow for David Bartikofsky to gather additional information as he stated he was not noticed of the request.

It was then stated that the item must be approved by the Plan Commission before it can be considered by the Zoning & Planning Board of Appeals. Sidney Bremer withdrew her motion.

An amended motion was moved by Randall Petrouske, seconded by Ald. Veronica Corpus-Dax to authorize a Conditional Use Permit (CUP) for a restaurant drive-through at 901 Main Street subject to the following conditions:

1) No objections from the Green Bay Fire Chief regarding EMS and fire service.

2) Approval from the Zoning & Planning Board of Appeals for the variance request eliminating the need for an emergency exit lane.

Motion carried.

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

11. (DDMA 20-01) Consideration with possible action on the request to amend the City's Development District Map along Finger Road, submitted by the Department of Community and Economic Development. (Ald. B. Dorff, District 1)

Moved by Ald. Veronica Corpus-Dax, seconded by Autumn Linsmeier to amend the City's Development District Map along Finger Road. Motion carried.

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

12. (DDMA 20-02) Consideration with possible action on the request to amend the City's Development District Map along Nicolet Drive, submitted by the Department of Community and Economic Development. (Ald. B. Dorff, District 1)

Moved by Ald. Veronica Corpus-Dax, seconded by Sidney Bremer to amend the City's Development District Map along Nicolet Drive. Motion carried.

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

13. (DDMA 20-03) Consideration with possible action on the request to amend the City's Development District Map along N. Northview Road and Luxemburg Road, submitted by the Department of Community and Economic Development. (Ald. B. Dorff, District 1)

Moved by Ald. Veronica Corpus-Dax, seconded by Derius Daniels to amend the City's Development District Map along N. Northview Road and Luxemburg Road. Motion carried.

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

F. INFORMATIONAL.

1. Director's Report.

Interim Director Cheryl Renier-Wigg presented the Director's Report.

2. Date of next meeting: Monday, November 2, 2020.

G. ADJOURNMENT.

Moved by Jacob Miller, seconded by Sidney Bremer to adjourn. Motion carried.

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

VERBATIM

- Jesse, I just hit record.

- All right. Are we good to go?

- [Madison] Yes, we are.

- All right, good. All right, I'd like to call to order the Monday, October 12th meeting of the Green Bay Planning Commission, virtual meeting via Zoom. First item on the agenda is roll call. Chair, Lisa Hanson, present. Vice chair, Jacob Miller?

- Present.

- Alder Veronica Corpus-Dax.

- [Veronica] Present.

- Commissioner Sydney Bremer.

- Present.
- Commissioner Randell Petrouske. He might be absent for right now. And Commissioner Darius Daniels.
- Present.
- And then we also have new Commissioner, Autumn Linsmeier.
- Present.
- Oh wonderful. Welcome aboard
- Thank you.
- Hi, Autumn.
- Next, approval of the agenda; Approval of the agenda for the October 12th, 2020 meeting of the Green Bay plan commission.
- [Veronica] So moved.
- Do I have a second?
- Second.
- So I have Alder Veronica Corpus-Dax, and a second by Commissioner Daniels. Any further discussion?
- All in favor, say aye.
- Aye.
- Aye.
- Aye
- Aye
- Any opposed? All right, and that passes. And then approval of the minutes; So approval of the minutes from the September 28th, 2020, meeting of the Green Bay Plan Commission.
- [Veronica] So moved.
- Second.
- A motion by Alder Corpus-Dax, and a second by Commissioner Bremer, any further discussion? All in favor?
- [Veronica] Aye
- [Randall] Aye.
- Aye.

- Any opposed? All right, and then moving on to regular business. Item one, consideration with possible action on communication from Alder Steuer to review zoning code, 13.541, pertaining to fence location and heights in order to seek updates on revisions to increase the efficiency of the ordinance.

- Madam Chair

- Okay, so there's no additional information, we're just referring this on to staff?

- Correct.

- Does that require a roll call vote?

- Yes.

- Okay, so I'll entertain a motion.

- [Veronica] Motion to refer to staff.

- Second.

- All right, motion by Alder Corpus-Dax, and second by Vice Chair Miller. Any further discussion? All right, so we'll do a roll call vote. Vice Chair, Miller?

- Aye.

- Alder Corpus-Dax?

- Aye.

- Commissioner Bremer?

- Aye.

- Commissioner Petrouske, has he joined us yet?

- [Petrouske] I'm here, I've been here the whole time, aye.

- Oh, okay.

- [Petrouske] I'm having some video issues, that's all.

- Okay. Were you an aye?

- [Petrouske] What's that?

- Were you voting, aye?

- [Petrouske] Yes, I'm an aye.

- Commissioner Daniels?

- Aye.

- And Commissioner Linsmeier.

- Aye.

- And I will also vote in favor, so unanimously passes to refer to staff. Second on the agenda, consideration with possible action on the request to authorize a conditional use permit for a material recovery facility at 1156 Avenue, submitted by Burroughs Midwest LLC, doing business as Midwest Scrap Metal property owner.

- Thank you, Madam Chairman, chairperson. So this is a item that was originally brought to the plan commission several meetings ago. It was postponed on August 31st, it came back on September 28th and then also, at the request of the petitioner, was postponed on the 27th. So that brings us to the meeting today. And I could go through the PowerPoint if you want a quick review, or we could just kind of get into the updates since the last plan commission.

- I mean, if we could do maybe just a quick review for people who maybe have not been here before.

- Okay. Can you pop up that PowerPoint please, please?

- [Paul] Yup.

- Okay, and here we go. Okay, so this is a request for a conditional use permit to allow the operation of auto and other salvage yard operation at 1156 Velp Avenue, which is on the Northwest corner of Winford Avenue and Velp Avenue, and you can see it on the map outlined in red. That site is currently being used as a material recovery center. The petitioners are requesting to sort of increase the intensity of use to be an auto salvage and regular salvage operation, what I tend to call a retail salvage operation versus a commercial salvage operation. So you can kind of see the location there, to the North you have general industrial zoning, and there is warehousing use and some auto use. To the East you have a general industrial zoning across Winford, also you have some auto service and auto storage uses. To the West you have a general industrial zoning and a manufacturing use, you have Alwin, and to the South across Velp Avenue, you have a combination of C1 General Commercial, and R1, low density residential uses. And I guess if you go to the next slide, Paul. Future land use plan, so this is our comprehensive land use plan, recommends the front half of the property or the Southern half of the property to be general commercial or commercial uses, and the Northern half of the property, approximately to be general industrial. And next slide, please. Okay, in 2017, the city went through a process of adopting the Velp Avenue Areawide Plan, and it is a redevelopment plan for Velp Avenue. It had five transformative sites, this site is number three in that plan. As you can see from the map there were some conceptual plans that were kind of put in there, sort of this hybrid commercial quasi industrial type use. So you can see there was a showroom office, commercial, and that kind of runs to this corner property as well as the Alwin site to the West. The table to the left is from that plan, and it shows the most to least compatible uses. So the most compatible would be mixed use, office, retail and industrial, the least compatible would be multifamily and green space. But what I wanna point out there is, in the plan, when it talks about industrial uses, it refers to modern industrial uses. So sort of a light industrial with a higher design standard placed on them. If you could go to the next slide, Paul. This is just the zoning map, as I had mentioned before, the majority of the site is zoned general industrial. There is an 80 foot strip along Velp Avenue, and you can see it in red with black stripes, that is a C2 highway commercial zoning. And next slide, please. Okay, so here's some pictures of the site as it sits, about a month ago, a month and a half ago. So the upper left is in the corner, looking at the North, I guess that would be the Southeast corner of the site from the intersection. So you can see, kind of in the background, the fence, that's where the beginning of the existing material recovery operation exists. The photo on the upper right is sort of the parking lot, kind of, it's sort of an area at the South side of the site that has had some buildings removed, but the pavement and other structures on the site have not been removed. You can see that front on, on the bottom left, and then you can kind of see down Velp Avenue on the bottom right. And if you can go to the next one. So this is what is being proposed by the petitioner. You can see the fence line is the line with the little Xs on it, it's purple on the South, then orange around the rest of it. So they are proposing to do a full salvage yard, including what I call retail salvage, which is

auto and customer based salvage. People bringing in cans or picking up auto parts potentially, you know, they would take in cars from the general public. The current use of the property which is material recovery, is more commercial, so they're receiving their shipments from a commercial status, it doesn't have retail customers, it's more of a commercial drop. But you can see on the site, they show on the Southern portion, they have it fenced off, that building is no longer there. The red dash line would be an ingrown scale, a metal scale for the small office next to it, that's in pink. They're showing, outlined in orange and yellow, would be a warehouse building, which would allow for car drop off and vehicle storage, but would allow them to drain vehicles and clean them before they process the metal. And then the rest of the site is generally showing us, sort of roll off or lugger storage, those are those small trailers you can rent, dumpsters basically, large dumpsters. And then the remainder of the site would be for stockpiling of metal, parking equipment and general day to day operations. So that is what's being proposed. As I had said, this came to us August 31st, and then again, September 28th. On the August 31st meeting, the plan commission postponed it, they requested that staff meet with the alderman, get some more public comments from the neighbors, sort of review current activities on the site, check on traffic impacts and potential environmental impacts, and also to allow a submission that was very large from Mr. Dennis Nelson. So that has been vetted and is now in your packet. We did send an inspector out there on September 10th. They observed the operation of a material recovery business and they found it to be in compliance with code. On September 21st, the Mather Heights Neighborhood Association held a neighborhood meeting with this being the topic, about 20 residents were in attendance as well as both aldermen. In general, the neighbors were not in favor of an industrial use of any kind at this site. However, they had more specific concerns about noise levels, poor views, poor views of the operation from Velp Avenue and from the South. There was also concerns with stormwater and drainage, and also a protection of the Southern part of the site, on Velp Avenue becoming an area for after hours drop off of materials. So that is generally what came out of the neighborhood meeting. Since that meeting as well, since the September 28th plan commission meeting, we have received quite a few letters from area businesses and property owners, and they are in your packet. I won't go through each one individually 'cause you have them in there. The city's traffic engineer reviewed the proposed site, and while he couldn't give a complete analysis, not knowing what, you know, the volumes of trucks coming and going, number of employees, and all that type of information, he said he couldn't do a thorough analysis, but he did say that Velp and Winford are designed to take truck traffic and that it should not be a traffic issue. The intersection of Winford and Velp is relatively a new design, I believe that was put in around 2018, and that could handle the traffic. So he doesn't see that as being an issue. While land uses are regulated by the city, again, this is a general industrial site, zoned site. So we do have regulations that deal with noise and deal with odor as a general municipal code. Most of the environmental concerns that were brought up are gonna be regulated by the state. So an auto salvage operation does get licensed by the department of transportation, they have to have concurrence from the DNR that the practices are in keeping with DNR standards. So generally the environmental and other operational concerns of the site itself are regulated by the state, and not by the city. Although, like I had mentioned, we do have some control over noise, odor, that type of thing. That large submittal that came from Mr. Nelson, we received that the day of the planning commission meeting of August 31st, since that time, the law department has gone through it, they've removed some of the information that is not relevant. But what you have in your packet was what was deemed to be relevant to the land use request. So when we went through the whole review of the site, the one thing I wanted to make sure to point out to everybody, is this is zoned general industrial, and material recovery is a permitted use as it's being operated now. However, since they're going with a more intense use, which is the auto salvage and the more retail salvage, the junk yard operations, they need the conditional use, and then as it sounds, conditions can be placed on that use to mitigate potential negative impacts. With that in mind, when staff looked at it, we're not, as you can see by the Velp Avenue plan, in favor of an industrial use at the site at all. However, it is zoned general industrial, so there is a as of right use that is permitted there and it is general industrial. But we would, from staff standpoint, would be in support of a conditional use to intensify that salvage operation with the addition of six conditions; And I'll just kind of read those real quickly right now, and Paul if you can pop them up on the PowerPoint. The salvage operations would be prohibited along Velp Avenue frontage, within an area encompassed by Velp Avenue right of way, the westerly property line on the South extending 130 feet, 200 feet on the easterly property line, to make a developable piece on the Velp Avenue frontage, it's about an acre. Second condition is the area prohibited for salvage uses, as I just described, shall have the pavement, curb cuts and other

improvements removed, and the property returned to vegetative ground cover. Unused curb cuts along Winford Avenue would be removed and replaced with curbing, the inclusion of a landscape buffer or vegetative screen along the south side of the fence, and that would be the relocated fence, be installed not less than six feet in height and not less than 90% opaque on a year round basis. So it would have to be an evergreen vegetative screen. And we added two conditions in between the September 20, or excuse me, between the August 31st date and today, that no drop off or pickup or other business operations are permitted after 7:00 PM, Monday through Friday, or after 1:00 PM on Saturdays, that coincides with the submitters operating hours. And the last condition would be the area prohibited for salvage, be brought forward for a zone change request from the general industrial designation to a commercial district designation. There you go.

- Thank you so much, David. Do we have any questions for staff? Commissioner Bremer?

- Okay, there we go. Dave, I did want to ask on the conditions. You mentioned particular hours for Monday through Friday and for Saturday, I think you intend the conditions also to include no business or drop off on Sundays, am I right about that?

- Correct.

- So we would need to make an amendment to that effect at whatever point we vote on this resolution, correct?

- Correct. You could, yes.

- I'm a little confused, I believe this was presented to us initially as the material recovery center. And I'm still not quite understanding the difference between that and auto salvage and regular salvage operation.

- Certainly. Well, I can try to explain it a little bit more as well. So the auto salvage and salvage operations includes customer drop-off, customer pickup, and it also includes automobile salvage, so bringing of vehicles there. Material recovery center is more of a commercial salvage operation, like you would find with a paper recycling center. It's not exclusive to junk yards, it's not exclusive to metal salvage, although it does encompass that as well, but it's more of a commercial operation. So, you know, you might have large shipments of metal scrap that come there and there they're processed or shredded or whatnot and shipped offsite. But you wouldn't have the coming and going of individual customers, wouldn't be open to the public per se, and there wouldn't be automobiles there to be salvaged.

- So it is an automotive salvage, the auto is automotive.

- Auto is automotive, yes.

- Okay.

- But then the auto salvage, that salvage operation would also include operations that may or not be included here, like dropping off aluminum cans or other scrap metal by salvage operators in the city or individuals, and the material recovery would not include that.

- And as I recall, on the site plan that was submitted that did demarcate the area on the South part of the site, that your condition recommends be kept in a vegetative state. I believe I saw a garage there, and was there some reference to that area being used for auto drop off?

- That is actually on the North side of the site.

- I'm talking about the Velp Avenue.

- The Velp Avenue front on their site plan was not as large as what staff is recommending, but it didn't show any operations there, South of the fence.
- Okay, I thought it showed something marked garage, that's part of my confusion, I was having trouble reading that, but not to your knowledge.
- Not to my knowledge, everything they're proposing currently is within the fenced in area.
- Okay. Since this does to the Velp Avenue plan, I want to ask your opinion on a question posed by, I believe it was the, oh, a global recognition or star electric, I'm not sure which. What of this move would do anything to improve the likelihood of enticing new investment for small businesses and retailers or encourage updating or attract more new businesses?
- Certainly. Well, and basically what we're saying as staff, is that the general industrial use of even a material recovery center is not ideal, and probably will not do what star, or whoever made that comment was saying, and what the Velp Avenue plan is intending to do. However, as I mentioned, it is zoned general industrial now, so that site can be operated without any conditions, you know, in the parameters of material recovery business. By going a little bit more intense to allow the auto salvage and the retail salvage operations, staff feels that those six conditions can offset the negative of the more intensified use, and in fact will help to offset the existence of the material recovery business by retaining that Velp Avenue frontage for a commercial use. And also limiting hours and some of the other things that are in the conditions.
- So if we were to turn down the CUP, the material recovery would still be ongoing because that is permitted by right in this zone, correct?
- Correct.
- And if we were to pass the CUP along with the conditions that you've added to it, then we would be exercising some right of control over what could go on where.
- Correct. And I would point out that that CUP, the Conditional Use Permit, once granted, those conditions would be applicable. If the developer decided not to intensify his business into a salvage yard and just keep it material recovery, that CUP would lapse after 12 months and would go away, and it would remain as it is today.
- Thank you very much, that's really helpful since we're up against a kind of conflict here between the Velp Avenue Plan, that we and the neighbors in the area puts so much time into and the current zoning.
- Correct. And if there's one thing I can add, I don't know if Alderman Steuer is online right now. He has a conflict for another meeting.
- Well, I just showed up, my meeting just ended.
- So you might wanna let him speak before he's gotta run away.
- Yeah. I'm here. I am here. So what did I miss?
- I would move to open the floor so we could hear Alder Steur on this.
- And Alder Scannell.
- Of course you have to open the floor for that, we can...

