



MINUTES OF THE ZONING & PLANNING BOARD OF APPEALS

MONDAY, JANUARY 17, 2022, 5:30 PM
Virtual Meeting. Public may join via Zoom.

A. ZOOM MEETING INFORMATION.

I. This item contains Zoom information, instructions, and a link to the Virtual Comment Form.

B. ROLL CALL.

I. Members: Tommy Everman - Chair, Noel Halvorsen - Vice Chair, Don Carlson, Jim Hutchison, and Tom Hoy
Alternate: Vacant

Present: Jim Hutchison, Thomas Hoy, Don Carlson, Noel Halvorsen, Tommy Everman, Excused:

2. Does anyone need to abstain from voting? Was anyone out to see any of the properties? Did you speak to anyone regarding this variance request?

C. APPROVAL OF THE AGENDA.

I. Approval of the Agenda for the January 17, 2022, meeting of the Zoning & Planning Board of Appeals.

Moved by Jim Hutchison, seconded by Don Carlson to approve the agenda. Motion Passed.
Yes- Don Carlson, Tommy Everman, Noel Halvorsen, Jim Hutchison, Thomas Hoy, No- None, Abstain- None.

D. APPROVAL OF MINUTES.

I. Approval of the minutes from the December 20, 2021, meeting of the Zoning & Planning Board of Appeals.

Moved by Thomas Hoy, seconded by Jim Hutchison to approve the minutes. Motion Passed.

Yes- Don Carlson, Tommy Everman, Noel Halvorsen, Jim Hutchison, Thomas Hoy, No- None, Abstain- None.

Moved by Tommy Everman, seconded by Noel Halvorsen to open the floor. Motion Passed.
Yes- Don Carlson, Tommy Everman, Noel Halvorsen, Jim Hutchison, Thomas Hoy, No- None, Abstain- None.

E. REGULAR BUSINESS.

1. (Appeal 21-040) Jim Anderson, Anderson Basement Repair, Inc., on behalf of Michelle Kumbalek, property owner, proposes to install an egress window in a Low Density Residential (R1) at 508 Victoria Street. The applicant requests to deviate from the following requirement in Chapter 44, Green Bay Zoning Code, Section 44-358(3) setback encroachment (Ald. B. Galvin, District 4).

Moved by Jim Hutchison, seconded by Don Carlson to approve the variance as requested. Motion Passed.

Yes- Don Carlson, Tommy Everman, Noel Halvorsen, Jim Hutchison, Thomas Hoy, No- None, Abstain- None.

2. (Appeal 22-001) Jon LeRoy, Mau & Associates, on behalf of Moski Corp, property owner, propose to pave into a side yard in a Varied Density Residential (R3) District at 1420 South Huron Road. The applicant requests to deviate from the following requirement in Chapter 44, Green Bay Zoning Code, Section 44-554, Table 44-2, side yard setback (Ald. V. Corpus-Dax, District 2).

Moved by Don Carlson, seconded by Thomas Hoy to approve the variance as presented. Motion Passed.

Yes- Don Carlson, Tommy Everman, Noel Halvorsen, Jim Hutchison, Thomas Hoy, No- None, Abstain- None.

3. (Appeal 22-002) Jon LeRoy, Mau & Associates, on behalf of Neufeld Enterprises II, LLC, property owner, proposes to construct a new Caribou Coffee restaurant building and parking lot in a General Commercial (C1) District at 1616 West Mason Street. The applicant requests to deviate from the following requirement in Chapter 44, Green Bay Zoning Code, Section 44-720, Table 44-9, Floor Area Ratio (FAR) (Ald. J. VanderLeest, District 11).

Moved by Don Carlson, seconded by Jim Hutchison to close the floor. Motion Passed.

Yes- Don Carlson, Tommy Everman, Noel Halvorsen, Jim Hutchison, Thomas Hoy, No- None, Abstain- None.

Moved by Jim Hutchison, seconded by Tommy Everman to approve the variance. Motion Passed.

Yes- Don Carlson, Tommy Everman, Noel Halvorsen, Jim Hutchison, Thomas Hoy, No- None, Abstain- None.

F. INFORMATIONAL.

1. Discussion on procedural items related to the Zoning & Planning Board of Appeals.
2. Next meeting date: February 21, 2022.

G. ADJOURNMENT.

Moved by Noel Halvorsen, seconded by Don Carlson to adjourn. Motion Passed.
Yes- Don Carlson, Tommy Everman, Noel Halvorsen, Jim Hutchison, Thomas Hoy, No- None,
Abstain- None.

