



MINUTES OF THE GREEN BAY PLAN COMMISSION

MONDAY, MARCH 8, 2021, 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, Derius Daniels and Autumn Linsmeier.

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

Others Present: Ald. Kathy Lefebvre, Ald. Barb Dorff, Ald. Mark Steuer, Ald. Brian Johnson

C. APPROVAL OF THE AGENDA.

I. Approval of the agenda for the March 8, 2021, meeting of the Green Bay Plan Commission.

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

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

D. APPROVAL OF MINUTES.

1. Approval of the minutes from the February 22, 2021, meeting of the Green Bay Plan Commission.

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

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

E. REGULAR BUSINESS.

1. (TA 20-04) Public Hearing on the request to amend Chapter 13-303, Land Use Definitions, Chapter 13-1606(j), Drive-through facility, Chapter 13-1714, Figure 2, Off-Street parking regarding requirements for drive-through facilities.

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

Chair Lisa Hanson opened the floor for the public hearing on the request to amend Chapter 13-303, Land Use Definitions, Chapter 13-1606(j), Drive-through facility, Chapter 13-1714, Figure 2, Off-Street parking regarding requirements for drive-through facilities.

Chair Lisa Hanson then asked three (3) times if there was anyone present who wished to speak. Hearing/seeing no one, the public hearing was closed.

2. (TA 20-04) Consideration with possible action on a request to amend Chapter 13-303, Land Use Definitions, Chapter 13-1606(j), Drive-through facility, Chapter 13-1714, Figure 2, Off-Street parking regarding requirements for drive-through facilities.

Moved by Sidney Bremer, seconded by Ald. Veronica Corpus-Dax to refer back to staff the request to amend Chapter 13-303, Land Use Definitions, Chapter 13-1606(j), Drive-through facility, Chapter 13-1714, Figure 2, Off-Street parking regarding requirements for drive-through facilities for additional clarification regarding the ordinance as requested by the Plan . Motion carried.

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

3. (TA 21-01) Public Hearing on a request to amend Chapter 13-714, Table 7-3 Permitted accessory use regarding solar energy systems, submitted by the Zoning Administrator.

Chair Lisa Hanson opened the floor for the public hearing on the request to amend Chapter 13-714, Table 7-3 Permitted accessory use regarding solar energy systems.

Chair Lisa Hanson then asked three (3) times if there was anyone present who wished to speak. Hearing/seeing no one, the public hearing was closed.

4. (TA 21-01) Discussion and consideration on a request to amend Chapter 13-714, Table 7-3 Permitted accessory use regarding solar energy systems, submitted by the Zoning Administrator.

Moved by Jacob Miller, seconded by Ald. Veronica Corpus-Dax to approve the request to amend Chapter 13-714, Table 7-3 Permitted accessory use regarding solar energy systems. Motion carried. Yes- Jacob Miller, Lisa Hanson, Sidney Bremer, Veronica Corpus-Dax, Derius Daniels, Autumn Linsmeier, No- None, Abstain- None

F. INFORMATIONAL.

I. Director's Report.

Neil Stechschulte presented the Director's Report.

2. Date of next meeting: March 22, 2021

G. ADJOURNMENT.

Moved by Sidney Bremer, seconded by Ald. Veronica Corpus-Dax to adjourn. Motion carried. Yes- Jacob Miller, Lisa Hanson, Sidney Bremer, Veronica Corpus-Dax, Derius Daniels, Autumn Linsmeier, No- None, Abstain- None

VERBATIM MINUTES

- Of the Green Bay Plan Commission. Starting out with a roll call. Chair Lisa Hanson, present. Vice Chair Jacob Miller?

- Present.

- Veronica, Alder Veronica Corpus-Dax?

- Present.

- Commissioner Sidney Bremer?

- Present.

- Commissioner Darius, DJ Daniels?

- Present.

- And Commissioner Autumn Linsmeier?

- Present.

- All right. Moving on to the Approval of the Agenda, Approval of the Agenda for the March 8th, 2021 meeting of the Green Bay Plan Commission.

- Motion to approve.

- Second.

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

- [All] Aye.

- Any opposed? And then moving on to the Approval of the Minutes. Approval of the Minutes from the February 22nd, 2021 meeting of the Green Bay Plan Commission.

- So moved.

- Second.

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

- [All] Aye.

- Any opposed? Okay, and that moves on to the Regular Business, starting with 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 are 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 three minutes. We will now open the public hearing on: Item one, public hearing on the request to amend Chapter 13-303, Land Use Definitions, Chapter 13-1606, Drive-through facility, Chapter 13-1714, Figure 2, Off-Street parking regarding requirements for drive-through facilities. And do we want to start with a small overview from staff, please?

- Sure. Thank you, Madam Chair. I can give you a real brief overview. I think we've talked about drive-through facilities in the past a little bit. So this a text amendment with a draft that goes along with it to amend some of the requirements of drive-through facilities. It kind of comes in three different chunks. One is the definition, an amendment to that, an amendment to the Development Standards that we have in place. And then an amendment to our Parking section, which has to do with queuing of vehicles. We're gonna roll that into the

Development Standards. So staff will go through the ordinance of the next item in detail. We can talk about those changes in greater detail.

- Perfect. Thank you so much, Paul. All right, so we're now opening the public hearing and we're looking for interested parties who are in favor of the proposal. And honestly, I don't see anyone, except all of us and some Alders in here. So, I'll just move along to any that are opposed? And is there anyone looking to provide 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. Moving on to agenda item number two. Consideration with possible action on a request to amend Chapter 13-303, Land Use Definitions, Chapter 13-1606, Drive-through facility, and Chapter 13-1714, Figure 2, Off-street parking regarding requirements for drive-through facilities.

- Thank you, Madam Chair. I'm just gonna go ahead and bring up the ordinance here, so we can kind of go through it point by point by point. So can everyone see the screen?

- Yes.

