

TOWN OF GREEN BAY PLANNING COMMISSION MINUTES

DATE: 10/18/16

TIME: 7:00 p.m.

PRESENT: Bob Boncher, Mike Gilson, Dawn Goodman, Gary Jonet, Jason Miller, Jack Salewski .

ABSENT: John Metzler, due to work obligations.

Others Present: Sharon Depeau, Mike Murphy, Sue Ploof.

Special Note: In the absence of Planning Chairman John Metzler, Gary Jonet assumed the position of chairman and ran the meeting.

APPROVAL OF LAST MEETING'S MINUTES: Gary Jonet opened the meeting and asked that the meeting notice was properly posted in 3 places. Dawn Goodman said it was. The September 20, 2016 meeting minutes were reviewed. Jason Miller made a motion to accept the minutes as presented. Bob Boncher seconded the motion. All 6 members approved.

ISSUE #1: Sharon Depeau Regarding a possible bed and breakfast (7:02 to 8:02 pm).

Sharon Depeau introduced herself and the homeowner of the property she is considering purchasing, Susan Ploof and Susan's fiancée, Mike Murphy. Sharon explained her plans: she's considering buying Susan Ploof's current single family home (about 2700 sq. feet, 2.5 bathrooms, 3 bedroom, with a 3 stall garage) for sale (1.95 acres in one of the Town's subdivisions, located on Old Country Circle), which she would possibly divide into various private areas for multiple guests, turning the home into a Bed and Breakfast. She might limit the guests to being only from the Shrine. She is considering residing overnight there when guests visit and may also cook a breakfast for them in the morning, depending on what the State and Health Department tell her in that regard. She told the Planning Commission she had talked with nearly all of the surrounding neighbors of the Ploof home to discuss her idea with them and they were supportive. She would like to keep it residential if at all possible. She does not want to do Air B&B. She wants to do it correctly. She stated she has been approached by 2 other home owners to buy their places. She will not do so at this time. She thinks the area is perfect for a small bed & breakfast. Bob Boncher stated it would have to be rezoned because that would be a business. The various Planning Commission members explained the process of rezoning property, the public hearing that goes with it, and the notifications that go out to surrounding neighbors and the public so they can discuss the matter at the public hearing. It was noted that the Planning Commission and Town Board have to represent all the residents of the Town as well as Sharon at such a meeting. There was discussion about if there were any other Bed and Breakfasts in the town and that there are not any "official" ones, but some people are doing Air B&B and others are taking in people that contact them. Gary Jonet noted that with the Shrine, there will undoubtedly be more and he suggested the Town will need to explore the situation and update their policy on them in case issues arise and so that they can maintain some control over them. Dawn Goodman questioned how many people she would take in as guests at one time. Sharon stated probably 2 families or 3 individuals since there is a 3 stall garage. Jason Miller asked if she will be onsite when there are guests. She said she would or she would have someone else be there for her, either people she knows or even a newlywed couple who would stay there perhaps. Dawn Goodman passed out a copy of the definition for Home Occupation to the PC members. Sharon stated someone had told her that the rules for Home Occupations may have changed and be more restrictive. Gary Jonet stated that once it gets to a certain level of employees, more than one employee, there are more restrictions then. Gary Jonet stated that with this type of business, he personally feels it should be rezoned. He said that with the Shrine nearby others will be doing it also and if the Town does not have enforce the rules in place, there will be no control. Sharon questioned if she stayed at one employee could she stay as residential with a home business. Gary Jonet stated it is a grey area. Dawn Goodman stated that Planning Commissioner John Metzler had

