



MINUTES OF THE GREEN BAY PLAN COMMISSION

MONDAY, MAY 10, 2021, 6:00 PM
Virtual Meeting. Public may join via Zoom.

A. ZOOM MEETING INFORMATION.

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

B. ROLL CALL.

I. Members: Lisa Hanson - Chair, Jacob Miller - Vice-Chair, Ald. Veronica Corpus-Dax, Sidney Bremer, Derius Daniels and Autumn Linsmeier.

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

Others Present: Ald. Brian Johnson

C. APPROVAL OF THE AGENDA.

I. Approval of the Agenda for the May 10, 2021, meeting of the Green Bay Plan Commission.

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

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

D. APPROVAL OF MINUTES.

I. Approval of the minutes from the April 12, 2021, meeting of the Green Bay Plan Commission.

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

Yes- Jacob Miller, Lisa Hanson, Sidney Bremer, Veronica Corpus-Dax, Derius Daniels, Autumn Linsmeier, Ken Rovinski, 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.

1. (ZP 21-03) Public Hearing on a request to authorize a Conditional Use Permit (CUP) for the reconstruction of an off-premise digital and static message billboard in a General Industrial (GI) district, 1030 Block S. Ashland Avenue, submitted by Renee St. Laurent, Lamar Advertising, Wisconsin Central, Ltd., property owner (Ald. B. Johnson, District 9).

Chair Lisa Hanson opened the floor for the Public Hearing on the request to authorize a Conditional Use Permit (CUP) for the reconstruction of an off-premise digital and static message billboard in a General Industrial (GI) district, 1030 Block S. Ashland Avenue.

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. (ZP 21-03) Consideration with possible action on a request to authorize a Conditional Use Permit (CUP) for the reconstruction of an off-premise digital and static message billboard in a General Industrial (GI) district, 1030 Block S. Ashland Avenue, submitted by Renee St. Laurent, Lamar Advertising, Wisconsin Central, Ltd., property owner (Ald. B. Johnson, District 9).

Moved by Sidney Bremer, seconded by Ken Rovinski to open the floor. Motion Passed.

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

Moved by Sidney Bremer, seconded by Ald. Veronica Corpus-Dax to close the floor and return to regular order of business. Motion Passed.

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

Moved by Sidney Bremer, seconded by Derius Daniels to authorize a Conditional Use Permit (CUP) for the reconstruction of an off-premise digital and static message billboard in a General Industrial (GI) district, 1030 Block S. Ashland Avenue, subject to:

- a. A site plan and applicable permit applications are submitted to the Department of Community and Economic Development (DCED) for review and approval.
- b. The sign permit application shall not be valid unless approved by the Director of Public Works or his/her designee (Traffic Engineer).
- c. The Department of Public Works shall be provided with the means to turn off a digital billboard in the case of hazardous glare, interference with the visibility or effectiveness of a traffic signal or

control, or other traffic hazard caused by the sign.

d. The owner of the sign shall maintain up-to-date contact information with the Department of Public Works. The contact information is to provide 24 hours per day, 7 days per week access to a person or persons that is/are available at all times to respond to a hazardous sign situation.

e. The proposed signage shall meet all of the requirements of Chapter 13-2013(i), Green Bay Zoning Code.

f. Removal of the existing two billboard sign faces at 842 South Military Avenue, raze Project # 102966 prior to the issuance of permits related to this request.

g. No other off-premise sign owned or operated by Lamar Advertising within 350 feet of the subject request shall be converted to an electronic multiple message sign along a south facing sign face.

Motion passed.

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

3. (ZP 21-09) Public Hearing on a request to authorize a Conditional Use Permit (CUP) for the number of the maximum allowable parking stalls per Chapter 13-1714(f) along the 800 Block of S. Huron Road, submitted by Joel Ehrfurth, Mach IV Engineering & Surveying, LLC, on behalf of Mason-Huron Properties, Inc., property owner (Ald. V. Corpus-Dax, District 2).

Chair Lisa Hanson opened the floor for the Public Hearing on the request to authorize a Conditional Use Permit (CUP) for the number of the maximum allowable parking stalls per Chapter 13-1714(f) along the 800 Block of S. Huron Road.

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 21-09) Consideration with possible action on a request to authorize a Conditional Use Permit (CUP) for the number of the maximum allowable parking stalls per Chapter 13-1714(f) along the 800 Block of S. Huron Road, submitted by Joel Ehrfurth, Mach IV Engineering & Surveying, LLC, on behalf of Mason-Huron Properties, Inc., property owner (Ald. V. Corpus-Dax, District 2).

Moved by Ken Rovinski, seconded by Ald. Veronica Corpus-Dax to open the floor for discussion. Motion Passed.

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

Moved by Sidney Bremer, seconded by Jacob Miller to close the floor and return to regular order of business. Motion Passed.

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

Moved by Ald. Veronica Corpus-Dax, seconded by Ken Rovinski to authorize a Conditional Use Permit (CUP) for the number of the maximum allowable parking stalls per Chapter 13-1714(f) along the 800 Block of S. Huron Road, subject to:

a. Resubmission of a site plan to comply with Chapter 13-1821.

b. Compliance with all the regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit, including standard site plan review and approval. .

Motion Passed.

Yes- Jacob Miller, Lisa Hanson, Sidney Bremer, Veronica Corpus-Dax, Derius Daniels, Autumn

Linsmeier, Ken Rovinski, No- None, Abstain- None.

5. (ZP 21-11) Public Hearing on a request to authorize a Conditional Use Permit (CUP) for a motor vehicle repair, minor in a Downtown One (DI) district located at 533 E. Walnut Street, submitted by Murray D. Wikol, Green Bay Business Center III, LLC., property owner (Ald. R. Scannell, District 7).

Chair Lisa Hanson opened the floor for the Public Hearing on the request to authorize a Conditional Use Permit (CUP) for a motor vehicle repair, minor, in a Downtown One (DI) District located at 533 E. Walnut Street.

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.

6. (ZP 21-11) Consideration with possible action on a request to authorize a Conditional Use Permit (CUP) for a motor vehicle repair, minor in a Downtown One (DI) district located at 533 E. Walnut Street, submitted by Murray D. Wikol, Green Bay Business Center III, LLC., property owner (Ald. R. Scannell, District 7).

Moved by Jacob Miller, seconded by Ald. Veronica Corpus-Dax to open the floor. Motion Passed. Yes- Jacob Miller, Lisa Hanson, Sidney Bremer, Veronica Corpus-Dax, Derius Daniels, Autumn Linsmeier, Ken Rovinski, No- None, Abstain- None.

Moved by Sidney Bremer, seconded by Jacob Miller to close the floor and return to regular order of business. Motion Passed.

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

Moved by Sidney Bremer, seconded by Autumn Linsmeier to authorize a Conditional Use Permit (CUP) for a motor vehicle repair, minor in a Downtown One (DI) district located at 533 E. Walnut Street, subject to:

- a. Compliance with all of the regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit (CUP), including standard site plan review and approval.
- b. Inoperable or unregistered vehicles not associated with repair work shall not be stored on-site.
- c. No outdoor repair work and no outdoor storage will be permitted. All vehicle parts and tires shall be stored inside the enclosed building.
- d. Direction of flow regarding vehicles for repair shall be one-way.
- e. Consolidation of 519 & 521 East Walnut Street with 533 East Walnut Street.

Motion Passed.

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

7. (ZP 21-12) Public Hearing on a request to authorize a Conditional Use Permit (CUP) for an expansion of an existing substation in the 2040 Block Morrow Avenue, submitted by Robert Mach, Mach IV Engineering, on behalf of WPS, property owner (Ald. C. Stevens, District 5).

Chair Lisa Hanson opened the floor for the Public Hearing on the request to authorize a Conditional Use Permit (CUP) for an expansion of an existing substation in the 2040 Block of Morrow Avenue.

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.

8. (ZP 21-12) Consideration with possible action on a request to authorize a Conditional Use Permit (CUP) for an expansion of an existing substation in the 2040 Block Morrow Avenue, submitted by Robert Mach, Mach IV Engineering, on behalf of WPS, property owner (Ald. C. Stevens, District 5).

Moved by Jacob Miller, seconded by Sidney Bremer to table the request for the CUP until additional information can be gathered. No Vote.

Motion failed.

Moved by Ald. Veronica Corpus-Dax, seconded by Ken Rovinski to open the floor. No vote. Motion failed.

Ald. Veronica Corpus-Dax made a second motion to open the floor. No second. Motion failed.

Moved by Jacob Miller, seconded by Derius Daniels to hold over the request for a Conditional Use Permit (CUP), until the next Plan Commission Meeting, for an expansion of an existing substation in the 2040 Block Morrow Avenue, due to new information received. Motion Passed.

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

F. INFORMATIONAL.

1. 2020 Annual Report, Safe Walk & Bike Plan.

Stephanie Hummel presented the 2020 Annual Report, Safe Walk & Bike Plan.

2. Director's Report.

Neil Stechschulte presented the Director's Report.

3. Date of next meeting: May 24, 2021.

G. ADJOURNMENT.

Moved by Ald. Veronica Corpus-Dax, seconded by Ken Rovinski to Adjourn. Motion Passed.

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

VERBATIM MINUTES

- Okay. That's a minute. All right, well, hello everybody. Welcome to the Monday, May 10th meeting for the planning commission. We will go ahead and start with a roll call. Chair. Lisa Hanson, present. Vice chair, Jacob Miller?

- Present.

- Alder Veronica Corpus-Dax?

- Present.

- Commissioner Sidney Bremer?
- Present.
- Commissioner Derius Daniels?
- Present.
- And commissioner Alder Lynn's Meyer?
- Present.
- Moving on to the approval of the agenda for the May 10th, 2021 meeting of the Green Bay Plan commission.
- I move approval.
- Second
- Motion by commissioner Bremer, second by Alder Corpus-Dax. All those in favor?
- I.
- I.
- Any opposed? And then moving on to the approval of the minutes from the April 12th, 2021 meeting of the Green Bay Plan commission.
- Second.
- Motion by Alder Corpus Dax and a second by commissioner Lynn's Meyer. All those in favor?
- I
- I.
- I.
- All right and then into the regular business with a public hearing. And with public hearings, this public hearing has been properly posted and notice has been published in the Green Bay press Gazette. The Plan commission is interested in hearing public comments on the subject agenda items. We invite your comments... and your address, whether you represent a group or association, whether you favor, oppose or are only providing information in this matter and your comments or concerns. We also ask that you can find your testimony to facts related to the proposal at hand and avoid repetitive testimony. You must be recognized by the Plan commission in order to speak and please address your... Time is limited to three minutes. We will now open the public hearing on agenda item one, public hearing on a request to authorize a conditional use permit for the reconstruction of an off-premise digital and static message board in a general industrial district. 1030 block South Ashland Avenue submitted by Renee St. Laurent, Lamar advertising Wisconsin property owner. All right so with the public hearing, we're looking for interested parties that are in favor of the item. And when you come forward please state your name and address. So is there--
- Hey madam chair, we want to ask give us a brief synopsis of what the item is.

