



MINUTES OF THE GREEN BAY PLAN COMMISSION

MONDAY, MARCH 22, 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.

Chair Lisa Hanson called the meeting to order.

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

Others Present: Ald. Barb Dorff, Ald. Randy Scannell, Ald. Brian Johnson, Ald. Kathy Lefebvre

C. APPROVAL OF THE AGENDA.

I. Approval of the agenda for the March 22, 2021, meeting of the Green Bay Plan Commission.

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

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

D. APPROVAL OF MINUTES.

I. Approval of the minutes from the March 8, 2021, meeting of the Green Bay Plan Commission.

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

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

E. REGULAR BUSINESS.

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

I. (CPA 21-01) Public Hearing on the request to amend the City's Comprehensive Plan from Parks to Low-Medium Density Residential for the eastern portion of parcel 21-40-6, known as The Woods, submitted by Joel Ehrfurth, Mach IV Engineering & Surveying LLC, on behalf of Green Viper Inc, property owner (Ald. B. Dorff, District I).

Chair Lisa Hanson opened the floor for the Public Hearing on the request to amend the City's Comprehensive Plan from Parks to Low-Medium Density Residential for the eastern portion of parcel 21-40-6, known as The Woods, submitted by Joel Ehrfurth, Mach IV Engineering & Surveying LLC, on behalf of Green Viper Inc, property owner.

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

2. (CPA 21-01) Consideration with possible action on the request to amend the City's Comprehensive Plan from Parks to Low-Medium Density Residential for the eastern portion of parcel 21-40-6, known as The Woods, submitted by Joel Ehrfurth, Mach IV Engineering & Surveying LLC, on behalf of Green Viper Inc, property owner (Ald. B. Dorff, District I).

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

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

Moved by Veronica Corpus-Dax, seconded by Jacob Miller to close the floor and return to regular order of business. Motion carried.

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

Moved by Jacob Miller, seconded by Veronica Corpus-Dax to amend the City's Comprehensive Plan from Parks to Low-Medium Density Residential for the eastern portion of parcel 21-40-6, known as The Woods. Motion carried.

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

3. (ZP 21-04) Public Hearing on the request to rezone 120 Bedford Road from Rural Residential (RR) to Low-Density Residential (RI), submitted by Bonita Parrott, property owner (Ald. B. Dorff, District I).

Chair Lisa Hanson opened the floor for the public hearing on the request to rezone 120 Bedford Road from Rural Residential (RR) to Low-Density Residential (RI), submitted by Bonita Parrott, property owner.

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

4. (ZP 21-04) Consideration with possible action on the request to rezone 120 Bedford Road from Rural Residential (RR) to Low-Density Residential (RI), submitted by Bonita Parrott, property owner (Ald. B. Dorff, District I).

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

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

Moved by Veronica Corpus-Dax, seconded by Derius Daniels to close the floor and return to regular order of business. Motion carried.

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

Moved by Veronica Corpus-Dax, seconded by Derius Daniels to approve the rezoning of 120 Bedford Road from Rural Residential (RR) to Low-Density Residential (RI). Motion carried.

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

5. (TA 20-04) Consideration with possible action 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.

Moved by Ald. Veronica Corpus-Dax, seconded by Jacob Miller to amend 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, subject to the following amendments:

a) Item No. 5 of the amendment be removed.

b) Item No. 6 to be changed from 14 ft. to 12 ft. with the option of decreasing the width to 10 ft. with standards in the draft ordinance.

c) A one Year review of the ordinance shall be brought back to the Plan Commission for review.

Motion carried.

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

F. INFORMATIONAL.

1. Director's Report.

Neil Stechschulte presented the Director's Report.

2. Date of next meeting: April 12, 2021

G. ADJOURNMENT.

Moved by Ald. Veronica Corpus-Dax, seconded by Jacob Miller to adjourn. Motion carried.

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

VERBATIM MINUTES

- Hey Stephanie, I just wanna confirm, you're gonna run the point on your side.

- Yes, that's the plan.

- Thanks.

- All right, are we all ready? Alright, well, welcome and welcome to the Monday March 22nd meeting of the Green Bay Planning Commission. Let's start with a roll call. Chair, Lisa Hansen present. Vice chair, Jacob Miller.

- Present.
- Elder Veronica Corpus-Dax.
- Present.
- Commissioner Sidney Bremmer is excused. Commissioner Derius Daniels.
- Present.
- And Commissioner Autumn Linsmeier.
- Present.
- Then we move on to the approval of the agenda for the March 22nd, 2021 meeting of the Green Bay Planning Commission.
- Move to approve.
- Second.
- Motion by vice chair Miller and a second by Elder Corpus-Dax. Any discussions? All those in favor?
- Aye.
- Aye.
- Aye.
- Aye.
- Opposed. All right, and moving on to approve the agenda. We'll approve the minutes from the March 8th, 2021 meeting of the Green Bay Plan Commission.
- So moved.
- Second.
- elder Corpus-Dax, by vice chair Miller. All those in favor.
- Aye.
- Aye.
- Aye.
- Aye.
- Any opposed? And moving the regular business. All right, starting with, or actually we'll go ahead with the public hearing. So this public hearing has been properly posted and public notification has been published in the green Bay press visit. The Plan Commission is interested in hearing public comments on the subject agenda item. We invite your comments and ask that after your name has been all called, you state your address, whether you represent a group or association, whether you favor, oppose or are only providing information in

the matter and your comments or consents. We also ask that you could find 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 . Comments will be limited. We will now open the public . The request to amend the city's comprehensive plan from parts to low medium density residential for the eastern portion of parcel 21-40-6 known as the wood of a Joel Ehrfurth Mach IV Engineering and Surveying LLC on behalf of Green Viper Inc, property owner. And I guess staff wants to give a brief overview like we generally do with the public hearings.

- [Stephanie] Yes, I will do that. Just a reminder, if everybody could please mute their mics when they're not talking, we're getting quite a bit of feedback right now. Thank you. Okay, so this area of town is where the woods golf course is. We've talked about this, I think two meetings ago now for an official map amendment. This is for a comprehensive plan amendment. So just an overview for everybody who's in the audience. This is from the northern section of the woods, so Parcel's right here. Currently the comprehensive plan has that low density residential, oh, I'm sorry, this is our zoning, which is rural residential. A zoning petition will be coming after the comprehensive plan approval if it is approved. Currently our comprehensive plan looks like this. The green area is for parks designation and the yellow area is that low density housing. So the West side of this parcel needs no action as this is in keeping with what that housing development will be. The eastern portion is all dedicated for Parkland which is what we plan to amend today. Just for some context with this housing development overlay on here, this left portion shows what they are going to be proposing as they move forward. So that Western portion, again will have some single family lots like a standard development. The center is Greenway, which was just amended on our official maps. So these are the official boundaries of that. And then on the eastern portion would be some sort of condo development, single family, primarily with a mix of private and public utilities and infrastructure there. So to the map to the right has a little bit more cleanly. So, everything that's on this purple color would be low to medium residential, everything of a blue would be the low density residential and Greenway again in the green here. Again, this is the project map in it's entirety, showing that access in the red here to that Greenway area. We are recommending approval of this requests as we get into that zoning action, which is I'm sorry, the conference of plan action which is next. Most specifically to keep in mind here is that this is the only portion that we plan to amend with this comprehensive plan to take it from parks to low to medium residential. This is primarily because of this housing development proposal but also because we just cleaned up that boundary line for that Greenway. So we know exactly where the parks department would like to have that boundary be. So, there's no need for our future used maps reflect this whole area being parks. As we know that this boundary was just recently set and the center is the only portion that we need for parks purposes. So if we have any more details or questions, those we'll get to in the next item for that action.

- Okay, thank you, Stephanie. So looking with the public hearing, we're looking to take testimony from people who are in favor. If you're calling in on the internet audio, you'll need to star six to unmute yourself. So again, if you wanna speak, just please come forward, unmute yourself, your name and your address. And right now we're looking for people who are going to be speaking in favor of this development. Is there anyone looking to speak who's opposed to this development?

- We are opposing.

- Okay, if you could please state your name and address please for the record and confine the three minutes please.

- We are Patrick and Barbara Ryan. We live at three 41 Proscens lane and we would like to speak in opposition to this development. I think we've got a couple of letters already on file regarding this and I don't wanna be repetitive, but basically we are above oppose to this because of the loss of the obvious green space and recreational area behind us here. We are concerned about the fact that there is no access in this immediate neighborhood to a park facility as such. The nearest park is actually about almost a mile away down in Sitka and anybody who goes there a very busy intersection and intersection of Huron and Sitka in order to get there. So basically we are--

- In the aesthetics.

