

TOWN OF GREEN BAY PLANNING COMMISSION MINUTES

DATE: 7-19-22

TIME: 7:00pm

PRESENT: John Metzler, Dawn Goodman, Mike Gilson, Gary Jonet, Brad Dechamps, Dylan Mercier, Jason Miller.

OTHERS PRESENT: Patricia Ratajczak; Tom and Danielle Andrews; Jamie and Tammy Phillips.

1.(7:00-7:05) APPROVAL OF LAST MEETING'S MINUTES. John Metzler opened the meeting and asked if the meeting notice was properly posted in 3 places. Dawn Goodman confirmed it was. The 6/21/22 meeting minutes were reviewed.

Gary Jonet objected to Post Meeting Notes being included in the minutes,

for item A "Old/New Business" regarding methodology for repeal and advice from the Town Clerk & Town's Association on the Amendment to the Town of Green Bay Chapter 11 Zoning Ordinance Section XX Earth Excavations";

and item B "Old/New Business" regarding an inquiry about the status for a CSM Review for GB-558 (Jamie & Tammy Phillips division of the parcel).

Gary Jonet stated that the minutes should be a record of only what has been covered at the actual meeting and nothing after that.

Planning Secretary Dawn Goodman explained she felt it was necessary to include the Post Meeting notes so that there is a record of the follow-up.

Gary Jonet and the rest of the Planning Commission stated they would not accept the minutes as presented with the Post Meeting Notes and would only accept the parts of the minutes without those notes.

Dawn Goodman stated she would check with Town Clerk Debbie Mercier for advice.

MOTION MADE by Gary Jonet to accept the June 21, 2022 minutes **with the stipulation to NOT include the Post Meeting Notes.**

MOTION 2NDED BY: Mike Gilson. **AYES: 6. NAYES: 1 (Dawn Goodman)**

MOTION CARRIED.

Dawn Goodman again stated she would check with Town Clerk Debbie Mercier for advice.

2.(7:05-7:33pm) Preliminary Certified Survey Map Review for Tammy M. Ness-Phillips and Jamie L. Phillips for a division of their Parcel #GB-558 (located at 4010 Depeau Rd.). Abbreviated description: All of CSM#7544, Vol. 51, pg. 316, being part of the SW ¼ of the SE ¼ of Section 35, T25N, R22E, Town of Green Bay, Brown County WI. Said Total Lot contains 2.9936 acres, being further divided into 2 lots. Division involves 2 lots described as: Lot 1: 1.8503 acres. Lot 2 (which includes existing home and outbuildings): 1.1433 acres.

Below are follow up notes from the June 21, 2022 meeting, at which time, Dawn Goodman inquired about the status of the CSM review for the Phillips (see Old/New Business Item B):

Post Meeting Follow Up 6/21/22: Dawn Goodman informed Tammy Phillips about not receiving the information and that she needed to contact Gary Jonet on the matter.

Post Meeting Follow Up 6/22/22: Tammy Phillips left Dawn a message that they had a buyer for the house and that the situation was not good if the CSM has not been reviewed. She sent a copy of the CSM map with the lot sizes adjusted (Lot 1 is 1.89 acres; Lot 2 is 1.14). Dawn advised her to speak with Gary Jonet as soon as possible. Tammy stated she would do that later in the day. She then messaged she talked with him on the way into work. She stated she had sent the CSM on 5/20/22 to Clerk Debbie Mercier's e-mail (mercier@gmail.com). Dawn advised her that was not the correct e-mail. Dawn told her it is: mercierdebbie@ymail.com. Tammy stated that the County received the CSM on 5/19/22. Tammy also stated that she just sent the CSM to Gary Jonet and that he had called back to say he doesn't give out his e-mail unless he knows who is sending him an e-mail and what it pertains to. She speculated that is why it was sent to Debbie Mercier instead.

Note: A printed copy of these conversations is in the folder set up for the CSM Review now.

The CSM was reviewed by the Planning Commission. The Phillips explained they will be splitting the property in order to sell the existing buildings and home to their son. They stated they would like to build a new home on the new adjacent parcel next to it.

Important: the Phillips then gave the Planning Commission a Memorandum from Brown County Planning. (see attached). The Memo was from Karl Mueller, Senior Planner for Brown County Planning. It was addressed to the Phillips surveyor, Nathan Anderegg and CC'd to Town Clerk Debbie Mercier.

The Brown County Planning commission staff approves of the CSM as submitted, subject to 8 items listed (see attached).

The Planning Commission asked Dawn Goodman to have Town Clerk Debbie Mercier check with the Town's Attorney on the matter as soon as possible.

They also instructed Dawn Goodman to have Town Clerk Debbie Mercier to have the matter put on the Town's August 11 Agenda.

Town of Green Bay Zoning Administrator, Gary Jonet and the Town's Planning commission members then had a lengthy discussion regarding item 7 of that Memorandum. The conclusion was that the Town Board would need to review the situation with the Town Lawyer. See the item below:

7. Brown County cannot approve a land division that includes a private building crossing a property line with part of the building sitting within the public ROW. Please have the property owners raise the building or provide a letter from the Town of Green Bay Town Board and Attorney stating that they are accepting the liability associated with a building sitting in the Public ROW.