VERBATIM MINUTES

- [Tommy] Thank you all for being here. And again, I apologize to those that are within the community for my delay. Let's get this thing started. So we have a quorum, which is great. Before we get started does anybody need to abstain from anything they've seen on the agenda, as we're looking forward through the agenda?
- No.
- No.
- No
- [Tommy] Okay, great. And then has anybody been out to see any of the properties?
- No
- [Tommy] Tom usually do that sometimes.
- Yes I went to the one in South Huron.
- Okay, great. Thank you for telling us, anybody else?
- Nope.
- No.
- [Tommy] And has anybody been approached or spoken to anybody about it might influence their voting?
- No.
- No
- No
- [Tommy] Okay, great. All right, well let's do this. Let's jump into the actual meeting. So for those that are on the call, we will open up the floor for discussion. And again, I'll call on each item on the agenda and whoever is

applying for the state their case we'll listen. If there's to also speak against the agenda item, then we will allow them to speak their case. And then we'll discuss as a board and then we'll take a vote for the variance request. We will have Paul from the city, tee it up to give us context to explain what's happening. And just so that's kind of the process that we'll be going through. Before we jump into the first one, did everybody look at the minutes from the last meeting and did you have any have any changes before we approve those? If not, I'll take a motion to approve the minutes from last month.

- I'll move

- [Tommy] Thank you Second?

- Second

- Second

- Second.

- [Tommy] Wow we've got three. We'll take one of you guys, okay. So all those in favor of approving minutes, say aye.

- Aye

- Aye

- Aye

- [Tommy] Thank you. And I didn't hear any no so we'll keep moving. And then let's do this. Let's go ahead and open the floor for discussion. So a motion for approving the floor to be opened.

- [Members] So moved.

- [Tommy] Okay and then I'll take Noel do you want to second that?

- Sure.

- Okay thanks Noel. All right all those in favor say aye.

- [Members] Aye.

- [Tommy] Okay housekeeping stuff done. So let's jump into our first agenda item. Paul do you want to tee us up for that one, that would be great.

- Tommy I think you have to approve the agenda.

- [Tommy] Oh, I'm so sorry. Thank you for the reminder. Yes, let's do that. Anybody need to move anything around or changing it on the agenda? There was three items. So then a motion to approve the agenda.

- I'll move

- Second.

- [Tommy] Thank you. And all those in favor to approve the agenda.

- [Members] Aye.

- [Tommy] Okay. Any oppose? All right, here we go. All right, Paul the floor is yours for the property on 508 Victoria.

- Thank you Mr. Chair. This is a request for variance in the front yard setback at 508 Victoria. For those who can see the graphic or can't see the graphic, I guess an aerial photo of that shows the footprint of the building in the property. This is a single family home in a low density residential area. The hope here is to, I think retain and install egress window in the front of the structure. I've now brought up a copy of the site plan showing the location of that. What's in the farthest structure, not far from the driveway or the garage. I have also provided a street elevation kind of showing that's located under the one of the windows near the driveway. Egress windows this is access to the basement for a living area. With that we can throw that part of the principal structure, looking at the setbacks in this particular stretch of homes, I would be encroaching in the front yard setbacks, the variances to allow for that egress window to encroach within the front yard setback.

- And Paul this is the one that we had tabled last month because the Disher wasn't present?

- It is correct. And the applicant is online to answer any questions you might have.

- And this is also one where the egress windows already been installed. Is that correct?

- I believe so yes.

- [Tommy] Okay if the applicant is on the call, let's go ahead and have them unmute and go ahead and kind of walk us through their application and we'll all listen, and then we'll see if there's anybody that has any issues or questions about it from the community. And then we'll discuss as a board and we'll take a vote. All right, go ahead and applicant are you on the call?

- Andersen, Jim Andersen.

- Jim Andersen is here. Jim, you can unmute yourself.

- [Jim] Okay got me?

- Can hear you.

- [Jim] Okay all right. All right I've been following since you started and stuff, but I guess I've been doing foundation repair for over 35 years. And I pull permits for everything I do because inspectors are for the homeowners they're not for me. So, but anyway on this location. I was called to it. The house was for sale. The lady that I did the work for she's the one that ended up purchasing this property. I did all four walls here. I dug them, straightened them, supported them, sealed them, did the job. And what she did is she saw in my literature that I did egress windows and I'll do like approximately 35 egress windows a year. And she says, can it be installed? And I said, well, I says they can be installed, but it depends on the setbacks and everything. And at one time Green Bay had a height limit in the basement that you had to go by code. And so anyway, the location she wanted, I said it won't work there because she didn't have enough property on the sides, driveway being one. And then the back, it was a full plumbing wall. And so when she heard what about in the front here? And I didn't realize at this time, so I'm going to blame my ignorance on it. That there was a setback on the front walls in Green Bay. Usually when I install them, they're on the sides or in the back. So I said, I can quote you on that. So she said, well give me a quote on that. And I said, all right. So I submitted a email to Pete and I asked him if I had to take another permit for this installation of this driveway she wanted done and putting an egress window in. And he sent an email back to me. He said, no, that you just took one out for the foundation repairs, shouldn't be a problem. So I continued with the job. And then as I went and after inspection, and this came up with this variance. And I've talked to Paul a couple of times and I guess I'm lost. I

don't know exactly which way to handle this or what you guys recommend or if you want to put it this way, I learned the lesson I didn't know about the setbacks on the front wall. So and that's how it all came about. But it is installed. And actually it was inspected. It was inspected by the inspector.

