

AGENDA
CITY OF STURGEON BAY
CITY PLAN COMMISSION
Wednesday, July 19, 2017
6:00 p.m.
Council Chambers, City Hall
421 Michigan Street

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from June 21, 2017.
4. Consideration of: Zoning code amendment relating to accessory dwelling units.
5. Public comment on Plan Commission related items.
6. Adjourn.

NOTE: DEVIATION FROM THE AGENDA ORDER SHOWN MAY OCCUR.

Notice is hereby given that a majority of the Common Council may be present at this meeting to gather information about a subject over which they have decision-making responsibility. If a quorum of the Common Council does attend, this may constitute a meeting of the Common Council and is noticed as such, although the Common Council will not take any formal action at this meeting.

Plan Commission Members:

Rick Wiesner – Chair
Ron Vandertie
Mike Gilson
Steven Hurley
Jeff Norland
Robert Starr
Dennis Statz

7/14/17
11:00 a.m.
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CITY PLAN COMMISSION
Wednesday June 21, 2017

A meeting of the City Plan Commission was called to order at 6:00 p.m. by Chairman Rick Weisner in the Council Chambers, City Hall, 421 Michigan Street.

Roll Call: Members Robert Starr, Jeff Norland, Rick Weisner, Ron Vandertie, Steven Hurley, Dennis Statz, and Mike Gilson were present. Also present were City Administrator Josh Van Lieshout, City Engineer Chad Shefchik, Community Development Director Marty Olejniczak, and Community Development Secretary Cheryl Nault.

Adoption of the Agenda: Moved by Starr, seconded by Norland to adopt the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from May 17, 2017.
4. Combined Preliminary/Final Planned Unit Development for 56-unit multiple-family residential development proposed by SC Swiderski, LLC, located at the southwest corner of Sycamore Street and Grant Avenue, portion of parcel #281-12-10021702.
Presentation
Public Hearing
Consideration of
5. Conditional use request from Lexington Homes for 14-unit multiple-family residential development (townhomes), located on a vacant parcel immediately east of Grant Avenue/Sycamore Street intersection, parcel #281-66-1227250006.
Presentation
Public Hearing
Consideration of
6. Combined Preliminary/Final Planned Unit Development for various building additions, including observation tower, for the Door County Maritime Museum 120 N. Madison Avenue.
Presentation
Public hearing
Consideration of:
7. Consideration of: Zoning code amendment relating to accessory dwelling units.
8. Public comment on Plan Commission related items.
9. Adjourn.

All ayes. Carried.

Approval of minutes from May 17, 2017: Moved by Mr. Starr, seconded by Mr. Hurley to approve the Plan Commission minutes from May 17, 2017. All ayes. Carried.

Combined Preliminary/Final Planned Unit Development for 56-unit multiple-family residential development proposed by SC Swiderski, LLC, located at the southwest corner of Sycamore Street and Grant Avenue, portion of parcel #281-12-10021702:

Presentation: SC Swiderski representative Jacqui Miller presented the plans for a 56-unit residential development at the corner of Sycamore Street and Grant Avenue. Their developments are located in 15 different communities and do all of their own construction. The plan is for two 16-unit buildings, two 12-unit buildings, 64 garage stalls, and 76 outdoor parking stalls. There will be 16 one-bedroom apartment, 24 two-bedroom apartments, and 16 three-bedroom apartments. They would like to complete construction in 18-24 months. She explained changes that were made to the proposal to address comments made during the conceptual PUD review. Brick has been added on the garage buildings. The wood sign will match the buildings.

Public Hearing: Chairperson Wiesner opened the public hearing at 6:10 p.m.

Patti Vickman, Superintendent of Southern Door Schools, stated she is in favor of more housing. It is difficult for families to find quality housing. She sees more families wanting community life.

Mark Logan, Green Bay, and business partner of Southern Door Schools, stated that revenue is based on enrollment. Southern Door receives minimal state aid. As enrollment increases state aid increases. More property value is good for the taxpayer.

