

## TOWN OF GREEN BAY PLANNING COMMISSION MINUTES

**DATE:** 1/15/19 **TIME:** 7:01 p.m. **PRESENT:** Dawn Goodman, Gary Jonet, Mike Gilson, Jason Miller; Dylan Mercier, Brad DeChamps

**ABSENT:** John Metzler (due to illness)

*Note: In John Metzler's absence, Gary Jonet assumed the role of Chair for the meeting.*

**OTHERS PRESENT:** Town Clerk Debbie Mercier; Supervisor Cary Dequaine; Supervisor Ryan Debroux; Supervisor Matt Bosman; Brown County Planner Devin K. Yoder; S. Nancy Langlois; Bobbi Jo Mulder, Donnie Soquet Jr, Ed Rudd, Board of Appeals Sec. Toni Mertens, Stacy Dallaire, Mary Abts, Dean Abts, Shrine Rep. Don Warden, Board of Appeals Rep Ron Abts; Board of Appeals Rep Pete Mathu, Jim and Polly Gomand, Fire Chief Kevin Tielens, Debbie Olson.

**APPROVAL OF LAST MEETING'S MINUTES:** Gary Jonet opened the meeting and asked if the meeting notice was properly posted in 3 places. Dawn Goodman confirmed it was. The 12/18/18 meeting minutes were reviewed. **(7:01-7:02) MOTION MADE BY:** Jason Miller to accept the minutes as presented. **MOTION 2NDED BY:** Mike Gilson **AYES: 6 NAYS: 0 MOTION CARRIED.**

### **ISSUE #1: COMPREHENSIVE PLAN AMENDMENT PROCESS (7:04-8:05pm).**

The Town of Green Bay, with the assistance of the Brown County Planning Commission, is amending the Town's Comprehensive Plan to better reflect the changing development conditions around the area near the Shrine of Our Lady of Good Help. The Town seeks to prepare a vision to inform a specific land use plan for this area to help guide and inform future growth. The Town of Green Bay Planning Commission would like to invite you to the **ninth** meeting of the Town's Comprehensive Plan Amendment process to be held at the Green Bay Town Hall. In this meeting, public review and comment will be heard in regard to the draft of the Champion Area Overlay Zone Ordinance. The final ordinance for adoption will be available for a public review and comment period before the final public hearing for adoption (date TBD).

**Review** of the proposed changes to the Comprehensive Plan Amendment (reflecting what the PC discussed at the December 2018 meeting):

- the revised overlay area, and an updated future land use map--this map is what the Town would evaluate future rezoning requests against.
- the revised zoning ordinance, including the design standards, specifically in the landscape requirements and a building landscaping component.

The Town Planning Commission will examine, discuss, modify and incorporate this information into a Final Model, along with input from the County Planner, Devin Yoder. The Town Planning members will consider and then advise the County Planner on the future direction to be taken.

Gary Jonet opened this part of the meeting.

Jason Miller referred to the table on the front page of the Draft Overlay Model Section XXIV. He asked who

does the Advisory review mentioned in the Pre-application conference table. Devin Yoder stated it would be the Planning Commission.

Devin Yoder explained there were only a few changes on the draft being presented this evening as compared to the one presented at the December 2018 meeting. He said the map was changed in the coordinates.

Gary Jonet referred to Item #4 *Setbacks and Landscape Buffers* in the Draft of Chapter 10 (page 7). He read aloud: "Side and rear setbacks shall be a minimum of 15 feet from the property line", and stated a correction should be made after that, to strike where it states: "*(or five feet if certain plan material requirements are met)*." He stated that it conflicted with our B1-Business district requirements, which are a minimum of 10 feet. He stated that if the businesses are going to be of any size, 10 feet is even short. All agreed to that. Devin Yoder stated he would change it.

Jason Miller referred to page 5 of the Section XXIV, *who* the Pre-Application Conference contact actually would be. Gary Jonet, Dawn Goodman and Town Clerk, Debbie Mercier stated **it should be the Zoning Administrator**, Gary Jonet, who should be contacted, *not* the Town Clerk. It was also noted that in item 1. a. the Pre Application Conference **shall be held at a regularly scheduled Planning Commission** meeting, *not* a Town Board meeting. Devin Yoder will make those changes.

