

**AGENDA**  
**CITY OF STURGEON BAY**  
**PLAN COMMISSION**  
Wednesday, January 19, 2022  
6:00 p.m.  
City Council Chambers  
421 Michigan Street, Sturgeon Bay, WI

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from December 15, 2021.
4. Public comment on non-agenda Plan Commission related items.
5. Conditional use application for 4-unit multiple-family dwelling proposed by TTX Leasing Inc. for property located at 1921 Florida Street.
  - a. Presentation
  - b. Public Hearing
  - c. Consideration
6. Consideration of: Resolution regarding Relocation Order and Declaration of Necessity for the extension of S. Grant Avenue.
7. Consideration of: Creation of Egg Harbor Road Tax Increment District.
8. 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.

1/14/22  
2:30 p.m.  
SM

<u>Plan Commission Members</u>	
Mayor David Ward	Mark Holey
Ald. Kirsten Reeths	Jeff Norland
Ald. Helen Bacon	Debbie Kiedrowski
Ald. Dennis Statz	

**CITY PLAN COMMISSION MINUTES**  
**December 15, 2021**

A meeting of the City Plan Commission was called to order at 6:00p.m. on December 15, 2021 by Chairperson David J. Ward in the Council Chambers, City Hall, 421 Michigan Street, Sturgeon Bay.

**Roll Call (#1):** Members present: David Ward, Helen Bacon, Jeff Norland, Dennis Statz, Mark Holey, and Debbie Kiedrowski. Commission member Kirsten Reeths was excused. Also present were Community Development Director Marty Olejniczak, and Administrative Assistant Suzanne Miller.

**Agenda (#2):** Motion was made by Statz and seconded by Norland to accept the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from November 29, 2021.
4. Public comment on non-agenda Plan Commission related items.
5. Consideration of: Resolution regarding Relocation Order and Declaration of Necessity for the extension of S. Grant Avenue.
6. Adjourn.

All ayes. Motion carried

**Approval of minutes from November 29, 2021 (#3):** Motion was made by Holey to approve the minutes from November 29, 2021 and seconded by Bacon. All ayes. Motion carried.

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

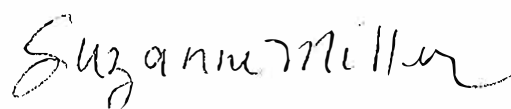
**Consideration of Resolution regarding Relocation Order and Declaration of Necessity for the extension of S. Grant Avenue (#5):** Bacon made a motion to recommend approval of the Resolution. The motion was seconded by Statz.

Olejniczak explained it is time to make the street connection to provide alternative access to the properties along S. Grant Avenue by extending Grant Avenue to Sawyer Drive through land that is zoned residential. The Relocation Order and Declaration of Necessity is one of the procedural steps to acquire the right-of-way via eminent domain. The Commission discussed the following: 1) Whether there may be further discussion with the landowner to acquire the land without the exercise of eminent domain. 2) The timeline for land acquisition and road construction. 3) How the extension affects Sawyer Drive, which is in the Town of Nasewaupée.

Ward called a vote on the recommendation to the Common Council to approve the Resolution of Relocation Order and Declaration of Necessity for the extension of S. Grant Avenue. All Ayes. The motion carried.

**Adjourn (#6):** Kiedrowski made the motion to adjourn, which was seconded by Holey. All ayes. The motion carried. The meeting adjourned at 6:08pm.

Respectfully submitted,



Suzanne Miller  
 Administrative Assistant

**STAFF REPORT**  
**Conditional Use for 4-Unit Multiple-Family Dwelling**  
**Therma Tron-X Leasing**

**Background:** Chuck Wheaton, representing Therma Tron-X Leasing, is petitioning the City Plan Commission to approve the conversion of a former Community Based Residential Facility (CBRF) into a 4-unit multi-family dwelling. The subject property is located at 1921 Florida Street; parcel #281-46-74000700A.

**Current Conditions:** The property was rezoned to R-4 (Multiple Family Residential) in 2007 to facilitate conversion of the CBRF into two separate CBRF's; however, at that time the City through the ordinance limited most of the uses allowed within this R-4 zoning district. One of those limitations required that any multiple-family residential use be allowed through a conditional use permit. Under normal circumstances multiple family dwellings of less than 9 units would only require administrative review. The surrounding zoning is R-3 (Two-Family Residential) which allows up to 4-unit dwellings. The surrounding properties are a mixture of single-family dwellings, duplexes and 4-unit dwellings.

**Comprehensive Plan:** The Comprehensive Plan identifies the future land use of this site to be Medium Density Residential, which has this description: *"This future land use category designates residential areas that are predominately comprised of single-family homes at a density of up to eight units per acre. Lot sizes in these areas are typically more compact than in lower density residential. Two-family dwellings and small-scale multi-family dwellings are often intermixed into these areas."* The proposed development is compliant with the intent of the Comp Plan. This project is good infill development and reuse of an empty building. Also keep in mind, this helps support one of our industrial businesses who in turn is supporting some of the workforce housing needs within our community.

**Site & Design Considerations:** Most of the changes to the building will be internal. The project includes 4 total units; one 1-bedroom unit, one 2-bedroom unit, and two 3-bedroom units. The zoning code requires no less than 3500 square feet per unit and the proposal is 5,979 square feet per unit. There are no changes proposed to the existing parking area, which is accessed off of Florida Street. The zoning code requires 7 parking spaces and the existing parking area has a least 7 spaces. This project is compliant with the minimum floor area and other requirements of the zoning code.