- Yeah, they are ex-official members of the committee in effect. That's how it works. Go get the vote.

- Wow. I like that, thank you. Thank you, Sidney. Well, listen, I'll just chime in. I wrote up a statement that I gave to Mr. Buck that he was gonna read at the meeting. Like I said, I had another meeting tonight that I had to deal with, so I'm here now, and actually, I'll read it. You know, I'll try to be as conversational as I can be with this. I wanna say that the recent request to receive a conditional use permit by Burroughs Midwest, LLC, for their property, 1156 Velp Avenue, has come under some scrutiny. Most notably from the many residents, South to Velp Avenue and across the street from said development. Burroughs Midwest, LLC had purchased the 1156 Velp property in 2013, I believe. I may be corrected, but I'm going to say 2013. Which was shown to me in the GI, or general industrial zoning category, and began salvage yard operations shortly thereafter. In June of 2017, the Velp Avenue Areawide plan was produced with the cooperation of the City of Green Bay and tangible consulting services, steering committee members, and plan commission members. Much effort went into this plan, which was meant to enhance the Northwest belt Avenue main entry point into the City of Green Bay and the downtown area. On September 21st, 2020, the Mather Heights Neighborhood Association met to discuss the ramifications of the project. Alder along with Green Bay Principal Planner, David Buck, and Mather Heights's Neighborhood Association, President, Tony Odgers, were in attendance along with 15 concerned neighbors. Most of these citizens were against the CUP request, CUP. Principal Planner, Buck, explained that the property had been owned by Burroughs Midwest for seven years, a good four years before the Velp Avenue Areawide plan was created and produced. Numerous concerns and questions have arisen from the citizens, especially over the issue of zoning or the lack of rezoning of the 1156 Velp property, some years ago, I won't go through the history of zoning in this area of the city, but suffice it to say that the city will need to be more diligent when moving forward to implement the various elements of the Velp Avenue Areawide plan. That would mean having the foresight to potentially rezone areas on Velp Avenue, particularly the five transformative opportunity sites mentioned in the plan. Site number one is at Velp and Military, site number two is at Velp and Locust, site four, and four A, is that Velp, Atkinson and Gray Court Site number three is the one that is truly concerning at the moment. If one looks at the plan, there were plans to transform 1218 Velp into a brewery and taproom. The Alwin Corporation next store at 1212 Velp, was earmarked for showroom office and commercial uses. 1156 Velp Avenue Property just East of Alwin, was also earmarked for a combination of showroom, office and commercial developments, a salvage yard was not one of those desired uses. Which now brings us to the plan commission meeting on October 12th, 2020. I will not repeat the numerous conditions being brought forward by the city of Green Bay tonight. Mr. Buck will read those off at the meeting. Burroughs Midwest LLC has owned the property for seven years They are located here, objections aside. If the CUP is denied, Burroughs Midwest, LLC could move their operations much closer to Velp Avenue with an 80 foot setback being in place. The committee vote tonight is advisory in nature, it goes to city council, October 20th, 2020. With that being said, at this moment, I will support the CUP conditions that are being brought forth tonight. Although, I gotta hear some more discussion, I'm hoping that Burroughs Midwest LLC will see fit to be a good neighbor and work with the city and the neighborhood to make this project worthwhile for all parties. Like I said, I brought this forward because I don't think I was gonna make the meeting, that last paragraph I may change depending on the folks that speak tonight. So that's my initial statement and I will defer back.

- Thank you, Alder Steuer. Was there any other discussion among the commission or questions for staff?

- Lisa, I do. If you've got a second.

- Go ahead, Vice Chair Miller. Dave, were the petitioners okay with the conditions as presented or are they aware of them, I guess?

- They are aware of them.

- I think we discussed it a little bit when this first came up, back in August. I just wanna make sure that they're okay with what we're talking about before we get too deep into them. And then just to kind of bounce off

with all that Steur said, that was one of the notes I had down here is, I think we're kind of stuck in a hard place with this one, but I think something that we can do for the neighborhoods and just to honor the Velp Avenue Plan is start to look at proactively rezoning some of these areas so we don't run into this type of situation again. I know that's usually not the city's... We usually wait until there's a reason to rezone, but this may be a situation where proactively, might be at least worth looking at, so that was my only other note.

- Thank you, vice chair Miller. Any other discussion?

- If I may jump in?

- Yeah, go ahead, Alder Scannell.

- Yeah, I appreciate the neighbors and the neighborhood, the neighborhood business and the neighborhood, to be a little disappointed in what's going on here. This isn't the plan we all envisioned and hoped for, and I wanna thank the commission for taking the time to slow this process down and really vet this through. That's been very helpful. And I want to thank staff, Dave Buck, and I wanna thank the owners of the salvage yard for working together, and I think this is a very good compromise, this CUP. I think it allows the owners who have their salvage business already up and running, and still fits somewhat into the Velp plan, into the vision that we're hoping to accomplish. I think it's a good compromise and I fully support it. I think it's the best we're gonna get, I think to deny the CUP, I think, it hurts the plan. I think we're gonna go backwards, we're gonna lose all control on any part of that site. So I really appreciate the owners working with the city to try and fit into that plan, they don't have to, and I appreciate their working with the city. So it's ideal, but, you know, we should remember Green Bay is an industrial town. I mean, look at the North end of Broadway, there's still a lot of housing and other development going on there, apartments and houses, further North on Broadway, and you got GreenMont right there and other industrial uses. So, you know, an industrial city that's what's gonna happen, you're gonna have that mix. So I fully support the CUP, thank you.

- Thank you, Alder Scannell. Any other discussion among the commission? I think we probably have interested parties who are looking to speak on this, I'll entertain a motion to open the floor.

- So moved.

- [Petrouski] Second.

- Motion by Commissioner Bremer, second by commissioner Petrouski. All in favor?

- Aye.

- Aye

- Aye

- Aye.

- Okay, I guess members, do we wanna hear from the petitioner first?

- That'd be a good place to start.

- Is the petitioner on with us? I don't have a full screen of everybody who's in here, so I'm kind of flying a little bit blind.

- Yeah Ryan Graff, Maya Graff Wallace, with two of the owners here at Burroughs Midwest, LLC.

- And if you could just state your address as well, please.

- Sure, Ryan Graff, again, Meyer Graff Wallace, 1425 Memorial drive Manitowoc, Wisconsin. The petitioners, Burroughs Midwest, do agree with the six recommendations from staff. I just wanna say something briefly, and then again the two owners are here for any questions, the commission might have. A lot of the complaints that we heard or criticisms we heard related to whether or not following the plan as implemented, the city's own inspector verified that wasn't true, they are following the plan. The other complaints we heard were about pollution, environmental issues, as staff correctly pointed out, that's handled by the Wisconsin Department of Natural Resources. When I was here the first time, not the second time, and let me... I got ahead of myself, thank you to the commission for allowing us to adjourn it last time so that everybody can have participation, we really do appreciate that. But the Wisconsin DNR takes care of the environmental aspect, and like I said, the first time I was in front of this plan commission, this is not a fly by night operation, two guys in a truck. They work with environmental consultants, engineers, to make sure they are doing everything to the letter of the law, and they will continue to do that at this location. Those were the kind of the two issues I wanted to address, and I'm sure the plan commission may have particular questions for the owners here.

- Do any of the commission have questions for the petitioner? Okay, maybe we move forward, we can circle back and ask them anything that the public brings up. If there's anyone that wants to speak on this item, please, I guess, come forward and state your name and address for the record, please.

- Jerry Bigelow, 1216 Buchanan street. I'd like to speak.

- Okay

- Okay, twice it came up tonight that the state's in charge of doing this and inspecting it. Well, who's gonna pay for the big cleanup, 30 years from now? State's not gonna do it, city taxpayers are gonna do it. We have to clean up, we got sites all over, and this is gonna be probably the same thing after 20 years. You turn this into a junkyard, this thing is gonna be a junk yard, long after we're dead and our children are dead. There is nobody giving out junk yard permits, nobody. You can go to any city, any city, and you ask for a junk yard permit and they'd laugh you out of the room, you know? And they say the letter of the law, lawyer just said, we'll do everything by the letter of the law. On August 31st, your plan commission, it says that that parking lot, it's got concrete and black top in, I sent pictures in, it's kind of weeds. That's what it's got, it's got weeds in it. The city, or those people, hired a real estate person to say how much land do you need unbuilt? They said an acre, they're 12% short of an acre. They said an acre, they should have gave an acre. This was on that August 31st meeting, so they didn't do that. The fencing that they put up, supposed to be 90% opaque, that means you shouldn't be able to see through it. It's probably 30%, so they didn't do that. The fence that's on Velp is a six foot fence, in a 10 foot hole. Six foot fence in a 10 foot hole. I'm not the smartest guy on earth, but you can't put a six foot fence in a 10 foot hole and say that I have this. So we got that there, there's no such thing as any opaque on anything they've put in there. There's no fencing on the North side, none, there's no fencing, zero. And the fencing they do have on Velp, if you drive down Winford or if you're on the other side, that fence is probably covering 15%, 15% of what you see for Velp, on the damn thing. That's what you probably see, you know? Now let's kind of go into... You know, and this is all stuff here, okay. On August 6th, there was a list of what's supposed to be in there. Okay, tonight, no tires, I counted at least can't at least 40 tires. These people ain't even got their permit and they're doing to exactly what they wanna do. And I'm telling you, I live across the street from there, I know what's gonna happen. No dishwashers, there's dishwashers in there, they're not supposed to have dishwashers in there. There's microwaves in there, they're not supposed to have a microwave in there. There's microwave's all over that place. I watch them every day unload trucks and load trucks, nobody is expecting any of the out of the refrigerators, the freezers, it's all going into the air, all these green people would go nuts, you know? They don't even... There's nobody there checking nothing. I mean, I can go on and on. There were 55 gallon drums there, they're gone. Those drums had no caps on them, so they either had food in them, the feed all of the rodents, or they had gasoline in them to pollute everything. Tonight, if you go over there and look, there's big lawnmowers there, commercial lawnmowers, upside down on top of that hill, right here. They're all over the place. That's a picture of tonight. Is there gas pouring out of

those lawn mowers? There's tires on, I can't tell you if there's gas, you know? Let me go on the property and check it, and don't give me that that said I was told three times, inspectors went over there. The inspectors did nothing, and they looked that nothing. You know, what they're asking for, and what they're using it for.. Before you guys even talk to them, this should have went through the city attorney and you should have seen if there was any other similar situations in Wisconsin. I doubt very, very, very much, this is a material handling facility. Last week, the week before they had cars stacked six feet high, six high, six! They're not supposed to have an automobile in there. So you guys are asking what kind of neighbors we got? Well, no fence, a fence in a six foot hole, no fence on the north side, I got the lots cross the street, which you're gonna make them completely useless. You give them that permit, there are gonna be cars, up and down Winford, with no parking, with junk cars on. There's gonna be a parking on my property, I got the only parking, couple of the neighbors parked on the other end, their lawyer, boom, like that. So they're all using my parking lot with no things. Now we're gonna have all these junk dealers with their refrigerators, their stoves, everything, parked before they're open. They have no area at all to stage. I got a trucking business next door, you gotta have a staging area. You told them where to put their scale in, they don't even have that scale anywhere near where they told you they were gonna put that scale. I mean, look at that red mark, the scale isn't there, they put it way on the other end. I'm telling you, you're gonna have more problems in there. You guys are talking about next time, no, no we're talking about now. All the business people up and down this street sent you guys a letter, and it took us about 400 to 600 years to figure it out. That's a 100 years. He's 80 years. We got about 600, 700 years thinking that we wanted a junkyard, nobody wants their damn junkyard, you know? And I'm very leery, if they can do what they're doing. Very leery, just because they walk in there with an attorney, you people look at them different. If anybody else walked in there without an attorney, we only get scared of getting sued or something like that. I'm telling you, this is a bad idea, really bad idea. in there, I mean, right here. This is what the city promises, this is what we're supposed to get, you know? What are they doing? Are they paying any school tax? Are they paying any tax for teachers, police department, street clean up, are they doing any of that? No, not one stinking dime. All you're gonna have is big attorney fees, inspections... I don't know why you're even considering. I got \$10 million over here, every seven, eight years, I gave you guys \$1 million, every seven, eight years, \$1 million.

- Mr. Bigelow, I certainly do appreciate your passion and understand with being a neighbor to this project. I'm gonna ask some questions of the petitioner, thank you.

- Yeah, ask them if all the stuff that they promised the city is gonna get done. They didn't do one thing that you told them you were gonna do and you're giving them more.

- Right, and I really do appreciate your passion Mr Bigelow, and let me ask some questions of the petitioner, please. Mr. Graff, as far as the... You know, talking about the opacity of the fences, we don't have anything up at this point, right? I mean, this is a preliminary plan, none of this stuff is in place, is that correct? I mean, we do have some operations going on there, but the actual site plan that we're seeing today to go through for the CUP, that's not in place at this time.

- Yeah, right, and frankly, like so much... Look, I've got nothing against Mr. Bigelow, he has a lot of things against my client and that's fine, but he's heavy on passion, but short on facts. The, we're gonna have a problem in 30 years and the city is gonna have to pay for it, that's absurd, that's ridiculous. That the DNR doesn't care, the city employees don't know what they're doing when they're doing their inspection, the city employees went out there and said they're following the plan that we put in place for them. So now the city employees don't know what they're doing, my clients don't know what they're doing. Again, let's look at what the city looked at, and the city said, yes, the plan is being followed, and yes, the Wisconsin DNR is gonna take care of the environmental issues. And again, I think Mr. Bigelow, with all due respect to him, and again, I've never met the man before, he's confused. I think Mr. Buck hit it right on the head, which is he hit it right on the head, which is, we already have the yard there. This is really talking about the more retail side of things. So, you know, you're not gonna get rid of this operation, you're just not, and I don't say that in a flippant way. And Mr. Bigelow is still screaming at me, and whatever, but if you have more questions for the petitioners, that's fine, but frankly this is a little off putting, to say if they come here they're gonna get preferential treatment, and Mr.

Bigelow says, but I give you \$1 million so give me preferential treatment. And let me just, in conclusion say, and they can answer any questions, who else wants a salvage yard in their city? I've been doing their work for a number of years, and just in the last six months, I think I've obtained or helped them obtain four or five in other municipalities. So other municipalities don't have the grim view of these things that Mr. Bigelow has, and again, appreciate the passion, but we gotta keep this factual, if and when possible. Thank you.

- Thank you very much. Was there anyone else in the-

- Lisa, can I ask a question, Mr. Graff, real quick?

- Oh yeah, go ahead.

- Mr. Graff or anyone else that's there with you, if this was to be put through, how quickly could the conditions be met, in terms of that timeframe? In particular, the fencing, I think is gonna be probably the most particular one, but just a basic timeline, I think would be helpful

- Yeah, three months for the fencing. Did you hear me? Sorry.

- Yes, I did, thank you.

- Okay, and was there anyone else from the public that wished to speak on this item? Doesn't look like we have any hands raised or anyone... Okay, I would entertain a motion to close the floor, return to regular order.

- Motion to close the floor.

- Second.

- Second.

- All right, motion by Alder Corpus-Dax, and a second by Vice Chair, Miller, all in favor?

- Aye.

- Aye.

- Any opposed? Okay, we'll return back to regular order. Any further discussion, any questions for staff, or I would entertain a motion?

- I don't have any questions, I think this is another one of those situations where we're kind of handicapped by Wisconsin Act 67, as long as they're meeting the conditions, the city puts on them, we don't really have a leg to stand on when it comes to denying the request. You know, I'm appreciative of all parties coming to the table and working out a plan here, and the petitioners agreeing to the condition. So that being said, I'm gonna support the approval of the request.

- Madam Chair, just one more question that I would ask of staff. Mr. Bigelow, who has made a substantial investment in the area already, as have a number of the other businesses, based upon the expectations laid out in the Velp Avenue Plan was indeed citing a number of failures on the property. Some of which would only be required once we pass the CUP such as the reinforced fence, with the 90% impermeable fence But I'm wondering, David, as you were listening to the various items he was ticking off, are there any that are currently required under their use of the property, according to the current zoning that they have not managed to meet?