Jason Miller also noted that on page 6, Item #2 *Notice, Fee and Public Access Filing Requirement* that the fee listed is \$600 but that \$720 is listed in parentheses next to it. Devin Yoder explained it was a mistake and that **it should be \$720** now because after discussing the matter with Gary Jonet, they decided \$720 is more appropriate in order to recoup the costs of extra time and meetings it would involve.

Jason Miller questioned on page 10, #3 *Appeals*, if the party appealing would want to appeal the decision, *who do they appeal to?--the Town's Board of Appeals or a Circuit Court?* Devin Yoder said he was looking at the Town's PRD chapter, which refers to a Circuit Court. Gary Jonet and Dawn Goodman looked at the Town's PRD chapter. Dawn Goodman read from it aloud--**it should be appealed to a Circuit Court**. Devin Yoder explained that he thought it appropriate to stay with the process the Town already had in place.

Mike Gilson stated that he had a lot of time to think about the Planning Commission's decision to extend the overlay area further than originally planned. He stated that "extending it past Highway P was not in the vision we had for the district in the beginning and if we are representing the whole town, there was no one that came up with something that the past few months, so he was not in favor of extending the overlay past Highway P for that reason."

Dylan Mercier questioned, "If we went with Mike Gilson's idea for the Overlay area, for future use, if someone would want to develop inside that area, is it possible that we can put a conditional use to adhere to these conditions in that area if that would come up at that time? It might give the PC more control at that time, too...now that it's there."

Devin Yoder stated: "If you reduce the area, or it wouldn't cover that area, you can probably only put that forward if there was already a conditional use for it to begin with...I don't think you could condition something that is permitted...if it's permitted you can add that on...unless that whole area is indeed covered within the zone."

Dylan Mercier stated, "Pretty much all the area across the road from here would have to be rezoned then and at

that time, if it would be a permitted use, you would then have no say? In a rezone, like what happened with the past request for a hotel?..."

Gary Jonet stated, "If you rezone it, and it's rezoned B1-Business, then it goes to the B1-Business section. If it's not in the overlay, the conditions that apply to the overlay would not apply to this B1 Business."

Dylan Mercier asked, "So before you allow to rezone can you apply conditions then?"

Gary Jonet stated, "Not to rezone, if they are applying for a conditional use. That's when you set Conditions for special situations."

Jason Miller stated that he understood what Mike Gilson is saying about not wanting to go past Highway P, "but running it down Highway K, it allows for improvements if someone were to come in there and fixes up the area (across the street from the Town Hall) appearance-wise...it's the entrance to our Town." Gary Jonet interjected, "only if they were to rebuild". Jason Miller went on, "If you have it only up to Highway P, then everyone will build along this strip in downtown and you could end up with acres of blacktop because there are no restrictions. And say that someone buys the area of Agriculture next to the Town Hall here, you can say to them: '*now that you have rezoned it, you have to adhere to this because it's not in that area*'. I'd rather have it covered than try to deal with something we don't want it to be right in downtown here."

Dylan Mercier responded, "But it's not like there are no restrictions. They can't just do what they want. There are restrictions. They have to follow the Future Land Use map. It's not just a free for all."

Mike Gilson questioned, "So why did we have all those meetings then? And waste 40 some people's time and now it's much bigger than that?!"

Dawn Goodman stated, "It's not like we disregarded their input. We scrutinized over the information we gathered for more than 9 meetings. It's a plan that evolved after we gathered more information and looked at what makes the most sense. We're not disregarding what we learned. It makes sense, as Don Warden from the Shrine suggested to us, to 'look at where you want to be and work your way backwards'. She continued, "We're not going to have a lot of say if we wait too long. Once you take something out of the box, you can't put it back in--once things start developing it will be really hard to control. At least we have some ability to control how we want things to evolve and develop. Because it already is—they're not going away...people want to live out here. We have the most incredible building reports/building permit lists in our town's history. It just keeps getting bigger. There's a lot of growth pressure out here and we should address it while we can."

Gary Jonet stated, "And I think it's easier now to put the Overlay area to the end of K than it would be to try to extend it at a later date. Because by the time we might extend it, there would be businesses already going up in that area without the restrictions we put in place."

Mike Gilson questioned, "But can we actually put these restrictions on? We're actually rezoning other people's land."

Gary Jonet stated, "We're not rezoning their land unless they allow it—they would have to sell their land to a business and the business that are coming in would have to abide by the new regulations. That's the only difference. It's not affecting anything the way it is right now."