A small 4-unit 12' x 24' accessory building is proposed for storage. This building also complies with the zoning code and has been approved for construction.

It is noted that, in addition to conditional use approval, the project requires approval under the Aesthetic Design & Site Plan Review section of the zoning code. Because almost all changes are internal to the building, the review and approval will likely be administrative rather than requiring full Board approval. The Board, however, did review and approve the accessory building.

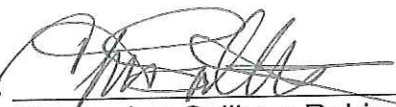


**Conditional Use Review Criteria:** In general, the zoning ordinance directs the Plan Commission to consider whether the proposed development will adversely affect property values in the vicinity and review the architectural and engineering plans for the project. In addition, there are six review criteria listed in the conditional use section of the code. The development appears to comply with the review criteria of the zoning code. The code also specifies that the Plan Commission can place conditions on the project if necessary.

**Public Hearing:** The required public hearing is scheduled for January 19, 2022. The Plan Commission will need to consider any testimony that is received.

**Recommendation:** Approve the conditional use application as presented.

Prepared By: \_\_\_\_\_

  
Christopher Sullivan-Robinson  
Planner / Zoning Administrator

1.13.22  
Date

Reviewed By: \_\_\_\_\_

  
Marty Olejniczak  
Community Development Director

1-13-2022  
Date

**CITY OF STURGEON BAY  
CONDITIONAL USE PERMIT  
APPLICATION**

#C211203

Date Received: 12.3.21  
Fee Paid \$ 350.00  
Received By: CHRS

	APPLICANT/AGENT	LEGAL PROPERTY OWNER (if different)
Name	CHUCK WHEATON	
Company	THERMA-TRON-X LEASING	
Street Address	1155 SOUTH NEENAH	
City/State/Zip	STURGEON BAY, WI 54235	
Daytime Telephone No.	920 493-7275	
Fax No.		

STREET ADDRESS OF SUBJECT PROPERTY: 1921 FLORIDA ST.  
Location if not assigned a common address: \_\_\_\_\_

TAX PARCEL NUMBER: 2814674000 700 A

CURRENT ZONING CLASSIFICATION: R-1

CURRENT USE AND IMPROVEMENTS: The property is currently vacant.

IDENTIFY MUNICIPAL CODE SECTION PERTINENT TO REQUEST AND STATEMENT OF SPECIFIC ITEM BEING REQUESTED FOR REVIEW: \_\_\_\_\_  
Section 20.12 Ordinance 1189-1007

ZONING AND USES OF ADJACENT SURROUNDING PROPERTIES:  
North: DUPLEX  
South: SINGLE FAMILY HOMES  
East: DUPLEX  
West: DUPLEX

**PROPOSED USE OF SURROUNDING PROPERTY UNDER COMPREHENSIVE PLAN:**

North: \_\_\_\_\_

South: \_\_\_\_\_

East: \_\_\_\_\_

West: \_\_\_\_\_

HAVE THERE BEEN ANY VARIANCES, CONDITIONAL USE PERMITS, ETC. GRANTED PREVIOUSLY FOR THIS PROPERTY? NO IF YES, EXPLAIN: \_\_\_\_\_

Attach an 8-1/2" X 11" detailed site plan (if site plan is larger than 8-1/2" x 11", also include 15 large sized copies), full legal description (preferably on disk), 8-1/2 x 11" location map, construction plans for the proposed project, and Agreement for Reimbursement of expenses. Site plan shall include dimensions of property, pertinent structures and buildings, proposed site improvements, signature of person who drew plan, etc.

CHUCK WHEATON  
Property Owner (Print Name)

Chuck Wheaton  
Signature

12/2/2021  
Date

\_\_\_\_\_  
Applicant/Agent (Print Name)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

I, Chuck Wheaton, have attended a review meeting with at least one member of staff and understand that I am responsible for sign placement and following all stages listed on the check list in regard to the applicant.

1.12.22  
Date of review meeting

By Email  
Applicant Signature

Chris Sillis  
Staff Signature

**Attachments:**

Procedure & Check List

Agreement For Reimbursement of Expenses

**STAFF USE ONLY**

Application conditions of approval or denial:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Community Development Director



