



MINUTES OF THE GREEN BAY PLAN COMMISSION

MONDAY, FEBRUARY 21, 2022, 6:00 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: Lisa Hanson - Chair, Jacob Miller - Vice-Chair, Ald. Veronica Corpus-Dax, Sidney Bremer, Derius Daniels, and Ken Rovinski.

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

C. APPROVAL OF THE AGENDA.

I. Approval of the Agenda for the February 21, 2022, meeting of the Green Bay Plan Commission.

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

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

D. APPROVAL OF MINUTES.

I. Approval of the minutes from the February 7, 2022, Meeting of the Green Bay Plan Commission.

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

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

E. REGULAR BUSINESS.

1. (ZP 22-02) Public Hearing on request to authorize a Conditional Use Permit (CUP) for a silo to exceed the maximum height limitation within the General Industrial (GI) district at 125 9th Street, Barry Pigeon, LafargeHolcim, property owner (Ald. B. Johnson, District 9).

Vice-Chair Jake Miller read into record the rules and procedures for all public hearings tonight. All public hearings have been properly posted.

Vice-Chair Jake Miller opened the floor for the Public Hearing on request to authorize a Conditional Use Permit (CUP) for a silo to exceed the maximum height limitation within the General Industrial (GI) District at 125 9th Street, Barry Pigeon, LafargeHolcim, property owner (Ald. B. Johnson, District 9).

Vice-Chair Jake Miller asked three (3) times if there was anyone present who wished to speak. Hearing/seeing no one, the Public Hearing was closed.

2. (ZP 22-02) Consideration with possible action on request to authorize a Conditional Use Permit (CUP) for a silo to exceed the maximum height limitation within the General Industrial (GI) District at 125 9th Street, Barry Pigeon, LafargeHolcim, property owner (Ald. B. Johnson, District 9).

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

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

Moved by Ken Rovinski, seconded by Sidney Bremer to close the floor and return to regular of business. Motion Passed.

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

Moved by Sidney Bremer, seconded by Ken Rovinski to authorize a Conditional Use Permit (CUP) for a silo to exceed the maximum height limitation within the General Industrial (GI) district at 125 9th Street, subject to:

a. The color of the new silo shall be in keeping with the existing silos and structures.

b. Compliance with all other regulations of the Green Bay Municipal Code.

Motion Passed.

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

3. (ZP 22-04) Public Hearing on request to amend ZO 13-21, a Planned Unit Development (PUD) along the 2300-2400 Blocks of East Mason Street (East Town Mall), submitted by the Department of Community Development (Ald. L. Gerlach, District 3).

Vice-Chair Jake Miller opened the floor for the Public Hearing on request to amend ZO 13-21, a Planned Unit Development (PUD) along the 2300-2400 Blocks of East Mason Street (East Town Mall), submitted by the Department of Community Development (Ald. L. Gerlach, District 3).

Vice-Chair Jake Miller asked three (3) times if there was anyone present who wished to speak. Hearing/seeing no one, the Public Hearing was closed.

4. (ZP 22-04) Consideration with possible action on request to amend ZO 13-21, a Planned Unit Development (PUD) along the 2300-2400 Blocks of East Mason Street (East Town Mall), submitted by the Department of Community Development (Ald. L. Gerlach, District 3).

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

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

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

Moved by Sidney Bremer, seconded by Derius Daniels to approve the amendment to ZO 13-21, a Planned Unit Development (PUD) along the 2300-2400 Blocks of East Mason Street (East Town Mall).

Sidney Bremer withdrew her motion to allow for additional information from the applicant. There was no vote.

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

Moved by Ald. Veronica Corpus-Dax, seconded by Ken Rovinski to close the floor and return to regular business. Motion Passed.

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

Moved by Sidney Bremer, seconded by Ald. Veronica Corpus-Dax to amend ZO 13-21, a Planned Unit Development (PUD) along the 2300-2400 Blocks of East Mason Street (East Town Mall), with the amendment reflecting a requirement for a contiguous cross-access easement created and recorded during the land division process for all in-lot parcels.

Motion Passed.

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

5. (CPA 21-03) Public hearing on request to amend the City's Comprehensive Plan for property located in the 4000 Block of Champeau Road from a future commercial land use designation to light industry, submitted by Seth Lenss, ICS Properties, LLC, petitioner, on behalf of Joe Moore, agent for the property owners (Ald. B. Dorff, District 1).

Vice-Chair Jake Miller opened the floor for the Public Hearing on the request to amend the City's Comprehensive Plan for property located in the 4000 Block of Champeau Road from a future commercial land use designation to light industry, submitted by Seth Lenss, ICS Properties, LLC, petitioner, on behalf of Joe Moore, agent for the property owners (Ald. B. Dorff, District 1).

Vice-Chair Jake Miller asked three (3) times if there was anyone present who wished to speak. Hearing/seeing no one, the Public Hearing was closed.

6. (CPA 21-03) Consideration with possible action on request to amend the City's Comprehensive Plan for property located in the 4000 Block of Champeau Road, from a future commercial land use designation to light industry, submitted by Seth Lenss, ICS Properties, LLC, petitioner, on behalf of Joe Moore, agent for the property owners (Ald. B. Dorff, District 1).

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

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

Moved by Ken Rovinski, seconded by Derius Daniels to close the floor and return to regular business. Motion Passed.

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

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

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

Moved by Ken Rovinski, seconded by Sidney Bremer to close the floor and return to regular business. Motion Passed.

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

Moved by Sidney Bremer, seconded by Ken Rovinski to deny the request to amend the City's Comprehensive Plan for property located in the 4000 Block of Champeau Road from a future commercial land use designation to light industry. Motion Failed.

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

Moved by Ald. Veronica Corpus-Dax, seconded by Derius Daniels to approve the amendment to the City's Comprehensive Plan for property located in the 4000 Block of Champeau Road from a future commercial land use designation to light industry. Motion Passed.

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

7. (ZP 19-16) Public Hearing on request to authorize a Conditional Use Permit (CUP) to allow for a plant expansion to exceed the maximum height limitation within the General Industrial (GI) district at 1919 S. Broadway, submitted by Tim Ellsworth, Georgia-Pacific Corp., property owner (Ald. B. Johnson, District 9).

Vice-Chair Jake Miller opened the floor for the Public Hearing on request to authorize a Conditional Use Permit (CUP) to allow for a plant expansion to exceed the maximum height limitation within the General Industrial (GI) district at 1919 S. Broadway, submitted by Tim Ellsworth, Georgia-Pacific Corp., property owner (Ald. B. Johnson, District 9).

Vice-Chair Jake Miller asked three (3) times if there was anyone present who wished to speak. Hearing/seeing no one, the Public Hearing was closed.

8. (ZP 19-16) Consideration with possible action on request to authorize a Conditional Use Permit (CUP) to allow for a plant expansion to exceed the maximum height limitation within the General Industrial (GI) district at 1919 S. Broadway, submitted by Tim Ellsworth, Georgia-Pacific Corp., property owner (Ald. B. Johnson, District 9).

Moved by Ken Rovinski, seconded by Ald. Veronica Corpus-Dax to approve the request to authorize a Conditional Use Permit (CUP) to allow for a plant expansion to exceed the maximum height limitation within the General Industrial (GI) district at 1919 S. Broadway, subject to:

- a. Compliance with all of the regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit, including standard site plan review, standards and approval.
- b. Retention of existing green space along the South Broadway and Liberty Street rights-of-way to State Street, including terrace areas and green space as part of the Georgia-Pacific property. A combination of fencing and landscaping shall be provided in both terrace areas and on Georgia-Pacific property where appropriate, as determined staff and the property owner, based on site limitations. Any fencing/landscaping shall not conflict with vision for pedestrians/motorist/truck traffic. Landscaping within the rights-of-way shall be coordinated with the City Forester and any encroachment in the right-of-way for fencing shall be addressed by the Department of Public Works-Engineering. Motion Passed.

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

F. INFORMATIONAL.

1. Director's Report.

There was no report to present.

2. Date of the next meeting: March 7, 2022

G. ADJOURNMENT.

Moved by Ken Rovinski, seconded by Sidney Bremer to adjourn. Motion Passed.

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

VERBATIM MINUTES

- Hello and welcome to the February 21st, 2022 meeting of the Green Bay Plan Commission. We're gonna start off with roll call. Chair, Lisa Hansen is excused. Vice Chair, Jacob Miller present. Alder Veronica Corpus-Dax.

- Present.

- Present. Thank you. Commissioner Sidney Bremer.
- Present.
- Commissioner Derius Daniels.
- Present.
- And Commissioner Ken Rovinski. Excellent, thank you, commissioners. Onto the approval of the agenda for today's meeting of February 21st, '22 meeting of the Plan Commission.
- So moved.
- Second.
- Moved by Commissioner Rovinski second by Alder Corpus-Dax. All those in favor, please say aye.
- Aye.
- And onto approval of the minutes for the February 7th, 2022 meeting in the Green Bay Plan Commission.
- Moved.
- Second.
- Second.
- We'll give it to Sid with the motion and second by Alder Corpus-Dax. All those in favor, please say aye.
- Aye.
- Aye.
- Excellent, thank you commissioners. We will move onto regular business. We do have a couple public hearings tonight. Let's see, starting with public hearings requests to authorize a conditional use permit for a silo to exceed the maximum height limitation within a general industrial district located at 125, 9th street submitted by Barry Pigeon, Lafarge Holcim property owner. Sorry if I mispronounced that. Steph would be able to start with a quick introduction on this item.
- Sure.
- [Jesse] Jake, just a moment. Can you read for record, the procedure for the public hearings please.
- I was planning on doing that right after the introduction to keep it fresh--
- Okay.
- But if for procedure I need to, I will do it now.
- [Jesse] I would prefer if it was right into record prior to.
- Your preference.

- [Jesse] You only have to read. Sorry.

- You're cutting out a little bit there, but I think I got the gist of it. But your preference.

- [Jesse] Okay.

- Jesse is my pleasure. So.

- [Jesse] Okay, thank you.

- No problem, okay. This public hearing has been properly posted and public notification has been published in the Green Bay Press Gazzete. The Plan Commission is interested in hearing public comments on the subject agenda items. We invite your comments and as soon as your name has been called you state your address, whether you represent a group or association, whether you favor oppose or only providing information on this matter and your comments or concerns. We also ask that you confine your testimony to the facts related to the proposal at hand and avoid repetitive testimony. You must be recognized by the Plan Commission in order to speak. And please address your comments to the chair. Comments will be limited to three minutes. To speak during this public hearing, you may unmute yourself at the button at the bottom of the screen. Use the raise hand function on Zoom, physically raise your hand if you are using the video feature or press *6 to unmute yourself, if you are calling in. So onto the public hearing for this silo to exceed the maximum height limitation within a general industrial district at 125 9th Street, submitted by Barry Pigeon, Lafarge Holcim. Steph will give us a quick preview before we open up the hearing.

- Thank you, vice chair. This is at 125, 9th Street, which is at the very end towards the Fox River. So it's a state street here in Broadway for reference. This is a very industrial area with all of this having zoning of industrial. This is the existing site here circled in red and the Navy, I'm sorry, in an Aqua. They're doing an expansion project, which includes a new silo, which will exceed the maximum height for this district.

- Excellent, thank you so much. With that, we are gonna be opening up the public hearing on this item. Again, if you do wish to speak, unmute yourself at the bottom of the screen, use the raise hand function, physically, raise your hand, if you're on video or *6 to unmute yourself. We'll start with those who are in favor. Not seeing any hands.

- Mr. Pigeon.

- There we go. I'm sorry, thanks. Sure thing, Sid.

- Mr. Pigeon, go ahead.

- Barry Pigeon 1156 Pisces Place, De Pere Wisconsin 54115. The terminal manager at our Green Bay location for Lafarge Holcim.

- Great, go ahead With whatever comments that you may have.

- Well, the comments I have as Stephanie said, we've experienced tremendous growth within the last few years and we are at storage capacity right now. Logistically it's been very challenging for us to bring in the amount of boats that we want supplying our customers in the Green Bay area. We've had to divert many down to Milwaukee, where we have a facility. We'd like to keep that business in the Green Bay area, where we've been for the last 70 plus years. So, to support our new low-carbon blended cement product with all the new projects that are going on in the Green Bay area. This really fits in well with our expansion project that we're doing. And that hence is why we're asking for the Conditional Use Permit.

- Great, thank you for your comments, Mr. Pigeon. Again, looking for anybody in favor to kick us off. Don't see other hands or anyone speaking up. So we'll move on to anyone that is opposed, please come forward. And finally, any of those looking to provide information only. All right. Radio silence. So... Is anyone else wishing to speak on this item? Is anyone else wishing to speak? And last call, anyone wishing to speak on this item? Let the record reflect that no one has come forward and this public hearing is now closed. We'll move on to agenda item number two, which is consideration impossible action on the request to authorize a Conditional Use Permit for a silo to exceed the maximum height limitation with the general industrial district at 125, 9th Street, submitted by Barry pigeon LafargeHolcim, property owner.

- Great, thank you, vice chair. Again, the parcel is 125 9th Street. This is the Fox River here. This is a 4.6 acre lot that already has industrial uses on it and is surrounded by industrial uses. That's reflected here in our zoning map. This is all general industrial zoning. Thing with our comprehensive plan, this entire area calls for general industry for the use of the area. So this is the view. I took this from my car at the corner of State Street and 9th. So this is the view from the most public access that you can have. It's this property here. So as you can see, there are some existing Silos. There are about 20 on the site and the average height is 120 feet. New silo as part of this expansion project would be about 180 feet. And then with some rooftop mechanics, the maximum height of the structure would reach up to 200 feet. So quite a bit taller than what's existing here. However, it is surrounded by other industrial uses and there are not very many residential uses that would have any access or view to this property. This is a general schematic of what this may look like with an elevation. And these two also just give a general perspective of how the site layout is. So this is that existing area here. I believe this is where the new silo would be located. So a little bit closer to the roadway, fairly visible from the road again, though we don't see any issues going forward. It doesn't meet all of our comprehensive. I'm sorry, Conditional Use Permit standards. It does require the conditional use as it exceeds 35 feet. That is our maximum height within the GI district, which does seem a little small, but that is what the code requires. We believe that the use is complimentary as he explained that this is just an expansion of an existing use. Seth had discussed briefly and he aesthetic conditions we might wanna place on which we could do through standard number three. We don't feel that it's that necessary, especially in an industrial area to add an aesthetic condition. It could be beneficial if you want it to be some sort of an art piece in the sky, sort of thing, something that people could see as a landmark or it could be something that we want to blend in. We wanna make sure that it doesn't stand out. Seth doesn't really have an opinion either way, but wanted to bring that forward to Plan Commission. That if you did feel strongly that there should be something or this should be covered as much as possible. That that is an option for you to add that condition, 'cause that does fall within Standard number three. Aside from that, we are recommending approval with compliance of all the regulations within the Green Bay Municipal Code.

