

AGENDA
CITY OF STURGEON BAY
CITY PLAN COMMISSION
Wednesday, May 15, 2019
6:00 p.m.
Council Chambers, City Hall
421 Michigan Street

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from April 3, 2019.
4. Election of Vice-Chair.
5. Consideration of: Duties, powers and procedures for the Plan Commission.
6. Consideration of: Updating the Sturgeon Bay Comprehensive Plan.
7. Consideration of: Zoning code section 20.31(4)(b) - Surfacing of parking lots.
8. Public comment on non-agenda Plan Commission related items.
9. Adjourn.

NOTE: DEVIATION FROM THE AGENDA ORDER SHOWN MAY OCCUR.

Notice is hereby given that a majority of the Common Council may be present at this meeting to gather information about a subject over which they have decision-making responsibility. If a quorum of the Common Council does attend, this may constitute a meeting of the Common Council and is noticed as such, although the Common Council will not take any formal action at this meeting.

Plan Commission Members:

Mayor David Ward
Jeff Norland
Dennis Statz
Mark Holey
Ald. Kirsten Reeths
Ald. David Hayes

5/10/19
9:00 a.m.
CSR

CITY PLAN COMMISSION

Wednesday, April 3, 2019

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 Dennis Statz, Laurel Hauser, Jeff Norland, and Mike Gilson were present. Excused: Member Steven Hurley. Also present were Alderpersons Kelly Avenson and 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 Ms. Hauser, seconded by Mr. Norland to adopt the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from February 20, 2019.
4. Combined Preliminary/Final Planned Unit Development for Aaron Hilpipre, for property located at 709 Jefferson Street:
 - Presentation
 - Public Hearing
 - Consideration of
5. Conditional use request from Wisconsin Public Service for a gas regulator station, located at 1843 Michigan Street.
 - Presentation
 - Public hearing
 - Consideration of
6. Consideration of: Tourist Rooming House Code text amendment.
7. Public comment on non-agenda Plan Commission related items.
8. Adjourn

Carried.

Approval of minutes from February 20, 2019: Moved by Ms. Hauser, seconded by Mr. Norland to approve the minutes from February 20, 2019. All ayes. Carried.

Combined Preliminary/Final Planned Unit Development for Aaron Hilpipre, for property located at 709 Jefferson Street:

Presentation: Aaron Hilpipre, 1211 Fox River Dr., DePere, WI, stated that he owns the property on the corner of Jefferson Street and 7th Avenue. There are four apartments. The ground floor of the main building is vacant. At one time it was two apartments and the previous owner used the ground floor as storefront. It was recommended to him to have everything changed over to residential. There are a total of 6 units. It was suggested to apply for a planned unit development.

Mr. Sullivan-Robinson stated that a conceptual review was held at a previous meeting. There are two buildings on the property. As Mr. Hilpipre stated, the first building has two upper residential units and commercial space on the lower level. The second building, located at the northeast corner of the property, contains two single residential units. He would like to convert the commercial space into two more single residential units. Under normal zoning, they could do multifamily, but would he not be able to meet the density standards of the code, which is the reason for going through this process. According to the Comprehensive Plan, this property is

meant to be transitional commercial in the future. It allows for a mix of commercial, residential and multifamily. The access is off of 7th Avenue with a shared driveway and some parking. Under the normal zoning code, 3500 square feet per unit is needed on a lot for multi-family use. The lot is 11,000 square feet. Thus, only three units would be allowed. The parking lot contains eight parking stalls. Under the code, nine stalls would be needed. The shared driveway has no agreement with the neighbor. There are options with parking, such as making a payment in lieu of or to obtain an agreement with the neighbor. There will be no increase in traffic by this change of use. There will be no change in building design. At the last meeting, the Plan Commission members wanted to make sure that all of the units would not be turned into a short-term use. According to the City Attorney, the state code does not allow the City to create this kind of restriction under an ordinance.

Mr. Olejniczak added that it would be inappropriate to include a restriction greater than the state statute in the ordinance if the PUD was approved by ordinance.

Mr. Sullivan-Robinson added, given the history of the use of the property, that staff is not opposed to the density allowance under the proposed project. Staff recommends approval of the PUD, subject to the following parameters:

1. The underlying zoning to remain C-5.
2. The additional off-street parking space shall be met via either written agreement from the adjoining property for collective (shared) parking area or a payment in lieu of providing the final space shall be made. No additional off-street spaces shall be created without approval of the Plan Commission.

Mr. Hilpipre stated that he goes through a marketing company for his rentals and hires a local person for cleaning. His long-term rentals range from \$485 - \$565 per month. There are currently 8 parking stalls that are 9.5 feet wide. He wondered about putting up a fence for the shared driveway. There is a double-wide curb cut and half is on his property and half on the neighbors. He has not had a conversation with the neighbor about the possibility of an agreement.