- We do not want to see the loss of the aesthetics behind our home here. And I think in our concerns are outlined in some detail in the letters earlier and the summary letter dated March 18th of 2021.

- We built our home in hopes that we'd be able to sit down.

- We bought it.

- We bought the home, looking at the golf course behind us and every evening and every morning we sit out there and we enjoy the aesthetics of the green space that we have out there. And I haven't seen in terms of listening to the developer, anything that's going to be done to enhance this development so that we have something other than somebody's backyard to look at. There hasn't been anything other than just housing development with a lot of roads. And I think it's really disappointing when you buy a home and you buy a lot and you enjoy sitting out there looking at the property and now all of a sudden it's just gonna be gone. And I just don't see any kind of creative development at all in terms of maintaining the aesthetics of this area. I think something could be done, I think we could be a little bit more creative in terms of this development to make it at least a little bit of an exchange for those of us who are property owners and taxpayers.

- I'd like to add too, is that other than the clear loss of green space and recreational area here, there are a number of Sentinel trees that sit on this property and I'm concerned that those may well be gone when this is over with. There are a number of extremely large mostly evergreen trees sitting here, which may or may not fall into the path of a bulldozer. So we are concerned about that too as perhaps a lesser issue, but certainly it lends itself to the argument about losing green space and the basically green Vista back here.

- So thank you.

- But thank you so much for your testimony. Really appreciate it. Is there anyone else looking to speak in opposition to this item?

- Yes, this is Anthony Rieth, 228 Erie Road. I live on the north side of the boundary of the Eastern portion that's trying to be turned into Niamh housing. I also bought the property four years ago for that aesthetics. This morning, I was outside at 6:30 and watched the sun come up with a cup of coffee. And if this goes through, I will be staring at approximately nine to 12 of the 40 condos that are proposed to go up there. I have a rural residential lot, which is gonna be butted up against the medium density lot. At a minimum, I would like some consideration into more of a light density. But in addition, if you look at the map that's proposed in that medium density residential, there's a red easements space, but in prior meetings, it was indicated that those roadways would be private. So you couldn't even access that parkway that's being created potentially via that. And also as a landowner on the northern side of the property, the topographical wave through the proposed parkway into the other parkway is through my yard, which is gets trespassed frequently. The more houses that go up into development it means the more pressure. And myself and my few neighbors are back there telling people to stay out. I've had issues of vandalism which gets increased by the more density of people that are gonna be in the area. In addition, the roadway is sufficient for the traffic that currently goes down it but with increased traffic, what kind of roadway advancements are gonna be made? How's that going affect my taxes, how's that traffic gonna affect my satisfaction living there. I have a country feel house. I pay nicely for it, I enjoy it And it's definitely gonna be changed. And I don't think the proposed designs that I'm seeing right now really take that into consideration. And some of those sentiments mirror, Patrick and Barbra's there's 100 year old trees, there's some 150 year old Pines in my yard. Those extend down through that natural area and owls that nest in my backyard and fly south to properties. And then there's also a good population of fish in the Creek behind our house including a state threatened red days that I've seen. And so what kind of pressures are gonna come in with housing developments there? So there's some of my concerns. I think that's three minutes. Thank you for your time. Thank you.

- Thanks so much for your testimony, Anthony. Was there anyone else who was looking to speak in opposition to this item?

- [Tina] My name is Tina Willquette and I'm at 345 Crosslands. I agree with basically what Barbara and Pat were saying. I also sent a letter and some pictures as I have concerns. One being the water issue that occurs in my backyard each spring and fall. I'm wanting to make sure that that gets addressed when construction starts, that it doesn't make that situation worse. I am totally in with the aesthetics. I love the view that I have in my backyard. I've been here, it'll be seven years this month. To lose that is huge. I know I'm a small P in the pond of all this but it does definitely impact living here. I've enjoyed all the years that I've been here and to have a home behind me is really really gonna be disappointing. I also have concerns with the traffic flow adding that many homes area CYCA is. Sitka and hiron intersection is really really busy now that adding additional traffic. So that's a concern I have that a study be done or something if we need to have lights at that intersection due to the increased traffic. I know this all may fall on deaf ears, but I just needed to express myself and stating that I am very against this.

- Okay, thank you so much for your testimony, Tina. And I believe that everybody received the letter in their packet that you had sent on to everyone. So we did. I know that I read that earlier today. Was there anyone else looking to speak in opposition to this item? Was there anyone looking to provide information only? Is there anyone else wishing to speak? Is there anybody 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 correlating agenda item, consideration with possible action on the request to amend the city's comprehensive plan from parks to low medium density residential for the eastern portion of parcel 21-40-6 known as the Woods submitted by Joel Ehrfurth Mach IV Engineering and Surveying LLC on behalf of Green Viper property owner.

- [Stephanie] Thank you. Just to go into a little bit more detail on this request itself. So as we pointed out before, these are kind of the semantics of the different areas of this development. In your staff report, there are things listed as basically the reasons, the 10 reasons why we would go ahead and do a change to our comprehensive plan. Those are provided by our by state statute, basically. So a little bit more detail here. Again, the western portion is that standard single family development, they're anticipating about 22 lots being created versus on the east side, there's an anticipation of about 40 new units, single family but more of a condo style to be created. As elements of that smart growth plan. We're looking to make sure that a comprehensive plan doesn't negatively impact the betterment of the city, the betterment of public access safety, those sorts of things. Staff doesn't believe that this will have a negative impact on our city. Actually, this will have a positive impact due to our recent housing study findings stating that we are severely under housed. We have a big number of lacking units here and not just for affordable housing but all different types of housing. We don't really have the rooftop count that we're looking for. So a housing development that has about 60 units that could go online and a good mix is kind of exactly what we're looking for. So as far as our housing is concerned, this is a great thing to add here. Some of the things I wanted to address based on the comments that we just heard. Two of the people who spoke in opposition, one of their notes was attached in your packet and the other was emailed out to you all this morning. So you have both of those written oppositions. As concerning the neighbors to the north, so this area is also near the next item on our agenda as well. So I've talked to pretty much every neighbor, I think in this area. So this is where a lot of the concerns are coming from in this area here, if you can see my mouse moving, is that this is private property and it would be needed for the connection of that parkway between this parcel of the existing parkway and then the proposed Greenway in here. The property owners that have talked to and I'd like to assure the public and the planning that the city has no interest or ability to acquire these for park use. The city cannot do anything to force people to do that, we cannot require easements for park uses or anything like that. I'm sure that our parks department would be very interested if anyone was interested in lopping off a portion of a parcel but we know why the people bought these parcels and it's because there's beautiful landscaping and quick access in the back. So there would be no connection here. I understand that trespassing is an issue. I'm hoping that maybe our parks department can be unique in a solution here 'cause it's not our intention to create a defacto

pass through here. We'd like to protect these private owners property. The access at the bottom that was shown here, this would be a public road. So the end of this public road would have that public access to the Greenway area here. If this were to be a private road, I'm sure that we would have some sort of an agreement as this is public access. This happens with many of the situations where we have condos that have private roads in them. If there's any sort of public access, we require an agreement or some sort of an access easement to make sure that the public is able to use those roadways. So concerning these two red areas, we would be sure through our planning process that access has maintained for the public. I think that that was it. We are obviously very sensitive to the aesthetics of this area. A lot of people on the east side of town have purchased property because it's very pretty and very spacious, but this is slotted for development as our comprehensive plan and other major plans have shown this is an expansion area for that. So with the protection of the Greenway and the amount of rooftops that are being added, we are supportive of this request. They are requesting the low medium density residential for our comprehensive plan change. If you want it to go any lower, it would just be the low density residential, which would be similar to what is on the west side of this development, so showing that here. The low medium would allow them to have a little bit more high density on that acreage which the city is in support of. So generally speaking, we are approving this request. The accommodations that people may be looking for in the neighborhood as far as landscaping, making sure the subjects are there, Those really can't be attained through a comp plan amendment. And they also won't be able to be attained through the zoning action that comes next, quite frankly. Those things are not things that we condition. We don't condition anything for a comprehensive plan amendment or a rezoning that's specific to a site plan. That's something that would have to be negotiated before those things come in, but we cannot force those things. They would be in keeping with all of our regular plan approvals, which includes site plans, building plans, land division, and all of those things do take into consideration erosion control, drainage issues. I know that quite a few people throughout the neighborhood meeting all the way up until now are saying that there's drainage issues in this part of town which I consult us with they've provided. I actually think that it would have get better with this development because they would be required to do a drainage plan and deal with that through this process. So I believe that this would leave that portion of land in better condition as concerning drainage because they'd be forced to deal with the problem versus the Wood's hasn't had any redevelopment in however long it's been a golf course. So they haven't had to do drainage plans necessarily. So if there are any questions about this, I'm happy to answer.