- Okay. So this is the draft ordinance that staff has put together. Again, I was talking about those three sections, the Definition, the Development Standards, and then amending the Parking section down here below. So, just kinda starting at the top, the changes here, the first thing is with the definitions. We've kind of reworded it a little bit, wordsmithed it a little bit, so it'd be more precise, so to speak. So everything you see that's in a strike-through is being removed from the ordinance. Everything you see that's in kind of a boldface or with an underline is amended language or new language. So in this case, the definition is changing. Obviously it's gonna be "a facility "consisting of a dedicated drive aisle "that leads to and from a service area "for the sale and dispensation of food, beverage, "or other consumer items to patrons in motor vehicles. "Such facilities may include, but are not limited to, "restaurants, pharmacies, and financial institutions." So that's the first batch. The second batch and kind of the meat of the changes are in the Development Standards. And we've had Development Standards for a number of years related to drive-through facilities. I think they're like one through six or seven here. So the ones that don't have anything, any lines through them or any changes remain as is. So in the first one here, we've kind of gone through and tweaked the placement of the windows and menu board. We don't want those facing public streets. So we've adjusted that language there. And number two, while we've kind of clarified points about circulation onsite, and again we were concerned about the relationship between motor vehicles and pedestrians onsite. So we've kind of clarified that in point two. Three, four, and five really don't change at all. That's existing language that will remain as is. Item six, I think staff has mentioned this before. This is the bypass plan that we've talked about. We call it an emergency lane. Basically that's a lane around the drive-through in case someone has to get out. And again, based on our research, or limited research of other communities, we're kind of one of the few, if the only one, that requires that emergency lane. So we felt we could eliminate that. And there's kind of a trade-off with that. And that goes down into redefining number six here. So we've never had some minimums regarding drive-throughs and their aisle space, so we're gonna build that into item six here. 10 feet, that's a number related to the radius or a turning movement, most likely around the corner of a building for drive-throughs. And then we've established a minimum aisle width of 14 feet. And it's somewhat arbitrary. We came up with that number kind of hopefully using some common sense. Parking spaces are nine feet wide. Travel lanes on arterial streets are maybe 10, 11, 12 feet wide. And we went up a little bit higher to 14 feet. Again, with the elimination of the bypass lane, we want to make sure that police, fire, and rescue, if they have to, can get in there. There's also larger vehicles, there's door swings. There's other reasons why we want to increase that width. So 14 is a number that we arrived up. There is kind of a benefit, if you do have multiple drive-throughs and you might see that with McDonald's, Burger King, and other fast food places, If you have more than one you can then reduce that down to 10 feet. The idea there is that you could probably have more ability to get into that aisle space for police, fire, and rescue. So we felt that was an inappropriate discount, so to speak. Item seven is new. Again, it really has to do with traffic onsite. And in this case, really the pedestrians. We want to make sure that the drive-through facilities are clearly marked, with pavement markings and signage. And we want to make sure that if the pedestrian crosses a drive-through lane that it's marked. We want to make sure there's a clear

distinction between those two uses. Item eight is kind of tied into the third change down here in the Parking section. For some reason, we've always had this kind of buried in our Parking section. Staff felt it was more appropriate to bring the queuing up into the Development Standard so it's kind of in one spot for those who are looking at drive-through facilities. So the language doesn't change. We eliminate it in the Parking section and we bring it up into the drive-through standards. And then finally, item nine has to do with the traffic impact analysis. I think the key word here is may. I think it's to kind of put people on notice that it may be required. Drive-throughs obviously generate a lot of different traffic in circumstances. So this gives us an ability to enforce on that. I have to let you know, we kinda, our traffic engineer can kind of require this already if we feel there's a problem. And a lot of times we do clear with our traffic engineer on most drive-through facilities. So this is just to be kind of transparent about the potential, I guess, of a TIA, for review by our traffic engineer. So, that's the draft ordinance as we propose. We've hopefully included some comments that we discussed with the Plan Commission in the past. So this is the draft that we're sharing. And we are recommending approval, subject to this draft ordinance before you.

- Thank you, Paul. Were there any questions from the Commission? Go ahead.

- Thank you. So I had concerns when we first talked about this, I think it was back in the November meeting, 'cause one of the recommendations was basically to set up this drive-through ordinance, but it wouldn't apply to the downtown district. Basically downtown district wouldn't have, wouldn't be able to have a drive-through. So I guess what recommendations are there or considerations that will be taken or things that will be taken into consideration to allow drive-throughs in the downtown district? Because there's kind of a number of these points that would still make it prohibitive for a drive-through in downtown.

- Sure. So we've discussed in the past about maybe eliminating drive-throughs in downtown. I don't think the Plan Commissioner was excited about that. So we didn't touch the use. It still remains a conditional use permit in the downtown district for a drive-through. With that said, we haven't made any changes or allotments for such facilities in the downtown. I think staff's position is a drive-through is a drive-through. We have to have, we feel minimum standards for drive-throughs, whether that's in the downtown or in our suburban areas. So I don't know that there's any relief that we would propose at this point, just because we feel drive-throughs should be treated the same across the board.

- Mm hm. So I do have concerns, especially with the 14 foot width. I know you had mentioned that it was an arbitrary number. Most vehicles are six, six and a half feet. Our travel lanes, like you said, were 10 to 11 feet. I think the highway lane is 12 feet. So 14 feet seems excessive. When we can travel down Walnut Street going 25 miles an hour, when we can travel down a highway going 70 miles an hour, that's only 12 feet. I guess I would rather see there be a minimum of 10 feet. Allouez has a minimum of eight feet. That seems a little small to me, but they just, I think over on Webster, they had a new bank go in and driving past there, seeing that drive-through lane, that's eight feet. And they have room, Allouez has room, they didn't have to make it that small, but they did. So, I guess I would rather see the width of the drive-through lane be 10 feet rather than 14. Director, Neil, do you have any, I know we talked about this earlier.

- Yeah. I think much as what Mr. Neumeyer has indicated, the lane is a little bit subjective in terms of, certainly it is this situation, where the the more room that can be provided, certainly the better the lane functions. I don't think anyone will certainly disagree with that evaluation. However, certainly it does increase, each foot that is added from a width standpoint, does make it actually, can make it more difficult for certain parcels to be able to implement this type of lane, so to speak. So I think it is certainly, I believe Paul has referenced his ability to try to find a good balance in terms of what the inappropriate width would be in addition to providing some additional flexibility to get in and out of a lane or to get access to a lane if someone's already there. I do think that it is a situation where if it is primarily a public safety concern, I think that as long as our public safety personnel are not indicating any concern with a proposed width, then most likely we would be, I think from a Planning staff, we'll certainly not argue with the public safety officials in terms of their ability to get in and out of a particular location if they are acceptable with a proposed width, certainly they're the ones who are going to be dealing with any issues onsite. We'd kind of be deferring to them at that