## NOTICE OF PUBLIC HEARING

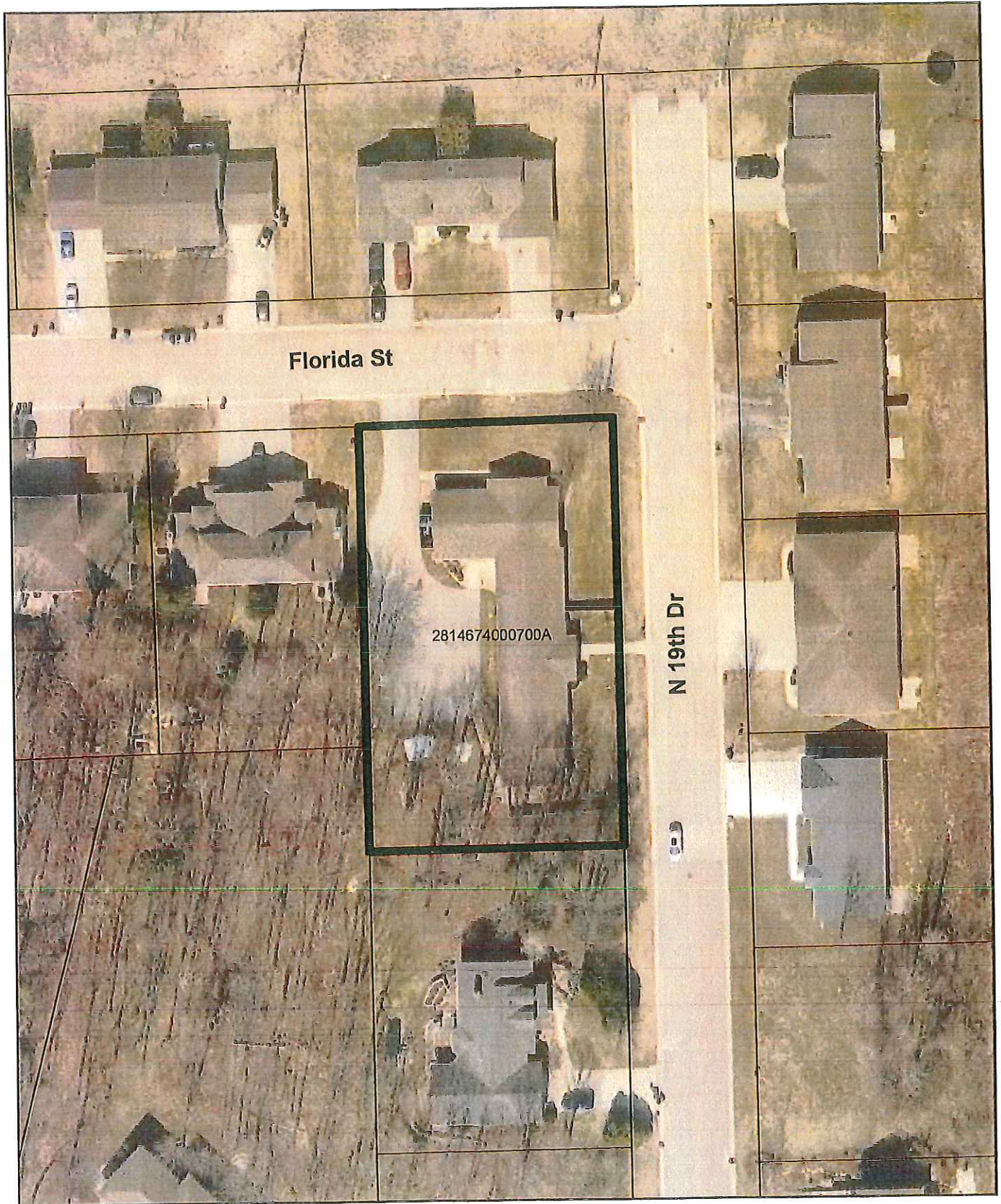
The City of Sturgeon Bay Plan Commission will hold a public hearing in the Council Chambers, 421 Michigan Street, Sturgeon Bay, Wisconsin on Wednesday January 19, 2022 at 6:00 p.m. or shortly thereafter, regarding a conditional use petition from Therma Tron-X Leasing to allow the conversion of a former community based residential facility into a 4-unit multiple-family dwelling. The subject property is located at 1921 Florida Street; parcel # 281-46-74000700A. The application and related materials are on file with the Community Development Department and can be viewed at City Hall, 421 Michigan Street, weekdays between 8:00 a.m. and 4:30 p.m. Or, visit the city website at [www.sturgeonbaywi.org](http://www.sturgeonbaywi.org). The public is invited to attend the hearing and give testimony in favor or against the proposal either in person at the hearing or in writing.

By Order of:  
City of Sturgeon Bay Plan Commission



# Public Hearing Map

## 1921 Florida Steet



Subject Property  
Parcels

Note: Public hearing to be held by Plan Commission on January 19, 2022 @ 6:00 p.m or shortly thereafter.