- Did we lose Tommy? We kinda lost Tommy.

- You just moved from un-muted to muted. So I'll step in until him we hear him again. Any questions for Mr. Andersen from anybody?

- Nope.

- Any questions for Mr. Neumeyer from anybody?

- Nope.

- All right, so the discussion... Thank you, Mr. Andersen. Discussion among the members here about action on this item.

- It seems to me that it's a safety feature and it sounded like it was like the only option available for the hardship. So I don't have a problem with this.

- Nor do I for the same reasons Jim just gave. It's the only wall left to do it. And for her to get sufficient use of the property that she's invested in, I think it's a reasonable thing to do and deserves a variance.

- I would agree.

- All right. I myself, just to comment would have preferred to be dealing with this prior to installation and the fact that we need a variance and setback, but it does also sound like maybe there was some confusion on whether or not that egress window was included in the permit that had previously been approved or something else. And that's not our job to source out the ins and outs of that process, but suffice to say we know that miscommunications can happen. So I would have been in favor of approving this had been a request that came in, before the fact of the installation. So I don't see any sense in asking, the petitioner to remove it and then go through, channel again and ask for a variance that doesn't seem to make any sense to me. So why don't we barring any. Tommy, if anybody knows

- [Tommy] I'm back.

- more of the code. Okay so Tommy could mute and unmute may be in a pattern of dots and dashes discern something.

- [Tommy] I'm so sorry. What I would say though, if it's okay with everybody just to pause real quick. I think Noel just for the sake of my internet instability, is it okay if you just kind of keep the meeting going for today and you just kind of sub in that way I'm not the hiccup as chair in running the meeting. Is that okay?

- I'm happy to do that Tommy.

- [Tommy] Thank you, sir. And then if I happen to cut out please don't--

- This one time ever

- Please don't hold the meeting up or anybody from the community because of my internet connection. And I'm so sorry, I did not expect this. So please forgive me. I same comments as Noel. And I would just add a question real quick Paul, is this the same application that we saw last week? Or is this a different application?

- Because I remember it being--
- Same application.
- [Tommy] Oh it was, yeah.
- Same application the applicant couldn't make it at that time so we had to delay it yes.
- [Tommy] But the actual application that was submitted, because this one is a partial application. It's not even filled out.
- It should be the same if it isn't then maybe that's my error. But it is the same person, same property, same applicant.
- [Tommy] Maybe we miss that because we didn't really dig into it. Maybe I missed that last month, but just again another comment for the record, just submitting an application that is actually thorough, that makes the case. Would be a request I think of the board. This one I think there's three different answers that are just completely missing. And I think one of them has an I don't know on it. And I think for the process here, yes there's a case to be made and we can have conversations, but submitting an application that is, fully written out and thought through, I think is really important for us to consider things. And that's my comment, but I have no problems with this.
- Yeah I agree with that comment Tommy, and would encourage staff if there's ever incomplete submissions to not accept them until they are complete. But it sounds like there's nobody here who's going to make a proposal that we deny this request. So how about somebody make a motion to approve the request?
- I still move.
- I second.
- Okay it's been moved and seconded to approve the variances as requested, any further discussion? Hearing none all in favor say aye.
- [Members] Aye.
- Motion carried. Thanks. All right next up on the agenda.
- [Jim] Thank you guys.
- Welcome.
- [Jim] Have a good night.
- You too.
- You too
- And then... Next item on the agenda is regular business. Number two, appeal 22-001. Mt. Associates has the pole position and variance requests for 2022 on behalf of Moski corporation, property owner proposed to pave a side yard and very density our three district at 1420 South Huron road. The applicant requests to deviate from the following requirements of chapter 44, section 44-554 table 442 side yard setback. Paul would you orient us a little bit and then we'll ask Jon to comment.

- Sure yes, thank you Mr. Vice Chair. This is a property located on South Huron road. We've got the ariel photo up here showing this vacant large tract of land, heavily forested, but again South Huron road joins a village of Bellevue. This is just Southeast of our business park or joins the business park. And we recently have gone through a comprehensive plan amendment and rezoning to permit an apartment development here. What I brought up here as the site plan, kind of showing at least the Southern layout, trying to at least 15 unit building here and the encroachment of the paving in the side yard setback. So the applicant or the property owner owns property in the village of Bellevue as well with an apartment development. And they're hoping to kind of bridge that boundary by adding a detached garage. With that said based on the city limits here and the setback requirements, there's a variance needed for the encroachment into the side yard setbacks. We can also probably view this as off-street parking as a setback encroachment as well, but we've just kind of decided that this is basically an interior side yard setback that's needed to the pave in the site here.

