

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
October 4, 2011 – 5:30 pm

1. Call To Order

A Public Hearing was called to order at 5:30 P.M. on October 4, 2011 in the Town Hall by Chairman Mike Van Lanen. Present were Chairman Van Lanen, Kenneth Jacobs, Cy Van Laanen, Jeffrey Zlatohlavek, Colleen Harris, Clerk/Treasurer John Roth, Economic Development Coordinator/Planner Dave Cerny, Building Inspector/Code Enforcement Brett Jensen. One resident, and the Deckers were also present.

2. Affidavit of Posting.

An Affidavit stating that the notice of the hearing published in the Green Bay Press Gazette and posted on September 16, 2011 as required in the Town, was presented by the Clerk/Treasurer.

MOTION KEN JACOBS/ CY VAN LAANEN to approve the affidavit of posting. Vote: Aye-5, 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 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 request is specifically for the sale of fireworks and to allow the trailer to stay on the property for one more season. The sale of fireworks specifically began last year (2010). This is an amendment to the original Conditional Use Permit. This was reviewed/heard on May 3, 2011. The Town Board allowed the trailer to stay a second year (to October 1, 2011). This new request is for the trailer to stay on the property for an additional season. This is the focus of tonight’s meeting. There will be an annual review of the outdoor sales of the various items, but tonight’s meeting is focusing on the trailer.
- Jensen: nothing to report at this time.
- Chuck/Debbie Decker, 2821 Bristol Mountain Trail, Green Bay, WI. We are the owners of the trailer and the fireworks business. We are asking for the trailer to stay on the property for one more year to see if the business is viable, to test the market. We are not here to “fight City Hall”. This has been a learning experience for all. We have been testing the waters to see if this is a viable business in this area. We are also asking for a yearly review of the trailer being on the property, not just for one year. He asked why they couldn’t keep the trailer on site and not be under the scrutiny when they have been keeping the trailer in good repair. If the trailer becomes unsightly, we can repair/fix., we will cooperate, we will do what we need to do.
- Chairman Van Lanen stated the reasons/concerns about the trailer: is the trailer is being taxed, it is not a commercial building, it has not been properly inspected and approved for customers, the Town’s ordinance state “no trailers”. Trailers are not allowed in the Town. Van Lanen shared the that the Town has not had good experience with trailers in the past and explained the problems with the few remaining trailers in the Town, that they are being phased out (removed) as property owners change. Trailers do not belong in a residential area. I am not saying that your trailer is unsightly, but I and the Town Board have taken an oath to uphold the laws of the Town and State Statutes. It is not that the Town does not want your business here.

- Chuck Decker: the owner of the land (Boulangier) wants our business here.
- Chairman: originally the Town was told the Deckers needed three years, that if the business was viable, a permanent building/addition would be added onto the gas station for this.
- Dave Haase, 3671 Bay Settlement Road. I own the second house from the end of the cul de sac (directly across the highway from the trailer). I do not like the trailer. I am an affected owner. The ordinance is in place to not allow trailers. I was the one that complained about the lights. The trailer is an eyesore. You do not need two years to have a business plan to see if the business is viable. Two seasons is enough. The Town Board needs to say no. There is a traffic problem in this area too. If you are just breaking even after two seasons, it is not a viable business.
- Chuck Decker: I am concerned with the criticism of the trailer, surprised by the use “eyesore”. What is an eyesore?
- Dave Cerny: the lighting in the parking lot has been addressed. The Town Board discussed the issue of “permanence”, that the trailer was not a permanent structure. On a case by case basis, the Town can grant a Conditional Use to allow a trailer to stay more than 24 hours. He restated the issues that the Town Board discussed in past meetings.
- Jensen: it is against the Ordinance, concerned about an ongoing/annual request. Will this be brought up year after year?
- Cy Van Laanen: asked about “one more year.” Decker reiterated the three years, three seasons.
- Chairman Van Lanen: reiterated the history of the discussion of the request.

4. Adjourn

MOTION KEN JACOBS /CY VAN LAANEN to adjourn the Public Hearing. Vote: Aye-5, No-0.

Carried. Adjourned at 5:55 P.M.

John Roth, Clerk/Treasurer