

CITY PLAN COMISSION MINUTES
September 15, 2021

A meeting of the City Plan Commission was called to order at 6:00p.m. by Chairperson David J. Ward in the Council Chambers, City Hall, 421 Michigan Street, Sturgeon Bay.

Roll Call (#1): Members present: David Ward, Kirsten Reeths, Helen Bacon, Jeff Norland, Dennis Statz, Mark Holey, and Debbie Kiedrowski were present. Also present were Community Development Director Marty Olejniczak, Zoning/Planning Administrator Christopher Sullivan-Robinson, City Administrator Josh VanLieshout, and Administrative Assistant Suzanne Miller.

Adoption of agenda (#2): Motion was made by Mr. Norland and seconded by Mr. Statz to adopt the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from August 18, 2021.
4. Public comment on non-agenda Plan Commission related items.
5. Comprehensive Plan amendment to change the Future Land Use designation from Higher Density Residential to Regional Commercial for property located at 1361 N. 14th Avenue.
6. Zoning map amendment petition by Estes Investments, LLP from Agricultural (A) to General Commercial (C-1) for property at 1361 N. 14th Avenue:
 - a. Presentation
 - b. Public Hearing
 - c. Consideration/Recommendation (Note: The Plan Commission will not make a recommendation at this meeting, unless a motion is made and passed by $\frac{3}{4}$ of the members present to act on the request at this meeting.)
7. 3rd Avenue Beautification Plan for a portion of N. 3rd Avenue along Fincantieri's south yard:
 - a. Presentation
 - b. Consideration
8. Consideration of: Zoning map amendment for parcels along the west side of N. 8th Avenue between Belmar Place and Bonnie View Drive. (Note: This item is for initial consideration only. The Plan commission will not make any formal recommendation to amend the zoning map until after a public hearing is held at a later date.)
9. Consideration of: Restructuring of permitted and conditional uses within the Sturgeon Bay Zoning Code.
10. Adjourn.

All ayes. Motion carried.

Approval of minutes from August 18, 2021 (#3): Motion was made by Ms. Bacon to approve the minutes from August 18, 2021 and seconded by Ms. Reeths. All ayes. Motion carried.

Public Comment on non-agenda Plan Commission related items (#4): No citizens presented for public comment.

Comprehensive Plan amendment to change the Future Land Use designation from Higher Density Residential to Regional Commercial for property located at 1361 N. 14th Avenue (#5):

Presentation: Christopher Sullivan-Robinson explained the petition addresses future land uses. He stated Dave Phillips (representing Estes Investments, LLP ["Estes"]) is requesting a rezoning from Agricultural to General Commercial to allow redevelopment of the rear half of the property into commercial storage units. The current Comprehensive Plan shows the intended future land use of the property as higher density, multi-family residential. In order to approve a zoning change, the Comprehensive Plan must be amended to be consistent. Per Mr. Sullivan-Robinson, options for the future land use designation include: 1.) Current listing, with no change recommended to the Comprehensive Plan. 2.) Regional Commercial, which directly matches Estes's request or 3.) Unsewered Commercial, as there is no sewer or water extending to the property. He reported staff sees options #2 and #3 as beneficial to the city. The property is currently being used as commercial storage, so the redevelopment will not be a change of use.

Dave Phillips, of Bayland Building is working with Estes to develop the property. They are proposing 24ft. x 41ft. x 16ft. tall buildings with one 14ft. x 14ft. overhead door for storage purposes. He also described building use for "man and woman caves" with the possible addition of heat, air conditioning, and office use. There are no wetlands on the property and the site is in disarray. He does not believe the site is good for commercial use due to lack of sewer and water. Additionally, he states the lack of sidewalks, the narrow road, and the drop in elevation from road to rear of property does not make the site work for residential. He believes the newest plan/building design will better allow for the addition of landscaping between the buildings. They plan to construct 15 units in the rear of the property.

Mr. Statz asked about mitigation of hazards due to former use as an orchard, to which Mr. Phillips responded soil testing would likely be required by the city and that there would be little digging and more filling to encapsulate any contaminated soils.

Mr. Phillips responded to Ms. Kiedrowski's concerns regarding appearance (buildings, asphalt) by stating the small building at the front of the property would be torn down, the entire front of the property would not be asphalt, and a plan for the development of the front of the property was not yet in place.