particular point. I think the, in passing, the conversations with a couple of public safety staff have been, they feel, for at least most of the existing drive-throughs, they don't have, they feel they can get into to service a resident or a visitor in most cases, they don't have a severe concern. I think the real issue is I think, as Alder Corpus-Dax did mention, if you do look at a downtown environment, which is more likely to be a smaller lot, is more likely to be a redevelopment site, there's more likely to be obstacles and things in, certainly in the way, so to speak, in terms of trying to make something like this work. So I think the lane standard is, the width standard is certainly something that I think we could take a look at as staff. I think that at the end of the day, the important part is that the actual drive aisle functions and that the applicant can demonstrate, has the opportunity to show that the actual movement, the lane movement, actually is a functional movement. And there are ways of doing that. There are software to kind of help confirm that the turning movement of a vehicle can actually function without. Largely staying within the lane. There is a manner to do that. So I think that, plus some of the other matters, I think there's, you'll see kind of with a lot of the conversations and I think recommendations of Mr. Neumeyer's memo. You'll certainly want these things to visually be compatible with the areas that they are in. We don't want them to certainly create any unnecessary conflicts with pedestrians to the extent possible, so they should be designed properly. You'll see, there really aren't any concerns, I don't think, with the language in the ordinance as it's presented, with those particular type of items. So I think it really does come down to a functionality item in terms of of the width itself, making such you're comfortable. I think a lot of folks, certainly using the drive aisle comparison to normal driving lanes is certainly one that's interesting. And the other communities, understanding that they've done that as well and used a little bit lesser width on this case. So I do think in terms of establishing some sort of standard width is I think certainly is cleaner. It's easier, I think for the City to implement and kind of oversee and track, but I also see the desire to have some degree of flexibility when there are particular instances, to allow these drive-throughs to occur on a site that may not be perfectly ideal and have all of the room in order to do that. Particularly, my comment with regards to allowing these downtown, would certainly agree that Paul's comment, that traditionally downtowns have been an area where these certainly, drive-throughs, are not necessarily or historically have been encouraged. I think the pandemic has kind of maybe forced us to rethink that a little bit. In terms of some of these smaller businesses and restaurants not being permitted that ability to provide some sort of drive up facility to their establishment, simply because they've located downtown, could be perceived as somewhat kind of a penalty. So I think they, I think it's, my read is from situations and comments that I've heard so far is that while we're certainly not looking to open the flood gates to allowing excessive amounts of drive-throughs in the downtown area, I think there is a desire to allow them when they can safely be implemented. So, I think that is something that we want to look at, is served, certainly. I think probably a 10 foot width certainly could possibly work. I think I like having a little bit of a higher standard with the ability to become flexible for a lesser width when it's demonstrated that it can function at that lesser width, is my personal route, reaction type thing, to that particular item.

- It's my, I would rather see a 10 foot width. If we're gonna allow, if 10 foot is like the minimum we're gonna allow, or if we say, okay, well the minimum is 14, but we would look, we would consider a 10 foot width. I guess I would just rather make that the 10 foot width rather than having that sliding scale there. And it, to me, it just makes it a cleaner, a cleaner ordinance in that aspect.

- If I could make a point. Going down to 10 feet across the board might be too much. Maybe 14 is too much, but you could reduce that possibly. But I think we're talking about the downtown area itself. And that requires a conditional use permit regardless. So, I think we could build in some language that we would keep the 14 feet, but we could consider reducing that number based on some sort of performance standard that maybe Neil was referring to. So I think 14 across the board makes sense, but in the downtown, when they apply for the conditional use permit, they would have to provide some engineering evidence that they could make this function and then let the Plan Commission decide at that point. Not send them to the Board of Appeals, but let the Plan Commission and ultimately the Council kind of decide. So I just kind of want to throw that out there. I haven't worked that up necessarily, but just for your consideration. I would hate to apply 10 feet across the board because I think that would be detrimental, possibly, to the rest of the community.

- So does, I'm sorry, does DPW have the technology, the software to help make that determination? If a drive-through is, what was the software that you had said that they have?

- Director Grenier has--

- Sure, yeah, I--

- Go ahead, Paul.

- Yeah, they have that ability, as well as analyzing at least an initial look at the traffic. So we can rely on them for that. However, in many cases, we put that back on the applicant for them to maybe provide independent evidence so we're not skewing it one way or the other, that they can present their own case. But yes, we can do it, yes.

- Alder Corpus-Dax, if I can add to that. It's like they do have, again for, I think for smaller projects, I think it is something that could be accommodated, probably. I can't speak for Director Grenier, but my understanding is that they would be willing to accommodate that for, certainly for a smaller project, so it doesn't become a cost prohibitive type of factor.

- [Kathy] This is Alder Lefebvre. Can I make a comment?

- Yes, absolutely, go ahead.

- [Kathy] Yeah. I really think that you got to really think about this when you're talking about downtown. You have buildings that are very close together. You're gonna have trouble, I think, with drive-throughs to these buildings. There aren't many that are 14 feet, 15, 16 feet wide. They're very narrow. We have a lot of them that are very narrow. And so I think you'd better be very careful what you're doing when you're doing your width. And I want to mention, you talk about the pandemic, you think that they need the drive-throughs, well, the pandemic will eventually be gone. But I want to point out The Attic coffee shop. They have no drive-through, and they've been doing very well because they've handled how they've done all their inside. It's done so well that people are fine going there and nobody has ever had any COVID coming out of that building. They've done fine. So a drive-through necessarily doesn't have to be to have a coffee shop, restaurant. It depends on how you do your business. But, I also want to bring up, are you aware that there are cities in the United States that are banning all drive-throughs in their cities? Minneapolis is the latest. They do not want them because of the... What is it, the CO2, carbon monoxide and that. Cars are very polluting. And when you're idling, it's worse, when you're really close to buildings. So I think we really got to look at this for downtown and some of these other areas where they put in, like the new bank mentioned an Allouez, I believe. They're not between two big buildings, close space. So they have a lot of room to move and I'm surprised that they put it at eight feet, unless they have multiple lanes. But I think we have to really look at that. And you had mentioned that for the downtown there will still be a conditional use permit going through the committee?

- Correct?

- That's correct, right. Nothing's changed with the use of drive-through facilities in downtown.

- [Kathy] Then I think in this ordinance, then you're taking it out. You're actually crossing that whole part out. "Plan for onsite circulation drive-through locations "shall be reviewed as part of the conditional use "review process", that's stricken. So I think you need to keep that in there. Or else you're gonna have to put another one in here. Downtown will go through that process, because if you take it out of here, this is the whole ordinances.

- I don't think that--

- There's not a separate one.

- Well, Alder--

- Is there?

- I don't see that as part of our draft. I just presented that to the Plan Commission. I don't, we are not proposing that at this time. Okay, because this is what was, what I printed out. Okay. Right, 'cause I would definitely say, yeah, that needs to stay in there.

- Is it, Paul, I believe the Alder is referring to section two, item one, sub paragraph two, where it says "Plans shall be reviewed as part "of the conditional use permit process", is crossed out.