- Thanks Paul. Let's hear from the petitioner. There we go.

- Thank you everyone. Good evening to go ahead and follow up on Paul's presentation there. The properties on my Moski in Green Bay here, and they are looking to go ahead to create a multifamily development here in the city. And currently the property the South is also owned by Moski Corporate and is here on Grove apartments. There is a creek that runs through both the property to the South in Bellevue and this one here in Green Bay. And with that, that leaves a small tract of land to go ahead and develop on a small triangle. And this is where while both properties are owned by Kosmoski and they'll both have shared amenities such as the folks who are in the North, you'll use the clubhouse to the south. That quickly goes ahead and buries up the amount of land being able to use for the folks here in the Green Bay side. So to allow for parking to keep on being connected back to the folks who in the new development Green Bay, we felt this was most appropriate to go ahead and actually get feasible parking in this area. There is some 5,000 or so square feet of develop able land that's in the Bellevue portion. If there were to be a driveway entrance off of Bellevue, it would add some safety concerns due to, two drive entrances being rather close to one other, both the one proposed and then one of the south. And it would be severely limited as far as actual usable space, because the best spot to come off is where we're proposing off to the Green Bay side. The best spot to go ahead and take your actual drive entrance comes from the North of along Green Bay otherwise it leads to very awkward parking lot area here to service the folks in Green Bay.

- All right, well thank you, Jon. Any questions for the petitioner? Any questions for staff? All right let's discuss.

- [Tommy] And is there anybody on that wants to speak against?

- Oh thanks Tommy.

- [Tommy] No worries.

- Is there anybody else present who wishes to speak for or against this requested variance? Okay. All right well, what do you think gentlemen?

- It looks to me like a lot of this is due to their boundary between Green Bay and Bellevue, which creates the jurisdictional issue of having to have a side yard setback right in the middle of the total development. For all of those reasons I think that it makes, as he's explained, I think it makes perfect sense to do what he's proposing and I'm in favor of granting the variance.

- Similar sentiments from others or others disagree with that?

- I would agree with Don. When I went out and visited the property, it's in the very initial stages of development. And that seems to be a good common sense solution to the predicaments that they're facing with respect to the boundaries and the creeks and all those issues.

- Yeah it does seem that there's a number of physical and political constraints on the parcel and the developer appears to be making the best use of the developable land. So anybody else, Tommy any comment?

- [Tommy] No, except for again, the administrative side of things. And I mentioned this last month that you were here, I will always applaud individuals that take their time to actually fill out the application and the case being made. And this was extremely thorough. So on the record applauding those that are really taking the time to answer the questions that we're asking on the application. So thank you again, very thorough.

- Good. Okay well, given all of that and I would entertain a motion to approve the variance as requested.

- Yes Mr. Chairman, I suggest and motion that we approve the variance that the applicant has presented to us tonight.

- Great.

- I'll second.

- Okay we've got a second first by Don second by Tom. And any further discussion? Hearing none all in favor, say aye.

- [Members] Aye.

- Opposed?

- [Tommy] Aye.

- Okay was that a late yes? Or is that an aye on the negative side there, Tommy?

- [Tommy] It was a late aye sorry.

- Okay all right.

- [Tommy] Aye.

- Great all right. The motion is approved, Jon and Connor thank you.

- [Connor] Thank you all appreciate it. It's Connor Kosmoski with Moski Court thank you very much.

- Take care. All right next up, item 22-002. Also we'll be hearing from Jon on this as well on behalf of a different enterprise this time, Newfield Enterprises 2 LLC. Looking to construct a new Caribou coffee restaurant building and a parking lot in general commercial district on West Mason street at 1616 West Mason. They want to deviate from floor area ratio. So let's hear from Mr. Neumeyer, he can orient us to the project and then we'll listen to the petitioner.

- Thank you, Mr. Vice chair. This is the NorthWest corner of Military in West Mason. And this is a large building. Here is the Burlington Coat factory, and Michael's, there's a gas station immediately on the corner here and the proposal's for a Caribou coffee just along Military avenue. Property is on general commercial. You've ever driven by in the summer kind of seen this image before with plants out here. This is the location of the Caribou coffee proposal location. The proposal is to create two lots to kind of cut off the primary lot and create a small 11,000 square foot lot for the Caribou coffee here on Military. With the site plan they're proposing a building, that's about 630 square feet in size. Again with the far that's the relationship between the building and the lot. And that puts them well below the average or the requirement of 0.1, but much like the

Scooters and the Arby's that you've seen before, a very similar situation where the building is smaller than the lot, and they need that variance in order to build on the site.