- Commissioner Bremer, I do not know. I have not been out there to inspect the site myself. Like I said, the last inspection was September 10th-

- You misunderstood me. Mr. Bigelow cited a number of items such as a stack of automobiles, are automobiles currently permitted as a part of the current zoning?

- They are not. So if the city were to... Even without the conditional use going forward, if the city were to go out there based on a complaint or as an inspection and see those, they would cite them for that. Probably give them a 30 day notice to correct, but they could potentially cite them as well.

- And how about the lawnmowers turned upside down with oil leaking out of them.

- That I don't believe would be permitted as part of the material recovery either. Again, it's almost more of a retail type operation that is being described.

- And I believe that one of the requirements that they already are supposed to be meeting has to do with having the scales. Is there an industrial scale already installed?

- There is a permit for one, I don't know if it's been installed yet.

- We do have information from Dennis Nelson that included some documentation that it has not been installed, although agreed to several times over. My , are that we're talking about setting up conditions and therefore proposing to vote in favor of the CUP, including those conditions. And it seems to me, we have some real reason to wonder whether or not Burroughs, in fact followed through on those conditions.

- And that is a concern, the way the operation would work from a city standpoint is that the conditional use permit would go into effect, they would have to institute the conditions and any other regulations that go along with it. If they were not, we would send inspectors out there. Generally upon multiple failures, we would bring the item back through the plan commission and the city council and actually remove the conditional use permit from the site at that point.

- Thank you very much.

- But we don't generally speculate that they're going to fail to adhere to the conditions before they start doing it.

- I understand, but there have been occasions during my tenure on the board when we have turned down items that depended on good faith effort that we had seen no evidence was likely to be forthcoming. I simply state that as a matter of history.

- Are there any other questions to staff?

- I don't have any questions, but I would really like to see some timeframes put on the conditions, especially in terms of these abatements, to the... You know, basically the eyesore aspects of it, so the fencing, getting the front portion facing Velp up into that vegetative and cleaned up state, I'd like to see some time lines put in for the conditions to kind of hold them accountable to them. Without that on there, I have a feeling it may slip or something may come up. I really like to have something concrete, I think that also gives a little bit to the neighborhood, that there's some buy-in from the petitioner to be a good neighbor and follow through on those things. It's gonna get really ugly if it turns out they're not following some of these things come in. I think in this situation, it's good to be a little more on the aggressive side with the conditions and focus on them versus taking their word for it. Not that there's any reason we shouldn't, but in this particular situation, to show good faith to the neighbors, I think that's something that should be.

- Okay, and David, as far as putting a time limit on that, that's something that we can do. Would they have any kind of... I guess Mr. Graff had said something about three months-

- For the fence.

- Right.

- Sure, you could put a condition of a sunset clause, that sunset would basically be for a review of the conditions. Again, if they're not following their conditions at that point, you could bring it through to remove the conditional use as I had described before, but what it would do is set staff on task and the property owners on task to be in, you know, whatever, six months, 12 months, whatever the commission and the council were to decide. We would then review it at that time. We've done that with multiple other conditional uses. Something that we would do normally anyway, but it just sort of sets a concrete timeframe on it.

- Okay, so basically just a re-review of this CUP at a certain time period, to make sure that everything is being followed. I mean, I guess wouldn't we be doing that anyway? Or I guess only if it was complaint driven?

- Well, it's both. Generally it's complaint driven, if we receive the complaints an inspector will follow up, but we also do periodic inspections of conditional use permits as well. But this would just, again, would set a concrete time that that that would happen.

- So if we set something for, say three months, what happens in three months if they're not met exactly, do they have a grace period? I mean, what happens at that point?

- In this case, since it would be a condition put on the conditional use permit, we would bring it back to the planning commission and council at that time.

- Oh, okay.

- If that wasn't a condition, we would follow up, as the city generally does, we would send out orders to correct, and to come into compliance, and if they didn't, typically they'll start to get cited, which is a fine.

- Okay. I see Alder Steuer has his hand raised, why don't you go ahead.

- Thank you, Chair Hanson. David Buck, this is for you. With this conditional use permit, this is all up to the owners, Burroughs themselves don't have to agree to this at all, correct? I mean, they can still do what they're supposedly doing right now, this is all... You know, they don't have to, they can just say, "No, we're not gonna do any of that," and continue doing what they're doing, correct?

- Correct, they follow the regular municipal code regulations on a material recovery business. The added conditions that are placed on the CUP would not apply to the underlying use of material recovery, if the salvage use was not added onto it.

- Right. Well, you can see the dilemma that we have here. You know, these folks came in in 2013 and purchased, the plan came out in 2017, after the fact. So, you know, in a perfect world, I think we would like to see something different, but my feeling is if we push too hard against Burroughs, they can do whatever they want and they might be a stickler about things. So you have to kind of weigh your options, you have to kind of look at everything and say, well, what is the best possible way to move forward? Again, this is gonna be discussed at city council, so, you know, tonight's the advisory, but it will be discussed probably at length at council. I just wanna let you know that, I, you know, I'm torn on this too. Alder Scannell kinda came on and stated some things as well. So it's not that we don't care about the other property, we do care, you know, it's our district, you know, there's a lot of different areas here, but we need to understand that this happened

seven years ago. It's gonna be if you will, for lack of a better term. So that's all I have at this moment, thank you Chair.

- Thank you, Alder Steuer.

- I had something, Madam Chairwoman.

- Go ahead, Mr. Petrouski.

- I don't, you know, reviewing the statute here, I don't know that we really have that much discretion. The language is pretty clear from the legislature. I mean, Act 67 was passed specifically to restrict the control of local municipalities and counties on denying conditional use permits. And the language in the statute is pretty unambiguous, it says that the town shall approve conditional use permits, provided the applicant, the petitioner, agrees to meet conditions and the conditions placed must be reasonable and be based on substantial evidence. I think the conditions we've established are reasonable, I think they're based on the evidence that was put before the commission. So I think the law compels us to approve this petition, grant the CUP, regardless of any feelings we have about whether it's the best possible use of the land space or not, and I think that the mandate in the law is clear. For that reason, I move to approve the CUP.

- Thank you, Commissioner Petrouski. Do I have a second?

- Second.

- Was that a second, Alder Corpus-Dax?

- Yes.

- Okay, thank you.

- Am I right to assume that that includes the no drop off or business on Sundays?

- Yeah, we were gonna add that to the item number five on the conditions that no Sundays.

- Commissioner Miller also mentioned a potential for a sunset clause or a re-review, is what I should say.

- Well, I guess the motion that Commissioner Petrouski put forward, was that including the sunset clause or was that, I guess, assuming that you were including the Sundays on item five, but I guess for clarification on that. Commissioner Petrouski, were you including the sunset clause that Vice Chair Miller discussed?

- I wasn't, I don't know that a sunset clause would be deemed reasonable, because the notion of a sunset clause puts a finite nature on the business. I can't find that that would be reasonable. However, the amendment that was discussed by Commissioner Bremer including the no business on Sundays, I do think that is more reasonable. So my motion include the no Sundays, but not include the sunset clause.

- Oh, I'm sorry, I didn't hear that. Commissioner Petrouski, but you're okay with adding the Sundays to item five?

- Yes, okay, perfect. Thank you. So we do have a motion and a second from Alder Corpus-Dax, any further discussion? We will go ahead and take a roll call vote on that.

- Before we have a roll call vote, for the record, I would like to amend this to include, make an amendment, move an amendment, to include that sunset clause with the assumption that reasonable dating for that would be worked out by the staff in consultation with the applicant. The three months for the fence is something we

know the applicants think is reasonable, but I would point out that getting that green vegetation going at this point in time in the year might not be so reasonable. So I would be happy to leave it to the staff to set the time limit for the sunset clause, but I would move that this be amended to include that clause.

- Okay, so with voting on that-

- It's a separate motion, so we need a second for that motion and if there's a second, then we vote first on the amendment.

- Okay, so do we have a second on Commissioner Bremer's motion?

- I think I would be seconding, but just to confirm, are you basically just saying what I would, but maybe add a little bit more language to reasonable, versus setting a hard timeline?

- Yes, that is correct. I believe they get staff to establish what is reasonable. So in that situation, this is probably for Dave, if we did put that in there for the sunset, would that come back to us in whatever that timeframe would be regardless, or if they were in compliance it would not come back?

- It would come back either way.

- So I guess my question then is if we would go forward with Commissioner Petrouski's motion, everything would be complaint driven for it?

- Complaint driven or inspection driven, we would witness a violation and go through the regular process to correct it.

- So by definition, they would not be in compliance right away because they're not going to have the fence put up for approximately three months, they're not gonna have it in a vegetative state. I am just trying to clean up the messiness of what I would anticipate, are probably gonna be complaints from the neighborhood. So if we put some boundaries around this, I think we have a better control versus handing off what I assume is probably gonna be a problem to the staff.

- Generally, a conditional use permit has a 12 month life span. So to give you an example, if the petitioners didn't do anything, didn't establish the use within 12 months, the conditional use permit would basically become null and void. Any kind of building permits that you would receive to put up fencing or to do any other construction, those generally have a 12 month life span as well. So, I mean, you could pull a permit today to put up a, well, I'll use a house example, to put up a garage, you have 12 months to actually put the garage up. So I would, as far as staff goes, would recommend if you want a re-review, and sunset clause might not be the best term, but if you wanted a re-review of the conditional use permit, I would recommend 12 months from now.

- If I could-

- I'd be willing to accept that recommendation.

- If I could, could we just get the screen back up with the conditions? I'd just like to look at those for a moment, 'cause I might have a way through this, but I'd like to see the conditions again. Okay, so what I'm thinking is, there are some of these conditions that are proactive so they can be completed in a finite timeframe, and then there are others that are kind of ongoing, they have to abide by them over the life of the agreement. Are there any conditions on here we can set up as a predicate to commencement of the salvage operation. So in other words, until these are completed, there shall be no use that's allowed under the conditional use permit. David, is that something that you think is acceptable under Act 67?

- Okay, as all these conditions are related to either the Velp Avenue plan or the operation of the business, yes. You could say all of them needed to be completed prior to occupancy of that use if you so chose.

- I think that that is reasonable because in order to protect the integrity of the area, I think that we can establish a predicate that this business cannot change its operations from what is permitted under the general use to what would be permitted under the conditional use until they meet each of these conditions. So I guess I would... I don't know if I need to withdraw motion at this point or whether I can just amend it such that the conditions must be met before any new use commences on the property. Madam Chair, what do you suggest?

- I mean, I feel like what you're talking about is what Commissioner Bremer was also talking about, and also Vice Chair Miller. I think if we can just wipe away all of our previous motions and if that would be the motion coming forward, I think, and certainly if Commissioner Bremer, or Vice-Chair Miller, if you're in disagreement, certainly let me know. But I think that that would be... I think that that's gonna fit what all of you are thinking at this point.

- If Commissioner Petrouski is willing to incorporate that into his motion, I am happy to have him accept that as a friendly amendment so we don't have to vote on it separately.

- Yes, I would accept that as a friendly amendment.

- And I see Jake nodding as well. And so the question would be whether or not Alder Corpus-Dax would be willing to second it with that provision added to it.

- Yes.

- Okay. All right, so we have a motion by Commissioner Petrouski and a second by Alder Corpus-Dax to approve the conditional use permit with the following six conditions, number five, also including Sundays, and then also that it would... All of these items would be in place before they were able to utilize what the CUP is for. I mean, I understand what you're saying, I hope I'm saying it correctly. So that's the motion on the floor. We'll do a roll call vote. Vice-chair Miller?

- Aye.

- Alder Corpus-Dax?

- Aye.

- Commissioner Bremer?

- Aye.

- Commissioner Petrouski?

- Aye.

- Commissioner Daniels?

- Aye.

- Commissioner Linsmeier?

- Aye.

- And I will also vote in favor, so that is unanimous. For the CUP, with the conditions, making sure that those conditions are in place before they're able to use that additional material recovery facility.

- Okay.

- I think we're good. All right, okay. So moving on to the next item on the agenda-

- We might wanna confirm when this goes to city council.

- Oh, and the next city council meeting is October 20th.

- Correct.

- Is that correct, David?

- Correct.

- This item will go on to city council, October 20th

- For final approval.

- Correct.

- That would be for action.

- Thank you, Alder Steuer. Okay, all right. So moving on to item number three on the agenda, which is a 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. 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 only providing information in this matter and your comments or 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 now open the public hearing on; The request to authorize a conditional use permit for a two family dwelling in an office residential district at 114, South Ashland Avenue, submitted by Robert Clark, property owner. And we'll go ahead and let staff go through and give a kind of brief overview before we open the public hearing comments.

- [Paul] Thank you, Madam Chair. This is a request for a conditional use permit for a two family dwelling in an office residential district at 114 South Ashland, just South of West Walnut. This property may have been built originally as a single family, but lately it had been used as a two family use. It lost its nonconforming status as a two family due to some vacancies over the past years, and there's a new owner now in place, who is hoping to bring that property back to a two family use, compatible with the neighborhood.

- Okay, thank you, Paul. And now we're looking for interested parties, we wanna open the public hearing on, and those in favor. So if there's anyone who is wishing to speak in this public hearing that are in favor, please come forward at this time.

- Does that include myself? I'm Robert Clark.

- Certainly, you can speak at this point, at the public hearing, or you can speak during the agenda item where we will actually take action on this item.

- Whatever you would like me to do, I'm sorry, I'm new to this, so however you want me to do it.

- That's okay, probably if we have questions or if we have other people who have issues that are brought forward during this time, those are things that you would be able to address then, at that time.

- Okay.

- Is there anyone else wishing to speak in favor of this?

- Can you please remind people that are dialed in, how to unmute themselves?

- I guess it depends on your screen, if you click at the top, usually there's a, at very top, there's a button that pops down and says mute or unmute, and you can-

- No, for the dial in, I think it's star six, correct? Just for the dial in users that didn't use Zoom.

- Paul, do you have any information on that?

- I do not, sorry.

- It's star six to unmute if you dial in.

- All right, is there anyone wishing to speak in opposition to this item?

- I am. I also have Kenny McAllister here with me, but I'll speak first if you're okay with that. So we are a new home owner... What?

- And please just state your address too.

- 107, South Oakland.

- Thank you.

- So we are directly behind this property, our garage is directly in their parking slab. I am requesting for this property to remain a one family. This is an alley access property, so when the cars double park on the slab, they often over lap into the alley and cars are also parked sideways on the slab in front of the garage, which causes huge issues for us to be able to get in and out of our property when we are starting our workday or coming home from our workday. It is very, very, very tight. It also has caused issues in the past for the city with bringing the plows down the alley and getting the snow removed. I don't know how many people on here have alley access, but it's very tight and you really have to be courteous to your neighbors and kind, and if you're not, it really makes it challenging for everyone, and that has been our history with this property. Also when visitors have come to see people at this property because they have no overflow parking, they're parking on other residential roads and then walking through yards at all times of day and night. We have a lot of rentals in our neighborhood, a lot of two to four unit rentals in Seamer Park. This house has been empty for about two years and we have tolerated quite a bit with it. There's still quite a few dead trees on the lot that have been the whole time, long grass, we've had to call in multiple times for break-ins on this property, we've also had to look around for needles, and the windows have been broken into multiple times. Even when the previous tenants were there, there was two windows that were broken for, I don't know, for the like last five years or so. You know, we're the last zip code in our area to see an increase in our home sales, yeah, we had a lot of homeless traffic when this property was empty as well. We have a really good block here with our neighbors in this area, we're all trying to take care of our properties and be neighborly and help each other, with and borrowing tools and that kind of stuff. We have a total of 14 homes on this house and two of them are rentals right now. If this is approved to go back to a two family, this will then be our third rental, just a very small block. You know, we have a lot of... We really want to see a reduced percentage of transient rental

units, and then I've also talked to quite a few neighbors that are in this area, some of them are on this call, that are also... I haven't talked to any of our neighbors that are in agreement with having this turn back to a two family, okay. And I'll switch it so you can see Ken.

- Yeah, I live at 110, South Ashland, right next door. Basically, I think we put a lot of work into this neighborhood and I just don't wanna see it go back to rentals, even on the side, Frederick, I think he's 102, South Oakland,

- [Mariah] Ashland.