- [Kathy] Right. Right. Yeah, so I would think that would have to stay in. And then I want to go down to, I still think that the emergency lane, that should go through the conditional use process, I believe, because there are areas where, if the building is very tight, you're gonna have to, that should be put in here, that you still need to look at that

- Don't they look at that? Is that part of the process, that it's run by the city--

- [Kathy] It's stricken in this, Alder Corpus-Dax. Number six, it's stricken in this ordinance. So I'm just pointing that out.

- Paul, could you put that screen shot up again?

- Sure. So, Alderperson Lefebvre was referring to this previously, and Neil had just commented on that, that we've crossed this out here.

- [Lisa] Right.

- And then in six, we've discussed that in the past, that's the emergency exit lane, and that's proposed to be removed from the ordinance, in again, in exchange for a wider aisle space for the drive-through.

- [Kathy] Okay, but, right, because then there's room. But, if you bring it down to 10 feet, eight feet, if you gotta building that's 13 feet between, space between two, you're gonna have problems. So yeah. As long as it's the 14 feet, then it would be enough room for the driving for the cars and for them to get in for emergencies.

- Hey, Paul, a quick question on this. I remember an old article, 'cause I talked about this earlier, but when this was brought to the Plan Commission before, from a, I guess, developer, they had the pictures and the lane use, and we talked about the emergency, the exit lanes and how our requirement, it's probably a little bit stricter than some other areas. Do we have, just for my personal, do we have a lot of developers trying to put drive-throughs in downtown? Is it a one-off situation? Are we thinking this is gonna be a trend and it's gonna change? Can you just give a little bit more insight into that?

- Yeah, I think in recent memory, I guess 901 is kind of the poster child. That's the most recent one that's come through. I can't think of any other drive-through facilities. in recent memory that had been in the downtown area.

- Shopko.

- I think we only have one or two to begin with, with Associated Bank downtown, and their drive-up banking facility, but I can't think of too many others. So I think this is relatively new.

- Go ahead, Alder Doff.

- Thank you. So Shopko, the Shopko pharmacy was one. In fact, I drove there today and I looked at that, and the width of that, which certainly is less wide than the 901 Main. But I was just kind of curious as to what that one had looked like before it came in there. But the other thing I'm thinking is, I think we need to really nail down language. And it seems that this doesn't even seem ready for a vote right now. I'm just saying from the outside, looking in, I'm wondering if there's any thought on the Plan Commission's part to refer this back to staff. I think it's good, Neil, that you said we can look at this for CUPs, but if it's not written down, it doesn't exist and it didn't happen. And so I really think that language has to be in there if we're going to allow them. I think 14 still is big, but again, staff has got to look at that and 12 might be okay. They're just, there's just a lot, it just doesn't seem quite ready yet. But perhaps I'm wrong. What do you guys think?

- Well, I do remember, and I think that's a great point, but I do also remember in that presentation, staff did bring in, and Paul or someone, please correct me if I'm wrong, but the applicant had the, maybe the fire, I don't know the right terminology, but had the fire people come out and look at it and they didn't really have any, they didn't really have any concerns. They're the experts, they really didn't have any concern because the emergency exit lane or emergency lane wasn't there. So I guess if the experts are saying they don't really have a concern, and staff is saying we want it to be 14, which gives a little bit more leeway for some type of entrance. I guess, again, I'm trying to look at all sides. What is the, is the concern around the language? Or can we not just say must be a minimum of 10 in the ordinance? Or do we have to be very specific on the size?

- Well, I think the point is that we're not very specific right now. So I think, in us looking at the ordinance again, we wanted to improve it, if anything. So I think what we're proposing is something of an upgrade to what we have for minimum standards. It's not saying it's perfect. But it's an improvement to the modern times, so to speak.

- Hello?

- Am I heading in the right--

- it's Alder Lefebvre again. I got another one, I'm sorry.

- But there's other people with their hands up.

- Could I follow this up on this particular issue, please. Am I understanding correctly that there is a trade-off here, Paul, between having a provision for an emergency lane, and having a size, a standard size, that is large enough to basically accommodate most emergencies?

- I think that's correct. And that's kind of the heart of the change, in my mind, from staff, is that there's a trade-off. Again, we found other communities didn't have emergency lanes, so okay, so maybe we don't need one. But then we thought, well, okay, but we need to have a wide enough so emergency services can get in there. That just seems to be common sense, as well as larger vehicles that might go through. So yeah, I think that's the heart of the change here.

- Did you check this with other offices, particularly those with EMT or firetrucks or whatever as to what size would accommodate an emergency situation?

- I didn't get a strong answer. So, there's two departments. One is our traffic engineer. He didn't want to comment on private property circulation. His contention is more with the public right of way. I did reach out to the Fire Marshall. He did respond to me, but he wanted to remain neutral on this topic. So I think I mentioned that to the Commission in the past. So we're kind of fending for ourselves and trying to find that happy medium that's gonna work and improve situations, not make them worse.

- We do want to remember that there's another option, and we've been sort of dancing around it. And that is an appeal. If we have a standard that is too large for a particular situation, that situation suggests that emergencies could be managed because of the next door lot or whatever. That would be something that might go to appeal. And I think as long as it's understood, and this goes back to Veronica Corpus-Dax's earlier concern, if it's understood that the standards are open to appeal, then I think we can go with something a little bit on the large side, though I'm just not sure that 14 is necessary, I'm kind of leaning toward a 12. But based on a desire for compromise, I guess, more than anything else.

- Can I just respond to Commissioner Bremer? So when this, when 901 came up, Plan Commission said, let's send this through on the condition that fire, I can't remember what order it came in, it either, when it was first presented, they said, yep you don't have a problem with EMTs gaining access to a vehicle if there's a situation. And so we passed this through on the conditions that fire also didn't have an issue with firetrucks doing whatever job they needed to do, and also Board of Appeals.

- Mm hm.

- So when it first went to Board of Appeals, they kind of said they were indecisive and said, let's send this to Council and see what Council says. Council approved it, they didn't, it was either eight-four or seven-five. I think it was seven-four, one abstention. They approved it, it went back to Board of Appeals, and whatever their discussion was there, I wasn't able to attend that part of the meeting. They ended up saying no. Alder Dorff, do you recall why? What their exact reasoning was? Because it seemed like the should have passed. They kicked it to Council and wanted Council's opinion. Council gave their opinion. And then they just said, they came back and said, no.