suggested a “short term” lease might be a possibility at the October Town meeting. She questioned how that might work. Gary Jonet stated there had been a situation along the Bayshore where someone had rented their place out on weekends and that it had become a problem due to rowdy tenants, neighbors complained, police were called in. It becomes like a hotel then. Gary stated that because of the Shrine being so popular, others could do the same thing as Sharon, but not operate it following the rules and then it could become problematic. Jason questioned how it would then be rezoned. Gary stated it would be B-1 Business. Jason questioned if that would be wise because if it failed & she sold it, then the new owner could tear down the home and build whatever business facility they wanted there in the otherwise residential area. Gary agreed that is just one of the issues with that scenario and that is why the Town usually does not encourage small businesses in residential areas. Mike Gilson stated Sharon’s potential B&B is no different really than any of the other small businesses currently throughout the Town. Jason Miller stated he would prefer to keep Sharon’s B&B a one employee home occupation scenario that the Town could maintain some control over than have a rezoned business in the middle of a residential development. He stated that there is a home operated beauty shop nearby his home which generates more traffic than Sharon’s B&B probably would. He stated as a neighbor he would oppose the rezoning, because of the potential for what could happen if it failed or she sold it and what would potentially be there after. Discussion ensued about just how much control there could be in that situation. It was noted that there would not legally be any control as to who a person can sell a property to. Sharon questioned if it could be rezoned back to Residential. Gary Jonet said it could. Bob Boncher speculated if a “caveat” could be stipulated. Gary Jonet reminded everyone that it would be a rezoning. There would not be a Conditional Use permit situation then. A Conditional Use Permit would allow stipulations but not in the case of a rezoning. B&B’s are not allowed in Estate Residential areas. Mike Gilson pointed out Boarding Houses, which are similar, are allowed only in Multi-Family zoning areas. Jason Miller stated that whatever is done now will be referred back to by the others who will also want to the same. Dawn Goodman agreed that it will be setting a precedent and all agreed it needs to be done carefully and correctly with that in mind. Gary again stated he thought it really would be like a hotel because rooms are being rented out, so it really would be a business and should therefore be rezoned as a business. Dawn Goodman also brought up that Town Clerk, Debbie Mercier had stated at the October Town meeting that she also believed it should be rezoned to Business. Gary stated there are no Conditional uses for anything in Estate Residential. Gary also stated that if it is rezoned to Business, then Sharon would also need to get a Conditional Use permit for a Hotel or Motel. Gary stated that it could then be controlled more with that Conditional Use to avoid issues that might be anticipated. Jason Miller suggested her B&B falls more into the category of a Boarding House (as defined in our definitions). Mike Gilson stated that Boarding House is in Multi-Family zoning. Mike Gilson pointed out that if we were to rezone it to Multi Family, then if she sold it, it would become a rental, which the Town does not like and would potentially be problematic amidst single family homes. Mike stated that she would probably be better off as a home occupation. Mike Gilson stated we should look at how Door County zones their B&B’s. It was brought up again about how many potential visitors to our area could be coming if the Shrine’s projected business plan comes to fruition. Jason pointed out too that the Town should look at the number of homes available for sale in a given neighborhood and that it is possible that someone could come in and buy all of them and rezone them as businesses and open them all up as B&B’s or other businesses, changing the nature of that neighborhood then. Various vacation areas nearby and out of state were cited as examples of this scenario already taking places. Gary Jonet then stated that he believed the Planning Commission should recommend to the Town to reexamine the zoning for Estate Residential so that it include Bed & Breakfasts under Conditional Uses so that stipulations could then be made, on a case by case situation, by both the Planning Commission AND the Town Board to maintain more control in each individual B&B situation. Gary explained what Conditional Uses involve. Mike Gilson pointed out that Occupancy limits might need to be stipulated. All agreed. Gary Jonet stated we need to make some recommendations about it to the Town and then work on it at the next Planning Commission meeting.

MOTION MADE BY Jason Miller to recommend to the Town that based on Sharon Depeau’s proposed Bed & Breakfast plan and the potential expansion for other ones to be in the area soon, that the Town open up a discussion on adding Bed and Breakfasts and/or Board Houses to the Estate Residential Zoning under Conditional Uses.

MOTION 2NDED BY Bob Boncher.

AYES: 6 **NAYS:** none. **ABSTAIN:** None. **MOTION CARRIED.**

The Planning Commission stated it needs to ask Town Clerk Debbie Mercier to put this matter on the Town's November agenda AND the Planning Commission November agenda.

ISSUE #2: Incorporating "Possession of Drug Paraphernalia" 961.571(1) into the Town's Code of Ordinances. (8:05 to 8:21 pm).

Dawn Goodman passed out the draft entitled "ADDENDUM A: OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE" and explained that after examination of the Town's code of ordinances and discussion with Town Clerk, Debbie Mercier, they determined it should be an addendum to the "Chapter 14: Uniform BCJMC Ordinance" in the Town of Green Bay Code of Ordinances.

