

CITY PLAN COMMISSION

Wednesday, April 18, 2018

A meeting of the City Plan Commission was called to order at 6:00 p.m. by Vice-Chairperson Dennis Statz in the Council Chambers, City Hall, 421 Michigan Street.

Roll Call: Members Dennis Statz, Mike Gilson, Jeff Norland, Steven Hurley, and Laurel Hauser were present. Excused: Member Robert Starr. Also present were Alderpersons David Ward, David Hayes, Kelly Catarozoli, Kelly Avenson, and Seth Wiederanders, City Administrator Josh Van Lieshout, City Engineer Chad Shefchik, Community Development Director Marty Olejniczak, Planner/Zoning Administrator Chris Sullivan-Robinson, Community Development Secretary Cheryl Nault, and various members of the public.

Adoption of the Agenda: Moved by Ms. Hauser, seconded by Mr. Norland to adopt the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from March 21, 2018.
4. Conditional use request from Nicolet National Bank for a drive-through facility, located at the southeast corner of N. 4th Avenue and Jefferson Street:
Presentation:
Public hearing:
Consideration of:
5. Combined Preliminary/Final Planned Unit Development for Phillips Development LLC, for a 34-unit multiple-family development, located in the 700 blocks of Erie and Florida Streets, parcel #281-23-0527260006 (aka Amity Field).
Presentation:
Public Hearing:
Consideration of:
6. Combined Preliminary/Final Planned Unit Development for Duquaine Development (Mau & Associates, LLP, Agent), for a 162-unit multiple-family development, located on the southeast corner of Tacoma Beach Road and Clay Banks Road/CTH U, parcel #281-68-17000301A.
Presentation:
Public Hearing:
Consideration of:
7. Consideration of: Comprehensive Plan amendment – Future land use for Amity Field (parcel #281-23-0527260006) located in the 700 block of Erie and Florida Streets.
8. Consideration of: Comprehensive Plan amendment – Future land use for Robert Goetz (parcel #281-68-17000301A) located at the SE corner of Tacoma Beach Road and Clay Banks Road.
9. Public comment on non-agenda Plan Commission related items.
10. Adjourn.

Carried.

Approval of minutes from March 21, 2018: Moved by Mr. Gilson, seconded by Mr. Norland to approve the minutes from March 21, 2018. All ayes. Carried.

Conditional use request from Nicolet National Bank for a drive-through facility, located at the southeast corner of N. 4th Avenue and Jefferson Street:

Presentation: Brian Netzel, architect for Nicolet National Bank, stated that they are seeking a conditional use for a drive-through for a new 9,000 square-foot facility on the corner of 4th Avenue and Jefferson Street. There will be two-way access off of 4th Avenue, with 22 parking stalls for public use, as well as on-street parking. The drive-through will contain three drive-through lanes and an ATM machine. The building will sit approximately 15 feet from the property line on Jefferson Street and 4th Avenue. Approximately 30 employees will be utilizing the existing parking lot that they own on the corner of Jefferson Street and Third Avenue. The building will have a stone base, with galvalume exterior. A cupola will be placed on the corner of the building as a focal point in the community. The drive-through will be approximately 50 feet wide and 11 feet tall.

Ms. Hauser stated that she would prefer less parking be installed and to add more landscaping. Mr. Netzel responded that they have already exceeded the landscaping requirements. With the 15-foot setback, that area would be full of landscaping. But, they will consider it.

Mr. Gilson recused himself from discussion due to conflict of interest.

Public hearing: Vice-Chair Statz opened the public hearing at 6:09 p.m.

Hans Christian, 330 N. 3rd Avenue, wondered if the 15-foot setback was enough. He referred to the most recent snowstorm with the high snowbanks how vision is affected, and if there is too much parking. He would like to see landscaping ideas.

David Hayes, 111 S. 7th Avenue, wondered why the exit for the drive-through is on Jefferson Street. It is very close to the alley. He suggested turning the building 90 degrees, so the drive-through would not exit onto Jefferson Street. They would exit onto the alley. Another idea he had was flipping the floor plan so the mechanicals that show on 4th Avenue could be placed in back of the building.