- They did, they did come back and say no. So I would, it was a fairly contentious meeting. And I just, I was only, I wasn't even there for that item. I was there for a different item. But I really think we need to work on this at the ordinance level. It shouldn't be going to the Board of Appeals. What we need to do is come up with language that is clear enough that if there is a true hardship, yes, that's what we have this Board of Appeals for. But if we already can predict that it's gonna have to go to the Board of Appeals, then our ordinance isn't good enough. Then we really need to do something differently with our ordinance. And again, let's look at the Shopko drive-through. That existed. That was downtown. That was even more narrow than what is being asked for at 901. And those aren't the only two in the world. There certainly could be others things. There is a bank down there, right? I think there's a bank down there too. So, and I know Mr. Buck, his hand has been up a long time. So I gonna stop talking.

- May I speak? Okay, I just wanted to jump in at one point, because this seems to be a discussion on 901 Main. And this is the discussion on drive-throughs throughout the community, throughout the downtown, and everywhere. So keep in mind, this isn't a one size fits all. But I wanted it to make a point about 901 Main. We did have the Fire Marshall take a look at it, but he was looking at it specifically at that site. The building was less than 50 feet long. So their ability to get into that drive-through at that point was specific to that site. So, when you say that the Fire Chief may not have a problem with one that's 100 feet long, he may, because he would not be able to access those vehicles on that long of a strip. I just want to also point that out. And that was one of the reasons, when staff looked at the width, three feet would be enough for a person to walk down next to the cars and be able to open the door. So, I did want to point that out, because it's not that the Fire Chief did not comment on 901, they did, but it was specific to 901 alone. And then the only other point I wanted to bring up is, the Board of Appeals is looking for a hardship from the Code, that's what their job is. They're not legislators. They take the Code and look for a hardship. Is there a hardship, something that makes it not usable because of the Code regulations. The site is usable. It's got a business on it. I was at that meeting as well. They had discussion, pretty much they felt that that was too narrow of a lane. Right now our Code has no standard for lanes. So I wouldn't kick it to the Board of Appeals either. They need to be able to base it on something that the Council tells them is the law. They don't set the law. So, 14, the reason why we have the 14, as Paul just explained, if you don't agree with that the Council doesn't agree with that, that's fine. That's

your right to change that. But, yeah, if you put it at 14, the Board is gonna base it on a 14 foot width. If you put it at 12, they're gonna base it on 12. Again, they're looking for a hardship, typically a steep slope, a very old, hard redevelopment site, something that is outside of the owner's control. 901 was really, didn't meet Code and I want it. They could not discern a hardship. And that's why they denied it. I'm not sure why they kicked it to Council at first. I think it was more a timing issue, that if the use wasn't permitted, they didn't want to have to make a judgment on the lane with, or the, it wasn't lane width, it was the exit lane. But they still had to base it on their, I think, what is there, Paul, like five criteria, that they have to look at for every appeal? And if they can't check those boxes, they don't grant the appeal.

- Right, I think the Board kicked it to Council because there was concern about a survey that came in late. I think that they didn't feel comfortable with the information they had. So I don't know that they defaulted to Council. I think they wanted more information as well. But that was resolved at the January meeting.

- Right?

- So, you can build into the Code. I mean the Council's the Code adopters, Code writers, who are the Code writers, I guess. But you can build in a flexibility into that. And you can have an administrative exception. You could build in that as part of a CUP that can be reduced. But it's gotta be written into the Municipal Code. But, as Paul alluded to, language like that, we put that in the Code in many places in our Design Standards section for a lot of our PUDs, as the Director of Community Development can vary this. And if it's challenged, then it would come to the Plan Commission and Council. That's just one example. And I'm sorry, Neil, I'll be quiet now.

- No, actually, you took the words right outta my mouth, David. I think, in terms of that process, I agree, this, I think the ideal response is updating this ordinance to kind of keep this as a Plan Commission, Council review, essentially. So the ordinance needs to be established to a point. So that process, I think is probably more than, should be more than sufficient, for almost every foreseeable instance where a drive-through would happen. The rare instance where it does actually, there is an actual hardship, that is the case when it should go to the Zoning Board of Appeals. But I think in terms of, if we clarify and define this ordinance to a point that is clear enough, that matches the Plan Commission and Council's desires on this, I think this, that will help make sure that this remains kind of a standard review process, just like we do for any other standard that's in our Zoning Code, that it is something that still comes through as a Plan Commission, Council review. And I do think that retaining the conditional use permit analysis for downtown is, it might be the ability to allow for some degree of flexibility to, again, to help address some unforeseen sets of standards in an area where there isn't enough room, it is a smaller lot, but it is, if it can be demonstrated that it's functional, that it works safely, and it's not a detriment, that it can be, that it would allow that to still occur. So, I do agree with David's comments and Alder Dorff's comments that, yeah, this should very well, in my opinion, should be a Plan Commission, Council process that this needs to go through, as a staff recommendation, just like this body reviews any number of other issues related to development.

- Go ahead, Alder Corpus-Dax.

- I think my concern with it, so if we were to have a, let's say the minimum is 12 feet, and then, but we'll look at 10 feet, Council having the final say as to whether or not they would accept that. And this was pointed out to me, like your, as an alder, if this were my district, well, actually, we'll just say, Brian, for example, if someone were to come in and put in a. That's abutting up against to some houses and we're saying. Work here, so let's allow that. But you have residents that are also against this. So this was actually a good example. It would have been Burger King on University. We said, yep, that actually could work here. But you have residents that don't want that there. They would rather have some other kind of business there, like something that's not fast food, something that's not gonna cause, bring in a lot of traffic. You're allowing Council to kind of have that final say is pitting the alder kind of against the residents, as well as the business. You have residents who are saying, "Oh we don't want this." You have a developer, you want to be business friendly. You want developers to come back to the city. And you're kind of putting them in that tough position, where I feel like being able to

have that one minimum requirement would kind of make that easier and not force that alder, whoever they are, in that position. And you might have a Council, in the past we've had councils that weren't so business friendly, and it's kind of like, look where that got us. In the future it might go back that way where we have councils that are not agreeing to progress, not agreeing to other ideas and kind of just want to keep things the way they are. It makes it tough. So I guess I would rather see, again, go back to like a minimum requirement, of saying that minimum requirement in the ordinance being 10 feet versus a two-step where, oh, maybe the minimum is 12, but we'll also consider something smaller, if it fits. I think if we allow that software to do its job and if the software says, yep, 10 feet would work here, then we make that minimum 10, because I don't see a whole lot of drive-throughs popping up downtown. There's very few places where this could actually work.

- Go ahead, Alder Steuer.

