

**CITY PLAN COMMISSION**  
Wednesday, July 18, 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 Alderman David Hayes, Community Development Director Marty Olejniczak, Planner/Zoning Administrator Chris Sullivan-Robinson, and Community Development Secretary Cheryl Nault.

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

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from June 20, 2018.
4. 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):  
Presentation:  
Public Hearing:  
Consideration of:
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: Minimum yards for accessory buildings.
7. Consideration of: Requirements for Electronic Variable Message Signs.
8. Consideration of: Ad Hoc Committee for West Waterfront Redevelopment Planning.
9. Public comment on non-agenda Plan Commission related items.
10. Adjourn.

Carried.

**Approval of minutes from June 20, 2018:** Moved by Ms. Hauser, seconded by Mr. Gilson to approve the minutes from June 20, 2018. All ayes. Carried.

**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):**

**Presentation:** Mr. Sullivan-Robinson stated that the property is currently zoned General Commercial (C-1). The property owner has requested to rezone his property from C-1 to Mixed Commercial-Residential (C-5), which allows both Commercial and Residential use. Mr. Oleson has inherited a house and is having difficulty selling it because the zoning regulations do not allow a nonconforming use to be rebuilt if damaged more than 50% of its assessed value. The Comprehensive Plan calls for Commercial zoning in that area. The C-5 zoning would not go against the Comp Plan, and there would be no fiscal impact. Mr. Sullivan pointed out a chart showing the differences between the two zoning districts. Staff was not opposed to the rezoning.

Mr. Olejniczak added that he did contact the other two residential owners in the area to see if they would be interested in rezoning their property as well. They both thought that they would be better off staying within the C-1 district.

Barry Sargent, ERA Starr Realty, was representing the property owner. He has been trying to market the property for four years, starting with a listing price of \$150,000 and has reduced it to just under \$80,000. He tells interested buyers, which are mostly residential, that within the C-1 district, if the house burns down, you will not be able to rebuild it. There is a shortage of residential homes in the City. There is no inventory for the price range that people are asking for.

**Public Hearing:** Vice-Chair Statz opened the public hearing at 6:14 p.m.

Chris Kellems, 120 Alabama Street, stated that she was in favor of the rezoning. She would like to see that property developed. It would be nice to be able to move the residential buildings to a place such as Sunset Hill Subdivision.

There was no written correspondence. The public hearing was declared closed at 6:16 p.m.

**Consideration of:** A short discussion was held. A  $\frac{3}{4}$  vote of members present was needed to act on this item at this meeting. Moved by Mr. Norland, seconded by Mr. Gilson to act on the request at this meeting. All ayes. Carried.

Moved by Ms. Hauser, seconded by Mr. Gilson to recommend to Council to rezone the property located at 1468 Egg Harbor Road from General Commercial (C-1) to Mixed Commercial-Residential (C-5). All ayes. Carried.

**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. Sullivan-Robinson stated that a letter was received from Duquaine Development formally withdrawing their request for the proposed Ahnapee Trail Apartments and are no longer pursuing development on Clay Banks Road. They are looking at other sites.

Mr. Statz talked about the previous "Deer Run" development that had been proposed years ago in that area, but never happened. The property will someday be developed.

Ms. Hauser suggested that a cheat sheet be developed on the definition of infill.

Chris Kellems, 120 Alabama Street, said that she envisions this property as cottage developments with smaller homes and one car garage.

The intersection of Clay Banks Road and the highway was discussed. Mr. Olejniczak stated that the City Engineer met with the DOT. There are no plans to work on the highway until possibly 2022. Neenah Avenue by the Industrial Park should also be looked at.

Mr. Olejniczak mentioned that a recommendation to Council was not needed since the applicant withdrew his application for a PUD.

**Consideration of: Minimum yards for accessory buildings:** Mr. Sullivan-Robinson stated that this item has been looked at for quite some time. Since the height of the accessory building had been amended, it was decided to look at minimum yards also. Several options were presented, such as

keeping the 5-foot side yard and 6-foot rear yard; increasing the setback for larger buildings; base the setback on lot width; or base the setback on the zoning classification of the property.

It was staff's recommendation to make no changes to the minimum setbacks for accessory buildings or to increase the minimum yards to 10 feet for buildings exceeding 576 square feet in the R-1 and Agricultural districts only.

Mr. Olejniczak added that many lots were created before the zoning code existed.

Members discussed the different options. Mr. Gilson didn't think that the 5 and 6 yard setbacks are enough. He preferred a setback based on lot width. There are also 2-foot overhangs to consider.

Ms. Hauser questioned the accessory buildings that are existing. Mr. Olejniczak responded that it is possible the buildings would become non-conforming. A non-conforming building can burn down and get rebuilt right where it is, can be maintained indefinitely, and can be expanded along the setback line where it currently is. Although, the expansion is limited to no more than 50% of the current floor area. If the property was left vacant, the grandfathered setback would be good for one year.

Mr. Norland preferred Option 5, setbacks based on zoning classification. It accounts for the size of the building.