- Thank you very much Steph, much appreciated there. Quick question, in regards to what you mentioned there for possible conditions relating to number three, therefore the architectural design. The site planner review does have some conditions and terms or some, I guess, specifications that does take care of anything that would be too out of place, right? Floodgates aren't open. There is still a site plan review that would have take a look at it, right?

- The site plan review would have anything to do with dimensional information or other things that are covered in our codes, such as setbacks, any landscaping that are required. Most of that isn't required within our general industry zoning. So this is really that body that would take care of that if there's anything aesthetic or if you feel that this structure is too tall, this would be the place to take care of that. The site plan review is only gonna make sure that they're not infringing on anybody else's property, that the setbacks are correct, those sorts of things. So won't have anything to do with aesthetics or height.

- Great, thank you for clarification. Commissioners, any questions, comments?

- Stephanie, the existing silos and most of the other buildings are painted white. Would this also be painted white?

- If you would like to open the floor to questions, I believe they could answer that. I don't have a schematic colors.

- I would move to open the floor.

- I guess so. Yeah, so our existing--

- Hang on just.

- One second here. Sorry, Barry, we just have to open the floor first.

- Yes. So we do have the motion from Ken, I'm sorry. There's two people that popped up for the second. I guess I'll give this Sid. There we go, okay. So motion by commissioner Rovinski. Second by commissioner Brermer to open the floor. All those in favor, please say aye.

- Aye.

- All right, we'll start with you, Mr. Pigeon, please go ahead.

- Sorry about that. So our existing structure, we typically don't paint our silos. We do however, have our existing silos right now. They're a Mesa color. They're pretty, pretty bland, nothing out of nothing too extravagant. We do have designs right now that our engineers are working on and what we're gonna do, but I can forward that on once we are done, but I don't as far as anything that's out of the ordinary or bright or anything like that, typically we don't paint them. So I can always forward that on after once the total decision on that has been made.

- Are you comfortable with a Plan Commission preference that the color be basically the same as the other silos?

- Mr. Pigeon?

- Yes, I would be.

- Good.

- Any other commissioners with questions? Before we go to closed session, if anyone else from the public would be wishing to speak now would be that time. So I'll give you a quick opportunity to speak up if you did have any additional questions or comments. Seeing none, entertainment.

- I move the motion to close the floor.

- Thanks Ken.

- Second.

- Motion by Commissioner Rovinski. Second by Commissioner Bremer to close the floor. Please. Excuse me. I'm sorry. All those in favor, please say aye.

- Aye.

- Sorry, dry air's getting the best of me. Commissioners any other questions, comments?

- I would proceed to move approval with the expectation that the color of the tallest of these stacks will be in keeping with the others.

- One second.

- Steph is that appropriate direction on language for that, do we need to be more specific with it or is in keeping with or is that close on to what we're looking for?

- That depends. So the expectation just means that we will be unsatisfied. If the applicant doesn't follow through a condition means that they have to do that.

- Okay. Well let's make it a condition then. Thank you, Stephanie. And I see Ken nodding too.

- Yes. Then I would second that with the condition.

- Okay, we do have a motion and a second motion by a Commissioner Bremer, second by Commissioner Rovinski, for approval with the condition that the color is in keeping with the current structures. All those in favor, please say, aye.

- Aye.

- Aye.

- I will vote, aye as well. And that passes unanimously. Be moving on to agenda item number three. This is another public hearing to request to re-amend, ZO 13-21. It's a plan year development along the 2300 to 2400 Blocks of East Mason Street, the East Town Mall property submitted by the Department of Community Development. Steph would be able to give us have a quick preview on this before the public hearing.

- Yes, I'm not gonna pull up a map, 'cause it's the East Town Mall. And I think they're all fairly familiar with that. We recently approved a new PUD, which was a replacement to 11 amendments on the initial PUD from 1979. So that was just done in November. We are looking to amend a portion of that. It's for some in lot development work.

- Great, thank you for that quick rundown. We will move on to the public hearing. And just quick reminders here, if you are looking to speak, please provide your address; whether you represent a group or association, whether you favor or oppose or only providing information on this matter, as well as your comments and concerns. Also please keep your comments limited to three minutes and try not to be repetitive. To speak during this public hearing, you may unmute yourself at the bottom of the screen. Use the raise hand function on Zoom. Physically, raise your hand, if you're on video or *6 to unmute yourself if you are calling in. With that, the public hearing is now open. We will start with those that are in favor.

- [Garritt] Good evening, everyone. This is Garritt Bader, the troublemaker behind all of the fun East Town work. I'll have a few comments to make. I just want everyone know I'm here, but I'll probably wait until after Stephanie in depth update here coming up on the next item.

- Sounds good, Garritt. Anyone else looking to speak in favor of this item? Anyone wishing to speak in opposition? And how about anybody looking to provide information only? Does anyone wish to speak on this item? Is anyone wishing to speak on this item? And last call is anyone wishing to speak on this item? Hearing none. Let the record reflect that no one has come forward and this public hearing is now closed. We'll move to item number four. Which is consideration impossible action on request to amend ZO 13-21 Plan Year Development along the 2300 to 2400 Blocks of East Mason Street, East Town Mall, submitted by the Department of Community Development.

- Thank you, vice chair. Again, we're looking at the East Town Mall. I'm sure everyone's familiar with the campus shown here on a map. The zoning is not reflected here. It's actually just a full PUD. So just disregard the whole thing. A future land use map shows the entire area as a commercially designated area. So just a reminder of our last PUD discussion. So there were all of those initial PUDs, the initial one created in 1979, 11 amendments since then. The last action that we took was basically a cleanup action. So we repealed the old PUD and created a new PUD. Along with it being a cleanup action, we also were allowing in lot developments, which are lots that can be created without public right-of-way access. This is allowed through the PUD solely through the semi-public roads that are shown here, which is exhibit C of that initial zoning ordinance. So this shows that a cross access easement would be required for the whole of all of these roads shown in aqua here. What has come up since that approval is the creation of one in lot and the developer has not been able to secure the entire full cross access easement. So what we are looking to do is to allow for one of these lots to be developed without the full cross access easement. What they are proposing instead is show here. So this is East Mason Street. I think this is called like East Town Way or something, it's a very short step Street. And then the lot has been created here. So as you can see as part of this exhibit and as part of the CSM that was created for this lot. There is a cross access easement that has been established through that CSM. So this is generally showing the area that we feel comfortable with having a portion of a cross access easement instead of the full easement being created. We've already discussed this with our legal team. They're on board with the language that was provided in the draft PUD amendment. They've also already been allowed to get their footing and foundation permit, which allows them to start all that site work. So it's not the full permit that allows them to build, but it does allow them to get that site work done. As you can probably imagine building a lot in the middle of a parking lot. There's a lot of work to do on the ground. So this is that exhibit showing the area that we're comfortable with that development happening. So this would be only for one parcel. This was included within the draft PUD but everything that's in red is what's been added. So it's calling out that Parcel specifically saying that they're exempt from the full easement requirement. That we're allowing that complete footings and foundation work, which has already been provided in a permit. And that... Exceptions should only be for this Parcel, that we won't be coming through again to amend, to reflect this on any other Parcel. This would be the first one that gets to be created based off of this. And then from there, the developer would be required to secure that full cross access easement as described in Exhibit C. So we would be adding this as Exhibit E to the PUD. So showing that this would be an allowed area to do a partial cross access easement. And then this language will reflect that saying only this Parcel is allowed to do that. The full cross access is required within 12 months per the initial PUD, which is in December. So I think it's December 7th of 2022, the whole thing would have to be created to allow for more lots to be created. And this again is only for the in lots, everything that's on the exterior, so all these frontages, like you may see there's some construction already happening. So that isn't from these lots here it's only for anything that would be happening within the interior of this that's required to have a cross access easement to get access from a public road. So with that, we are recommending approval subject to the draft PUD amendment. That was included in your... I'm sorry, in your packet. With this one sent out to alder Gerlach and all property owners within 200 feet and I received one general inquiry about what's going on, but no comments or objections.

- Thank you, Steph. Commissioners, I didn't see alder Gerlach on, I would give her the floor first, but I'm not seeing her here. So commissioners, any other questions, comments? Alder Corpus-Dax.

- Thank you, alder Gerlach's not here. She's had another meeting, but she did email me yesterday and she said she didn't have any issues.

- Excellent. Commissioners, any other questions, comments?

- Have we done this on any other developments or is this a common thing or just kinda curious. We're kind of setting a precedent here or...

- I guess it depends. There are two different answers to that question. So in lot developments are only allowed through this PUD. We don't have them anywhere else in the city. They're very specific to this because they have such an expansive parking lot area that we felt that by having that cross access easement throughout the

whole of the site, it would allow for better development than just trying to get access to East Mason or to the property behind it. So the in lot is very specific to this PUD. So we wanna make sure that we're protecting that with those easement arrangements. We have had many PUDs that have had exemptions for specific partials, for different uses, different height requirements. Generally, those are things that are left over from... If we're taking PUD and consolidating them, or if it had a CUP prior, we're trying to make sure that CUP is upheld. So it's not uncommon for us to call out specific parcels within a PUD. So I don't believe this would be precedent setting in a negative way. It's just kind of helping the developer, get something in the ground before everyone who's a party to that easement can get on board. There're plenty of owners in the East Town Mall. So this is, I think, just beneficial to that one developer.

- Got it. I see director Stechschulte. Did I do a good job on that director?

- That works, that works Jake. I know what your talking about.

- Yeah, commissioner Rovinski I just want to point out, obviously this is... We do have other areas in town where these large format retail spaces are kind of looking, maybe do something on this frontage. So ideally we wanna kind of deal with this kind of at the time of land division is generally the clear obvious point to kind of get those easements and things done there. This was kind of the first one that came in. We're playing a little bit of catch up and kind of reversing and kind of correcting things as we go. Some of the other areas we are working in town, this discussion is being had in terms of making sure that those easements there is proper access for these lots. Our concern certainly from our attorney's office is that we wanna make sure if we are creating lots, that they do have public access to them. Otherwise there are legal positions that could put the city in... That could cause issues and possibly liabilities to the city being required to provide public access later on if there's not an easement there. So and it's a little bit of your answer to questions. Is a little bit of yes and no. We're trying to figure out how to set the right precedent 'cause we do wanna see a couple of these types of developments happen on some of these larger lots going forward that are just giant vacant lots that aren't being used. So hopefully we can use this as kind of making sure that easement access it will be a precedent setting requirement that we'll have for any other land divisions on the similar type of lots in the future.

- Perfect, thank you.

- David Buck, I saw your hand up or did director steal your thunder there?

- All my thunder. That's exactly what I was gonna say.

- Great. Commissioners, any other questions, comments? We can open the floor. I don't know if we did wanna do that. If there's some desire to get Garritt's comments.

- Motion, open the floor.

- Very good.

- Motion, open floor by alder Corpus-Dax and a second by Commissioner Daniels. All those in favor, please say aye.

- Aye.

- Aye.

- Aye.

- Aye.

- Floor's now open, Garritt we'll start with you.

- [Garritt] Thank you, Garritt Bader, 300 North Van Buren Street. Thank you again for hearing this. I'm gonna provide some real brief background as to why this is coming up. It's been a respectful disagreement between myself and city legal. I'm in need for the Access Easements themselves. I contend the existing title work makes them unnecessary, but regardless city legal has requested them. I'm happy to oblige. At the same token, please recall that the need for the public access for the city is really only along... To reach the in lots themselves. So Stephanie had that one image up earlier that showed the existing delineation of the new in lot that we've created. And the T shaped access easement that fronts it. What I've done there is essentially grant access to properties that I own. Keep in mind that I do not own every tax parcel within the East Town Campus. And it's very realistic that I will never own every piece or necessarily have property owners that want to work with me on this. Keep in mind that through the history of this property agreements, some require unanimous vote amongst all these different property owners. So what I've said in the course of this discussion with city legal is that, "Hey, I'll grant anything I can grant, "but I can't promise to grant everything." The language in front of you today, essentially grants me a one year grace to try and get everything. Respectfully, everyone, I'm here to tell you that may never happen. Kohl's in particular, hey, state company love 'em, that's great. They have so much going on. It took me over a year simply to get their approval to create the in lots in the parking lot themselves. There's no guarantee they will ever respectfully care enough to do this until they need it. So what I would rather ask the commission to approve tonight is that the existing access easement, that T-shaped easement, that would serve a current parcel under construction for Shoreline Credit Union, and also a future parcel East of Shoreline. So in the Hobby Lobby parking lot, the permanently acceptable for those parcels because it grants them the right of way access. And then if and only if, Kohls in the future requests the in lot on its parcel, which are agreements allowed between myself and them, then Kohl's at that time comes in front of you to continue that easement when they have the incentive to focus on it and grant it. So I'm happy to clarify any of that for anybody. I know this gets into legal mumbo jumbo. Let me know, thank you.

- So.

- Thank you, Gary.

- Go ahead, Seth, sorry.

- My question then I guess first of all, to Garritt then maybe to Stephanie or our director is what happens if you can't get all of those easements, which this revised language still requires, except for this one particular lot.

- The short answer said is that technically for the city would not allow any future in lot development. And that would be a shame to not do that, what I would argue again is technicality. Keep in mind within the title work and all these parcels is an existing cross access easement. The city's contention is that it does not name the city, which is true, but all parcels can cross access onto each other's parcels. This is simply to afford the city public right of way access to the public right-of-way, which in this case, the closest one is Mason Street.

- So do I understand correctly that at the current time, you're going ahead with what the city is requesting, but if this didn't work out, you would probably go back to the argument that you had before that you have stepped away from temporarily.

- What I don't want Sid is for an expectation for me to say to you today. Sure, I'll go get Kohl's agreement. I would try. I'm just here to tell you, I probably won't get it. Not until they want something for themselves. And that's where the incentive of them creating the in lot on their property, incentivizes them to do that. So they would come back in front of you as in a condition of their CSM approval and their approval of the in lot. And you would assume they grant it to them at that time. In the meantime, keep in mind that every other parcel of the East Town Campus, minus a couple that our grandfather from years ago has public right-of-way access. So nothing is being prevented from being publicly accessed by the city. If you all would vote in what I'm asking you to do.

- And how would we have to change the recommendations that Steph has made in order to meet what you would like us to do?

- Well, I'll give you my two cents and then maybe I'll let Neil or Dave or Stephanie chime in on that. What I would simply ask is that the zoning ordinance be amended to reflect that the access easement provided is acceptable for in lots number one and number two. And that any future in lot created would require a similar easement by that petitioner.

