

**AGENDA
CITY OF STURGEON BAY
PLAN COMMISSION**

Wednesday, October 19, 2022 at 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 September 21, 2022.
4. Public comment on non-agenda Plan Commission related items.
5. Consideration of: Zoning map amendment from Agricultural (A) to Multiple-Family Residential (R-4) located 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.*)
6. Consideration of: Annexation petition by Mark and Cindy Kerscher for parcel nos. 020-01-13272522A-C in the Town of Nasewaupee.
7. 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.

10/14/22
3:00 p.m.
CS

Plan Commission Members

Mayor David Ward
Ald. Kirsten Reeths
Ald. Helen Bacon
Ald. Dennis Statz
Mark Holey
Debbie Kiedrowski
Jeff Norland

CITY PLAN COMMISSION MINUTES
September 21, 2022

A meeting of the City Plan Commission was called to order at 6:00 p.m. on Wednesday, September 21, 2022, by Chairperson David J. Ward in Council Chambers, City Hall, 421 Michigan Street, Sturgeon Bay.

Roll Call (#1): Members David Ward, Helen Bacon, Dennis Statz, Kirsten Reeths, Mark Holey and Jeff Norland were present. Member Debbie Kiedrowski was absent. Staff present were City Administrator Josh Van Lieshout, Community Development Director Marty Olejniczak, Planner/Zoning Administrator Christopher Sullivan-Robinson, and Community Development Administrative Assistant Cindy Sommer.

Agenda (#2): Motion by Mr. Statz and seconded by Mr. Norland to accept the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from August 17, 2022.
4. Public comment on non-agenda Plan Commission related items.
5. Consideration of: Comprehensive Plan amendment to change the Future Land Use designation from Agricultural/Rural to Regional Commercial for property located at 6639 & 6663 State Highway 42/57 in the Town of Nasewaupee.
 - a. Presentation
 - b. Public Hearing
 - c. Consideration/Recommendation
6. Consideration of: Zoning map amendments from C-1 to C-5 for two parcels at the southeast corner of S. Lansing Ave/ on the east side of W. Spruce Street, parcel #281-46-65090102 and 60 Green Bay Road, parcel # 281-64-63000101. (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.)
 - a. Presentation
 - b. Public Hearing
 - c. Consideration/Recommendation
7. Consideration of: Zoning map amendment petition by Sturgeon Bay Plan Commission from R-1 to R-2 for parcel at east end of Alabama Place -parcel #281-62-10000116. (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.)
 - a. Presentation
 - b. Public Hearing
 - c. Consideration/Recommendation
8. Consideration of: Initial presentation of zoning map amendment petition by Dave Phillips of Bayland Buildings from Agricultural (A) to Multiple-Family Residential (R-4) for property parcel #281-70-32001410C located at 1361 N. 14th Avenue, to allow the construction of a 22-unit apartment building.
9. Consideration of: Conceptual Planned Unit Development for E & I Property Investments, LLC, to allow for the construction development of two-family dwellings on property 49 duplexes on an 11-acre site located on the north side of Colorado Street, parcel #281-62-08000117.
10. Adjourn.

All ayes, motion carried.

Approval of minutes from August 17, 2022 (#3): Motion by Ms. Reeths and seconded by Ms. Bacon to approve the minutes from August 17, 2022. 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 Agricultural/Rural to Regional Commercial for property located at 6639 & 6663 State Highway 42/57 in the Town of Nasewaupee (#5). Mr. Sullivan-Robinson explained that this is step 2 in the process to change the Comprehensive Plan for this property located just outside the City. The developer's plan is for a commercial use, but the site is currently Agricultural/Rural so the developer is requesting that the City change the use to Regional Commercial. There are three separate parcels involved, two of which have existing buildings and the other is vacant and being farmed at this time. Commercial uses surround the site along the highway and agriculture is the primary use for the properties in the back. There is a high-voltage transmission line over the west corner and there are also wetlands on the property, both of which could restrict development. The site fits with the request for Regional Commercial because of the highway corridor and the other abutting commercial properties. All of the other lots in the Comprehensive Plan that were reserved for large commercial development have been taken up with other projects, so that leaves the City with no other available properties for this type of use. Staff supports the request for the land use change and Mr. Sullivan-Robinson further explained that there are still other hurdles for the developer to overcome before the property could be developed for Fleet Farm.

Members discussed the location of the transmission line and that the parking lot could go under the line but the building cannot. The Fleet Farm plan would be to use 15-17 acres of the 37.2 acre parcel.

Public Hearing: The mayor opened the hearing at 6:14 p.m. Mark Kerscher, the current property owner, spoke and explained that he supports this proposal and hopes for approval of the project.

The mayor closed the public hearing at 6:15 p.m.

Consideration: Mr. Norland moved to recommend the Comprehensive Plan amendment to change the future land use designation from Agricultural to Regional Commercial for the subject property. Motion seconded by Ms. Bacon. All ayes, motion carried.