Mr. Olejniczak stated that the one-time payment in lieu of fee is set by the Parking & Traffic Committee and can range anywhere from \$100 to \$1000.

Mr. Hilpipre stated that three of the units would be short-term rental and eventually three long-term rentals.

Public Hearing: Mr. Statz opened the public hearing at 6:19 p.m.

Aldersperson Kelly Avenson, 46 E Pine St., asked for clarification regarding the state statute if the City can restrict rentals up to seven days for half the year. Mr. Olejniczak responded that they can be restricted.

Terry Ullmann, 1920 Cty U, wondered if there is overnight parking on Jefferson Street. Mr. Olejniczak responded that there are no restrictions in that area except during the winter.

John Hermansen, 948 Memorial Drive, asked if half of the property can be under the 7 day restriction. Mr. Sullivan-Robinson responded that is possible.

Mr. Hilpipre read a very positive review that was received from someone that stayed in one of the units.

There was no correspondence in favor or against the PUD request.

Mr. Statz closed the public hearing at 6:35 p.m.

Consideration of: Mr. Olejniczak added that Mr. Hilpipre would need a license for any rentals less than 30 days. Under the state statute, the City can restrict the rental period to at least 7 days and can also restrict the amount of days he is renting it for short-term to no more than 180 consecutive days in a one year period. That restriction can be placed on some of the units, all of the units, or none of the units. In this case, a new ordinance is being created for this parcel, so zoning rules can be created for what is appropriate.

Mr. Gilson does not agree with the 7 day restriction. It makes no sense for Mr. Hilpipre to have short-term rentals if there is a 7 day restriction. Especially in fall, travelers come for weekends. Long-term rentals help with the low income housing.

Ms. Hauser doesn't like having a separate set of rules for this than all the others. She thought 3 of the units could have the 7 day restriction and 3 short-term rentals.

Ms. Hauser moved to approve the combined preliminary/final PUD request based on the 7 day state statute restriction on three of the units and staff's recommendation.

Mr. Olejniczak reminded the Commission that prior to making a motion, a motion must be made to act on the request at this meeting.

Mr. Norland agreed with Mr. Gilson. This would be the place for short-term rentals. He didn't feel that short-term rentals are part of this discussion, since the Commission was voting on a PUD. He was curious why the owner hasn't made an effort on contacting the neighboring property owner and have a written agreement regarding the shared driveway.

Moved by Ms. Hauser, seconded by Mr. Gilson to act on this request at this meeting.

Moved by Ms. Hauser, seconded by Mr. Statz to recommend to Council to approve the preliminary/final PUD for Aaron Hilpipre, with the restriction that 3 of the units be subject to the 7 day state statute restriction and that the staff recommendations be met.

Mr. Norland still sees no reason for restricting one property.

A vote was taken on the motion. All ayes. Carried.

Conditional use request from Wisconsin Public Service for a gas regulator station, located at 1843 Michigan Street:

Presentation: WPS representatives Lynn Kroll, Jerry Peot, and Lucas Oshefsky presented a powerpoint presentation regarding construction of a proposed gas regulator station to be located at 1843 Michigan Street.

Ms. Kroll stated that WPS is reaching capacity at their present location and would like to add a back-up feed to the existing system, since there is only one feed to the east side. The gas regulator station is a secondary regulating facility that would reduce the pressure to 60 pounds per square inch to serve homes and businesses.

Ms. Kroll stated that discussions were held in 2017 regarding location options. They applied with different sites, such as the east and west Chaudoir sites on 18th Avenue and north and south hospital sites. The proposed site was chosen by the Public Service Commission due to the location of the connection point on Michigan Street. The building would match the surgery center. The building will have 8' sidewalls and a 2/12 pitch. The anticipated project construction will begin spring/summer of 2019. Installation of a 6-foot green fence is their preference for security and safety of equipment. The fence will be located 2 feet off the property line. The equipment would be less noisy than traffic.

Mr. Oshefsky mentioned that the Maple Ridge apartment owner granted a temporary construction easement. There is a verbal and written agreement with the hospital.

Mr. Sullivan-Robinson explained that this is a conditional use request and is their final destination. The property is located on the southwest corner of the hospital property. The 17' x 12' metal structure will be constructed in a 56' x 57' fenced in area. Their first option, which was the Chaudoir property, was not well accepted by the community and City staff. Of the four sites, staff supported this site, although the building did not meet the required setbacks.

Ms. Kroll stated that the Zoning Board of Appeals denied their request for a variance. They will ask the ZBA for reconsideration after changing the design.

Public hearing: Mr. Statz opened the public hearing at 6:57 p.m.

Mr. Sullivan-Robinson stated their lack of hardship was the ability to meet code. The ZBA also had safety concerns, as well as concern of property values being affected. Staff supported the project and thought that this site was the best option and that it was the least impactful to the community. Staff recommend approval of the project, subject to:

1. Obtaining the rear yard variance or otherwise complying with the yard requirement, including relocating the building northerly if necessary.
2. There should be vegetation screening on four sides of the site.