- Ashland. Fredrick put a lot of work in that house on the corner, and everybody knows that whole estate. I think it was a six apartments at one time, six or seven apartments and the traffic, the crime. And I just don't wanna see that happen again, or have anything like... With the families here, especially with Mariah's children, I just feel more safe, I guess, having to know that people actually live in that house and they're not gonna rent it. So I think safety is the issue with me.

- Thank you very much.

- And Mariah, were you commenting as a homeowner or were you representing an association?

- I'm commenting as a homeowner and as an association, from the neighbors that I talked to, so personally and professionally.

- For the Seymour Park Neighborhood Association. Okay, I just wanted to make sure I got that on there as well, okay. Thank you very much for your testimony. Is there anyone else wishing to speak in opposition to this item?

- I'd be happy to speak. My name is Erika Skogg. I'm at 117 South Oakland as a homeowner. I'm opposed to this request, and as happy as I am to have someone buy that property and not have it be vacant. I'm fairly new to the neighborhood, we have a brand new baby, and one of the reasons we bought in this neighborhood even though we had a lot of negative sort of feedback on living here, was that there was a moratorium on duplexes and there would be less rentals. And although I appreciate the need for rentals, I think this neighborhood is a little bit oversaturated, from what I can tell, with rentals and duplexes and all of the, sort of, negative experiences we've had on South Oakland have come from duplexes and multifamily and renters. So for us being fairly new here and trying to settle in, it's been a little unnerving knowing there's, you know, just kind of things going on in the neighborhood that we're not too excited about and coming from rentals. So I would say, you know, we're happy to have new neighbors and people buying property in here, but I would say, please keep it as a single family, because this is in our backyard, and yeah, we're happy to live here and happy to stay, but we're really second guessing this neighborhood and if it was the right choice for us. But yeah, we love the neighborhood, we love our neighbors and we love to have them as single family and get to know everyone and kind of build this, the character, and get to know each other and kind of lessen the rental units.

- Thank you very much, Erika. Was there anyone else wishing to speak in opposition to this item? And was there anyone else wishing to speak just to provide information only? Is there anyone else wishing to speak? Is there anyone else wishing to speak?

- Are you asking... I don't know what I'm supposed to talk.

- I have to ask three times for legal reasons.

- Oh okay.

- I guess let the record reflect that no one came forward for the public hearing portion of this and the public hearing portion is now closed. So we will move on to the actionable item, item number four; Consideration with possible action on the request to authorize a conditional use permit for a two family dwelling in an office residential district at 114 South Ashland Avenue, submitted by Robert Clark, property owner.

- [Paul] Thank you, Madam chair. I can just run through a few more points. Again, the property is highlighted in red. It is a fairly small lot in size, I think it's only about 6500 square feet in size. The city's comprehensive plan recommends low to medium density residential, so certainly in this case, a two family use is compliant with the comprehensive plan or consistent with the plan. And actually this might be a candidate for rezoning, to maybe an R2 district, that would allow both singles and two family uses. Currently it has an office, residential zoning, and that's the reason for the conditional use permit. It's fairly common, we've seen these throughout the years where we have one or two family uses that these homes are, you know, again, single families, but they have higher density uses associated with them. We did notify affected property owners, we didn't receive any formal comments or questions regarding this. The one point I do wanna mention about the alley access, that is true, parking isn't to the rear, there is no access to Ashland Avenue. In this case, as being a two family, they would need four parking spaces. So I believe there is a garage, at the rear there was a parking pad there as well, but additional parking may have to be provided by the applicant to address any parking situation. This is an image of the property from South Ashland, it's right here. Again, it appears to be maybe built as a single family home, but it has a two family history to it. We are recommending approval of the request tonight with compliance with all the regulations that are not covered under the conditional use permit.

- Thank you, Paul. Do we have any... Go ahead, Commissioner Bremer.

- Thank you. Paul, just one point of clarification. I don't believe that I have heard of a moratorium on duplexes.

- I have not either, no. That is not something that is currently in effect in the City of Green Bay.

- I know that there is an ongoing concern about rentals and preference for a home ownership. I also know that we have an ongoing problem of affordable housing, where some people, particularly during our current circumstances, may not be able to purchase. And I don't think that would justify refusal simply on the basis of rental, am I right about that?

- Correct, this is a similar situation with Act 67 and the conditional use permit. You know, additional conditions could be added, but again, I think the city is somewhat obligated to approve this under statute.

- And then we've referred before to action by complaint, and so I would like to reassure the three people who've spoken in opposition and expressed their concerns, that at any time you are concerned about safety or about lack of access, you can be in touch with the city, with that complaint and it should be followed up. I guess that would be in touch with the police, right Paul?

- It could be, sure. Several different... It could be parking utility, it could be the police, it could be our inspector, sure.

- Thank you.

- Was there any further discussion among the commissioners?

- So, I have one, Madam chair.

- Sure, go ahead.

- Paul, do we have any, I know we've seen it before, but do you have any stats on the mix of the neighborhood in terms of rentals versus owner occupied?

- I do not have a direct breakdown, no, but it is a combination of singles and twos, I believe-

- 'Cause it was the whole bank of OR, that was right on that street, right?

- Right, and again, I don't know that that's the appropriate zoning based on the current plan. Again, it could be a candidate for a rezoning. We also see that in other local, or nearby downtown areas, where we have enough single and two families that maybe we should consider rezoning, this is gonna be one of those that could be a candidate.

- And last question, has an inspector gone through in its current state recently?

- I believe the applicant is working with our inspection department on permits. The property is being gutted as we speak. I think, the applicant may have to speak to that if he has permits, i don't quite recall if he does.

- Got it, perfect. Thank you.

- Okay. If there's no further discussion, I think I'd entertain a motion to open the floor to hear from the applicant.

- So moved.

- Motion to open the floor, second.

- Motion by Commissioner Bremer and a second by Alder Corpus-Dax. All those in favor?

- Aye.

- Aye.

- Any opposed? All right. The floor is open. I guess, go ahead Mr. Clark.

- Oh, okay. Basically, you know, all their concerns, I'm trying to meet all of those. If you go by the property, since I've owned it, it's only been about three weeks since I've owned it. And I have cut down many trees already, and I am continuing to cut down trees, hopefully before the weather gets too bad. There are several dead trees on the property, we've trimmed plenty back, and the good trees, we've cut those back, we've done things like that. We have gotten ready for prepping the outside, like I said, we would like to be finished with that before the weather gets too bad, so that at least the shell of it looks good before the inside, and the weather makes us stay inside and do work on the inside. And so this is something that, all their concerns about the looks and things like that, I do plan on making this as nice as I possibly can. If there's any questions for me, that's fine, but I really want them to know that I do plan on making it as nice as I can, that's it.

- So it's towards the parking situation, 'cause I know that it's alley access on both sides of the block there. And the goal is two spots per residence, or two per apartment. So do you have plans in place at this point, I guess, I don't even know what options there are.

- They have a pad where we have been parking two cars. I don't know what... It has a garage, and then right next to the garage, right now, there's a, don't get me wrong, right now there's a 40 yard dumpster there because we are getting rid of some stuff and things like that. But on a normal basis, you would two cars that are able to park side by side there, plus the two cars that are in the garage. You could put two cars in the garage. So as far as I know it complies, but I don't know what the measurements need to be and things like that. Were there any other Commissioners that had questions for the applicant?

- Yes, if you don't mind, Madam Chair.

- Go ahead, Vice Chair.

- Robert, just real quick, sounds like you were gutting the place, you're gonna be converting it into two residents, that is correct?

- It is already a two resident place. I actually had somebody that works with the city quite often go through it, well, he works with you guys quite often in buying properties and fixing them off Broadway and things like that, mostly commercial buildings, to be completely honest. And he stopped by to talk to me, and when he saw it, he says, I would actually consider this place being built as a two family home. And he goes, but I can't prove that, he says, this is just his belief with his experience. And so right now, everything is left as is, all's we're doing is flooring, kitchens, windows, and that's basically... Painting, I'm sorry, and painting. You know, things that are inside the home, that's about all that's getting done.

- And the house is in good shape, overall, just some more cosmetic updates that you're doing.

- It's all cosmetic. Right now we're doing the outside, and we're stripping the outside, the old paint, getting the cedar... If you were to get a recent picture of the place, we've got that done and we're getting ready to put a primer and paint on it, like I said, hopefully before the weather gets bad, But we've tried replacing any rotten wood or anything, it did sit for, like somebody had mentioned, I think it's two years is the closest we can come to somebody being in this property.

- Got it. And you'll be renting this out or will you be living in half and renting out the other half?

- That is still something that me and my wife are talking about. We have a person that might want to purchase it from me when it's all done, seeing what it looks like, they cannot vision it being done. If you understand, some people don't have that vision, and so they can't envision it being done. And they said that they would like to actually purchase it and have their mother-in-law move upstairs from them so that she can then watch their children. And so that is a possibility as well.

- Great, thank you.

- Do we any other question for the applicant?

- Actually, I wanted to follow up on his report of the garage and parking pad availability. Paul, is there a check that we do to make sure that there is adequate parking to fit our regulations?

- Yes, that'd be part of a site plan review.

- Okay. Was there anyone else that wished to speak on this item, from the public? Okay, I guess I would entertain a motion to close the floor.

- So moved.

- Second.

- Motion by Commissioner Petrouski, second by Alder Corpus-Dax, all in favor?

- Aye.

- Aye.

- Aye.
- Any opposed? All right, any further discussion on this item? If not, I would entertain a motion.
- Move to approve.
- And I'll second that.
- Motion by Vice Chair Miller, second by Commissioner Bremer Any further discussion? Okay, I'll go ahead with a roll call vote. Vice chair Miller?
- Aye.
- Corpus-Dax?
- Aye.
- Commissioner Bremer?
- Aye.
- Commissioner Petrouski.
- Aye.
- Commissioner Daniels?
- Aye.
- Commissioner Linsmeier?
- Aye.
- And I will also the vote in favor of this item. So unanimous vote to go ahead with approval on this item, and it will move forward to city council on October 20th. Moving on to the next item; Number five, another public hearing. This is a public hearing request to authorize a conditional use permit for a secondhand store located at 1524 and 1526 North Irwin Avenue, submitted by Julio Fuentes, applicant. And with the public hearing, I guess we'll go ahead and have staff give a brief overview before we take testimony.
- Sure. Thank you, Madam Chair. Real briefly, 1524, also known as 1526 North Irwin, property is highlighted in red here between Weise and Vanderbraak Street, on the East side of North Irwin, South of Rattus and South of the highway. Really part of a commercial corridor, and I think the building was abandoned some time back. The idea now is for a secondhand store, a faith based group is looking to use that for a charitable organization to sell clothing and other items. And as a result, a conditional use permit is required for that particular use at that location.
- Okay, thank you very much, Paul. And first we will be hearing testimony for parties who are in favor of the item. I'll take testimony for any that are opposed to the item. And we'll take testimony from anyone who is providing information only. Is there anyone else wishing to speak? Is there anyone else wishing to speak? Is there anyone else wishing to speak? Let the record reflect that no one came forward and this public hearing is now closed. And moving on to the actionable item, item number six; Consideration with possible action on the request to authorize a conditional use permit for a secondhand store located at 1524, 1526 North Irwin Avenue, submitted by Julio Fuentes, applicant.

- [Paul] Thank you, Madam chair. I'll just run through a few more items on this request. The city's comprehensive plan recommends commercial for this property, you can kind of see there's a commercial corridor that runs along this East side here. So certainly this use is consistent or compliant with the city's comprehensive plan. And it currently has a commercial zoning, this is a zoning map showing low density residential around the area, but again, that commercial strip along North Irwin on the East side. This is kind of a view from Weise and North Irwin looking at the property here. This originally came in as a complaint from someone who had filed the complaint and our inspectors had responded. And they had noticed that there was some activity at this property without approval. So the current applicant came forward, submitted the conditional use permit, and they're looking to rectify the situation. You can kinda see back here, this is somewhat of a recent photo, there were some outdoor sales, that kind of was the tip off, I guess, to some of the activity that was going on on the site. Staff is recommending approval of the item tonight, we have three conditions that we're including here; Compliance with all the regulations of the municipal code, not covered under the CUP. Number two, a site plan is submitted per chapter 13-1800. Again, this would help establish the use and we'd have a baseline of the use of that property. And item three, external displays or sales of product are limited to the requirements found in chapter 13-522. If you might recall, those were some changes we made earlier this year for temporary use and display. So that's just more or less a reminder that if they do wanna conduct some of those events outside, with the sale of product, they need to file a site plan for a temporary use through our office. So we did not receive any calls or questions regarding this, and those are the conditions of approval tonight.

- Thank you, Paul. Anyone on the commission have any questions for staff?

- I move to approve.

- Second. Second.

- Motion by Commissioner Petrouski, second by Commissioner Daniels. Was there any discussion on this item?

- I wonder if there's anybody here from the public to speak to it, particularly in opposition.

- Do we see any hands raised or?

- I'm not seeing any.

- Okay.

- Nor any microphones muted.

- Okay. So carrying on, do we have any more questions or discussion? Okay, well, I guess we'll go ahead with a roll call vote on this one. Vice chair Miller?

- Aye.

- Alder Corpus-Dax?

- Aye.

- Commissioner Bremer?

- Aye.

- Commissioner Petrouski?

- Aye.

- Commissioner Daniels?

- Aye.

- And commissioner Linsmeier?

- Aye.

- And I will also vote in favor, unanimously approving the conditional use permit for a secondhand store, subject to the three items that were underneath it. And that will move forward to city council for October 20th. And moving on to item number seven; Public hearing on the request to rezone a portion of 3200 Finger Road, from rural residential to general commercial, submitted by Joel Egrfurth, Mach IV, Engineering and Surveying, LLC, applicant. And with the public hearing, we will be looking for interested parties who are looking to speak in favor of the item. Oh, I'm sorry, if we could just have a brief overview by staff first, I apologize.

- Sure thing, thank you. So this application came in as part of a new development, I had it mislabeled as an extension of the Quick Trip. It is actually for a sit down family style restaurant. So this is located at 3200 Finger Road, which is also on the 800 block of South Huron Road. So the entire parcel is outlined here. If you could advance the slide, please. Paul, thank you.

- [Paul] Sure.

- The future land use shows this entire area as commercial, which is in line with the zoning request here, next slide. And most of this area is either part of a PUD or its zoned some form of residential. So the area that we're looking at here is currently zoned rural residential, and with the next slide, it'll show you the piece of this property in which they will create a certified survey map to create this lot here. That would be rezoned to that commercial use for that restaurant. I think that is it for now.

- All right, thank you, Steph. All right, so now with the public hearing, we will be looking for anyone who has testimony in favor of the item. Is there anyone who is looking to speak in opposition into the item? And is there anyone who is wishing to provide information only.

- Madam Chair, we have one person who waved their hand.

- Dave, yeah.

- Okay. All right, go ahead.

- You need to unmute yourself, sir.

- I did, thank you very much.

- Excellent.

- I just need your name and address for the record, please.

- I'm old and I'm slow, sorry. I'm in opposition, I'm in opposition of the fact that we were told that it was a continuation of a quick trip and not an additional restaurant. I think that throws this whole thing off because

we were then unable to notify the other restaurants that live across the street, for instance, to let them know about the situation also. So I think it was a misrepresentation as far as what it was gonna be. That's why my opposition right now, is to that statement.

- Okay, and could you please state your address too, please, for the record.

- David Catalano, I live at 2937, Beth Drive. I am presently the acting president for the Keller Clark Neighbors Association.

- Okay, thank you very much for your testimony. Was there anyone else who also wished to speak in opposition? And is there anyone else who's wishing to provide information only?

- [Joel] I would like to, if I could. this is Joel Ergfurth with Mach IV Engineering and Surveying

- Sure.

- peaking to the gentleman's point, again, as Stephanie indicated, the intent was not to mislead you know, giving the impression it was Quick Trip. That was actually a... It wasn't submitted by us or our party, that was just an oversight or clerical error, or what have you, on the part of staff. So there wasn't an intention to hide the end user.

- Okay, thank you very much. Appreciate that information. And is there anyone else wishing to speak? Is there anyone else wishing to speak? Is there anyone else wishing to speak? Let the record reflect that no one came forward and this public hearing is now closed. Moving on to the actionable item, item number eight; Consideration with possible action on the request to rezone a portion of 3200 Finger Road from rural residential to general commercial submitted by Joel Ehrfurth, Mach IV Engineering and Surveying, LLC, applicant.