(#5 continued)

Mr. Norland stated sewer and water are vital to a "man cave". Mr. Phillips explained that a holding tank could be added and the property has a well. Together, this would allow Estes to offer the option of a bathroom and car washing capability.

Mr. Holey questioned whether the mobile home would be removed. Mr. Phillips responded that the dwelling is currently leased and they plan to start construction away from that area of the property. He stated the dwelling would come down in the "long-term plan, maybe just not right away".

Mr. Phillips explained to Ms. Reeths that all the little outbuildings would be torn down, as well as the silo. Over the years it will take to build the project, the large building in the front would come down and eventually the mobile home. Steve Estes interjected the mobile home and tenant came with the property when they bought it. He would "love to tear it down", but the tenant has no place to go. Ms. Reeths asked if the mini-storage units would be rented or sold and Mr. Phillips answered that has yet to be determined.

Ms. Kiedrowski questioned who would oversee the property if the units were all sold. Mr. Phillips responded the units would become like a condominium complex with a condominium board. Mr. Estes interjected that it would be years of development before they no longer had an interest in the property during which time they want to property to look good.

Public Hearing:

Prior to taking testimony Mr. Olejniczak explained there are two hearings involving this property: 1.) Public hearing #1 addresses the Comprehensive Plan's intended future use of the property and 2.) Public hearing #2 addresses the specific zoning classification.

Anthony Recuperero of 1408 N. 12th Place, whose property backs up to the Estes property, raised concerns about the run-off between the rear of his property and the Estes property and the maintenance of that area. Though he stated he has no problem with mini-storage development on the Estes property, he is concerned about the noise from units that may be used for race car and boat maintenance. He requested quiet times be included in the by-laws for the association.

Testimony by Chris Larsen of 1411 N. 14th St. spoke of being in support of mini-storage if it were "run like a business" and stated he does not trust the owners of the property to complete a second phase, leaving the "eyesore" that currently exists. He raised concerns about the living conditions at the trailer on the property and stated the owners have been delinquent their responsibility to the resident and to their neighbors. He spoke of the presence of lead and arsenic due to the mixing site that once operated on the property.

(#5 continued)

He was informed of the chemical's presence by the Soil and Water Conservation Department and reported while the lead and arsenic levels were below those which would require mitigation, they are present in soil that will be disturbed during construction. Mr. Larsen offered to share his documentation.

Mr. Ward closed the Public Hearing at 6:32pm.

Consideration/Recommendation:

Mr. Olejniczak and Mr. Sullivan-Robinson recommend Unsewered Commercial as the best choice if the Plan Commission chooses to recommend a change of the land use designation in the Comprehensive Plan for this property to the Common Council. The lack of sewer makes the property inappropriate for more intensive use (heavy retail, larger office use).

Mr. Ward stated an issue with storm water was raised in the testimony and questioned when that would be addressed as he understood it could not be addressed as part of the current decision being made. Mr. Olejniczak confirmed it would be addressed at a later point, when the applicant came back for plan approval. Mr. Ward also questioned how/when limitations or "conditions of use" could be applied to uses such as man/woman cave. Mr. Olejniczak stated that would be difficult as mini-storage would be a permitted use once the Comprehensive Plan and zoning district were changed.

Mr. Norland questioned if the Board left use and zoning as is, would they have much more control over what happens with the property if/when the applicant came back with a Planned Unit Development? Mr. Olejniczak confirmed a PUD would give the Board the ability to put certain requirements in place.

Ms. Bacon expressed her concerns regarding lack of a clear plan and issues with run off. She stated those issues would not be addressed as a part of this meeting's discussion.

Mr. Holey questioned the limit for the number of storage units that could be placed on the property. Mr. Olejniczak explained no more than 70% of the property could be covered by impervious surfaces, including driveway/asphalt. There is no density rule. Mr. Holey questioned whether the holding tank would be allowed. Mr. Olejniczak answered what would be allowed is determined by the Door County Sanitarian.

Mr. Ward questioned whether a PUD as suggested by Mr. Norland would establish the zoning and the Board would then go backward to amend the Comprehensive Plan. Mr. Olejniczak reported WI State law requires the municipality to make zoning decision

consistent with its Comprehensive Plan. Therefore, the Comprehensive Plan should be amended first, and then zoning amended or they can be done at the same time.

Mr. Olejniczak reiterated the issue at hand for this meeting is to determine: 1.) appropriate future land use for the parcel and 2.) what is the appropriate zoning to apply. The requested C-1 zoning district allows a permitted use for commercial storage.