- Okay and actually Steph, could you go back to that one screen where you could see the backyards of the other, yeah.

- [Stephanie] Let's change for you.

- Yep, yep, there it is, okay. So I'm just trying to get a feel because now this map shows me that like the backyards for those houses are way and we're talking about development on the... This map hasn't, y'all turned around to the east side of the Creek

- [Stephanie] Here, yes. This would be the higher density of the two. So Tony was discussing, he lives in this portion here. So his view would be of the condos that are at the Northeast corner of this proposed development. The other people who were speaking live along this roadway. So this would be their view of both single family lots that would be coming in.

- And those single-family lots, that's not anything that we're, that we're not even discussing that at this point. That's not part

- [Stephanie] Nope, that is set up for a rezoning. So that would come for the next application which is the rezoning, which all three portions need some zoning love. So this right now is just concentrated on the east side. If it's suitable for that low to medium density residential versus the parks, which it is right now.

- Okay. And then drainage was one thing that you addressed access points to the green space is something you also addressed. And then traffic is always something that's a concern for neighbors. Is that we've looked at as well?

- I think that the applicant may be able to speak to that better. When we get new developments, we don't always require a traffic impact analysis because it depends on how many rooftops they're adding. 40 isn't that much in the grand scheme of things. But I don't know the current situation at Sitak Huron on. I don't know if it's already at a pinch point and it needs some other engineering to get people through that section. So I'll let Joel speak to that once we open up the floor.

- Okay, sounds good. Thank you, Stephanie Was there any amongst the commission or discussion

- Elder Dorff, did you have a question earlier?

- I did, I did. I mean, it could wait, but I'll ask it now. So are there legal reasons that you have to follow whether you allow a rezoning or don't allow rezoning? I mean, is it under law, if a certain. Are you even allowed to deny rezoning unless you have certain conditions under law? I'm just wondering about that.

- [Stephanie] Sure, I'm very glad that Neil and Dave are on this call because I think they'll be able to help me with this. So when recently, I think you're thinking of when we had our conditional use permits. Like now we're not able to do a lot of restrictions on those due to state law. When it comes to zoning however, naturally, we're just looking to make sure that our matches comprehensive plan and surrounding land uses. Those are the two primary things that we're looking at for those. So that's why we always amend our comprehensive plan prior to doing a rezoning application. 'Cause those two things need to match each other. That's really the base condition for zoning. But when it comes to zoning and Wisconsin, you can't condition it. You can't say you can rezone it, but only if your lighting reaches this capacity or only if your densities at this capacity. If you rezone the property, it's rezoned in its entirety to whatever that zoning district allows for. So those are the two distinct differences between the conditional use permit where we have some limitations on what we can do now versus a rezoning is really intended to be the final land use determination from that comprehensive plan. I don't know if Dave or Neil wanna add anything to that.

- Well, hi, it's Dave. Yeah, totally. I mean, we base our zoning recommendations on the comp plan. The comp plan has been adopted by the council. So that's where our recommendations typically are gonna be generated, unless there's some very weird circumstances. The other thing, just to keep in mind. I mean, you're not required to approve a zone change but there's also becomes a gray area if you're denying any use of a property, especially if your comp plan is recommending certain uses and certain densities. So keep that in mind at that, those are plans set in place that all of staff follow. So there's a reason behind a recommendation, I guess that's all I would say.

- And I think I was thinking of the conditional use plan. Stephanie, you hit that nail on the head because I knew that legally we couldn't deny some things with conditional use plans and they didn't know if that was the same with zoning. But what I'm understanding is this was the way the comprehensive plan was set up. This was a comprehensive plan adopted by your department by city council. And there was always an intent that this was going to be changed into residential land. I'd seen the concerns, I understand the concerns of the people that are living there. The people that have contracted me the most, it seems that that's where the low density is going to be though, that's not where the high density is gonna be. And when you're not even on that part yet, you're up toward the east right now.

- [Stephanie] Yes.

- To that other part. I won't talk about those things right now. I wanna stick to your agenda. So thank you for explaining that.

- [Stephanie] Yes, for the rezoning, I think that'll be much more applicable the homeowners on the west side of this development because then it really would directly impact as soon as we rezoned that they're able to apply for the rest of our protein processes versus the comprehensive plan needs to be amended first before that zoning action can take place.

- Okay, thank you.

- Further discussion amongst the commission or questions for staff? I guess I would entertain a motion to open the floor then.

- So moved.

- Second.

- Motion by second by Elder Corpus-Dax.

- Aye.

- Aye.

- Aye.

- Any opposed?

- All right, so now the floor is open . There's I guess maybe we should hear from the petitioner first and you can address some of the things that he's been hearing.

- [Joel] Hi, good evening. I'm having trouble getting my video work but I guess I don't. This is Joel Ehrfurth, Mach IV Engineering representing Green Viper. The one item did you specifically ask to address was the traffic. My personal feel is I don't think either side of these developments because they're gonna be using different roads in nearly roads that were main arterials in the city. I don't think, well, I know they won't generate a volume that would require a precipitate a traffic study impact study, but as with any development, they all degree. If we get through the next couple of stages and get it into a site plan review process, that's when the city traffic engineer will have a chance to delve into it in a lot of detail. The technical team has seen this at a real high level. And I don't think they've delved into that yet, but that would be certainly something, I'm sure they the traffic engineering in particular looks at. But as of this time, I given that the roads in that part of town are set up to handle a large volume. I don't think these two residential developments would precipitate that. But again, that's just one of the steps that left to get to but that's further down in the process.

- Okay, thank you so much for your testimony. Is there anyone else from the public that is looking to talk about this item?

- Yes, this is Anthony Rieth 228 Erie Road again. I have a few to bring up in regards to that, if that's all right.

- I'm sure you can make your comments and then we can ask the petitioner.

- Sure, and in regards to the roads first since that was just being talked about. When I moved in four years ago, there was a development in the north approximately half mile on Whittier road that added approximately 80 houses 60, 80 houses in the area. So the road in front of my house right now that would be going down that eastern side is a blacktop road, no curb, lots of dog walkers. I typically have to drive over the center line to provide pedestrian safe access. So the addition of 40 condos as a suggested or less is still gonna increase traffic flow and usage on the road to where I think there would be some need for roadway improvement. The other point I wanted to bring up that I didn't touch on at least directly in the last comment period was just looking at

the Green Bay court ordinances and looking at the definition of low density residential and medium density residential. And I have it pulled up right now. They both have a indication that they should encourage and promote a variety of housing sizes consistent with the multi-family buildings or single family buildings in the area. I apologize, that's a bit of paraphrasing for time sake but again, we're proposing to go to medium density from what is currently parked in the adjacent areas including my property are rural residential. I think making that jump to medium density is not consistent with what I'm seeing on the court of ordinances page from the Green Bay websites. So then reiterated, thank you for your time.

- Thank you so much. Was there anyone else wishing to speak on this item?

- [Joel] Could I address that comment?

- Yeah, go ahead.

- [Joel] In going back to the traffic, it very well could require some improvements to Erie, again that that's gonna be the it city street and it's the city's engineering department that will dictate that. And while the condo development is going to function primarily as a single family residential development and on the mixed use or mixed density side of things, we're on the very low end. We're at I believe it was three units per acre, and the zoning code allows for a maximum of 10. So our intention is not to hit that max or these are all gonna be single family, one owner not rented. These are gonna function like a single family home, but it's really trying to take advantage of another housing type available that is in high demand in the market. And that is that condominium development. But these are not proposed to be multifamily, they're all standalone single family units. Thank you.

- so much. Is there anyone else wishing to speak on this item? It doesn't looks like it. I would entertain a motion to close the floor.

- So moved.

- Second.

- A motion by all their Corpus-Dax, seconded by vice chair Miller, all those in favor.

- Aye.

- Aye.

- Aye.

- Aye.

- Any opposed?

- Any discussion amongst the commission?

- This is commissioner Daniel. I just had a really quick question. I know we're using the work condo very loosely, are these condo or townhome. Have we got into that level of detail yet?