- To further expand on this, Joel's correct, it was just a miscommunication between staff members, that's why the letters went out incorrectly. Another miscommunication is on my part, apparently I'm filling this application, guys. It's not going to general commercial, C2 is considered highway commercial, we don't really have that navigated very well in our zoning code, but C2 is considered highway commercial, not general commercial. As part of this restaurant site plan, we don't have anything officially proposed yet, so that's why we didn't bring anything here. But the type of restaurant they are proposing does not have any drive through options, this is a typical sit down, dine in restaurant. So this is a lesser type of use than a gas station would be, so this is a lower commercial use than what would be allowed with a gas station expansion. We don't see any issues with this, this does align with our comprehensive plan and rezoning this would be in line with what is happening currently along this corridor, South Huron Road, along the Finger Road corridor. So we are in support of this recommendation.

- Thank you, Steph, Is there any discussion among commissioners?

- I'd like to ask Stephanie, if you could fill us in on other restaurants in the area and where they are located in relationship to this proposal?

- That is a great question, Sid, I have no idea. I believe that there was a Rosati's Pizza across the street of here, there's a strip mall there. So I know that there's a spa, I know there's Rosati's. I'm not sure what else is over there. At the corner on their side of the road is the Quick Trip, and then just North of this location is a water utility site. So there aren't any other restaurants on the West side of Huron road. On the East side, I think it's just the pizza place.

- Once we've had a chance to hear any other questions that commissioners have for the staff, I would open the floor so that we might hear again from Mr. Catalop. Thank you, Stephanie.

- There's also a subway in that strip mall, I know there used to be a Joe To Go, but I don't think that's operating any longer.

- I was just going to add the subway.

- Right now the floor is closed, we'll open the floor and we'll let you speak. Absolutely, okay? Is there any other discussion before we open the floor? Commissioner Bremer, was that a motion you had earlier to open the floor?

- That, I so move.

- Second.

- All right, motion by Commissioner Bremer, second by Alder Corpus-Dax, all in favor?

- Aye.

- Aye.

- Any opposed? All right, and the floor is open. I'm sorry, I didn't catch your last name, but Mr. Dave, you can go ahead with what you had say.

- Sure. Catalano, that's C-A-T-A-L-A-N-O. Anyway, just to let you know that... I also have a question, how many driveways are gonna be with this restaurant, or they'll be two? And if so, and also how close to the proximity of the Quick Trip the drive way is gonna be. Just, the amount of traffic, I hear there are people having trouble already to get to the stop sign. We were wondering about that traffic quarter as well, for that, there's a question for that. So I think at this time, that's what I'm thinking of. And also, like I said, it may have been a mistake, but where does that leave the other people who probably could have spoke to this issue, who were not informed, thank you.

- Than you, Mr. Catalano. Was there anyone else from public wishing to speak on this item?

- [Joel] This is Joel again with Mach IV Engineering, I would, to speak to the gentleman's question about driveways, whatever driveways we'd put in would have to be, you know, the number and the spacing would have to concur with city ordinance. And impacted properties, you know, within that, the city's notification range would be notified independent of use. So any restaurant nearby would've received the same notice as any other property owner in the area.

- Okay. Was there anyone else? Thank you very much. Was there anyone else from the public wishing to speak on this item? If not, I'd entertain a motion to close the floor.

- So moved.

- Second.

- Motion by Commissioner Bremer, second Alder Corpus-Dax, all in favor?

- Aye.

- Aye.

- Aye

- Any opposed? Any further discussion amongst commissioners or questions for staff?
- I just want to confirm with Stephanie that the addresses across the street would have received notice of this.
- Yes, this would have been notified within 200 feet of the entire parcel. So it would have gone obviously across Huron Road, along Finger Road, and then some along the Mason Street corridor. I do apologize for that miscommunication, but again, the actual end use is not as important as the general zoning concerns. So this is a request to rezone from RR to C2, so any uses that would be compatible with a C2 use, which include a restaurant, this is what the request is for, what the simple rezoning is. It is not particular to this restaurant, this site plan, anything like that.
- That being said, I would be willing to move to approve the record.
- Second.
- Second.
- Okay, so we've got a motion by Commissioner Bremer, and a second by Alder Corpus-Dax, to approve to rezone from RR to C2, any further discussion? Then I'll go ahead with a roll call vote. Vice-chair Miller?
- Aye.
- Alder Corpus-Dax?
- Aye.
- Commissioner Bremer?
- Aye.
- Commissioner Petrouski?
- Aye.
- Commissioner Daniels?
- Aye.
- Commissioner Linsmeier?
- Aye.
- I will also vote in favor, to unanimously moving forward for approval, and this will be in the City Council meeting, October 20th. Moving on to the item number nine; Public hearing on a request for a conditional use permit for a restaurant drive through at 901 Main Street, submitted by Garrett Bader on behalf of GB 901 Main, LLC, property owner. And if we can get a brief overview by staff, please.
- Thank you, madam Chair Person. Okay, so this site is located on Main Street, just a little bit West of North Webster Avenue. A new structure was built there in 2019, it's a mixed use structure that has parking and retail space on the ground floor, and residential units on the upper floors, two upper floors. So it does have a commercial component, it is located in the downtown one zoning district, that district permits drive throughs

with the conditional use permit only. In this case, the petitioner is looking to place a drive through on the North side of the property, in between 901 and the property to the North, that fronts on Cedar.

- Okay. Okay, so with the public hearing, we will be opening or taking testimony from parties who are in favor of this item.

- [Garret] Hi Lisa , it's Garret Bader, and everybody. I have a presentation and some comments, but I'll reserve my comments until the appropriate time.

- Okay, thank you very much, Mr. Bader. Is there anyone else who's wishing to speak in favor of this item?

- Is there anyone who is wishing to speak in opposition of this item? Is there anyone who's wishing to provide information only on this item?

- Well, Madam Chairman, I believe David, B was interested in speaking.

- Sorry, go ahead. Can you unmute yourself please, David? David, can you unmute yourself please?

- [Catalano] Sure, how's that?

- That's good, thank you.

- [Catalano] Which David are you talking to?

- I'm sorry, David B.

- Who, is it David Barnikowski you're talking to?

- I'm talking to , correct?

- Yes.

- Okay, that's who I'm, that's who's on my screen right now. You are, Barnikowski?

- Yeah.

- Yes, please go ahead.

- Okay, Let me introduce myself. Thank you for allowing me to speak with you this evening. I just want you to know, I'm pretty proud of myself, it took me 45 minutes to figure out the Zoom, but I figured it out and I'm proud of myself. Delving in antiquities all my life, this was kind of difficult for me, but I mastered it. So I'm pretty proud of that. I'm at 900 Cedar Street, Green Bay, on the old big brick building that is in constant evolution, restoring it and such. I was not, and this is on record. I was never, never contacted from anybody from the city of Green Bay or from the owner as well that this was taking place this evening. I found out only through luck, I was working on my plaque downstairs, we're doing some plots and I heard some people outside, and I walked out there and there was a Garrett Bader and an Alderman Scannell, and Jeff, why can't I think of his name now? From mainstream programming downtown, Jeff Marcus. And they were all talking and Mr.Scannell said, you know, this is going, there's going to be a meeting voting on this lane between the building, and I had no knowledge of this whatsoever. So I didn't have time to really prepare for this. I didn't know this was going through, but I am against it. And it's literally a 12 foot opening between our buildings. And to give you some information, the building was built in 1892 and it has a rock basement, cream city bricks on the outside. So it's not what I would call, a structure I think that could withstand constant traffic between those two buildings, there noise... The owner of the building next to me, Mr. Garret Bader, there's rocks sitting up

against my building that he used for landscaping. I think I've been treated poorly by Mr. Bader, as a neighbor. I think I have a track record of being very fair to people in the city of Green Bay. I first started my... I own a building at 159 North Broadway, which is the prohibition spirits, they're my tenants there. But I started back in 1999 with Somewhere In Time antique mall, when it was pretty unpopular place to do anything at that time. And I'm also, many of you may not know this, but I did start the Farmer's Market on Broadway, which I'm pretty proud of. I had meters removed on Broadway, I'm probably the only person that was able to talk to a city mayor, Mayor Schmidt, to go into a during Winterfest, and that should be done, in the middle of winter. I can be very persuasive at times, but it was good to raise money. But anyway, I was on the Green Bay Homeless task force, and we were instrumental in getting the Micah Center open. And now I'm at 900 Cedar Street, I bought this building as well, and in the process of restoring it, I'm never asking for grants or funds from anybody else. My concern of having a through way through there, first of all, the noise, the exhaust, I do have a two bedroom apartment on the second floor here. You know, you could hear everything through a brick wall, it's not as soundproof as you think it would be. It is an old building, 1892, and trash is my third concern here. And the exiting onto Main Street, I think is extremely risky, those cars go through that bend right there extremely fast. I think it's a very foolish idea, I think it's, you know, I think we're not really looking at this and it should be actually studied some more. I do have windows along my building on the ground level, and they're the block windows that have been there for a number of years, probably 100 years or so, and they're fragile. And the building, when he was building his building next to mine, this whole building was shaking from the equipments that was being used to build that. Again, I wanna reiterate that I was not given enough time to prepare for this. The city did not contact me that this meeting was going to take place, and I feel that's very unfair as well. And I was never told by the owner of the building, Garrett Bader, that his intention was to put a... He had asked me a long time ago before he put the building up or while the building was up, he asked me if I could, that he would pave my parking lot if I gave him the egress through my property. And of course not, I'm not gonna do that, I'm not gonna lose parking spaces, but I'm very against this. This will hurt my building, it will cause... It's very narrow, I think you guys need to come and actually see this, but it's too narrow for this proposal. I would hope that you guys would consider not voting on this quite yet, I think I would like to also retain a lawyer that deals with real estate and codes, city codes and such, and I haven't had that time to do it either. I guess that I just found out about this. So I may not be the biggest developer, but I have contributed quite a number of good things to the City of Green Bay and continue to do so. And I'm just looking for you, your community there, to at least give me the time to hire somebody that's much smarter than I am, and I really look at this. Because I don't want my building damage, my tenants upstairs on the second floor, I mean, you can hear Mr. Bader's building over there, he has the key to each unit on the outside of the building and when those things are running, you can hear that noise 24/7. And the problem is this, you know, buildings built 1892, are not structured like they are today, they're just not. So I wish you would take that in consideration and give me some time here, thank you.

- Lisa.

- Thank you very much, Mr. Barnikowski, is there anybody else who wishes to speak?

- You can just call me David, that's fine.

- Thank you, David. Is there anyone else wishing to speak in opposition to this item?

- Good.

- Mr. Marcus, were you looking to speak in opposition?

- No, actually things went so fast prior to moving to opposition. I was reaching for my unmute button when you started to ask for oppositions. So if it's all right, I wanted to just add a few comments, it's Jeff Marcus, Executive Director of Old Main Street Incorporated. Our office is located at 130 East Walnut Street, in Green Bay. I wanted to just discuss briefly the vibe that has been developed in this neighborhood over the past five years. And a lot of work has gone into recruiting businesses to the Main Street District. Just over the past few

months, I've had a lot of opportunity to talk about six or seven businesses that opened in a one mile stretch during a pandemic, and Main Street has a lot of media coverage over the past few months. We have three hospitality businesses that opened down the street, just over the past few months, another one plans to open, hopefully next week. I remind people occasionally of the vibe in Whitney Park Neighborhood, and we are very hopeful and confident that that will be back in due time. But it's the past couple of years where Old Main Street has seen a real resurgence and a real vibe, and a big part of that is supported by the residential progress nearby. About 70 residential units, mostly apartments and town homes have either been constructed or are under construction, or are on the drawing board, and with very good success. The development that the applicant is with you tonight, 19 of those 20 units are already at 100% occupied, and just down the street, last time I checked, 21 of the 23 units were already occupied. One of the things that attracts people to this district is the total vibe that the neighborhood provides, and why I am in support of, or our organization is in support of this applicant, is we don't wanna see this building, , and I'm confident that when Mr. Bader talks more about the plan, I mean, I was kind of hoping that we would have seen the presentation and then those could speak in favor or against, that's not the way it happened here. But I would like to say that, yes, I have talked to numerous entities that have looked at this space. The current party that's interested, we believe is bringing a product and a service that is going to be a reason or the automobile traffic coming down Main Street to patronize businesses. And with that said, we feel that the business being proposed does support the positive progress that the Main Street District is very proud of. So I will leave it at that, I look forward to hearing more about Mr. Bader's proposal, and we definitely hope for compatibility by, you know, the numerous properties in this neighborhood.

- Thank you very much, Mr. Marcus. All right, I'll start from the beginning. Is there anyone who's looking to speak in favor of this proposal? And this is the public hearing portion of this. Is there anyone wishing to speak in opposition to this item? And is there anyone wishing to provide information only on this item?

- [Garret] Hey Lisa, it's Garret Bader, let me know when you're ready for a quick take on it, and I will do that.

- Right, I feel like that's probably something that we would wanna go through of the next agenda item, when we're actually looking at the actionable item.

- [Garret] Sure, wonderful.

- Is there anyone else wishing to speak?

- Dave, Dave would like to speak.

- Oh, I'm sorry, go ahead, Alder Scannell.

- I was just noticing that Dave had his hand up.

- Right, well, and we've already... I guess, generally with the public hearing portion that we needed to speak once, but then we are actually going to have an actionable item on this item, so you can speak at that time as well, David. Okay, so on the public hearing portion of this item, is there anyone else wishing to speak? Is there anyone else wishing to speak? Let the record reflect that no one came forward and this public hearing is now closed, and we will move on to the actionable item, item number 10; Consideration with possible action on a request for a conditional use permit for a restaurant drive through at 901 Main Street, submitted by Garrett Bader on behalf of GB 901 Main, LLC, property owner.

