

TOWN OF SCOTT, BROWN COUNTY, WISCONSIN
MINUTES OF PUBLIC HEARING
AMENDMENTS TO THE TOWN OF SCOTT ZONING ORDINANCE – “FIREWORKS, RETAIL SALES” UNDER ARTICLE X-B-1 COMMUNITY BUSINESS DISTRICT, SECTION B –
CONDITIONAL USES
May 3, 2011 – 6:00 pm

1. Call To Order

A Public Hearing was called to order at 6:00 P.M. on May 3, 2011 in the Town Hall by Chairman Mike Van Lanen. Present were Chairman Van Lanen, Kenneth Jacobs, Jeffrey Zlatohlavek, Colleen Harris, Clerk/Treasurer John Roth, Economic Development Coordinator/Planner Dave Cerny, Building Inspector/Code Enforcement Brett Jensen. Excused: Cy Van Laanen.

2. The Pledge of Allegiance was led by the Boy Scout Troop 1015.

3. Affidavit of Posting.

An Affidavit stating that the notice of the hearing published in the Green Bay Press Gazette and posted on April 18, 2011 as required in the Town, was presented by the Clerk/Treasurer.

MOTION KEN JACOBS/JEFF ZLATOHLAVEK to approve the affidavit of posting. Vote: Aye-4, No-0. Carried.

4. Purpose of the Hearing:

The hearing is being held to gather public input concerning the amendment to the Town of Scott Zoning Ordinance “Fireworks, Retail Sales” under Article X – B-1 Community Business District, Section B – Conditional Uses. The following are comments made during the Public Hearing:

- Chairman Van Lanen read the Public Hearing notice: The Hearing will be to gather public input concerning a proposed amendment to the Town of Scott Zoning Ordinance. The proposed amendment would permit: “fireworks, retail sales” under Article X – B-1 Community Business District, Sect. B – Conditional Uses.
- Economic Development Coordinator Dave Cerny:
 - Explained the reason for the zoning ordinance change and gave a history of the events (see Public Hearing Notice). There have been fireworks sales in the Town in years past. The Town’s ordinance is silent on this issue, so we need to add this language to the Zoning Ordinance. There are two additional Public Hearing to follow this one (all are directly or indirectly related), then the Town Board will hold a meeting to make a decision on all of the proposed changes.
 - Cerny stated that Public Hearing notices per State statutes require publishing and posting but not mailing the notice to property owners. Copies of the three Public hearing notices were not sent to the adjacent property owners. Town Attorney Dennis Duffy’s opinion is that we do not have to mail the notice, and per State Statutes we did not have to mail the notices.
 - The BP Gas Station has “outside” sales of fireworks in a trailer. The Shell Station already sells fireworks inside their store building.
 - Town Attorney Dennis Duffy says that State Statutes do allow for the sale of fireworks. The sales of fireworks will be controlled by the Town via Conditional Use. The Plan Commission has already heard and reviewed this issue. The change in the zoning ordinance would affect the two business classes of zoning: B-1 and B-2. Cerny explained the difference between the two zonings. B-1 zoning would have the right to apply for a Conditional Use for sale of fireworks. What is allowed in B-1 zoning is allowed in B-2 zoning. The Plan Commission’s recommendation was to allow this ordinance change only in B-2. The Town Board must make the final decision.
- Chairman Mike Van Lanen: the Town does allow the sale of fireworks as “incidental sales” inside of the primary building. This ordinance change/request is to allow the sales of fireworks outside of the main business of the BP gas station.
- Chairman opened up the floor for public comment: State name and address, state for or against, or ask questions.
 - Chuck Decker, 2821 Bristol Mountain Trail, Green Bay 54313: American tradition for fireworks, we are in favor of the change in the zoning ordinance. We are the owners of the fireworks business at the BP gas station.
 - Kurt Boulanger, Meadow Links (and owner of the BP gas station): spoke in favor of the change in the zoning ordinance.
 - Jay Thompson, 3761 North Holland: in favor of the request.
 - John Weir, 4950 Church Road: gave a handout of legal and illegal fireworks. He spoke against the change in

the zoning ordinance, unless it would only allow the sale of legal fireworks. Why make a headache for the law enforcement for shooting off illegal fireworks that are sold in the Town?

