

CITY PLAN COMMISSION
Wednesday, March 15, 2017

A meeting of the City Plan Commission was called to order at 6:04 p.m. by Chairperson Rick Wiesner in the Council Chambers, City Hall, 421 Michigan Street.

Roll call: Members Jeff Norland, Ron Vandertie, Bob Starr, Rick Wiesner, Steven Hurley, Dennis Statz and Mike Gilson were present. Staff present were City Administrator Josh Van Lieshout, City Engineer Chad Shefchik, Planner/Zoning Administrator Ryan Kernosky, Community Development Director Marty Olejniczak, and Community Development Secretary Cheryl Nault.

Adoption of agenda: Moved by Mr. Vandertie, seconded by Mr. Norland to adopt the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from February 15, 2017.
4. Floodplain Zoning Code amendment to change the floodplain zoning district boundaries for a vacant parcel located between 129 W Juniper Street and 147 W. Juniper Street, owned by Nancy Schopf, parcel #281-64-61001702:
Presentation
Public Hearing
Consideration of
5. Conceptual Planned Unit Development for Will Estes, LLC (Jason Estes, Agent), to convert an existing commercial garage into a duplex, located at 39 W. Maple Street, parcel #281-12-10021702.
6. Discussion of: Zoning code amendment to allow accessory dwelling units.
7. Public comment on Plan Commission related items.
8. Adjourn.

Carried.

Approval of minutes from February 15, 2017: Moved by Mr. Starr, seconded by Mr. Hurley to approve the minutes from February 15, 2017. All ayes. Carried.

Floodplain Zoning Code amendment to change the floodplain zoning district boundaries for a vacant parcel located between 129 W Juniper Street and 147 W. Juniper Street, owned by Nancy Schopf, parcel #281-64-61001702:

Presentation: Mr. Olejniczak introduced this item that involves an amendment to the Flood Fringe Boundary, which deals with protection from flood events. If a property is within the designated floodplain boundary it has to be developed with proper flood proofing, which includes raising the elevation of the habitable space of the dwelling to two feet above the flood elevation, which is 587.0' above sea level. In addition, the property must be filled to one foot above flood elevation – 586' above sea level extending 15 feet around the foundation.

The subject property is located in the flood fringe zoning district. The lot is only 53 feet wide. To meet the requirement of Chapter 23, the house could only be 23 feet wide. Extending the fill 15 feet on either side takes up the other 30 feet of the lot. There would have to be retaining walls installed to the existing grade unless it can be filled out to the neighbor's property and tapered down.

Mr. Olejniczak gave a background on the property. The property owners had applied for a variance from the Floodplain Code and also the Zoning Code that dealt with the length to width ratio. Both variances were denied by the Zoning Board of Appeals. The alternative was to fill the property, pulling it out of the Flood Fringe District. The property owners filled in the property to 587'. They received a letter of map revision from the Federal Emergency Management Agency (FEMA) and one approval.

The next step is a public hearing before the Plan Commission, followed by a recommendation to Council where an ordinance would have to be approved to officially take that property out of the flood plain. If all approved, the property owner can develop the lot as if it were not in the floodplain.

C & C Custom Builders representative Adam Koslowski and property owner Nancy Schopf presented the plans for a redesigned house. The proposed house will be built in compliance with R-2 zoning. The lot is filled and removed from the floodplain. Water will be collected through the gutters and directed to a storm sewer. A swale will be created on both sides of the yard. There will be no basement and will have a coastal design. The garage will be a single stall, but double deep.

Public hearing: Chairperson Wiesner opened the public hearing at 6:13 p.m.

Chris Kellems, 120 Alabama Street, congratulated the property owners for raising their lot to meet the FEMA requirements. This is adding to the tax base.

Gary May, 133 N. Lansing Avenue and 1916 Dickinson Rd., De Pere, WI, stated that he and his wife are in favor of the amendment. They have a very well kept-up home in Green Bay. He did not understand the questioning of building the home.

Steve Bousley, 150 W Larch Street, stated he was not opposed to a house on that lot, but questioned as to the manner this was going about. He was concerned as to where the water was going to go, as well as the footprint of the property and the length to width ratio of the home. He thought the property owners should build with existing parameters and not go through hoops. He has been waiting for conversation from the owners.

Ted Brauer, 140 W Larch Street, stated that the existing dirt pile is at a 45 degree angle. Not all the water will hit their roof. There is already a water problem in the area.

Bob Gray, 1151 N 8th Avenue, stated that he owns a house and cottages on Larch Street. He was also concerned about water issues.