Mr. Olejniczak mentioned that the Fire Department has no concerns with the development. They just have to make sure that the water pressure for the fire suppression system is ok.

There was no written correspondence.

Mr. Wiesner declared the public hearing closed at 6:20 p.m.

Consideration of: Moved by Mr. Norland, seconded by Mr. Vandertie to act on this item at this meeting. All ayes. Carried.

City Engineer Chad Shefchik added that he had no problems with the stormwater management plan.

It was suggested that a basketball hoop be installed so there is something for the older kids to do.

After further discussion, it was moved by Mr. Gilson, seconded by Mr. Statz to recommend to Council approval of the combined Preliminary/Final Planned Unit Development subject to the following conditions:

- Providing a 30-foot utility easement for the sewer and water mains.
- Narrowing the driveway aprons to comply with the City code for driveways.
- Sidewalk is required along Grant Avenue.
- Landscaping plan shall be revised to include another tree near the southwest dumpster and a landscaped area at the north end of the 40-stall garage building.
- Approval by the Aesthetic Design and Site Plan Review Board.
- Final approval of the stormwater management plan by the City Engineer.

A vote was taken on the motion. All ayes. Carried.

Conditional use request from Lexington Homes for 14-unit multiple-family residential development (townhomes), located on a vacant parcel immediately east of Grant Avenue/Sycamore Street intersection, parcel #281-66-1227250006:

Presentation: Mr. Olejniczak explained that this is located in the same area as the SC Swiderski PUD request. It is a conditional use request that does not have to go to Council. It is a single building with 14 apartments and attached garages. Six street trees are required. The stormwater management plan meets approval. The Sturgeon Bay Utilities meters must be placed in an accessible location. A sidewalk along Grant Avenue could be required. He also discussed options for recreational facilities.

Lexington Homes representative, Michelle Stimpson, Green Bay, stated the proposed townhome style type of development is what people in the community are looking for. The design is a unique concept. Rents will be up to \$1,100 per month. There would be 5 one-bedroom apartments and 9 two-bedroom apartments.

Discussion took place regarding obtaining an easement for a path for the DOT lands, but could be a challenge because of the steep slope in back of the lot. Mr. Olejniczak suggested rather than obtaining an easement now, a memorandum of understanding that if something happens on the DOT property where getting people to it is important, at that point an easement could be created.

Sidewalks were discussed and whether or not they were needed at this time.

Public Hearing: Chairperson Wiesner opened the public hearing at 6:45 p.m.

Ms. Vickman and Mr. Logan, who spoke at the previous public hearing, intended their testimony for this public hearing as well.

There was no written correspondence.

Chairperson Wiesner closed the public hearing at 6:46 p.m.

Consideration of: A short discussion was held. Moved by Mr. Statz to approve the Conditional Use request, subject to the following conditions:

- Street trees shall be provided subject to approval by City Forester.
- Approval by the Aesthetic Design and Site Plan Review Board.
- Final approval of the stormwater management plan by the City Engineer.
- Location of utility meters shall be approved by Sturgeon Bay Utilities.
- Recreational facilities shall be satisfied by dedicating a 10-foot wide pedestrian access easement along the north line of the property.

Ms. Stimpson stated that she would like to know who would be maintaining the easement and what it is going to look like. She wondered if a memorandum of understanding of how it is going to work could be attached. She had no problems with putting sidewalks in when the next development would come in. A lot of sidewalks lead to nowhere and have to maintain them.

After four additional citizen members arrived at the meeting, it was noted that the public hearing notice stated the public hearing would begin at 7:00 p.m. instead of 6:00 p.m. Due to the error, Chairman Wiesner announced that the Commission would recess the meeting until 7:00 p.m. and then reopen the hearing to take additional testimony. The meeting recessed at 6:55 p.m.

The meeting resumed at 7:06 p.m. with all members present.