- Yeah, absolutely. I felt like I was missing something so Steph, go ahead with that.

- Thank you, Madam chair. I can do that real quickly. Let me just bring up the graphics here. So this is a conditional use request. Conditional use permit request for the reconstruction of a billboard, an existing billboard that's located on the 1030 block of South Ashland Avenue. It's difficult to put an address on this property because the road is about 30 feet above grade the natural grade. So this outline kind of represents the parcel. Actually the parcel does run across the West side of South Ashland as well, but the existing billboards is right in this location here in the northbound lane, just on the East side of the property. Let me just advance quickly. So this is a view looking North ward. You can see the existing billboard sign both sides kind of have a static message. The South side which needs the conditional use probably will have a multiple message sign or a digital panel. So again, that's a need for the CUP and why they're before the Plan Commission at this time.

- Okay. Thank you so much, Paul. And now with the public hearing, we're looking to hear from parties who are in favor of the proposal. And if you're calling in on audio, it's star six to unmute yourself. Is there anyone wishing to speak in opposition to this item? Is there anyone wishing to provide information only?

- [Renee] My name is Renee St. Laurent and I'm the one that submitted the action. And I'm just here to answer any questions. I also want him to thank you for your time on this.

- Okay. Thank you so much. And I think when we get to the actionable item next, if we have any questions we'll probably ask them of you at that time.

- [Renee] Thank you.

- Thank you. Is there anyone else wishing to speak on this agenda item? Is there anyone else wishing to speak? Is there anyone else wishing to speak? Let the record reflect that no one came forward and this public hearing is now closed. And moving on to the agenda item with consideration with possible action on a request to authorize a conditional use permit for the reconstruction of an off-premise digital and static message board in a general industrial district 1030 block South Ashland Avenue submitted by Renee St. Laurent, Lamar advertising, Wisconsin central limited property owner.

- Madam chair, sorry to interrupt. I did just wanna make a clarification for you. Mr. Ken Rovinski is here. He was appointed to the planning commission at the May 5th or May 4th, common council meeting. So he is here in present. So I believe he is actually a voting member tonight. So can you briefly introduce him. Ken I believe is here. So I just wanted to welcome him and I just wanna let the rest of the commission know that he is here and presence and able to vote as he was appointed on May 4th.

- Okay, perfect. Well, welcome to the Plan commission Rovinski. I'm trying to find where, can't see here.

- He is out there so.

- So welcome to the Plan commission and I'm sorry that I missed you. I didn't see it on here so that's why I was not sure if we were meeting--

- That was our fault madam chair, I think we didn't quite have the update. So just wanted to make sure that everyone was aware that he was appointed on the 4th. So I believe he is eligible to take action and vote with you this evening.

- Okay, I will add him to my list then. Okay. Perfect. All right and then, okay, so we're on to the agenda item number two and Paul is on this one.

- Yes. Thank you Madam chair. I'll just run through a few graphics and give you our recommendation. So again, here's the site 1030 block of South Ashland Avenue. The billboards near the apex of the road. Again the road is elevated at this point. The proposed sign is about 60 feet in overall height. There is a limit of 30 feet but that's measured from the road rail, so the sign will be compliant from that perspective. There is another billboard sign owned by Lamar that is just on the West side of the street about 280 some feet away. So there are two signs here in different directions. Again, this is the parcel to rather strange looking parcel. Separated by the railroad. This is a former railroad yard that's been abandoned but the sign itself has been there for some time. The city's comprehensive plan recommends park uses in this particular area, the conditional use permit is not in conflict with that based on state statute. We can see the other surrounding future land use which are rather mixed in this particular area. The current zoning is general industrial. So this sign is permitted under that zoning district. There are some residential properties here to the Southwest. There is industrial to the East and then some residential properties again to the North. With billboards themselves, there are a couple of different standards that apply and they're found in chapter 13-2013 for off premise. So this sign on the North side will be a static message sign and a digital sign will be on the South side of the proposed sign here. So again, when we look at conditional use permits there's requirements under 13-205 which are spelled out in the staff report. Regarding the changeable copy and the digital signs are specified in 13-2013 and those are also specified. Staff believes that as proposed, this is compliant with the CUP standards and the changeable methods panels in the off-premise section of the code. This proposed sign is not within 100 feet of an existing boundary. However it is within 400 feet of a residential district but the key here is this sign is perpendicular to the street and it doesn't face the residential use. So it's permitted. With digital message signs, there's also requirements for mitigation plan, that was provided. There were some billboard signs on Military Avenue. I believe that they've already been removed that qualify or permit on the sign on the south side to be permitted. In addition, we've had talked to our city traffic engineer about his review of this and he's given us preliminary consent to this request. So we have notified property owners within 400 feet of this request. We did receive one call when a call from a joint neighbor I believe but otherwise the staff is recommending approval on the request tonight, and there are several conditions. So I kinda like to go through those in a little greater detail. Here let me bring that back up. So there are seven conditions. The first one is the sign plan or applicable permit applications are submitted to the Department of Community and Economic Development for review and approval. That's basically standard sign plan review process. The second one is a sign permit application public works his or her designee, the traffic engineer in this case signed off on that permit. Third the department of Public Works shall be provided with the means to turn off a digital billboard in case of some hazard or a glare or some effect on the traffic. The fourth, the owner of the sign shall maintain an up-to-date contact information with the department of public works again to give the city an ability to possibly need to control that sign or to turn that sign off in case of an emergency. Five, proposed sign shall meet all the requirements of chapter 13-2013 I. that's related to multiple message sign panel requirements. Item six, has to do with the mitigation plan and the removal of those billboards from South military Avenue. And finally, this has been kinda relationship to the existing sign, the left side of the overpass that no other off-premise sign owned or operated by Lamar advertising within 350 feet be converted to an electric multiple message sign along the South facing sign. In that case, our concern is that there will be two North facing, I guess multi-message signs, it might create a traffic hazard. So those are our recommendations tonight.

- Okay. And you were saying Paul that this the sign that's not very far from here that also has the changing message board that the electronic message board is one that they've been operating for quite some time?

- Well, not on the same street, not on South Ashland.

- Right, now it's like over on Mason. It's when you're coming over that whole triangle that's where I drive all the time. So I just, yeah, I'm very familiar with it.

- I believe that's one of the first ones that was put up, yes.

- And if I might, Paul, I take it that there's no problem with the strength of the electronics as far as casting light on that residential neighborhood?

- I believe it's far enough away. There are minimum standards for light spill over so to speak in relationship to foot candles. But I believe that the property that's far enough away that should not be an issue. And if it is we'll still have to take enforcement action at that point.

- Okay. Thank you

- Paul. I had a question about one of the billboards that's being removed, the panel 24163. It looks like it's just a portion of the one side. Is the other one to remain there? The one, if I'm looking at it here it has like the McDonald's advertisement on it?

- Yeah. I believe the entire billboard has been removed. I'll have to defer to the applicant, but I think all those signs panels have been removed. They needed a minimum of six points under the mitigation plan to put up the sign face and removing two of those would meet that standard.

- To confirm that I'd like to move that we open the floor so that we can hear from the applicant.

- We have a motion by commissioner Bremer. Do I get to here a second?

- I would second that.

- All right. Second by commissioner Rovinski. All those in favor?

- [Commissioners] I.

- Any opposed? All right. The floor is now open.

- [Renee] This is Renee St.Laurent with Lamar and yes to confirm the whole sign structure has been removed. So it was a total of three faces that were removed. One was smaller than the other two.

- Okay. Did anyone on the commission have any further questions for the applicant?

- Then I move that we return to--

- Well I think Alder Johnson looked like he wanted to say--

- Oh, thank you.

- Yeah Sorry I'm just trying to hit all these buttons to turn my camera on and get the mute off and just takes a second. It just a question for the applicant. I'm trying to understand the nature of the lease here. It seems like a little bit of an unconventional lease but it might understand when I'm looking at this the original lease is still in play, meaning that you are looking at one year terms on that lease? Is that correct?

- [Renee] No, that is not correct. We amended the lease to now have a 15 year term. So there's different amounts that we pay for a static sign versus a digital sign. And that will now be a 15 year term.

- Okay and so, does the CN or the property owner, Canadian national or the name of the organization that manages this. Sorry, I'm just scrolling here trying to find it but do they have the ability to still terminate that lease as was indicated in the original lease?

- [Renee] Yes they do.

- Okay. So they could terminate it at any reason for any need, I guess?

- [Renee] Correct.
- Okay and the reason I'm asking is specifically, if the ownership of that property were to transfer for any reason, I mean that... And hypothetically the new owners of that property wanna do something differently, that lease could be then terminated?
- [Renee] Potentially yes it could be.
- Okay. Yeah and I'm not saying it has to, I just kind of wanna know if that is a possibility, so?
- [Renee] Yes.
- Okay. Thank you.
- Were there any other questions for the applicant? Okay. Thank you so much miss Laurent, hoping I'm pronouncing your last name correctly. Was there anyone else wishing to speak on this item from the public?
- Then I move that we returned to regular order of business.
- Second.
- [Lisa] Motion by commissioner Bremer, second by... Other in favor?
- [Commission] I.
- Any opposed? All right.
- And if there are no questions or comments from any members of the commission, I would move approval of this item.
- Second.
- We have motion by commissioner Bremer, second by commissioner Daniels. Any further discussion? All right, we'll go ahead with a voice vote. All those in favor?
- [Commission] I.
- Any opposed? And I will also vote in favor. So that unanimously we'll move on to the next city council meeting, which, is that the 18th?
- Yes.
- So May 18th. And moving on to the public hearing, agenda item number three, public hearing on a request to authorize a conditional use permit for the number of the maximum allowable parking... 13-1714 along the 800 block of South Heron road, submitted by Joel Ehrfurth Mac for engineering and surveying LLC on behalf of Mason Heron properties Inc property owner. And if Steph could give a brief overview before I jump into asking if people wanna talk about it, that would be great.
- Sure. Thank you, Madam chair. So have highlighted here this property is newly created as of last week but it's along the 800 block of South Heron road. You may be familiar, this is Mason street here and there's a QuickTrip and then a strip center here. So this property online and right as the new parcel that is being created for a new Scout sub location. We had recently rezoned this to C2 so this zoning map hasn't not been

updated yet but this lot is C2. There are PUD surrounding it along with mix of residential uses. Most of it though is vacant farmland. The comprehensive plan does call for crusher uses along this entire corridor. So the ask is for an extended parking area. So we had just recently adopted our new zoning code which has our new parking requirements that we now have a maximum. So this will be the first, system to have an addition on top of the 200% maximum that they're allowed. So we'll dig into some of the details on our next item but I wanted to give you that brief background that this is the first of its kind before Plan Commission. So we'll probably go through a pretty thorough review of the code during the action item.