Zoning map amendments from C-1 to C-5 for two parcels on the east side of W. Spruce Street and 60 Green Bay Road (#6). Mr. Sullivan-Robinson explained this is the second step for rezoning of the parcel on W. Spruce Street. A second property at 60 Green Bay Road was added after the mayor directed staff at the last meeting to contact nearby property owners to see if they wanted to join this rezoning request. The request is to rezone both parcels from C-1 general commercial to C-5, mixed residential-commercial. Staff recommends approval of the request because it meets the needs of the city as well as the property owners. The options before the Commission are to; 1) vote on the rezoning request at this time for both parcels; 2) treat each parcel separately and vote at this time; or 3) add to the agenda for the next meeting and vote at that time.

Public Hearing: The mayor opened the hearing at 6:22 p.m. Chris Lazarevski of 61 W. Spruce Street lives next to the vacant lot that Mr. Loch is requesting be rezoned. Mr. Lazarevski explained that there is a 4' hill between the property lines and he is expressed concern about runoff and erosion control.

The mayor closed the public hearing at 6:23 p.m.

Consideration: Mr. Sullivan-Robinson explained that the zoning request change would change the lot line setback from 10 feet to 8 feet, however Mr. Loch will also be requesting a variance from the setback. He further explained that all new buildings must have erosion control measures in place and the City engineer will address storm water management. Mr. Lazarevski was advised that he should contact his alderperson with any concerns.

Mr. Norland motioned to act on this rezoning request at this time. Motion seconded by Mr. Statz. All ayes, motion carried.

Mr. Statz motioned to approve the zoning map amendments from C-1 to C-5 for both parcels. Ms. Reeths seconded motion. All ayes, motion carried.

Zoning map amendment from R-1 to R-2 for parcel at east end of Alabama Place (#7). Mr. Olejniczak explained that the city bought this parcel for the right-of-way to extend Alabama Place, which also allows for development of the property into lots. There are restrictive covenants in place that require single family development. The request to amend the zoning map to R-2 would allow for the development of four lots rather than just three with the current R-1 classification. The four lots would be of similar size to those in the nearby neighborhood and also match with the comprehensive plan. The street and lot development would be completed at about the same time as the Cherry/Apple Tree apartment project, which is already approved.

Ms. Bacon indicated she is happy to see some forward motion on this since it has been pending for a while. Mr. Holey would like to have these lots developed into more affordable single family homes in the \$250,000 range rather than the \$400,000 range. Ms. Reeths commented that R-2 zoning would allow for smaller homes than R-1 requires.

Public Hearing: The mayor opened the public hearing at 6:34 p.m. No one came forward with comments or questions. The public hearing was closed at 6:35 p.m.

Consideration: Mr. Norland made a motion to act on this matter at this time. The motion was seconded by Mr. Holey. All ayes, motion carried.

Ms. Bacon motioned to approve the staff recommendation for the zoning map amendment from R-1 to R-2 for the parcel at the east end of Alabama Place. Motion seconded by Mr. Holey. All ayes, motion carried.

Initial presentation of zoning map from Agricultural (A) to Multiple-Family Residential (R-4) for property located at 1361 N. 14th Avenue (#8). Mr. Olejniczak explained this is the first step for this project and a public hearing will be scheduled for the next Plan Commission meeting. The property owner previously requested that this parcel be rezoned to commercial use to allow for the construction of storage units on the property, which was approved for the back half of the property, however the Commission suggested the property owner come back with some type of multi-family residential project. Property owner is proposing to put in a 22-unit apartment building with underground garages.

Dave Phillips of Bayland Buildings further explained the project, also noting that the construction of the storage units has been delayed due to this pending project. They eliminated three of the proposed storage units to allow for the new building. Changes to the proposal in the packet would be the addition of two parking spaces and the building would be moved back about 5 feet. The proposal calls for 18 1-bedroom units and four 2-bedroom units. There will be an elevator from the underground parking.

Mr. Norland praised the developer for coming back with a good project. Ms. Reeths questioned if this would be for 55+ housing and the developer explained that it is likely to be available to anyone. The rental rates have not been established yet. Sidewalks could be added by the city at a later date if needed and sewer/water will need DNR and city approval before moving forward. This project will be put on the agenda for a public hearing at the next Plan Commission meeting.

Conceptual Planned Unit Development for E & I Property Investments, LLC, to allow for the development of two-family dwellings on property located north of Colorado Street (#9). This planned unit development would need three steps before it can move forward: 1) Conceptual approval; 2) Preliminary approval and 3) Final approval. The preliminary and final approval steps could be combined if all of the engineering plans are completed and submitted at the time of the preliminary approval and if approved by the Plan Commission by vote at this time. The area would be rezoned as a Planned Unit Development with underlying R-1 or R-2 zoning.

