

TOWN OF GREEN BAY PLANNING COMMISSION MINUTES

DATE: 1/20/09

TIME: 7:00 p.m.

PRESENT: Dawn Goodman, Gary Jonet, Mike Gilson, Bob Boncher, John Metzler, Bob Geyer, Dianne Jacobs

ABSENT: None. **Others Present:** Norbert Cravillion, Marge Strebel

APPROVAL OF LAST MEETING'S MINUTES: John Metzler opened the meeting and noted that the meeting notice was properly posted in 3 places. The minutes from the 11/18/08 Planning Commission Meeting were reviewed.

MOTION MADE BY: Bob Geyer to accept the minutes. **MOTION 2NDED BY:** Gary Jonet. **AYES:** 7 **NAYS:** None
MOTION CARRIED.

ISSUE #1: Norbert Cravillion Zoning Amendment Request (7:07-7:55 p.m.).

Planning Commission members clarified with Norbert where the parcel in question was located and the particulars of the plan. Norbert explained that he no longer wants his son's business on the property adjoining Norbert's home due to ongoing very irreconcilable differences. He explained these irreconcilable differences passionately at great length. He would like the land rezoned back to Agriculture, with the intent to evict his son from the property and then possibly sell the land to a nearby neighbor interested in it for agricultural use. The Planning Commission reviewed the March 9, 2004 Planning Commission Minutes and the 5/4/04 Town Board Zoning Amendment Action (approval of that zoning amendment), which recommended rezoning this current parcel (Part of GB-253, part of the S1/2, of the SW ¼, of the SW ¼, of Sec. 22, T24N, R 22 E, Town of Green Bay), from I-1 Agriculture to I-1 General Industrial District.

The Planning Commission then went on to explain to Norbert Cravillion that the Planning Commission had checked with the Town's Association Attorney before this meeting for advice on the matter and that the Town's Association Attorney advised that even though the parcel would be Agriculture again if rezoned, the business in question on that parcel would be permissible due to it being pre-existing, and thus "grand-fathered" in due to prior zoning decisions. It was further explained to Norbert Cravillion that the Town's Association Attorney went on to advise that it is not the place of the Town of Green Bay to evict that business and further advised that this is not a situation the Town of Green Bay can and/or should become involved with. The Planning Commission stressed to Norbert Cravillion that the Town's Association Attorney advised that Norbert Cravillion should seek legal advice from an attorney and that it may further be necessary for Norbert Cravillion to go through the Court system to resolve the situation.

The Planning Commission gave a copy of the Town's Association Attorney's advise to Norbert Cravillion (see the attached addendum to these minutes). The Planning Commission also gave Norbert a copy of the Planning Commission Minutes from 3/9/04.

The Planning Commission advised Norbert Cravillion that it could hold his request to rezone the property back to Agriculture (Application #642-J) open for 60 days from the date of filing the application (January 5, 2009).

The issue was tabled until Norbert Cravillion decides on the matter.

ISSUE #2: New Parcel Maps for Zoning (7:57-8:00 pm).

Dawn Goodman presented the newest Brown County Platt Book to the Planning Commission members. They are not as current as the Planning Commission had hoped, dated 2006. The Planning Commission decided to table further work on updating the new parcel maps on the areas of uncertainty until February and/or when there is more time. Dawn Goodman will obtain a Compass & Protractor that will be utilized in defining the Sex Offender Restricted areas on the map.

Any Other Business: WPS Property Unzoned. (8:00-8:10 p.m.) The Town of Green Bay has discovered that 2 parcels owned by Wisconsin Public Service along Highway 57 were not zoned. After some discussion the matter was tabled.

DATE & TIME OF NEXT MEETING WERE SET: Tuesday, February 17, 2009 at 7:00 p.m.

MOTION to Adjourn Made by: Dianne Jacobs. Bob Boncher 2nded. AYES: 7 NAYS: None. MOTION CARRIED. TIME OF ADJOURNMENT: 8:15 p.m.

Planning Commission Chairman

Planning Commission Secretary

Addendum to 1/20/09 Town of Green Bay Planning Commission Minutes:

Planning Commission Recommendation Regarding Cravillion Rezoning

The Town's Association Attorney was consulted for advice regarding the Norbert Cravillion request for rezoning and his wish to utilize the rezoning to evict his son from that property because of the rezoning.

According to the Town's Association Attorney:

Even though the parcel would be Agriculture again if rezoned, the business in question on that parcel would be permissible due to it being pre-existing, and thus "grand-fathered" in due to prior zoning decisions.

The Town's Association Attorney went on to advise that it is not the place of the Town of Green Bay to evict that business.

The Town's Association Attorney advises the Town of Green Bay that it is not a situation they can and/or should become involved with and further advised that Mr. Cravillion should seek legal advice from an attorney and that it may further be necessary for Mr. Cravillion to go through the Court system to resolve the situation.

This information was presented at the 1/20/09 Planning Commission Meeting on 1/20/09.

Planning Commission Chairman

Planning Commission Secretary