- Perfect. Thank you so much Steph. So now with the public hearing, we are looking to take any interested parties who are looking to speak in favor of this item.

- This is Joel, I'm the applicant. Would you like our response or do we deal with this at this point or do you wanna wait until it comes up as an action item?

- Probably the actional item. I mean, if there's something that you wanna say now you certainly can, but probably we'll have questions and things during the actional item.

- Okay. Sounds good.

- Thank you. Is there anyone wishing to speak in opposition to this item? Is there anyone wishing to provide information only? Is there anyone wishing to speak? Is there anyone wishing to speak? Is there anyone wishing to speak? Let the record reflect that no one came forward and this public hearing is now closed. Moving on. Oops. Moving on to the action item, item number four, consideration with possible action on a request to authorize a conditional use permit for the number of the maximum allowable parking stalls per chapter 13-1714s along the 800 block of South Heron road submitted by Joel Ehrfurth Mac for engineering and surveying LLC. On behalf of Mason here on properties Inc property owner.

- Thank you madam chair, so we dig a little bit further into this. Our updated parking code gave some different standards for selecting a minimum amount of parking required but most notably we added a maximum amount which is 200% of what they're minimally allowed. So for this site in particular, the initial site plan that they had submitted had 35 parking stalls which you can see herein. During their site plan review, the calculations showed that they needed a minimum of 12 which means their maximum is 24. They are still proposing to do the 35 stalls as originally proposed but for right now, they've already submitted and approved a site plan that looks like this. That removes some stalls from that Northern Mont line to meet the 24 required by code so they can start working on some of their other things along with this site. So the CUP in particular is to get that additional parking back along that side to add to the total of 35 stalls that they're looking for. That calculation is based on the floor area but not floor area but not floor area of the building itself and then also the outdoor seating area that they have which is right here along the front of that building. So the site plan has already been preliminarily approved with the caveat that it could change with this conditional use permit. So in our staff report for conditional use if you guys have already reviewed this, we always have this, the seven criteria. And these come from that state statute dictating what from a conditional use permit, what we're looking forward to see if it works or does not work within our city. So within here, condition number six has that there is adequate parking facilities as specified within our parking code. I also had in our staff report these three criteria that are listed in our parking code for why somebody could go above that maximum allowable number. So our criteria's one, two and three noting that condition one and two are being met. The first one is saying that it's unique in characteristics. That there is some sort of unique use. That there's more people parking and staying in than usual. It's not really the case with this type of use. Most restaurants in general, don't have that high of a capacity when it comes to people hanging out for hours on end. But in particular, this type is like a grab and go sub shop with some minimal dine-in available. Caveat number two is that it has, there could be a more intense use in the future, which also is not applicable given the size of the lot that they've created and this is a newly created lot. So the size of it has already been determined to fit this use in particular. They do however meet criteria three because there is not a shared parking option available. The QuickTrip to the South is the only thing developed on this entire block. And there South area does not have on-street parking

available. So they would not be able to do a shared parking agreement for those extra stalls. Staff generally feels that this doesn't meet the intent of the code. They've said that they have seven employees that will be working there so they need additional parking to accommodate that. And then also any influx of customers that they're having but that 35 is too large for this use. However, a cool brisket probably blow us either way on this one. So we have to be aware that whatever standard you use to judge this will be the standard that you use to judge all maximum parking requests moving forward. We had in our staff report to the applicant said, if this doesn't work out, the CUP doesn't get approved, we think that it would be great to see these parking stalls that are on the North side of the building moved to the North property line and fill this area in and then expand that park, I'm sorry, the outdoor seating area along the side of the building to give them some more usable space outside. So that's a design thing that we had offered just as in case your CUP doesn't... But however, this is what they currently have approved on-site plan is the parking lot as originally proposed just without the stalls here at the North end. So with all of that, we are recommending denial because it does not need that selection criteria that we have in our parking code, but just, I want you guys to be very aware it's first of its kind. So please be sure to have some thorough discussion. We're interested to see what you guys come up with. Again when it comes to the maximum parking, the intent of that was to be sure that we aren't over parking our city. That we're not paving too much of our city. The site is pretty small in scale for both the size of the lot, the size of the building, the size of the parking stalls. It would be incredibly detrimental to have 35 stalls for this use, but I just wanna be aware of these criteria that are on the lists. Well making sure to utilize that in our future decision-making as well.

- Okay. Thank you so much Steph.

- Madam chair.

- Absolutely.

- Steph in regards to the spirit of what we are going with at the parking code changes back when we made those, the one thing that stands out to me here is it doesn't address surface area. It just addresses the number of stalls. So in the revised site plan that they did put forth they just had those stalls removed on the one side with no change in actual service area of what was paved. Does the code address that at all? Or is it just focused specifically on the number of spaces?

- I would like to lean on some of my other planners for this discussion? If there's nothing there, it shouldn't be there. I think that that's kind of the intent of all codes is that if it's not parking and it's not a usable space that it shouldn't be on your site. Unless it's you're greening it, then it's a usable green space but maybe Paul or Dave might have more of an opinion on that than I do.

- I would concur with that. I don't have much to add to that, but I agree.

- I also agree. I mean, it has to be a usable space. You just can't pave a lot to pave a lot unless it has a purpose. So parking purpose, a dining purpose, some kind of purpose.

- So that's why we had come up with the option of moving that parking just flip-flopping it, moving it to that North side of the parking lot. So that way they could expand their outdoor seating area that would give them some more space which might also give them another parking stall as part of the required parking but then also justify keeping that area paved.

- And it gives them more green space right next to the building.

- Yes

- I guess for my concern was I certainly liked the idea of getting more green space versus paved area, but I have a hard time pushing back in a situation simply because it's not having an effect on that aspect of it.

- Yeah just quickly to add to what commissioner Miller was saying, it looked like a staff from that site plan that that part of the parking lot was gonna be paid anyway and it would just be three stalls in the very beginning. So what is gonna be if it's not parking spaces. It's just gonna be a empty paved area with no lines and no parking spaces?

- I would guess that anyway, honestly, so we'd have to amend, we'd have to work with them to amend their site plan. But again, maybe if, that's if the conditional use doesn't get approved, I think that the site plan was approved knowing that the CUP was coming. So I think that there were still some wiggle room with what we're gonna do with those spaces if this doesn't get approved and what happens if it does get approved.

- Yeah and just to add to that real quick, I mean I know we have the developer on but if you suggested the additional green space on that front edge to allow for the outside feeding or why wasn't that acceptable? Is there some kind of future use plan for moving those parking spaces to the North end and having additional outside seating? I guess I just want more information around why that wasn't an acceptable alternative.

- I'm not sure that it wasn't acceptable. I just never got a response back. It was when we had sent our staff reports. So maybe they have more comments on it now. And may be an acceptable alternative if this doesn't get approved, but I think Joel can speak more to that.

- I'm sorry, so just to confirm there are current zoning ordinance doesn't really say anything as far as what Jake had originally asked about it just addresses the parking spaces and not the paved surface area when there's nothing there. That is if we were to say no.

- Yes our parking code wouldn't address that, our site plan review code may cause that is where you deal with that permeable versus impermeable surfaces. How much of that exists? What uses are allowed on a site? So that's a little bit removed from this conversation. This is just to adjust the maximum amount of parking that they can have because our parking code would really address other page things on a site.

- Okay and I agree with you Stephanie that if we were to deny this and that were to remain a paved area, I do think that people would see those first three parking spots and just assume that entire area is also parking. They don't move--

- Regardless, how many times have you been somewhere and you're like, that's not a parking spot and you see a car there. So I just think that if it's paved, people are gonna use it that way.

- I mean, I see it all the time down at Baird's Creek and some of that area is not paved. So people make parking wherever.

- I would make a motion to open the floor to hear from the applicant.

- Second.

- Motion by commissioner Rovinski, second by Alder Corpus Dax. All those in favor?

- [Commission] I.

- Any opposed? All right then we want to hear from Mr. Ehrfurth. Can you please pronounce your last name for me cause I swear that every single time pronounce it a different way.

- Ehrfurth.

- Ehrfurth. Okay, I'm writing that down.