- Paul can you tell us anything about the flow of traffic? I didn't quite grasp how the in and out it's going to work there for that coffee shop based on that site plan.

- Sure. Let me just back up to the aerial photo, there's an existing drive here off of Military on the North part of the site, and they'll be utilizing that. I don't believe there's new access to Military, so it will be coming through that primary entrance or back through the main parking lot here. I think there is some shared access agreements, on this property, but this I believe will be the primary access to the site.

- Great all right. Are there any questions for Paul before we hear from Jon?

- Do we have any reason to expect Paul or suspect that there's a plan that could use this property better than is being proposed here at least more intensively?

- Well, I think philosophically staff has talked about some of these large commercial areas, and I go back to the Green Bay Plaza as an example where you've got a lot of pavement that could allow for outlets. And I think with these properties here with Newfield I think they're trying to utilize or maximize what they can by creating some of these outlets. So I think it's well within our wishes that they're maximizing the commercial, but what we'd like to see more larger buildings potentially, but we don't necessarily dictate that. I think the uses that are proposed, like the Scooters, like the Arby's and the care where those are appropriate, commercial uses on auto oriented commercial corridors. So I think it meets our wishes, but we'd always like to see bigger, larger commercial developments as well.

- Okay thank you.

- All right. Let's hear from the petitioner.

- Well, again. So as Paul mentioned, this is pretty similar to the requests that were made last month for both the Scooters and Arby's locations that are on the same block off to the West along Mason itself. As far as size and function compared to the rest of the property here. If you see on the site plan itself, you notice some angle parking, as Paul mentioned, a driveway for entrance would come off of the entryway between the strip mall, the North and the Burlington/Michael's store. There's already existing the old Cub foods, and then it had southbound and wraparound. Once you pass the drive-through to go back up to their access the controlled intersection over by the new Scooters and Arby's or to loop back around to come back over to Military. Part of the issue here, why the size of the plan. This lot and shared accesses is to go ahead and utilize space that has not been used here in the past or underused about let's say that now for the parking purposes, but to have a seasonal floral shop in this area, but then to allow for still the parking here for the existing tenants that have existing agreements with one another for parking lot items that they need to have for both individual stores and shared parking. So that's where the store comes into it, as far as it's FAR and the deviation, it goes back to what we had here for Scooters trying to go ahead and utilize space where this is the drive lane. You still need all the setbacks for commercial purposes, but it is a drive-through, it's not a larger store. So this fit in pretty well with its location within the entire wall campus of the NorthWest corner of Military and Mason.

- Do we have any questions for Mr. LeRoy? Paul if we could see the site plan again on the screen, I think I may have a question. So in this lot, then this out lot, the flow is not going to be wrapping around the building it's just going to come down the side and flow back into the lot then?

- Correct, right. Yeah usually with drive-throughs you see that wraparound, where it goes around the entire building. In this case it's really one side it's on West side of the building. So if you can see here, this is the footprint of the building here. There's a dumpster. Jon mentioned the angle parking here. So I think from

North to south, you're going to come in, stop here, and then you're going to roll back out, maybe going through an aisle space or heading back to the controlled intersection.

- Sure.

- Is there a rectangle at the lot edge.

- This would be the Westerly property line. If you can see my cursor here, my mouse.

- I can't see it.

- Yeah that rectangle that goes a little ways onto the angle of parking spaces. Yeah that's the boundary of the parcel.

- I mean the problem we have and why we have to get an application is that rectangle's too big. What's the rationale to making that rectangle of the lot so big in relationship to that building, I guess I'm asking the applicant, is there a reason why this lot is so much bigger than the building?

- Go ahead.

- All right yeah, understood that makes sense. And we looked at different reasons for what the sizes were. So I think the two most applicable answers to this are you could go ahead and take that Western line and shove it all the way down to where there was just one drive lane for the Scooters drive through only, but not for traffic going to the, still going to southbound and loop around it. You could do that. But the issue then is you'll note where the drive box ordering spot is North of the building itself. We couldn't include that at all. That would be off of there. And you'll note there are still three parking stalls that are on the far Northeastern part of the property for the Caribou coffee itself for just for those employees there to give them specific parking. Those three things are what kind of dictated to where this all goes to make this still functionally work within the site.

- Okay.

- And a follow up then, because the lot encroaches on the parking that is probably, I'm assuming near Burlington's parking whatever there is an agreement going to be between those parcels, in terms of the shared access to that parking.

- There are a number of agreements way too many of the agreements yeah.

- All right. Any other questions for either staff or the petitioner? All right discussion. What do you gentlemen believe we ought to do in this situation here?

- Oh yeah, thanks Tommy. Is there anybody else who wishes to speak either for or against this request? All right. Okay discussion among the board.