- So the term condo tends to mean something else to people who aren't city planners. So how we describe a condo is something that has, it's a land division that has some sort of joint group ownership. They can look kind of like whatever they want. You like watermark building downtown is condoed. So technically each floor is a condo unit. I think that the intention with the design here is that each of the individual units in this condo will look like standalone single family homes. I don't know. I don't really know if the design is a townhome

design like the, you know, the tall with the walk-up or if they are more of just like a smaller, stale single family home that you would expect on the East side of town. But the term condo is only meant to show that there will be some sort of group ownership of something there, a common structure, you know, a common feature that's usually what the condo association is there for, is, you know, maintenance protection of their access those sorts of things.

- Thank you.

- Okay, so I guess you were saying at one point, Stephanie, that there's another, I mean as far as the medium density that we could also do there's another option that we could pursue as well. That would still work with the development?

- I don't know that it would work with the development. I'm just saying, if you want it to be supportive of the neighbors who don't want the low to medium density, 'cause that would allow for R2 zoning. And I think that's what they're going for. Joel, I'm sorry, could you confirm as the R2 what would be proposed on the East side of the development?

- I believe they actually had a, looking, yeah, we had proposed R2.

- Okay, so the low to medium density for the comprehensive plan would allow for that R2 zoning, which has a little bit of that higher density than our R1 which would allow for the 40 to 44 units versus whatever would be allowed. I mean, I don't have that math in front of me but if you were to do the low density, residential that would be more cohesive with something that you're looking to on the West side. Subdivision plot a number of lots, each of those lots has its own ownership and that would be it. So that low to medium allows for the R2 zoning that will be coming forward.

- Okay, so that if we went that route, this development would be able to go forward. Okay.

- Correct.

- Lisa, if you don't mind, I think I can toss in some stuff on the R2, part of it. I pulled out a code.

- Go ahead.

- There's really actually not much difference between R1 and R2 for us besides really pretty much the square footage allowed, or I guess dictated, I should say. It really doesn't change the structure all that more, just the size of the lot. And I'm again, paraphrasing here too. So I don't think this allows for any other type of larger structure. If we wanna go a little bit further into the future if somebody wanted to redevelop, they could not redevelop into any type of high rise or anything like that. Our R2 is very similar to the R1 and the types of buildings allow it it's really just looks like the lot size from what I can tell. And then the setbacks associated with that as well, too. So these would not be larger buildings, even if we did move to R2. It really just to do it the size of the lots and then the setbacks associated.

- Also Dave just did some quick math for me. He said that Arwin zoning would still meet the criteria of what is being proposed currently. The lot equivalent right now is 15,000 square feet and the requirement is 7,500. So R1 would still be applicable with R2 being the preferred from the applicant.

- If it's possible, I would point out that your R1 allows four to eight units per acre. So from a density standpoint, we're still under, you know we're still within that R1 density. So again, we're proposing, you're asking for the R2 to allow the condo development, which will not be townhomes. These are all gonna be single-family style, I should say.

- Is there any further discussion amongst the commission?

- Unrelated to that, I guess just a note to staff and we're probably a little bit ahead of it on this but I think there should be some look at traffic particularly I'm really not familiar with the other roads behind there too, but when that time comes I think it would be good to have the information available. I'm sure the neighborhood's gonna be well aware and especially are going to want to know. I'm sorry. Plus if there's going to be Parkway access coming off a Sitka, there's not really much in terms of pedestrian facilities in that area as well or it probably needs to be taken a look at especially crossing would be pretty scary. So maybe something within that intersection especially if we're gonna be adding park access public park access as well too. So whenever that comes along just make sure that we get some information on that.

- Okay, I will try to get some data from our traffic engineer before the zoning application comes before you all.

- Great.

- I do know that they're gonna be painting pedestrian crosswalk at the and Sitka intersection sometime this spring/fall. But I was actually just messaging with Barbara, Alder Dorff since it kind of encompasses both of our districts. Seeing if maybe we need to have the traffic engineer look into maybe a four way stop there with how much development has occurred over the last few years. So you read our minds.

- With that, I would move to approve.

- I will second that

- Okay, so motion by vice chair Miller and a second by Alder Corpus-Dax. Is there any further discussion? Hearing none, I'll go ahead with a voice vote. All those in favor.

- Aye.

- Aye.

- Aye.

- Aye.

- Any opposed?

- And then that approval will move on to city council on March 30th. All right. And then looks like moving on to agenda item number three which is a public hearing on the request to rezone 120 Bedford Road from rural residential to low density residential submitted by Bonita Parrot, property owner. And with the public hearing, we'd be looking again first for those parties who are in favor of the development. And is there looking to speak with in ? And is there anyone looking to provide information . Is there wishing to speak? Is anyone wishing to speak?

- I guess I'm the property owner, if I could just... Can you hear me?

- Yep, go ahead, just state your name and address. And if you can confine your testimony to three minutes.

- Sure, I'm Bonita Parrot, the property owner at 120 Bedford. I live at 207 Longview in Green Bay. So my intent is to divide this large piece of property into two parcels, but a potential buyer would like me to divide parcel A into actually two large parcels. She'd like to put up two separate homes. So I don't know if I, my initial request was just divide it into two parcels. Then that follows into what you've just been talking about with the RI would allow to afford eight per acre. I have no attention. I just wanna sell the property as is.

- Okay, thank you so much for your testimony. And we'll probably be asking questions move on to the next item. Is there anyone else wishing to speak? Is there anyone wishing to speak? Is there anyone else wishing to speak? Let the record reflect that no one had come forward and this public hearing is now closed. And moving on to the correlating agenda item, item number four, consideration with possible action on the request to rezone rural residential to low density submitted by Bonita Parrot property owner.

- Thank you Madam Chair. So this property is just north of the woods property that we were just discussing. So this is along Road and Whittier Drive. The parcel in question is located here. For the existing zoning, it is RR rural residential zoning and the land use is the medium density residential zoning. So this does call for a little bit more of a higher actual use than our rule. The initial design that I had received looked similar to this. So it's just the simple two lots of that would allow for two single family homes to be developed. This is the first I heard that we're looking to do maybe three. So either way, this already does meet the standards for an R1 district as far as our land division code is concerned. I'm less concerned the division at this point and more concerned with the rezoning. So our comp plan does call for a rezoning for this property up until R2, she's only requesting R1. We feel that that is consistent with what is surrounding the property. Everything around her immediate property is real residential, it's a pretty low density area but it is a bunch of R1 that has many single family homes, as you can see from this. A lot of our most recent subdivisions are in this area. So it's no surprise that that subdivision is expanding to further into the east part of our town. We are recommending approval of this request. Again, we don't condition any zoning. We feel that this is appropriate. There may be some issues with limited public utilities in this area. I had advised the applicant to get in touch with our department of public works. However utility availability does not impact zoning. It only impacts the development of that parcel of those limitations and has been in contact with our department of public works. We did receive one general inquiry about this wondering where the driveways are gonna be located. Aside from that, we haven't heard any positive or negative reactions to this. So with that, we are recommending approval of this request.

- Okay, thank you so much, Stephanie. Any questions or discussion amongst the commission?

- Yeah, I have one. Just related to the comp plan. It shows low medium. Could you pop back over to that? I don't know if it's easy to... The comp plan map map, that is.

- It should be up.

- Made on the comp plan.

- I'm sorry, I didn't hear that. Could you say that again?

- I'm sorry. I think my internet's choppy. Can you hear me now?

- Yup.

- Okay, good. I was just wondering why that ended up that little island of low, mid compared to everything else around it being in need of the rural residential or the single

- That's a great question. This was done back in 2002. So maybe Dave was working here at that time. So I'm not really sure.

- I think a lot of property owner can address that. When the housing market was crashing in '08, I had a buyer for the house. You see 150 Bedford Road.

- Oh, sorry, ma'am, Ms. Parrot. Wouldn't believe when we opened the floor we can have that discussion. I appreciate you had to give us information though. I guess, do we want to go ahead and open the floor if we want that information? Can we switch or do we need the map up still? I'm sorry.

- No, that's fine. I just wanna clarify if it was on an Island, which I thought it was. And if that's the case, if it had been done, you know almost 20 years ago or whenever it would have been last rezoned that site. I just wonder if there's a reason the comp plan was specifically calling out that area to be low to mid compared to the others as well.

- I'm going to assume because there were supposed to build a school there at one point. The school district does own property out here. And this was a site for a possible school many years ago. I don't think that that's still the plan for the school district. So I imagine that there was just this a little bit higher density. It may have been close to a school use.

- Yeah, Paul and I were both working there back then and working in Green Bay back then. And I don't remember the specifics but it's likely as well that because it backs up to a parkway, the increase rather than just low low to medium allows more housing units to afford access and views and everything to the parkway. So that's a very possible as well. Why it appears to be an island because it's kind of tucked in there between the road and the parkway on two sides. But that's speculation. I don't remember. But staff has no problem with this request. So I'm good.