- Well, don't feel bad, you're not the only one. Well, I appreciate you giving this opportunity to present and I also have the owner, Mary Ellen Graham. She's online as well. I guess what we'd ask you to keep in mind is a couple of things. This is, yes it is a sub shop, but this is, it's a franchise. There's an existing one in operation, has been an operation for quite a few years. It's on, I'm sorry, De Pere Lawrence is on right on that line there. So it's not a new business model. And the reason we're proposing the number of stores that we were, the 35 is that based on their existing model, that's what we feel is necessary. I guess, from my perspective I think I would ask you to keep in mind that a parking lot to an owner of a business is not a revenue generating thing. So they typically don't want an excess of that, right? It's an kind of a necessary evil, but they're expensive to construct and they're expensive to maintain. So it's not something that they wanna typically you know, frivolously add parking stalls to. So I don't know if you've had the opportunity to be at or go to the existing Scout subs down at De Pere but it they're a little different than your normal Sub shop. They're a little unique and they make some specialty subs that are labor intensive and take a while to prepare. There's actually nine employees on a maximum shift. So if you take, you know, if you take the 24 stalls and you take off nine for employees that only leaves a handful for actual customer. So why we're proposing 35 is it really lines up well with what their existing model is? For example, the store that's in De Pere currently has 38 stalls. Hobart that they're gonna be looking at putting in a very soon, they had 36 stalls. The thing that you're probably gonna see my guess would be, if you're gonna probably gonna see a fair number of these requests come through. If you look at other communities and I know that's not always applicable but if this same store would be put in Appleton 23 stalls are required as a minimum. If you went to the De Pere be 28 minimum. Lawrence Ledgeview, they're 35 stalls minimum, 38 stalls minimum in Lawrence. And if you were to build this in Howard you'd be required to put in 44 stalls. That's the minimum parking stalls in some of those other communities. So I guess what we're asking for is the lack of parking on Heron, we don't want people to, you know try to be a good neighbor. We don't want customers parking in the QuickDrip and causing issues there. We don't, you can't park on here and we don't want people parking in businesses across the street from Heron again for they're not supposed to park there and a safety thing, crossing that busy road. So we're hoping you see that we're not proposing the exorbitant amount of stalls but one that we feel is really needed for the business. And then as far as that the point of the lot is designed to allow for a more intensive, basically the lot size could have allowed for a bigger building. The floor area, we actually had a larger lot size proposed originally but it was rejected based on we didn't meet the floor area ratio. So that size building is the largest allowed on that size lot for this use. So we couldn't go, we couldn't add more real estate, they had more building. And the planning request of increasing that additional parking space, that was all brought up or that conversation was started I should say, after we had this conditional use permit, currently the application submitted. And quite frankly adding additional seating kind of exacerbates our problem. I know it makes your numbers work better but the reality is adding more seating is gonna increase the parking demand and I'm caught in a catch 22. But again, the 35 number was thought through based on their existing business model that's been an operation for a number of years. So we hope you take that into consideration.

- Okay. Thank you so much. And did the applicant want to speak as well?

- Hi. Can you hear me?

- I can hear you, just state your name and address please for the record.

- Okay. Hi, my name is Mary Ellen. Yes. My name is Mary Ellen Graham and my address is 2281 Los dolphin road in De Pere. And I think Joel spoke quite well about, the existing Scout subs, if you've ever been there, their parking lot is full very often. They had originally started out with less stalls and had to increase them to what they have currently have. So it is a big concern. I've been working at the shop and almost every lunch hour the parking lot is completely full and we don't have anywhere else to go. So and we don't, you know, we wanna be good neighbors with QuickTrip and we don't want people, like we said, being unsafe walking across the street and parking and trying to cross that road or not really understand that they can't park on the road in full. So we're hoping that just and the nine employees eats up a lot of our spaces already, gets us down to 16. Which it's not something, everything's made fresh and is not made quickly. So there is a, you have to wait

for Sub cause it's made to order. That's why we don't have a drive-through. We wouldn't be able to handle it. And so we're just hoping you will be open to this.

- Thank you.

- Sure.

- Was there anyone from the public wishing to speak on the this item? Or was there anyone from the commission that had any questions for the applicant?

- Yes. I did have a question. I'm looking over the site plan. What is the total square footage of the new proposed building? I'm not finding it on here.

- I don't have it in front of me. Stephanie that one drawing you had. I think it had it in that corner.

- Hold our eyes right now to find it. 3,413 square feet.

- Okay and so that is smaller than the current building in the De pere, is that correct?

- No.

- I don't know what the size or the square footage of the current building. We'd have to scale it off of like Google earth or something, but again they do have 38 stalls and we're only proposing 35.

- Anyone else from the commission have questions for the applicant? So I set in a motion to close the floor?

- Moved.

- Second.

- All right motion by commissioner Bremer, second by vice chair, Miller, all those in favor.

- [Commission] I.

- Any opposed? All right. So I guess I do have a question for Stephanie. So you said that the wind could blow you either way on this one.

- Yes, we are--

- But also, we're also setting a precedent.

- Yeah. So I think that, like from a staff perspective we obviously need to review these applications, how the code tells us to. You know, it's the same with all of our subdivision variances. We have a set of criteria that we have to get recommendations on but our recommendations don't take into account things like, does here on have parking? What's their business model? Like that's for us to have discussions about here. That's what a conditional use permit lets us do is have that flexibility. So we feel that it's good, but maybe needs something in addition, that's what the conditional use permit allows us to do with this. So I think that if this were, a site that had an alternative to do some shared parking or was in a developed area, we might have a little bit more of a for, you know we generally recommended denial because it doesn't meet all of the criteria, but also.

- Right. So I feel like with this property, especially, them talking about it being landlocked, I mean you can't park on Heron If they got to a situation where they needed more parking, they don't have QuickTrip, They don't have Heron. I appreciated that Joel had the information about other municipalities and their minimum and

maximum requirements because it really, I mean, I realized that we're talking about the city of Green Bay versus the suburbs, but this is kind of on the edge of town too. It looked like, Alder Corpus Dax, did you have something? Is that your hand?

- Yeah I think I'm kind of, thank you. I think I'm kind of leaning the same way you're leaning because they don't have that Heron parking, they don't have that shared business park. We are out in the, towards the edge of town. And again, you know, having the, knowing what other surrounding municipalities are allowing for maximum parking, I'm leaning more towards approving this request. And quite honestly, I mean, if they have that space there with just three stalls, I don't see anything stopping people from parking in there. So we might as well clean it up and just have those designated parking spots.

- So I guess the one concern I have is the whole surface. So at the point that you're going through the site plan that will all be addressed. Correct?

- Yes, if you guys would like to go the route of approval, I do have some conditions I'd like to add to that. And one of those is that, cause once you hit 25 stalls you have to comply with our landscaping section of our parking code, which would not only keep those stalls but they'd have more buffering and lovely things with it. So if you want to go that route, we do have language I'd like to add in.

- I would support going that route as you eloquently put it Stephanie. In part because I think we have one more element here that is important to me and that is the precedent of other Scout subs and what kinds of use they make of the parking. And one of the issues that you raised earlier, Stephanie was that there might be special circumstances. Well, I think that suggests that Scout subs business model is a special circumstance that seems to require more parking area than our normal expectations would run.

- Yeah commissioner Bremer, I think that's a great point and I think all I'd incorporate that and chair Hansen I'm kind of leaning the same way if the lot is gonna be paved, people are gonna park there regardless. It's a different business model. I've never eaten there before, but maybe I need to. But I will say that I'm not familiar with that area but I agree with what everyone was saying. If it's landlord, then you know, I'm a big fan of government not getting in the way just to get in a way. And it seems like one of those opportunities where we can look to yes was set up precedent, but it could be a good one. And so I think I'm leaning like everyone has spoken though this far the same way.

- So if we decide to go toward approval, Stephanie at that point that's when, if we're adding those extra spots in, that we have more code to go through as far as the landscaping and everything. So it would be prettier if we go that route.

- Yes.

- What would be those conditions that you mentioned Stephanie?

- They would have to do a resubmission of their site plans to comply with chapter 13-1821 of our code, which is that extended landscaping and then compliance with all regulations of the Green Bay municipal code not covered which is our standards CUP language.

- Okay. Go ahead Alder Johnson.

- Thank you, commissioner. You know, one thing that was brought up was, Mr. Erfurth had brought up the minimum parking requirements and I wanna make sure we don't get hung up on that because you know what we're seeing with municipalities all across the country, including the city of Green Bay is we've actually eliminated minimum parking requirements. And instead I want us to really focus on, the maximum component, the intent of why this was created. And I appreciate that intent is Stephanie had explained, which is to prevent these seize of asphalt. They think it's okay to acknowledge that a small business who has a lower volume of

parking stalls can and probably should be treated differently than talking about a percentage for big box retail, right? I mean, needs of Walmart is so fundamentally different than a Scout subs. And I think it's okay to acknowledge that and recognize that. And I always kind of cringe a little bit when government gets in the way and says, it's a small businesses that we can tell you how to run your business and we know it's better for your business than what you do. And I think clearly you have an applicant here who has indicated that this is a need for them to successfully operate that business. They don't have any other place to go. I don't wanna be the one that puts the shackles on a small business owner that prevents them from being successful. Because one thing with parking lots also is that when they're full, people have a tendency to think that location is busy and then they move on. So in a weird kind of way you don't want their parking lot to always be full especially when they don't have a place to overflow. So I think this is a perfect case where you can look at quantity rather than percentage and say, yeah, that's a reasonable quantity for what they're trying to do here and DJ if you've never been to a Scott subs, I would propose that I'll take you, I'll take you to lunch there someday when they build this new location. We'll have two parking stalls that we can find, hopefully.

- Right. Thank you Alder Johnson. But now I will mention, I haven't eaten there either so.

- Alright, well, it looks like I've got three lunches to buy. Anyone else signing up?

- Vice-chairman Miller is.

- Brian buying lunch.

- I've been, have been there. I've been there a couple of times.

- Lisa, I did have a comment though, besides wanting so. So I'm a little concerned that it took a whole one proposal for us to run into an issue with the parking code. Also that it doesn't, there seems to be a here where the stalls are not adding up to what the actual paved area comes to. So I would like to take a look at the coding again myself and not gonna do it here and now but I think we should also had an action item to staff to maybe check into this because this seems like a bit of a gap to me. If the spirit of the rule of the code is to reduce the amount of pavement, yet it doesn't address how much pavement actually is being put down. That's a bit of a problem. So as everyone else, I'm in favor of going forward to 35 space allotment with the additional conditions but we need to kind of look at the code and I feel a little silly that we didn't catch this when we went through.

- Thank you so much vice chair Miller.

- I got them wild up, both of them got their hands up down there.

- I'll defer today, if only let David go first.

- There's two points I wanted to make. The first point is again, when we went through the parking code, part of the reasons isn't just because we don't want parking. It also is a stormwater issue. It's a green space issue. So I wanna point that out because I was part of that discussion. I guess, second thing that amount of pavement with no striping would not be permitted to be allowed there. So don't think that they would just have a bunch of pavement that you would park on any way. So you might as we'll make them stalls, that's not the case that would be removed. But the third thing, and this is most relevant is actually the parking code is internally being eroded with our hosing and zoning people actually right now and there's a meeting at the end of the week that will be coming back to Plan commission. It's not the only item, we like to bring those back like 12 months after they're adopted. With the previous year's circumstance, it's been a little bit longer, but we plan to have something to you probably I'm guessing in June to look at multiple facets of the parking code. Whenever you re-write a whole section of the code, there's always tweaks that need to be made. And so that's just the points I wanted to make.

- And Dave to your defense too, I think when we, went through it about even reviewing it after six months or so anyway, I don't know remember exactly what our timing was but I think we were planning to take a look at it again anyway.

- Correct? Yeah. Yep. We would always bring those back through again for a follow-up for sure.