- I think this application is similar to what we approved last month. I think it's going to happen more and more. So we're bumping up against a rule and I wonder... I'm in favor of approving this application and I'm wondering if we need to look at the rule in terms of this application of it, maybe possibly recommending to council to lessen that ratio in these instances, I don't know.

- Yeah I'm going to go back and ask if the petitioner or a fall... Is this another instance where we have no indoor seating or indoor ordering it's only drive through.

- So there is no indoor seating, there is a walk-up area, South side of the building, and there is some outdoor patio seating out there as well.

- I wholeheartedly endorse walk-up windows for these sorts of auto dependent uses even in an area that's so auto dependent. There are pedestrians all the time walking around that area and for them to be able to go up and order a cup of coffee, I think is an inappropriate thing to do.

- Yep I agree.

- And won't get a no vote from me as a result. Any other questions about this or anything else logistically that might impact your ability to take action on this? If not, I would like to hear your thoughts or motions.

- [Tommy] I'll just pop in quickly I agree with Jim, very similar and leading towards the end of the meeting, some administrative questions or thoughts that I'll have that I'll address some of the other comments that Tom brought up in email and Jim just brought up as well. But overall I think we've improved last months and it seems very similar.

- Yeah and interesting I mean, actually in some respects, this is a more optimal design for a drive-through because it doesn't have the loop around the building, right. It's just a single loaded building in terms of the traffic flow and gets them to the shop in a way into the end of the flow in the parking lot, maybe more efficiently than it would with the folks trying to exit having to cross maybe the stream of folks trying to enter if it looped around the building. Yeah my biggest concerns are about traffic flow around that corner of the building. At Burlington that driveway onto Military is fairly far North of the building itself. And so folks coming down through that parking lot, either heading to Burlington or to Michael's may come around that corner blind or leaving Burlington or Michael's, or even developments further to the West that they are able to sneak out onto the Military avenue side, could come around that corner and if there's a bunch of standing cars there for a coffee shop, I've got some concern about that. But I imagine it's there's enough space there that if there needs to be any sort of traffic direction work, that the owners of the property will figure that out. All right. Is there anybody else who wants to talk about this? Otherwise, let me hear a motion.

- Motion to approve

- I'll second you can have the motion.

- Thanks.

- The motion from Jim and the second from Tommy to approve the variances requested. Any further discussion? Hearing none, all in favor, say aye.

- [Members] Aye.

- Opposed. Motion carries. Thank you, sir.

- [Tommy] And again, thanks Jon. Thanks on the applications keep it up.

- All right. So we are finished with those items. We've got informational items, so I enter a motion to close the floor.

- I move

- Oh, Donald--

- Seconded

- Seconded

- All in favor say aye.

- [Members] Aye.

- Opposed. Okay we're closed. We've got any procedural discussions we want to have?

- [Tommy] So real quick. Hopefully my Internet's somewhat stable, but I think it's a good time. I think Tom, obviously, I'm sure you want to speak to your email or if your email was addressed in a way that you felt good, Jim you brought up at as well, is that I would love the opportunity at some point to start kind of trying to figure out what this next step is that we're all kind of talking about is, if we see things pop up over and over, and it seems to make sense for us, how do we refer that to council? What does that process look like? I think that's a super important part of what we can do to improve how the city functions with the community. And so Tom, is there anything you wanted to add about your email or questions?

- No I feel that we're approaching a tipping point with respect to how the city does business. And if we want to make or suggest a change, although no comment, I thought it was very Germain with respect to these smaller sized businesses in allowing for a walkup window. And would we want to make that a basic requirement or some kind of consideration? I think he makes a very good point with respect to pedestrian traffic and the likelihood of it being there. And it should maybe be considered when we're looking at these smaller footprints. So I think from what Paul said is we do have, it is within our purview to make the recommendation, not only to the council, but also to cover the planning commission as well and let them weigh in too.

- Yeah and I think that maybe from a procedure standpoint, Paul you can talk about this, but it's one body's got to ask to have something referred to another body or something. So maybe goes through communications at council and then may refer to plan commissioner or something like that. If there is needing to be a look at zoning or something.

- I think in this case, I mean the board is observing that maybe they've seen X type of variants and that kind of raises a concern for the board. And I think simply what you can do is collectively put your thoughts together and share it with me. And then what I do is I go back to our staff. We have a discussion about, well here's what the board of appeal thinks, what should we do? And we kind of develop a plan and eventually get it to the planning commissioning council to maybe rectify that issue or come back to the board and say, look here's what staff thinks. It gets kind of a fluid discussion, but ultimately I think it comes to our staff and we provide a professional recommendation and then we chat it out to plan commissioning council. So the FAR maybe is on your radar. It's been on our radar for a while and I think some of these smaller uses are getting penalized potentially. So we're not here to discourage development we want to encourage development. So I think we have to look at, is the ordinance hindering the, is there unnecessary approvals they have to go through to put up a store?