1/13/22, 8:20 AM

525 N 19th Dr - Google Maps

525 N 19th Dr

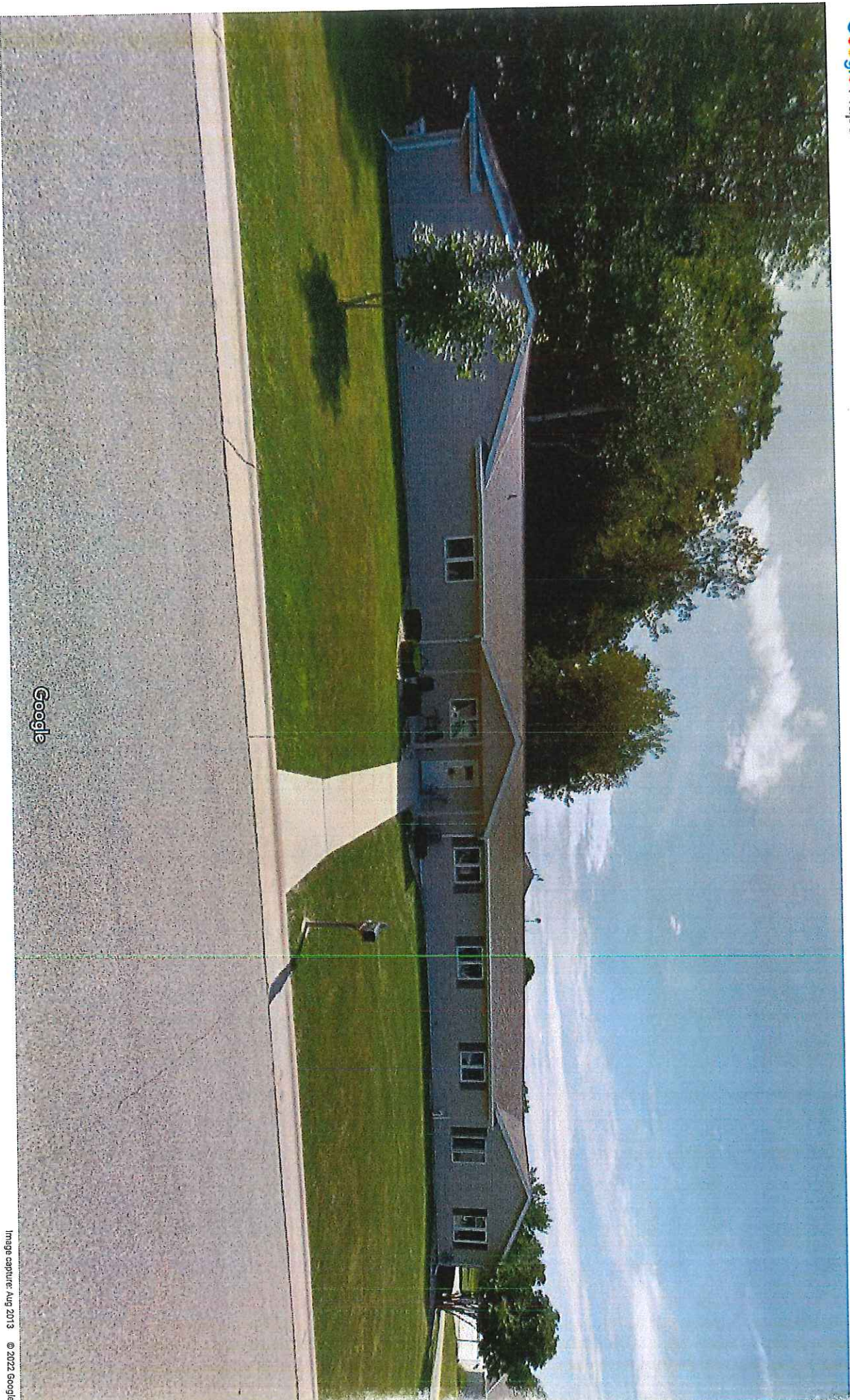


Image capture: Aug 2013 © 2022 Google

Sturgeon Bay, Wisconsin

Digitized by Google

Street View - Aug 2013

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1/13/22, 8:20 AM

1920 Florida St - Google Maps

Google Maps 1920 Florida St



Image capture: Aug 2013 © 2022 Google

Sturgeon Bay, Wisconsin

Google

Street View - Aug 2013

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ORDINANCE NO. 1189-1007

THE COMMON COUNCIL OF THE CITY OF STURGEON BAY, WISCONSIN DO ORDAIN  
AS FOLLOWS:

SECTION 1: The following described property is hereby rezoned from Two-Family Residential (R-3) to Multiple-Family Residential (R-4), subject to the following conditions that the described property shall not be used for any of the conditional uses listed under s. 20.12(2)(b), (c), (d), (e), (f), (j), and (k); and that the described property shall not be used for the permitted uses listed under s. 20.12(1)(b) and (d) unless approved by the Plan Commission as a conditional use:

Lot 2 of Certified Survey Map recorded in Volume 5, Page 321.

Said parcel contains 23,916 sq. ft.