- Thank you.

- Stephanie, can you elaborate on that?

- Sure, can. So few things, the parcel that's being created right now has... I mean the most direct contact to East Mason Street that you can possibly get for East Town. Right now, if the full cross access easement is not secured within a year, the PUD is no more. The entire PUD expires. Which would cause Seth to need to rewrite or create a new PUD that covers the other things that are within that PUD. The signs, other things that, landscaping berms, all those things are within that PUD. So that would need to be rewritten somehow to make sure those things are still accounted for. However, I'm still adamantly holding that a cross access easement is required because as Garritt said, the city is not a party to the other one. So in the unlikely event, but still possible event that those owners all say, we don't wanna be a of this anymore. We don't want to do this. These easements don't need to exist. We would have no way to stop them. The reason why this PUD was created, other than clean up, like I said before, was to do the in lot developments, which are not allowed by code. Our subdivision code explicitly says that no parcel should be created without street access. Not even right-of-way access, but has to be on a built street. So this is really going above and beyond to create this PUD for this type of development. So in my mind, the least that we can do to protect the city is to have a cross access easement that the city is a party to make sure that that easement stays in place. And that we have access to that easement to make sure that they're being treated fairly, this is just between private ownerships. We wouldn't know if it got dissolved. We wouldn't know if it got amended. We wouldn't know if somebody pulled out of that easement. Versus if we're a party to it, then we have some semblance of control, some semblance of being able to be a part of that. So, to me it's fairly nonnegotiable. I believe that I side with my law department on this one. I know that there has been some wiggle room, hence why we're bringing this forward to allow for this one parcel to have this cross access easement that's already been created to be sufficient for it. But I still hold it going forward that we need the full cross access easement. If there's any editing that needs to be done or any other things on that map that maybe need to be adjusted, we can certainly work with Garritt on that moving forward. But I don't believe that this is the time or the place. This PUD was just created and we're not close to the end of it. If we're getting to the end of it, if he's going, "I cannot secure this. This is not going to happen." We've worked with plenty of people before PUDs to make sure that the city's needs are still being met within the PUD. So that's my two cents on that. But I am not a lawyer. I don't run the department and I am not developing this. So I'll just keep it at that.

- I wanna remind Stechschulte again, I love Stephanie to death, I know she knows this. And even if we may respectfully disagree on this item too. The city is no worse off today than it has been in 40 years. Creating the in lot right now for Shoreline and the one next to it, that's possible on my property, the Hobby Lobby property. Will be fully publicly accessed by this easement where the city is a beneficiary of it. Every other property right now, nothing has changed. So I respectfully disagree with Stephanie, as she says that all those rates are needed. They're not there now. And if we never did Shoreline and never started construction on it, nothing thing would've been different. So while I don't disagree that having something holistic and everything together would be great. Again, I'm here to tell you just from my experience, not only with Kohl's but there are other national players there too. It simply isn't going to happen, but I can give the city every assurance it wants on these new parcels through the access easements or Kohl's in the future when it creates it, that should make the city satisfy for everything it says at once.

- Director will start with you.

- You're muted, Neil.

- Yeah, Neil.

- Me being quiet, that's not normal. So let's see. You've certainly have looked at this and kind of been in the middle between Mr. Bader and Steph and law department on this. And I think like I mentioned my previous comments, I think the most apropos time to get this requirement is at a time of land division. So if an additional lot is created on those other lots, that is the time to absolutely require this to happen. And, not just a, hey, they've got something interested. I think we can make that. We absolutely make that a requirement as it is listed in the PUD. And it is listed in terms of just proper lot creation in the city. I think that is absolutely the time that if anything else beyond this is, is ever divided off, whether that be in front of Kohl's or in front of any other lots. Absolutely making this a requirement to have this sort of easement in place at that time of land division is certainly, I think, needs to go forward absolutely. I think it'd be... Certainly would be excellent if we could get it all in one shot. You know, I do echo Mr. Bader's comments and concerns that sometimes the national retailers are not responsive to requests like this. And since there is no direct other leverage on that particular landowner, it is difficult to require someone who does not control that to complete that within that same timeframe. I do agree, with Steph's comment that obviously we can leave it as it is now and come back towards the end of the year, if it has not been achieved or we can see there is the ability to certainly provide the language that Mr. Bader's requiring saying that, we're basically if any other future land divisions along this route are required, that we can get it at that point. I do think that we are probably covered in either case. It really would be kind of what the comfort level of this body is in terms of which way they'd like proceed. I do think that even if we do stop here at this point, I think, you know, certainly we'll be working with Mr. Bader to approach Kohl's regardless to try to at least begin this process maybe in a year and a half, we're lucky enough and we get the easement we require. So I think we can certainly make this work in either case. Certainly, but at a minimum, I think this needs to be required at any future land division that this easement is continued as required by the PUD. So I think, the key factor that is the issue, is the 12 months for Mr. Bader in terms of the logistics, in terms of possibly getting that completed. So certainly, I think Steph, at least from my standpoint, as director, I am comfortable with going either direction. I think we're either addressing it now or addressing it in later in the year in December, perhaps. So, I just think that's one either now or later we are probably gonna be coming back to address this particular aspect of the PUD, which from Steph's standpoint is certainly, we can do with either case. So I think this is really up to the discretion of the commission as to which story they would like to go on this.

- Commissioners, any other questions, comments? We are an open session, so public also can come forward.

- Motion to close the floor.

- Second.

- Motion close floor by alder Corpus-Dax. And second by Commissioner Bremer. All those in favor, please say, aye.

- Aye.

- Aye.

- Aye.

- And we are back to regular order. I guess maybe just one point of clarification, if it's really the timeframe that we're worried about, and we're gonna probably have to revisit it again. My only concern is if there's anything being held up right now, it doesn't sound like it. So if somebody can correct me on that maybe, but it doesn't

sound like we can resolve all aspects right now. Anyway. Sometime in the next 12 months. And I feel like we'll be a little better fitted with some more information, some more time to do that. So I'm comfortable with what's in front of us, but I'm open, Corrected or a different opinion on that.

- Yeah, vice chairman, I would say the same thing. As I have been on this commission for a little bit, you all know that I am in a opponent of not having a lot of red tape when we have large developments. Especially like director Neil said, we will probably have more of these coming in the future with all these large lots that we're looking to redevelop. And I think we've been a part of those. So like vice chair Miller, I am comfortable with the language. Only thing you can do is try and to Stephanie's point and direct Neil's point, if it doesn't happen in 12 months, we come back and revisit and have an additional conversation.

- I support that position. And I would add that my experience, with the planning, Steph and people who have come before this they work very well. When things don't go as desired, ideally to work out the next best thing. So I would support. And I guess, make a motion that we approve the language that Ms. Hummel has provided for us. Was that the same language that Derius and Jake were talking about? Or were you... Okay.

- Okay so just.

- So I need approval.

- So just, yeah, just clarify. So you're moving as put in front of this changes.

- Yes, by the Steph.

- Got it, okay.

- Just another, I guess, point of clarification. So if in a year those access agreements aren't granted, we would just be coming back, like, just... Can you clarify that a little bit more? I'm saying, would we need an extension for the PUD then at that point or...

- Go ahead, Steph.

- Sorry. So either we could drop the timeline on it, that there is no more drop dead date. We could amend the Exhibit C, so that we not as many portions of that semi-public road are required as part of that easement. We could say, actually, maybe this doesn't matter as much and amend as needed. I mean, there are a lot of different options we can do. We would just need to amend before that December 7th dates. So I think it would depend on how much work is done and how much other development we see like this. 'Cause maybe we'll have better language by that point. Maybe we'll have done this somewhere else and we'll have a better idea of what a sunset should be for something like that.

- It's 10 months out. We don't know what might be in front of us. At that time we'll have better sense of what is in front of us in 10 months, in 10 months.

- Yeah, and it gives us options at that time. So, Sid I will second that motion. I know we have a motion on floor, so I'll second that vice chair Miller.

- We do have a motion to second, but alder Corpus-Dax as asked the access. Let's get to you first.

- So, what would happen if we dropped the deadline at this point?

- Then there would--

- Just said there's no deadline 'cause it doesn't sound like anything changes, regardless.

- Well, if--

- Whether we have that deadline, whether we don't, whether we miss that deadline, it still seems like it's business as usual. Am I understanding this incorrectly?

- A little bit. So here's the exact language. I hope this has come up already, from that section. So within the full section of 3.D.1, it details everything about our in lots. And I believe that the full PUD was attached within your packet. So this portion was what was added. So this is the language that says that this is considered void, if we don't receive that access agreement within 12 months. So if we pull this out, that means that the PUD would no longer be considered void. However, we feel that this is... Since this is such a new thing for us, we don't ever do lots that don't have public access. So we wanted to make sure there's a timeframe associated with it, so it didn't get away from us. So that way we weren't missing like that. Things were getting developed without that. Generally speaking PUDs, if they're not executed or maybe CUPs... 12 months is kind of like Plan Commission's bread and butter. We give people a year to see how it goes and if it doesn't go or it isn't going well, that's when we revisit it. So this language could certainly be amended. It could be dropped all that is at your discretion, but this is how it reads currently. But again, so even if you drop this 12 month thing, it still says up here that that full semi-public in Exhibit C is required to be done. So if this is up here and this isn't down here, then it would be, you need to get that done immediately. Versus it says you have to have a recorded, but you have 12 months to do it. So I think that if you were to drop the second portion here, it would mean that public easement needs to be recorded immediately before you can do anything. That's how I would read it.

- [Garritt] Could you guys vote, 'cause open the floor, that I can make a couple more comments again, please?

- I do think we'd have to take action on the vote before we could go to floor just for procedure wise. Alder Corpus-Dax did that answer your question in terms of this or in terms of what Steph brought up?

- I feel like I'm missing something, but I still have a week before We're voting on this again. So.

- Do you need the full language from the PUD, I could try to pull that up right now, if that helps.

- No, I think I'm gonna touch base with Neil on this. 'Cause I just feel like I'm not fully understanding this. Like, it seems like we're... I guess I don't see what's changing from what we have right now. I don't fully understand that. Like I think we have access to the public right away. I guess I'm just confused on the situation, okay.

- Yeah, I guess that's where I'm like what happens to the current development that we're allowing if the PUD goes away?

- Politely, we're screwed.

- Politely of course, good director.

- Yeah, I think the immediate concern was certainly the ability for the developer to proceed on the two in lots to get those going. So that's why kind of the original discussion of updating the PUD, kind of came along with that. And it was identified that once the land division was done, that this easement issue still needed to be addressed. So again, we're kind of coming back and trying to kind of reinsert the easement issue into those immediate lots. I think in terms of the way the language is required right now, is you know, failure to have... Right now the way it is worded, and Steph correct me if I'm saying this wrong. Because it has that 12 month timeframe in there that basically allows the PUD to be in effect for those particular lots and allows that easement to meet that requirement for now during that time. If you don't have that 12 month time window on there, it essentially says that all of those things... The easement needs to be identified and in incorporated immediately in order for the PUD to still be an effect. So it's a little bit of splitting hairs in terms of how to get

that. The long term effect, I think is still... The concern is making sure that if we have... We need to make sure that there is this site of semi-public road easement access on any future extension on there. The ideal situation is to have that at for it to have a minimum all the way across that frontage on the Mason Street. Frontage that Northern part of that portion of that lot for certain. Later on we're talking about whether or not the back access behind the buildings is certainly something we can look at if we have to right now, that was what has been approved as kind of the preferred easement connections as we go forward. So I think it is simply a matter of... At this point, I think we wanna make sure that certainly I think it is still, I think Steph is in general agreement that having that easement connection is where we want to get to, it's simply how fast, what's the process for us in terms of us getting there. And again, I think my primary concern is that without actually those individual owners, having some sort of specific development change, a land division, something else going forward, I believe Mr. Bader is correct. There is no requirement for them, to basically say that they have to put something in place. That's no skin off their nose, so to speak. if the PUD ends up reverting back and the default zoning goes back, 'cause they haven't done anything on their property, their property is exactly the same as it was. So and so we're trying to kinda incorporate a requirement across multiple property owners when only a portion of those property owners are actually doing an improvement, so to speak, that kind of triggers the need for the easements.

- Yeah, I think what might help is, so right now, what Garritt is saying is that these lots, all have some sort of public access. Like this Kohl's lot goes out here. This one goes out here, this one has a cross access easement on it. And then the whole of the campus has their own agreement with each other about maintenance, access, all those things. So right now this is... The lot that's created is right here where my cursor is. So when they did a CSM, they recorded an easement, which is awesome. And so the next one would be over here. That easement would be recorded. That would be awesome. So in theory, we could piecemeal all these together. Each time an in lot is created, a portion of the easement would be done. However, what if the next one's right here? And this isn't continuous. What if the next one goes right here? like we can't tell people how to develop land once we start this process. So it would have to be something that's continuous. Well, what if the next person doesn't wanna play along? What if they don't want this person to develop here, so they're not gonna give this portion of the easement of away. So I think like the initial, when we drafted this PUD was to create this whole system of roadways so that way it's secured, no matter what. We don't have to triple check our CSMs. We don't have to double check a site plan to make sure the CSM have this right easement. If it was already recorded, we would know it's there. They can divide away, no big deal. But alternatively, it is certainly possible that with each CSM we need continuous access easements. But then what happens to that middle person? What if they don't want to? What if it gets missed? We're all humans. We make human error. First CSM was created on accident. So, I would be more concerned about allowing things like, oh, this will work because we'll keep really good track of it. That makes me a little nervous versus having the whole system already in place with one easement. We only have to track one document versus CSMs, that are separate or separate agreements or the one that already exists that we're not a party to. I just feel like that's a lot of moving pieces that we might miss something.

- [Garritt] And if you guys would be able to open the floor again, I can respond to that. I think in a way that everyone would understand.

- Vice chair, Miller, two things. We do have our motion on the floor with a second. So, I don't know, Commissioner Bremer if you want to leave your motion, recall your motion, cancel your motion to open a floor or do we take action on it? Vice chair, Miller.

- I think I wanna resolve the motion on the floor first. So either that we go proceed with the vote or Sid drops it, would be, I think our two options right now. I'll allow discussion to keep going here if it's getting us somewhere. But I do, before we open the floor, I wanna resolve the motion. So Sid, I guess I'll toss to you. Do you want some more clarification or do you wanna drop the motion?

- I support my own motion because I support the city's preference for the single easement across. But given the situation we're in, I'm willing to withdraw it.

- Okay, so motion has been dropped. We can now go to open session with the motion of course, let's just make sure we're getting our questions all together here. So we don't have to keep bouncing back between sessions, but I will entertain a motion to open floor.

