

CITY PLAN COMMISSION
Wednesday, September 19, 2018

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

Roll Call: Members Laurel Hauser, Mike Gilson, Steven Hurley, and Dennis Statz were present. Excused: Member Jeff Norland. 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. Hurley, seconded by Mr. Gilson to adopt the following amended agenda:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from July 18, 2018.
4. Presentation of: Request to rezone property located at 1816, 1824, 1832, and 1842 Shiloh Road from Agricultural (A) to Single-Family Residential (R-1).
5. Consideration of: Modification of Planned Unit Development for Walmart, 1536 Egg Harbor Road.
6. Consideration of: Requirements for Electronic Variable Message Signs.
7. Consideration of: Amendments to Section 20.25 of the Sturgeon Bay Zoning Code relating to conditional uses.
8. *Consideration of: Zoning code amendments for accessory dwelling units.*
9. Public comment on non-agenda Plan Commission related items.
10. Adjourn.

Carried.

Approval of minutes from July 18, 2018: Moved by Ms. Hauser, seconded by Mr. Gilson to approve the minutes from July 18, 2018, after correcting the spelling of Shanock to Schanock. All ayes. Carried.

Presentation of: Request to rezone property located at 1816, 1824, 1832, and 1842 Shiloh Road from Agricultural (A) to Single-Family Residential (R-1): Mr. Sullivan-Robinson stated that Michael Anderson, executor of Lois Anderson's estate, is petitioning to rezone a portion of the property on Shiloh Road totaling 1.61 acres (200' x 350') to the south, from Agricultural (A) to Single-Family Residential (R-1). Through a variance in 1976, four homes were placed on this portion of the property. The variance allowed the homes to have 75 feet of road frontage each rather than 150 feet each. The Comprehensive Plan indicates Agricultural use. Agricultural is meant for preserving good farmland and to control random development from occurring.

Attorney Jim Smith, representing Lois Anderson's estate, stated that their goal is to sell the property and close out the estate. He talked with the perspective buyer of the four homes and he wants to keep the homes all on one parcel. These are very small homes and would be used for rental properties. There are currently people living in them now. There would still be 13.3 acres of Agricultural land that one of the family members plans on purchasing and continue to farm. The buyer of the four homes intends to improve the property. Mr. Smith thought this was a reasonable request. The variance runs with the land, not the owner. The variance was granted and smaller lots were allowed.

Mr. Olejniczak added that in the Agricultural district, they could divide and sell the lots, but the lots would each have to be one acre in size. It would be difficult to divide. In the R-1 district, only 10,000 square feet is required per lot.

Andrew Morel, 354 N 17th Drive, is the perspective buyer of the four homes. He stated that in the next 2 – 3 years he would like to replace the windows, siding, etc. He has no intention of dividing the property into 4 lots. He owns three other homes in Sturgeon Bay that are used for employee housing.

Mr. Gilson mentioned that the homes did not appear to be in good shape. The Commission would expect reasonable looking homes if approved.

No action was required. A public hearing will be held at the next Plan Commission meeting in October.

Consideration of: Modification of Planned Unit Development for Walmart, 1536 Egg Harbor Road: Mr. Sullivan-Robinson stated that Walmart has implemented a new online grocery pickup program, which allows customers to order online and pick up their order without entering the store. Plans show the installation of a six-stall orange canopy over a portion of the eastern side of the parking lot. Ten stalls will be widened to 12' x 20', which will mean eliminating five existing parking stalls. The Plan Commission has the ability to make decisions on minor changes to the PUD as long as the changes wouldn't affect the character and standards of the PUD.

Without further discussion, it was moved by Mr. Gilson to approve the modification of the PUD for Walmart.

Sunday Bougher, representative for Walmart from Tulsa, OK, was available to answer any questions. Signage was discussed. Ms. Bougher agreed that the Pickup wall signage would be backlit and will have the document revised stating it to be a backlit sign. The grocery pickup service will be available 7 days a week, 8:00 a.m. to 8:00 p.m.

Mr. Gilson's motion was seconded by Ms. Hauser to approve the revised PUD and plans for Walmart. All ayes. Carried.

Consideration of: Requirements for Electronic Variable Message Signs: Mr. Sullivan-Robinson stated that he was asked at a previous meeting to gather additional information regarding EVMS regulations. He sent out letters to businesses that were grandfathered in with electronic message signs notifying them of a potential change to the ordinance. He received some replies, including Young Automotive who believed a hardship would be created since their sign doesn't have the same capabilities as the newer signs. Mc Donald's stated they weren't opposed to the timing restriction as long as it didn't restrict their ability to use the sign.