Alderman David Hayes, 111 S 7th Avenue, was concerned of plowing snow at the fence line.

There was no correspondence in favor or against the proposed conditional use.

Mr. Statz closed the public hearing at 7:02 p.m.

Consideration of: Mr. Norland wondered if there were any concerns of traffic accidents. Mr. Peot responded 6-8 foot bollards placed inside the fence is a requirement:

Ms. Hauser thought that the building should have a flatter roof to mimic the hospital roof. That could be recommended to the Aesthetic Design & Site Plan Review Board.

After further discussion, it was moved by Mr. Gilson, seconded by Ms. Hauser to approve the conditional use request, subject to staff's recommendations as stated earlier.

Ms. Hauser amended the motion, seconded by Mr. Statz to design the building to look like it goes with the hospital.

A vote was taken on the amended motion. All ayes. Carried. A vote was then taken on the original motion as amended. All ayes. Carried.

Consideration of: Tourist Rooming House Code text amendment: Mr. Sullivan-Robinson stated that this has been an ongoing discussion. There was no consensus where to go with this. The regulations increased on short term rentals.

Mr. Olejniczak stated that if the proposed ordinance is adopted, it would apply city-wide. The City has the authority to restrict short-term rentals to a 7 day minimum stay. The City can also restrict short-term rental periods to 180 days within a year.

Jennifer Bacon, 728 Georgia Street, stated she manages STRs and has a cleaning company. There is no data to back up anything. A group has been formed that wants to be part of the solution. They want to know about complaints received. You can't dictate when you can be open.

Elaine Carmichael, 4089 Snake Island Road stated that she has a short-term rental, as well as property in the City that might become a short-term rental. Just because you can change something doesn't mean you should.

Lane Kendig, 4089 Snake Island Road and 26 W Pine Street, attended the meeting because of affordable housing. The City needs to focus on affordable housing and how to make those units affordable. He would like to meet with staff or come to another meeting. Short-term rentals are not a solution to affordable housing.

Jan Mills, 714 N 5th Avenue, stated that this is the new wave as far as putting Sturgeon Bay on the map.

Terry Ullman, 1902 County U, stated that he has expanded his business on 3rd Avenue with apartments above. It is benefiting his candy store and owners have come to him purchasing candy to put in their rooms. Door County is a seasonal gig. We need to change with the times. It is good for business and should not be changed.

Alderson Kelly Avenson, 46 E Pine Street, said that she owns two short-term rentals and manages others. She doesn't want to be part of the problem either. This isn't the only issue causing a housing shortage. Minimum wage has not increased. Have we exhausted all options before limiting things?

Phil Rockwell, 368 N 3rd Avenue, owns a one bedroom AirBnB, Door County Traders, and an 8-plex on 4th Avenue with his mother. It is difficult to think that you can't do business in your own town. He thinks that AirBnB's will self-regulate. Options need to be looked at. It could be looked at yearly.

Cheryl Link, 942 N. Duluth Avenue, stated that she comes to Sturgeon Bay from Colorado every 2-6 months. Her property is too small for a permanent residence. It has been rented almost constantly since December 23rd. If limited she would have to sell her house. Most of her rentals are 3, 4, or 5 nights. She grew up in Sturgeon Bay. She asked to think about the restrictions.

Liz Merner and David Wilkins, 3120 Stevenson Pier Road, Sturgeon Bay, are motel owners in Little Sturgeon. They are not against STR's. But, if you want to run like a hotel, they need to get the same inspections as they do.

Mr. Olejniczak stated that in Wisconsin you can regulate and require additional inspections.

John Hermansen, 948 Memorial Drive, stated that in Madison the owner needs to live in the residence or have someone take on the roll. A responsible party has to be within a reasonable distance.

Commission members added their thoughts. Ms. Hauser suggested to look into what other communities in Wisconsin do.

Mr. Norland would like to know the differences in the regulations.

Ms. Hauser thought a chart of regulations would be helpful for STR's vs. hotels.

Mr. Statz stated we will continue to gather more information.

Public comment on non-agenda Plan Commission related items: Mr. Olejniczak thanked Mr. Hurley for serving on the Commission. He has moved out of the City and is no longer able to remain on the Commission.

Adjourn: Moved by Mr. Gilson, seconded by Mr. Norland to adjourn. All ayes. Carried. Meeting adjourned at 8:26 p.m.

Respectfully Submitted,



Cheryl Nault
Community Development/Building Inspection Secretary

Martin Olejniczak, AICP
Community Development Director
421 Michigan Street
Sturgeon Bay, WI 54235



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Website: www.sturgeonbaywi.org

4.