- I moved.

- Okay.

- Motion by Commissioner Rovinski, second by alder Corpus-Dax to move to open session. All those in favor, please say aye.

- Aye.

- Aye.

- Aye.

- We'll shoot over to Garritt there since he's the one who called for it.

- [Garritt] All right. Thank you again, everyone. So if Stephy, would you be so kind to bring back up that GIS Aerial that shows the turquoise desired easement areas?

- Yes. Okay.

- [Garritt] Thank you. So what I wanna make clear here is that, I mentioned earlier that all of the main, what really I call parent parcels to this campus have to have unanimous say on many things. One of those is subdivisions. So as you're looking at the screen here, starting from west to east, the Kohl's property with the white roof, the former mall property with the light gray next to it, the Hobby Lobby with the dark black next to it, and then Petco to the right or to the east of Hobby Lobby. Those are the four parent parcels. Stephanie had just posed, what happens if somebody else creates parcel here, there or many different places. Right now, the four parent parcels have only agreed to allow three. The one that's under construction. The one that could be immediately east of it. So in lot number two that I call it or one on Kohl's parcel. So that fear is unrealized right now, if and only if all four parties agree to allow more in lots, the Shopko property cannot do one on its property. The beauty of this is that, again the parcels that I own, including the former mall, Hobby Lobby and Petco, you have those access easement now. If Kohl's wants its in lot you get it from Kohl's. Then if the Shopko property is able to convince the four of us parents for them to be allowed one, and we allow it, then you get it from them. Then which means you would not have uninterrupted or missing teeth, if you will, sections of easement, you just wouldn't. 'Cause you would get it along the entire expanse of those property owners at that time, meaning from West Driveway, by Perkins, Essential Driveway, East Subway, the East Driveway at Shopko. You would have an uninterrupted section of easement. If those other parcels were desired to show up. We also have to ask ourselves as a city, what do we want by public access? You simply need the right to access the property from the right-of-way. I've given you that, with the T access, Kohl's would give you that if they want one. Should at least be uninterrupted from the Kohl's driveway through my parcels to almost Applebee's. So respectfully again, I feel like us saying this, like I love Stephanie, I really do. But I just respectfully disagreeing the fear here. Whereas a city, what do we probably wanna do? Make sure we can get a firetruck in there, you can. I've given you that you'll get it from Kohl's, you would get it in the future. The fears discussed respectfully are not realized. You would have everything that's needed by how imposing it to be needed. Simply to say in a PUD, any subdivision must have public right-of-way frontage or access rights. Take up a timeline, take out any future need or questioning other because as was posed by Veronica and then by Ken. Again, I can't force adjacent property or to do something that doesn't benefit them or quite frankly that they wouldn't extract for me and want something. When I shouldn't have to give it to 'em 'cause I really don't need what I'm asking for them other than to satisfy the city. Can I answer anybody else's question, and

then again, I know this gets into a lot of mumbo jumbo. I just wanna make that thing very clear that the fear of hopscotching or missing teeth is not real.

- And I think I see this... I see where Garritt's point is here. 'Cause there are three separate driveways that each access the parent parcels. So I guess, yeah, I don't see the fear either.

- And I wanna say again, Ken, and again to Stephanie, I appreciate the desire that's being expressed. I really do. I'm a clean title, freak. Anybody who knows me, knows that. It's simply unrealistic to think that all these competing interests, that don't have an interest of what we're describing, in which I don't directly and can't give anything in exchange for their approval are going to grant it. It's simply unrealistic. I could tell you tonight, say, "Yes, approve that as it is." I'll come back to you in a year with an update. Guys to be disingenuous to you all and disrespectful because I'm here to tell you today that is likely not going to happen.

- Commissioners are there any additional questions for Garritt? We are open session. Just gonna give an opportunity. Anybody else in the public that does wanna come forward now would be the time. Motion from alder Corpus-Dax to close the floor. Looking for a second.

- Second.

- Second from commissioner Rovinski, to close the floor. All those in favor please say aye.

- Aye.

- Aye.

- Aye, and we are back to close session. Steph do you wanna respond to any of the comments from Garritt?

- The existing access is still privately held. I still hold that the city needs to be a party to these easements. And just because they only have three discovered now and they need to all agree on it doesn't mean that they won't agree on it. I just think there are too many variables when we're not involved in the conversation.

- Steph follow up question to that is... So Garritt may have mentioned of access for fire safety police, I'm sure that type of thing. Is that the primary concern or legal's concern or are there other aspects as well?

- I couldn't speak to that. I know our legal department has been very adamant about it. Though, I don't know their specifics for that other than generally speaking, all parcels require public access. So this is kind of just getting the same things. It's not just about fire safety, EMT, people. It's about people getting access to. So that's why we have the requirement and our subdivision code for our regular parcel. So I think they're just trying to hold the same standard, but I don't believe anyone from our legal department is here to speak on that.

- Hey, Steph. I want to echo what Alder Corpus-Dax said, and going to Vice Chair Millers too. It feels like I'm missing something now that we've had this more in depth conversation. And I guess what is the liability from a city standpoint of not being involved in the conversation? Or you said looped in. what is that? What are we missing? What is that liability? If it's not police can't go there, fire trucks can't go there. I guess, what is the liability from a city standpoint?

- So if there are easements or private arrangements that are done without the city being a party to them that don't allow public cross access easement. Then we are in violation of our own zoning or our own subdivision code, because you are required to have public access to all parcels. I believe Dave could speak to this a little more eloquently than I can. There's a provision that if we don't provide public access, that we would be required by law to install that for them, which would mean installing a public road. I'm not sure where that comes from, but we've discussed that before some uninvolved roads that we've done before.

- Right? So, this is David talking. So the reason that provision isn't a subdivision code and its access not just frontage, is that the public has access to any new lot? If you allow lots to be created as a government that don't have access, you've approved the division of the lot. They could potentially come back and request access from the city. So let's say the neighboring property owners say, "No, we're not gonna give access anymore." There's now a lot there. We're not party to it, but we approve the land division. They could sue the city to say, You have to condemn part of this property and bring the road into me, because you let me have a lot and now I can't get to it. So by being party to an easement, we kind of have that, well, as Steph put it a semi-public road. It's not a road, it's a drive lane. But that it has public access, not just for fire, but for everybody to enter that lot. Including the lot owner, I would add. Who could essentially be cut off from his own property.

- But in this case, there are three separate driveways though, that these parcels that are being created they wouldn't have access even if one of those other driveways got cut.

- No, those are not public driveways. Those are all part of parcels. So those are access points via easement right now that the city is not a party too. And the lots would not have direct access to those driveways. Those are part of parcels.

- But, Stephanie--

- This means the street is the closest that you get to a public right-of-way.

- But Stephanie, doesn't what Mr. Bader said earlier that his access easements already grant this? Or because they're private and the city is not public to him? That's the contention?

- Yeah.

- Is that what?

- So the one that was just created via CSM, that we were discussing as part of this amendment, that one parcel, that has an easement that's Across access easement as part of a CSM. So that one was just recorded. The other ones, however, are part of a private agreement that the city is not a party to. So that was why this discussion came up initially during the first PUD process. So the city would be a party to it. So that way, if they did want to dissolve it, we would have to sign off on that. And then we can decide like, oh yeah, this is a great place to put a public road, or we could say you can't dissolve this easement because we don't wanna put a public road here.

- But do we need it? Like, what is...

- The easement?

- And my head hurts. I'm trying... Okay, so right now, the city doesn't have access 'cause it's private, right? But it's all one big... I'm just confused because I'm trying to understand the easement, the access. And I know many commissioners have more experience in this, now Ken probably does as well. But if, okay...

- Let me try to fit one more time. So all of these parcels are outlined in aqua. All of them are. And each of them has a little bit of their parcel that goes right out to East Mason Street. So they technically are fronting a public street. But all of these are private. So as soon as you turn off of Mason Street to get into East Town Mall, you're on somebody else's property. So this isn't public. Any of these driveways, none of them are public. They're all part of a parcel. So technically all of these parcels have public access right now, aside from these three that are a little bit deeper in here that have cross access easements as part of their CSMs down here. So what we're saying is that, these are not right now, public. Is not by right allowed into these spaces. They have cross access easements with each other so they can all access each other's things. If they wanted to pull out and put up a barricade, they could, there's no public requirement for any of these pieces of the puzzle right

now, including this one over here. All of these are a part of a parcel. So the easement allows people to go over somebody else's parcel without it being a road. So that's why if we had that new easement that showed that these roads were reflected in, if all this were an easement area and we were a party to it, that would mean the public access would be held until the city says we no longer want it. So if this whole site were to get redeveloped, if we wanted to put public roads in, that would be a viable reason to pull out of an easement.

- Okay, I'm playing devil's advocate. Even though I said, I don't like that word. So what if a business owner decides they don't want to give easement? Why would they do that? I guess I'm just trying now.

- Why would they, say no, thank you to the easement?

- Why would they say no thank you?

- Because they can, maybe a different developer comes in and they wanna do something different. They don't wanna be part of a campus. They want it for their own private, They do housing for instance, if they did something like that and they wanted to just be more secluded. There are a lot of different reasons why property owners would refuse an easement. They're not required to give them. It basically says that other people have access to your property. So, it's up to each individual property owner.

- I think we've stumbled ourselves into a kind of a very complex and patchwork set of agreements that the city's trying to do their best, I think, to manage through here. And I think, what Steph is really pointing to here is this keeps the protections of the city, in mind. It's obviously a hardship for Garritt and what he's trying to do in this situation, but it does open the city up to liability, in these cases. And I think that's why their position is what it is. And that's also the same reason that makes me a little uncomfortable now that we've kind of talked through this. We're talking a lot about hypotheticals tonight.

- Right.

- And, I think one of the hypotheticals that should at least in our commission's mind be front of mind is liability and risk to the city, which this does present that. Yes, it does make Garritt's job more difficult. Yes, it does 'cause some hurdles there, but I'm not sure we can put that above the legal liabilities that the city may incur if things were to go sideways potentially. Alder Corpus-Dax.

- Yeah, so I guess this is where my question is, if Garritt's already granted easement access.

- He has that.

- Why do we need this?

- He only has for that one parcel that we're discussing tonight. So we have not been granted easement access for the other portions of East Town. It's only been through the CSM for that one parcel.

- So for the future development, like the next one, the second lot that Garritt wants to develop, he'll get a CSM for that one as well.

- Each lot is required to have a land division.

- That's why I think, Mr. Rovinski, why I said previously the normal process for doing these is at the time of land division. 'cause that way you have there's direct tie to the area in question. It's usually then, that's the time to put it on there. And and again, to Garritt's point, there is usually an interest of that the Subdivider to give that access, to get the lot approved. So in terms of making sure that... I think the one question that was raised earlier that if something like say Sawtooth jumped down to get that they would still need to... In order for that to be approved, they would still need be able to provide that connection in order for that lot to be approved,

even if it was not contiguous to the other lot. So at that time you're still dealing with that at the time of land division. Historically that's, when I think I've seen most of these types of things be addressed, this is a unique situation because of certainly the type of development that it was and the application of the PUD to an area for multiple property owners. That's made it a little bit more challenging in terms of trying to figure out how to exactly get that in. Ideally that all the owners would've said that would just agreed to that and allowed that all access had been granted that all in one shot. But again, without even the change in zoning, if you're not doing anything in your property, if you're not changing the zoning and you're not doing any land division, there is no legal requirement for them to contribute that or there's no leverage for that individual owner to make that at that given time. So I guess the question is if we feel that is as long as each lot comes in and provides a connection or extension of that easement to continue that access as future things come in, I think that still achieves the overall goal, objective that we're trying to get to. It simply doesn't do so within that 12 month period.

- So could we say then, like, we'll just do this section for now. And then I guess what you're saying is like, we could either do all of it or we could just do it as proposals come in. I understanding that correctly?

- I mean, I think that's the way that functionally it is probably most likely to occur. Is because without any other leverage on the other, those other property owners, that's simply that they won't be granting that. They have no interest in granting that particular easement. Until such time as they have a need to make that happen. Here again, so I think it's a matter of back to our original question is, if you can leave the 12 months in at this point and we can make our best efforts work with Garritt and other owners to try to achieve this. In all likelihood we are back before this body requesting whether or not there has been compliance or cooperation from those other owners, or if you wish to address something now, to make it more of a just as each lot of land is divided to provide access along that. That certainly that Northern section to provide that ongoing connection until it is completed would be the other option.

- So, could make an amendment saying that it's just gonna cover that one section so that he's not trying to get that approval within the next 12 months from Kohl's.

- Well, I think we're still gonna pursue that no matter what.

- Okay

- So just to be clear, I said again, the objective is still to complete that connection. To the extent that we can is to make sure they get it absolutely clear that the city is partial to that easement all the way across theirs, all the way up to all those three driveways and all the way across that certainly that Northern section of that roadway. That is still absolutely the objective that we are trying to achieve.

- Sorry Steph, could you pull up the map one more time?

- Sure. I'd also like to just throw into that conversation. If we're gonna go parcel by parcel, it would need to be a continuous easement. 'Cause even if they're saying it's not gonna get Sawtooth, we have no idea. We have no control over that if they want to do that. So if the language would not say, it has to be continuous, which one do you want, Ken?

- The one that shows the individual parcels.

- [Steph] There you go.

- And can you zoom in a little bit more?

- [Steph] Yes.

- Specifically to the middle driveway. All right, thank you. I guess what I'm looking at here, like the two parcels that are accessed right now, onto Mason Street there. Like that is controlled currently by Garritt, all of them. So anything that would get developed along, yeah, where your pointer is, to the left or to the right. Those would all have to be granted by Garritt. Any parcels that were developed along those two stretches. And he owns both of those that both access East Mason.

- These two here, yes.

- Yeah. So anything that he were to develop along his property would be granted access agreements or the easements, right? Like, so even if, I guess... I don't see how the other like the Kohl's property. Nothing's gonna develop on the Kohl's property until they have an agreement or an easement.

- So this is showing the frontage of his current lots. So this CSM, this one's done via CSM. This portion here.

- [Ken] Okay.

- And you see them would require this portion here. So what I'm saying is if we're going to do piecemeal, if we're gonna go CSM by CSM, it would need to connect the whole of this. So the next one would have to be the one over. Like it couldn't skip to the next parcel. It would need to be a continuous easement area.

- Or they would have to bring in that easement as part of that land division. So, So, Steph's point, it would need to connect and extend to this existing easement as being presented here and have to continue it. So it was actually a usable access.

- But then, I guess that would be the next developer. Like not the current, like who's proposing this right now. Any of...