- Thank you, Chair. A lot of good comments tonight. I concur with Alder Dorff and with Neil. I think we should bring it back to Plan Commission and really tighten this up. I think with the additional uses and such, the hardship things that come forward, it works in some areas, it doesn't work in other areas. And we're looking at a citywide ordinance here. So, 14 feet, that might be too wide. I'd like to know what other communities do as well, though it seems like there's a little unsure-ty as far as moving forward on that. So I would like to see it go back to staff and really go over it, tighten it up a little bit. 'Cause it seems like people are a little unsure right now. Thank you.

- Go ahead, Commissioner Bremer.

- That does seem called for, but I remember that Alder Lefebvre said she had another issue to raise, and I think we should make sure that we have that on the table as well.

- [Kathy] Thank you. Yes, there's one other thing that I just wanted to point out. On number seven, the second part. "Pedestrian crosswalks shall be clearly marked "through the drive-through, "the drive alley, where necessary." That has to be reworded. You can't have a walkway and a drive-through in the same space. I'm looking at safety. That's not safe at all.

- Yeah, Kathy, that's where the drive-through crosses perpendicular to the crosswalk.

- [Kathy] Okay.

- So if you're going, you gotta go through the drive-through lane to get into the building, that has to be striped. It's not, they aren't parallel.

- Yep.

- [Kathy] Okay. I just wanted make sure. 'Cause you got your walkway and then next to it you got your drive-through, right, side by side. Is that what you're saying?

- No

- No, Alder. I think they were saying in that case they were saying in terms of where, if there's a a customer parking area that needs to cross the actual, perpendicularly cross, the drive-through aisle to get into the establishment, that there's a clear, delineated, safe area for pedestrians to cross that lane. That's why the actual pavement marking and delineation. A lot of times you'll even see some small signage, other things, providing a safe area for pedestrians to cross into, to actually get into, for actual in-person customers to actually get into the restaurant or other shop.

- [Kathy] Okay. Okay, 'cause the one that we are talking about, 901, there is a walkway in between those buildings. I just want to make sure that that's not included in the drive-through, that the cars can actually drive on that crosswalk. That's what I'm concerned about.

- Staff--

- It's no different than a public street, where there's through traffic and you have a crosswalk, and we just want to make sure that there's pavement markings that clearly identify that pedestrians are gonna be going through here. So it alerts the motorist that, hey, don't cross here if there's someone in the pedestrian connection.

- [Kathy] Okay.

- So Madam Chair, with that understood, I'd like to refer this back to staff. I move to refer this back to staff.

- Thank you, Commissioner, that's what we needed, thank you.

- All the right words for it.

- There you go. Let's go for it

- Make room for that second.

- I'll second that, but on what conditions or grounds or whatever the word is that I'm looking for, are we moving it, referring it back to staff? What exactly, obviously, I prefer they look at that width, that lane width.

- Uh huh. And that's the primary reason, I think.

- That's the primary?

- Yep. Both taking into consideration the problems of emergency, but also of the need for a clear standard that will serve us well. And I think also the reinstatement, as several of you have suggested, of the conditional use check.

- I have another question. If it's possible that DPW may require a traffic impact analysis, does it need to be in this ordinance, if they might require it anyway?

- It is there.

- I know, but if they're gonna require them anyway, do we need an our ordinance or in this ordinance?

- Mr. Neumeyer, correct me if I'm wrong, we have, the Department of Public Works can, especially as it relates to the public right of way, it can actually request a traffic impact analysis for any project already. So it is not, by having the language in this particular ordinance, I guess doesn't necessarily, I think Mr. Neumeyer included it simply as a communication, as a potential, that it may be required, just as kind of a heads-up to the applicant. But it does not technically change the City's position on what we can request on these.

- Okay, so it's just kind of another, if you didn't see it the first time coming through DPW, you're gonna see it coming from here?

- Yeah, as well.

- Right, I think the Development Standards kind of act as a checklist, almost, in some cases, and not everyone's from Green Bay. So it's a checklist for them to make sure they address those as part of their site plan.

- Right, and I think that's important too, because the site plans come in, the conditional use permits have to come in way before the site plans are even submitted, months before. So that provision for Public Works is actually in the site plan review. So they might not know to, they have to do that, if it wasn't listed again. Does that make sense?

- Yes.

- I guess I'd like to offer one change before you finally vote. I mentioned earlier about the process of the CUP, and I just, I put some language together quickly for your consideration. And we can bring this back if you want to think about it. But I've highlighted some language that affects the CUP. So if someone's gonna be getting a CUP, the drive-through may be reduced to no less than 10 feet, provided there's some engineering evidence and approval of the emergency services. Now that has to be kind of wordsmithed and maybe corrected a little bit. But, I think that would maybe address some of the concern you had with the 14 feet in the downtown area. I think 14 feet, again, is good for suburban areas. And if you're concerned about the downtown, this is some flexibility that could be built into six to let the Plan Commission make that choice, not the Board, with some backing by some sort of engineering evidence, either a city engineer or a private engineer, and then, our emergency service, police, fire, and rescue, could also comment. So, I would just offer that for your consideration, because I'm not sure how staff would react in what we could bring back to you that would be much different than 14 feet. It could be 13 feet, it could be 12 feet, but I don't know that our recommendation will change a great deal, so I just want that, for your education, I guess.

- Engineering evidence of what, Paul?

- Well, I just tried to scribble that down quick. So it would be some sort of engineering study. I don't want to get, to overload someone in the private sector to provide huge studies, but I think there has to be a professional. If you're gonna reduce that from 14 to 10, let's say, then a professional engineer should be involved and provide a professional recommendation for you to consider. Not saying you have to make that change, but you want engineering evidence and you want to police, fire, and rescue to tell you that it's okay. I think the decision for you should be as simple as it can be. You shouldn't have to decipher anything with a CUP. That information should be transparent to you and obvious. So, I am not here to say you shouldn't send it back. That's some of your prerogative. I'm just saying I don't know what would change from staff's perspective if you're just talking about a number. I think we could work on that language that I just showed. Or there's any number of routes you could go, I guess. I just wanted to offer that.

- Go ahead, Neil

- Madam Chair, although, if there is a set direction that the Commission would like us, in terms of a number, to look at, I think that that would certainly be helpful, for us to specifically evaluate that. Paul's assessment is certainly, again, he's done considerable amount of research and work to develop the 14. But if 12 is the number you'd like us to look at, if 10 is the number you'd like us to look at, I think that there are some analysis we can run as a staff, using the same thing we would have an applicant do, essentially, to help evaluate a turning movement, and so forth. If there was a particular number for us to take a look at, I think there would be some examples we could probably use to try to ascertain and further evaluate that width if there was a specific direction that this Commission would really like us to take a look at. I suppose we could run both of them and try to work on trying to analyze both of those, use an existing project and run the widths at different ones and see how that operates and functions and bring that back. But I think the more specific direction this body can provide staff, the better off, I think, the more likely we are to bring you back something exactly to what you're looking for.