Ms. Kiedrowski questioned authority over the drainage issues at the site. Mr. Olejniczak stated he could find no drainage easements over the property, which leaves the responsibility to the property owner.

Mr. Phillips stated Baudhuin Engineering & Surveying is hired to develop a storm water plan and they plan to raise the level of the buildings so draining will happen according to Baudhuin's plan. The owner also owns a landscape company and Mr. Phillips reassured the Board the property would be cleaned up and landscaped. He stated they would have a plan for noise.

Mr. Ward summarized that the Board did not want to take any action on this petition to amend the Comprehensive Plan to change the Future Land Use designation from Higher Density Residential to Regional Commercial for property located at 1361 N. 14th Avenue. No motion was made.

Zoning map amendment petition by Estes Investments, LLP from Agricultural (A) to General Commercial (C-1) for property at 1361 N. 14th Avenue (#6):

Staff Presentation: Mr. Sullivan-Robinson stated the presentation made for agenda item #5 also included the information for agenda item #6.

Public Hearing:

Presentation: Mr. Sullivan-Robinson stated the presentation made for agenda item #5 also included the information for agenda item #6.

Testimony: No one presented to speak.

Mr. Ward closed the hearing at 6:56pm.

Consideration/Recommendation: Mr. Ward called for a motion to act upon the zoning map amendment petition at tonight's meeting. No motion was made. Mr. Olejniczak stated the item would go back on the agenda for the next regular meeting of the Plan Commission, at which time they could make a recommendation to the Common Council.

3rd Avenue Beautification Plan for a portion of N. Third Avenue along Fincantieri's south yard (#7).

Presentation: The Beautification Plan was presented by Darren Ploor, facility manager, and Tom Martin (both in person) and Ryan Hoernke, Asst. General Manager and Finance Director (by phone) of Fincantieri Bay Shipbuilding with Ed Freer of Graef USA, Madison, WI (by video). Mr. Martin described the project area as stretching along the west side of 3rd Avenue from 325 N. 3rd Avenue northward to the intersection at Iowa street. He explained three design concepts were developed initially, two meetings were held to invite public input, and two on-line surveys conducted. Information gathered indicated three overarching themes: 1.) Connecting downtown to Sunset Park 2.) Maintaining view corridors for public viewing of the shipyard and 3.) Blocking noise and creating a buffer between the shipyard and the neighborhood. In addition, public feedback indicated a desire to avoid large fences/barriers, include greenery, and make the project maintainable.

Mr. Freer presented the schematic design and stated that the project was coordinated with improvements to Fincantieri's parking lots. For the frontage along the old railway depot, a small-scale public gathering space is planned for the future. Mr. Freer reported no specific plan for the area is in place. The area on the immediate schedule for improvement starts to the north of the railway depot lot, where the green space to the west of the sidewalk will be widened to 9 feet, an increase of 6ft. over the present space. In that space, nine canopy trees and other vegetation will be added along a length of ~300ft to Iowa Street. The view corridors will be at the entrance to the parking lot and at Iowa Street. He described two concepts for the final design: 1.) A combination of greenery and fencing with an entry feature that includes two 6-7ft. columns displaying interpretive elements to formalize the entry into the shipyard or 2.) A combination of greenery and fencing with interpretive elements/artwork (symbols and graphics) superimposed upon the fencing.

Consideration:

Mr. Norland questioned how security would be maintained after the removal of the existing street-side fence. Mr. Ploor explained the existing fence along the former 1st avenue will remain and serve as the security fence.

Mr. Statz questioned intention to continue the project north along 3rd Avenue where there is currently chain-link fencing with barbed wire. Mr. Ploor responded that as plans develop for the shipyard develop they would continue the theme north along the property as opportunities present themselves to us.

Ms. Bacon questioned the plan for the building at 325 N. 3rd Avenue as she regularly receives citizen complaints regarding its appearance. Mr. Martin responded they are

receiving quotes for painting the building in their brand colors (blues and grays) and are looking at creative window coverings. Mr. Statz stated he too gets calls about the appearance of the shipyard along 3rd Avenue.

Mr. Holey questioned the time frame for the project. Mr. Floor reported the 325 N. 3rd Avenue building improvements would be completed by year's end (2021). Mr. Martin reported the remainder of the project would carry into next spring (2022). Mr. Holey asked about completion of the interpretive part/railway depot project and Mr. Hoernke stated the Depot project should be completed next year.