There was no written correspondence.

The public hearing was declared closed at 6:13 p.m.

Consideration of: Mr. Sullivan-Robinson stated that the conditional use is specifically for the drive-through. The bank itself is a permitted use. There is space for approximately four cars to be stacked behind the vehicles being served in the drive-thru lanes. Staff sees no conflicts between drive-through traffic, regular customer traffic, and traffic on adjoining streets.

Mr. Statz pointed out that most buildings downtown have a zero setback. He also mentioned that this also went before the Aesthetic Design and Site Plan Review Board. He mentioned that prohibiting parking on that block of Jefferson Street was discussed, but the Parking and Traffic Committee would have to deal with the on street parking issues.

Ms. Hauser had concern of exiting onto Jefferson Street and possibly making a right turn only.

Mr. Netzel replied to some of the concerns. It would not be a benefit by turning the building 90 degrees, as it would then face North Shore Bank. They chose not to have a zero lot line. Nicolet National Bank wants to be a very long contributing community partner. By moving stalls would be a safe way to enter Jefferson Street.

Mr. Olejniczak stated that if the City decides not to allow parking in that block, they have the authority to do so. Those decisions start with Parking & Traffic Committee, but is ultimately a Council decision. The City Engineer and other City staff looked at it and noted that the exit is a wide lane. They did not think there would be an impact on the existing traffic on Jefferson St.

Mr. Netzel stated that they would be open to conversation regarding a right turn only onto Jefferson Street.

Moved by Ms. Hauser, seconded by Mr. Norland to approve the conditional use request contingent on Nicolet National Bank being willing to make a right turn only if conditions warrant and to send to the Parking & Traffic Committee for review of the parking stalls on Jefferson Street. All ayes. Carried, with Mr. Gilson abstaining.

Ms. Hauser reminded Mr. Netzel to take a look at the parking and make sure it is not overdone.

Mr. Statz added that they would like to break ground in August and open in April, 2019.

Combined Preliminary/Final Planned Unit Development for Phillips Development LLC, for a 34-unit multiple-family development, located in the 700 blocks of Erie and Florida Streets, parcel #281-23-0527260006 (aka Amity Field):

Presentation: John LeRoy, Mau & Associates, presented the plan for a 34-unit multifamily development on behalf of Phillips Development. They are seeking a PUD for four townhome buildings, each two stories tall. There will be 26 units with two-bedrooms and 8 three-bedroom units. The parking will be more in the interior of the development to make it less visible from the street. The buildings are moved to the west since the conceptual plan to allow more green open and recreational space. Each unit has their own front and rear exit, patio, and sidewalk to the front. First floor is kitchen and living room area and second floor is bedroom and bath area.

Mr. Hurley questioned how deep the stormwater pond would be and whether or not there would any kind of fencing around it since there is a school nearby and possible kids living in the units.

Steve Beida, Mau & Associates, stated that it is not required to fence a stormwater pond. Six feet of depth is needed to make a stormwater pond functional to meet DNR requirements.

Mr. Olejniczak added that the pond is constructed with a safety shelf. It is not a sheer drop off.

Ms. Hauser thanked the developers for bringing back a more aesthetically pleasing plan than the first one.

Mr. Gilson mentioned that many apartments in Sturgeon Bay are being rented by older people that are selling their homes or going south in the winter. Having bathrooms on the second floor are not conducive to older people.

Mr. LeRoy responded they are functional two-story homes. The three-bedroom units have a half bath on the first floor. The bathrooms were chosen to go where the bedrooms were located.

Public Hearing: Vice-Chair Statz opened the public hearing at 6:39 p.m.

Kathleen Finnerty, 707 Georgia Street, stated the existing traffic moves fast so traffic calming should be considered. She is concerned about the wet pond with families. It needs a fence for safety.

Helen Bacon, 458 N. 5th Avenue, said she is the County Board Supervisor for this area. There are a lot of small kids in the neighborhood. The pond should be enclosed by fencing.