- Right, the other thing we could do is look at what other communities have for their lane. If we looked at 20 communities and they all are 10, that might give us an indication. But I suspect you're gonna find some that are, that might be more varied than that. Eight seems incredibly small, and it's shocking that Allouez would do that.

And when you talk about the Shopko down on Broadway, that was done as part of a Planned Unit Development. It was not considered ideal when it was put in. It was a necessity for having the pharmacy there. But, arguably you could say it's not functioning any longer and maybe it wasn't the best design. I don't know, you can argue arguably, right. Shopko's out of business, so maybe that's the reason?

- Well, I would ask Alder Corpus-Dax whether or not the approach that Paul sketched out is the sort of thing that you would like to see in there?

- I like the 10 feet.

- I know you like the 10 feet. But I mean the approach that requires anybody requesting something lower than whatever the standard is, provide evidence that it would be functional? That seemed to be what you were asking for before.

- Yes. Paul, can you bring up what you had, please?

- Now again, this is my scribbling real quick here, so. So, in the case of a CUP, again, that's only gonna apply to the downtown area, "the aisle with", wrong spelling, "width of the drive-through", yeah, again, I have to spell-check stuff. "The width of a drive-through may be reduced "to no less than 10 feet." So that's the bottom, that's the floor, 10 feet. You can't go any lower. But to get to that 10 feet you gotta do some sort of engineering work with a professional engineer and you need our emergency services to sign off, probably in a memo or something, to the Plan Commission. So you've got, again, two hands to look at

- Great, and that actually, that language sounds really familiar too. I believe in one of the Codes that we have, I think it's Parking. It talks about setbacks and driveway widths, for residential, than if you can't meet the minimum eight feet width and have the setback, I think that section of the Code allows administration to change it, to reduce the setback, or reduce the minimum driveway width, very similar to this. So you basically, if it's not feasible to have 12, and you can prove 10 will work, then you can go. But otherwise the standard is 12.

- And I would be more comfortable with the standard of 12, actually, on the previous, on point six.

- Well, and to staff's point, we're looking at not just the functionality of getting a car through there, keep in mind the parking stall is generally nine feet wide. But we want the ability to open the door, get out of your car if you're choking or something's going on, or have somebody able to walk up alongside the car and open it up to get you out.

- Yeah, and I believe you said earlier that in order to walk up and to open the door, it would take three feet, so nine feet plus three gets 12.

- We erred on the side of being conservative. Again, we're removing an entire lane. And I have to tell ya, as coming back from a trip last week, I used an emergency lane in Milwaukee to get out of the drive-through, so. So, there has to be some trade-off. And I think we're trying to, again, find that balance where we need enough width to make that function.

- And again, hopefully, it never happens, ever, but if somebody got stuck in a drive-through lane and you couldn't access it because it was too narrow, and they had some medical emergency or something, I mean, that would be horrible.

- And I understand, I get that. But if we're looking at the average vehicle being six, six and a half feet, and a minimum 10 foot, you still have three feet there, three, three and a half feet, to work with. But again, that's if you're dealing with the average car.

- Right, so we always kind of plan for the worst case. We think about the F250s, and the vans, and the larger vehicles that go through. So, franchisees, they build that into their model as a minimum, but I think we have to consider that as well, that it isn't one size fits all here, I think

- Okay. I have some other, another concern that I had was number five, "Sounds from any speaker "used on the premise shall not be audible at the boundary "of any surrounding residential district "or any residential property." So how does that pertain, so let's say we were to get, like a Walgreens or something downtown? And they were up next against, up against a, actually not even downtown, but if we were to get a Walgreens somewhere and it was next to an apartment building. Walgreens has their drive-through, they have their voice activated drive-through. How would, are we saying that they wouldn't be able to operate there, next to an apartment building, because there's noise ordinance standards there?

- Possibly. That's existing language that's in the ordinance already. And I don't think it's rocket science. I think it's literally is it audible from the property line? I think it's just, is there noise from the menu board, typically with fast food. I don't know if Walgreens has that, obviously there's the conversation at the window, usually. But it's just, is it audible at the property line for residential property?

- Right.

- So if you had two buildings next to each other, and that product line is obviously gonna be closer. If you put, wouldn't that prohibit a drive-through lane occurring in between those two buildings?

- It might. I guess it also can be in an enforcement issue. They might be able to meet the Code initially. But if there was complaints down the road we'd have to enforce on that and try and remedy that situation.

- Well, and keep in mind it's the residential is the key to that as well. So if in your downtown area, those are typically mixed-use properties, not a strict residential. And you can usually block that noise with some arborvitae or a fence or some type of landscape, it can usually block noise.

- Is that something that should be delineated into that, I imagine, in terms of explaining that a mixed-use project does not have, what would be, the standard be for it, to be next to a mixed-use project, I guess?

- Well, I think... I think the language has to speak for itself. It talks of any surrounding residential district or any residential properties. So residence is just off limits I guess when it comes to that situation.

- I'm sorry, could you repeat that, Paul?

- I think this requirement talks about the relationship between a commercial property and a residential property, whether it's zoned residential or if the residential use itself I suppose that could be a residential in the downtown, possibly, but I think it's applicable to residents, period.

- May I ask Paul a question, Lisa?

- Yeah, sure, go ahead.

- So residents, meaning in a house or residents in an apartment, what kind of residents, Paul?

- Any kind of residents.

- Okay, so would it make any sense to have language that would say that the noise from any kind of a drive-through, the sound from any kind of speaker, should not exceed the sound that's in the general area? For example, you have properties that are on two very busy streets, on the corner of two very busy streets, which are loud areas, and the drive-through, the sound from the speaker could be actually softer than the sound of

all the traffic around the buildings. And oh boy, I just, this one is so sketchy to me, because, "shall not be audible", what does that mean, audible? How many decibels make it audible? If you could hear it a little?

- Yeah, I think that's what it is. And I think the University Avenue is a good example of that, where the Burger King went in, and there was a residence right next door. They have a menu board. And I think literally standing at the property line if you could hear the conversation between someone buying food and the restaurant itself, that that would be considered enforceable on our part, that it's audible. So again, they would have to mitigate that in some way as an enforcement.

- So if you were standing, for example, on the other side of a drive-through, but it was on not exactly on the drive-through property, it was on the easement, and you could hear something, then, and you happen to live in the building next to it, even though you weren't in your apartment at the time. Would that count? Would it?