Jason Miller stated, "So if it's agriculture now and they sell it to someone else who wants to keep it agriculture another 20 years, there is no change. If that person then sells it 20 years down the road to someone who wants to make it business then it would apply."

Gary Jonet stated, "On Agriculture and single residential areas, this does not affect."

Dylan Mercier stated "The biggest concern will be the area across the road from here, if someone wants to rebuild, some of that would make it harder to do that."

Gary Jonet stated, "That's kind of a shady area because the building is there, and if they want to put an addition onto it, then that would probably be granted through the regular building applications."

Brad DeChamps added that he knows there is a piece of property on the borders of this new plan that someone is waiting for the final answer on in order to do a hotel. "It's coming. I trust you guys. You've been working on this longer than I have. You can't be blind-sided. It's coming."

Dylan Mercier asked, "If that was the case, if it was outside that district, would it be the same as the last hotel that tried to build down the road?"

Gary Jonet stated, "It would require a conditional use".

Dylan Mercier stated, "So if that were to happen, then you can always come back and say that we'll allow it as long as you comply with these conditions."

Gary Jonet added, "And the town can put on conditions that they feel can be justified for whether it's safety or aesthetics in the area they are in."

Dylan Mercier asked, "So the control is still there, whether you approve it or not? When that time comes?"

Gary Jonet stated, "Not for every business, but in the hotel case, that requires a conditional use. So it would for something like a hotel."

Dylan Mercier asked, "Some would be ok, depending on what it is?"

Gary Jonet stated, "Yes."

Jason Miller asked, "Can you put a Conditional Use that they adhere to the whole district?"

Gary Jonet stated it would be up to the Town and that they would be putting on the Conditional Uses.

Dawn Goodman stated that it actually starts even with the Planning Commission making recommendations to the Town for Conditional Uses.

Gary Jonet stated, "Well we (the PC) can make recommendations, but it's up to the Town to approve them".

Jason Miller stated that one of the benefits is that a land developer will now know what the Town's expectations are and a seller can be confident that their potential purchaser has a chance of being approved if they come prepared with a plan that the Town already prescribes. The element of some of the unknown will be eliminated.

Brad DeChamps asked, “What happens if the same exact plan is presented as one that was denied in the past, and it is now approved. Don’t we have a lawsuit then for the Town?”

Gary Jonet stated he does not see that happening. “If it were the same exact situation as before, I don’t see the Town allowing that to happen. Because there were issues with the size and all that kind of stuff.”

Jason Miller stated his recommendation is to keep it down through town.

Brad DeChamps stated he agreed.

Dawn Goodman stated she also agreed and said she thought it was “the wisest thing to do and that it would be proactive rather than reactive” and that it is her hope the Town would be proactive and think ahead more often as it continues to grow.

Mike Gilson stated, “I am still not in favor, but it is just my opinion. Maybe it will have an impact but I wonder what difference it will make on a conditional use permit for a hotel as opposed to this. Is it going to be a big difference from one area to the next?”

Gary Jonet stated, “Well the Town will have all of these requirements spelled out for them ahead of time. The Town can also put additional conditional uses on it—recommend different things depending on the layout they have and what they want to put up. That’s what the conditional use does: it sets conditions to go ahead with the project.”

Mike stated, “So then you got the only thing you can do there (in the Overlay district) is Ag, Residential and B1-Business.”

Gary Jonet stated, “If someone wants Business in that area. Otherwise the majority is in Agriculture and Residential without those restrictions. The only thing this really affects is if a Business comes in and takes a piece of Ag or a bigger piece of Residential property, then that changes it to cover all of these restrictions have to be met and it still leaves room for the Town to make further recommendations as to how stringent these things have to be.”

Mike Gilson speculated, “With a hotel, there’s a Conditional Use permit, and then there are other businesses there would not be Conditional Use permits.”

Gary Jonet stated, “There are something like 6-8 pages of businesses that do not require Conditional Use permits.”

Dylan Mercier asked, “But before we even get to that point, on a rezone, we have not necessarily been following that Comprehensive Plan Future Land Use map. It already has areas set up for business for future needs in Champion itself.”

Gary Jonet stated, “The only area zoned business is the Bar and Store.”

Dawn Goodman stated she believed that a lot of the land in the Champion area was supposed to stay agriculture according to the old plans.

Gary Jonet stated he did not recall that in Champion.

Mike Gilson then questioned, “What are you saying--that you don’t want any businesses here now in Champion?! You were just telling me you wanted businesses here.”