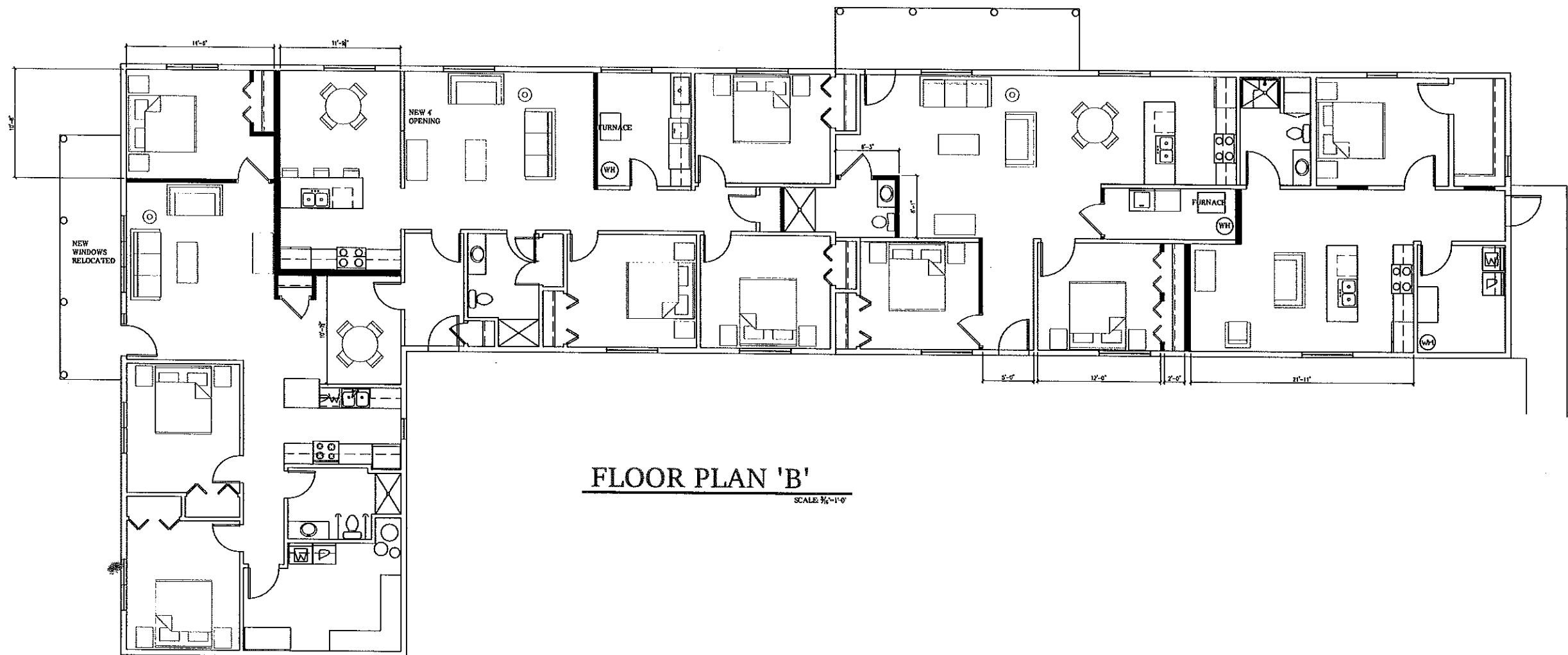
Property address: 1921 Florida Street

SECTION 2: This ordinance shall take effect on the day after its publication and the recording of a deed restriction by the property owner agreeing to and allowing the City to enforce the conditions of this ordinance.

Approved: Thomas D. Voegele, Mayor  
Attest: Stephanie Reinhardt, City Clerk  
Date of 1<sup>st</sup> Reading: 05/15/07  
Date of 2<sup>nd</sup> Reading: 06/05/07  
Adoption: 06/05/07  
Publication: 10/13/07  
Effective Date: 10/14/07

281 4674000700A  
1921 Florida St

\* restrictive Covenant.



FLOOR PLAN 'B'  
SCALE 1/8" = 1'-0"



**EXECUTIVE SUMMARY**

**Title:** Resolution of Relocation Order and Declaration of Necessity

**Background:** Last month the Plan Commission and the Council approved a resolution for a relocation order and declaration of necessity for acquiring the right-of-way needed for the extension of S. Grant Ave by eminent domain (condemnation). This resolution is one of the steps in the process of acquiring the property from its current owner – Timothy Ruenger.

Since that time, it has become apparent that an easement will be needed for an existing stormwater detention pond on the Ruenger parcel. Stormwater runoff from the planned street will be directed into that pond and there is no easement currently. The City Attorney has opined that the resolution should be revised to include the easement and then readopted in order to be certain to comply with the Wisconsin statutes. Therefore, a revised resolution and revised map (Exhibit A) that includes the easement has been prepared. The Plan Commission is requested to recommended approval to the Common Council.

**Recommendation:** The Plan Commission should recommend adoption of the revised Resolution of Relocation Order and Declaration of Necessity.

Prepared by:

  
Martin Olejniczak, Community Development Director

1-13-2022  
Date

Reviewed by:

  
Josh Van Lieshout, City Administrator

1/13/22  
Date

**CITY OF STURGEON BAY RESOLUTION NO.**  
**Amended Resolution of Relocation Order and Declaration of Necessity**

The Common Council of the City of Sturgeon Bay, Door County, Wisconsin hereby resolves as follows:

1. This Resolution shall amend and replace the Relocation Order and Declaration of Necessity passed by the Common Council on December 21, 2021 and filed with the Door County Clerk on January 7, 2022. This Amended Relocation Order and Declaration of Necessity is issued in accordance with subsection 32.05(1), Wis. Stats. for the purpose of laying out, extending, and constructing a portion of Grant Avenue and to lay out a permanent easement area for the storm water drainage management in the areas illustrated and described herein and is also a declaration of necessity for the acquisition of the interests in real estate necessary to carry out the Grant Avenue improvement public project in accordance with subsection 32.07(2), Wisconsin Statutes.

2. The City of Sturgeon Bay hereby determines that it is necessary and a public purpose to: layout, extend and construct Grant Avenue from its intersection with Sycamore Street in the City of Sturgeon Bay to its intersection with Sawyer Drive extended to the border of the Town of Nasewaupée, Wisconsin, and to obtain a permanent easement for stormwater drainage purposes in the manner and location illustrated and described in the attached map identified as Exhibit A and entitled "Layout of Grant Avenue Improvement" which is appended to and incorporated in this Relocation Order; and, to acquire the interests in the lands illustrated and described by Exhibit A for those purposes;

3. The Common Council of the City of Sturgeon Bay hereby orders:

- a. Grant Avenue as laid out in the scale map attached as Exhibit "A" will be extended and constructed within the lines and widths shown and the area illustrated and



described in Exhibit “A” and a permanent easement shall also be acquired to manage stormwater associated with the public road improvement as illustrated and described in Exhibit “A”.