- Yeah and I certainly think our argument for reducing floor area ratio for an auto dependent, drive through place that doesn't have a dining area, that has maybe food service, but doesn't have dining in building that could be something we could make a an adjustment on and reduce it or reduce it for those that offer a walkup window.

- Well, I also want to mention too, with these drive-through the Scooters, Arby's and now Caribou, we do have specific design standards for drive-throughs that involves aisle width and turning radiuses and stacking and the need for having access to a sidewalk. So those are all things that we look at as part of the site plan. So you're only kind of seeing one aspect of the development, which it's deficient, it doesn't meet the forum, but we do have other oversight on how the site gets laid out.

- And actually all of those things you just said, argue to increase parcel size or lot size without increasing building size. So they actually--

- They do

- Right.

- Yep.

- How do we just kind of informally get together in a way that isn't bringing a forum together? I mean, do we have to do that, like now after meetings, we just can't get together and meet, right, because then we have a forum or is that okay?

- Well I think the thing is too, and Paul raised a good point here, as he's talking about this, right? The city has got staff whose job it is to figure out how to write the ordinances, to make the developers jump through the hoops in a way that result in safe sound and efficient development of the city space, right. So we don't have to fix that, right. We don't have to say, Hey, let's get together and do a workshop and say, we really think that, X percent is better than Y percent or something like that. I think one of the things we could do as a body, because our principle purpose, at least the way I see it, and I'm not trying to speak as our chair. I know he's on the call too, but it seems like, our principle purpose here is to look at development proposals that are at odds with the ordinance and see if there isn't a reason to allow for that violation of the ordinance because of some special circumstance that exists in knowing the development or the property or the adjacent properties, which happen to be in another municipality or whatever. But when we see the same thing coming up over and over again a couple of years ago, it was the width of driveways in industrial areas, right. We can and should I think use this time to say something like, gosh, staff, we'd really like you to look at floor area ratios for auto dependent drive businesses, and if Paul goes away and comes back and says, yeah, we talked about it, we don't think we should make any changes. Now we all feel really strongly about it. Well then we can talk about what we do in that circumstance to nudge the issue along if it means that we're going to keep having to grant the same sort of thing that we grant every month. But I think the first step maybe is just to say, we recognize there's a problem. And maybe some of us can say, somebody can make it in the form of a motion that just says, here we respectfully request that planning staff investigate floor area ratios around this issue. And we'd be happy to hear your report out at some point in the future.

- [Tommy] Yeah I agree with everything Noel said, and it's exactly where I think we've been trying to take portions of this in the last couple of years of this. what I would like to get your guys' opinion on is I think that, yes, there are times where in a moment, two months in a row, we've seen three of these and it makes sense. However I don't want to lose sight of the ones that maybe don't have and back to back. And I think we're going on maybe two years where there was this idea of keeping track of all the variances and what they were on a spreadsheet ball. And I know we were sharing that a couple of times. I haven't seen it last couple of meetings, but

- It shouldn't be coming quarterly yep. So Jessie's tracking those for us and we try and get a quarterly report.

- [Tommy] So is it possible, here's my thought gentlemen, especially we're also coming into an election year for Alderman, is it possible to get like an aggregate of the last two years of those quarterly reports on some sort of document that can be shared with the board members ahead of next month's meeting where we can look at it and say, okay, cool here's what we're seeing, our common ones. So for example, in the last two months we saw three of the floor area ratios and there would be an aggregate of the last two years of like, okay, widening driveways or side setbacks or whatever it is that we could get for the last two years. And then I think if we have some time gentlemen, we can then take a peek at those and come back and make a formal recommendation in February. We're like, hey these are the three that we want the staff to look in or get Alderman perspective on looking at the code. What do you guys think about that? Like pushing it to next

month, making sure we come in prepared mentally, knowing that we're going to have some administrative time at the end of the meeting and that we get that document ahead of time. Let's just spend a little time studying that. So we come prepared for some good discussion.

- Sounds good to me.

- Sounds good.

- Yes I think keeping in your vein of having a surveillance of the type of variance requests, it might be worth considering some sort of a trip wire that in the event we receive let's say three, four, five or six variances of the same type come across the board. Maybe not so much depend on our memories that we've seen these, but part of Paul's record keeping to establish something that would send up a flag and say, Hey fellows this is what we've seen in the last six months or three months or whatever to make it more of an automatic one rather than an anecdotal or conversational type of thing to follow up on.