MEMO

To: City Plan Commission
From: Marty Olejniczak, Community Development Director *MO*
Date: May 9, 2019
Subject: Election of Vice-Chair

According to the Municipal Code, the Mayor is the chair of the Plan Commission. The members, however, elect a vice-chair. At the May 15th meeting please be prepared to nominate and vote on the vice-chair. Mr. Statz currently holds that office, but any of the members are eligible.



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REQUEST FOR PROPOSAL

CITY OF STURGEON BAY COMPREHENSIVE PLAN UPDATE

General Project Description

The City of Sturgeon Bay seeks the services of a professional planning firm to assist with the update to the City of Sturgeon Bay Comprehensive Plan. This project is the regular 10-year update required under the Wisconsin Comprehensive Planning Law (Smart Growth) – section 66.1001 of the Wisconsin Statutes. The finished product shall provide a consistent vision and direction for the community in order to inform decision-making and guide future development over the next 20-year period. The Plan shall affirm, modify, and/or create the City's goals, objectives and policies.

All firms with expertise in preparing such plans are invited to submit a proposal. The deadline for submission is **May 17, 2019 at 4:00 p.m.**

Community Overview

The City of Sturgeon Bay has a population of 9,363 based upon the Jan. 1, 2018 DOA estimate. It is the county seat of Door County. Sturgeon Bay serves as the primary government, retail, business, and employment center for the county. The nearest metropolitan region is Green Bay, which is approximately 40 miles to the south.

The city is located on both sides of the waters of Sturgeon Bay and is connected together by two downtown bridges and a third highway bridge. Sturgeon Bay has two primary manufacturing areas. These include Fincantieri Bay Shipbuilding Company, a large ship repair and construction complex located along the waterfront, and the Sturgeon Bay Industrial Park, which includes a mixture of manufacturing and service businesses. The city has downtown retail districts on each side of the bay. There also are major retail corridors along Egg Harbor Road on the east side and Green Bay Road (Highway 42-57) on the west side. The city has an extensive waterfront, much of which has been redeveloped into recreational, resort, marina, and residential uses. The only hospital in Door County is located in Sturgeon Bay.

Sturgeon Bay is governed by a part-time mayor and seven-member Common Council with a full-time city administrator. The police department, fire department, and most city offices are housed in the Sturgeon Bay City Hall, which is situated in the downtown.

Most of the city territory is located within the Sturgeon Bay School District, but portions of the city are within two other school districts. Sturgeon Bay also hosts a campus of the Northeast Wisconsin Technical College.

Planning History

The original Sturgeon Bay Comprehensive Plan was adopted in 1969. The plan has been updated approximately every ten years, including 1979, 1990, and 2001. The current Comprehensive Plan was adopted in 2010. This plan is compliant with the Wisconsin Comprehensive Planning Law and contains all of the required elements under the statute. The current Comprehensive Plan can be accessed at:

<https://www.sturgeonbaywi.org/departments/community-development/comprehensive-plan/>

Sturgeon Bay has also completed or participated in many other plans. Recently completed plans include:

- Door County Housing Analysis
- Sturgeon Bay Outdoor Recreation Plan
- West Waterfront Redevelopment Plan
- Door County Hazard Mitigation Plan
- Sturgeon Bay Sewer Service Area Plan
- Sturgeon Bay Bicycle Master Plan

There are also other older plans still in effect. In addition to the current Comprehensive Plan, many of these other plans can also be viewed from the City's website or can be provided upon request.

The Sturgeon Bay Plan Commission has been initially designated to serve as the steering committee for this planning effort. It consists of 7 members, who are a combination of elected officials and citizens. The Commission typically meets monthly, but additional meetings can be held, if necessary to accommodate the selected consultant's proposed schedule. At the City's discretion an ad hoc steering committee comprised of citizens may be formed to assist the Plan Commission or to take on the initial review of the draft of the plan update or components thereof.

Description of Services Required

The consultant services shall include, but not be limited to, the following items:

- Create a work plan and schedule for updating the Comprehensive Plan, including review and approval by the Plan Commission and Common Council.
- Create the written procedures for, and lead the implementation of, the public participation process required by the Comprehensive Planning Law (Wis. Stats. 66.1001). The submitted proposal shall include the consultant's proposed methods and procedures for obtaining citizen input (e.g. surveys, forums, visioning session, etc.) and involving the public in general. The Public Participation Plan must be adopted by the Sturgeon Bay Common Council and will serve as a guide for providing information to and receiving

input from the public. The City has a subscription to Polco, a web-based survey platform, which can be used for any online surveying that is part of the public participation techniques proposed by the selected consultant.