Mr. Sullivan-Robinson also contacted Creative Sign Company, located in Green Bay, and received information on lifespan of an EVMS. The lifespan is approximately 7-10 years, with customers usually replacing them around 7 years. Their representative could not speak as to whether removing grandfathering was necessary.

Mr. Sullivan-Robinson submitted three draft ordinances for the Commission to review. The six second static message rule became in effect August 18, 2009.

Mr. Olejniczak added that if an existing sign is replaced, it is no longer grandfathered in. It is fine if just regular maintenance is done, such as replacing bulbs.

Mr. Sullivan-Robinson stated that not all signs have the same capabilities. If we no longer allowed grandfathering of signs, Young Automotive may not be able to use the sign because of its size.

Mr. Hurley mentioned that Woldt's Corner has a flashing sign that get very confusing with emergency lights.

Commission members discussed the different options.

Mr. Gilson commented that he liked draft Ordinance #3 that would keep the regulations for static messages, but removes the grandfathered status. A sunset clause could be added to keep the grandfathered status for a limited time. Members agreed and added a provision that for an EVMS that has been in existence before August 18, 2009, subsections 1,3, and 4 of section 27.12 (4)(b) shall not be effective until May 1, 2020. Those subsections relate to different types of display/movement, the six second static message rule, and one second limit for changing the message. This would give the businesses time for changes.

Mr. Olejniczak summarized that the ordinance would be kept as is, but all grandfathered signs must comply by a certain date.

After further discussion, it was moved by Ms. Hauser, seconded by Mr. Gilson to recommend to Council draft Ordinance #3, removing the grandfathered status via sunset clause, effective as of May 1, 2020. All ayes. Carried.

Consideration of: Amendments to Section 20.25 of the Sturgeon Bay Zoning Code relating to conditional uses: Mr. Olejniczak stated that this item was discussed at a prior meeting regarding Wisconsin Act 67 and impacts of the changes the way conditional uses are regulated by municipalities, along with the need to amend the zoning code. Amendments were needed to be made to the section pertaining to the procedures and standards for conditional uses, and the list of various conditional uses by district also needed to be reviewed and amended as necessary. Members thought that this should be done at a separate Plan Commission meeting.

Mr. Olejniczak brought forward only suggested amendments to the procedures and standards for conditional uses (section 20.25).

After further review of the proposed changes, it was moved by Mr. Gilson, seconded by Mr. Hurley to recommend to Council to approve the proposed amendments to Section 20.25 Conditional Uses. All ayes. Carried.

Consideration of: Zoning code amendments for accessory dwelling units: Mr. Olejniczak stated that this item was discussed during several meetings in 2016 and 2017. A lot of research had been done. A recommendation had been approved by Council that would permit accessory dwelling units under various regulations. A public hearing was held, but an ordinance had never been adopted or rejected. The Council recently brought this issue up again and referred it back to Plan Commission for another recommendation.

There was a serious concern about allowing accessory dwelling units in the R-1 districts. An option would be to remove it from R-1 or leave it in with requiring larger lots and bigger setbacks. The intention is for new permanent housing for citizens. State Statutes were recently revised and restrict the community from regulating rental periods of 7 days or longer.

Mr. Hurley suggested to investigate the change to 7 days before going ahead.

Ms. Hauser had contacted Traverse City to find out how they regulate accessory dwelling units. They have issued 39 ADU's in their community. They started in the R-1 district and expanded from there. The only complaints they have had is if the owner wasn't living there. They used to have a minimum of 250 square feet, eliminated that and let the market determine.

Mr. Gilson thought that the requirement that the property owner must reside in either the main unit or the ADU could be loosened. He thought a family member residing in the unit ought to satisfy that requirement.

Mr. Olejniczak will take a look at how the state restriction impacts the proposed code and bring back to the next meeting.

Public comment on non-agenda Plan Commission related items: No one spoke during public comment.

Adjourn: Moved by Ms. Hauser, seconded by Mr. Hurley to adjourn. All ayes. Carried. Meeting adjourned at 7:10 p.m.

Respectfully Submitted,

Cheryl Nault
Community Development/Building Inspection Secretary