Mr. Statz withdrew his motion regarding the conditional use

The Commission discussed whether to reopen the public hearing for the PUD for SC Swiderski. Moved by Mr. Starr, seconded by Mr. Vandertie to rescind the action and recommendation to Council for item #4, SC Swiderski PUD. All ayes. Carried.

Chairperson Wiesner reopened the public hearing for SC Swiderski at 7:07 p.m.

It was noted the testimony of Ms. Vickman and Mr. Logan, who spoke previously, would be intended for this public hearing as well.

Art Hohlfelder, 1422 Green Bay Road, stated that he was promised a part of the parcel that was repossessed in the original Hopf development. He was opposed to the development because of improper invasion of their property with cars being stolen off his property. There is a safety concern for his family and neighbor, as well as children on the street.

Tim Ruenger, 6604 Sawyer Drive, said he is the owner of 35 acres north of the proposed development, and stated that there has been tons of trespassing, loitering, and trash problems from the existing apartments that are in the works to get resolved. He brought up the road that was supposed to go through to provide a second access before any more development takes place. He is opposed to the development.

Patrick Markham, N8260 Boucher Rd., Luxemburg, said he is the owner of 1600 Vibernum St. and land south of the development. He was concerned about drainage and didn't think this was the best use of the property.

Chairperson Wiesner closed the public hearing at 7:15 p.m.

Mr. Shefchik stated that the stormwater from this site gets diverted through the bioswales into a catch basin that goes into the north stormwater management pond. It would have no impact on the south pond that Mr. Markham was concerned about.

Moved by Mr. Starr, seconded by Mr. Statz to act on this item at this meeting. All ayes. Carried.

Moved by Mr. Starr, seconded by Mr. Statz to recommend to Council approval of the combined Preliminary/Final Planned Unit Development subject to the following conditions:

- Providing a 30-foot utility easement for the sewer and water mains.
- Narrowing the driveway aprons to comply with the City code for driveways.
- Sidewalk is required along Grant Avenue.
- Landscaping plan shall be revised to include another tree near the southwest dumpster and a landscaped area at the north end of the 40-stall garage building.
- Approval by the Aesthetic Design and Site Plan Review Board.
- Final approval of the stormwater management plan by the City Engineer.

All ayes. Carried.

Mr. Wiesner then went back to item #5 and reopened the public hearing for a conditional use for Lexington Homes at 7:33 p.m.

It was again noted the testimony of Ms. Vickman and Mr. Logan, who spoke previously, would be intended for this public hearing as well.

Art Hohlfelder, 1422 Green Bay Road, wants to see a fence installed all along the development.

Tim Ruenger, 6604 Sawyer Drive, stated that in regard to safety he does not know why no one is addressing the dead end road.

Patrick Markham, N8260 Boucher Road, Luxemburg, stated that he doesn't want anything to happen to jeopardize his property. He was also concerned about ground being moved onto or around his property.

Chairperson Wiesner closed the public hearing at 7:45 p.m.

Mr. Shefchik explained the stormwater management plan for the project. Water would not impact the Markham parcel.

Mr. Van Lieshout addressed the concern regarding trespassing.

Mr. Olejniczak stated that in regard to the future road, the City's plan is for Grant Avenue to connect with Sawyer Drive. It is planned as a future right-of-way on the Official Map. The City will follow up with Mr. Ruenger regarding acquiring property for a right-of-way.

Discussion continued. Moved by Mr. Statz, seconded by Mr. Starr to approve the conditional use as presented, subject to the following:

- Street trees shall be provided subject to approval by City Forester.
- Approval by the Aesthetic Design and Site Plan Review Board.
- Final approval of the stormwater management plan by the City Engineer.
- Location of utility meters shall be approved by Sturgeon Bay Utilities.
- Recreational facilities shall be satisfied by an agreement to dedicate a 10-foot wide pedestrian access easement along the north line of the property. The timing and other issues relating to the future easement are to be mutually agreed to by staff and the property owner.