- With assistance from city staff, compile and analyze pertinent background information, including population, housing, employment, and land use data. The analysis of background data shall include descriptions of trends influencing the development and character of Sturgeon Bay and conclusions that can be used to guide the goals and recommendations of the plan.
- Assist the steering committee in reviewing, evaluating, and reformulating the goals, objectives, and policies of the current Comprehensive Plan. These shall be heavily influenced by the public input and background analysis.
- With input from the steering committee (Plan Commission) and staff, revise as necessary the nine required elements of the Comprehensive Plan. Each element shall include the various items and study topics required under the Comprehensive Planning Law. In addition, the following issues shall be studied and recommendations included with the Comprehensive Plan:
 1. Under the housing element, review the Door County Housing Study and consider its connection to the city's housing supply and provide recommendations regarding meeting the existing and future housing demand.
 2. In addition to any other zoning implementation recommendations, review the city's zoning map and provide recommendation regarding areas of the city that should be rezoned to implement the land use element and/or other policies of the Comprehensive Plan.
 3. Review the city's design review related ordinances, processes, and guidelines and recommend any changes needed to implement the design, community character, and sustainability goals, objectives and policies of the Comprehensive Plan. Such recommendations could include the concept of form-based zoning.
- Prepare and present a final Comprehensive Plan document for adoption by the Plan Commission and Common Council.
- Provide copies of all documents and maps in hard copy and electronic format. At least 25 printed copies of the adopted document shall be provided.

The consultant, in the preparation of a proposal, should not be limited by the anticipated services identified, but should describe any additional services the consultant believes are beneficial in updating the Comprehensive Plan and associated costs for these services.

City staff will schedule, coordinate and make all necessary arrangements for meetings conducted by the consultant during the course of the project. The City will provide available existing documentation, in hard copy and electronic format when available, to the consultant and will make staff time available as needed.

Proposal Requirements

Consultants should submit a digital version of the proposal along with five bound copies of the proposal and one unbound, reproducible version. Packages containing the proposal and any related materials should be sealed and clearly marked on the outside in the following manner:

PROPOSAL FOR THE CITY OF STURGEON BAY COMPREHENSIVE PLAN

The proposal should be mailed or delivered to:

City of Sturgeon Bay
Community Development Department
421 Michigan Street
Sturgeon Bay, WI 54235

These materials must be received by the Sturgeon Bay Community Development Department office by 4:00 p.m. on Friday, May 17, 2019. Any proposals or related materials which are received after the date and time stated above will be returned unopened.

Proposals can be amended before the due date and time by filing an amended proposal. An amended proposal must be a complete proposal and replace the original proposal.

There is no specified format for submitting a proposal. The proposal shall be signed by the consultant's authorized agent and should include at a minimum:

1. Consultant's name, address, phone number, and fax number, along with the name of a contact person if different than the firm's name or signature on the proposal.
2. The proposed work plan and approach to be undertaken for updating the Sturgeon Bay Comprehensive Plan. The work plan should describe any modifications or expansion of the scope of services. The work plan should identify the "deliverable" end product(s). (Note: the consultant may include ideas beyond those outlined in this RFP.)
3. The consultant's proposed approach to public participation.
4. Summary of the consultant's experience and technical skills relating to preparation of a Comprehensive Plan.
5. Anticipated timeline for completing the update to the Comprehensive Plan, including start date.
6. Examples of comprehensive planning work performed for other municipalities, including completion dates and contact information for the municipality. Indicate the type, scope, and duration of the work done for each client.

7. Resume and/or background of the personnel to be assigned to the project and the roles for each person.
8. Proposed budget based upon the work proposed. The proposed budget total should include all expenses and materials to deliver the work products.
9. Fee schedule for personnel involved with the project.
10. One copy of your firm's typical professional services agreement or contract.

Selection Process

The consultant selected for this project will have experience in comprehensive planning and be familiar with Wisconsin Comprehensive Planning Statute 66.1001. The City will be solely responsible for the selection of a consultant to conduct the desired work. The City reserves the right to reject any or all proposals submitted in response to this RFP.

Deadline for submissions is 4:00 p.m. on May 17, 2019.

Proposals will initially be evaluated by a selection committee comprised of City staff and a limited number of Plan Commission members. Based upon this evaluation, a list of at least two and not more than six consultants will be created for follow-up presentations and interviews. The selected consultants will be invited to make a short presentation to the full Plan Commission on May 29, 2019 and answer any questions regarding their proposals. The Plan Commission will make a recommendation to the Council. The actual selection of the consultant will be made by the Council.

Approval of the consultant by the Common Council and awarding of a contract is anticipated to occur by June 18, 2019. The consultant is expected to begin work on the contract as soon as possible after the awarding of the contract.

Type of Contract

The City will be looking to enter into a contract for professional consulting services based on a fixed-price (or lump sum) to the contractor for the specified scope of services. Incremental payments to the consultant will be made at the completion of major tasks with a "not to exceed" contract amount. Ten percent of the contract price will be held as final payment upon delivery of the final product. The exact payment schedule will be negotiated and determined as part of the contract and shall be based on the budget provided with the proposal.