Mr. Statz agreed with Option 5 or to leave as is.

Mr. Gilson said the problem with Option 5 is that there are a lot of R-2 lots that should be included. That is where Option 3, setbacks based on lot width, would pick them up.

Mr. Statz felt that there would be a lot of problems with a 10-foot setback in R-2.

Mr. Norland stated with Option 3, 85 feet is not wide enough to go to the 10-foot setback.

Mr. Statz thought that maybe the width should be changed to 100 feet instead of 85 feet.

Mr. Olejniczak added that the lot width is determined at the building setback line, which is 25 feet from the right-of-way.

It was the consensus of the Commission to direct staff to come back with detailed language for Option 3, setback based on lot width of 100 feet, and a study on how it fits with current development.

**Requirements for Electronic Variable Message Signs:** Mr. Sullivan-Robinson stated that this is a recurring subject. He has gone through the City trying to bring some of the signs into compliance. A huge majority have been grandfathered in, which has brought on resistance to the ones that are trying to be enforced. There are currently regulations in regard to operation and use standards, such as no scrolling, no animation, and messages have to be stationary for a minimum of 6 seconds. He researched other communities on what their regulations are. Some communities have nothing to do with electronic signs; some are allowed, with no restrictions; others have strict time guidelines with no other restrictions; and some are allowed through Commission approval.

Mr. Sullivan-Robinson gave several options in regard to EVMS's:

1. Remove the grandfathering.
2. Revise part of the code to make more strict or loosen.

3. Make them a conditional use.
4. Make no changes.

Mr. Gilson thought that the grandfathered in should be removed.

Mr. Norland said the issue he has with the eliminating of the grandfathering of the signs is that you often can't get the entire message on the amount of square footage without it scrolling. If you make the text smaller, it is a bigger hazard.

Mr. Statz said whatever the rules are, everyone should be living by the same rules at some point. It would make enforcement easier. He would also like to know when the code was changed regarding electronic message signs.

Discussion continued. It was the consensus of the Commission for staff to contact the business owners whose signage is currently restricted under this and find out what these operators would like to see or what they are willing to live without. A potential rule change will be brought to the next meeting.

**Consideration of: Ad Hoc Committee for West Waterfront Redevelopment Planning:** Ms. Hauser stated that this item came from a couple different directions. She said that Tom Herlache, Chair of the Waterfront Redevelopment Authority, suggested starting a new plan for the West Waterfront. The City needed to be prepared for when the lawsuit is resolved. Ms. Hauser and David Shanock, CFO and VP of Roen Salvage, put together a mission statement to take a fresh look at the future of the Westside Waterfront. It is mentioned that Ms. Hauser and Mr. Shanock would be co-chairs of the committee, with Mr. Olejniczak, Mr. Barker, Municipal Services Director, one member of the Plan Commission, one member of the Waterfront Redevelopment Authority, and 4 -6 members of the community at large.

Mr. Norland felt that all members should be residents of the City. Ms. Hauser would like to take advantage of expertise if they did not live in the City. Mr. Norland responded they could be invited in to a meeting to offer their expertise. These are City issues and it should be City residents on the committee. Ms. Hauser stated the approval of the plan would be all City residents. It would have to come before the Plan Commission and Council.

Mr. Gilson mentioned that we still have the Waterfront Redevelopment Authority and wondered how that fit in. Ms. Hauser responded that the Council has been looking at ways to dissolve the WRA.

Mr. Hurley stated this is a think tank that has no authority to take action.

Mr. Gilson said that this information was just received at this meeting. Time should be given to the members to think about it.

Mr. Hurley was a bit torn between both directions on the point of being City residents. It is a City issue and it should be City residents. But, he doesn't want to exclude any good ideas, because there might be someone in the surrounding community that would be able to offer constructive advice or direction. He agreed that they could join in certain meetings, but to have a cohesive group and have some momentum behind it, being part of the committee would be good.

Ms. Hauser suggested having up to two or three non-citizen, non-voting members.

After further discussion, it was moved by Ms. Hauser, seconded by Mr. Statz to recommend to Council formation of an Ad Hoc Westside Waterfront Planning Committee and that no more than 20% of the members be non-City residents and that those members be non-voting.

Mr. Norland would like to know what the rush is on forming this committee. Ms. Hauser responded the time on the clock is ticking on the TID and we have been sitting here without any plan for a while. She was hoping for the group to get together for a September/October timeframe.

A roll call vote was taken on the motion. Carried, with Ms. Hauser, Mr. Hurley, and Mr. Statz voting yes and Mr. Gilson and Mr. Norland voting no.

**Public comment on non-agenda Plan Commission related items:** David Hayes, 111 S. 7<sup>th</sup> Avenue, asked the Commission to recommend to the Mayor his appointment on the Plan Commission.

**Adjourn:** Moved by Ms. Hauser, seconded by Mr. Norland to adjourn. All ayes. Carried. Meeting adjourned at 7:47 p.m.

Respectfully Submitted,

Cheryl Nault  
Community Development/Building Inspection Secretary