- b. The City of Sturgeon Bay will acquire a fee simple interest in the area described in the “Description Proposed Right-of-way – Grant Ave” portion of Exhibit “A”, and a permanent easement for the purpose of conveyance, storage and treatment of stormwater in the area described in the Description - Proposed Storm Water Easement, Portion of Exhibit “A”, from the present owners.
- c. A copy of this amended order shall be filed with the Door County Clerk within 20 days of its issuance.

Adopted and approved this \_\_\_\_ day of \_\_\_\_\_, 2022, by Common Council of the City of Sturgeon Bay.

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 2022, that this Amended Resolution of Relocation Order and Declaration of Necessity was adopted by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays by the Common Council of the City of Sturgeon Bay, Wisconsin.

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David J. Ward, Mayor

ATTEST:

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Stephanie L. Reinhardt, City Clerk

DESCRIPTION - Proposed Right-of-way - Grant Ave

A tract of land located in the Northwest one-quarter of the Southwest one-quarter of Section 12, Township 27 North, Range 25 East, City of Sturgeon Bay, Door County Wisconsin, being a 66.00 foot wide strip of land centered on the following described line.

Commencing at the Southeast corner Lot 5 of Maritime Landing plat recorded in Document #722148, thence N 89°13'36" E 33.00 feet to the point of beginning of said centerline, thence along said centerline as follows, N 00°46'24" E 15.50 feet, northeasterly 165.97 feet along a 152.00 foot radius curve to the right (chord bearing N 30°30'29" E 157.85 feet), N 61°47'21" E 401.22 feet, northeasterly 158.07 feet along a 133.00 foot radius curve to the left (chord bearing N 25°19'49" E 158.07 feet), N 11°07'42" W 105.94 feet, northerly 78.05 feet along a 467.00 foot radius curve to the right (chord bearing N 06°20'25" W 77.96 feet), N 01°33'07" W 367.53 feet, and northeasterly 305.80 feet along a 245.65 foot radius curve to the right (chord bearing N 34°06'42" E 286.44 feet) to the intersection with the easterly line of said Northwest one-quarter of the Southwest one-quarter of Section 12 and the termination of said centerline. The southerly termination of said strip of land bears N 89°13'36" E and the northerly termination of said strip bears N 01°33'07" W.

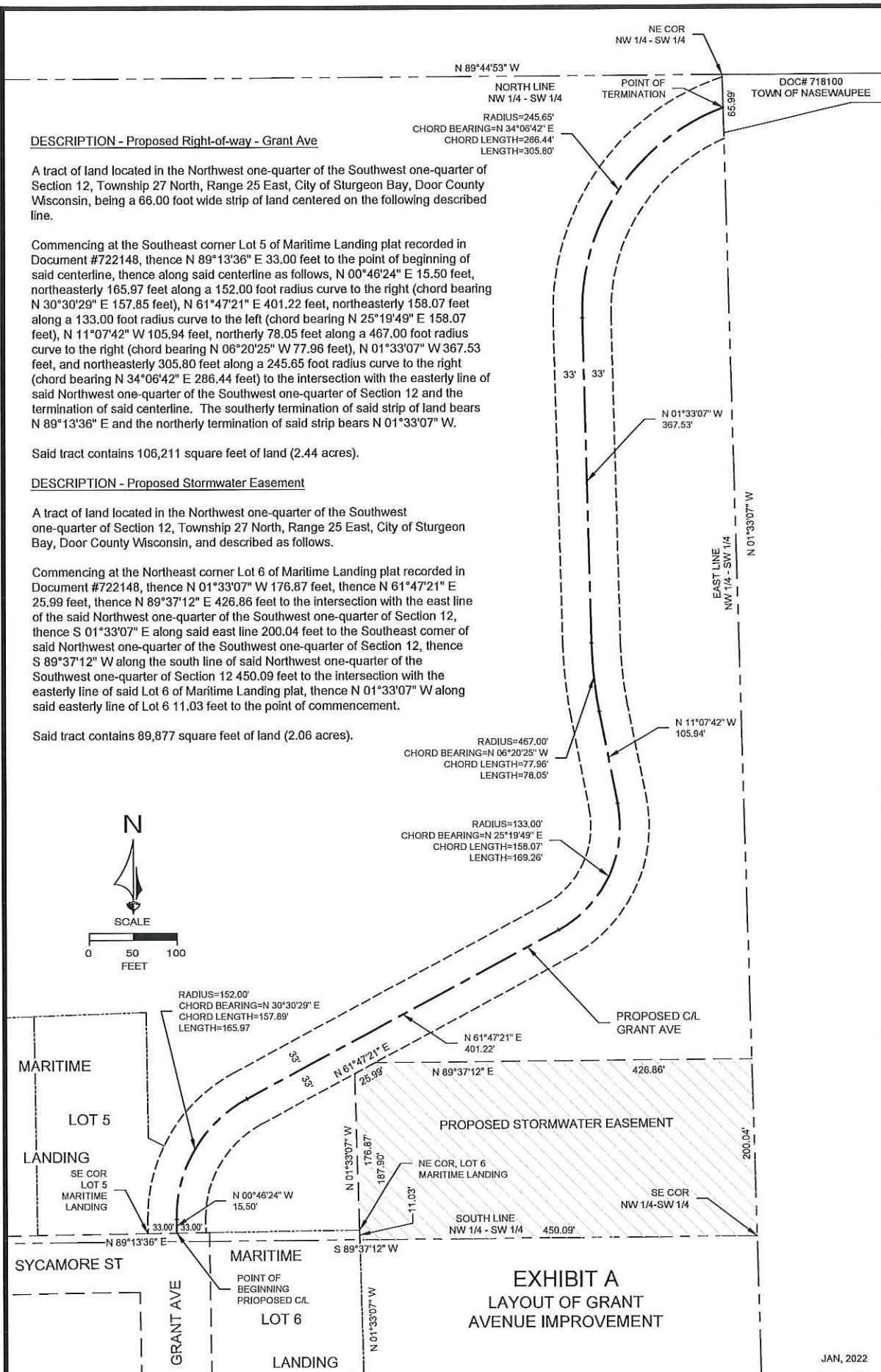
Said tract contains 106,211 square feet of land (2.44 acres).