Contact Information

All inquiries and questions for clarification concerning this RFP should be directed to the following contact person:

Marty Olejniczak
Community Development Director
City of Sturgeon Bay

Telephone: (920) 746-6908

Email: molejniczak@sturgeonbaywi.org

All questions must be in writing and mailed, faxed, or e-mailed to the contact person. Responses to questions will be in writing and will be available to anyone who inquires to ensure uniformity. Anyone wishing to automatically receive responses to inquiries should submit a written request to the contact person stating how they would like to receive this response, either by fax or e-mail.

The consulting firm selected to do the work will contract with the City, and be responsible directly to the Community Development Director for the completion of work described in this RFP.

Disclaimer

The City of Sturgeon Bay shall not be liable for any costs incurred by a consultant in responding to this request for proposal or for any costs associated with discussions required for clarification of items related to this proposal.



MEMO

To: City Plan Commission
From: Marty Olejniczak, Community Development Director *mo*
Date: May 9, 2019
Subject: Updating the Sturgeon Bay Comprehensive Plan

Under state law, municipalities that regulate land use and development through zoning codes, subdivision ordinances, or official map ordinances must create and adopt a Comprehensive Plan. The plan must comply with the minimum requirements of the Comprehensive Planning Law. This includes containing at least the nine core elements (land use, housing, etc.). The adopted plan must be updated every ten years.

The Sturgeon Bay Comprehensive Plan was last updated in 2010. Therefore, it is time to review the plan and make any changes deemed appropriate. The Common Council has budgeted funds for this update in order to hire a planning consultant. The Request for Proposals (RFP) was issued in April. Proposals are due May 17th.

There are a few action items for the May 15th meeting. First, the Plan Commission needs to verify that it wants to serve as the steering committee for the update. For past updates the Plan Commission served in that role and worked with the consultant to make sure the plan fit the vision of the community. Because the Plan Commission is required by law to ultimately pass a resolution approving the final plan, the Commission typically is the steering committee. But, some communities will appoint an ad hoc citizens committee to be the steering committee. So, a decision on the steering committee should be made.

The second action item is to designate a couple of members to serve on the consultant selection committee. The RFP states that proposals will be initially reviewed by a selection committee comprised of staff and "a limited number of PC members". I recommend that the committee should be City Administrator (Josh), Planner/Zoning Administrator (Chris), Community Development Director (myself), PC Chair (Mayor Ward), and one more PC member for a total of five people. The selection committee will meet the week of May 20th to review proposals and choose the top firms.

The third item is to set the day and time for interviewing the selected firms. According to the RFP, the firms are scheduled to interview before the entire Plan Commission at a special meeting on May 29th. DCEDC has scheduled one of the countywide meetings about housing that day at 6:30 p.m. at the Sturgeon Bay High School. We should avoid that evening, but a meeting could be scheduled for the afternoon that day. Otherwise, a different day should be chosen by the Commission members.



MEMO

To: Plan Commission
From: Christopher Sullivan-Robinson
Date: May 15, 2019
Subject: Consideration of: Zoning code section 20.31(4)(b) - Surfacing of parking lots

As shown in the code (20.31) below parking areas and access driveways that are not associated with single or two family uses are required to be paved within 12 months of occupancy. Occasionally, staff receives inquiries to use other types of material such as crushed asphalt, gravel, or just not pave to meet the requirement. In addition, city staff receives inquiries from seasonal type uses that believe the surfacing requirements to be too strict for their limited use.

Section 20.31(4)(b) – Except for parking spaces and access driveways which serve single-family or two-family dwellings, all parking spaces and access driveways shall be paved or otherwise surfaced with an all-weather surface within 12 months after occupancy. Any heavy equipment vehicular storage areas (such as those associated with truck terminals and contractor's garages), which are not open to the general public need not be paved, although said area must be maintained in a durable and dustless condition. Any access driveway from a public street to such storage area shall be paved with asphaltic, bituminous, or concrete surfacing.

Staff is primarily looking to get some interpretation of this section and guidance to whether or not there is a need to make the section more flexible.

20.31 - Off-street parking requirements.

- (1) *Generally.* At the time any building or structure is hereafter constructed, enlarged, or increased in capacity by adding dwelling units, rooms, seats, or floor area, there shall be provided off-street parking spaces as set forth in this section. Such spaces shall be maintained and shall not be encroached upon so long as said building remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this section.
- (2) *Minimum parking spaces required.* The minimum number of off-street parking spaces required for each use shall be as follows:
- (a) *Table of required off-street parking spaces.*