- Okay, any further? I know the petitioner is here and wanting to give us information. I don't know if there's anyone else who's looking to speak as well. I entertain a motion to open the floor.

- Move to open the floor.

- Motion by Vice Chair Miller, second by Alder Corpus-Dax. All those in favor.

- Aye.

- Aye.

- Any opposed? All right, And if you could just go ahead and state, well I guess you stated your name and address during the public hearing Ms. Parrot, but if you could, and I hope I'm pronouncing your name correctly, but if you could state your name and address again.

- I'm Bonita Parrot from 207 Longview Avenue, owner of 120 Bedford. I don't know if you have any further questions. I can go into detail about what happened there but if everybody's good, I'm good.

- Did any of the commissioners have any questions for the petitioner?

- A lot of heads shaking.

- Okay. Was there anyone else who wished to speak on this item? I think a couple of names. I don't know. I guess if we don't have any further questions for the chair and no one else is looking to speak and have a quick look

- I guess my question would be

- Go ahead. We haven't closed the floor yet, so...

- Okay, my question just is will it be just too loud too because it's zoned R1 can it be four lots or can it be, what can it be? And maybe Steph, you know the answer.

- We can certainly work on that together. So there are certain dimensional standards that we have for R1 district, but this is a very large lot. So we can go over that.

- Thank you. Awesome.
- Right, I guess I would entertain a motion then to close the floor for the .
- Motion to close the floor.
- Second,
- second.
- A motion by Alder Corpus-Dax. Second by commissioner Daniels. All those in favor
- Aye.
- Aye.
- Aye.
- Aye.
- Any opposed? So was there any further discussion?
- Make a motion to approve
- So moved.
- The motion by Alder Corpus-Dax and a second by commissioner Daniels. Any further discussion? We'll go ahead and do a voice vote all of those in favor.
- Aye.
- Aye.
- Aye.
- Aye.
- Any opposed?
- All right. And then this we'll move on to, passes unanimously, moves on to city council for March 30th. And moving on to agenda item number five, consideration with possible action on the request to amend chapter 13-303, land use definitions, chapter 13-1606, drive through facility and chapter 13-1714, figure to off street parking regarding requirements for drive-through facilities.
- Thank you, Madam Chair. We wanna bring this back to planning commission for your consideration regarding drive-throughs. This was last at the planning commission on March 8th. At that time the planning commission wanted some more details about the width of, proposed width a 14 feet of staff had suggested. I think they were looking for some you were looking for some clarification or justification for that width. So what staff did, with the assistance here of David Bach we reached out to similar size communities in the state. What we found is that not all communities in required width, which I guess is not necessarily surprising. Although I did respond the width range from nine to 12 feet which I guess is very common. There was one community that had a width of eight feet. That's pretty much an outlier, a very minimum aisle width. We also learned that

some communities treat drive-throughs like one way aisle spaces. So if you can imagine a parking lot with parking on both sides, there's a minimum aisle requirement and sharing with one way drives. There's a minimum standard. So we found that some communities for their drive throughs require a one way minimum for that particular community. So for example, in the city of Green Bay that width is 14 feet. I think that just was coincidence. We weren't looking at that necessarily as a gauge. We've never implemented that or enforced that for drive-throughs but that just happened to be a coincidence with the 14 feet. Steph, that can move to the next slide. The other thing we wanted to do is just, this seems kind of like common sense, I guess. And we wanted to take a look at a real world example. So not exactly rocket science here but what we did is we went out with a staff member at City Hall who had a 2019 Dodge Ram 1500. And we measured the width of the vehicle which turned out to be about seven feet, give or take. And then with the doors open it was another three feet on either side. So that worked out to about 13 feet. I will go in and say that's the largest vehicle we've seen in the parking lot. But it's a larger truck. It kind of gives you a feel of, you know what larger vehicles might be utilizing the space They might need as they as they go through a drive through. We also reached out to the city traffic engineer again, and the fire marshal. We were able to get written comments from them. That's attached within your agenda tonight. I think they both concurred with the 14 feet. They felt they could work with that as a distance. That would be acceptable. Steph, next slide. So we did make some adjustments. I can just kind of highlight those here again. The draft ordinance is attached within the agenda. So one big thing. One big change is I guess we'd like to, again, recommend that 14 feet be the number for drive through aisle space. However, we would have we added some language that would require or allow someone to reduce that based on some professional engineering analysis. A professional engineer would have to provide something to our staff. So we could look at the turning movements and the buyability or the functionality of a drive-through in that case, along with the concurrence of green Bay Metro Fire or the fire marshal in this case. So that applies to all drive through facilities. I think initially at the last planning commission we had talked about, well maybe just for conditional use permits, we could do that but this would be for any proposed drive-through. They can get a reduction provided they could meet those criteria for the analysis. We also made a small tweak about the noise issue. I think was brought up as well. We sent it to be clarified that it's for residential use. Did not have to be necessarily adjacent to a residential district. It'd had the residential use. So you might find in the downtown area or even a mixed use district where they maybe have a different higher density zoning but there's still residential. So any audible sound from a speaker or from that site would be prohibited, basically. And then since we've had so much discussion about this item Steph felt it was appropriate that we should revisit this maybe in a year or so from approval. We do know that we have to drive throughs coming out of line this year. We might see 'em before summer sets in. So we wanted to use those maybe as test or examples and see how the organs work. And maybe others will be coming in so that we can test it again. So with that said the next item is we recommend approval of the item. The draft agenda, which is attached within your agenda. And then we are suggesting that there be a one-year review of the Oregon's from the date of the approval, most likely of the, if the counselor, if and when they approve it.

- Thank you so much, Paul. All right, so do we have any discussion or questions for staff amongst the commission?

- [Kathy] This is Alder Lefebvre.

- Go ahead, Alder Lefebvre.

- [Kathy] I'm sorry, I had to call in again. I can't go from one meeting to the other on Zoom. So I just wanted to mention that although I put my communication in on last Tuesday, because the new way you have to put it in it didn't go through properly. So I finally got it in. I'm putting in a communication that the city consider banning all drive through windows within the city or new drive-throughs starting in 2021. I just wanted the commission to be aware of that. And it will, I believe it will be coming up to planning next time. So.

- Okay, thank you so much, Alder Lefebvre. Go ahead, Alder Dorff.

- Thank you. So I just have a kind of a question/comment on the number five about sound from any speakers used on the premises shall not be audible at the boundary of any surrounding residential use. And I'm trying to imagine I'm thinking of a university where we have the Burger King now and that's right up against a house. And we have ordinances against noise and I think it kind of refers to decibel levels. I'm very concerned that someone could stand at the edge of their property on a very quiet night with the wind blowing in a certain direction and noise might be heard. And so is that really what we would want a complaint based on? I wonder if it could be a certain decibel no greater than a certain decimal level. Do you see what I mean, you might be able to hear a whisper of noise at the edge of your property or isn't that ever been really a concern. Do complaints ever come in like about that, about the Burger King?

- Alder Dorf, if you would allow me to just piggyback off of that. Specifically can we even identify a drive-through in this city at all where you can't hear the noise from the property line? It just seems like a very high standard to meet.

- If I can respond, I think it's unique to the type of use that's proposed, right? So these are highway oriented uses and they have speaker systems that are different than any other use most likely. So again, that's a requirement that's been on the books for several years. I think we tweaked it to protect adjoining properties not residentially zoned properties but properties that are just simply residential uses. You know, I think again the University Avenue Burger King is a great example. I'm not aware that there is any concern there. I think it's just specific to the speaker itself not the noise that's generated on the site but the speaker not being audible to a residential use.

- I don't know. I don't see how that would be desirable, I guess. I mean, I think we're looking for some tool that would protect residential properties. I know it's not an exact science, but you know a decibel meter isn't necessarily gonna pick out a speaker, from a drive through necessarily either.

- And I'm not suggesting that it should be blaring, but I am suggesting that someone could take advantage of this if they wanted to. And so how can we within the ordinance ensure that no one does take advantage of this?

- Well, I think like most complaints we get we'd have to visit the site and try and document that. I think we'd have to go back to the... If we thought a violation, we'd have to go back to the operator or the property owner and let them know that there's, that their speaker is audible from the property line. I think it's a simple test, so to speak.

- And do most ordinances of this type have this particular requirements in them?

- Well, I think what I saw when I was looking through other communities, Green Bay is fairly elaborate when it comes to drive throughs. So maybe David could chime in as well and what he's seen in his years, but I think ours is fairly elaborate and some are protective. And I think the drive-through lane or the emergency exit lane, is an example of that where I think it was maybe overly cautious for something that really hasn't been a problem.