DESCRIPTION - Proposed Stormwater Easement

A tract of land located in the Northwest one-quarter of the Southwest one-quarter of Section 12, Township 27 North, Range 25 East, City of Sturgeon Bay, Door County Wisconsin, and described as follows.

Commencing at the Northeast corner Lot 6 of Maritime Landing plat recorded in Document #722148, thence N 01°33'07" W 176.87 feet, thence N 61°47'21" E 25.99 feet, thence N 89°37'12" E 426.86 feet to the intersection with the east line of the said Northwest one-quarter of the Southwest one-quarter of Section 12, thence S 01°33'07" E along said east line 200.04 feet to the Southeast corner of said Northwest one-quarter of the Southwest one-quarter of Section 12, thence S 89°37'12" W along the south line of said Northwest one-quarter of the Southwest one-quarter of Section 12 450.09 feet to the intersection with the easterly line of said Lot 6 of Maritime Landing plat, thence N 01°33'07" W along said easterly line of Lot 6 11.03 feet to the point of commencement.

Said tract contains 89,877 square feet of land (2.06 acres).





## EXECUTIVE SUMMARY

Title: Creation of Egg Harbor Road Tax Increment District

Background: There are several properties along and near Egg Harbor Road that are underutilized or vacant. Some of these have recently been approved for new development while others likely need financial incentives or infrastructure improvements to be developed. Planned or potential development projects include:

1. Rogue Theater (14<sup>th</sup> Ave)
2. Ace Hardware at the former Bank Mutual site
3. Multiple-family dwellings on the former Peil parcel (Fire Lane Rentals, LLC/Doreen Phillips)
4. Commercial redevelopment on the Egg Harbor frontage portion of the Peil parcel
5. New housing on the Dan Krueger parcel north of Tall Pines Estates
6. Improvements to former Pamida and Sav A Buck buildings at 12<sup>th</sup> Ave/Egg Harbor Rd plus new development along the Egg Harbor frontage of those parcels (1023 Egg Harbor Rd, LLC/Estes & Virlee)
7. Additional development on the parcel between the bike shop and Tall Pines Estates (Doco Loco, LLC/Jeanquart)
8. New residential development on Rob Vogel's vacant lot at the end of Bonnie View Drive
9. New commercial development on the two vacant lots on northwest side of Egg Harbor Rd
10. New housing on the vacant Cherry Court lots
11. New housing on the vacant Colorado Place lots

There also are several potential municipal infrastructure projects that are being contemplated for the region. These include:

1. Construction of a stormwater detention pond on the unused portion of the Ehlers parcel
2. Construction of the Alabama Place to N 12<sup>th</sup> Place street connection
3. Stormwater improvements necessitated by the street connection
4. Sewer/water extension along the Alabama Place connection to serve single-family and two-family dwellings on the Krueger parcel and north end of the former Peil parcel
5. Sewer/water/street improvements for the Colorado Place lots
6. Pedestrian/bike connections between Bonnie View Drive and Egg Harbor Rd and also between Alabama Place extension and Egg Harbor Rd
7. Mill/pave project for Cherry Court (it's already in the 5-year plan)
8. Development incentives (if necessary) to facilitate development of the vacant or underutilized lots listed above
9. Streetscape improvements on 14<sup>th</sup> Ave by the Rogue Theater
10. Parking or stormwater improvements behind the 911 N. 14<sup>th</sup> Ave city-owned property
11. Resurface portions of Egg Harbor Road

The use of tax incremental financing (TIF) should be considered for this area. The proposed and potential new development will generate additional property taxes (tax increment) that could be used to offset the cost of the public investments resulting from, or needed by, the new development. Hence, the time is ripe for the creation of a tax incremental district (TID). A TID allows the additional property taxes from the new development to be collected by the City to repay funds borrowed for the upfront expenses. In this way all of the taxing jurisdictions that are benefiting from the new development help to cover the necessary expenses to create the development. Once the expenses are repaid, then the TID closes and property taxes are distributed normally.

A draft map for the proposed TID is included in the packet. This draft TID includes all of the proposed (or potential) projects in the vicinity of 12<sup>th</sup>/Egg Harbor Road that are listed above. This



proposed district is preliminary and could shrink or grow depending upon a number of factors. Ultimately, the district boundaries and the project plan need approval from the Plan Commission, Common Council, and Joint Review Board.

The creation of a TID involves many steps and there are numerous technical requirements to follow. A detailed project plan that includes financial projections is required. For the recent creation of TID #5 (Sunset School), Sturgeon Bay hired R. W. Baird, the City's financial consultant, to prepare the project plan and proformas and lead the creation process. It is noted that the cost of creating the plan is reimbursable from the TID proceeds.