MOTION MADE by Jason Miller to ACCEPT the Preliminary Certified Survey Map presented to the Planning Commission on 7/19/22, (noting the Restrictive Covenants and Notes on the CSM be followed), **with the stipulation:**

1. Town must address item #7 of Brown County’s Planning Commission Memorandum dated 6/23/22: “Brown County cannot approve a land division that includes a private building crossing a property line with part of the building sitting within the public ROW. Please have the property owners raze the building or provide a letter from the Town of Green Bay Town Board and Attorney stating that they are accepting the liability associated with a building sitting in the Public ROW.

MOTION 2NDED BY: Brad Dechamps. **AYES: 7** **MOTION CARRIED.**

3. (7::34-7:46pm) **Zoning Amendment Request #1342-J for Phillip and Ruth Farah to rezone parcel GB-860-2 from ER-Estate Residential, to R-2 Residential in order for buyer of the parcel to build a duplex on the property** (located at 0 Vanwood Lane), Abbreviated description: 28,700 SQ FT SMITH CREEK ESTATES LOT 2.

The CSM was reviewed by the Planning Commission. Pat Ratajczak, Realtor for the Farahs, appeared before the Planning Commission, along with purchasers, Tom and Danielle Andrews. The Andrews stated their plan was to build an “owner occupied” duplex. They explained they will live in one part and rent the other part to their family member (a nephew).

It was noted that duplexes already exist near the proposed site, so this proposal would be appropriate for the area. Someone stated that Lots 1 and 38 are already duplexes.

MOTION MADE by Jason Miller that the Town of Green Bay Town Board **ACCEPT** the **Zoning Amendment request, #1342-J for Phillip and Ruth Farah to Re-Zone Parcel GB-860-2 from ER Estate Residential to R-2 Residential in order for the purchaser of the property to build a duplex on the property** (Located at 0 Vanwood Lane, Luxemburg, WI), noting that they **Follow the Restrictive Covenants for this property as listed in “Document #1434490”, “Declaration of Restrictive Covenants J24388 I 19” (dated 12/12/1994).**

MOTION 2NDED BY: Gary Jonet. **AYES: 7** **MOTION CARRIED.**

A public hearing date was set for **8/11/22 at 6:45 pm**

4. (7:47-8:05 pm) **Zoning Amendment #1334-J: The Town of Green Bay Planning Commission is requesting this amendment in order to repeal “Section XX. Earth Excavations” of Chapter 11, Town of Green Bay Zoning Ordinance.**

The Planning Commission again reviewed “The Brown County Nonmetallic Mining Reclamation Ordinance (Chapter 14)”, with special attention to: section 14.07 Applicability sub 14.07(2) and 14.16 Issuance of a Nonmetallic Mining Reclamation Permit (1) Permit Required.

The Planning Commission also again reviewed the Town of Green Bay’s Section XX. Earth Excavations.

Dawn Goodman relayed the following information (Post Meeting notes 6/23/22):

Town Clerk Debbie Mercier checked with the Town’s Association to see what they recommend on the matter.

The following then took place:

1. The matter was put on the Town Agenda for 7/12/22. The Town agreed it should be removed from the Code of Ordinances book at their meeting that night.
2. Debbie Mercier confirmed it is necessary to do an AMENDMENT in order to remove the Ordinance, therefore AN AMENDMENT # WILL NEED TO BE ASSIGNED to the repeal and a PUBLIC HEARING is required on the matter. Gary Jonet assigned it an Amendment #1334-J.
3. Debbie Mercier will consult further with the Town's Association Attorney for the wording for a Repeal of an Ordinance. The thought is that it would be deleted or stricken from the book.
4. Debbie Mercier stated it is NOT necessary to add anything to the current Code of Ordinances to address the matter of following the Brown County regulations on Earth Excavations because those regulations already apply to the Town of Green Bay as a community in Brown County.

The Planning Commission discussed where pits were allowed according to the Town's current regulations and who governs that.

Dawn Goodman cautioned that the deletion of the Section will result in necessary changes to number and renaming parts of the Zoning Book (see below).

MOTION MADE by Dylan Merciere to **Delete "Section XX. Earth Excavations" which is in "Chapter 11 Town of Green Bay Zoning Ordinance"**. (Strike the ENTIRE Section in the Town of Green Bay Code of Ordinances Book).

MOTION 2NDED BY: Gary Jonet. **AYES: 7** **MOTION CARRIED.**

A public hearing date was set for **8/11/22 at 6:30 pm**

Dawn Goodman presented a list of changes that will need to be made to the Code of Ordinances Book, Chapter 11:

Delete "Section XX. Earth Excavations" which is in "Chapter 11 Town of Green Bay Zoning Ordinance". (Strike the ENTIRE Section in the Town of Green Bay Code of Ordinances Book).

The following changes will then need to be made to the Book:

The Contents List (Page 4) will need to reflect new numbers for:

Mobile Tower Siting (becomes XX);

Administration and Enforcement (becomes XXI)

Violations and Penalties (becomes XXII)

Enforcement (becomes XXIII)

The Page Numbering will need to be updated, starting on page 98 to the end of Chapter 11.

The Sections need to be renumbered in each subsequent section to become:

Section XX Mobile Tower Siting

Section XI Administration and Enforcement

Section XXII Violations and Penalties

Section XXIII Enforcement

5. Old Business/Any Other Business as authorized by law. None at this time.

6. Next Planning Commission Meeting was arranged for: Tuesday August 16, 2022 at 7pm, if needed.

Motion to Adjourn Made by: Gary Jonet **2nded by:** Jason Miller. **Ayes:** 7. **Motion Carried. Adjournment:** 8:20 pm.

Planning Commission Chairperson

Planning Commission Secretary