- Neil did you have something to add?

- Just, I do think just, I wanted to point out to commissioner Miller. I just thought I'm guessing there have been several projects that have come through and actually met the new parking code so you guys didn't have to discuss it. It's not that we, I think, I don't think, just to clarify, I said this has actually been in place sort about a year. So I think a lot of other... I think this is a little bit of a unique use. I do think the size of the lot in this particular case the actual number of stalls is relevant to take a look at it in terms of just a flat percentage. I agree, we're trying to avoid the giant seeds of parking. This is an existing parking area at a relatively small business. There's probably some room for some flexibility I think on this one and I think the commission is going in an appropriate direction on this.

- Thank you Neil. Do we have any further discussion? Otherwise I'd certainly entertain a motion.

- Motion to approve, the request.

- Second.

- The motion by Alder Corpus Dax to approve the request with the conditions that has put in place, where they second by commissioner Daniels. Any other discussion?

- And to clarify we are moving to approve the proposal, not approved staffs recommendation.

- All right. We'll go ahead with a voice vote. All those in favor,

- [Commission] I.

- Any opposed?

- I also vote in favor so that we'll move ahead to the May 18th city council meeting.

- Excuse me, could you reiterate the condition then?

- It was specific to the parking code. It was specific to the landscaping, Stephanie?

- Yeah.

- Just that it was up to the others standards as well.

- Yes. So the second one is just our blanket condition, that's CUP that has to meet all municipal code which is done through site plan. The other one was that extent, if it's over 25 parking stalls it has to meet that different section of code which was emailed to you in your site plan review but I can email it again.

- Okay. Thank you.

- Thank you.

- Thank you. And moving on to item number five, public hearing on a request to authorize a conditional use permit for a motor vehicle repair minor in a downtown one district located at 533 East Walnut street submitted by Murray D Wikol Green Bay business center, LLC property owner. And if Steph could give a brief overview, please.

- Thank you madam chair. This is a request for conditional use permit for a minor auto repair. So when we talk about minor, it's related to exhausts works, oil changes, tire, something like that not major auto repair. The property is located at 533 East Walnut, at the Northwest corner of East Walnut and North Monroe. I always call it the Earl Shai building. It's not officially used anymore, but maybe others have a different name for the building, but that's in my recent memory when I would consider probably the structure. So the property is right here on the corner, downtown district. They would occupy the Northern portion of that building leaving a retail space on the Southern end of the building.

- Okay. So then with the public hearing we are looking to take testimony from parties who are in favor of the proposal. Looking to take information from though anyone who is opposed to the proposal. And is there anyone wishing to provide information only? Is there anyone wishing to speak? Is there else wishing to speak?

- [Aaron] This is Aaron Schmitt. I'd like to say something at least on the proposal. I think this is the correct time for me to speak, not quite sure.

- I'm sorry, could you please state your name and address for the record?

- Aaron Schmitt, 434 East Walnut street, Green Bay.

- You can certainly speak now.

- So I was looking at the proposal that was part of the agenda from the AAMCO side of things. And from what I read, it's not minor auto repair. Transmission rebuilding is definitely not minor. And in their first page, well, the third page in their ads says that they're a dominant player in the complex car repair going forward. So I don't know if minor is necessarily the right term for it. That's all I have for this.

- Okay. Thank you so much for your testimony.

- Lisa, can I comment?

- I'm sorry.

- I'm Kim Robinson.

- Kim, go ahead and state your name and address for the record please.

- Kim Robinson, 3031 holdwood, Nashville, Tennessee. I am the director of franchise development for AAMCO transmissions. To Aaron's point, we actually are light repair. We do not rebuild transmissions on site. We purchase or re-manufactured transmissions from LKQ which has 13 re-manufacturing facilities across the country. So when it comes to the transmission part of our business, it's a remove and re-install. So over, night transmits shipped to us the whole transmission is removed from the vehicle, it's shipped back to LKQ, whichever LKQ shipped the re-manufactured transmission to us and then we re-install that transmission into the car and put that consumer back on the road. It's about a 24 hour process. They're not stripped down and rebuild onsite. So we are a light repair. We do general automotive and RNR transmissions.

- Thank you so much for your testimony.

- Thanks Lisa.

- Well is there anyone else wishing to speak on this public hearing? Was there anyone else wishing to speak?

- This is Murray Wikol, I'm the petitioner. Just would like to say, I think everybody for Green Bay considering this AAMCO is a excellent potential user for the space. We spent about 900,000 to do that out deco building over the last year or so. And then on top of that, we brought in 134 new jobs to the 435 building during COVID. Put about \$2 million in the press because that building there's a lot of homeless people and people who were in this area back two, three years ago and we're renovating it and redoing it. There's potentially a grocery store going down two blocks of condos redo. This is getting the Downtown Development Authority and a lot of people excited about coming back downtown and AAMCO is a excellent, excellent partner. We're talking to others to come here, but AAMCO will certainly gonna be an anchor to make that happen. So I hope everyone in Green Bay welcomes them as they would the press gazette and their digital group and others we brought to the area and created over now 150 jobs. So this during COVID. So I hope that there's a welcome wagon here. Thanks.

- Thank you so much for your testimony and I'm sorry what was your address for the record please?

- Okay, well, I'm the owner of 435 East Walnut directly adjacent. Thank you.

- Thank you. Was there anyone else wishing to speak on this public hearing item? Was there anyone else wishing to speak? Is there anyone else wishing to speak? Let the record reflect that no one came forward and this public hearing is now closed and moving on to the associated agenda item, item number six, consideration with possible action on a request to authorize a conditional use permit for a motor vehicle repair minor in a downtown one district. In downtown one district located at 533 East Walnut street submitted by Murray D Wikol Green Bay business center, LLC property owner.

- Thank you, Madam chair. Let me just run through the town plan and the zoning requirements here. Again here's a site Northwest corner of East Walnut and Monroe. The purple represents the downtown zoning or future land use I should say, as part of the comprehensive plan and the Brown represent the D1, downtown one zoning district. So again, that's why the conditional use permit is being required here. This information is attached, it's in your packet. This is a concept that was provided by the applicant. You can see different elevations of the building and this one, they are occupying again about 2/3 of that Northern portion of the building. Our initial concern with this was the access to and from the site. In this case, we were concerned about potential traffic backing out onto North Monroe. The applicant has accepted offer to purchase on two lots 519 to 521 East Walnut, which are in this area here. They're are two commercial buildings that are proposed to be removed and the access would now come off of East Walnut street through either a private drive or the alley coming into the backside or West side of this property then exiting out onto North Monroe avenues. So the flow has been kind of addressed and is acceptable to staff. We notify effective property ours. We only received, I think one or two calls regarding this request. We are recommending approval of this item. We have a few conditions I can go through. The first one has to do with our standard requirements for for the site plan. Number two, inoperable or unregistered vehicle is not associated with repair work shall not be stored on-site. No outdoor repair and no outdoor storage will be permitted. All vehicles parts and tire shall be stored inside or enclosed or within the enclosed building. Direction of flow regarding vehicles for repair shall be one-way. Again, they're showing a West to East motion, I suppose it be East to West but we wanna make sure that flow is in one direction. And then with the potential acquisition of 519 and 521, those parcels should be combined with 533, which is the location of the CUP.

- Thank you so much, Paul. All right. Okay, is there any discussion amongst the commission? Or any questions for staff? Go ahead.

- Paul could you pop back over to that revised, the second revised site plan?

- I just lost it.

- Well, while you're looking, maybe you can answer a question. I just wanna make clear, what is the other parcel that's trying to be acquired?
- There's two parcels. They're small narrow lots, 519 and 521 are just West of the site.
- Okay. So that's where the parking lot is right now? The corner of Walnut Madison up to cherry?
- Right? If you can see the graphic here, this is 533, there's 519 and 521. There's an alley that runs in between here of two small lots here that there have an accepted offer on.
- Okay. So that would actually kind of be a nice little cleanup in a situation. Well, I guess is it?
- I think it could be sure. I mean, I guess the applicant could talk in greater detail about their future plans if it support additional parking and he really clarifies the access for this particular use.
- Got it and then just last question to the parcel immediately to the West then, my only concern there is that we weren't in encroaching on any part of that there cause I'm sure there's a higher use eventually plan for that. So I knew what parcels we were talking about specifically.
- Hi, this is Murray again. So yeah, this is a really good cleanup of this site. Again, there are buildings that are vacant on that area.
- Point of order... Right now, in the floor, we absolutely have questions for you, I'm sure that we'll ask, okay?
- I'm good. Thank you.
- Alder Corpus-Dax, do you have a question?
- I just wanted to clarify, because I know on the recommend packet said to hold the request until further information about the sale or the acquisition of 519 and 521. So I mean that's where I'm recommending approval now, is that correct?
- Right. So up until late Friday, staff had a concern about that. We didn't have a documentation about the accepted offer to purchase. So we tried to update our staff report this morning. I hopefully that went through but we did receive the documentation late Friday. And again, we're confident in our recommendation tonight.
- Okay. And if something were to happen and the sale won't go through, what would be, what would happen to this?
- Well, that would be very problematic for access because they don't have an ability to access the West side of the building, yes.
- Okay.
- So what was one of the conditions that they completed those sales of those two lots?
- Well, we did include the consolidation of 519 and 521, that's the last condition that those should be consolidated with a 533.
- Okay.

- I had another question for Paul here. If you could go back to the proposed map there, I'm seeing that they have parking on that's immediately to the West there. What is the required parking for this building and what, if that part were to be developed, then do they lose their parking and how does that play into this building?

- Yeah, I think it's all under one ownership and it's only the applicant can speak to his control over which properties, but there is sufficient parking... On site. These are conceptual site plans. I think the required parking is at about one per 500, I believe but we haven't even actually done a parking calculation but we do know that the applicant has quite a bit of parking available West of the alley.

- [David] Well, and this is David, there is no required parking in the downtown district.

- Thank you.

- And I guess David, just to expand on that for a business of this type, where would the vehicles be stored if they just allowing vehicles into the building and those are the only ones that would be serviced at the time or I guess I just have concerns with that parking. You're saying there's no requirement, but it looks like according to that site plan that they're showing that they have a need for parking using another parcel.