- And so has this been a problem? Maybe Dave can tell me.

- I looked through quite a few ordinances and talked to a bunch of planners doing the research and yeah, our regulations are generally, I guess a little bit more cautious than others. I don't think most of them have this type of a regulation but I'm not sure. I didn't specifically look for it.

- I guess I'm not in plan but I would hope that maybe someone on plan might move to strike number five. Thank you.

- Well, this to follow up Alder Dorff said, are we in this instance where her bringing this up? Are we disincentivizing or are we making it harder for businesses to come into the area by having such an elaborate ordinance?

- Well, can I make a comment? I guess, keep in mind this is only when it's adjacent to a residential use. So most highway commercial uses which is what drive throughs are for are not gonna, as Paul had said, are not gonna be located next to residential. It's not typical. So...

- Banks and drug stores, banks and drug stores. You think about that.

- I am, I am. But typically that is not typical. That is really the outlier. You don't see drive-throughs next to houses everywhere. So the protection for the homes I mean the homeowner who's living there I think that's the reason Green Bay is in there. It just to provide that protection of noise. Because you can't have a very loud drive-through as well which could make the house almost unlivable especially if they're open til three in the morning, four in the morning, Taco Bell. That speaker level is too high.

- So are we basically saying with this number five, that on university, we shouldn't have allowed the burger King, Wallgreens, Taco Bell, Arby's, whatever other drive throughs that we have along university that are adjacent to residential lots.

- I think it's a criteria for development. I don't think it's a make or break for the land use itself. So maybe those uses are very desirable and they function very well and many are compliant. Again, I can't think of a recent complaint from a speaker, but it's simply a standard. It's something for us to be able to enforce in case there is a problem that's adjacent to a residential use.

- If there is a noise issue though, I mean we have noise ordinances in place that could accommodate that. So I guess I would move to strike number five because we have other ordinances in place. That would be one of my amendments.

- Okay, so--

- Alder, is that a motion on the floor?

- One of them I would move to strike. And we can take them up one by one. I mean, I would move to strike number five since we do have in place to cover that

- You can do them all at once at the end, if you want. And we'll just make those changes on the fly. Who clearly tell us what those changes are.

- Okay.

- Okay. So the noise ordinances that we have in place would protect with the sound from the speaker. So that's, I mean, I'm not saying that that's, I mean it's written in there, but then is it being redundant like real kind of covering that with our noise ordinance?

- Again, I think it's an extra level of protection that's unique to this particular type of use. The drive-through facility most likely fast food certainly is going to have a speaker system. That could change in the future, right? I mean, the way we order our food or pick up our food could all change in the future but I don't know if I would say it's redundant. I think it's just unique to this situation.

- Thank you. Was there any further discussion amongst the commission?

- What about instead of that. Some sort of a decibel level, that way it's actually quantifiable versus what's somewhat broad right now.

- I've looked at those decibel levels and they're so wide ranging. I mean, you can have a car muffler within like the same range as like a high-powered vacuum cleaner. Cause I've had a couple of residents call about decibel levels. So.

- Yeah, and I guess from an HR standpoint high and fourth floor is that how do you know at the time of the complaint what the decibel level was so, I mean...

- Go ahead.

- Just, Daniels, I think one thing that would, if David or Paul correct me, if I'm wrong on this one, is certainly if we did receive a noise complaint, I think number one, I think from a general standpoint, having any noise any amount of noise, regardless of the source that's excessive from a commercial use that's adjacent to a residential use is probably the primary concern. Number one. Whether it's the drive-through speaker whether it's mechanicals on the roof whether it's vehicles or whatever, . I think that the overall general concern I would think from the city is the overall noise level and adjacent to that, between those two uses. So my own two-cent's on that one. If we did get a specific noise complaint essentially it would, I think we have inspectors we have compliance inspectors would actually be able to go out. We have sound meters that can actually measure decibel levels at particular times of day or other. If we have an idea of when the violation may be occurring that we can follow up and actually go and see if that been verified the complaint. So I think it's not just generally if we get a complaint, they think it has to be investigated essentially to be confirmed and make sure there's an actual issue. Or there was, if it was a maybe a one... 'Cause it's possible it could be a unique one-off situation that happened just once and didn't happen again. But if it's a recurring problem, that's item, my guess is our inspectors are gonna be able to go out there and detect that with the right equipment and be able to take enforcement action probably based on the existing noise ordinance would be my assumption on that.

- Yeah, and then the noise ordinance, so I brought it up quick, it basically regulates daytime versus nighttime sounds. So 80 decibel, both. That means anything to anybody. It doesn't mean much to me. Is basically what's considered a weighted sound pressure is considered to be allowed. So what this basically says is that between 7:00 a.m. and 10:00 p.m. what's considered a reasonable amount of sound can be produced. After 10:00 p.m. it could be considered unreasonable. And so some of the examples that they put in here certain noise that is unreasonably loud in a residential area may be reasonable in a mixed use commercial or industrial area. Certain loud noises may be reasonable for a short time but should not persist over an extended period of time. And it basically uses the definition of unreasonably loud noise. A court shall determine what that is. So it's really, it's gonna be the inspectors' judgements in that case or policeman's or whatever. And then if it's challenged, it would be a judge that would have to make the determination. So I'm thinking the whisper that Barb was talking about earlier or Alder Dax probably would be considered unreasonable by any type of an inspector. So I don't know. I just wanted to give you a summary of that. That's our current noise ordinance. And so you know if that's reasonable in your minds just want to let you know what it was.

- Thank you, David.

- So yeah, I mean, I guess I would move to strike number five since we have an ordinance in place to cover it.

- Should we have a motion to approve by striking number five?

- I'll make that motion.

- No second.

- Well, I guess procedurally, what do we have to do? We, we can take them point by point.

- Well, I think you could certainly discuss them point by point, but the vote on it you could certainly save that towards the end. I guess is part of the E someone could make a motion that we could just account for each one of those amendments or changes.

- Okay.

- No, I think, but number six, you know the width of the drive through, I guess ultimately it allows for the reduction to 10 feet and with council being the final approval of that. Is that correct?

- No, I think that's still administrative. There are cases where conditional use permit might be required and that might be a component of your decision, but administratively I think we would do that and staff.

- So this changed from what we had last time. Correct? 'Cause last time did we say that the council had final approval of that?

- I scratched some notes down as part of the last meeting to say as part of its CUP that those criteria would apply, but instead of staff we changed our mind and suggested that all drive-through facilities would have that ability not just those who are applying for a CUP.

- Okay. Yes, Brian, with this potentially affecting your district more so because of the density of that area, what are your opinions of that?

- Yeah, so, I think there's obviously a couple of different angles that we have to look at this. I mean, one is when you start thinking about more of those suburban developments, you know, when you start thinking about the large McDonald's or a large Burger King, that has plenty of room in space versus drive throughs that are maybe tighter, more dense, mixed use or urban areas, they just have slightly different needs. You know, I will say I've done a little bit of traveling this past month and I knew this issue was coming up. So it's one of those things that when you know these issues are coming up, you pay attention to these things in a way you never dreamed you would. And so in particular, I was looking at some drive-throughs that I was quite shocked in this South country. I mean, drive throughs that were and I actually measured them, one was 10 feet wide. I remember walking through In-N-Out Burger, which if you've never been to one of those has an incredible amount of volume. And theirs were 11 feet wide. Single backed with covered canopies. So, I mean, you were really boxed in on these and in none of these instances, did they have bypass lanes, which I thought, I mean, they, in fact not only were there no bypass lanes, but most of them actually build walls that actually kind of you know, in case the drive-through, which I thought was very interesting, but again, when I'm seeing high volume, I actually took a picture of one with a large like Dodge Ram type of vehicle in it as well. That was the 11 foot drive through. And it just seemed plenty of space. And so I get the case to be made, you know, seven foot where we need to be able to open both doors. It's 3.7 feet. My question is how often is any car in a drive-thru actually parked in the middle where you can open both doors at 3.7 feet. So it would seem to me that we'd only need to leave enough clearance for one side, perhaps to open a door. And to me, the goal and the objective should be to not have to force staff level or board of appeal decisions. The goal should be to write an ordinance that can accommodate reasonably, some of these requests that come before us. And it just, to me, all the observation I've done and the way that I've looked at some of these other site plans that 12 feet achieves that. I still honestly like some of these other communities that don't have a minimum. And then why that intrigues me is because A, a lot of cities do it, but B it puts some responsibility on the developers as well. They're not going to put in a facility or a drive-through that doesn't work for their tenants. And I think sometimes we have this tendency to overregulate to an extent where we presume that developers are too dumb to protect their own investment. And I'm not saying that's what we're trying to do but you can't overregulate certain things. So this is one to me that 14 foot seems over-regulated. I think we could easily narrow that down to 12. Given that 12 feet, we've talked about this as the width of a road where people can drive 25, 30, 35 miles per hour. I would hope that people can drive through. And access to me doesn't seem

to be a need at 14 foot. Even the fire department said that this is very very low on their list of concerns. So I guess those are my thoughts, Alder Corpus-Dax.