Gary Jonet questioned why the Town needed this. Dawn Goodman explained that it was requested by the Brown County Joint Municipal Court representatives and Sheriff Department, so that all participating communities have consistent regulations for enforcement. Bob Boncher explained that when a citation is issued, it allows the Town to recover expenses (through the fines involved) for court and law enforcement.

After reviewing the materials, the Planning members agreed to accept it.

MOTION MADE BY Bob Boncher to recommend to the Town of Green Bay Board to **approve Zoning Amendment #1015-J** which involves the following addition to the Town of Green Bay Code of Ordinances "Chapter 14: Uniform BCJMC Ordinance" : **"ADDENDUM A: OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE", at this time incorporating Wisconsin State Statutes "Possession of Drug Paraphernalia" 961.571(1); 961.572 Determination; 961.573 Possession of drug paraphernalia; 961.574 Manufacture or delivery of drug paraphernalia; 961.575 Delivery of drug paraphernalia to a minor; 961.577 Municipal ordinances.**

MOTION 2NDED BY Jason Miller. **AYES:** 6 **NAYS:** none. **ABSTAIN:** None. **MOTION CARRIED.**

Public Hearing set: Tuesday 11/14/16 at 6:45pm.

ISSUE #3: Continued development of a Parade and/or Special Events Ordinance (8:23 to 8:45 pm).

Dawn Goodman passed out the latest revision of the "Town of Green Bay Application for Special Event Permit", which incorporated the recommended changes the Town Board made at the April Town Meeting regarding notifying the Fire Department, County Rescue Services, the Brown County Sheriff. The area regarding notification of a tent being used remains in and any inspection and/or other stipulations about them can be made on the back of the application in the area entitled: "Special requirements, conditions, restrictions". It was noted that there is no one in the Town trained in tent inspection at this time. Dawn stated that fire departments seem to be the inspectors for them in other communities. There was discussion about the Fire Department eventually having some training on that in the future.

Dawn then passed out the latest draft of "An Ordinance Establishing Special Event Regulations and Permit". She stated that the Town did not stipulate any changes for it. Jason questioned if the ordinance and permit should only include "For Profit" events, rather than all events. Examples were given of various Town events. The way the new ordinance is written both "For Profit" and "Non Profit" events would be included. The wording says: "if it is a planned occurrence which changes the approved use of any facility or any event on the public right-of-way or premises which are not within the normal and ordinary use of that premises or place, or which by nature of the event, may have a greater impact on Town services or resources or public safety than would have occurred had the event not taken place." Bob Boncher pointed out it would be up to the Town to decide. It was noted the ordinance wording states it us up to the Town to determine if the event is within the normal, ordinary or intended use of the facilities or property. Dawn then brought up the Village of Hobart's Permit Application Fee Structure" and reminded the Planning

Commission it could be utilized for the Town of Green Bay in determining what to charge and how to designate an event. She changed the amounts to be more reflective of the Town's fee structure stipulated by the Planning Commission and Town Board (\$100, \$250 and \$500 range). Dawn stated she thought it would be a fair, impartial way of determining fees. Jason Miller expressed reservation about the ordinance wording again, concerned that private events such as a home wedding might have to get a permit also. There was debate whether such an event would actually be on public property because it is on private property and would it actually obstruct or impact the public right-of-ways, etc. Bob Boncher explained how parking on the side of the roadway is different and then explained what "obstructing the roadway/public right-of-way" is. Bob gave the opinion that it would be up to the Town Board to determine the matter.

Dawn Goodman stated she thought the Village of Hobart fee structure was pretty helpful and simple to use. Jason expressed concern that it would ultimately be up to Town Clerk Debbie Mercier to make the determination and would she have enough guidance if she did not have something like the proposed fee structure, or should the Town Board also see all the applications? Dawn Goodman stated that matter had not been decided. There was further discussion whether the Town Board should do so. It was decided that it would make the process more time-consuming and costly due to additional meeting and notice requirements, etc. Ultimately, they determined the Town Clerk would be best to handle it-if she felt comfortable doing so. Bob Boncher suggested Dawn Goodman could also take applications since she lives so close to the Town Hall. Dawn agreed that was a possibility but questioned if she had the authority to do so as Planning Commission secretary. Mike Gilson pointed out that our newly proposed ordinance states in (1) a (1) "Cost will be determined by the Town Board". But Bob Boncher stated that in that determination process, the Town Board could assign someone to do it, such as Zoning Administrator Gary Jonet or PC Secretary, Dawn Goodman for example.