- That for me? Well, there's no required parking so there's no minimum parking and Alder Johnson had kind of talked about that just before in the downtown district. They can have parking, they can own a separate lot. They can lease it from the neighboring property owner or if they feel that on-street, which obviously on Walnut or Monroe is not possible but if they went ahead on street parking and they felt that was sufficient, that would be okay. So this is kind of the sort of the statement that was made before that, we're stepping back and letting the, in this case the applicant or the owner decide what they need for parking if they require it in the downtown district.

- I have one more question for staff. I'm assuming that you all are clear that this is minor repair and would not have noise or odors or whatever that would be problematic for the motel right next door. Am I correct about that, Paul?

- Yes in our understanding from the applicant, yes.

- Thank you.

- Do you wanna open up the floor?

- I think probably we do.

- Okay, move to open the floor.

- Again, Lisa can I speak? Lisa this is Kim Robinson with the AAMCO.

- We're moving to open the floor and then we'll be able to take testimony from the public. So sorry, who made the motion?

- That was me.

- I second.

- Second by Corpus Dax. All those I favor?

- [Commissioners] I.

- Any opposed? Okay. So does the commission have a specific question or do we have questions for the petitioner? Or not anything specific? Okay. Mr. Robinson, if you wanna go ahead and speak to any points that you would wanna add?

- I was just going to speak on behalf of AAMCO. Cars are typically parked inside the shop overnight.

- I think in addition to that too, we would be concerned about any either materials, whatever it would be being outside the building, just for aesthetic case. Is there anything that would be sitting outside the building?

- No, no outside storage. Everything is kept inside of the inside of the shop.

- Thank you.

- Any other commissioners have any questions? Was there anyone from the public wishing to speak? Or I guess if the other petitioners on the line who wanna speak, they can also do so at this time.

- I do have one question. Do you know what the maximum capacity for the proposed space would when it comes to cars?

- Is that for Ms. Robinson?

- For Ms. Robinson, yeah. I'm sorry for Ms. Robinson.

- I can't speak so much to what the maximum capacity is that really depends on the business. It's a six space shop with six lifts inside a job. I think a minimum of six lifts. But if you think about car gets inside and gets up on the lift and it stays there until that car is repaired and delivered back to the consumer.

- Thank you that's what I was looking for thank you.

- Was there anyone else from the public wishing to speak? Go ahead, Neil.

- Just to add to one Mr. Wikol wanted to make a comment on this. I think staff does see this corner as a very highly visible corner and maybe an eventual a good redevelopment site for something larger. I think probably Mr. Wikol eventually we would like to probably see something bigger there too as well. But we do see, staff certainly agrees that this is cleaning up the site. I think there were the importance and a lot of the discussion was in terms of maintaining that retail frontage on the street versus having the shop right on the front. Not that's certainly we see this as a, you know that that business has being a very functional and necessary business. That's why they're looking at the market I'm sure. They're not just doing it for fun because there's a vacant building there, they're seeing a need in the marketplace. But from an aesthetic standpoint and an ongoing street frontage standpoint, we do probably see eventually this corner at some point in the longterm, probably a longer-term future probably as a very highly visible and very attractive site where there is a possible redevelopment site for further use. So I do think staff felt that making these improvements was probably a good step and is gonna be a good use of this corner here for the interim being now that some of these property issues, those things have been addressed. But I do think there is still probably a longer-term vision possibly for this corner in terms of continuing to work, Mr. Wikol over the long-term on this particular site.

- Thanks Neil.

- I just would like to comment. First of all, Neil, I knew Jerry Kramer. I knew Brony. So I can tell you this that I'm a huge packer fan and that wall I'm Nothing else tonight. The grades behind you and I miss Paul, I miss your Jerry, I Ryan Kramer.

- And not near the drama that our current guys give us that's for sure.

- That's for sure. True gentlemen. So I guess what I would say is this, we're doing adaptive reuse. We've done adaptive reuse for the past gazette, it's turned out wonderful. Brought it back to his grander. We're gonna do the hard corner there at Monroe in East Walnut. We're gonna take out those small buildings, create some vehicle flow. AMMCO is a great, great tenant. We've worked with them before in many markets, you'll be happy. The cars, now are computerized. As discussed by Kim, these things are getting swapped in and swapped out. This isn't your, guys with cigarettes in their mouth working until nine or 10 o'clock at night, causing trouble. This is a top corporate client. Tenants, I can't really talk about right now but we're having high interest in that hard core. And I think you'll be pleasantly surprised when we come back for site plan approval on other things where we're gonna draw additional new jobs. So with the integrity of Paul, Jerry, Ron, we're gonna do the right thing. Thank you for the opportunity.

- Thank you Mr. Wikol.

- I just had one other question here, in the original conceptual rendering or the the first one that's on the agenda here, I think page 62, it shows angled parking behind the building, to the West of the building, I should say. And then in the updated site plan that looks like that has been removed. And then it's noted again that they're using that other lot. I was just wondering if you could speak on that and just what the thoughts are on that. I realized that these are all conceptual but I guess I just have a concern with that larger lot, the highest and best use of that site that this business isn't going to, you know tie up that parking if a higher and better use comes in for that parking.

- I can speak to that.

- Go ahead Mr. Neus.

- No, I think I at this point it's really a high level. It's conceptual, I'd have thought the applicants about some concerns about another driveway and proximity to the alleyway. So I think at this point, maybe it hasn't fully been vetted and that's probably gonna happen through our site plan process. So I think that'll be looked at in the near future.

- I agree. This is, Kenyotta is on the call. She does 3D modeling, does a great job. We're one of the first companies in the Midwest to do 3D modeling over 10, 12 years ago. And this is not a site plan, but it's a idea of what it could look like and help... Helps figure it out.

- And you can be jealous of our directors Packers behind him. I'm jealous of Ms. Browns dog. I wanna pet that dog.

- Ms Brown is a...

- [Aaron] This is Aaron Schmidt and I do apologize if I'm interrupting but I do have a few concerns about the location with that type of business. Just speaking from experience, we see this corner every day. I mean, we're less than a block away and this is a very busy corner. There's frequent accidents in the area. The concern was pulling out Monroe from the shop. I just wanna make sure those concerns were addressed. And then also with the the hotel immediately next to it, coming up to the sidewalk. I don't know if there's gonna be a whole lot of visual for cars coming on the road. The other thing that I noticed just looking at location, if vehicles are coming from the East to West street, they'll be turning into an alley... Shortly after the intersection. I don't know if there's an opposing issues for backing up traffic on to on the Monroe. Other things that I looked at just based on the proposal, it shows those two parking... Also something Neil mentions, parking at 501 Cherry street. I didn't know where that was or where it was mentioned in our proposal tonight. The experience I've had with the shop that we have, we've got five days but we also have 31 parking spots. And these parking spots are in high demand. We definitely use all 31 and we could use more. These are spots for employees to park, this are spots for customers buyers who are waiting for approval for their repairs. And regardless to the automotive

industry now, cars are more complex and they do take longer to fix. You get a transmission replacement on the vehicle could take up to 15 hours. And with that being said, you submit for approval and just the business flow in general, there's always a need for more spots. Other than that, I guess that's all I really have for concerns. I do also wanna thank you guys for your time. I mean, this is a, it's a big deal for downtown and I agree that something has to go into that building. And I know the good job of finding the right tenant and I just don't know that this is the right one in my opinion. But we are one block away. So if there was some yeah, downtown auto service. So thank you for your time.

- Thank you very much, Mr. Schmitt.

- I have one question.

- Go ahead, Ms. Robinson. No my question is for Aaron. Would he have the same--

- You have to address all questions and comments to the commission.

- Oh no, no, I'm sorry. So sorry. But I'm speaking to Aaron's point rather would he have the same concerns if he was not a competitor?

- Well, I, again you're speaking directly to him so I understand your point, but all questions and comments would be addressed to the commission.

- Understood.

- Let me say this to the commission is that our goal is to have integrity to this hard corner. The parking lot in the... We have several other lots around. As alluded to by Paul, we're acquiring the lot next door. Our expansion in this sub-market has not ceased and we will have enough parking for any tenant that requires parking. There's no parking required, but if the tenants generate what their needs are for their... business. I can tell you this, I agree with what was stated earlier with the previous submitter, is you don't wanna ever see your concrete. We do green buildings. We've done more LEED certified buildings in the Midwest in probably most, not all for the last 15 years. LEED, G-Star, Net zero. And I can tell you this don't wanna see a lot of extra parking. We wanna see a vibrant downtown community. We're definitely doing things that gonna help this community. And I can tell you this, I believe in Green Bay. Green Bay is the probably best kept secret of any town in the Midwest. I love, I absolutely love Green Bay. And I tell you this, we're gonna do the right thing, Short-term and long-term for this site in the city of Green Bay.

- Commissioner Daniels?

- Yeah, I guess, great conversation this evening. And I would just say, as a downtown resident, I'm gonna speak directly to some of the comments but I think there there's enough opportunity for all businesses to go around. As we continue to develop the downtown space, more people are moving back into the downtown area. I think there's enough opportunity to go around.

- Do we have any further questions for the applicant? Otherwise I'd certainly entertain a motion to close the floor.

- Floor moved.

- Second.

- The move by commissioner Bremer and second by vice chair Miller. All those in favor.

- [Commissioners] I.

- Any opposed? All right. So Steph is now because what we have in our packet is not what the recommendation is now. So we're recommending approval with conditions, correct?
- Correct. And I apologize for that. If that didn't make it to your packet was just updated today and again, got the information late on Friday. The conditions are listed on the screen here.
- Particularly with appreciation for the work that has already been done on this handsome building I would like to move approval of the staff's recommendation.
- [Autumn] Second.
- Motion by commissioner Bremer, second by commissioner Linsmeier. Any further discussion?
- Madam chair make sure to clarify that the staff recommendation as presented at the meeting here, just to be, since we have the packet issue, just to be clear. Thank you.
- staff has put forward.
- Thank you, yes.
- Okay. Go ahead with the voice vote, all of those in favor?
- [Commissioners] I.
- Any opposed?
- Ney.
- Okay. So I thing 90 to count. One in opposition, everyone else in favor and that will move city council for me May 18th. And moving on to the public hearing on a request to authorize a conditional use permit for an expansion of an existing substation in the 2040 block Murrel Avenue submitted by Robert Mac, Mac for engineering on behalf of WPS property owner. So with the public hearing, we are looking to hear from interested parties who are in favor.
- [Stephanie] A brief if that's okay.
- Sorry, thank you, Steph.
- [Stephanie] It's okay. So thank you. This is the subjects parcel. There are actually two parcels involved in this. These are on the East side of town. This is Dan's Avenue here, Murrell street and Highland park Avenue. WPS owns both lots that are outlined in red. One does jump over Highland park Avenue but it's not part of this request. So this is zone R3 is the majority of this area. And our comprehensive plan does call for the high intensity housing in this area here. So this is the basic site plan that they're proposing. There is an existing substation here. They would like to expand the building, add a new fenced-in area and then do a stormwater facility here. So that's the basic site plan. While it doesn't necessarily relate to our CUPs don't have to relate to the comprehensive plan, generally things that are for public use or for public utilities are seen as an acceptance to that rule in general because it is a need for our community. So we don't necessarily need to take the comprehensive plan into consideration with this request. From there I think that we'll let you guys do the public hearing. There is some issues between some neighboring ownerships that I think may be brought up tonight. I want to be clear that the staff recommendation will be to move forward with this. There may be some additional conditions that you feel are appropriate to add as a commission, but generally speaking, since the use is already in existence the conditional use is really just making sure that any expansion doesn't do

additional harm, detriment anything to our community or the neighbors. So this is the proposal site plan through the next agenda item.