- Mark Dietz, N7037 Loon Lake Drive, Shawano. I run the Subway. It is not a problem, this is good for business. He spoke in favor of the change in the zoning ordinance.
- Terry Quatsoe, 3647 Nicolet Drive: Asked does the Town have the right to limit the number of Conditional Use permits for the outside sales of fireworks? Chairman Van Lanen said that the State has laws, the Town is abiding under the State regulations in regard to allowing businesses to sell. The Town is not giving a “permit” for the sale or use of fireworks. Cerny: the Town regulations must be in regard to zoning and conditional use. All applicants must come to the Plan Commission and the Town Board for approval. The Town can say yes or no.
- Ron Tilman, 2535 Bay Settlement Road. He spoke in favor of the change in the zoning ordinance and spoke in favor of the Conditional Use.

5. Adjourn

MOTION KEN JACOBS /JEFF ZLATOJLAVEK to adjourn the Public Hearing. Vote: Aye-4, No-0. Carried.

Adjourned at 6:20P.M.

John Roth, Clerk/Treasurer

TOWN OF SCOTT, BROWN COUNTY, WISCONSIN

MINUTES OF PUBLIC HEARING

**AMENDMENTS TO THE TOWN OF SCOTT ZONING ORDINANCE – ARTICLE X-B-1
COMMUNITY BUSINESS DISTRICT, SECTION E –BUILDING SETBACKS, par. 2b – Exceptions . . .
AND FROM ARTICLE XI – B-2 GENERAL COMMERCIAL DISTRICT, SECTION E –BUILDING
SETBACKS, par. 2b – Exceptions . . .**

May 3, 2011 – 6:00 pm

1. Call To Order

A Public Hearing was called to order at 6:20 P.M. on May 3, 2011 in the Town Hall by Chairman Mike Van Lanen. Present were Chairman Van Lanen, Kenneth Jacobs, Jeffrey Zlatohlavek, Colleen Harris, Clerk/Treasurer John Roth, Economic Development Coordinator/Planner Dave Cerny, Building Inspector/Code Enforcement Brett Jensen. Excused: Cy Van Laanen.

2. Affidavit of Posting.

An Affidavit stating that the notice of the hearing published in the Green Bay Press Gazette and posted on April 18, 2011 as required in the Town, was presented by the Clerk/Treasurer. The Public Notice publishing and posting was approved at the previous public hearing.

3. Purpose of the Hearing

The hearing is being held in to gather public input concerning the amendment to the Town of Scott Zoning Ordinance Article X – B-1 Community Business District, Section E – Building Setbacks, par. 2b – Exceptions . . . and from Article XI – B-2 General Commercial District, Section E – Building Setbacks, par. 2b – Exceptions The following are comments made during the Public Hearing:

- Chairman Van Lanen read the Public Hearing notice: The proposed amendment would delete the following from Article X- B-1 Community Business District, Sect. E – Building Setbacks, par. 2b - Exceptions, and from Article XI – B-2 General Commercial District, Sect. E – Building Setbacks, par. 2b - Exceptions: “Seasonal displays of merchandise may be displayed outside of the primary or accessory structures and may be displayed within the required setback, provided that a permit for outdoor displays is first obtained.” The amendment would add the following as a Conditional Use to Article X – B-1 Community Business District, Sect. B – Conditional Uses: “Seasonal displays of merchandise, displayed outside of the primary or accessory structures and may be displayed within the required setbacks.”
- Economic Development Coordinator Dave Cerny explained the request and gave a history of the events. This change on the zoning ordinance would allow the for the seasonal sale of merchandise outside of the primary building of a business. The person/business must apply for a Conditional Use. The Town Board can either revoke a Conditional Use permit or issue a citation for violations. The Conditional Use can be given a “time-line” for when the seasonal sales would take place. “Conditions (time, how it looks, etc.) are given/granted.
- Chairman Mike Van Lanen stated that Conditional Use permits are usually reviewed yearly in January.
- Chairman opened the floor for public comment.
 - John Weir, Church Road asked if there would be a “blanket” approval of the language, or can there be change. Cerny stated that the Town Board will vote on this at their Board meeting.
 - Kurt Boulanger, Meadow Links: I am for it. Recommend a review every two years instead of one year. Chairman Mike Van Lanen preferred yearly review for better control.
 - Deb Decker: asked if there a charge each time there is a review? Chairman Mike Van Lanen stated that there is a fee if a “Public Hearing” is required or if a special request is made to the Plan Commission for a special meeting, because the Plan Commission members receive a per diem.