Ms. Nault read a letter from Jerry and Rhoda Wierer, 132 W Larch Street, who stated that they are against the amendment. She also read the introduction of a 6 page letter from Don and Christina Healy, 129 W. Juniper Street, who strongly disagreed with the proposed amendment to change the floodplain zoning district boundaries.

A petition handed in by Ms. Schopf, containing 29 signatures, supported the building of a home on the vacant lot.

Mr. Kernosky added that he had a conversation with DNR Regional Representative Miles Winkler and the DNR had no concerns with the amendment.

The public hearing was declared closed at 6:36 p.m.

Consideration of: Mr. Gilson stated that all we are doing is amending the flood plain boundary. FEMA and DNR have approved this. Water issues that concern the neighbors have been addressed.

Mr. Starr concurred with Mr. Gilson. For the City to deviate from FEMA would not look good for the City. Conditions can be added to the approval. He understood the concerns of the neighbors.

Mr. Shefchik stated that the proposed dwelling should improve the area. He would keep an eye on the project as it progresses and will work with the contractor during construction. He didn't think installation of drain tile would be necessary. If drain tile was installed, more root damage could occur to the neighbor's tree roots.

After further discussion, it was moved by Mr. Gilson, seconded by Mr. Starr to recommend to Council approval of the Floodplain Zoning Code amendment to change the floodplain zoning district boundaries for a vacant parcel located between 129 W Juniper Street and 147 W Juniper Street, with the following conditions:

1. Roof drains are to be connected directly to the storm sewer system.
2. Swales are to be graded and maintained along the side property lines to prevent runoff from flowing onto the adjoining lots.

All ayes. Carried.

Conceptual Planned Unit Development for Will Estes, LLC (Jason Estes, Agent), to convert an existing commercial garage into a duplex, located at 39 W. Maple Street, parcel #281-12-10021702: Mr. Kernosky stated that Jason Estes, represented by Jack Gigstead of Portside Builders, would like to construct a duplex where there is currently an existing garage that needs to be removed or repaired. It is located behind

the former Sonny's Pizzeria, with the only road frontage being an alley. Within C-2 zoning, zero lot lines are allowed. This request will be taken through the PUD process.

Jack Gigstead, 417 N. 18th Avenue, stated that the existing garage extends onto the neighbor's lot about one foot. They would remove the existing building and build a duplex where each unit would be approximately 1552 square feet of living area, 293 square feet of patio, and an attached garage totaling 334 square feet. The new building would comply with the lot lines. There will be no crawl space. Sewer and water would have to be hooked up to Maple Street, where it is all ready to connect to. Jason's brother, Steve, owns the house to the north that is rented out. An existing wood fence would be replaced.

Mr. Kernosky mentioned that this is a small lot and would exceed the density maximum with a duplex. In the C-2 district, 100% impervious surface is allowed.

In regard to water issues, Mr. Shefchik stated that there is storm sewer in the alley that could be connected to, or a swale could be installed.

Mr. Olejniczak added that part of a PUD process is review of the drainage.

Green space and snow storage was discussed.

Mr. Starr thought that this was an odd use of the property. He would rather see customer parking.

It was the consensus of the Commission to allow a combined process of a preliminary and final PUD.

Discussion of: Zoning code amendment to allow accessory dwelling units: Mr. Kernosky stated that staff has been gathering feedback in regard to allowing accessory dwelling units. He and Mr. Olejniczak had a meeting with the Homebuilder's Association to find out how it works in the County and how it would work in the City. An informal survey was also placed on Facebook with 137 respondents. Staff asked for direction from the Commission if this should continue to be pursued.

Mr. Starr liked the idea of this being put on Facebook. The public should reach out to their aldermen. The City needs public input.

Mr. Olejniczak reminded members that this would be a permanent residence, not a short term rental. The owner of the lot must live either in the main building or in the smaller unit.

Mr. Wiesner thought this should be approved on a case by case basis.

Jack Gigstead, 417 N 18th Place, stated that something similar to this has already been done on 18th Avenue. An addition was added to the home that provided separate living quarters for their disabled son.

It was the consensus of the Commission to bring this item back to a future meeting.

Public comment on Plan Commission related items: Barb Allmann, 717 Prairie Lane, spoke in regard to the proposed duplex and wondered if the alley should have curbing to help with water problems.

Adjourn: Moved by Mr. Vandertie, seconded by Mr. Statz to adjourn. Carried. Meeting adjourned at 7:35 p.m.

Respectfully submitted,

Cheryl Nault
Community Development Secretary