Options: The option for the City include:

1. Approve working on the Egg Harbor Road TID and hire the consulting services of R. W. Baird.
2. Approve working on the Egg Harbor Road TID but complete the project plan using in house personnel (Note: Assistance with the financial proformas is still required under this option).
3. Decide not to pursue the creation of a TID for this region at this time.

Fiscal impact: The initial impact is the consultant fee of \$6,750. If the TID is successfully implemented, that fee will be collected from future tax increments, meaning there is no fiscal impact on the City for the creation of the district other than staff time. If the TID is ultimately not implemented, then the funds would come from the general funds.

The long-term fiscal impact is the property taxes generated vs. the cost of the public improvements. Under tax incremental financing, the cost of the improvements and incentives is borne by the district, not the general fund. Thus, there is savings to the City. But this savings must be balanced by the foregoing of taxes generated from the new development until the TID recovers its expenses. R. W. Baird, if hired, will prepare financial proformas showing the estimated impact and that will be used to determine yes or no on the ultimate creation of the TID

Recommendation: Direct staff to proceed with the potential creation of the Egg Harbor Road tax increment district and approve entering into a General Consulting Services Agreement with R. W. Baird.

Prepared by: Martin Olejniczak  
Martin Olejniczak  
Community Development Director

11-23-21  
Date

Reviewed by: Val Clarizio  
Val Clarizio  
Finance Director

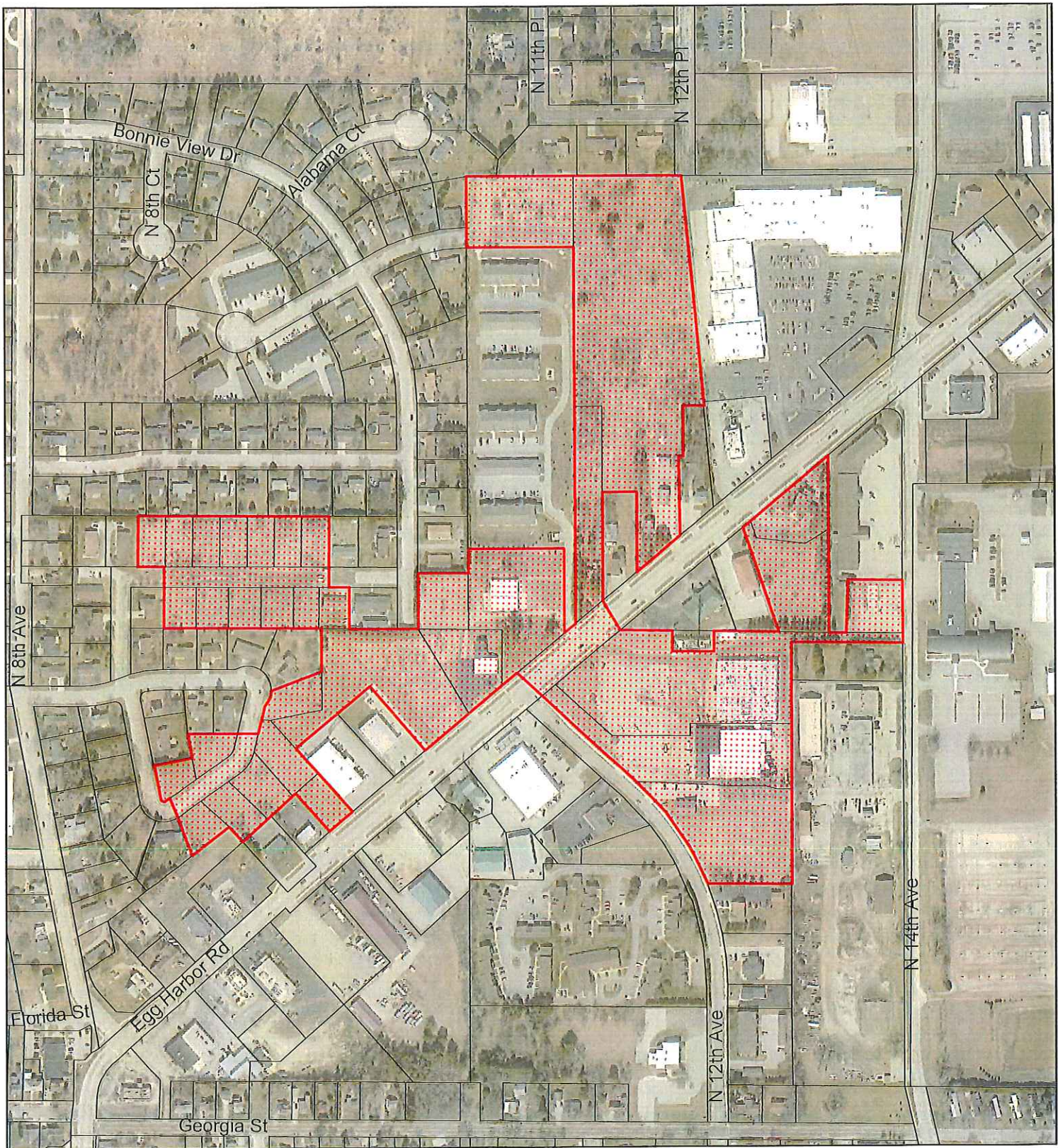
11/23/21  
Date

Reviewed by: Josh Van Lieshout  
Josh Van Lieshout  
City Administrator

11/23/21  
Date



# Egg Harbor Road Tax Increment District



Draft - Oct 27, 2021