Ms. Reeths questioned the capacity of the parking lot. Mr. Floor answered 177 spots in the south parking lot and a similar, slightly smaller number in the lot to the north. Ms. Bacon questioned if this would eliminate the off-street parking she receives citizen complaints about. Mr. Floor stated parking would be significantly increased through the plan, which opened up many more opportunities for off-street parking.

Mr. Ward called for a motion. Ms. Bacon moved Fincantieri Bay Shipbuilding's 3rd Avenue Beautification Plan be approved and Ms. Kiedrowski seconded the motion. Mr. Ward called for a vote. All ayes. The motion carried.

Consideration of Zoning map amendment for parcels along the west side of N. 8th Avenue between Belmar Place and Bonnie View Drive (#8)

Mr. Olejniczak reported a 2.6-acre parcel owned by the James Parson Trust at 1118 N. 8th Avenue was recently listed for sale and there is an accepted offer. Prospective buyer plans to use the existing home. In the sale process, it was discovered via the zoning map that the parcel was mapped as Planned Unit Development when the PUD ordinance for Bonnie View Heights was established in 1973. As the Parson Trust parcel is not in Bonnie View Heights, the PUD ordinance doesn't apply. The City Attorney recommended the subject parcel and a second mismapped parcel at 1164 N. 8th Avenue be properly zoned. In addition, two parcels in the Bonnie View Heights subdivision were zoned to be offices (PUD C-1) and require rezoning as one is a vacant lot and the other contains a single-family home. Staff also believes the Future Land Use map is mis-mapped as related to existing development along 8th Avenue. The west side of 8th is designated as Medium Density Residential when there exist almost entirely single-family dwellings on larger lots. The east side of 8th Avenue is designated as Lower Density Residential when currently apartments, duplexes and smaller lots exist there. Mr. Olejniczak requested the Plan Commission consider 1.) Which parcels should be included in the zoning petition --the mis-mapped parcels only or include the PUD C-1 parcels 2.) Which zoning classifications to include as R-1 – R-4 are all appropriate and 3.) Whether to include a Comprehensive Plan amendment at the same time. In particular, Mr. Olejniczak asked the Board make an initial determination of what the new zoning classification would be as the specific district is needed for the public hearing notice.

After hearing discussion by the Commissioners, Mr. Ward explained the Commission was asking staff use its discretion regarding the proposed zoning within the parameters discussed in his presentation and to include all the parcels in question, and return to the Commission to present that plan. No formal action was taken.

Consideration of Restructuring of permitted and conditional uses within the Sturgeon Bay Zoning Code (#9).

Presentation: Mr. Olejniczak reported Vandewalle & Associates, Inc. recommended all uses in each zoning district be documented in table format. Copies of the working version of the table and a notes page that addresses any district's special rules were distributed to the Commissioners. He explained the need for elimination of outdated language and a change to eliminate the current requirement for PUD for multifamily dwellings of >25 units when proposed in a multi-family district. He recommends a change to permitted used for 8-24 units and conditional use for >24 units, with no requirement for PUD unless a development requires special conditions (ex: height, setback). Additionally, he recommends making bed and breakfast establishments a permitted use in most cases just as tourist rooming houses are currently.

Mr. Ward questioned the use assigned to the new mini-golf course. Mr. Olejniczak responded it is conditional use. He described grouping changes for municipal facilities and major and minor utilities facilities.

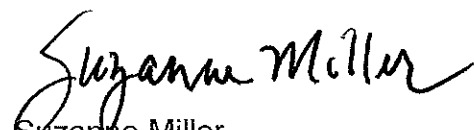
Ms. Reeths questioned the use for cell-phone towers. Mr. Olejniczak reported the Community Protection and Services Committee is currently reviewing a Communication Tower Ordinance that would govern that use.

Mr. Olejniczak explained drive-through lanes were taken out of the table as a use (currently conditional use) as presently the Aesthetic Design and Site Plan Review Board can oversee and put specific rules in their guidelines regarding drive-through lanes.

Mr. Ward directed the Commissioners to take the table and notes with them to study.

Adjourn (#10): Mr. Holey made the motion to adjourn, which was seconded by Mr. Norland. Mr. Ward called the vote. All ayes. The motion passed at 6:44pm.

Respectfully submitted,



Suzanne Miller
Administrative Assistant