- Yes, but to be fair, Garritt was the one who proposed the initial PUD to have the in lots. So while he does not have control over all the parcels, he has kind of taken on the... Let's look at this campus on its entirety. So while I understand that he does not have control over this parcel here or some of the other parcels. So still an invention of his mind, he wanted to do the in lot developments. So I'd like to just keep that in mind as well.

- Waving. Dave, go ahead. Thank you. So I guess I'm just kind of observing the conversation here. So really it's really not about the easement. The question is about the timing. So you have what's in front of you now, which would be by December, 12 months after the PUD, December 7th of this year to get all of it. Or it would have to be amended. The second would be, you could say they have to... As it's being developed, they would have to provide continuous and contiguous access or the subdivisions wouldn't be approved. Or the third you could just let him do what he's doing on those lots that he has control of right now and can provide the easement and then have to amend it every time somebody else came in. That's kind of what I'm seeing as sort of the three options. They're all a timing option, really. I don't think anybody's arguing that an easement that we are party to is unnecessary. I could be getting that wrong, but it's really a timing thing. So I just kind of wanted to say that, 'cause that as I heard the conversation, that's sort of like three options that you kind of going back and forth with, right?

- Yeah, Dave, can you... I'm sorry, for the record. Can you state those options again if you remember them?

- The first one is as written, require them all to come in by December. As it was previously written or as Steph has amended it to say that the two lots can have their access easement now, but that all the rest would have one lot. All the rest would have to be in place by the 7th or December 7th, or we revisit it. The third would be which Steph outlined was as the out lots come in a contiguous public access easement would have to be included in the land division or the other option would be just to pull it out altogether and say they don't need any which highly inadvisable.

- I think I'm more partial to, as it's being developed, provide continuous access.
- Which as I understand it, Director Stechschulte, said that, "That was the way it would normally be done." Correct? I'm at this point leading toward Dave's number three, for that reason. It gets us still the contiguous cross access. And I understand the reason to want that. I want it. And eventually we would get there, and that would be the timing issue as Dave put it.
- And Commissioner Bremer, it does not prevent us working with the developer to still pursue that full easement.
- Yes.
- In the meantime.
- Yes, yes. So, I would at this point then move... You'll love this Dave. Dave's option number three. recap that really quick, so we're all.
- Basically saying that public access through easement shall be provided prior to any in lot, contiguous and continuous public access easement, be afforded prior to any in lot land division. And I mean, Steph can work on that language before it gets to council. I may not be... I mean, I'm not crafting at that great right now. Honestly. Commissioner, Bremer is that a good summary what Dave just said there?
- Absolutely.
- What's your motion?
- Absolutely.
- Absolutely--
- The motion on the floor.
- Motion on floor from Motion on the floor from commissioner Bremer.
- Second.
- Second.
- Aha, yay, Veronica.
- And a second from alder Corpus-Dax.
- Only took, 30 minutes, but I think I understand it now.
- Good.
- There I ask, is there anybody else have any questions or comments before we vote? With that, we will go to a voice vote. All those in favor, please say aye.
- Aye.
- Aye.

- Aye. Any opposed? Passes unanimously.

- That was a great training, that was great training. I learned so much in this the last 45 minutes. So thank you.

- Okay. With that, we're gonna move on to agenda item number five. Which is another public hearing on a request, to amend the City's Comprehensive Plan for property located in the 4,000 Block of Champeau Road, from a future commercial land use designation to light industry, submitted by Seth Lenss, ICS Properties, LLC petitioner on behalf of Joe Moore agent for the property owners. With that Steph, give us a quick preview of this item. David you're on mute, sorry.

- Okay, I think everybody can hear me. Now--

- Yes, your good.

- Yep.

- Okay, this is the parcel itself. It's a little over 10 acres, 10.8 acres. That's located on the far east side of the city. This is formerly the Town of Scott and it's in the boundary agreement area, joint planning area. Again it's about 10.8 acres located on Champeau Road. This is Highway 54/57. With 54 off ramp going to Algoma Boulevard. Petitioners requesting the future land use designation in the comp plan changed from commercial for this site to light industrial. I guess I... Okay, sounds good. Okay, we'll be moving on to the public hearing portion of this. Just, for reminders, we do invite you to come forward with your comments. Please do include your address, whether you represent a group or association, whether you favor, oppose or only providing information on this matter, as well as your comments and concerns. Please limit your comments to three minutes and try not to be repetitive. Either unmute yourself, raise your hand either virtually or physically and *6 to unmute yourself as you are calling in. We will start with those in favor. Joe Moore, you have your hand up.

- Thank you, yes, Joe Moore was title and associates 839 Lombardi Avenue in Green Bay. I am representing the Weber family who are the current owners of the property. I will have a statement to make during the actual action item, but I wanted to make sure that anybody who does want to speak on this, knows that I am available. If there are any questions that I can address during the public hearing. Thank you.

- Thank you. Anyone else looking to speak in favor? Any of those who are opposed? And any--

- [Nikki] Hello, hello.

- Oh, hello.

- [Nikki] Hi there, this is the neighborhood that lives on Champeau and Maloney Road. We have a group of neighbors here present to make public comment. We have also sent statements into Mr. Buck, that I believe most of you have received in your packets. I believe he may be reading a couple that did not get into the packet as well. But we would like to provide a roll call so that you can acknowledge all of those individuals who are here presently. So I will start. I'm Nikki Goral along with my husband, Paul Goral, we reside at 2479 Maloney Road. I also own the business across the street at 4050 Champeau Road. Which would be Goral Land Holdings presently housing design company image advantage. We have a more couple here.

- Yep go ahead, just keep it that same format of the name and then address and then if there is any associations.

- [Kim] My name is Kim Zima. I live at 2485 Maloney Road in New Franken.

- [Wayne] We are Wayne and Mary Goral, 2470 Maloney Road.

- [Barb Popp] I am Barb Popp, I live at 2466 Maloney Road.
- [Tim] I'm Tim Beyer, I live at 2466 Maloney road.
- [Barb Schultz] And I am Barb Schultz at 2478 Maloney Road.
- [Nikki] And that would complete our group of individuals present for this hearing right now.
- Thanks for putting that together and really appreciate everybody getting together all at once. Love to see that neighborhood unity. Opening up to anyone else, either opposed or looking to provide information only? I'm not seeing any other hands up, anyone else looking to speak on this item?
- [Member] I just wanna make sure Mr. Miller, that all of these individuals who just commented are opposed to the proposal.
- Leader of association.
- Yeah.
- Okay, just confirming that. Thank you.
- Yes, noted. And we will have another opportunity if something does come up to speak during our action item, in the next item. So somebody does come up and do have a question or comment, you will have another opportunity at that time as well. Okay, so we'll start this off again here. Looking for anyone else that's wishing to speak on this item during the public hearing. Is anyone else wishing to speak on this item? Is anyone else wishing to speak? Hearing none, let the record reflect that no one has come forward and this public hearing is now closed. Moving on to the agenda item. Let me find it that's number six. Consideration with possible action on request to amend the city's comprehensive plan for the property located at the 4000 Block of Champeau Road from a future commercial land use designation to light industry, submitted by Seth Lenss, ICS Properties, LLC petitioner on behalf of Joe Moore agent for the property owners. Which move this over to now, Dave, your item.
- All right.
- Thank you Mr. Chairman. So again, this is the property itself. As you can see, once again, Algoma Boulevard, on the North 54/57 and then with 54 running to the east down Algoma Road. This is Maloney Road, which connects down, past Equestrian, past Champeau, and then goes down to Len, I believe Lens Road or excuse me, Leland Road. And then it ends there. This is just sort of a little bit better aerial of the site. So again, you can see the acreage itself, it's bordered on the north by a navigable waterway. Again on the south by Champeau Road. Oops. Our end use plan for the city of Green Bay. You can see the area and the extra territorial joint planning area is pretty much commercial. Our comprehensive plan, this purple is Business Park. Zoning out there right now has a underlying zoning of rural residential. However, this is all involved in the University Heights Commerce Center. So when this area was annexed into the city through boundary agreement with the town of Scott. The city and the town put together a end unit development called the University Heights Commerce Center. And within that, property owners, the town and the city, all got together and determined future land uses and zoning. This is within your packet. You have the whole University Heights Commerce Center thing in there, but this is the land use map. So I circled the area that we're talking about, which is designated as mixed use. On the north side here. And you can see the pink in here is commercial. The purple is manufacturing. Then again, that orange is that mixed use. Now the mixed use designation, and you got this in your packet as well. Mixed use allows for residential and commercial uses. Not industrial, but residential and commercial.

- Dave, I'm sorry to interrupt. Am I the only one... I don't have a colored map here. I'm just looking at a parcel map.

- Yeah, we've got the the green parcel map with the red boundary line. That's all, but there's just the aerial photo, no use colors on it.

- Hmm. All right. Well let me see.

- Yeah, try re-sharing the screenshot.

- I know I'm color blind, but not that color blind.

- How about now?

- Much better.

- Better.

- So again, the pink is commercial. You can see it running along the highway. And then it goes to this mixed use to the residential area and the lighter commercial area along Champeau. Industrial, as you go down along Algoma Boulevard and sort of with the city and the town of Humboldt is the manufacturing. So this is the existing zoning out there for PUD. The reason that the zoning is important because the land use recommendation is what Steph will use to recommend for zoning. So right now it recommends mixed use allows commercial petitioners requesting industrial. We would've to change that to this purple color for light manufacturing. So this is a town of Scott's comp plan, future land use. It's a little bit of commercial and mainly residential and environmentally sensitive area, I believe that is. Existing Woodlands. This was their 2006 comprehensive plan. We have a draft one that was produced in 2017, but it is a draft and it shows this whole area as just residential. So that green piece would be gone and a little bit of commercial, that is Tillmann's, right now would also shown as just residential. This is the zoning map for the town of Scott. So you can see the zoning, this green is in Egg, in I Egg district that's where Tillman is. It has a wholesale business settlement. In the front few commercial users, as you go East Town, Champeau Road, there is zone BI Community Business, and then it drops down to that lower density residential that RI residential. So again, this is the town zoning, share that because obviously we are neighbors and this is right across the street. What I'm showing you here now is also in your packet, but it is in the larger, University Heights Commerce Center. So there's two things. So this is the principle use tables for a mixed use district, which it currently is zoned. So you can kind of see the uses in there. The C means conditional, a P means permitted limits. Additional units, council approval. So you can almost think the C is council, P is permitted. So see, there's a lot of residential uses that are allowed in here. Educational public office uses are permitted, quite a few commercial and you can kind of follow that down as it gets to sort of the more intense vehicular uses, those tend to be conditional. This is the principle uses of the industrial district. And you can see a lot of those are just Ps without the Cs, nature of industrial versus the mixed use. And this will have a little bit stronger uses. So production processing storage. Storage would be that self-service storage facility. There's some transportation uses in here and I won't read through them, but kind of the get the hint. They're a little bit more intense than what you find with the mixed use. What the petitioner ultimately is looking to do is to change the land use. Then at that point, request a zone change to a light industrial or light manufacturing in the I43 business center, we would change that PUD. And then this is his conceptual plan for Mini and Maxi Warehousing. Maxi warehousing is just larger garage doors, basically the same thing. Self-service warehousing. So again, this has not gone through any kind of site plan review. I don't know if the setbacks are appropriate, the density, the surface, any of that, but this was just the concept that was submitted by the petitioner. So with that being kind of said, I'll go back to the zoning map here just as a placeholder. First off Steph did meet with the town of Scott's. Steph we do have a joint plan commission and Commissioner Rovinski is part of that. He's our city representative, city plan commission representative. It's a six member body there were four three from the city, and one from the town. They discussed this exact same item and they're making a recommendation, to the city plan commission. The

recommendation was three to one, two deny. That's also in your packet. I tried to put a link to the video and all that kind of stuff should be in there. So that being said, we analyzed this both the town of Scott planning staff and the city planning staff. And our first initial instinct was changing that from a mixed use to a industrial would be a spot zone. It's not a zoning, but it's a land use would be followed up with a zoning. It is not consistent with the surrounding land uses that are currently there or consistent with planned future uses as part of the University Heights Commerce Center. So for that, we feel concerned that this incremental change of just one parcel based on... Well, I'm not sure what it's based on, but, one parcel at a time is very poor planning. When you do planning, you look at a greater area, not just an opportunity piece at a time. So that is our first kind of situation. We wanna point out also that when you consider, and I know, you know this is planned commissioners, but when you consider looking at a land use change on a future land use map, it's not necessarily what's being proposed this second. It's what's permitted in that industrial district, because again, staff is going to follow the council. If the council says the land use here should be industrial, we're gonna recommend approval of an industrial zoning. So you have to look at the intensity of other uses that are there. I have no reason to doubt the petitioner that he's looking to purchase this property and develop what he wants. However, he would not have to. Once it would be rezoned, he could sell it the next day the zoning's in place. It doesn't go with a specific project itself. So why I kind of highlighted those land uses in there. There has been some arguments you can see on this map. You can see a blue line that's running down Champeau Road up Maloney, and then over to Equestrian. That is a water service line. So this area is an area that does the not have a lot of utilities. You can see there's some sewer service in there, some water service in there, but it has not expanded. So originally in 2005 when this area was... Not necessarily annexed but swapped with the town, a TIF was put in place that sort of had two components to it. The one is we needed a large development to build some increment. We were gonna run sewer water out to this area. The other would be that development has to come in place to be able to get the increment to do that. So back in 2005, I believe they put in the water line, down Champeau, Maloney, got it to the clinic up there. And that's kind of where it sits right now. Since then the TIF had been running in the red at a deficit. That was closed, I believe two years ago with the thought of a catalyst projects comes forward, we would institute a new tid. Just give me some background there because an argument has been made that since there is no sanitary to the site, that there is no real use for this site except for something that doesn't need warehousing, storage yard, something that would need to say, sewage service. I need to bring that up because the city has a lot of acreage that does not have utilities. You go to the east side of the city, past the I-43 Business Park. There's quite a few properties out there that are running on sewer or running on well septic. So, I guess I wanna stress planning is not that because the situation that's there, this second is gonna dictate the use that needs to be there. Again, we're planners, we look out into the future. Incremental can really put a hindrance on future development. So when you start doing incremental planning. So I wanna point that out. Another thing that we looked at was the roadway network in there, Maloney, Champeau. Those roads are really not designed for industrial truck traffic. So again, you think about the warehousing, maybe it doesn't produce that much truck traffic, maybe it does. It does have Maxi Warehousing, I don't know. I don't know the users that are gonna rent it. I don't know if the petitioners would know who is gonna rent those units and how often they're gonna come down the road or not. But the road themselves would probably take heavy damage. They're really designed for that heavy of traffic. Because there was no anticipated future industrial users there. More of a commercial. So that is also a concern of ours. And sort of the last concern is just is this the highest of a property that has very great visuals from 54/57. It's got a lot of frontage. It's big enough in size that it has a lot of different opportunities for what it could be developed as. Again, it's sort of a timing issue that those utilities need to get out there for a lot of those uses to happen, which again is no different than other Greenfield sites throughout the city. So when we looked at all of that and especially the fact that it's not a comprehensive review, we came to conclusion that the change in land use out here at this time would not be advantageous to the neighbors. Could be detrimental to the future development of the E-commerce Center as well. And we are therefore recommending denial of the request. I do wanna point out, that I've received a lot of emails. I put nine of them in your packet. We received three of them after that. But I couldn't get into the packet in time. And one was from Mary Goral at 2470 Maloney Road. Mary and Wayne, I believe they're online tonight. Another one was from Paul Goral, he's at 2479 Maloney Road. They were both opposed. And then we received another from Mike Norman at 4072 Champeaus Road and he is in favor. And I can read their statements if you like. Again, it would be three of 'em. I did not have the ability to put them into the packets.