All ayes. Carried.

Combined Preliminary/Final Planned Unit Development for various building additions, including observation tower, for the Door County Maritime Museum, 120 N. Madison Avenue.

Presentation: Mr. Olejniczak explained that the Maritime Museum has a plan to do an expansion on the water side of their building. It would be a two-story addition that would include a gift shop expansion, as well as additional exhibit and meeting space. There would also be a 10-story observation tower and conference center with a rooftop viewing deck. This was approved as a PUD approximately five years ago. The PUD has been extended several times, but the extensions have expired. They have resubmitted their PUD application.

Bill Harder, 4871 Harder Hill Road, is president of the Maritime Museum. He gave a powerpoint presentation regarding the project.

Architect Ben Schenkelberg, Green Bay, was the architect for the original museum. He explained in detail the construction of the project.

Amy Paul, Executive Director of the Maritime Museum, stated that their mission is education. They will have more hands on exhibits, will extend the maritime speaker series, expand on school tours and adult education tours. The gift ship will offer educational items.

Mike Maves, 1006 Memorial Drive, runs the development program. He discussed the project cost of \$5.5 million. \$2.3 million has been raised so far. They would like to start construction next spring.

Terry Conley, 8862 Cana Cove Road, Baileys Harbor, is vice-president of the board for the Maritime Museum. He is also the marketing committee chairman. He said this tower will distinguish this museum from any other museum and create a year-round destination that can be an icon for Sturgeon Bay and Door County.

Public hearing: Chairperson Wiesner opened the public hearing at 8:38 p.m.

Todd Thayer, 9861 Swamp Road, Brussels, is the vice-president and general manager of Bay Shipbuilding. He feels the tower will be an attraction to Northeast Wisconsin and beyond. It has the opportunity to attract maritime related conferences and meetings.

Bob Dosh, 391 Brookview Drive, Luxemburg, is chairman of the Sturgeon Bay Coast Guard Committee, on the Board of Regents for the foundation of Coast Guard history, and former Door County Maritime Museum Executive Director. This is an opportunity to build a tower that will be iconic.

Caleb Frostman, 940 N. 7th Place, is the Door County Economic Development Corporation Executive Director. He stated that the tower would add to the virtual circle of spending in the community. Many jobs will be added for the construction of the tower and ongoing operations of the tower. It will be a visitor's destination.

Buster Crook, 727 Prairie Lane, and owner of Kitty O'Reilly's, stated that the West Side has really grown. This is a great initiative and is very supportive of the idea.

Cap Wulf, 1127 Cove Road, and is on the Board of Directors for the Maritime Museum, thought the tower would be a regional draw to Sturgeon Bay.

A letter of support was received from Dan Tjernagel, Superintendent of Sturgeon Bay Schools.

Chairperson Wiesner closed the public hearing at 8:53 p.m.

Consideration of: Mr. Starr complimented the presenters for the Maritime Museum on their presentation.

Moved by Mr. Gilson, seconded by Mr. Norland to act on this item at this meeting. All ayes. Carried.

After a short discussion, it was moved by Mr. Gilson, seconded by Mr. Statz to recommend to Council approval of the PUD, subject to the following:

1. Yards (setbacks): The minimum required yard along the north (waterfront) side of the lot shall be waived, subject to conformance with the approved PUD site plan. All other required minimum yards and setbacks shall conform to the C-2 district requirements.
2. Building Height: The maximum building height for the observation tower shall be waived, subject to conformance with the approved PUD building elevations and plans.
3. Final approval by the Aesthetic Design and Site Plan Review Board.
4. Resolving the conflict (if any) between the tower and the water main to the satisfaction of SBU.

All ayes. Carried.

Consideration of: Zoning code amendment relating to accessory dwelling units: Due to the length of the meeting, it was consensus that this item be carried over to next month's Plan Commission meeting.

Public Comment on Plan Commission Items: There was no public comment.