Dylan Mercier stated, “What we’re saying is that 10 years ago, when they redid their Future Land Use map, which is what we’re supposed to look at before we approve any rezone, right?”

Gary Jonet stated, “And that’s done by the Planning Commission, then the recommendations go to the Town and there are public hearings on them. So that’s all reviewed before it can be rezoned as business.”

Dylan Mercier stated, “So anything inside this district, going forward will follow all of this.”

Gary Jonet agreed.

Mike Gilson stated “So at that time, you give up control.”

Gary Jonet stated “No. You have the Town Planning Meeting twice, and you have the final approval by the Town Board. So you have at least 3 meetings.

Mike Gilson stated “You can’t deny it. If it’s in this district, whoever wants to come in, and they start building, you can’t stop them.”

Dawn Goodman stated: “We actually can deny something if it does not meet the three criteria: Health, Safety and Welfare.”

Mike Gilson stated, “Brown County doesn’t have any idea what will happen here in the future because nobody has had to deal with this.”

Devin Yoder agreed and stated, “it is a unique district.”

Dawn Goodman interjected, “The only thing comparable is the Lambeau Field/Titletown Entertainment District.” She pointed out that the devotion of the fans at Lambeau is very similar to the Shrine’s followers. She pointed out that the Shrine and Lambeau have teamed up now for some future plans. She pointed out that anything could happen and sited as an example Microsoft putting in a business adjacent to the Titletown District recreation field.

Devin Yoder agreed and said, “Essentially having this (he held up the draft of the plan), or generally having the zoning code...no one has a crystal ball and you can’t predict what will happen, but at least you have the framework in place to either address it or deal with it if it does happen. Maybe nothing happens and you don’t use this. But on the flip side, not having anything in place and having all sorts of things come in. So it just depends on the protection you have in place or at least something that will address possible things that may happen.”

Jason Miller stated, “We just wanted a way to be in control. We’ve already had 3 people who want to build in this section and we were not ready for them. Maybe this will not allow for some businesses and they will go to easier areas less restrictive...it could go either way. So then we keep our area more rural. We could have more houses with no problem. It could help both ways. Our goal was to preserve the rural atmosphere and less commercial. And with the few we’ve had come forward so far, this just helps with some controls in our plans before they get here.”

There was discussion as to when the 30 day review would start and end. It was calculated out to be 2/14/19 if it started at this meeting.

Then there was discussion as to when the Public Hearing would be so that all 3 of the current Town Board members could be in attendance and make a decision.

The Public Hearing date was set for February 19, 2019 at 6pm, before the Planning Commission meeting. Then the PC would meet for its regular meeting “immediately following the Public Hearing meeting”.

Devin Yoder said he would attend the Public Hearing meeting.

Debbie Mercier asked if Devin Yoder could help with the notification process and legal notices. He said he would.

Jason Miller clarified that Devin Yoder will make the corrections to the final draft. Devin said he would.

Debbie Mercier figured they would have 5 days to get out all the notices out (Class 1 Legal Notices, mailings, postings). Dawn Goodman and Debbie Mercier agreed to work on it all week to get it done.

It was clarified that the Town Board will then ratify the Comprehensive Plan and Ordinance at their regular Town Board Meeting. The availability of all 3 Town Board members was discussed. Dates were discussed. It was decided that March 19 will be the regular Town meeting (note: *this is a week later than usual*).

*Note: the regular March Planning Meeting will be **earlier at 6pm** before that Town meeting, if needed, so that the PC members can be at the March 19 Town Board Meeting.*

**MOTION MADE BY:** Jason Miller to **Recommend** to the Town Board: **The revised Chapter 10 Draft Comprehensive Plan Amendment Champion Area Overlay District and the revised 2<sup>nd</sup> Draft Overlay Model-Zoning District Section XXIV. Champion Overlay District.**

**MOTION 2NDED BY:** Dylan Mercier.

**AYES:** 5

**NAYS:** 1 (Mike Gilson)

**MOTION CARRIED.**

A Public Hearing was set for Tuesday February 19, 2019 at 6pm.

**Date & Time of Next Planning Commission Meeting were set:** February 19, 2019 immediately following the Public Hearing.

**Motion to Adjourn Made by:** Brad DeChamps. Jason Miller **2nded**.

**AYES: 6 NAYS: 0. Motion Carried. Adjournment time: 8:07 pm.**

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**Planning Commission Chairperson**

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**Planning Commission Secretary**