- Thank you, Madam Chairperson. So the reason for this request as we all have gathered, is to create a restaurant drive through on the North facade of the 901 Main Street building. So you kind of see it here again, it's across the street from Van Buren Street, and the new town homes located on North Van Buren, to the West is the former Greyhound bus station, which is now vacant, to the East are some service and quasi retail establishments, and to the North on the other side of Cedar, are some industrial warehousing and light

manufacturing. And if, Paul, you could go to the next slide, please. So this is our future land use plan, as you can see that late pink is high intensity, retail office or housing designation, which is consistent with what's there and what's being proposed, and if you can go to the next slide. Next slide is just zoning, so you'll see this property and some of the properties immediately adjacent or zoned downtown one, which is our most intense, mixed use district. The remainder of the properties along main street are C1, which is a general commercial, Whitney Park is obviously a public institutional. And then we have an industrial zoning, light industrial zoning across Cedar to the North. All right, so this is the area, very specific, where the proposed drive through is to be located. So I guess the first thing I would say is the medium intensity retail office and housing designation on our comp plan is consistent with what's being proposed. The subject site itself in the blue lines on this map, are the property lines. It's basically an L shaped property, it has most of its frontage on Main Street, 901 Main, but it also has a small, a bit of frontage on Cedar, and you can see that being outlined by about five, right, about five parking stalls. The building itself is a three story, 9000 square foot building, and that would be the footprint, 9000 square foot footprint. It was constructed just last year, there was about 3000 square feet of commercial space on the ground floor and also 10 internal parking stalls. There is the parking lot that we had just mentioned, that we just pointed to with 10 surface parking stalls, and the applicant also has access and parking easement with the adjacent property owner to the east, which is that lighter gray parking lot, where you would access into the drive through itself. As I had mentioned several times, the structure is situated to provide approximately 13 foot wide separation between 901's North wall and 900's Cedar's South wall. And there'll be a picture coming up that'll kind of show that. So what the petitioner is requesting, they wish to create a restaurant drive through, including a menu board and a pickup window on the North facade of the existing building, traffic, and I think you can go to the next slide, Paul. Okay, well, there is that 13 foot area, this is a dated picture, obviously the building is up much more than this, but, maybe the next slide, Paul. There we go, these were submitted with the application itself, so you can kind of see the layout with the drive through, the X, the red X on these maps shows where the order board would be, and the pickup window would be further West, just basically... Well, and you can see it on the right hand side where the pickup window would be. So traffic would enter this site from either Cedar Street or Main Street, entering into the center of the site, then they would take a left into the drive through lane, order their food, pick up their food and exit. onto main street. And you can kind of see that on the right hand side, all contained in that green coloring, so that it is all on the existing property. The image to the left kind of gives the impression that it would go over onto the neighboring property, but on the right, it does show that it would go directly out onto the Street from the property itself. So that's the basic layout of the site itself, and what's being proposed. There would be stacking for approximately three cars in between the pickup window and the order window, and about five stalls from the order window to the parking stall drive lane. The drive through itself would be about 10 to 11 feet wide, would allow for one to two feet of landscaping on the North or security fencing, or some other type of implement there, in that two foot section itself. There is about a 45 foot area where the two buildings are gonna be right next to each other, well, 13 foot separated. Otherwise there is open parking on all other parts of that drive through lane, so that's kinda just the basics. What I wanted to kind of point out is the zoning ordinance itself establishes seven standards for the planning commission to consider when looking at a conditional use permit. And I think a lot of your staff reports are gonna start becoming this way. And those are in your report, out of those seven, when staff took a look at it, we believe that there is disparity possibly with two of those conditions, and with two of those standards, that's standard number five and standard number seven. Standard number five is adequate measures have been, or will be taken to provide ingress and egress, and so designed as to minimize traffic congestion. And standard seven is that the conditional use shall in all other respects, conform to the applicable regulations of the district in which it is located and all other city ordinances. So under number five, which is the ingress, egress and traffic congestion standard, planning staff does have some concerns with this drive-through and circulation onsite. So although the proposal does meet minimum stacking requirements, the three in advance of the menu board, and the five in between the menu board and the pickup window, we feel there is a potential conflict point, where the two traffic volumes, one from Cedar and one from Main, go to the center of the parking block to then enter the site or enter the drive through. So that is, as you can see, the two arrows pointing would be a potential conflict point. We're also concerned that if queuing within the drive through becomes more than code minimums, that that stacking would then spill out into the parking lot, potentially blocking egress between Cedar and Main, also potentially blocking parking, people not being able to get out of the parking stalls. And in

an extreme case, let's say a lunchtime at a McDonald's or something like that, stacking could potentially back up onto main street or onto Cedar Street, then causing traffic congestion issues. Additionally, though it's not a code requirement, many restaurants with drive-throughs will have a pickup after the pickup window. So a good example would be like a Culver's Restaurant, when you order there, typically you pull through the drive through and they deliver your order. Many drive-throughs will have that if the food is not prepared in time, that they can walk it out to a customer that's parked, but they exit the drive through lane to do that. In this case, if that were to happen, they would have to exit the drive through lane, either enter Cedar or Main Street, and in this case Main Street, and then go back into the parking lot to park for their food to be delivered since there is no petitioner controlled parking to the West of this site. So that is not a code requirement, but it is a concern of staff, and a concern more specifically to that standard number five which is traffic congestion and traffic circulation. That being said, that is a planning staff concern, we did run this plan through our department of public works and our traffic engineer did review the project, inside your packet was his email response to that. He had said the volumes of traffic in this type of a use would not warrant a traffic impact analysis. The added trips are not substantial enough, and the addition of the drive through operation is unlikely to impact traffic on the roadway system. Additionally, he did feel that the operation is much more of a destination location other than a convenience location or a drive pass location. So customers would be accustomed to queuing and they would not likely create an issue for Main Street or Cedar Street, as far as stacking goes. He also felt that the sizing of the single drive through lane is sufficient for appropriate ingress and egress. So we generally do not give varying opinions, but in this case you have the traffic engineer giving an opinion and then staff's concerns as well. And that again is on traffic circulation and traffic congestion. Standard seven is that the site would have to meet all code requirements. This site plan in our initial review, it has gone through a full site plan review, but in our initial review, meets all code requirements with the exception of one, and that is the requirement of an emergency exit lane or a bypass lane. So drive throughs in the City of Green Bay are required to provide a bypass lane. So if something happens in that drive-through, somebody has a medical problem, a car starts on fire, whatever the scenario, somebody falls asleep in their vehicle at 3:00 AM, not that anybody does that, but at that point, there would be a bypass lane. So emergency services could get in there to service the passenger of the vehicle, other people waiting, who are queued in line, could get around that vehicle to get out, and that is something that this site plan cannot provide. We cannot come up with a condition that would allow, you know, that would satisfy that standard, there's just not enough room on the site itself. So we do have concern with that, the applicant in his defense does have an application into the zoning board of appeals, and that'll be going out later this month. The board of appeals can vary the code and can eliminate the need for that bypass lane. So though it doesn't meet code right now, it has the potential to meet code if the variance is granted. And much, like I had said, with the traffic engineer, we did run this past our fire department for review, they do not believe the lack of a bypass lane would pose any significant issues for them, because it would not be overly difficult to clear the alley of the small number of vehicles that would be in there, and that all the vehicles would be occupied by drivers. Additionally, because that alley is narrow, and I call it an alley, but it's really a drive through lane, or right now it's an alley to be a drive through lane. Because of the narrowness, the fire department would not utilize it for any apparatus to fight fires. So in that scenario, they would basically park on either side and run, you know... Well, excuse me, ladders and hoses down the alley to fight a fire in that situation. So again, not that we often do this, but the fire department operations chiefs do not see an issue with the drive through at this location. So I wanna put those points out there, also planning staff, again, are working from a zoning code standpoint, so we're looking at those sections of the code and that's where our recommendation is coming. And our recommendation for this request is denial, based on our opinion that the establishment of the drive through use as proposed will not meet those two standards of the CUP, that's within the code, even though other departments, as noted, do not have the same degree of concern. The one thing I will point out here, that if deemed appropriate by the planning commission, and a recommendation of approval, if that were to be the case, even though we are recommending denial, we would suggest a condition that that variance to the code associated with the bypass lane or the emergency exit lane, be granted as a condition of the CUP approval. Alderman Scannell, the Whitney Park Neighborhood Association adjacent property owners within 200 feet of the property, were notified of the request. I cannot speak to David's concern on not receiving a letter. Paul, if you can go back to any of the maps. There you go, that yellow and black outline, that's where the notification letters are generated from, the addresses are generated from. So the letters go to every property owner within that

circle and it goes to whoever pays the taxes, the taxing entity, that's the only record of ownership we have. So those letters would have went out, additionally, there is a sign placed on the Main Street frontage, a zoning notification sign sprayed orange. Not real big, but its sprayed orange and it's right in front of the building, so we did also supply that. I'm not saying that David didn't get a letter or if the letter got lost, or whatever happened, but that is our notification area, and his property, as you can see, is right in the middle of that. So I would have to research that further if you want answers to why he did not receive it. But with that being said, we are recommending denial of the conditional use with the two findings that I have mentioned.

- Thank you very much, David. Was there any discussion or questions amongst commissioners?

- I had one.

- Okay.

- So David, if we were to, as you noted, make a approval of the petition and the appeals board were to deny the variance, then this project would be dead in the water, correct?

- Well, the conditional use would be approved, the owner or the applicant would have the ability to try to remedy it. In this case, the only remedy that I could really see would be, you know, he could possibly move the drive through or purchase a neighboring property, or work with that owner to get a bypass. The CUP would still be valid for 12 months, but if he couldn't meet code requirements, it would dissolve after that.

- I got you. So in other words, he wouldn't be able to proceed with the plan if it were denied by the appeals board.

- With the plan that's proposed, correct.

- Okay, thank you.

- And I do know the petitioner has a small PowerPoint that he'd like to share as well when you open the floor.

- Any other questions?

- Yes, please. David, I'm confused about the control of the parking. Can you go back to the site plan that showed the parking? Who owns what piece of parking?

- Sure. Okay. I think... There, that's the one I had in mind.

- Okay, so you see the building itself that says retail on it, proposed, three story building?

- Yes.

- Parking directly to the North of that, is the petitioner's parking, those 10 surface stalls. There's also 10 stalls within the building. And then the parking lot directly East, which has two lanes with the access link, that is owned by the city. But the petitioner has a long term access and parking lease or easement on that property itself.

- Oh, okay. Thank you.

- You're welcome. And that's very common with urban lots, where you got shared access, so that's not unique in an urban situation.

- Any other commissioners with questions? I guess, I will entertain a motion to open the floor.

- So moved
- Second.
- Motion by Commissioner Bremer, second by Alder Corpus-Dax, all in favor?
- Aye.
- Aye.
- Aye.
- Aye.
- Any opposed? All right, and I'll open the floor, should we start with the petitioner?
- Please.
- All right, Mr. Bader.

- Good evening folks, thank you. Thanks for taking the time tonight. Garrett Bader, 300 North Van Buren Street, and I believe David or Paul will be running point on a PowerPoint that I have here, so forgive me, you'll hear probably, next please, quite a bit. But I'll try to go through it quickly to be respectful of everyone's time. To at least give everyone a little more color on the proposal and where hopefully we go from here. So thank you, yup, we'll start there. So here you see the aerial that David also pointed out, if you've been by recently the parking lot is seal coated, it looks so much nicer. But you see the basic stay in point here, that Northern parking lot that you referenced, the Eastern side of the lot, which is actually partly owned by the City and probably owned by somebody else, and as David rightly pointed out, covered by a joint easement to allow that access and that parking. Next please. So here's the stylized version or the blowup of what David shared earlier, where the drive through lane would be started on the top, right portion of your image. Continue in the green, wrapping around the West side of the building, and then out to Main Street. As David pointed out, traffic has viewed this and has no major concerns, next please. So if we look at it from the East side right now, looking towards the West, into the 'alley', or the drive through lane, and next please, what you'll see is that it's roughly 11 feet that we're reserving from the lane itself. As David pointed out, it's roughly 13 feet between buildings, next please. To give a little context on this, so I zoomed up here to a typical suburban drive through, which I'm sure most of us are familiar with, and next please. What you'll see in the zoom up there, is that your typical suburban drive through is only about 10 feet of width. Now, granted, a lot of those will have a bypass, and I point that out and I'll acknowledge to everyone tonight, if I had more room, you better believe, I want the bypass. We would always take more, right? But be rest assured that even 11 feet of width, or even a foot wider than what a typical suburban drive through is, next please. So we'll zoom back out and I'll give you a couple of examples around the area, of how single lane drive-throughs really do operate and quite well. And this again is West up here, this is the Starbucks, that is East of the McDonald's, and I note that 11 foot wide there, which is the lane, just to the South of that notation. You see the Starbucks cars queued up there, but this is gonna go to a point later on that I'll make. Starbucks drive throughs, quite frankly are significantly more patronized than what I'm proposing, but you'll see the cars lined up through there and going through, and did connect with the and asked him, was he aware of any issues in his time with that drive through operating without a bypass, and he knew with none, next please. This is a recent addition, this is up in Suamico. So this is Lionville road, the roundabout in front of you takes you into the festival, so it's what you're seeing on your left part of the image. The old shop there would be off on the top side, that drive through that you see kind of snaking through there, so the underneath of the 12 foot wide image, the new Starbucks drive through lane there. Excuse me. But again, a single lane drive through, no bypass, and operating currently with no known issues, next please. This is the Burger King at East Town, so what you see on your left is Main Street, angling

Northwest to Southeast, you'll see the Main Street frontage road coming off of that road and then the East West access drive into East Town Mall, that area. So the Burger King drive through, single lane, is just North of the 12.5 foot wide marker. And contacted Joe Gabe with Green Bay Metro fire, and keep in mind, this Burger King has been here for about 41 years now. And I asked, was he aware of any emergencies that had arisen as a result of a single lane? And he knew of none, next please. I think takeaway number one, what I wanted to do, and I appreciate, I hope everyone knows here, I know it's not all time everyone gets together or agrees on decisions, and I pride myself in my relationship with city staff, so I don't at all, feel anything strong towards Dave or Paul or anybody to vote denial. My hope tonight is to convince them with enough reasons to vote approval and then we move forward. But the takeaway number one is the staff concerns, and, I would argue, our urban design principles. And that we wanted that downtown urban core to be urban and not trying to replicate the suburbs. I respectfully suggest that the code that's written generally gears towards a suburban style development, primarily on the fringe areas of town. Now customers like suburban convenience, also restaurant drive-throughs anywhere, as we just looked at, And when I first developed the town homes across the street, my tagline was suburban convenience, urban lifestyle. So people love the urbanness, the uniqueness of design, but you still want some of those suburban feature comforts. And here, I think we can combine both of those. So the design of the drive through, I believe provides this. It tucks away the drive through that still allows for the urban design, with which the development was intended and ultimately achieved. And I respectfully don't believe that it harms adjacent properties or public rights of way. So I hope that we don't sacrifice downtown business because we're insisting on suburban design, next please. So again, here's that original look with what we proposed, and next please, you'll see what the image kind of looks like, what it's gonna go through. And I'll warn people, I am very dangerous with Microsoft Paint, I'm not a Photoshop person, I don't know anything fancy like that. But I tried to show here simply what that lane would look like. So you'll see a light gray curbing on each side, you'll see some Brown walls for wood chips up against the property to the North, including part of my own parking lot, which by the way will have a drain to control any water issues. The red box you see would be the menu board, the black box near the far away part of the image is the actual drive through window. So you'll note that there will be cross hatched area between the lane and the garage entrance, reducing conflict points of that parking there, next please. So I wanted to give a little flavor on what exactly the car stacking would look like, next please. There is, you know, I'm kind of addressing the staff item number one about the queuing. So again, the black is the takeout window, with the Northwest corner of the building, the red is the menu board. So we provide the three and three section there that is required, next please. In order to envision the scenario that staff cited with their concerns, you'd have to have 14 cars at peak, next please. It's kind of funny, 'cause if I were running this, I'm like I'll just set it in order, but there we go, you got the 14 So, you know, in a scenario where he envisioned, could there be 14 cars? I'd respectfully argued that it's very unrealistic, next please. So it was not a DPW or traffic concern, next please, and the green cars, why I wanna point in there and say, this is not a Starbucks. Many Starbucks locations see upwards of 40 to 50 vehicles per hour on peak, and that translates to about 12 to 14 cars sitting in a drive through queue over the course of 10 to 15 minutes. The operator with whom I'm working, that would open an establishment here, has data from their other stores showing that actually their new peak has occurred during COVID. That peak is 20 to 25 cars per hour meeting, at most. We're talking six to seven cars, not 14. So I want everyone to envision that the green cars you see are not there and likely won't be there. This is, I wanna stress, this as a local operator with local roots, that yes, they have a following, but this is not a Starbucks and we should not fear what that Starbucks like traffic would bring, next please. So again, looking through here to the site plan part, I showed it cross hatched out there in red, so in modifying our site plan, this is what we would formally submit to the city for approval, next please. One other item that David brought up was the lack of a pull ahead area. And he mentioned that, you know, the comparison with Culver's, and... You know, a perfect area, would I like that? Sure. And hopefully in the future at some point, something like that is maybe possible, but I wanna stress that this is a local operator, coffee focused, with very limited food items. We're talking bakery items that can quickly be packaged and delivered to the customer through the window, the waits are not long and it's to everyone's benefit. So I respectfully believe that that fear of having a queue develop because of a long order is largely unfounded, next please. So again, David mentioned the variance hearing that will go next week, I respectfully ask the committee's approval tonight, knowing that it will still hinge out the variance requests as needed at board of appeals. As fire pointed out, excuse me, and next please, no fire concern here. Again, just reminding of you what we have here in terms of typical lengths versus what we would have, next please. One