Adjourn: Moved by Mr. Vandertie, seconded by Mr. Hurley to adjourn. All ayes, carried. The meeting adjourned at 8:55 p.m.

Respectfully Submitted,



Cheryl Nault
Community Development/Building Inspection Secretary

Accessory Dwelling Units
Proposed Zoning Text Amendments to Allow as a Conditional Use in Residential Districts

Proposed Amendment of s. 20.03
Creation of s. 20.09(2)(h)
Creation of s. 20.175(2)(p)
Creation of s. 20.22(2)(m)

S. 20.03 – Definitions

Accessory dwelling unit: A smaller, secondary home on the same lot as a principal dwelling. Accessory dwelling units are independently habitable and provide the basic requirements of shelter, heating, cooking and sanitation.

S. 20.09(2)(h) – Conditional Use of R-1 Zoning District

(h) Accessory Dwelling Units, subject to the following:

1. Not more than one accessory dwelling unit shall be permitted on a lot.
2. Accessory dwelling units shall be allowed only on a lot having at least 7,000 square feet.
3. Accessory dwelling units shall not exceed 800 square feet in floor area and shall have a minimum floor area of 250 square feet.
4. The property owner of record must reside in either the primary dwelling unit or the accessory dwelling unit as their permanent and legal address. A restrictive agreement shall be recorded to this effect.
5. In addition to off-street parking spaces required for the primary dwelling unit, a minimum of one off-street parking space for an efficiency or one-bedroom accessory dwelling unit, or a minimum of two off-street parking spaces for a two- or more bedroom accessory dwelling unit, shall be provided.
6. The accessory dwelling unit shall not be leased for periods of less than one calendar month or 30 days. A restrictive agreement shall be recorded to this effect. If the property owner of record resides in the accessory dwelling unit, then this minimum rental period shall apply to the primary dwelling unit.
7. The accessory dwelling unit shall not be conveyed or separated in ownership from the primary dwelling unit.
8. The accessory dwelling unit shall comply with the Sturgeon Bay Housing Code (chapter 22 of the municipal code) and with all pertinent building codes.
9. Accessory dwelling units may be attached to or detached from the single family residence.
10. Attached accessory dwelling units shall comply with the following:

- a. The accessory dwelling unit shall be clearly incidental to the principal dwelling unit and the building's exterior shall appear to be single-family.
- b. If the accessory dwelling unit is created from a portion of the principal dwelling unit, the floor area of the principal dwelling unit shall not be reduced below the minimum floor area required for the zoning district in which it is located.
- c. Location of entrances. Only 1 entrance may be located on the facade of the dwelling facing the street, unless the dwelling contained additional entrances before the accessory dwelling unit was created. An exception to this regulation is entrances that do not have access from the ground such as entrances from balconies or decks.
- d. Exterior stairs. Fire escapes or exterior stairs for access to an upper level accessory dwelling shall not be located on the front of the primary dwelling unit.

11. Detached accessory dwelling units shall comply with the following:

- a. The accessory dwelling unit shall be subject to the requirements of section 20.29 *Accessory building height and area regulations*.
- b. The accessory dwelling unit shall comply with all building code regulation relating to dwellings, ~~including a frost protected foundation~~.
- c. Floor Area. *(option 1)* The first 200 square feet of floor area within the accessory dwelling unit shall be exempted from the maximum floor area for accessory buildings on the lot.
(option 2) Fifty percent (50%) of the floor area of accessory dwelling unit shall be exempted from the maximum floor area for accessory buildings on the lot.
(option 3) The floor area of accessory dwelling unit shall be exempted from the maximum floor area for accessory buildings on the lot.

S. 20.175(2)(p) – Conditional Use of C-5 Zoning District

(p) Accessory Dwelling Units. Subject to the requirements set forth in section 20.09(2)(h)

S. 20.22(2)(m) – Conditional Use of A Zoning District

(m) Accessory Dwelling Units. Subject to the requirements set forth in section 20.09(2)(h)