- I think I, again, I think the ordinance, I think the existing language speaks for itself. Is it audible from the speaker, and the speaker meaning the menu board. If you can hear it at the property line then that's enforceable on our part. So if we got a complaint, that's how we would respond. We would send an inspector out, at the property line, and see if the speaker was audible at that point.

- Some places don't even have speakers. So it doesn't even matter. Some places you just call into.

- Right, so this is not a decibel level, necessarily, which we do have noise requirements. This is just simply the speaker and the relationship to the residential property or residential use.

- Madam Chair, we do have a motion and a second on the floor to refer this back to staff. We haven't been able to meet on Director Stechschulte's hope that we could give you a specific number, but I think we're looking for a number that has some clear support behind it, as to why the number is the one it is.

- I think that's enough, Commissioner, that's enough for us to come back as staff and take a look at this. I think we've had enough discussion that we know. If we identify an option or two or an alternative or two to bring back, I think the items we need to re-look at and refine are pretty clear, so.

- Okay. So we had a motion was by you, Commissioner Bremer, to send back.

- Yes.

- I didn't, who had the second?

- Alder Corpus-Dax did.

- I think I did.

- Willing to second it.

- It seems so long ago. Yes, I'll second it.

- Okay, is there any further discussion? I think we've kind of given some good direction to staff. All right, seeing that it looks like there's no further discussion, we'll go ahead and do a voice vote. All those in favor?

- [All] Aye.

- Any opposed? Okay. So that's unanimously approved, then, to be referred back to staff. Okay, and moving on to item number three. Public hearing on a request to amend Chapter 13-714, Table 7-3, Permitted accessory use regarding solar energy systems, submitted by the Zoning Administrator. And in regards to the public

hearing, we will be looking for interested parties who are in favor? Are there any interested parties that are opposed? And is there anyone looking to provide information only? Is there anyone 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 agenda item number four. Discussion and consideration on a request to amend Chapter 13-714, Table 7-3, Permitted accessory use regarding solar energy systems, submitted by the Zoning Administrator.

- Thank you, Madam Chair, that's me. So this is another text amendment. This has to do with solar energy systems. Back in 2012, we developed some language to permit solar energy systems, both those that are attached to roof systems and those that are freestanding. Through the years we've made some changes or some adjustments, most notably in 2014, we made some changes to permit roof-mounted systems on residential properties, R-1 and R-2, but still required a conditional use permit for freestanding systems. We failed to make a change at that time to correct the Mixed-Use District, which is the Office Residential and the NC, or Neighborhood Center District. So solar energy systems are accessory uses, in mostly all the districts. Currently they are conditional in the OR and NC for accessory uses to dwellings and accessory uses to non-residential uses, like commercial uses. So this kind of stems from a request, actually at Fire Station Number 5, to install a roof-mounted system, a solar energy system there. So we felt it was appropriate to change the Mixed-Use District to permit what we call flush-mount, or roof-mount systems, but still keeping the solar energy systems that are non-flush mount or freestanding as conditional. So we made that change. We're proposing that change in both the accessory dwellings and the accessory to non-residential uses. I think our concern years ago was we didn't know what these systems were gonna look like, if they were gonna probably stand out like a sore thumb. I think actually through the years the technology has changed, it's improved. So roof-mounted systems can almost be truly flush. You really couldn't maybe even tell in some cases that there is a solar energy system associated with them. So, we want to make this change to be proactive. And that's the reason for our change tonight. So this is the draft ordinance before you, and staff is recommending approval of this, based on the changes to the tables here in Chapter 13-714.

- Okay, thank you so much, Paul. Go ahead, Vice-Chair Miller.

- Thank you. Paul, I think you already maybe answered my question, but I just want to ask it anyway. Since the solar equipment is becoming much more popular and probably will continue to be, do we feel we're pretty well-suited, in all the rest of the ordinance as well, to handle that? Or is there any other proactive work that might need to?

- I think when we glanced through the ordinance, I think this was the one that kind of stood out as being a need to be changed. In the downtown district, it's already permitted. We've made some adjustments to R-1 and R-2. So we're confident that this will cover us for those districts.

- Great. Thanks.

- Was there the more discussion amongst the Commission?

- I'm very glad to see the expansion of this possibility.

- Move to approve.

- Second.

- All right, so we've got a motion by Vice Chair Miller, a second by Alder Corpus-Dax. any further discussion? All right, we'll move along with a voice vote. All those in favor?

- [All] Aye.

- Any opposed? All right, so then that will move, looks like unanimously approved, that I'll move along to City Council. And is that, let's see, what is today, the 8th?

- I think it's the 16th.

- The 16th?

- Mm hm.

- Okay, so moving to City Council for March 16th. Okay, and moving on to informational, Director's Report.

- Just one quick update, Madam Chair. We're looking at, just wanted to let the Commission know, staff has been working the last several weeks on updating several project plans for, relating to four different TIF districts within the city. It's TIF District 7, 8, 9, and 23. We are working on an allocation amendment to move some funds available from TIF 7 to pay for a project in the district over to TIF 23 to allow us to close TIF 7 on schedule. It sounds a little counterintuitive. Because they are right next to each other, the movement of funds allows us to really continue with the project, to get it done this year, and still allow us to close TIF 7. We're also working on a couple of the affordable housing extensions for those related districts. I think that's specifically 7 and 8, I think are the two where we're looking at making sure we're gonna be collecting one more additional year of increment to help establish the affordable housing fund that is allowed by state statute. So those are in process. So, it's 7, 8, and 9, will all three be closed, coming here this Spring, and TID 23 is a relatively brand new one, but it needs to be amended, to basically to accept the allocation from TID 7 to allow us to hang on that and proceed with the pedestrian improvements. It is a defined project. It is not an open discussion. We actually do have defined pedestrian related improvements we are using to use the funds for, which should have been done in TIF 7, but our project was delayed due to the pandemic. So it was a hospitality related project, a hotel. Obviously, no, I think no one should be overly surprised that a hotel decided to not get moving underneath pandemic conditions at this time. So, folks, they just met, the Joint Review Board, just met for its initial time today. We'll be going to the Redevelopment Authority, the RDA, with the City tomorrow, and that will be coming towards the Plan Commission or for the City Council then, on March 16th, for review. So if anyone has any questions on that, happy to elaborate if there are any.

- Okay. Thank you so much, Neil. And the date of the next meeting is March 22nd, 2021.

- Will you accept--

- Motion to adjourn.

- A motion to adjourn?

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

- [All] Aye.

- Any opposed? And hearing none--

- Thank you, all.

- The meeting is adjourned. You guys all have a good night.

- Good night.

- Thank you, everyone.

- Good night.
- Thanks.
- Thank you.
- Looking for more sunshine.
- Right.