

CITY PLAN COMMISSION
Wednesday, October 17, 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 Jeff Norland, Dennis Statz, Steven Hurley, Mike Gilson, and Laurel Hauser 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 Mr. Hurley to adopt the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from September 19, 2018.
4. Request to rezone property located at 1816, 1824, 1832, and 1842 Shiloh Road from Agricultural (A) to Single-Family Residential (R-1).
Presentation
Public Hearing
Consideration of
5. Consideration of: Zoning code amendments for accessory dwelling units.
6. Consideration of: Regulations for solar energy systems.
7. Public comment on non-agenda Plan Commission related items.
8. Adjourn.

Carried.

Approval of minutes from September 19, 2018: Moved by Ms. Hauser, seconded by Mr. Gilson to approve the minutes from September 19, 2018. All ayes. Carried.

Request to rezone property located at 1816, 1824, 1832, and 1842 Shiloh Road from Agricultural (A) to Single-Family Residential (R-1):

Presentation: Mr. Sullivan-Robinson stated that this request is to rezone a portion of a parcel located on Shiloh Road from Agricultural to Single-Family Residential (R-1). This 350' x 200' portion contains four homes. A variance was granted in the 70's to allow the four homes on the parcel with 75 feet of frontage each. The use of the homes is workforce rental. The zoning map amendment is inconsistent with the Future Land Use Map of the Comprehensive Plan. But, the amendment would aid the goals of preserving agricultural land and supporting affordable housing because each dwelling would not need one acre of lot area. Thus, overall, the zoning change is consistent with the Comprehensive Plan.

Public Hearing: Mr. Statz opened the public hearing at 6:10 p.m.

Attorney Randy Nesbitt, 454 Kentucky Street, stated that he is representing the Lois Anderson Estate. There are a total of 14.9 acres. There is a perspective buyer with intentions of updating the four houses by replacing the windows and siding. The most economic use would be to leave the rental homes as is on the 1.6 acre parcel. They will be good workforce housing into the future, with rents ranging less than current available apartments in the area. Approximately

13.3 acres will continue to be used as farmland. He encouraged the Commission to approve the rezoning.

Mr. Gilson wondered if someone could subdivide the lot and rebuild. Mr. Nesbitt responded that the variance doesn't allow for subdividing. If a house would burn down, they would be able to rebuild in the same place under the variance that exists.

Mr. Sullivan-Robinson added that in the R-1 district, the minimum lot size is 10,000 square feet and 85 feet of street frontage.

Mr. Olejniczak thought that possibly three R-1 lots could be created. There is an easement that is located along the south lot line of the property that goes along with a different property. The septic fields also need to be considered, as there are four septic systems and one well.

Andrew Morrell, 354 N 17th Dr., is the potential buyer of the portion of the property with the four homes. He has no intention of changing anything other than updating the homes. All four homes will remain on the property. He currently owns other homes that are rented out for workforce housing.

There were no letters of correspondence in favor or against the rezoning request.

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

Consideration of: Mr. Olejniczak offered options to either hold off on making a decision until the next meeting or make a motion and pass with 3/4/ vote to act on this item at this meeting.

After a short discussion, it was moved by Ms. Hauser, seconded by Mr. Statz to act on this request at this meeting. All ayes. Carried.

Moved by Ms. Hauser, seconded by Mr. Norland to recommend to Council approval of the request to rezone property located at 1816, 1824, 1832, and 1842 Shiloh Road from Agricultural (A) to Single-Family Residential (R-1). All ayes. Carried.

Consideration of: Zoning code amendments for accessory dwelling units: Mr. Olejniczak explained that at the last meeting Mr. Gilson suggested that a family member could reside in one of the units instead of the property owner. Mr. Olejniczak added that suggested change to the proposed ordinance.

Mr. Olejniczak stated he was also asked to look into the requirement stating a minimum rental period was 30 days or longer. The State has now adopted new rules that restrict municipality's ability to regulate short-term rentals. He contacted the interim City Attorney and his response was that the 30 day period has now become a 7 day period. Short-term rentals can still be restricted, but only shorter than 7 days. In addition, it can be restricted to 180 days in one year and the 180 days can run consecutively. Mr. Olejniczak made the changes to the proposed ordinance to reflect the state statutes.

Discussion took place as to who is an immediate family member that could reside in one of the units. Immediate family member should be more clearly defined.

Mr. Norland stated that people buy single-family residential property for a reason.

Mr. Hurley expressed that he was not a fan of short-term rentals. He wondered if the ADU code would be just housing for a family member.

Mr. Statz explained that the state code contradicts the purpose of accessory dwelling units. He would like "immediately family" looked at and to speak to Joel Kitchens regarding the state rules to see if this can be revised or if it is set in stone. Mr. Statz believed this item should be put on hold for now.

Alderwoman Kelly Avenson stated that she is in favor of accessory dwelling units. She created a unit on 3rd Avenue as a short-term rental. It progressed and she was able to buy a home. It is a big investment. Financially, it can be beneficial. It should be considered.

No further action was taken at this time.

Consideration of: Regulations for solar energy systems: Mr. Sullivan-Robinson stated that at a previous Aesthetic Design & Site Plan Review Board meeting, a local business was seeking approval for installation of two solar panels. The City has no current regulations on solar energy systems. The Board requested that staff brings information to Plan Commission to review and possibly create an ordinance.

Staff researched the state statutes, as well as other municipality's ordinances. Sturgeon Bay Utilities General Manager Jim Stawicki also provided a Local Government Solar Toolkit that had been assembled to equip local governments with information regarding solar development as it relates to planning, zoning, and permitting.

Mr. Stawicki stated that an appropriate space is needed for solar panels. They are site specific. Based on the size of the property, they may not be worth installing.

Commission members had questions, such as the difference between ground mounted and roof mounted. Would ground mounted be allowed in the R-1 district?

It was the consensus of the Commission to proceed with creating a solar energy system ordinance. Mr. Stawicki will work with City staff on creating an ordinance.

Public comment on non-agenda Plan Commission related items: Chris Kellems, 120 Alabama Street, stated that solar can also mean domestic water systems. There is so much missed opportunity where solar is not being used.

Adjourn: Moved by Mr. Gilson, seconded by Ms. Hauser to adjourn. All ayes. Carried. Meeting adjourned at 6:59 p.m.

Respectfully Submitted,



Cheryl Nault
Community Development/Building Inspection Secretary