Uses	Parking Spaces Required
Single-family and two-family dwellings	2 spaces per dwelling unit.
Multiple-family dwellings	1.50 spaces for each one-bedroom unit or efficiency. 1.75 spaces for each two-bedroom unit. 2.00 spaces for each three- or more bedroom unit.
Multiple-family dwellings for the elderly and handicapped	0.75 spaces for each living unit.
Boardinghouses, lodginghouses, and bed and breakfast establishments	2 spaces, plus 1 space per lodging unit.
Hospitals, sanitariums, children homes, rest homes	1 space for each 2 beds, plus 1 space for each 2 staff doctors, plus 1 space for each 2 employees on the maximum shift.
Community based residential facilities	1 space for each employee plus 1 space for every 5 beds.
Hotels and motels	1 space per room or suite plus 1 space per 3 employees on the maximum shift.
Auditoriums, stadiums, theaters or other places of public assembly, except churches and auditoriums incidental to school	1 space for each 5 seats, based upon maximum seating capacity.
Auditoriums incidental to schools	1 space for each 6 seats, based upon maximum seating capacity.

Churches	1 space for each 6 seats, based upon maximum seating capacity in the main place of assembly.
Bowling alleys	5 spaces for each alley.
Dance halls, skating rinks, private clubs and lodges, and other places of assembly without fixed seats	Spaces equal in number to 30 percent of maximum capacity.
Libraries and museums	1 space for each 300 square feet of floor area.
Mortuaries or funeral homes	Spaces equal in number to 30 percent of the maximum seating capacity.
Day care centers	1 space for each 5 children, plus 1 for each employee.
Elementary and junior high schools	1 space for each 25 students enrolled, plus 1 space for each staff member.
High schools and colleges	1 space for each 7 students enrolled, plus 1 space for each staff member or employee.
Offices and banks	1 space for each 300 square feet of floor area.
Medical or dental clinics	1 space for each 200 square feet of floor space, plus 1 space for each doctor, plus 1 space for each employee on the maximum shift.
Industrial or manufacturing uses	1 space for each employee, based on estimated maximum daily or maximum 8-hour shift requirements in a 24-hour period.
Warehousing	1 space for each employee on the maximum shift.
Restaurants—Carry out	1 space for each employee plus 1 space for 150 square feet of gross floor area.
Restaurants—Dine-in	1 space for each employee on maximum shift, plus 1 space per 4 seats, based on maximum seating capacity.

Taverns	Spaces equal in number to 30 percent of maximum capacity.
Retail stores, and service establishments except furniture, appliance, automobile and machinery establishments	1 space for each 200 square feet of floor area.
Appliances and furniture stores, automobile and machinery establishments	1 space for each 500 square feet of floor area.
Wholesale distribution	1 space for each employee on the maximum shift.
Marinas	0.75 space per slip or mooring.

- (b) *Unspecified uses.* In the case of a use not specifically mentioned in this section, the requirements for off-street parking facilities shall be the same as for the above mentioned uses which, in the opinion of the building inspector, shall be deemed most similar.
- (c) *Mixed occupancies.* In the case of mixed uses, the total number of required parking spaces shall be the sum of the requirements for the various uses computed separately.
- (3) *Units of measurement.* For the purpose of this section, the following units of measurement shall apply:
- (a) "Floor area" in the case of offices, merchandising or service types of uses shall mean the gross floor area used, or intended to be used, for service to the public as customers, patrons, clients, or patients, including areas occupied by fixtures and equipment used for display or sale of merchandise. It shall not include areas used principally for nonpublic purposes such as storage, incidental repair, and processing or packaging of merchandise; for show windows; for offices incidental to the management or maintenance of stores or buildings; for toilets or rest rooms; for utilities; or for dressing, fitting or alteration rooms.
- (b) When units of measurement for determining required parking spaces result in a requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.
- (4) *Design.* All parking spaces and access driveways shall meet the following requirements:
- (a) *Size.* Each required parking space shall be a minimum of nine feet in width and 18 feet in length, exclusive of access drives or aisles, ramps or internal moving lanes.
- (b) *Surfacing.* Except for parking spaces and access driveways which serve single-family or two-family dwellings, all parking spaces and access driveways shall be paved or otherwise surfaced with an all-weather surface within 12 months after occupancy. Any heavy equipment vehicular storage areas (such as those associated with truck terminals and contractor's garages) which are not open to the general public need not be paved, although said areas must be maintained in a durable and dustless condition. Any access driveway from a public street to such storage areas shall be paved with asphaltic, bituminous, or concrete surfacing.
- (c) *Setback.*