- Hey, Dave, I just wanna quickly recap what we have in the packet here, just 'cause I know we do have some people interested on the phone here, on the call here. The ones that we had in the packet were from... I'm not gonna do the full addresses, just the names here. Tim Beyer, Nikki Goral, Markerman's, Matt Hanson, McKenzie Hanson, Kim Zima, Steve Hanson. Dorius. I'm really sorry about the pronunciations. Barbara Popp and the three you just mentioned. Dave, I think we would like those ones that were sent in hopefully they're not too lengthy, but if they're the comments, I think we would wanna hear those.

- Okay, well out of the ones that are in your packet, there's nine or there's... Yeah, there's nine in there. There were eight against one, four, just to give a recap on that. So I'll read these three that I received. So the first one is from Wayne and Mary Goral. Mr. Buck, we are Wayne and Mary Goral. We live at 2470 Maloney Road for over 30 years. We moved to this area to be in the country, on a dead end road to enjoy living in a family oriented neighborhood, where the neighbors look out for each other. Finding out about the rezoning proposal for the property at 4000 Block Champeau. Has caused us great distress. The area was zoned to be transitional from neighborhood buffered by locally owned community-minded business and kept as such. Change the zoning from commercial to industrial and for the use that Mr. Lenss is proposing first the neighborhood already has issues with the pack and ride and the random coming and goings of unsavory individuals there. Having a significant transient population of many warehousing to our neighborhood will only increase safety risk. The families in this neighborhood use the roads on Maloney, Champeaus and Equestrian. Spend time together picking, running, walking in groups. The added traffic and the safety issues with unknown people at all times of day or night would impact us severely. Secondly, the added wear and tear on the road, the light pollution and vehicle noise are not something we moved here to deal with. We moved here to get away from these issues. Third, there is a industrial zoning that allows this over by the substation on Hemlock. Why would this individual require this specific parcel to be changed when there's he parcels allotted for the use? I would guess there is some other reason driving this parcel, which he does not yet own. With that, we will have no guarantee if it is rezoned that Mr. Lenss will actually follow through with this proposal, he could resell the property. If he purchases it, when this is all done and we could have a series of businesses that would be even more detrimental welfare of the neighborhood. Fourth, we're also concerned with our property values. This type of zoning does not make attractive for families to purchase in the area. Well maintained office style buildings like the Aurora Clinic or what would fit best in the area. Finally, if we moved to into this neighborhood and this use already happened on the parcel, we would have no right to complain. We are not opposed to progress. The plans are put in place to ensure communities are safe, well suited for the uses and individuals who wanna live there. All these reasons we are opposed to the zoning, they're proposed to this rezoning. Thank you, Wayne and Mary Goral. I think that was the longest one. So Paul Goral. My name is Paul Goral, I live at 2479 Maloney Road, New Franken. I am writing regarding the requested rezoning of 10 acres on the north side of 4000 Block of Champeaus. I'm a homeowner at 2479 Maloney Road, which is right around the corner of the mentioned rezoning. We built our home on Maloney Road in '99. We have enjoyed this location since. We have selected this neighborhood for our family, because it is rural feel. Quiet, dead end road and safe neighborhood. All of these qualities literally disappear with the proposed rezoning of this Champeaus Road parcel to light industrial, and then proceeding to fill it with any warehousing. I understand and can accept future development around our neighborhood, but I'm against any granting exceptions based solely on the convenience of a proposed buyer. There was a joint comprehensive plan developed for this reason between the city and the town. So new development could be properly transitioned, to the already established areas, including residential. Because a proposed buyer feels they should be given an exception, does not warrant a right to carry out their plan. In addition, rezoning directly next to an established residential area is simply poor planning. Enclosing, will state again, I'm adamantly against rezoning the Champeaus Road parcel to industrial. If you consider what both the town and the city have already planned for the area. In addition to the concerns of the entire adjoining neighborhood, I also see you cannot support this type of rezoning request to this location. Thank you, Paul Goral 2479 Maloney Road. The last one is from Michael Nordum. My name is Michael Nordum, Nordman, excuse me. Michael Nordman. My wife and I live at 4072 Champeaus Road. We support the request that Seth Lenss is asking for to amend the city's comprehensive plan future land use for the property located in the 4000 Block and rezone that property. We think our planners should support the aspirations of our citizens. If we treat our neighbors and citizens like strangers and then do not give them

kindness, compassion and understanding would that be considered xenophobic? Let Seth live the American dream and don't let some sort of maybe potential future planning, squelch his actual real and present dream. Let's give our own people a leg up. Thank you, Michael W. Nordman. Those were the three, we're not included in your packet.

- Dave, thank you for reading through those. I certainly appreciate you stretching those vocal cords for us.

- well Also do wanna point out it was said just a little bit ago, but just to reiterate. So the joint plan commission between Green Bay and the Town of Scott did meet on February... When was it?

- February 3rd.

- February 3rd, thank you. On this and did vote to deny. Our own commissioner, Ken Rovinski is on that. So I'm gonna give him first comment if he does want to, since he was already there for that meeting.

- Actually, Dave did a pretty good job covering everything there. What we discussed, really, nothing different there. I, Seth and Joe Moore here, I would like to give them the opportunity here to speak. They had some good comments at the meeting. And I know Seth and well Joe has done some good work for the city already. So just want to put that out there, but I would just make a motion to open the floor.

- I second that.

- All right, we have a motion from Commissioner Rovinski a second by Commissioner Bremer to move to open the floor. All those in favor, please say aye.

- Aye.

- And we'll start off with Joe since he's got his hand up.

- Thank you commissioners. It's fun to be on this side of the table for a change. I just wanted to speak in support of this amendment on behalf of the sellers. As I spoke at the joint committee as well with the advisory board that has sent the suggestion of denial. I've got just a few points I wanna make. And I'll try to keep this within my three minutes here. But first to address the letters. There are multiple letters. Many of those are coming from the same households. Not that that should make a big difference. I'm glad everybody gets involved, but you know a husband and a wife, each write a letter, and you're down 10 to 2, it's a little skewed, I feel. I would say that two of the three households actually on Champeaus Road, there are only three. Two of them have offered their support, including the next door neighbor to the project. Frank and Doris Who in their letter actually stated they would be most affected being on that inside corner. I can see how they will have the most traffic coming by their home twice on every trip. A lot of the letters also, they opposed mentioning traffic issues, lighting, the country setting, the peaceful rural feel, that they're in. With several even implying that they would prefer zero development happen here at all. So I don't know of any commercial use, that's going to go in there. That's not going to need lights, not going to need a parking lot, not going to increase traffic. So I mean, we're looking at this being a cornfield for many years to come if we can't get something developed here. And I would bring up the location, it is a dead end road. Maloney is a dead end road. And Champeaus where this project is located is a dead end end road, off of that dead end road. And surrounded by various businesses. The only access to this property is off of Highway 54. So where there is residential neighborhoods, that impact should be very minimal. Really would probably just come from people who miss their turn, going into the storage unit. Champeaus Road cannot be extended in the future to connect to the... What would be the west side of the highway without significant reconstruction of the highway. This is very likely going to be a dead end road forever. And then the residential area in the Town of Scott is buffered by commercial in the Town of Scott on the other side of Champeaus Road. Those are all commercial properties, including Tillmann Wholesale Growers. The 10 acre parcel, if you've had a chance to go out and actually look at it, it is separated from the existing med center and the other vacant parcels by elevations,

wetland stream and wooded terrain. This 10 acre parcel is isolated from the rest of University Heights Commerce Center. So when you wanna talk spot zoning, I think of a place like University Avenue, a place that I used to represent. Where you have residential, residential, residential, and then a commercial building sitting in the middle of all that. And Military Avenue has some of that. Broadway has some of that. There's certain streets, but those are all small parcels, half acre, 30 acre city lots. To consider a 10.8 acre parcel spots zoning, is a little, I think, extreme in my mind.

- Jerry.

- The history of the property. So it has been for sale for 30 years. The current listing contract with title and associates holds dates back to 2007, which was two years after the Commerce Center project was first publicized. In the past 36 months, I've been approached by two developers, Mr. Lenss's project, and also a multi-family project developer who walked away because of infrastructure costs and challenges in getting enough density to make it a worthwhile project for him. Current owners, they also own a fully improved three and a half acre parcel on Equestrian Court. In the past three years, we've had zero interested developers reach out or propose projects for that parcel. In August the 2021 discussion began on re-drafting, the comp plan, with neighbors notified of a public meeting to be held on August 18th. So there are plans in the works to redo this plan because in 2005, there were plans for rail, there were plans for big box stores and medical office and convenience stores. Obviously none of this has happened up here. So it has been 17 years with very minimal development. Around that same time, I was given a quote by the city's Department of Public Works and a conversation with Director Grenier, that cost to bring sewer to the property exceeds \$400,000. The reason for that is that because of the elevations and the wetlands and the stream, they cannot expand the sewer from Equestrian to this parcel to the rear, which would be to the north. The only way to bring it there is to bring it down Maloney Road and then down Champeaus. The \$400,000 quote was just to bring it to the corner of the property. It doesn't include any other costs for expansion into the parcels or into the parcel. As for the financials because of the streaming elevations and that cost to bring the water in I should say, the seller currently owes an assessment to the city of Green Bay of over \$150,000. That would be paid with a successful closing on the property. It is indeed different from other Greenfield sites, just because of the cost to bring the infrastructure in. You go further down the highway. You're not dealing with elevations and just these exorbitant costs of bringing sewer to those properties. The city does not have the financials nor have they expressed an interest in bringing the sewer improvement to the property or in purchasing the property outright. And quite honestly, because of the interest in the property, if the city wanted to make an improvement or purchase the property, I would advise them to spend the money in a better place. Something that will actually get more bang for their buck. The current tax revenue to the city of Green Bay on this 10.8 acres is about \$200 per year. The developer is looking to build a project at 2 to 2 and a half million dollars without any financial assistance from the city. And it's for the comp plan, just my final statement here. The commercial zoning and the uses are noted on page seven of the University Heights Protective Covenants of the 14 uses listed the land cannot be used for any of the 14. On page 18 of the restrictive covenants, it expands into uses into uses in a mixed use district. There are 54 projects listed that would qualify as mixed use. Only two of those projects qualify as this lot currently sits, those are a parking structure or a surface parking lot. So failure to amend the comp plan and to amend the zoning is essentially deeming this property undevelopable removing any potential value from the current owner. It cannot be developed without sewer improvements or a change to light industrial zoning in the comp plan. The pass through assessment of \$150,000, the cost of putting sewer in of over \$400,000 puts a cost for the sellers to break even on this \$550,000, and this property is not worth \$55,000 an acre. That's all I have, thank you.

- Thank for those comments. Looking for any... Since we are an open session, anyone else that's looking to speak can come forward. I know we have some people that are called in, so you may just need to unmute yourself and speak up since we don't have video for that. But yeah, looking for anyone else to come forward. Seth looks like you got your hand up. Clear to go ahead.

- Yeah, is my microphone working all right?

- Yep, we can hear you.

- All right, Joe kind of hit on a lot of the things, I was gonna touch base on. So I'll try not to repeat, but I got a little pitch for everybody to listen to. What I'm proposing is a development for a self storage facility. It's obviously it's only allowed in light industrial zoning. There's already light industrial zoning in University Heights. So it's not a real drastic change for the area. And also this parcel only being 10 acres, it won't dramatically change the percentage of land use for the three current zonings in University Heights. The fact that it's adjacent to Tillman's Wholesale and other multi-unit commercial buildings makes us a good fit for this parcel. And there's also light industrial in the area. Moreover, on that the Town of Scott originally had those adjacent parcels as residential on their comprehensive plan. So back in 2005, what mixed use was here or was being set up for the comprehensive plan and made sense for this parcel because those were residential. But since then the Town of Scott has changed their parcels to fit those new commercial buildings. So they went from residential to commercial, which is almost a very similar change. Obviously there's different things that could go in there, but still they didn't stick with their comprehensive plan. And they went from residential to commercial. Also another point that I'd like to make is immediately after my recommendation of the joint planning commission, they discussed how the current comprehensive plan for University Heights isn't working as originally intended and that they need to make some zoning changes in the future. So maybe this might be a good time to take a look at this. I mean, if they're gonna making changes in the future already or in the near future or whatever they plan on doing it, maybe we can take a look at this tonight and see if it might work for what the city's looking for. A few things that Joe touched on, we're doing some nice buffers to the north. So that way, visually it'll look nice from the hospital and things like that. My development creates a very low impact on communities and infrastructure, and it has very low traffic counts that will not be detrimental to the neighbors. This will actually be a low impact transition to other proposed juices in University Heights. As for heavy traffic and equipment, Tillman's is already using large trucks and large equipment on this road. My development, yes, there might be some Maxi storage obviously that's far out from what we're discussing tonight but we won't need as much large equipment and not so often as what's currently being used. Studies have proven that the type of development that I wanna do has low traffic counts. And you gotta also remember in mixed use, you can put apartments there. Apartments they're very high traffic counts and there are also large impacts on communities. I did provide a little general traffic data. I'm not sure if everybody got that. I didn't get the packet. So I'll have to look online to see if it was included. But it shows kind of the number. So you put 10 buildings on there and that'll produce 1.7 cars for the peak, where if we have 110 apartment buildings, you're gonna have 61 cars at the same time and during one day. So there are quite a large difference on things that could be put there that would create even larger traffic counts. This current parcel has been for sale for 30 years. It's been competitively priced during that time. Yeah, there was a TIF we talked about that it has expired. There's also the challenges with the... There's some environmentally sensitive areas along the Creek that limit how much of the parcel is actually usable. We talked with bio associates and now work for my development. We talked about the sewer. Joe touch base on that pretty well. And that's over 400,000 to get it there. And just like other businesses, I too would like to have the opportunity to have the extremely high visibility that comes along with the highway frontage. And I feel that any type of development should have the opportunity to have that highway exposure. Another thing to consider is increase tax revenue. Currently there's \$150,000 special assessment on this parcel that we paid in full with the sale of the land. And my proposed development project cost will be around \$2 million. Which will increase for the state and the city. I know there's a lot of concerns about other light industrial projects that could go in here. And I know those concerns shouldn't be overlooked, but at the same time, those concerns should not overshadow other information and facts that support a development like this. That doesn't present any types of issues that are people are worried about. This parcel has been for sales mixed use for many years, with no projects proposed to the city of Green Bay. The risk of other or light industrial uses on this property is low due to the fact that the high cost of that sewer, that those projects will need, just like the same challenges that the current mixed use is having issues with. If you can't get the sewer in there or nobody wants to provide the sewer it's gonna be tough to get somebody to build something on this property. I do have a good history with the city of Green Bay and other projects of delivering what was proposed and meeting or exceeding expectations. My offer's been accepted on this property and all my financing set up and ready to go. I will not be putting anything else on here except for self storage. And I have no plans of ever selling this property if it's approved. Enclosing the

city of Green Bay and the Town of Scott have recently made changes in other areas of their comprehensive plans to adapt to different city and town needs. This is a good opportunity to take a look at this parcel to see if possible change is appropriate for this situation. I hope you agree and maybe consider recommending approval. Thank you.