Jason Miller and Gary Jonet stated they thought it best to submit the proposed fee structure guide *along* with the Application and Ordinance (possibly incorporating the wording into the actual ordinance in the Definition section. Ultimately the decision would be up to the Town Board decide if it wants to officially incorporate it or just use it as a guide.

Dawn Goodman pointed out that when someone submits a Special Event Application it would still be on the Town's agenda in the "Other or New Business" section of the meeting so that the Town Board is informed about it. She pointed out that Town Clerk Debbie Mercier does so when various groups (Church picnics, the Snowmobile Races, etc.) apply for liquor licenses and when road closures take place (church processions, Breakfast on the Farm, etc.).

MOTION MADE BY Bob Boncher to recommend to the Town of Green Bay Board to approve Zoning Amendment 1016-J:

- 1. The addition of "An Ordinance Establishing Special Event Regulations and Permit" to the Town of Green Bay Code of Ordinances (see attached)**
- 2. Include the "Town of Green Bay Application for Special Event Permit" form (see attached)**
- 3. Utilize the "Permit Application Fee Structure" as a guideline for application purposes only (see attached).**

MOTION 2NDED BY Bob Boncher. AYES: 5 NAYS: none.

ABSTAIN:1, Mike Gilson (he stated he did not want it and did not want to say why.).

MOTION CARRIED.

Public Hearing set: Tuesday 11/14/16 at 6:30pm.

ISSUE #4: Review of Culvert standards (8:46 to 8:56 pm).

Dawn explained PC Chairman John Metzler had instructed her to put it on the agenda after hearing discussions at the Town Meeting in October about the necessity of the culvert rules since the Board of Appeals is seeing a rise in residents seeking variances from them about it. Gary Jonet gave the background how the current culvert standards came to be a few years ago: there were ever increasing town's people who were having waterflow issues due to lack of culverts to keep the water flowing through ditches (water collecting over driveways, roadways and yards). The Town decided to add culverts and standards for them as a requirement for all new homes to make it fair and try to be preventative. Gary Jonet stated he believed some of the Board of Appeals members thought the regulation was "frivolous" and he should not require them for everyone. He stated that if he does that for one then he would have to do it for all. Bob Boncher questioned if farmer ingress/egress to farm fields are also required to have culverts. Gary Jonet stated that if the farmer can go through the ditch without a driveway, then they do not need one. But if a driveway is required, then a culvert would be necessary. Jason questioned if a farmer dumps a load of gravel into a ditch to gain access to their field, would they be required to put in a culvert. Gary Jonet stated they would need a culvert because that would obstruct waterflow. Gary Jonet stated the issues are arising with new home builders. He gave an example of a new property owner coming in on a cul de sac subdivision where no other homes had been required to have culverts. He was considered a new home owner and must follow the new standards. When the prior home owners built, the standards were different. That homeowner figured out that it was cheaper to pay for a variance than the cost of the culvert. Gary Jonet pointed out that he has had a lot less issues with culverts since the new regulations passed. He then reviewed the culvert standards, including steel vs. plastic culverts (steel are the Town's requirements). He stated the option to file a variance is a better, easier option. There were questions how many more variance requests have come through. Gary Jonet stated he thought there was only one that he knew of and that any Variance Request had to come through him first (application and fee paid). Dawn Goodman said that her recollection from the October meeting was that there was talk of a number of them already. Jason Miller asked what was Planning Chair Metzler's intent on having the subject reviewed—review or change? Dawn Goodman stated her impression was that PC Metzler wanted it reviewed to see if it should be continued requirement. Gary stated that his belief was there has been only one so far and that it should not be changed because of one variance.

MOTION MADE BY Bob Boncher to table the matter until PC Chair John Metzler can be part of the discussion.

MOTION SECONDED BY Mike Gilson. **AYES 6 NAYS:** None. **Motion Carried.**

Old Business: None

Other Business: None

Date & Time of Next Planning Commission Meeting were set: Tuesday, November 15, 2016 at 7:00 pm, *if it is found necessary to have a meeting.*

Motion to Adjourn Made by: Bob Boncher, Jason Miller seconded. **AYES 6 NAYS:** None. **Motion Carried.**

Time of Adjournment: 8:56 p.m.

Planning Commission Chairperson

Planning Commission Secretary

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