- Okay. Thank you, Stephanie. So and this is the public hearing portion of this item looking for parties who are looking to speak in favor of this item. Taking testimony from those who are in opposition to this item.

- Would I be able to speak Ms. Hansen? Is this the appropriate time?

- Certainly yes. If you can state your name and address for the record.

- Sure. Good evening commissioners. My name is Ryan McMurtrie, director of development for United Financial Group, Inc, representing the landowners adjacent to the applicant Parkway Highlands Three, LLC, address 660 West Ridgeview drive, Appleton Wisconsin 54911. And I'd like to give a brief history of the communications between Parkway Highlands Three LLC and the applicant WPS. So prior to the year 2000, John McMurtrie, principal of United Financial group Inc, attended the Plan commission hearing where WPS applied for its initial approval... For the sub. At that meeting, John McMurtrie was very... The substation would have on the adjacent land and its ability to be effectively developed for multifamily housing. To address this concern, WPS stated they would be willing to have a berm constructed on their land in exchange for receiving United Financial Group support for their proposal. UFG ended up supporting the proposal given that agreement. After WPS received approval for the substation, UFG and WPS communicated via letters that should have been provided to all of you. The initial UFG letter was dated August 30th, 2000 and WPS response was dated October 9th, 2000. In WPS's response letter to UFG, they explicitly stated their willingness to allow UFG to construct the berm on the South and West sides of their land with WPS funding the cost of these... Subsequent to the letters between UFG and WPS, zoning ordinances 4-01 and 9-03 were approved by the city, both of which reflect the berms on the South and West sides of the WPS lands. The approval of these ordinances shows the city also relied on WPS representation that they would allow the berm to be constructed on their land. In September of 2020, a representative of WPS Scott Sheppard went on record at the Plan commission public hearing, by confirming there was an agreement to have the berm constructed on their land but stated they were no longer interested in honoring that agreement. Scott further stated that the berm would only be allowed... To be as long as we don't need the property, end of quote. This caveat was never a part of the written agreement between UFG and WPS. Given this fact pattern, Parkway Highlands Three, LLC would like the construction of the berm to be a condition of the approval of WPS's conditional use permit as initially agreed by the parties. In conclusion, as a developer who has spent countless hours talking to neighbors to alleviate concerns and identify optimal solutions, I'd like to say would be an extremely dangerous precedent to set, if applicants can simply tell neighbors whatever they need to, in order to get the desired approval... And fail to live up to their promises later on. Thank you.

- Thank you so much for your testimony. I certainly appreciate it. Was there anyone else wishing to speak in opposition to this item? Was there anyone wishing to provide information only on this item.

- One moment, yes. This is Chuck Koehler. Can you hear me?

- Yes I can. I'm the attorney for the property owner, Parkway Highlands Three LLC. I reviewed all the documents referred to by Ryan McMurtrie and he is correct on his recitation of what took place. And I'd like to point out that even as recently as September 2020, WPS through Mr. Scott Sheppard stated, "In the past there was a gentleman's agreement, I think "to have a berm place partially on our property." And more specifically, on October 9th, 2020, Joe Turs who was the director of real estate for WPS stated, "We are willing to cooperate to improve the aesthetics "with regard to our substation. "It is our understanding that you will supply the dirt "and construct the berm with input from us so "that electrical codes are not violated. "This will be done at no cost "to Wisconsin public service corporation. "We will provide the appropriate plantings at our cost." A substation certainly appears to be of an industrial nature when it comes to classification of zoning developments. And certainly this is clearly a residential development immediately adjacent to that property. My experience is very common to have berms and screenings for those purposes to in fact serve as a buffer

between those areas. And now for whatever... Reasons it's doing, I would like to see the commission defer any sort of decision on us until we've had opportunity to work with two things, either work with WPS to try to come up with a mutually acceptable solution to accommodate the needs of both parties and or at the same time go back and look at the minutes from 2020 when these original representations were made to see what was relied upon when the original CUP was granted, what kind of conditions are in the original CUP? What representations are made at that meeting? And in addition to that, what actually can be done even at this time to fulfill those commitments given the fact that a planned unit residential development was approved by two separate ordinances with that information on maps submitted to the city before they were approved. So it seems to me that those original plans were confirmed twice at least each time those ordinances came up to the city for approval for that residential unit development. So we hope the commission will consider those facts and allow some further investigation or negotiation to see if this can be resolved. Thank you.

- Thank you. Again please state your name and address for the record?

- Chuck Koehler, 800 North Lindale drive, Appleton Wisconsin with Harley and Clarke Law Firm.

- Thank you.

- And Chuck, I just want to make one clarification--

- I'm sorry, any comments or questions need to be addressed to the commission and if you're on this item for the public hearing, you can certainly speak information only if you'd like to do that.

- Okay, commissioners I would just like to correct--

- Oh I'm sorry. I thought I was looking at Mr. Sheppard. Once you speak once we can't allow another-- I'm sorry, we got the timer going here. I'm sorry, Mr. Sheppard did you wanna speak on this item?

- Yes. Hello, thank you. I'm glad to be addressing the commission tonight. What's been put out there before you tonight from the neighbors. Let me back up, the letter that they referenced where we were agreeable to working with them on a berm was in relation to a planned unit development for senior living back in the year 2000. Their plan for the PUD was never constructed. Along with that, at that time, I don't believe there were any further communications beyond the letters that you apparently received within your packet where any true legal agreement was arrived. There are no leases, easements, formal agreements or formal obligations entered into by WPS and the neighbors. So with that said, you know, which agreement do we need to hold into? Because the PUD was removed, they I understood was we're going to try to sell the land. And today we received a phone call from the neighbors whereby they were trying to get us to purchase their land from them. At this time, we don't have a need for further land. We're trying to make the... Best use of that and largely beyond our need. But at this time we do have a need for the parcel. The expansion that we need is because the substation, should I say, the area is experiencing some great growth in that area. The substation that we are replacing or adding into is because the Henry street substation is obsolete, it floods... As well as reliability issues for the customers in this area. So the growth, the safety necessitates the expansion and this location has the space for that expansion. It is nearby the Henry Street substation. So it optimizes the cost for the repairs and we're using the amount of land we have currently owned. We are asking for no more. And quite honestly we don't have a need for any further land. We're gonna make efficient use of the site that we own. And part of that is we're gonna need to go within the setbacks and follow all the codes as we've talked about with staff. And some of that is going to be a retention pond as required by stormwater runoff and I'm not the expert. I also have Drew Bain... With me, the station project manager. So he would not understand all of the technical details but we need a stormwater retention as required by you know, current codes and requirements. So based on that, we're here tonight to answer any questions during the agenda item. And so we'll make ourselves available for that but we're here seeking the approval of our conditional use permit tonight. Thank you.

- Okay. And could you please state your address for the record?

- Yes, Scott Sheppard. My address is 800 South Lindale. I represent both we energies WPS for WEC energy group.

- Okay, perfect. Thank you so much.

- Thank you.

- Was there anyone else that wish to speak on this public hearing? Go ahead just state your name and address for the record please?

- Yes, I'm Papa John. I'm John McMurtrie and I go back a long time on this site. We originally in 1985 acquired the Decker Manor apartment site and built up that 216 units site and built out a partial completion of the Parkway Highland Senior Community. I just want to, I go back all the way to the beginning. We own that site South of WPS substation before they came in with a substation. Yes, as Ryan McMurtrie indicated, when they proposed that, we were concerned and it was based on their representations which we clarified our understanding and they validated those letters. You are hearing and I can't believe this. I have, in my 40 years of experience, I have never seen where a developer much less a public service company would admit that they made a representation but they now no longer intend... To representation. And they make references that even though they said that, it's not a legal agreement. But what you do have... Before you is an agreement for a conditional use permit, you have the legal power to consider holding WPS to the representations that they made when we supported this act in 2000. And the land is zoned for 206 apartments to the South and West of the substation. And the entire plan all along has been to rely on that buffer. WPS representative has said correctly that that land was removed from the PUD but that was only removed from the PUD from the standpoint of a requirement that it be a 55 plus community. We have worked with city staff on this... Seems of the buildings. It's just that it's no longer required to be a 55 plus community. Thank you very much Plan commission members. You've got the responsibility to protect the neighbors, the public but also the needs of the community. We've been supportive of the Plan commission. We are only asking them to do what they promised to do when we turned in our support for the substation, nothing more.