- Thank you for those comments, Seth. Just for the record, would you be able to state your address as well? I apologize--

- Sorry, Seth Lenss, N8877 Wellers Lane, Luxemburg, Wisconsin.

- Thank you very much. Okay. Sorry about that. Let's try that again. Okay, that was weird. All right. Anyone else with any additional comments? Again, I know there's a couple people have called in, it's *6 to unmute yourself. Otherwise, feel free to speak up. Not seeing anyone else at the moment.

- I would invite those who were gathered together at the Goral residents to speak briefly about the issues that have not been raised by the two proponents. If you want to unmute yourselves and do so that.

- [Nikki] Yep, yep we have a distance to cover here. I guess a couple of points that we'd like to note.

- As you're talking, please just make sure that you're--

- [Nikki] I'm sorry, yes, yes.

- Yep.

- Nikki Goral.

- [Nikki] 2479 Maloney Road.

- Thank you very much.

- [Nikki] I guess a couple points that we would like to note is that both of the references to this parcel, have been indicated and named as commercial in both of their conversations. They just had, which by the way, went over three minutes, and I will try not to. This is rezoning to industrial, which is a significant change from commercial. The uses in industrial are manufacturing 24/7 truck traffic, et cetera. Whereas commercial fits in with what's presently here. And I know Mr. Lenss said for the record on recorded footage, that he would not sell it. You know, I've heard things similar before, unless he actually would own the property himself. I'm not a 100% with his investment in the neighborhood, the town, everything else, I would prefer that he would commit to the purchase of the property prior to asking for rezoning.

- Thank you. Any other comments or anybody else that was with you there? If not that's all right. You can stay silent. Opportunity for anyone else to come forward at this time. Again, raise your hand *6 to unmute if you're called in. Not seeing any, So I will entertain motion to return to normal order.

- Moved.

- Second.

- Motion by Commissioner Rovinski. Second by commissioner Daniels to return to normal order. All those in favor, please say aye.

- Aye.

- And we are back, Commissioners comments, questions?

- I'd like to make several comments. First of all, to remind us that as much as I'm impressed by the number of people who have brought forward, both their positive and negative responses to this proposal, we are not by law allowed to kind of count noses. We are however allowed to take into consideration the particular points that they make. And in the letters that were submitted to us, I note that this involves a lot of impervious surface in an area that has some ecological sensitivities. That means a lot of run-off that it would be disruptive to the rural character of the community that bounds it. That there is an alternative site over on Hemlock. And I appreciate Seth, I'm sorry, I lost your... Lenss, right? I lost your last name for a minute. Your point that, yes, you have as much right as anybody to the visibility by the highway. But I think since we're also dealing with a commercial park here. We wanted a visibility that attracts people into the variety of opportunities at that commercial park might offer. This would involve a lot of transient traffic. Actually unlike the heavier traffic that would go to Tillman's, at least you've got some sense of who the commercial operators are that are going in and out there. It raises issues about security, particularly for pedestrians and for bikers in the area. And if it really is 600 units that are being proposed, that's an awful lot of space here to be covered up with warehousing. So I'm concerned about the safety and the residential experience of the near neighbors. I do understand that yes, Tillman's provides a good buffer to the south, but that's not where the residential neighbors are. All of these are pretty convincing and compelling to me as well as our staffs notion that this is not... Although it has not had a lot of interest, it certainly is not the kind of higher and best use that we might want for a higher visibility entrance in to the commercial park. That's all.

- Commissioners, any other questions, comments?

- Yeah, I guess the comment that I had. I did vote no on this at the joint plan commission, but with that, I do wanna say Mr. Lenss has worked with the city before. So I do believe, when he says when if he's gonna do something, he's gonna do it. Just so that's out there. The use there that this opens up is just not, I think appropriate for that area. So I'll be voting no again on this, but I just wanted to put that comment in there. I do see that there are some hands raised in the public again, but I'll just, I didn't know if you noticed that.

- I did notice we would need to move to open the floor. If we did wanna do that. I do wanna get the rest of the commissioner's comments before we do that, because they seem to spur the questions. So, or the other comments. So if there's any other commissioners that do have a comment at this time I would like to hear before you go to open session.

- In that--

- Open session.

- And I'll Second.

- Motion by alder Corpus-Dax, seconded by Commissioner Rovinski, to go to open the floor. All those in favor, please say, aye.

- Aye.

- Aye.

- I don't know who had their hand up first. I'll go with Joe since you're right in front of me though.

- Thank you, just one thing that Commissioner Bremer had mentioned, and that was the... And I believe one of the neighbors mentioned as well is the comp plan does have some industrial zoned area up on Hemlock. However, that land is not for sale and it is not owned by the city of Green Bay. And I did confirm with Mr. Buck late last week, that there is no property within the city limits of Green Bay, that is currently zoned

industrial owned by the city of Green Bay available for Seth to buy. So I would just shoot that down right away that that land is not an option--

- Why would it.

- And of course.

- By the city.

- It still needs to have.

- I'm sorry.

- I'm not understanding why you're making "Owned by the city," a part of that. Why would it have to be owned by the city for--

- No, and it doesn't need to be owned by the city. I'm just saying it's not owned by the city. So it's not the cities to sell. It's on the comp plan as industrial for the future. But the land is not for sale. It is privately owned land that we can't buy. So I think that's just important to bring that part up. And then just one last thing, I've done a lot of legwork on this over the last few weeks, as you can to imagine. But there is a precedence on the spot zoning as well, where there's a court case Stop Now citizens group versus the town of Utica. And this case stated that spot zoning is not per se illegal, but absent any showing that a refusal to rezone will in effect confiscate the property by depriving all beneficial use thereof. Should be indulged when it is the public interest, not solely for the benefit of the property owner who requested rezoning. What that basically said was that if this spot zoning doesn't happen and this was for a ethanol plant that was going to be built. So this was a pretty much, much more significant project, obviously. But there is precedence in this where if the land is going to be unable to be used as it is, that there's a court case that overturned a spot zoning appeal by a citizen's group that came forward. Look, there's nobody gonna bring any legal action about this, but I would just argue that it does make this land unusable as it says, as it could only be a parking structure or a parking lot. And that obviously has no benefit to the city as well.

- Thanks again for the comment.

- [Nikki] If I may, this is Nikki Goral, I just want to interrupt because I don't have a raise hand or chat on my Zoom. But as a--

- Go ahead.

- [Nikki] As a zoning board of appeals chair, I just wanna remind everyone that prior cases when you're going towards zoning appeals do not set precedence. So even though that may have been the case, which is completely factual to rely on the fact that you're using another case to set precedence here, really isn't about them. Thank you.

- Thanks again. I do want to go... Sir I don't have your name up there. It looks like you're on an iPad. If you wanna unmute yourself, say your name, your address, and whatever comments you have. Still looks like you're on mute there.

- You hear me? I'm Wiliam Bitter, 4084 Champeaus Road, and I'm also opposed to having this done. At first I thought I wanted it, but not anymore. Did you hear me right?

- Yep, yep we can hear you. Does that finish up your comments?

- That's all, yeah.

- Except would you serve be so kind as to explain why you changed your mind? Why you originally in favor and why you changed our mind.

- I'm against it.

- She wants to know why you changed your mind?

- Oh, what made me change my mind? Hearing neighbors today and hearing people talk. It just made me think about the safety and we don't need, it's a very nice area I want to keep it that way.

- Thank you.

- Thank you.

- Yeah, thanks for your comments. Again, we are in open session. So if anyone does wanna come forward now would be the time. If not, I'll entertain a motion to return to normal order.

- Second.

- Second.

- Motion by Commissioner Rovinski, second by Commissioner Bremer to return to normal order. All those in favor, please say, aye.

- Aye.

- Aye.

- And we are back. I guess let's try. Do wanna try move us along here where we do have one more item after this too. So comments, question anything else before we wanna entertain a motion? I guess I'll throw my 2 cents in on it too. I guess this is kind of directed at Dave on this one. One thing I'll nitpick on the recommendation, I guess, referring to the truck traffic and other traffic, I guess, related and wear and tear on the road. Tillman's is at the end of that road already. I assume they're probably bringing in some large trucks, probably with a lot of weight on them as well. Probably similar, if not even heavier than maybe what you could see for a self-storage facility. So that stuck out to me as maybe being a little out of character for concerning what other development was there. Could you speak a little bit more to that effect?

- Sure. And thank you for that comment, Yeah. Typically again, I'm not looking at many warehousing, I'm looking at other 10 acres of light industrial users and the volume of traffic that could potentially go with that zone change. So it's not... I couldn't use a IT manual to pick out how many movements are gonna be going on with any development there. But we have to look at the most intense use that would be permitted under the zoning. And then the traffic impacts that could potentially happen with that. If it were to go to a residential, you're probably gonna get a lot more traffic movements through residential, but smaller vehicles. I don't know if that explains kind of where we were coming from as staff.

- Yeah, that helps. I kind of forgot that you had mentioned it was referring to the potential higher uses in commercial or... Sorry, light industrial versus what this particular proposal may be.

- I guess, where I struggle with this is the spot zoning, the having the industrial over on one side and then just having this one small piece. That's my biggest problem with it. So if the comprehensive plan changed, I'd be more than happy to re-look at this, but the way the comprehensive plan stands right now, I'd have to agree with the denial of the request.

- Just a point though, Veronica, this is to amend the comprehensive plan.
- Right. I mean, I still struggle with it being... You have industrial over here and now we just have this one piece of industrial. It's out of place.
- Thank you.
- Is it the zoning in particular or the proposed use that we're seeing right now?
- For me it's the zoning in particular, not necessarily what's being used or proposed.
- That's kind of where I'm at is, I don't know if I necessarily have too much of a problem with what's being proposed for the site. I am a little afraid of what could potentially in the future move in there. That's where I'm struggling a little bit here. So I don't really mind what it is. The compelling argument to me made that there's not much else that could be done with this particular lot. Should we maybe consider what could happen? It's tough to say when this is the only proposal that's in front of us right now. Maybe a plan unit development, or I forget this is all under PUD or CUP.
- Oh, I think right--
- Jake, just froze.
- Yeah, he just froze up. What I was gonna say very quickly while he's coming back is we just did this on the last proposal. We went to worst case scenario. And now we're saying we... I mean, I don't know, it's just. Yeah. That just seems kind of at odds with me. We went to worst case scenario on the last proposal, and now we're doing worst case scenario on this proposal as well. And my question, and maybe this is to staff today and maybe you can answer this. The zoning, that's being requested in the P and the c on that slide you brought up earlier, is that best practice or is that self imposed for the City of Green Bay?
- That's the way our entire zoning code is written. So we break the city into districts and then we have uses that are either conditional or permitted or not permitted at all. And it's no different for the University Heights Commerce Center.
- Okay.
- Jake, you got frozen and cut off at about the middle of your statement.
- Yeah, I just had little pop up there. Am I coming through a little better now.?
- Yes.
- Yes.
- Yes, okay. Just to recap, what I had been saying was I don't necessarily have too much of a problem with the development as proposed. The rest of it is comprehensive plan and the... I'm sorry, the name of the document for this one doesn't necessarily call this out, but it is a pretty old document. There's obviously been some changes. Especially the retail storage type of market are very different than they were 17 years ago. I don't wanna point to something that a document that's 20 years old, too much. It does need updating that's been admitted there. Have kick in a little bit if we don't really address this now in that regard. And I don't know if there's a plan to update this document anyway. Again, being honest, I really don't know what else could be done with this particular land besides continue as agriculture. So do we want this to remain agriculture or do we want to find some sort of a use outside of that? That's what it really comes down to for me.

- We will need a motion one way or another though. And I do wanna move us along. We do have another item right after this, and we're already at two and a half hours tonight, so, chair will entertain any motion.

- Apparently we're struggling.

- I mean, we do have the option to hold if we feel like we need to gather more information, but if we did want to do that, I would want to make sure we're very pointed in what we're trying to get from staff in that case, versus taking a motion of denial.

- I have already identified a number of reasons that I'm opposed to this and very much in tune with the recommendation of staff. So I recommend I move that we endorse the staff's recommendation to deny the request.

- I just wanna make one point really quick that I forgot to mention before that Alder Dorff, wasn't able to attend the meeting tonight 'cause she was at another meeting. She was in support of the proposal.

- She was in support of the staff recommendation or in support of the proposal?

- She was in support of the project.

- Okay. So we do have a motion on the floor from commissioner Bremer to move, for denial at the recommendation of staff. So we're looking for a second.

- I would second.

- Second by Commissioner Rovinski, open up to any other comments from commissioners. I'll throw my two cents in. I would like to see, if we can look at the comprehensive plan and see if we can kind of try to stamp out some of this or at least identify some areas that we do wanna make some updates, just as a note to staff on it. Since it has been admitted that it is out of date and probably need some reworking there. So just a comment there. With that commissioners any other comments or Dave? Sorry, go ahead.

- Oh yeah, I just wanted to respond to your comment about looking at the entirety of University Heights. We did attempt to have a meeting last August, I think, or October, it was not well attended. So we do plan to go forward with that. But the thing to keep in mind here is this is a joint planning area. So we can't really do anything without also doing it in concert with town. So, together that's sometimes kind of difficult. But we will be attempting again to look at the University Heights Commerce Center, with the owners and the town in its entirety, hopefully this year. So I don't have dates for you, but we attempted once, and we're gonna go forward again, attempt it again.