4. Adjourn

MOTION JEFF ZLATOHLAVEK/KEN JACOBS to adjourn the Public Hearing. Vote: Aye-4, No-0. Carried.
Adjourned at 6:30P.M.

John Roth, Clerk/Treasurer

TOWN OF SCOTT, BROWN COUNTY, WISCONSIN
MINUTES OF PUBLIC HEARING
AMENDMENTS TO THE CONDITIONAL USE PERMIT FOR KURT BOULANGER – HWY 57 BP
GAS STATION, PARCEL SC-316, PROPERTY LOCATED AT THE CORNER OF STATE
HIGHWAY 57 AND COUNTY K
May 3, 2011 – 6:00 pm

1. Call To Order

A Public Hearing was called to order at 6:30 P.M. on May 3, 2011 in the Town Hall by Chairman Mike Van Lanen. Present were Chairman Van Lanen, Kenneth Jacobs, Jeffrey Zlatohlavek, Colleen Harris, Clerk/Treasurer John Roth, Economic Development Coordinator/Planner Dave Cerny, Building Inspector/Code Enforcement Brett Jensen. Excused: Cy Van Laanen.

2. Affidavit of Posting.

An Affidavit stating that the notice of the hearing published in the Green Bay Press Gazette and posted on April 18, 2011 as required in the Town, was presented by the Clerk/Treasurer.

MOTION JEFF ZLATOHLAVEK/KEN JACOBS to approve the affidavit of posting. Vote: Aye-4, No-0. Carried.

3. Purpose of the Hearing

The hearing is being held in to gather public input concerning the amendment the Conditional Use Permit for KURT BOULANGER – HWY 57 BP Gas Station, Parcel SC-316, property located at the corner of State Highway 57 and County K. The following is the language from the Public Hearing Notice: The Hearing will be to gather public input concerning the request of Kurt Boulanger, on behalf of the Hwy 57 BP Gas Station, for an amendment to the Conditional Use Permit. The property under consideration is located on the northeast corner STH 57 and CTH K, being the southern portion of parcel number SC-316, currently zoned B-1 Community Business District.

In accordance with Article X – B-1 Community Business District, Sect. B – Conditional Uses, of the Town of Scott Zoning Ordinance the request is to amend the Conditional Use Permit for the purposes of: Seasonal outdoor sales of: flowers, fruit and vegetables, Christmas trees, sculptures, retail sale of fireworks, and the outdoor storage of a trailer for the purpose of selling fireworks. **LEGAL DESCRIPTION:** Parcel SC-316, consisting of approximately 5.24 acres.

The following are comments made during the Public Hearing:

- Chairman Van Lanen read the Public Hearing notice.
- Economic Development Coordinator Dave Cerny explained the request and gave a history of the events. This Public Hearing ties in with the first two public hearings held previously. This request is specifically for the sale of fireworks and outdoor sale of seasonal items. The sale of seasonal items has been going on for a few years, the sale of fireworks specifically began last year. Cerny explained the color coded site plan of the parcel (see site plan). The Town Attorney stated that the application should specify the details of the outdoor sales. This is an amendment to the original Conditional Use Permit, and it should be issued with all details and a specific site plan (see Attorney opinion). The Conditional Use Permit would show a “list” of what is allowed and where, so that there would not be any questions later.
- Cerny also read into the record a written statement from the Town Attorney: **Re: Zoning Amendment/Conditional Use Permit** “In follow up to our extended phone conversation regarding the process for the Town Board to consider in amending the Town Zoning Code and also addressing the request of Mr. Kurt Boulanger for an amendment to the conditional use permit for the 57 BP Gas Station, I would recommend the following: Mr. Boulanger’s application for an amended conditional use permit should specify all proposed outdoor sales in detail. For each proposed seasonal outdoor sale there should be specific language as to duration and an exact map as to the location for the outdoor sales items. There should be a very detailed Site Map for the Board to consider for amending the conditional use. If the Board decides to approve the request for an amended conditional use permit, an amended conditional use permit should be issued with full and complete details as to all of the permitted uses and all stipulations and restrictions imposed by the Town Board including an attached Site Map. The ultimate objective is to eliminate any debate or confusion over what was or was not approved as part of the conditional use amendment.”