- Okay. Thank you very much for your testimony. Is there anyone else wishing to speak on this public hearing? Is there anyone else wishing to speak? Is there anyone else wishing to speak? Let the record reflect that no one came forward and this public hearing is now closed. Moving on to the associated agenda item, item number eight, consideration with possible action on a request to authorize a conditional use permit for expansion of an existing substation in the 2040 block Monroe Avenue submitted by Robert Mac, Mac for engineering on behalf of WPS... Property

- [Stephanie] That you Madam chair. So I do have a little bit more background and history on the site itself. So again, this is the parcel that's in question, both parcels. I think that this exhibit might give you a better idea of the size and changes that are happening once the screen changes. Technology will catch up with me eventually. There. So the one that's on your screen now is their existing facility and then this would be their updated. So the footprint doesn't expand too far. This is that North parcel line. And then again, this is the stormwater facility that they'll be adding in with this expansion. So again, moving back up to that other site, just expanding these boundaries, ever so slightly with the expansion of the parking area as well. So to go back here, we've already discussed our zoning and comprehensive plan, the site layout. Initially I had... Had the information that the agreement was in, presumably may be in place, maybe not, concerning the berm. So the berming issue is along this parcel, this parcel line and then here. Let me give you a better view of that. So the other property that's on the phone right now with talking with us is the property owners here. We had seen them for a PUD amendment or stripping in fall of 2020. So this entire area was on our radar not that long ago. So with the expansion of this, I was under the impression that this agreement, if it exists or doesn't exist in any capacity was not a city issue. Because we don't have it on any of our documents and it's not a requirement. So when property owners have agreements with one another, it's not something that the city gets involved with to put

forward. All the conversations that you just heard during public testimony, I just got my hands on this afternoon, fielding phone calls, getting a lot of attachments. We did receive a copy of that letter, which should have been sent to you all and then later in the afternoon received two of the ordinances that UFC is saying that the city also stated that the berming was required. I have not had time to review those. So at this point, I do not know if it was ever a city requirement in 2000 to have the berm installed. It has not been installed. So regardless of if that agreement exists or not, if it's legal, if it's a gentleman's agreement, the city is minimally involved in that. However, if it wasn't any of our documents from back then, it would be something that we should certainly add as a condition of approval. But I do not know at this point, if that is accurate 'cause we have not had time to go through those documents. So with that, we were initially recommending approval of this because I do think with the conditional use that it is a valid use. When we're looking at those seven criteria, it's dictating how impactful this is. Is it negatively impactful? Is it positively impactful? There are those seven criteria that we look out for conditional use permits. And as this is an existing substation and the expansion is minor and does provide new better fencing and stormwater management for this site, it does seem to be an appropriate thing for us to request the approval of. As the expansion is beneficial to the community as a whole and they are adding more things to the site that are beneficial to that community at large but also the neighboring community. And then we also have the recommendation for the compliance with the municipal code, as we generally have. However, if Plan commission finds it more appropriate to hold this item for us to go through and review our documents from 2000 to make sure there was no city requirement for it, we can also do that. Or if you just believe that the berms should be added into this requirement, you can do that as well. I don't really have any information for why our general landscaping code and buffering codes would not be sufficient. We do have in section 13.1608 of our zoning code, this deal specifically with development standards for public service and utility uses. And in here, transitional yards for buffering are also noted as requirement. So they would have to have buffering to have the fence. There are distance requirements for that because they are surrounded by residentially zoned property. So I don't have a good argument yet for why they would need anything above and beyond what's already required in our code. But again, I did get a lot of information within the last four hours. So there are a couple of ways we can handle this. I just want everyone to be aware that from a city perspective, we typically only add additional buffering if we feel it's a requirement based on the type of uses that are next to each other. Since this was already an approved substation and we haven't gotten, you know, there's no reason to think that anything additional would be needed other than in 2000, it was discussed that it would be happening. I think this might just need some more information. It may need some more time but I will let the Plan commission make that decision. So that is all I have for now.

- Right. Thank you so much, Stephanie. Do we have any discussion amongst commission? I think at this point, especially if staff feels they've just gotten a bunch of information this afternoon. I feel like we should hold this over and let them look into it. But that's--

- I very much agree madam chair and I would add to what Stephanie Hummel has said, as far as what she would look at that she also look at the minutes from the meet in 2000 to see whether or not. Well even if it wasn't, even if the berm was not a requirement that was put down at that time, whether or not there was there's evidence that it was assumed that it would be done.

- Yeah I agree with commissioner Bremer and I don't know madam chair, this is a point of order. And I don't know if we, is this the berm, is this like a financially opposing hardship? I know would be above and beyond like Stephanie said and maybe that's not even something we should be considering or even going down that path but what would be--

- I'm sorry.

- Go ahead Steph.

- With a conditional use permit, we have Thursday code the ability to add conditions that would help us clarify those seven points that are listed in the staff report. So if we feel that the surrounding neighbors would be negatively impacted by this expansion, we can add higher restrictions and as long as WPS the applicant can

meet those conditions, it's legally binding. So to add something that's additional landscaping, if you feel that one of those seven requirements isn't being met, that's something within your purview. So it's kind of up to you to decide if this even matters at all. If you think that this is not negatively impactful to the surrounding neighbors, then they'll just have to meet the development standards as they sit now and the berm doesn't have to be included. The berm has only come up because in 2000 there was a discussion that may or may not have led to an agreement that may or may not be legally binding that wasn't the cities probably anyway. So I mean, there are a lot of layers to this but it really comes down to the conditional use, can have conditions of a higher landscaping requirement if you find them necessary.

- But we might need more information right now.

- Maybe.

- If it's a maybe it's a yes.

- I mean, do we need additional information or could we, I mean, if we wanted to, could we say one of the conditions of granting this is adding that berm?

- You can do that. If you find that within those, let me pull up those criteria again. If you don't feel like one of those criteria is being met and you think that the addition of a berm would be the condition that would be helpful to meeting that criteria, then you're welcome to add it in now. If you think that we need more information to make the decision, we can hold it. If you think that the berm or that the seven criteria are being met and we don't need any additional conditions, you can move forward as is.

- Right now, I'm leaning towards holding this to find out what happened at that 2000.

- I think that's a good call.

- I would agree too. I mean, I think we're inserting yourself into a situation and we just don't have enough information on to make a decision. So, yeah I think holding this is the right way to go.

- Is that a motion?

- Absolutely.

- I would second that motion to table till we have more information.

- Can I make a motion to open the floor, we do have someone who is looking to speak.

- I second that.

- Motion held. Well I guess go ahead commissioner--

- I guess I don't wanna be spinning our tires here when we're gonna probably hear a lot of the same information we just heard and we're still not gonna be well prepared for it. I mean, we can do it, but I just, if we could try to make sure we're not repeating the same things. We're gonna need some more time with it either way.

- My second in command, Jesus guys.

- No, I think we have two motions on the floor though. Cause I think that's a...

- That is a point of order.

- And I believe the motion to table takes precedence for exactly the reason that I was just articulated.

- Right. Okay because if we're tabling it, we don't need to open the floor to discuss it because we're tabling it, we'll talk about it another time. Okay. Which we certainly appreciate people attending this meeting, but if we don't have the information to make these decisions, we can't really move forward with that either.

- I'm sorry, go ahead vice-chair Miller.

- Normally I'd say I just pull my motion back the table but this feels like a situation that we need some better information on and I don't wanna be inserting ourselves into a situation that we don't have the right information on especially considering we're talking about a legal situation. That's not our area and I'm feeling it where it's a little, we should probably step back is why I'm saying that.

- All right. So we had a motion by you vice-chair Miller to table. Was there a second on that motion?

- Actually and I believe vice chair I believe commissioner Daniels seconded it.

- Daniels, okay. Okay. So any further discussions--

- To vice chair's Miller's comment that we needed to step back and that seemed to me to legitimize the motion to table.

- Okay. And with that being the motion on the floor right now and that having the precedents, I guess, with a motion and a second, we should go ahead with a voice vote then. Is there any further discussion about that? Okay. All right. All those, all right. So I guess I just wanna make sure that I'm tabling this and then when will you see this at the next meeting then, do we need to state those kind of things Stephanie or does it matter?

- Usually we would give some sort of a date or a timeline. I think that we could definitely knock this out by the next meeting. I may not be there, but I can definitely give someone else some more information on it. So that's fine.

- Okay. Perfect. All right. So the motion to table until the next meeting. All of those in favor.

- [Commission] I.

- Any opposed? All right and then we're voting unanimously then to table until the next meeting to get further information. All right and then moving on to the informational section of the meeting. The 2020 annual report of the safe walk and bike plan.

- Thank you. So this is fun and bright and cheery in comparison to the rest of this meeting. So last year you guys approved our safe walk and bike plan which is a joint effort between the school district and the city of Green Bay for a bike and pedestrian plan. So in that approval, we established a working group that is dedicated to the implementation of this plan. And with that, we give in an annual report every year. So the school board has already seen this annual report. I put a link in the chat for everyone if you want to go to our safe walk and bike page and then also the report is listed on that page. So I'm not gonna go through it detail by detail. It's basically just celebrating the successes we had in 2020 as part of that plan. So to highlight the top level stuff is that we added 2.52 miles of bike lanes in our city during 2020 which was a 17% increase, which is really exciting to see. Basically with the plan approval, our Department of Public Works has just said, if it's in the plan, we can do it without bringing it anywhere for approval, which is exactly the attitude we were looking for. So it's been exciting to see that happen. One of the best connections that we had was in those miles of bike lanes, there's now a direct connection from downtown to Bay beach and East shore drive. So people can bike safely from downtown to Bay Beach if they so choose. There are some other accomplishments in there. We

highlighted some of our struggles with COVID. A lot of our education initiatives will not being able to be achieved because we couldn't meet in person, but those are kicking back up again this year, which is really exciting. So we just wanted to make sure that you guys saw that before it hits city council so that way you guys can see the accomplishments that we're doing each year as well.

- Awesome. Thank you so much Stephanie. All right, moving on to director's report.

- Thank you, Madam chair, just very briefly wanna talk about a couple items coming up with the re-development authority tomorrow. We have the Emerge is bringing a residential multi-family projects to the shipyard. Velvet agreement is coming forward for discussion at the RDA tomorrow. This is a project that the RDA I believe is already seen. It's been a while, been a while since you guys have had it but it is coming back now for a kind of its final approval at the development agreement stage. Not anticipating having to come back to Plan commission but unless something changes, it's certainly something that it could come back for your consideration and review. We're also looking at the University Heights residential area from the original developers who has not been proceeding on that project. We have another developer that is interested to come in and building a similar number of units on that site. They will need to come back to the Plan commission when they have a site plan ready to go. So we're doing kind of preliminary terms with them on a development agreement in terms of how the cities, how we're transitioning the assistance that was promised to the original developer, how that translates into the new developer. But then they'll probably be bringing back a similar site plan for review at this look at this body here, hopefully in the next 30 to 60 days. So that's all I have for now and available if anybody has any questions.

- Awesome. Sounds good Neil, thank you so much.

- Thank you.

- And then it looks like the date of the next meeting is May 24th, 2021. Lets certainly entertain a motion to adjourn?

- Motion to adjourn.

- Second.

- Second.

- All those in favor?

- [Commissioners] I.

- Any opposed?

- All right, we are adjourned.

- Welcome, Kenneth.

- Yeah welcome Ken.

- Welcome aboard Ken.

- Bye everyone.

- Bye.

- Bye.

- Meet you at the sub place.