- Thank you.

- You know that--

- I just threw up a whole bunch of thoughts.

- Go ahead .

- And just a reminder that I do very much appreciate Paul's recommendation that whichever number the commission and council ends up settling on, keep in mind, we're recommending we evaluate this in a year to see if there's no issues, then we keep it as the same. If there's a problem, we can adjust it. And so again, we wanna base this decision in reality, as much as we can. And again, based on the lack of complaints at this point, I think the ranges that we're discussing whether it's 14 down to 10, 12 down to 10, my guess is that either one of those is going to be acceptable and is going to function for a majority of users in any drive-through. I think we just wanna make sure we keep the door open as a city to make sure we can event. We are evaluating that, we are trying, and keeping an eye on it. I think the similar situation would go for the sound situation as well. If we're finding, if we stick with the existing noise ordinance, if that's working if we are getting complaints if we're using that ordinance, that's applying it's working, then we're good to go. For some reason, it's not addressing a particular problem. That is another area we can come back and revisit as part of this ordinance. As we've certainly seen from comparing other communities, there is really no one size fits all on this. There are folks are all kind of all over the place and on exactly what they're looking for. And I do appreciate Alder Johnson's point of these really, really come into an impact when it is a, I guess for lack of a bounded lane where there's a wall and a curb on both sides. If it's just a stripe plain, well, I know I'm guilty of swinging wide on a turn to make sure I don't bump over a curb on a drive-through all the time. If I'm in a lot that lets me do that. If it's just a stripe lane. There's nothing to prevent a car from swinging a little wide as they're going in there without inner, you know without basically creating a conflict with parking or a travel lane or other things there. You know, I think again, I think I certainly agree with Mr. Newmeyers analysis of that and it very clearly does fit. It does maximum the wider. Certainly it does increase the flexibility and operations of that particular drive-through. However, I do believe that that, I think it's a 12, probably a 12 foot number based on what other communities are doing and then being able to still reduce it down to 10 seems to probably be my guess is that some I don't have hard numbers to document it, but certainly that probably, I'm guessing that accommodates 90% of most traffic in most drive-throughs. There is always going to be an example of a vehicle either from skill level or size of vehicle that doesn't quite fit into it. And then it's gonna maybe possibly create some issues. But again, I do also agree with Alder Johnson's point that it is in the interest of these institutions such as these large fast food establishments other folks who are doing this it's in their best interest to make sure that they have a functioning drive-through and that they're keeping our customers satisfied. And from a public safety standpoint as long as we are mindful of that, we are looking at that as part of the site plan review for a particular project making sure that at that certainly that that lane is configured to the extent possible that it is done being done so in a safe manner. I think that those lower widths probably can be accommodated in most cases.

- My recommendation with number six then would be the 12 down to 10. Possible down to 10. I guess that would be my recommendation, my amendment.

- And just to follow up on that point, if this goes to and it passes to council and within that one year period if we have a drive through that goes through but we received complaints or the city receives complaints within that year review period, is that new entity grandfathered into the old ordinance? Or will we, if we get complaint for something and we decide at nine or eight or whatever, the number is not working, what happens with that new business that was created during that review period?

- An excellent question, Mr. Daniels. I mean, I think I would because you had approved them under an ordinance, I would think they would have a certain amount of bested rights in that particular that part of their operation. However, I would hope that most would be willing to certainly work with the city in terms of trying to mitigate any issues that may be coming up. That would certainly be on staff's position to go out and try to mitigate whatever issues that we're certainly gonna... And I would say that's up to a year review, maybe rephrasing that to up to a year, to review the standards. If we did something 30 days, right afterwards it's just not working and it's clearly raising a red flag we can certainly bring it back faster than that. But I think my understanding is that they would because they've been approved under the way the rules were at that current time that they would be permitted the ability to do that. However, my experience has been most folks they don't want to have be, most of them don't want to be bad neighbors. They probably would be willing to work with staff, I think to try and mitigate any issues that may arise.

- Thank you.

- All right. So, and I'm reading through this like I know that we've been talking about the width a lot, but where is it in? I'm looking through the one through six and I don't see that specifically called out in there.

- Number six.

- Yeah, it is six. And then not number five. And I guess my thought process about number five is I certainly, you know, if we have a noise ordinance in place then that's something that's enforceable, but I kind of it's not often and drive-throughs next to residential, next to existing residential. But I feel like if it was me living in that residential, that was near a place that's going to get a drive-through, I would want that extra security as far as that sound so that it's not affecting the rest of the residents. And especially since we can revisit this in a year I guess that's just my thought process on it that it gives that extra layer of protection for any residents that on the very off chance that some drive-through goes next to a residential area that they have that extra layer of protection. That's just my thought process on number five.

- Paul, what are, as far as number one goes, what are the other surrounding communities have implemented for many boards in their locations?

- The rest of the communities, what they have?

- Yeah, like, do you know, what's the ordinance in for like LOA, or I can assume a Schwabenon because they just installed that pandemics front of Bay Park Square Mall and their menu board is in front. Because their drive-through wraps around the front. So that menu board is in their front facade.

- Right, so, you know, David helped put this list together. This is the communities that we reached out to or David reached out to, and some of their responses. So obviously the community, what we thought on for width and then some clarification as to their circumstance. So even though for example, that one outlier at eight feet and Alloway, but the zoning administrator may have other abilities to increase that for whatever reason. So again, this is just a sampling of what found it's down.

- Okay. But was there anything as far as the board shall be placed?

- Steve, I didn't record any of that. That's what I was specifically looking for. However, that is very common. That is a common element in for drive-through. We would have to go back and look at them again, but I saw that very frequently. They don't want the drive-throughs in front of the building or the menu boards in front of the building.

- Right, so I actually answered a question this morning about a proposed drive-through coming to Green Bay. And they were asking me that question happened to be a corner lot. And they asked, well, how does that apply in the corner lot? And I clarified it as being the front of the building whatever the front of the building

and there should be no drive-through window or drive-through element like a menu board or speaker. That the front of the building should look like the front of the building. There should be no drive-through element, but it can be on the side. That'll have to be just based on the nature of the business that they have to occupy at least two sides of the building for a drive-through

- Go ahead Alder Dorff.

- So to clarify, the awkward words are front facade, right. So you could actually have the window and menu board located between a side facade and the street, as long as it clearly the front facade was over on a different side. Is that it? Okay.

- Right, and it's certainly trickier on corner lots. 'Cause you're gonna be stuck with something most likely.

- Right, right. Okay, so that makes more sense. Thank you.

- I'm thinking about like the Panera and that's on the side. So it was the McDonald's on what street does that?

- Mason. It's Mason.

- Oh, Panda express. I was there today. I had to go there and it was spread on Oneida.

- Okay, okay. All right. Yeah, right now my number five and number six striking number five, and then changing number six 12 down to 10 are my suggested amendments.

- Was that 14 down to 12?

- What did I say?

- I think so. I believe that .

- Yeah, 14 down to 12. With the option of down to 10.

- Still down to 10, right.

- Chair, if I may.

- Absolutely, go ahead.

- I'm just seeking clarification from Alder Corpus-Dax. Is the point of your amendment on the width to say that we'd go down to 12 feet but that basically it would be a review and approval at the staff level of a drive-through between 10 and 12 feet?

- Yes.

- But anything above that is that meets the ordinance.

- Yes.

- Okay. Thank you.

- Alder Johnson, you mean 12 feet or higher, correct. Is kind of what you're kind of saying isn't approved. Okay.

- Was that a motion?

- Yes.

- I'll second that motion.

- Chair, if I could just ask one more question.

- Oh, go ahead Alder Johnson.

- Paul, if you could just clarify, the way that I'm reading this assuming that the amendment passes and of course I don't wanna be presumptuous but let's say that's the case. And somebody comes through with a request that's between 10 and 12 feet. Would it then be a requirement that they produce an engineering study? Or can you make that decision at the staff level without an engineering study?

- No, I think we would want both the engineering study and concurrence from the fire marshal. This is not something that we would just arbitrarily decide. We want information to back up the reduction. I suppose, well, yeah, we want evidence so to speak so we can make an administrative decision.