Cinnamon Rosman, 706 Georgia Street, is concerned with the number of units. The neighborhood already is too dense and is being neglected.

Todd Crewe, 842 N. 7th Avenue, asked what the rents would be and what affordable housing is. He stated that he has a concern with the pond. Florida Street is a wreck. It will get more run down with more people in the area. He would rather see single-family housing developed on the site.

Kelly Catarozoli, 344 N. 3rd Avenue, alderperson for this area, thanked the residents for their input and Ms. Phillips for being one of the first developers to care about changes. The first proposal for this area was 24 units and the neighbors thought that was too much. Now the proposal is for 34 units. Condensing more people in that area will cause problems. She asked that the Commission holds off until the housing study is completed through the Door County Economic Development Corporation.

Hans Christian, 330 N. 3rd Avenue, knows of problems that already exist from another apartment complex in that area and thinks it is a management problem. It should be known how the apartments will be managed.

Shawn Linnan, 1008 Tacoma Beach Road, stated that in regard to affordable housing, he doesn't need a study to show that the City is short on it. He does not think the stormwater pond will be a safety hazard.

Kelly Avenson, 46 E. Pine Street, encouraged the Commission to wait until the housing study is completed.

Kathleen Finnerty, 707 Georgia Street, likes the idea of waiting for the housing study. She wondered if the developers are limiting their audience with no bathroom on the first floor.

Jeff Halbrook, 2680 Humboldt Road, Green Bay, is working with the developer. He discussed the economics of the development and that the number of units are necessary to make the project financially feasible. In regard to bathrooms on the second floor, you have to go upstairs to go to bed. It is not low income housing, it is cost effective housing. He is opposed to waiting for a decision.

Doreen Phillips, 1630 Rustic Oaks, Green Bay, is the developer of the property. She currently has 48 units throughout the Green Bay/Brown County area. She will be the manager of the apartments.

Chris Kellems, 120 Alabama Street, stated that she is in favor of the development and should move forward with it. She suggested to have an on-site manager and a fence around the pond. In addition, she also suggested cottage-style development. She said this is affordable/attainable housing.

Ms. Nault read one letter of correspondence in opposition for Jennifer Kivell, 724 N 7th Avenue. Her home would be located between two apartment complexes. Safety was an issue, as well as an increase of traffic being the main issue. She would prefer Amity Field being a kids' friendly park.

The public hearing was declared closed at 7:05 p.m.

Consideration of: Mr. Sullivan-Robinson stated that this petition is for a PUD, since the proposal is greater than 4 units. In addition to the 34 units, they are requesting five detached garage buildings, which would total 36 stalls. The development is a permitted use in the R-4 district.

It was acquired by the City in 1970 and leased it to Sunset School. At this time the school district has no use for it and the City agreed to sell it. According to the Future Land Use Map of the Comprehensive Plan, the area is planned for public and institutional use. To be compliant with the Comprehensive Plan, the City should undertake an amendment to the Future Land Use Map so the proposed development matches.

According to the Fire Chief, the proposed fire hydrant must be relocated to the SW corner of the entrance. The City Engineer did not feel a traffic analysis was needed. The stormwater management will need final approval from the City Engineer. They need to meet parking and street tree requirements. The project is expected to begin construction this summer, with the completion done in 2020. This project will have to go before the Aesthetic Design & Site Plan Review Board for design, site plan layout, type of materials and landscaping.

This development will generate about \$18,000 in annual property taxes, as well as paying a one-time park & playground fee of \$10,200.

Mr. Sullivan-Robinson further stated that if the Plan Commission approves the development, staff recommends the following conditions:

1. Amending the Future Land Use Map of the Comprehensive Plan to change this parcel to multiple-family residential.
2. Approval of the Aesthetic Design and Site Plan Review Board.
3. Include a recreation area for the tenants of the development.
4. Compliance with the required street trees and parking lot landscaping.
5. Any exterior lighting shall be shielded such that direct light is not cast skyward or onto adjoining property.
6. Final approval of the City Engineer for the stormwater management plan.
7. The new hydrant on Florida Street must be relocated further eastward.