1. All off-street parking spaces shall be located at least five feet from any public right-of-way.
 2. In addition, no parking space serving a single-family or two-family dwelling shall be created or located within 25 feet of the traveled edge of a public street for that portion of the lot directly between the dwelling and the street, unless such space is within a normal traveled driveway. Temporary parking of vehicles on informal non-paved, non-graveled surfaces within such restricted area is permitted, but shall not exceed 48 hours and shall not interfere with pedestrian and traffic safety and movement. Enforcement of this provision shall be on a complaint basis and first-time violators shall be given the opportunity to correct the violation prior to issuance of a citation.
- (d) *Drainage.* All parking areas and access driveways shall be graded and drained so as to dispose of all surface water accumulation within the area. Stormwater detention shall be required in accordance with standards developed by the city engineer.
- (e) *Screening and fencing.* Off-street parking areas for more than five vehicles shall be effectively sight screened on each side which adjoins or faces premises situated in any residential district by a fence, wall or compact hedge. Such fence, wall or hedge shall not be less than four feet in height. The maximum height for a fence or wall is six feet in height. All such materials shall be maintained in good condition.
- (f) *Lighting.* Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises located in any residential district.
- (5) *Location.* All off-street parking spaces required for dwelling units shall be located on the same lot as the dwelling unit(s) that such spaces serve. For all other uses, the required off-street parking spaces shall be located on the same lot or within 400 feet of the use, such distance to be measured along lines of public access to the property.
- (6) *Collective parking facilities.* Nothing in the section shall be construed to prevent collective off-street parking facilities for two or more buildings or uses, provided that the total of such off-street parking spaces supplied collectively shall not be less than the sum of the parking requirements for each use participating in the collective parking arrangement. A deed restriction shall be recorded on the property indicating that such parking shall not be reduced or converted unless substitute parking is provided elsewhere in compliance with this chapter.
- (7) *Joint use parking facilities.* Churches and other places of public assembly may satisfy their off-street parking requirements by utilizing neighboring parking facilities as follows:
- (a) *Churches.* Off-street parking already provided for theaters, stadiums, auditoriums, or other places of public assembly, stores, office buildings, and industrial establishments, which are located within 400 feet of a church as measured along lines of public access and which are made available for other parking, may be used to meet not more than 75 percent of the off-street parking requirements of the church.
- (b) *Public assembly.* Off-street parking spaces already provided for stores, office buildings, and industrial establishments, which are located within 400 feet of a place of public assembly as measured along lines of public access, may be used to meet not more than 50 percent of the total off-street parking requirements of such place of assembly.
- (8) *Reduction of parking spaces.* If the use or capacity of a building is changed to a new use or capacity requiring fewer parking spaces, the number of off-street parking spaces may be reduced, provided that the number of spaces is not reduced below that required for the new use or capacity.
- (9) *Application to central business district (C-2).* In the central business district (C-2) the required off-street parking spaces shall only apply to property located south of Redwood Street and to all residential and lodging uses (hotels, boardinghouses, etc.). Off-street parking spaces shall not be required for other uses, but if off-street parking is supplied, such parking area shall meet the design and landscaping requirements. For uses that are required to provide off-street parking spaces, a per space fee may be paid in lieu of providing the parking spaces. Said fee shall be used solely for the purpose of providing public parking within the central business district.

- (10) *Off-street loading requirements.* For every building, or part thereof, erected hereafter and used for other than exclusive dwelling purposes, there shall be provided, on the same lot, adequate space for standing, loading, and unloading motor vehicles in order to avoid undue interference with the public use of streets or alleys. Such space, unless otherwise adequately and specifically provided for, shall include one ten-foot by 30-foot loading space with a 14-foot height clearance for each 20,000 square feet, or fraction thereof, of floor area. Such space shall be located such that no portion of the vehicles used for loading or unloading shall project into a street or alley.
- (11) *Landscaping requirements.* Any parking area for more than five vehicles which is required to be paved or otherwise hard surfaced shall develop a minimum of five percent of the interior of the parking area into landscape treatment with necessary protective barriers. Canopy trees shall be provided at the rate of one tree per six parking spaces (fractions shall be rounded down to the nearest whole number). Such canopy trees shall be located either in islands within the interior of the parking area or within ten feet of the perimeter of the parking area.
- (12) *Maintenance.* All parking areas shall be maintained in a safe and sanitary condition and shall be kept in good repair. Owners and their agencies shall be responsible for providing, protecting and maintaining all required landscaping in a healthy and growing condition, replacing it when necessary, and keeping it free of refuse and debris.
- (13) *Application to the Mixed Commercial-Residential (C-5) district.* In the Mixed Commercial-Residential (C-5) district, the following shall apply.
- (a) Except for residential and lodging uses (hotels, boardinghouses, etc), the required off-street parking spaces shall be reduced by 50 percent for uses located within buildings in existence at the time of adoption of this section.
 - (b) A per space fee may be paid in lieu of providing required parking spaces. Such fee shall be established by the city and shall be used solely for the purpose of providing public parking within the subject area.
 - (c) Spaces established within collective off-street parking facilities serving two or more buildings or uses shall be counted as 1.5 off-street spaces.

(Ord. No. 961-1195, § 3, 11-7-95; Ord. No. 1129-0804, § 1, 8-17-04; Ord. No. 1168-0606, § 1, 6-20-06; Ord. No. 1174-0906, § 6, 9-20-06)