- Do you know what one of those engineering studies costs?

- Well, maybe I'm making it sound worse than it is. I mean, it's we want a professional who's who knows how to do auto turn. Basically it's the turning movements are the biggest thing. And being able to provide that information to out to staff and we can share with our traffic engineer would be probably an ideal situation.

- And the reason I asked the questions because I saw in the email from the traffic engineer that we have a subscription to an auto turn software. And what I'm wondering is can our traffic engineer produce the same thing that an engineering study would just without the potential of a hefty price tag that again, creates another deterrent for a developer. I mean what would an engineer basically just use the same software put it into pretty template and then give it to you?

- Right, but that's an independent person providing a recommendation to us. I'm not sure the Trask engineer has a comfort level of doing that for the private sector. That would be my concern. I can't speak for him, but I think he would have concern but I think he could still verify it with their software.

- But just to that point, all our Johnson I do believe we have spoken briefly with Mr. Cornea. And he said if cost prohibit was a factor of cross I think that they would probably be able to accommodate providing some assistance on those. I don't think they wanna be in the business of doing it for every single development that comes by. But certainly if it was for a smaller user or somebody else where it would be cost prohibitive I think if the information was provided to our staff I think they'd be willing to run that analysis for us. Might require me to take Mr. Gonira and Mr. Hanson out for lunch sometime afterwards to thank him for his time. But I think they would be willing to do that, I think.

- Yeah, and that's what I'm kind of thinking about as is you know, the small users, I think of other site plans in the past where we've required traffic impact studies. And again, when you're on a big development, you know you can absorb that, right? And I'm thinking about small users where those engineering studies can be quite expensive when you're only putting through a couple of cars an hour.

- And to Mr. Newmar's pointed, most of those larger users are gonna want their engineer running analysis. They're gonna wanna control the . Then they're not gonna wanna be able to do that. So I think they don't want to come into a case if it was a smaller user who simply had listened here's the size vehicle. I want to run a test on here's my width. I want to do. Here's the approximate site plan. I think they can usually run that analysis fairly quickly. So, okay.

- Language immediately available in front of me but does it say that we will require that study or that we may require that study?

- Says all drives your facilities may be subject to a traffic impact analysis per the review of the city traffic engine.

- Okay, so as long as the verbiage may is in there I feel a lot better about it.

- Well, I think, go ahead. No, go ahead, Paul.

- No, I was just going to clarify there might be two different issues we're talking about to reduce the overall width of a drive-through below the proposed 12. Now they would have to provide that analysis which is basically again, is the auto turn, the TIA or the traffic impact analysis, is that the entire site and how traffic flows to and from of the right of way. So that that's always a possibility but they are two distinct issues, but they do work together, so to speak

- And I'm not referring to the TIA the drive turn.

- And to be clear, Paul actually, the engineering department can require that traffic impact analysis right now. That's simply stating a requirement that exists in our existing code of ordinances for any project. Not necessarily where the drive-through just for any site plan analysis the TIA may be required.

- Excuse me.

- All right, so floor by Alder Corpus-Dax and we have a second by Vice Chair Miller to approve but striking item five and changing item six to 12 with the ability to go down to 10.

- Correct.

- So that is the motion and the second we have on the floor at this time. Is there any other discussion amongst the commissioners, amongst staff? All right, it looks pretty quiet. All right, so I'm gonna go up and we'll do a voice vote. All those in favor.

- Aye.

- Aye.

- Aye.

- Aye.

- And I will also vote in favor. So then this is approved and now this is just internal. This will not move forward to city council. Is that what we were discussing earlier?

- No, I think there's every plan to move this forward. It'll take two council meetings as an ordinance to get adopted. So they'll go to the next council meeting in a report to council and then hopefully the first reading of the ordinance as well.

- Okay.

- All right, so then it will move on to council for March 30th. All right, and we're on to informational: director's report.

- Thank you everybody. Very briefly, just a couple of updates for the planning commission tonight. Amendments for district seven, eight, nine and 23 have been approved by the city council and they're going back to final joint review board to be scheduled for approval. Those are primarily, one was an actual financial allocation of one extra revenue from one district to help out another one to pay for some specific improvements. That was 723, 10, seven, and eight were specifically involved housing extensions being, keep a district open for an additional year for affordable housing purposes. So those were moving those approvals forward for those. And then the filing was simply the termination for to district seven, eight and nine. So essentially those were the amendments as going forward. All have been approved by council and just need to be approved by the joint review board. We are, staff's currently in discussions on development with at least six different housing projects across the city. Several of these have been ones that were kind of stalled due to COVID-19 conditions. We were kind of breathing some life back into them and hopefully turning the corner and getting some more projects coming forward. So hopefully some things to keep the commission busy and taking a look at some new projects excited about that. There's also two healthcare expansion projects and a hospitality project. That's kind of in the pipeline that hopefully will be coming before this body for some review. Working on also kind of and increasing the marketing and development of two different industrial park areas within the city. Several of them, some of them include some city owned land. Some of them are still privately owned but still kind of working on accelerating some marketing for those particular areas. Now that we're kind of coming out of. Hopefully what we think of out of the pandemic staff is preparing to work with mayor and council regarding the allocation of the latest American Rescue Act funds. Folks may have seen in the newspaper about an estimated \$25 million is going to be coming forward. Looking at trying to figure out exactly how to prioritize those funds and exactly I think it's like first discussion I think is gonna be I believe at the finance committee meeting tomorrow night I think it's gonna be council is gonna be policed kicking some ideas around. We're still waiting for federal guidance on exactly what those funds can be spent on. So we're looking forward to getting that guidance and then working with mayor and council and really the senior staff level to probably prioritize and figure out what the recommendation for those funds will be. We're bringing back probably a bike share program. Looking at that, that's just came up here today. Frankly we have one particular interested party that was looking at doing something kind of in the downtown area. We're not sure if they're gonna be the ones we wanna work with but we definitely liked the idea of doing that. Something our city attorney's office has been working on for a while but keeps getting bumped down. Alder Dorff's familiar with some of the demands being placed on that office right now and all their deck. So they're really gonna be bringing that ordinance back hopefully for some review and possibly kind of get some bike share back and it may involve e-bikes, scooters, other kind of alternative transportation types of things as well. And then just kind of a note that that city is actually gonna be hosting the annual conference for the Wisconsin chapter the American Planning Association in September. So we are planning on having some in-person activities God-willing that includes some tours of downtown and working with some other areas. So certainly we will be wanting to make sure that commissioners have that invitation and would like to participate in that if you were available and some of the offerings that we'll be having in September. So with that, available for any questions anybody might have

- I got one. What's the status on the comp plan update?

- I'll see if Mr. Buck is here. Yeah, there he is. I'll turn it over to him.

- The status on the comp plan update, is it's still interaction. They're still on hold. So we're some background data gathering, which we have to analyze before we can go out to the public. So really what we're in is what's called phase one right now. Phase one ends with a very large public, I don't know what you wanna call it but a group meeting to announce the comp plans being updated, setting up the stakeholder committees that kind of thing. And then most of our outreach has to do with actually hands on outreach, which it's difficult to do on Zoom. You know, if you've done them before the dots and the lines and that kind of thing at your individual tables. So that's really on a hold until the country kind of opens up. Another thing, Jake, that was really interesting about our comp plan approach through our outreach committee and working through that, we find we get a lot of participation when we are a part of other events. So I've got an example of when we're doing the shipyard stuff, we have old Ford crossing over on Broadway. The whole first floor, we have boards up and

tables. We had, I don't remember how many, but it was a massive amount of people came and gave their input. So that's really what we need to be able to get to that level, to be able to really hit phase two which is the public input, education and influence. So it's kind of on hold, but I'm sure we're not the only community that's put it on hold right now. You know, we looked at doing online only. The problem is is that really cuts out a huge segment of the population who aren't really computer literate. You like to think everybody is, but it's not the case. So yeah, hopefully the small is when Neil and I have been talking about really getting revved up. So fingers crossed.

- So to summarize, we're at the point where the pre-work has for the most part been done. We're at the point now where you're starting to need input before you can move on to the next stage.

- Right, well, we're still doing the pre-work as well.

- Okay.

- sounds good. All right, and the date of the next meeting is April 12th, 2021. Motion to adjourn.

- Second.

- Second.

- Motion by Alder Corpus-Dax, Vice Chair Miller. All those in favor.

- Aye.

- Aye.

- Aye.

- Any opposed? All right, the meeting is adjourned.

- Thank you, everybody.

- Bye everyone.

- Bye bye.