Mr. Olejniczak stated that developer has agreed to install a public sidewalk along Florida Street. They also are proposing sidewalks leading from their parking area to Erie Street and Florida Street. It would be a good idea to connect the ends of the sidewalks in front of the westerly buildings.

He added that zoning map amendments should be consistent with the Comprehensive Plan. That does not apply to conditional uses. Thus, if the PUD zoning is approved, a Comprehensive Plan amendment should be initiated.

Some screening could be done on the west line. Often times security or decorative fencing will be installed around ponds. Those items could be considered as conditions if the PUD is approved.

Ms. Hauser said she is not ready to act on this. She would like to mitigate other concerns the neighbors have.

Doreen Phillips, developer of the project, stated that she would have an on-site manager.

Mr. Gilson expressed that the buildings did not have a lot of charm. They are pretty plain and not a lot of appeal.

Ms. Hauser asked if the 10-unit could be broken up into two. Mr. Sullivan-Robinson explained that the architectural drawing for that building isn't accurate since the ground elevation increases significantly. The building will step up three levels.

There was no motion to act on this item at this meeting. It will be brought back to the next meeting.

Combined Preliminary/Final Planned Unit Development for Duquaine Development (Mau & Associates, LLP, Agent), for a 162-unit multiple-family development, located on the southeast corner of Tacoma Beach Road and Clay Banks Road/CTH U, parcel #281-68-17000301A:

Presentation: Steve Bieda, Mau & Associates, stated that he has been designing apartment projects for 29 years. A neighborhood meeting was held a week ago. He took their comments and made some changes to the site plan. He provided some background on Duquaine Development.

The site plan showed that they lowered the number of units from the last meeting from 150 to 134. The attached garages will be facing the inside of the site. There will be a mixture of one, two, and three bedroom units. There will be 8 apartment buildings and 8 garage buildings. One of the attractions to the site is the Ahnapee Trail. They will be adding 400 feet of trail within the development to connect to the trail system past the playground area and gazebo on the north end. The longest building will be 159 feet long. There is plenty of green space. These are not low income units. There will be a combination of attached garages and detached garages. There will be an access point on Tacoma Beach Road and two on Clay Banks Road. A 2010 State DOT traffic analysis was completed. They had added a 35% growth in the City. A right-turn lane was recommended for Clay Banks Road at the highway. The developers committed to paying for installing the right-turn lane at a cost of \$7500.00. The proposed rents include \$650 for a one bedroom, \$950 for two bedrooms, and \$1150.00 for three bedrooms. Taxes would amount to \$241,000 per year with 134 units. The apartment buildings will be constructed based on market absorption. There is an archeological hot spot on the DNR mapping. The pond will contain a safety shelf.

Mr. Norland stated that traffic at the highway intersection is the key issue. He is not sure that installing a right-turn lane is the solution. Mr. Olejniczak said he had spoken with the DOT. The only improvement they thought was warranted was the right-turn lane.

Mr. Shefchik stated that having a right-turn lane will make it better. The gas stations along the highway corridor pump out five to ten times more traffic per day than Clay Banks Road does. Mr. Norland disagreed and said that those situations are not 4 lanes reducing into 2 lanes.

Public Hearing: Vice-Chairperson Statz opened the public hearing at 8:06 p.m.

Gerald Inman, 1500 Tacoma Beach Road, prepared a report in opposition to the development that was previously handed out to the Plan Commission. Traffic is a main issue, along with not being compatible with surrounding land uses and the proposed land use in the Comprehensive Plan. The current R-4 zoning district only allows up to 4-unit dwellings.

The following people spoke. The issues mentioned included the affordability of rents, waiting for the results of the housing analysis, traffic concerns at the highway and along Tacoma Beach Road, decrease in property values, increased City costs for infrastructure and services, too much density, stormwater runoff, conflicts with the county snowmobile route, compatibility with the Comprehensive Plan, truck traffic on Clay Banks Road, setbacks of the buildings, the need for more rental housing in Sturgeon Bay, and alternative location for apartments:

Sean Linnan, 1008 Tacoma Beach Road, who also presented a petition with 61 signatures in opposition.

