

CITY PLAN COMMISSION
Wednesday, June 20, 2018

A meeting of the City Plan Commission was called to order at 6:01 p.m. by Vice-Chairperson Dennis Statz in the Council Chambers, City Hall, 421 Michigan Street.

Roll Call: Members Laurel Hauser, Mike Gilson, Steven Hurley, Dennis Statz, and Jeff Norland were present. Also present were Community Development Director Marty Olejniczak, Planner/Zoning Administrator Chris Sullivan-Robinson, and Community Development Secretary Cheryl Nault.

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

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from May 16, 2018.
4. Presentation of: Request from Mike Oleson to rezone property located at 1468 Egg Harbor Road, parcel #281-62-11000103A, from General Commercial (C-1) to Mixed Commercial-Residential (C-5).
5. Consideration of: Combined Preliminary/Final Planned Unit Development for Duquaine Development LLP, for a 134-unit multiple-family development, located on the southeast corner of Tacoma Beach Road and Clay Banks Road/CTU, parcel #281-68-17000301A.
6. Consideration of: Extension of conditional use approval for Lexington Homes for 14- unit multiple-family dwelling on S. Grant Avenue.
7. Consideration of: Conditional uses within Sturgeon Bay Zoning Code.
8. Consideration of: Minimum yards for accessory buildings.
9. Public comment on non-agenda Plan Commission related items.
10. Adjourn.

Carried.

Approval of minutes from May 16, 2018: Moved by Ms. Hauser, seconded by Mr. Hurley to approve the minutes from May 16, 2018. All ayes. Carried.

Presentation of: Request from Mike Oleson to rezone property located at 1468 Egg Harbor Road, parcel #281-62-11000103A, from General Commercial (C-1) to Mixed Commercial-Residential (C-5): Mr. Sullivan-Robinson stated that the property is zoned General Commercial (C-1). It is currently used for residential. The property owners are in the process of selling this property, but can't close any deals. They have mainly residential buyers that are trying to purchase the property, but the banks won't support a purchase that isn't zoned accordingly. There are restrictions on rebuilding houses on these types of properties. They would like to rezone the property from C-1 to C-5, which would allow Mixed Commercial-Residential use. This is the first step of the rezoning process. A public hearing will take place at a subsequent meeting.

Mr. Statz recalled years ago that there was a need for a transitional zoning from Commercial to Residential. It seems to have worked out well. Applicants come to the Plan Commission on a case by case basis.

Mr. Olejniczak read the purpose statement for the C-5 district.

Barry Sargent, Realtor for ERA Starr Realty, stated that he has tried selling the property for almost four years. It has been marketed as residential and commercial property. There has only been one interested commercial buyer. There has been countless number of showings for residential use, but the dwelling could not be rebuilt if there was a fire, or could only be repaired up to 50% of the property value. The asking price of \$150,000 has now been dropped to just under \$80,000. Rezoning the property from C-1 to C-5 would help in the sale of the property. Commercial property are slow to sell at this time.

Staff was authorized to contact the other two residential property owners in the vicinity to see if they have an interest in rezoning their property from C-1 to C-5.

No other action was needed. A public hearing will be held at the next meeting.

Consideration of: Combined Preliminary/Final Planned Unit Development for Duquaine Development LLP, for a 134-unit multiple-family development, located on the southeast corner of Tacoma Beach Road and Clay Banks Road/CTU, parcel #281-68-17000301A: Mr. Olejniczak explained that a recommendation to Council was not made at the last meeting. Since then a request was received from Mr. Duquaine to delay action. Under the ordinance, the Plan Commission has 90 days from the date of application to make a recommendation to Council whether to approve the PUD or not. The ordinance does allow an extension of that by mutual agreement of the applicant and Plan Commission.

Mr. Statz did not see any harm in looking at another approach to the project.

Mr. Olejniczak stated that if the PUD is denied, they can still reapply with another PUD design if it is substantially different.

Mr. Norland said he would not have a problem with the applicant coming back with a plan that agrees with the Comprehensive Plan.

Mr. Olejniczak offered an option that included extending the PUD with direction.

After further discussion, it was moved by Mr. Gilson, seconded by Mr. Statz to extend the PUD for another 30 days.

Moved by Ms. Hauser, seconded by Mr. Statz to amend the motion by adding a requirement for a public hearing the following month if substantially different. A vote was taken on the amendment. All ayes. Carried.

A vote was taken on the original motion. Carried, with Ms. Hauser voting no.

Consideration of: Extension of conditional use approval for Lexington Homes for 14-unit multiple-family dwelling on S. Grant Avenue: Mr. Olejniczak stated that Michelle Stimpson, Vice-President of Lexington Homes, Inc., submitted a letter to request an extension of their conditional use permit for a 14-unit townhome development on S. Grant Avenue that had been approved a year ago. The City's ordinance requires that construction needs to begin within one year of approval. Due to their construction schedule they were unable to begin construction this past spring, and are now planning to begin construction in fall.

After a short discussion, it was moved by Mr. Gilson, seconded by Mr. Hurley to allow a six month extension of the conditional use permit for Lexington Homes. All ayes. Carried.

Consideration of: Conditional uses within Sturgeon Bay Zoning Code: Mr. Olejniczak stated that the Plan Commission recently discussed the new State law regarding conditional uses. If the applicant meets all the conditions of the code and conditions imposed by the Plan Commission, then the conditional use must get approval. The Plan Commission still has the authority on a case-by-case basis to make conditions to fit the purposes of the code. Conditions have to be reasonable and to the extent practical, measurable, and all decisions for or against have to be based on substantial evidence.

Mr. Olejniczak went over draft changes to Section 20.25 of the zoning code (Conditional Uses). These proposed modifications added language to conform with the new law. He also went through some suggestions for removing, adding or modifying the list of conditional uses for each zoning district.

The consensus was that Mr. Olejniczak and Mr. Sullivan-Robinson will continue to work on the conditional uses with continued feedback from the Commission.

Consideration of: Minimum yards for accessory buildings: Mr. Sullivan-Robinson stated that last November the Plan Commission discussed an item regarding the accessory building height code. They elected to increase the height to 16 feet, but thought that staff should also look at setbacks to go with the height code. He went through options including the current 5-foot side yard setback with a 6-foot rear yard setback; increasing the setbacks for over 800 square feet; setback based on lot width, and setback based on percentage of square footage of building.

Discussion took place on how lot width is determined with a wider rear yard than the front yard.

Mr. Hurley brought up another consideration if the accessory building required a foundation that needed excavation.

Mr. Sullivan-Robinson has not heard a lot of concerns with setbacks from the public.

Mr. Olejniczak added that another option was to base the minimum setback on the zoning district.

Mr. Gilson expressed his opinion and didn't think 5 feet is enough for any setback. It should be 10 feet.

Staff was directed to take another look at R-1 district regulations and come back with more options.

Mr. Olejniczak reminded Commissioners that the recommendation to the change in maximum height for an accessory building from 14 feet to 16 feet is still holding until a setback recommendation could be submitted at the same time.

Public comment on non-agenda Plan Commission related items: Chris Kellems, 120 Alabama Street, talked about the lesser required setbacks that California has. She also asked if the tourist rooming house code was changed to not allow them in R-1 districts, what would happen to the ones already established?

Adjourn: Moved by Ms. Hauser, seconded by Mr. Norland to adjourn. All ayes. Carried. Meeting adjourned at 7:41 p.m.

Respectfully Submitted,

Cheryl Nault
Community Development/Building Inspection Secretary