more, please. That is the only stretch right there, where a fire vehicle or an emergency vehicle could not directly access someone in an emergency situation. Everyone else, either through the back parking lot, through the sides, there really is a fault that a truck can easily pull into and service somebody if needed, next please. One more, thank you. So takeaway number two, what I wanna talk a little bit about is the reality of CIVID, small business needs, and survival. And, you know, I hope everyone knows my goal is not to speak in hyperbole or scare anyone, but there's kind of a , if customer preference shifts too and stays in the suburbs, I would argue that we need to be able to offer those suburban conveniences in our urban areas with an acceptance of reasonable urban limitations, like not having that pull ahead area. And if not, and urban decline is not unthinkable, you know, I talked to many of these folks and a lot of chatter that I'm hearing is that it's very possible that two to three downtown coffee shops that we have could go out, that's the reality. And drive through windows are really now needed, they've become survival for many of these local operators. I put here that our urban renewal has been based on the neonization and swinging doors of patrons. And what I mean by that is, there's nothing wrong with any business that wants to open, and some of our commercial quarters like this, but the patronage of those active use businesses where you see open signs and you see life, is really what drives perception of a neighborhood in many cases and what people look for in wanting to live somewhere. That may become extinct if we can't adapt to how some of these businesses, these coffee shop types, small restaurants, need to operate and thrive in this new scenario. What I call it is the, great depression mattress scenario, where people spoke of years, never trusting banks again, after the great depression and they put money in their mattress until the day we died. There will be people that will not want to go into a restaurant or coffee shop again and not be around those who have sat at a table before them. We need to try and encourage those businesses to open and survive in whatever way they can. If you go to the next slide, there were a number of Wall Street Journal articles, this weekend actually, as timing would have it, that really talked about this. And you'll see the headline right there, where it said, "McDonalds, Chipotle and Domino's are booming while your neighborhood restaurants struggles." And you see that picture on the right, and that tells a big part of the tales, they have the capacity and the wherewithal to survive right now where many independent folks without these abilities, just simply don't, next please. One part of the image talks about interviewing this chef, and forgive me if it's too small to read, but this part of the article is speaking about the number of restaurants that could close. Excuse me. The quote is that some chefs and restaurant operators, fear the recent revival of downtowns across the country will slip into reverse if you lose tens of thousands of restaurants, next please. This part of the article said that, they interviewed a franchisee, of a number of chain restaurants. And he said, there in the highlighted section, that he shifted many of his employees to cleaning and stacking drive throughs, which he said became the core of its business. And I don't think he's alone, based on a lot of anecdotal and evidence that I've heard and read, next please. In my final comments for this again, with the staff concerns, you know, width and feel, in a perfect world, sure, we'd have a wide drive through lane and a bypass, which, again, will go in front of Variance board next week. But suburban areas typically offer more room for that, that we just don't have here, and I don't wanna exchange urban character for some of those suburban benefits. Regarding the queuing and the amount of vehicles to drive through, I noted, my operator and their peak hour versus Starbucks, it's a very low risk of the cited staff concerns. Respectfully, I believe that risk is on me to address if there's any onsite growing pains at the beginning with people coming in and maybe blocking some parking stalls. That's on me to secure my relationship with my residential tenants, quite frankly, to make sure that works well. I respectfully feel there's very little risk to the public. Again, with the pull ahead area, there simply isn't room for it, but I think the lack of offering and the speed of wait times make that very low risk. And again, both traffic and the fire department had no problem with the proposal. Regarding number two, and the business aspect, I think we should do everything we can to help local small businesses survive, that I'm working with right now. A lot of these folks, sadly, are dying on the vine. And if we can't make reasonable exceptions for situations like this, we just may lose a lot of the effort that we've made, and I really don't wanna see that happen. A lot of folks on this call, myself and others, that have done a lot to make our downtown what it is. I still think there's even more great things to come, but hopefully this can be one more part of that. One last little comment, I pride myself on my contact with staff, my residents, my neighbors in any project I do. And I take with displeasure the claims by Mr. Barnikowski that I'm not involved and not in touch with him on not a fricking time. We've spoken to many times, quite frankly, at times I've asked for help from him and never received it. So I do my part whenever I can to be in touch with folks. Thanks for your time, I'm happy to answer any questions.

- Thank you, Bader. Anyone from the commission have any questions for the petitioner? Commissioner Bremer.
- Garrett, I've really appreciated your work over time, and I'm interested in this project. But I'm wondering, is there an entrance into the coffee shop apart from the drive through?
- [Garret] Only a proposed takeout, a little like lobby areas, Sid, not a full sit down restaurant. So one could, in the future, park a car, walk in through a door, grab a to go order and then leave.
- But currently it's just the drive through, is that correct?
- [Garret] Well, no, as a part of the buildup proposal, there would be that lobby area to come into, as well as the drive through, but it's anticipating that 90% plus of the sales would be drive through.
- And is the lobby area on the right hand side of the building, or I should say, the East side of the building then?
- [Garret] On the West side of the building.
- Oh, the West side, okay.
- [Garret] Uh-hum, correct.
- I couldn't locate it from the site plan, thank you.
- [Garret] Sure, you bet.
- Actually I did have a question too, what are the hours of operation of the business?
- [Garret] Proposed to be 6:00 AM and 2:00 PM, depending on how things would develop as the location opens, 'cause that used be 7:00 AM to 2:00 PM, something like that. You're designed for morning and early afternoon, and then closing after that.
- And is that seven days a week?
- [Garret] Probably six, the way that we've modeled projections for it, it's based on a six day a week operation.
- Okay, thank you. Any other questions for Mr. Bader? If anyone sees any hands, let me know. Okay.
- Lisa, I do have one. Garret, would the proposal be dead without the drive through? I mean, is that a requirement? Would a walkup window or car side service be options, or does it have to be the drive through?
- [Garret] Respectfully, it has to be the drive through. There simply is not the volume of traffic for a local operation like this, in my experience, I mean my opinion, but in my experience in talking to a number of these folks to be financially successful. The pick up window has been designed, the lobby area, just kind of planning for a future in which hopefully there is more access to the immediate property to the West, so there isn't currently, so it's kind of planning for a day in the future of that. But there is no doubt that the drive through window is needed now, and Dave Buck could tell you this too. But the way the code is written, if there were no menu board, it's kind of a different set of approvals, but realistically for, you know, a coffee shop, or any operational like this it's drive through window plus menu board.

- Thank you.

- [Garret] You bet.

- Any other questions from the commission? Right, thank you very much, Mr. Bader for your time. Was there anyone else from the public that wish to speak at this time? David, go ahead. You have to take yourself off mute. Does somebody have the ability to do that?

- There we go. Can you hear me?

- Yes.

- Thank you. Let me do a formal rebuttal here to Mr. Bader's presentation. I'm sorry, I didn't have all the colored slides, but what he was showing you were places that had single, without a turnout over there, or places not 12 feet away from a building, my building. They had open space on either side, they're not... Those single lane operations are not up against an 1892 building, that does get vibration from the engines. Let's not forget that, and if we've all been through drive throughs, is with the speaker system at six o'clock in the morning, I'm not sure how his tenants are going to take that, 'cause they are rather loud. And my tenant here as well, I think it impedes on their privacy and the quiet hours at six o'clock in the morning. I think that is something that needs to really be considered when you're voting on this. And the way it was presented, it's if you don't approve this, that the U.S economy is going to go down the tooth, that's not true. I've been in business here in Green Bay for almost 22 years now, I'm self employed, I think anybody, on behalf of the ingenuity and the workforce of the American people as myself, I have done a lot as a business owner, I've done it on my own and every day, especially with the new norm, every day is you're sitting in the pits on the front line. But it's something that has to be done now, this too shall pass, this COVID will be gone one day and we will go back to business as normal. I just think, I think you're looking at less than 13 feet. I don't know where he's planning to put the bumper on the North side of my building 'cause he would be encroaching on my property with that bumper. I think it's dangerous, to approve something like this would be dangerous to not only the people utilizing it, but the people that actually utilize space in my building. And I have Sage here, which is a nonprofit art organization, I have a photography studio on the second floor in the apartment. I think it was a disservice for Mr. Bader to put 20, I think it's 20, I haven't counted them, but gas meters in the front of my building, basically off to the side. I think it's ugly. I think there was no consideration when they could've gone to the back, but I understand why he put them there now. Cause he thought he would have a drive through, through the building there and you can't drive through there with the gas mains, and he chose to put them in the front, on the West side of the building. It's ugly, with no consideration for the front of my building and my business. I just think it would be poor to grant this, a poor decision and not considering the age of my building, the fact that it is a historical building, and the people that reside in this building. And I think it's also very rude to have tenants on your floor, Mr. Bader, and have a speaker system outside their window. I think that is just short sighted-

- Madam Chair, may I have a point of privilege? Madam Chairman, Chairwoman. Lisa?

- You're on mute, Lisa.

- I'm sorry, did we lose Lisa.

- I'm sorry, I didn't hear, I wasn't sure who was speaking. Yes, go ahead Commissioner Petrouski.

- Yeah, privilege. I just would like to call the chair woman's attention that these comments are supposed to be relevant to the question at hand. And I think this divergence in to what tenants in the building are doing with speaker systems are not at all relevant to the zoning question before the committee. I also find the insults a little inappropriate, so that's what I had.

- Okay, thank you very much for that point of order. I believe, and I may be wrong in this. I thought he was speaking about the speaker system for ordering at the drive through.

- That's correct, yes.

- I thought that he was talking about his tenants having speakers on the outside of their patios, I thought he was referring to the residential properties.

- No, no, I'm referring to the speaker system on the drive up menu.

- Okay.

- And I apologize, I don't mean to be hurting anybody's feelings or talking down to anybody. I'm just very passionate about this, that's all it is, and I apologize if I offended you in any way, or Mr. Bader, anybody else on the committee.

- Thank you very much, David. Was there any other points that you wanted to add?

- No, I guess, you know, I wanna compare apples to apples here. Like I said, that's pretty much all I know.

- Okay, thank you.

- Like I said, I'm really unprepared because I didn't know about this until an hour, two hours ago.

- Right.

- Yeah.

- Okay, and I certainly appreciate your comments, David. Thank you so much.

- Thank you.

- Was there anyone else from the public that wished to speak on this item?

- [Garret] Lisa, can I rebut a couple of things, please?

- Sure, Mr. Bader.

- Just some clarification items; Number one, the drive through speakers are actually gonna be through phone. So somebody uses their phone and calls, and a person inside answers, so there no audible speaker for anyone's tenants outside. Trust me, I was taking the account for both neighbors, and my own tenants above. Secondly, the property line actually goes almost to up to Mr. Barnikowski's building, it's only about a foot off. So we're prepared to address that accordingly and respectfully. And secondly, the meters that Mr. Barnikowski noted actually have that have grown in front them and blocked them. So effort has been made to make things as beautiful as possible for all.

- Thank you very much, Mr. Bader. Is there anyone else from the public that wants to speak on this item? If not, I'm willing to entertain a motion to close the floor.

- So moved.

- Second.

- Second.

- All right, motion by Commissioner Bremer, second by Vice Chair Miller, all in favor?

- Aye.

- Aye.

- Aye.

- Aye.

- Any opposed? Okay, so I guess I did have a question for staff as far as the CUP. If the CUP were to go through, does it go specifically with the business or does it follow the building?

- The CUP will run with the property, but if the building were to be altered or removed, the CUP would go away as well. So it goes with what's being proposed. So as the petitioner has proposed it, it could run, he could sell the building, it wouldn't have to be a coffee shop, it could be some shop or anything with a drive through. It's not specific to that, but it is specific to the proposal.

- Thank you, David.

- Madam Chair, I'm not sure, but did I see Alder Scannell motioning that he wanted to speak?

- You might, I didn't see it.

- Go ahead, Alder Scannell, if you're looking to speak.

- Yeah.

- Thank you, I'd like to throw in my two cents. I'm glad I ran into David today, I'm glad you got to speak. I do appreciate all that David's done for the city, he's a great guy, but I am supporting this project. I think, it's a local business, it's a small operation, so I think the concerns that staff has, as Mr. Bader has pointed out, that we're not gonna get that kind of traffic. And as far as David's concerns about the traffic noise of cars and the exhaust and everything, I appreciate that. I'm sure, you know, that's a consideration living downtown, but that's urban living. And I think those conditions between 7:00 and 2:00 are not unreasonable for an urban setting. As far as, if it's wear and tear on his building, that I don't, you know... If you could come back with something on that, proof of that, that would be a concern. It's a great old building, I love old buildings, I'm a bit of a romantic when it comes to old buildings, so I really appreciate that. But I think that most of the concerns you've raised are just, that's urban living and that's just what you put up with. And in urban settings, we need to grow, the city that's not growing is dying. And during these tough times, I don't think the whole, you know, David's right. You know, the whole world isn't gonna go to... If this doesn't go through, the world isn't gonna go down with it, or even the City of Green Bay. But I do think it's a tough time for a lot of businesses, and what we can do to promote businesses is really important now more than ever. And it's a local business, I think, to be able to promote a local businesses is wonderful. It's not perfect, but I believe it's pretty good and I support it, thank you.

- Thank you, Alder Scannell. Any further discussion?

- I think Randy asked on this earlier, but just for a reminder, the variance that's coming up next week, or the week after, I feel like a lot of this is moot without talking about that. Because if the variance doesn't go through, correct me if I'm wrong, I don't think we really have anything here. So I feel a little, I don't wanna say unqualified, but I'm lacking all the information needed to really make a call on this, due to that, just the variance

itself. And I appreciate Garret's comparisons to some of the other single lane drive through situations, but this is different, it is smack between two buildings, and access would be a concern in some sort of a emergency situation. So a single lane with vegetation and stone on each side is one thing. But two, three story buildings, is something different. So I have a real problem with that, and I have a hard time getting past it without some clarity on how that variance...

- I have some thoughts as well. I think that that problem is actually self remedying. All we would be doing... Let's say that we passed because of that portion of our concern and the board of appeals approves the variance, then it would come back to us to answer the exact same question that's before us tonight. However, if we consider the opposite, if we approve it tonight and the board of appeals says no to the variance, well, that's the end of the process. So all we would be doing by punting tonight and having it go to board of appeals and then come back to us is prolonging an outcome for the applicant here. Whereas we still have the safeguard of, if we put in a condition that the variance is granted, then the project would die for the very same reason we would choose to deny the application a month from now or whenever it makes it way back before us. For that reason, I'm inclined to support the petition and approve it. I mean, if we look at the two major concerns addressed by staff, one is the traffic concern. It seems that the department of public works or DPW doesn't share that concern, nor does fire. And I think, to a certain degree, business would self sort this, so to speak. In the sense that any major attraction, your Starbucks, your Culver's, your McDonald's, they do very, very rigorous assessments of traffic capabilities, parking capabilities, and if they believed that they wouldn't have appropriate access they . The only kind of business that would fit into this space would be a smaller outfit because of square footage and access, that by definition, wouldn't draw the kind of traffic that one of those more major enterprises would. And secondly, Mr. Bader is absolutely right. We're in pretty dire times for small businesses right now, particularly the service industry, and that has a real trickle down effect. Sure, turning this down wouldn't crash the economy, I think that's pretty hyperbolic, but it's another crack in the foundation. It feels like every week we see a new article, like the one Mr. Bader presented today, locally, about local establishment closes after 40 years, local business closes after opening two years ago, et cetera, et cetera. Taking these, what I would describe as relatively small concessions to encourage businesses, to develop downtown, and as a result, encourage young people, young professionals, empty nesters to move downtown so they can have the conveniences of the suburb, both with foot traffic and nearby stops on the way home and to work, et cetera, that's really a lifeline for our city. And ultimately, number three, I go back to the law. The law says the municipalities shall approve conditional use permits unless there's substantial evidence that a condition cannot be met. I don't think there's substantial evidence that the parking is an issue because we have DPW weighing in and saying, it's not. And I certainly respect the staff's opinion that it may be a traffic congestion problem, but we at least have competing evidence on that, which to me does not rise to the level of substantial. And as to the variance, well, that'll be determined by the board of appeals. So in sum, I intend to support this proposal, but I would add the condition that the board of appeals grant the variance, and that would be my motion.

- I'll second, that motion made by Randy. I agree with him. You know, it's tough when you have staff saying one thing, but you have other departments and staff saying another. So, you know, this is a small business, it's not gonna get the traffic that Starbucks gets. You know, I actually see more foot traffic than I do drive through traffic, going to this coffee shop. Yeah, I'm gonna support this. I think it's necessary, especially in this time with everything that's happening with the economy and local businesses closing, you know, we need to do what we can to support local business and help them survive.

- Go ahead, Commissioner Bremer.

- And I have been trying to make myself able to support this, but I cannot, at this particular point in time. The alternative to my way of thinking would be to table it until our next meeting for purposes of the variance that Mr Bader would need to receive, and also for purposes of allowing Mr. Barnikowski further time to prepare his concerns. This is an unusually narrow space between two buildings. It's not a difference between a big, huge suburban space and a smaller urban space, but with the building on the other side, you just don't have much

forgiveness. So I share the concerns of the staff and also of Vice Chair Miller. And that being the case, I am going to move to table this until our next meeting.

- I think right now, though, we have to address the first motion that was made, Commissioner Petrouski's.