Paul Anschutz, 221 N. 6th Avenue

Karen Daanen, 920 Tacoma Beach Road

Helen Bacon, 458 N. 5th Place

David Ward, 1811 Memorial Drive

Kelly Avenson, 46 E. Pine Street

Micaela Inman, 1500 Tacoma Beach Road

Barry Mellen, 503 Binnacle Place

Mike Oleson, 1500 Tacoma Beach Road

Lisa Anderson, 1000 S. Oxford Avenue

Mark Thiede, 953 Tacoma Beach Road

Scott Richard, 941 Tacoma Beach Road

Maureen Fear, 1108 Tacoma Beach Road

Christie Weber, 311 Pennsylvania Street

Becca Laughlin, 1231 Clay Banks Road

Brandon Bastar, 551 Tacoma Beach Road

Alan Miller, 952 Tacoma Beach Road

Hans Christian, 330 N. 3rd Avenue

Jennifer Sarter, 1005 Tacoma Beach Road

Lee Haasch, owner of 4 Sail Realty, E7169 Jackson Rd, Algoma

Ms. Nault read a summary of 14 letters that were submitted, all in opposition, from:

Michael Caliendo, 1500 Tacoma Beach Road

Gregg & Karen Daanen, 920 Tacoma Beach Road

Gerrit & Lonnie DeJonge – 944 Tacoma Beach Road

David & Marilyn DeJonge, 942 Tacoma Beach Road

Joanne & William Patterson, 926 & 932 Tacoma Beach Road

Robert & Nancy Petersen, 938 Tacoma Beach Road

Norbert & Pat Lenius, 1052 Tacoma Beach Road

DeeDee & Todd Brauer, no given address
Diane Brauer, no given address
Michael Olesen, 1500 Tacoma Beach Road
Marti & Gary Ziegelbauer, 1573 Tacoma Beach Road
Blaine Hintz, a homeowner in Strawberry Creek
Scott & Heidi Bader, 1275 Tacoma Beach Road
Scott & Linda Thomas, 1557 Tacoma Beach Road
David & Hanne Stuebner, 1144 Tacoma Beach Road

Ms. Nault also read a letter from Jim Stawicki, Sturgeon Bay Utilities General Manager, in response to Stuebner's concerns regarding SBU's sanitary system. The letter clarifies that the sanitary sewer lift station serving Tacoma Beach Road residents is not the same lift station that would serve the proposed development. These two collection systems are not connected.

Vice-Chair Statz closed the public hearing at 9:17 p.m.

Consideration of: Mr. Sullivan-Robinson presented the staff report. The current zoning district is R-3 Two-Family Residential. This proposal is for 134 units. According to the Comprehensive Plan, most of the parcel is expected to become Single-Family Residential, low density, with Transitional Commercial in the northwest corner. This proposal does not meet those requirements. Under state law, if the City chooses to approve the rezoning, a Comp Plan amendment would need to be done. No traffic impact analysis is required by the City Engineer. Sewer and water will be served off the east property line. The main issues appear to be traffic impact at the highway intersection, the number of units per building and the overall density (# of units) on the parcel compared to a development with 4-unit buildings.

Staff is overall supportive of the plan, but there are some items that need to be addressed, such as: The archeological issue where they cannot break ground until reviewed and to work with an archeologist. A formal wetland delineation needs to be obtained, which could impact the site plan. The Comprehensive Plan would have to be amended. If the Commission elects to make its recommendation, staff asks to add the following conditions:

1. Amending the Future Land Use Map of the Comprehensive Plan to change this parcel to Mixed Residential (or other similar designation).
2. Approval of the Aesthetic Design and Site Plan Review Board.
3. Compliance with the parking lot landscaping requirements.
4. Final approval of the City Engineer for the stormwater management plan.
5. Installation or payment for the cost of installation of the right-turn lane on Clay Banks Road (County Highway U) at the highway.
6. Reducing the scope of the project to not more than 134 units and not more than 8 buildings.