- Discussion of “Trailers”: The Town of Scott Zoning Ordinance defines “trailers” as a motor vehicle or something pulled by a motor vehicle. This “trailer” is more for outdoor storage/sales. The Town must consider what it will take to have this “trailer” meet the Town’s requirement.
- Should the gas station be allowed under Conditional Use to sell fireworks from the trailer and to allow the advertisement sign? Cerny discussed the “lighting” of the area, so that it will not be offensive to the neighbors.
- The sale of the fireworks would be for this summer and next summer.
- Boulanger also is asking for the outdoor sales of numerous items (see application). This would be from May 1 through Dec. 31. The outdoor sale of seasonal merchandise would include Christmas trees sold in the late fall. (see Site Plan). The orange part of the site plan not to exceed 25% of the total lot. Cerny stated that this area can’t affect the vision corner in regard to accessing Champion Road and the Highway. The Fire Chief would also have to approve the layout of the various sales. There would be Picnic tables for people eating the subs from Subway.
- A lot of seasonal sales at the BP gas station have gone on in the past years.
- Chairman Mike Van Lanen asked to explain the zoning. The BP property is currently zoned B-1 (neighborhood business). There is a Conditional Use permit for the gas station, as a gas station does not fall under B-1 zoning. Cerny explained the Comprehensive Plan and future growth/development in this area. The current Conditional Use is for a gas station and a restaurant.
- Kurt Boulanger: Cerny explained things very well. Do the Board members have any questions? He will address the “lighting”.
- Chairman Mike Van Lanen: what about the trailer and the “wheels” being taken off the trailer? Kurt: we would like to leave the trailer on the property for two more years to see how the fireworks sales go. The question was directed to the Beckers. They would like to have a permanent building, but they need two more years of sales data to see if it is viable to replace the trailer with a permanent building or to have Boulanger add on to the existing gas station building.
- Cerny: talked to Kurt about a two year period/two seasons (ending October 2012). The trailer would stay for two years/seasons. Kurt: we would address what issues the Board would have. We are willing to work with what the Board wants. The Beckers know the “trailer” needs some improvements/maintenance.
- Supervisor Ken Jacobs asked how the Beckers got their fireworks business started in the Village of Howard. They stated that they started with one year, then they negotiated with the Village for two more years. They have been doing business for over 35 years.
- Mark Diets (Subway restaurant owner): has no problem with the trailer. Kurt is doing everything he can to grow business, to better himself and better the Town. It seems that the Town Attorney is doing everything to hinder business in the Town. We need people in the area to help businesses grow. It would help to promote the businesses. The local government needs to help businesses.
- Chairman Mike Van Lanen: the Town Ordinances do not allow trailers. We are breaking our own laws unless we approve a Conditional Use to the zoning ordinance.
- Terry Quatsoe: Nicolet Drive: I am for this request.
- Supervisor Jeff Zlatohlavek: had questions in two of the areas of his site plan. Kurt explained the difference between the two “areas”.
- Supervisor Ken Jacobs asked Cerny what the Plan Commission decision was. The Plan Commission said that it was a Town Board decision. They also stated that the fireworks should be in a B-2 zoned property, not a B-1 zoned property. There was some discussion at the Plan Commission level in regard to the length of time seasonal sales would be. There was some discussion of the “45” days, it would start the day of the permit. The Town Attorney did not like the idea of the “length of time”.
- Supervisor Colleen Harris asked why the Plan Commission did not approve B-1 zoned sale of fireworks. Chairman Mike Van Lanen explained that he felt that that it was not the intent of the Plan Commission to limit the sale of fireworks to B-2 in instead of including B-1.

4. Adjourn

MOTION KEN JACOBS /JEFF ZLATOHLAVEK to adjourn the Public Hearing. Vote: Aye-4, No-0. Carried. Adjourned at 7:00P.M.

John Roth, Clerk/Treasurer