- I believe a motion to table has precedence, it just can't be further discussed, and somebody is going to have to second it before we can even vote on it. It can die by... We have advice from Mr. Buck.

- Thank you. So the timing and the process is one thing that staff talked about, the Zoning Administrator, and Neumeier and myself, talked about pretty in depth, I would say. So postponing it might be problematic in that the board can't grant a variance on a use that isn't permitted. So if you bring the variance through first, they would have to deny it because it's a not permitted use, and they're a judicial body, a little bit different than the plan commission who recommends to the legislative body. So that's why you have the conditional use coming first with a potential condition that the variance be granted. So it's sort of a chicken and egg scenario, but this is the process that you'd have to follow. He'd first have to get the conditional use permit and then request the deviation from the code standards.

- That being the case, I will withdraw my motion to table.

- Yeah, and personally I felt tabling it might've been a good step, now knowing that the board of appeals I've put it behind, but to give David a little bit more time you know, I don't live right in downtown, I live eight blocks from the river, and so our lots are 48 feet wide, and I know we've got a next door neighbor, he's got a diesel truck, and, man, that thing vibrates through our whole house, and we've got more than just 13 feet between where we are. So I certainly feel for David on that one, and we're not as close as that. So tabling was like something, you know, giving him some more time and making sure. But yeah, that's hard with the board of appeals.

- Lisa, I have additional comments, if you don't mind.

- Go ahead, Vice Chair Miller,

- Well, Dave raised his hand first, I'll let him go. He's probably got more info than I do anyway.

- No, I was just gonna make the statement that whatever comes out of the plan commission tonight, a recommendation of approval or denial, it still goes to the common council on the 20th.

- Okay.

- So the council will still have the ability to read the minutes and watch the presentation of the plan commission and Randy and, Alder... Excuse me, Alder Scannell and Alder Corpus-Dax, I'm sure can share their concerns at the council meeting.

- I do just wanna quickly address, I see Mr. Barnikowski, we're closed at this point, so we're not able to take any further testimony from the public.

- But he would be allowed to speak at the common council.

- Yeah, on October 20th, you'll be able to speak to the common council at that time. Vice-chair Miller, did you have something else that you were adding?

- Yes, I did. I think just point of clarity, the comments from the engineer are specific to the street, and not to the circulation within the parking lot, which is where staff has an issue. So he's not saying there's a problem in terms of backing up onto Main or Cedar, and reading his comments, basically he says, I can't comment on

circulation within the parking lot. That's where staff has the issue, not with what the traffic engineer has to say. I understand the timing on this, but I just still don't, this doesn't feel good, overall, is my instinct on this. And I don't think that... This feels like a very square peg round hole. I'm certainly... I live downtown, I'm all for being creative with things, especially when it's tight, but this doesn't feel like a good fit. So I think I'd like to hold to see the variance part, but I understand that we can't do that. In my opinion, I'd have to probably go for denial on this just because it just does not feel right for the situation that we're talking about here. Particularly based on the tightness of the situation, an old building next door that has vehicles, gonna be within feet of it, with apparently no barrier up to that building. And just emergency access, if something did go wrong. We can't compare this to a suburban drive through single lane, that's not the same situation, it's a much tighter safety concern type of thing, in my opinion. So it does not feel right.

- And Madam Chair, I'm going to join Mr. Miller in voting against it for similar reasons. Although I would point out that Mr. Bader did say there would be buffer between the drive through and the next door building.

- Yeah, I think... Did they say the buffer was two feet?

- A buffer is one thing, but I mean, you need something that's gonna be able to stop a car. I mean, that's an historic buildings sitting next door and we can't have a six inch curb, that's not gonna do it.

- If you want me to add comment, I mean, you could require as a condition of approval, if you were to recommend approval, that's some type of bollard be installed on the top of the curb as a car block. Just throwing it out there, I mean, you do have the ability to add conditions that would mitigate the issues. Well, you that already, but just pointing it out.

- On that note, are there conditions that the staff feel would be helpful in this situation to mitigate? 'Cause I don't think that... It did feel like the staff assessment really addressed the issue of the neighboring building. I guess, can I first ask, does the staff have concerns about the proximity to the building next door?

- We don't have concerns with the proximity to the building, with the exception that, that 40 foot of area is not accessible by EMS, emergency services.

- Okay.

- But as far as noise or vibration or that type of thing, no, we don't have concern over that.

- I'm sorry, one more comment, Lisa, if you don't mind. I certainly appreciate a local business trying to, you know, get ahead and make their way. But, I mean, we should not be using that as a consideration, it doesn't matter if it's a local business or a national chain. We should be looking at this objectively, and where the business is from, we don't even know where it is, besides apparently that's it's local. I just wanna put that out there that we should not be considering where the business is located as part of this.

- So I guess the part that I'm having a hard time getting to is where are we finding the substantial evidence that the applicant cannot meet the conditions? That's what we're required to find by law, in order to deny an applicant a CUP. And the only thing that I'm seeing that is standing between the applicant and meeting the conditions is the appeals board variance. I mean the parking or the traffic issue, I don't know that we're in a position to regulate the internal traffic of a private parking lot, which is what we would be doing if we were really concerning ourselves with the queue within the parking, or within the private parking lot. DPW has said there's not a concern for the public streets, I think that that's pretty clear. So where is the substantial evidence that a condition cannot be met that permits us by law to say no to the CUP. I would go so far as to say that we would be violating the law or Act 67 with a no vote here, unless we can articulate substantial evidence that the applicant cannot meet the conditions.

- I would respond to that in two ways; Number one, the Fire Department did not address EMS, the Fire Department addressed their hook and ladder trucks, and explained that they would be working to get to the upper stories from either end of the building rather than going through the space between the two. But they did not address EMS and the problems of a person in the car there, having a heart attack, for instance. And secondly, I would underline the point that Jake just made, about let's see, not the Fire Department, but the Traffic Department speaking only about what was exterior to the lot and not what was inferior to the lot. And our staff has concerns that the interior space is too crowded and I share those concerns.

- Yeah, I guess I also share those concerns. I just think, you know, not that you're gonna be driving crazy through there, but accidents happen and how easy it would be to hit the other building. And I don't know if that's something that was looked at when they.. Or something that's even been considered at this point.

- I guess my concern is with some sort of emergency or a disabled vehicle, a fire or something like that. And just to read the fire chief's comments on this, yeah, they don't have a problem with access because they're not gonna drive down it anyway. They're saying there's plenty around, but the last and they used, I'll read the wording exactly, "However, if there was a stationary parking alley, then we would definitely have an issue with that." They're talking about parking, but I would also probably say, a disabled vehicle, a vehicle on fire, some sort of emergency. I think those are reasonable concerns, and I think would meet the part of the law to say that we have a reason to deny. This is not a normal situation in a suburban area with plenty of access, I think it is a unique situation and I would love to make this work, but I have serious concerns about the safety, if something were to go wrong.

- I see where Commissioner Bremer and Commissioner Miller are coming from, but one can also argue that if you're in a drive through and something happens to the car in the middle, the car in front is gonna move out, EMS can still get access to that vehicle. The car behind can still move out, EMS can still have access to that vehicle. Emergency services can still have access to both vehicles. It's not like that happens, and the cars in front and behind are gonna stay there, they're gonna move out. I guess I still see that EMS, still has access.

- I guess I'll button my comments up to this, I will vote in denial if we move forward with what, I think Randy put forward. But I would, if we were gonna table or something else, I would ask for additional comments from the fire chief on access in a situation where an emergency may happen. That would be my request, if they responded back positively, I would be in favor.

- I think, David.

- Thank you, DJ. I was kind of waving here and there. I just wanted to... Commissioner Miller had brought up the lane width. So a traffic lane on a street is about 11 feet wide, so as far as the width is for a one lane, vehicle lane, it's definitely sized appropriately for that. And as far as your concerns to get extra information from the fire chief or the battalion chief, we could get that prior to the council meeting, if that would be the only thing that would hold it up, just to point out.

- In that case, I would move to amend my motion to have two conditions; Number one, that there be no objection from the fire chief as it relates to access for either an emergency or a fire prevention, fire abatement, et cetera. And condition two, that the zoning board of appeals approves the variance. I think that that covers both of the concerns addressed here and with the staff's representation, that they would be able to present that to the common council. I think that that addresses both the concerns and keeps the project moving forward at a reasonable rate. Assuming that my second, Alder Corpus-Dax, accepts that modification.

- I think she said yes, okay.

- Yes, I do. I still second it.

- I guess, is there further discussion or should we go ahead and take a vote?

- I'll just say that I like Randy's suggestion, as long as the council gets the opportunity to see that prior, I'll be good.

- Okay.

- That helps me as well.

- Okay. All right, well then the motion Commissioner Petrouski, second by Alder Corpus-Dax, is to approve on the conditions of checking with the fire battalion and making sure EMS, making sure that that information gets to council, and then also... Wait, what was the second part? Oh, that it goes through the board of appeals for the variance as well. So I guess that that is what we are voting on. Vice chair Miller?

- Aye.

- Alder Corpus-Dax?

- Aye.

- Commissioner Bremer?

- Aye.

- Commissioner Petrouski?

- Aye.

- Commissioner Daniel said that he is abstaining on this vote. Commissioner Linsmeier?

- Aye.

- And I will also vote in favor with those conditions. So this will go forward to city council for October 20th, David, if you wanna make sure that you get the information in that meeting, or if you have any further information to give? Okay, and we are on to item 11; Consideration with possible action on the request to amend the city's development district map along Finger Road, submitted by the Department of Community and Economic Development.

- All right, thank you. We have three applications on our agenda tonight, and I wanted to start by giving you guys map. We haven't received one of these since 2005, so it's been a while since this map had any This is mostly an internal document that we use in conjunction with our Department of Public Works. Our development districts are broken out into three separate districts; We have our urban service district, which is the core of the City of Green Bay. These are parcels and areas that are already entirely serviced by our private and public utilities. We then have our expansion district, that is for areas that have some utilities, not all utilities, areas of our town that are in our future land use plan as an expansion area, places that have the space for expansion, anything that might have a development potential basically. And then we have our urban reserve district, that's everything that's in green on these maps. That is something, most of those areas are held in reserve, and that's either because it doesn't match our future land use maps, it isn't compatible with our zoning, or there's some sort of natural environmental issue that would hold it back from being developed. Whether that is something that gets in the way of development, or if it's a natural area that is needing protection. So most of this is on the outskirts of town. The first application that we have today is along Finger Road, primarily. This is on the far East side of town, this is in conjunction with the I43 Business Park. So we have the existing business park, it's been established for quite a while now, and the city is proposing an expansion of that area. As part of that expansion, we need to provide utilities to that area. So the area that is

outlined here in red is currently in our urban reserve district, and this needs to be added to our urban expansion district. So this application in particular is the only one that has a development in the wait. Our Department of Public Works, put this forward, they know that they're gonna be doing the utility expansions within the next five years, as part of the I43 expansion. I do believe there are some members here, has been working on it, Wendy Thomas has been working on it with our EDA. So if there are any questions about the expansion itself, of our business park, they can answer those. But this application is primarily just to make sure that we can expand the utilities as needed. So we are recommending approval of this action.

- Thank you, Steph. Any questions for staff? Is there anyone from the public that's interested in speaking on this? I would venture not. Otherwise, I would entertain a motion.

- Motion to approve.

- Second.

- Motion by Alder Corpus-Dax, and a second by Commissioner Linsmeier, any further discussion? All right, hearing none, I'll go ahead with the roll call vote to approve, to amend the city's development district map along Finger Road. Vice chair Miller?

- Aye.

- Alder Corpus-Dax?

- Aye.

- Commissioner Bremer? I think that was an aye. Yeah, Okay. Commissioner Petrouski?

- Sorry, I forgot to unmute, yes.

- Aye.

- Commissioner Daniels?

- Aye.

- Commissioner Linsmeier?

- Aye.

- And I'll also vote in favor, so unanimously moving ahead And on to item number 12; Consideration with possible action on the request to amend the city's development district map along Nicolet Drive, submitted by the Department of Community and Economic Development.

- So this is the same type of application, moving from our urban reserve to our urban expansion. For this area, this is along the North most side of our town that leads out of town. We did get a couple inquiries from the neighbors, mostly, I think out of confusion, because this area has been serviced for some time. DPW already did the expansion here, and we did not update our map at that time. So this is more of a cleanup action to represent what's already been expanded with our utilities in this area, so we are recommending approval of this as well.

- Thank you, Steph.

- [Veronica] Motion to approve.

- Motion to approve by Alder Corpus-Dax.
- Second.
- Second.
- Second by Commissioner Bremer, any further discussion?
- I love cleaning up.
- All right, so move to approve, Vice Chair Miller?
- Aye.
- Alder Corpus-Dax?
- Aye.
- Commissioner Bremer?
- Aye.
- Commissioner Petrouski?
- Aye.
- Commissioner Daniels?
- Aye.
- Commissioner Linsmeier?
- Aye.
- And I will be voting in favor, so unanimously and moving to approve that as well. And onto item number 13;
- Yay.
- With possible action on the request to amend the city's development district map, along North NorthView Road and Luxembourg Roads, submitted by the Department of Community and Economic Development.
- Thank you. So again, same type of application, going from a urban reserve to the urban expansion district. This one is along, Humboldt, North Northview and Luxembourg Roads. This area is primarily already serviced by well and septic, there are a lot of properties out here, so I have spoken to quite a few of the property owners inquiring if development is going to occur here. The idea behind this expansion is that it's pretty much all that's left on the East side, if we've already taken into consideration, the I43 Business Park. There is no development inquiries currently, I don't anticipate any as a lot of these properties are owned by people intending to stay there. So there were some questions based on some sort of development proposal, and it is not. I believe DPW added this onto this application packet because we haven't done these in 15 years. So they thought maybe we'd take a while to do a round of these. The idea to have things in our expansion district is that we can work quickly if a request does come in, or if a large project is available. A lot of these projects are funded by private development, along with conjunction of, if there's a County or state highway road expansion,

we don't really fund them as a city, we don't really have that kind of money. So I don't believe that I development is being proposed now or in the near future, DPW has echoed that same response. So is not the plan here, we're basically just expanding this internal map to make sure we can cover this in the future if needed. So we are recommending approval of this as well.

- Okay. Thank you, Stephanie. Any discussion?

- Motion to approve.

- Motion by Alder Corpus-Dax. Do we have a second?

- Second.

- Second.

- All right, Commissioner Daniels got a second. Any discussion?

- Way to go, DJ.

- Vote for approval for... Vice Chair Miller.

- Aye.

- Alder Corpus-Dax.

- Aye.

- Commissioner Bremer. Commissioner Bremer.

- Aye.

- Commissioner Petrouski.

- Aye.

- Commissioner Daniels.

- Aye.

- Commissioner Linsmeier.

- Aye.

- All right, and I'll also be voting in favor, that moves unanimously with approval to city council, August... Or October, 20th. Next on the agenda is director's report.

- Well, that's a hard act to follow, but let me keep it brief for you guys, right?

- Thanks.

- It's bedtime. So I just wanted to let you know, at the last council meeting, all of the planning items were approved through council. And then just briefly, we are taking the housing study to the redevelopment authority tomorrow for approval. That study will also come to the plan commission, probably at your next

meeting, I think, as we were talking that route. So you will be seeing that shortly, it's a lot of interesting stuff, a lot of details. And we're gonna work on putting a plan together on how to initiate affordable housing, housing, all kinds of housing for the City of Green Bay. That's it.

- That's it? Well, thank you so much, Cheryl. All right, the date of the next meeting, is Monday, November 2nd of 2020.

- Welcome Autumn, they're usually not this long.

- Motions to adjourn, or can I just say we're adjourned.

- Move to adjourn.

- Go for it.

- If we need it.

- All right, Vice chair Miller, we've got a motion. Who's got a second?

- Second.

- I'll second.

- All right, Commissioner Bremer, all in favor?

- Aye.

- Aye.

- Aye.

- Aye

- Goodnight.

- A new record, whoa!

- Good work tonight guys, lots of good ideas, and good discussion.

- Yeah, that was a long one. So yeah, they're not usually that long, Autumn,

- Yeah, totally not, this was the exception.

- If you have any questions or whatever about being a planning commissioner or anything like that, just give me a call, or Cheryl, any our staff, and we can walk you through some of the delicacies.

- Thank you.

- Is it too late to drink coffee?