Mr. Olejniczak mentioned the items that he liked about the development. There are very few single-family homes in the immediate surrounding area. He likes the low number of access points, two on County U and one on Tacoma Beach Road. He also

likes the design of the project with the inward facing units such that the garage doors are not facing the street. It is an efficient use of existing infrastructure since there are no new sewer, water mains or streets that the City would have to maintain once the project is completed. The Ahnapee Trail exists, which is a positive. The detention pond is used as an amenity rather than hiding it in a corner. The location is conducive to multi-family. The highway is convenient if working in northern Door County or Green Bay. They are putting a wetland buffer with no buildings or pavement within 25 feet of the edge of the buffer. The buildings are staggered and not all in a row. If approved, the City would get some improvement at the County U/Hwy 42-57 intersection.

Mr. Olejniczak also spoke about concerns. One disadvantage is that the Comprehensive Plan calls for low density single-family as the future land use. The other concern is that there are a lot of buildings proposed. There are a lot of units overall. This would be the largest apartment complex in Sturgeon Bay.

Mr. Shefchik stated that he had given the project a preliminary review. There appears to be a significant reduction in water leaving the site based on the stormwater management plan.

Ms. Hauser didn't feel the apartment buildings looked upscale on the outside. She thought it could be done better. The landscaping could be done better.

Mr. Gilson agreed that the intersection is not a good situation. The fact is that there will be some type of development on that parcel at some time. There is also a larger parcel across the street that is for sale and will also be developed at some point.

No action was taken at this time.

Consideration of: Consideration of: Comprehensive Plan amendment – Future land use for Amity Field (parcel #281-23-0527260006) located in the 700 block of Erie and Florida Streets: Mr. Olejniczak stated that under State law, when a property is rezoned, the action is required to be consistent with the adopted Comprehensive Plan. In staff's opinion, the future land use classification for Amity Field is not consistent with the proposed PUD rezoning. If the Plan Commission and Council believe the proposed apartment development is an appropriate use, an amendment to the Comprehensive Plan should be undertaken in addition to the rezoning. A public hearing would be required, followed by Plan Commission approval and adoption of the ordinance by Council. The suggested new land use category is Multiple-Family Residential, which would match the proposed development and the current zoning classification.

A public hearing has already been published due to statutory requirements. Even if the PUD rezoning is not approved for Amity Field, staff believes the Comprehensive Plan amendment should still be pursued.

Moved by Ms. Hauser, seconded by Mr. Norland to proceed with the public hearing at the next Plan Commission meeting. All ayes. Carried.

Consideration of: Comprehensive Plan amendment – Future land use for Robert Goetz (parcel #281-68-17000301A) located at the SE corner of Tacoma Beach Road and Clay Banks Road: Mr. Olejniczak stated that the current zoning does not match the Comprehensive Plan designation. If the Council would approve the PUD zoning for that type of use, the Comprehensive Plan needs to be amended. The Comprehensive Plan calls for the corner to be Transitional Commercial and the balance of the property to be Single-Family Residential lower

density. Just like the Amity Field property, a public hearing has already been published due to statutory requirements.

Ms. Hauser stated she would rather wait than to go ahead with the public hearing.

Mr. Olejniczak stated that either way it would be a good idea to update the land use map.

Moved by Mr. Gilson, seconded by Mr. Statz to proceed with the public hearing at the next Plan Commission meeting. All ayes. Carried.

Public comment on non-agenda Plan Commission related items: Chris Kellems, 120 Alabama Street, stated that this is a good example of why we should have had form-based zoning.

David Hayes, 1117 S 7th Avenue, stated that it may help to put a second map in with the proposed change.

Gerald Inman, 1500 Tacoma Beach Road, was confused as to why would you change a master plan to fit a project.

Adjourn: Moved by Mr. Hurley, seconded by Ms. Hauser to adjourn. All ayes. Carried. Meeting adjourned at 9:55 p.m.

Respectfully Submitted,

Cheryl Nault
Community Development/Building Inspection Secretary