- [Tommy] Yeah, I wholeheartedly agree. And if that's a better way to approach this is more of like you're saying, I'll use a trip wire situation, Hey, once we get above six, within a certain period of time then it comes up for discussion on the agenda or different way I was approaching. I have no preference was more of the report if we get it every year, we'll get it every quarter and at the end of the year we review and we say, Hey of this entire year, the most we saw was seven driveway widenings. And it's an annual review that we do and we say, okay, let's refer that one. However we want to approach it that's the same goal is trying to get at that people our feedback.

- I just think they're not putting it on an annual basis. It might be kicking the can farther down the road than we want to. Sometimes we might have a more immediate need to say, for example, this is square footage deal. It seems like right now drive ups are really high. So why not grease the skids a little bit for him?

- Yeah take a look at it in 22 rather than at the end of the year. So I think that those all sound good. I think that we'd still run the risk of even with a trip saying, well geez six people wanted to make half bigger garages because people are always going to want to have bigger garages right. So some of these are going to keep coming, right? A side by duplex ranch style, built with the garages in the middle with only one lane going up to them, somebody's going to want to widen that drive lane it doesn't matter what comes down, some of those things are going to be there. And in the case of those drive lanes, as they relate to the firefighters and the where the location alter the door, those seem like things that would probably going to have to talk about at the table here rather than maybe being able to craft some workaround, right. I think the things too, if we're going to do this and have a conversation about looking at these reports and talking about them, I would really like to hear staff's perspective on what they might want to do to make some of them easier to handle, right. Are there things that are coming up in some of these requests that maybe a tweak to our forms would be more helpful than changing the zoning, right. Or are there other things that we could do to make it easier to review some of these requests. Or are there things that as a community we should be looking at, say those shouldn't come to this table, those should really just be handled administratively and maybe we've got a few of those that are the regulars that come up, that we should talk about and do whatever it is we need to do to encourage a change that allows the staff to just approve or disapprove some of these things so that they don't even come to this table. We should be working harder on some of the issues that we face. The easy ones we should be able to build a machine to take care of those, right.

- Yeah I agree.

- [Tommy] So what do we want to do formally, like do we want to take any actions tonight on the floor area ratio one, or do you want to do more of a larger discussion next month with the report and with staff time to think about it? What do you guys want to do to move forward? Because I think we're all in agreement that we want to continue to improve this process.

- Well, Tommy you kind of already punted it by saying, let's look at the whole report. I guess the follow up question I would have did that, is that a reasonable request to be able to have that for next time to staff?

- Yeah, I think we have it already.

- Okay.

- Okay.

- Let's put that on the agenda then for next month and talk about it.

- [Tommy] Yeah and is it possible to go back, again I threw out two years, like my head that's what I feel like I remember we kind of started asking for that report, but just go back as far as you have record of that. I mean if you can go back two years even without the spreadsheet, I don't know if it would necessarily be that hard to add three or four more months of looking at the agenda and just codifying those on the spreadsheet. I think two years is a good range for our first go at this and then we can either do it quarterly. We can do one every six months just to kind of look at it and see if we're seeing any of those trip wires or red flags and then Tom I totally agree with you if we're seeing it in the moment then we just add it, say, Hey, let's discuss that as we see it too. Carving out time for these scripts to really, really dive into that, I think is critical.

- At least quarterly sounds great.

- [Tommy] All right, so next month we'll throw that on the agenda as an administrative discussion item. Thank you Paul and staff for putting that together. I think it'll be helpful. And I do think also something we should continue to think about is Alderman involvement. There are certain areas where an Alder is representing a district and it's filled with duplexes, right. But that doesn't exist in like the Astro area. And so there are going to be things that pop up in certain areas within the city, where is there a way to approach the code that approaches neighborhoods and how those neighborhoods were developed? I don't know if we're there yet, but I do think that's an interesting concept as well to think through.

- Yeah that's fair.

- Yeah.

- [Tommy] All right cool. Any other administrative things before we wrap up? And Noel I will say you did the best tee up, you read the whole thing, this is the agenda item and the number and everything. So I don't know if it was the best one but was definitely the most thorough. Well done thank you for stepping in for me.

- We're here

- Thanks Tommy. Yeah I think all that's left on the agenda is our next meeting announcement February 22nd.

- 21st

- 21st

- [Tommy] All right, everybody got that. And again, one more time, I know I've said it three times, but again I apologize for my digital presence not being amazing, but Noel heck of a job stepping in and it's always good to see you gentlemen. And we're still looking for an alternate fall, is that correct?

- We are, yes.

- [Tommy] So if anybody knows anybody, refer them to Paul or to the mayor's office.

- Great
- Correct.
- [Tommy] So keep that in the back of your minds and other than that it's great to see you all. Motion to adjourn.
- Second.
- [Tommy] All right thanks Don. All right, so we have a motion and a second, all those in favor.
- [Members] Aye.
- [Tommy] Any opposed? No, all right gentlemen meeting's over.