- I would just add to with that. We really need to take a look at how we're gonna get some funding to get some infrastructure out there. So we don't lose future developments as well.

- I guess devil's advocate as Commissioner Daniels, like to say, wouldn't this be something that would kind of provide a spur.

- Jake you cutting out again for me at least.

- Yep, Jake, I didn't hear a word.

- You said wouldn't this provide something. Maybe Jake was gonna say wouldn't this provide incentive for future develop. Maybe.

- That's what I caught.

- Okay.

- Yeah, I'm cutting. I'm sorry guys. I don't know what's happened to the internet. That is what I was trying to say, yes.

- Again, add two cents into it in with the way the it's written. I mean a parking lot or I can't even remember the other thing that's permitted. I struggle with red tape, but I also understand the concerns of the community there and the residents, but then again, there's nothing there in the way the zoning is nothing can be there, but a parking lot or a parking garage, I think maybe that's the other one. So if we do nothing and nothing happens, then it is really not unless that zoning is changed. I don't know, I'm just struggle with, if we do nothing there's nothing happens. And should we be proactive as opposed to reactive?

- I think with that is... Looking at the parking lot or parking structure is like looking at the lowest end of what's allowed there. If you look at the highest end there and it would create more tax increment that might allow for other services to come in, or other funding options to bring services in there, then I think that's a different story. So I think this all the city needs.

- Yeah, I would agree with you, but from my understanding what I've heard here, is that the property's been vacant for 25 plus years with no one wanting to bid on the property. And it's because as there's no infrastructure there and it's \$450,000 that any development would have to put into some kind of infrastructure. So yes, we're looking at what could potentially be there, but that's a large investment that goes straight to your bottom line immediately.

- Dave, could you speak to what else could be put there? Not only because of the zoning possibilities, but also because of the land itself.

- I guess, I can in general. So it is hampered by the lack of sanitary for most of the uses that are permitted in the mixed use district. And I will correct Mr. Moore. The parking structure and the surface parking lot would require council approval as well. You can't just build it. So even that council would have to approve that as a land use out there. But as I kind of alluded to in the staff report and in what I had said earlier, we have a lot of lands that utilities are not easily accessible to right now. Now there was water, again, put down to this property. The one point I would make there would be no reason to run sanitary down there any longer if it goes to a storage use. But again, you usually need a catalyst project to be able to get enough increment to put that in. So it's no different from a riverfront property that needs environmental remediation. Those properties are not economically feasible on their own. It takes a big project to create increment that increment the city borrows, uses that increment to do the environmental remediation on the downtown situation. Situation like this, as Ken had alluded to, if it was a large enough development with enough value that increment then could pay for the borrowing and the debt service to run the utilities out there, even at 450,000, which sounds like an insurmountable amount of money but not when you're looking at extending, utilities out into a Greenfield site, or yeah, awesome. Well, I'm not gonna say the term. Some people would call it sprawl. A sprawl site 'cause we could run 'em all the way out to the far east side of the city boundaries. Taxpayer would have to pay for all that. Those farmers then would have access. So I mean, that is a issue with the city council where they wanna run utilities and how they wanna pay for that. Typically we pay for it with increment, from a large development. Seth had mentioned that this project itself would be at about 1.5 million cost to build, 2 million to build. So that's cost to build, the assessments are usually a third of that to about a half of that. So add about a million dollars, you're talking about... 'Cause I'm not doing the math in my head. You're about 28 to \$30,000 a year in taxes. That's a lot of years to pay for debt service probably doesn't even cover the to run the infrastructure out there. So again, that's sort of the scenario and we were looking... Well, I wasn't here then. But the city was definitely looking for a catalyst project somewhere in University Heights to cover the cost of infrastructure. We didn't get that for whatever reason. I would be wrong to speculate on why that hasn't happened somewhere in the corridor.

- Yeah. Quick question Vice Chair Miller, and excuse me if I'm stepping out, but is there... I can't remember. Is there a motion on the floor with a second?

- Yes, we do have a motion from Commissioner Bremer. Second by Commissioner Rovinski. Was kind of letting the comments play out and my internet was being a little crappy. So, I apologize if I missed something else inside there, but yes, we do have a motion on the floor. We should get to that vote here quickly unless of the other commissioners have comment.

- And just to recap, that motion is to deny the request?

- Correct, yes. Go with staff's recommendation to deny.

- Thank you.

- So we'll do a last call here for any other comments and then we'll go to the voice vote. All right. So with that, motion from Commissioner Bremer for the denial second by Ken Rovinski. All those in favor in, by favor in denial. Please say aye.

- Aye.

- Aye.

- All those opposed.

- Aye.

- I am also voting in opposition as well. I believe that would be three to two though. If I have that right.

- If Veronica has voted.

- I thought, did I hear her? Sorry.

- Sorry. I was muted. I'm gonna be opposed to it. I'm opposed to it.

- Okay. Okay, so that would be--

- If I could recommend you do maybe a roll call vote since you have a split.

- Yeah. And I apologize if I'm cutting out a little a here too. That's my poor internet's fault right here too. I'm just gonna go on my screen here just to recap just in case. So Sid you're the first one up in my boxes here. So I'm gonna start with you. So your vote first.

- My vote is to deny the request. And affirm the staffs recommendation.

- Yes.

- Yes. Commissioner Daniels your next.

- Sorry. No.

- Okay. So that as a vote to deny. Or I'm sorry, I'm sorry. I have it already. See this is why we're doing this. Okay. Sid's was to, for the staffs request. Commissioner Daniels, you were against that. Ken, I got you next.

- Yes, aye.
- As aye?
- In favor of the staff request.
- Yes. We do . And then Alder Corpus-Dax.
- Nay
- And I am also a nay. So that would be two to three in favor of the nays. So with that nay in that. Okay moving to--
- And we need a new motion.
- Oh, that's right. It does fail, I'm sorry. You're right, that does fail.
- Correct.
- Though, I was gonna say Vice Chair. Can you go back, I think, unless Alder Corpus-Dax. changed hers, it would be three to two. In a favor of the denial. Is that correct? Am I wrong?
- No.
- I voted nay.
- You have right now, you have two.
- So the motion fails.
- Yep.
- Yeah.
- You have two deny and three, not supporting the denial.
- Yes, that's what I have as well. So that motion would fail. Which means we need another motion to...
- I guess I would make the motion to approve the request.
- Yes.
- Yes.
- Yes. Okay. So a motion from, Alder Corpus-Dax. I'll remind you, I cannot motion here. That's why I'm staying.
- I second.
- And a second by Commissioner Daniels. And that is to approve the request.
- Correct.

- Got it. Okay. So we're gonna do another roll call just to be clear on here. I'm doing the same order I did just 'cause that's the way you're on my screen right now. So motion on the floor is to approve the request as stated. Sid, we'll start with you.

- No.

- Commissioner Daniels.

- Yes.

- Commissioner Rovinski.

- No.

- Alder Corpus-Dax.

- Yes.

- And my vote also, yes. So in that case we have three to two in approval of the request.

- wow.

- So this will be going to counsel?

- Correct.

- Correct. This will go to the next council meeting. And then there is a it's like a 30 day waiting period between the council hearings by statute. So it'll be a little ways after that before you actually get another public hearing and take action. We got, I think a 30 day notice period. But it'll be going to the next council in a report from the Plan Commission. Then we'll schedule the next one after that.

- All right, Dave, just to clarify too, for anyone on the call that is looking to attend that meeting. Which date would that meeting be?

- March, 1st.

- March 1st.

- Yeah, Neil said March 1st.

- Correct.

- Correct Neil?

- I think--

- That's correct.

- Okay, I think he's saying March 1st.

- That'd be first reading, yeah.

- Okay.
- It'd probably be sometime and guessing. End of March or April before it gets action and public hearing.
- Okay, we will be moving on to, I believe item seven.
- Is it all right if I say something?
- We have moved on, sorry.
- Oh okay. I was gonna say thank you. And I feel sorry for you guys having to do this all the time. This is crazy.
- You don't want the best work on.
- All right, have a good evening, thank you.
- I'm gonna be moving on to agenda item number seven. This is another public hearing. This time, request to authorize condition use permit to allow for a plant expansion to exceed the maximum height limitation within the general industrial district at 1919 South Broadway submitted by Tim Ellsworth, Georgia-Pacific Corp property owner. Let's go to staff. Paul, this is yours. Give us a quick preview on this before.
- Sure. Thank you, Mr. Chair. This is a request for a conditional use permit in 1919 South Broadway. That's the Georgia-Pacific Campus. The property is kinda highlighted in red here. The scope of the project really is in the blue shading. It's about 36 acres. And the plan is to add about 11 acres worth of building almost 500,000 square feet. It's a very large plant and mill expansion. Liberty Street is to the north here, South Broadway, along the west, Lombardi Avenue. Of course dead ends into South Broadway. This expansion has varying heights. As a result of that, some of these structures are exceeding 35 feet in overall height. So they need that conditional use permit. Some are varying from 36, 45, 52 up to 90 feet in overall height. So again, that conditional use permits needed in the general industrial district.
- Thank you, Paul. We'll move on to the public hearing. Just a couple reminders before we get started. We do invite you to come forward. If you do, please provide your address, whether you represent a group or association, whether you favor or oppose or only provide information on the matter, as well as your comments and concerns. Please limit your testimony to three minutes and try not to be repetitive. Either raise your hand physically or virtually unmute yourself. Or if you're calling in it is *6 to unmute yourself. We will get started with any of those who are in favor. Moving on to any of those opposed. And anyone looking to provide information only. Is anyone wishing to speak? Is there anyone wishing to speak? Last call, is anyone wishing to speak on this item? Hearing none, let the record reflect that no one has come forward and this public hearing is now closed. Moving on to the agenda number eight. Consideration with possible action on a request to authorize a conditional use permit to allow for a plant expansion to exceed the maximum height limitation within the general industrial district at 1919 South Broadway submitted by Tim Ellsworth, Georgia-Pacific Corp.
- Thank Mr. Chair. Again, starting off with the aerial photo here of the location of Georgia-Pacific's property on South Broadway. Really kind of the Southern limits of Green Bay. You've got Ashwaubenon to the south all the way to the east, across the Fox River. Again, the project scope really is kind of outlined in blue here. That's the land disturbance. The actual building is around 500,000 square feet in size, a significant plant mill expansion for Georgia-Pacific. From land use perspective, this is a general industrial area. It's been this way for many years. It's kind of an industrial corridor along South Broadway. So this use in current zoning certainly is appropriate or consistent with the comprehensive plan. And from a zoning perspective zone general industrial GI that's our heaviest zoning district, highest density. So again, that is appropriate. There really is no other zoning around it so to speak. you're again, you're kind of boxed in by the river, Ashwaubenon to the south and then industrial properties to the west. So this is a site plan that's been submitted by Georgia-Pacific. We've

kind of changed the direction here a little bit. The Fox River on the south side here. Broadway's on the north side. There's a boat slip here that's existing. This area right here is where the plant expansion is occurring. Pretty much from the Fox River up towards very close towards South Broadway. There are some renderings out the plant expansion. You can kind of see it's scale relative to the existing campus. Fox River on the left hand side, then it's continuing on towards North Broadway along that slip site. And here's a perspective looking from South Broadway. You can kinda see here, the plant itself, that's the highest point, I believe. This is 90 feet. That's the main portion. The portion towards South Broadway is about 90... I'm sorry, 45 feet in height. We've kind of focused in from staff looking at kind of the street perspective here. This is a very tall building. It's kind of tough to hide that type of structure. So we've been looking at kind of the green space along Liberty and along South Broadway. And looking at, combining some landscape and some fencing here. On this previous elevation, there is some overhead doors here. They would like to maintain access around the building with a drive through here. So we're hoping to work with them on providing some landscaping and fencing requirements, but really at the time of the final site plan. We did notify effective property owners. We didn't receive any calls or questions regarding this. We do have two recommendations of approval tonight. The first one is the compliance with the kind of our standard requirement about site plan, review and approval and those standards. The second one has to do with the Green Space, with the limited green space along Liberty and South Broadway. That would be the retention of existing green space along South Broadway and Liberty, right to way State Street, including terrace areas and green spaces, a part of the Georgia-Pacific property, a combination of fencing and landscaping shall be provided in both terrace areas and Georgia-Pacific's property were appropriate as determined by staff and the property owner based on site limitations. There are quite a few utilities going on in that area. So it's kind of a game time decision, but we hope to work with them on fencing and landscaping. That landscaping within the right of way should be coordinate with the city Forester of course, any encroachments would have to be handled by the Department of Public Works. So that is our recommendation tonight for approval, with those two conditions.

- Thank you, Paul. Commissioners, any comments, questions for Paul?

- A question for Paul, if you could bring up one of the schematics again. I don't much care which one. The Georgia-Pacific application mentioned that they had already removed two smoke stacks and a coal pile and that this would be going into the area that had been previously devoted to those. Can you show us where the highest building point is?

- I believe it is the mill expansion up here, closer toward South Broadway. The coal piles, I suppose and coal powers were in this area here they have since been removed.

- Okay. Thank you very much.

- Any other comments, questions?

- I would make a motion to approve.

- Second.

- Motion by commissioner Rovinski, second by Alder Corpus-Dax. To approve all those in favor, indicate by saying aye.

- Aye.

- Aye.

- Aye.

- Aye. Know they give you days, but sorry. Any of those opposed? And that approves unanimously.

- As much as I wanted to drill Paul on that one and drag it out, but...
- We're already pushing three hours.
- And did anyone else notice that commissioner Daniels changed here?
- Thank you. I'm just like Crazy.
- I'm triple books. I have a meeting right in a few like seven minutes though. I'm trying stay--
- look and go.
- Good.
- Okay. Well we'll get a move on then. So you can get to that one. 'Cause whatever else looks important. Like I . So that concludes regular business. We'll move on to informational. Starting with the director's report.
- Discretion is the better part of valor. I have no report tonight. Mr. Chair.
- Wow, such straight, both you and Ken.
- Fair enough, Commissioners Any questions? You sure you don't wanna follow up on that?
- I think Neil is in shock. I heard him go. Wow, when we... one of the last, he was like, why?
- I think we just made his day hard.
- He might be in shock right now. So.
- Well, I'm sorry for my internet tonight too. And I hope I lived up to Lisa's normal running of this. So I apologize. I and for any confusion as well, too. So sorry on my part. Hey, date to the next meeting is March 7th, a couple weeks from now. Motion looking for a motion to Adjourn.
- Motion moved.
- Second.
- Motion by commissioner Vinky. A second by commissioner Bremer to adjourn, all is in favor please say aye.
- Aye
- Aye.
- Aye.