Mark Isaksen of 4180 S. Country View Rd, Sturgeon Bay, presented this project as a 55+ community consisting of 19 duplexes or 38 units. The buildings would vary somewhat in the roof lines, colors, etc. to

add visual interest. There would be a club house, community garden, pickleball courts and extra garage spaces with the knowledge that many retirees own boats, RV's, etc. and extra storage for such items would be welcome. The units would be sold as individual condo units with the creation of a homeowner's association with dues. The costs would likely be mid to high. The buildings would be on cement slabs with no basements.

Commission members noted this is a new and interesting idea for Sturgeon Bay and it is needed for the aging community. Mr. Olejniczak explained that the city has been hoping for a developer for the parcel for quite some time.

Mr. Norland motioned to combine the preliminary and final approval steps into one, provided that all of the engineering paperwork is in order prior to the preliminary approval meeting. Mr. Statz seconded motion. All ayes, motion carried.

Mayor Ward made note that this is the last Plan Commission meeting for Planner / Zoning Administrator Christopher Sullivan-Robinson and praised him for his years of hard work and dedicated service to the City, also noting that he's done a wonderful job and has always been a pleasure to work with. A standing ovation was had in commemoration of Mr. Sullivan-Robinson's service to the community.

Adjourn (#10): Ms. Bacon made a motion to adjourn, seconded by Mr. Holey. All ayes, motion carried. The meeting adjourned at 6:57 p.m.

Respectfully submitted,

Cindy Sommer
Community Development
Administrative Assistant

STAFF REPORT
ZONING MAP AMENDMENT – A to R-4
1361 N 14th AVE – PORTION OF PARCEL #281-70-32001410C

Summary: Estes Investment, LLP, is petitioning the City to rezone the easterly portion of the property located at 1361 N 14th Avenue from Agricultural (A) to Multiple-Family Residential (R-4). The property owner intends to construct a 22-unit apartment building with underbuilding parking.

Existing Conditions: The property is approximately 1.87 acres. It was a defunct fruit processing plant that had been used for storage for many years along with a manufactured home. The westerly 190 feet was rezoned to General Commercial (C-1) earlier this year to facilitate the construction of commercial storage buildings. That development has commenced.

North and south of the property are single-family dwellings. Walmart is located east of this property, and multiple-family residential is to the west. There is a mix of zoning classification surrounding this property including Commercial (C-1), Agricultural (A), Single-Family Residential (R-1), and Multiple-Family Residential (R-4).

Comprehensive Plan: The future land use map of the Comprehensive Plan designates this property for Higher Density Residential. This area is intended for a variety of residential units but is primarily comprised of multiple family residential to be developed at a density up to 12.4 units per acre. If the property is to be rezoned, R-3 or R-4 would be the most appropriate district. The proposed rezoning to facilitate the apartment building is consistent with the comprehensive plan.

Additional Considerations: Sanitary sewer and water services ends at the intersection of Bluebird St with N. 14th Ave. It needs to be extended to serve this property. The developer is working jointly with the City to extend the mains and has commissioned Stantec (formerly Baudhuin, Inc) to design the plans.

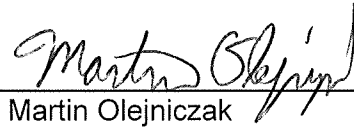
At the time the westerly 190 feet of the property was rezoned to commercial, the developer had requested rezoning of the entire parcel. The Plan Commission believed at that time that the front portion should be reserved for a multiple-family residential development consistent with the Comprehensive Plan. The property owner agreed to consider that development. The owner has worked with Bayland Buildings on a number of designs over the last few months in order to find a proposal that would be cost-effective to construct.

Multiple-family residential projects of the type being proposed are now permitted under the revised zoning code. There is no need for a conditional use approval. Other than meeting the basic parameters of the R-4 district (setbacks, parking, etc.) the project can commence if the rezoning is adopted. It is noted, however, that the project would still need approval from the Aesthetic Design & Site Plan Review Board prior to permits being issued.

Next Steps: The Plan Commission conducts a public hearing on October 19, 2022. After the hearing the Plan Commission can make its formal recommendation to the Common Council provided that at least $\frac{3}{4}$ of the members are ready to act upon the petition. Otherwise, the Plan Commission action (recommendation) to approve or reject the petition will wait for the next meeting. Once a recommendation is made, the Common Council will either approve or reject the zoning map amendment. If approved, an ordinance must be adopted by Council with 2 separate readings.

Recommendation: Staff recommends approval of the rezoning of the Agricultural (A) zoned portion of the parcel to Multiple-Family Residential (R-4). The westerly 190 feet of the property will remain General Commercial (C-1).

Prepared By:



Martin Olejniczak
Community Development Director

Oct. 14, 2022
Date

C220907-2
Date Received: 9/7/2022
Fee Paid: \$ 450
Received By: CS

CITY OF STURGEON BAY ZONING/REZONING APPLICATION

	APPLICANT/AGENT	LEGAL PROPERTY OWNER
Name	STEVE ESTES/JASON ESTES	SAME
Company	ESTES INVESTMENTS LLC	
Street Address	4606 BECHTEL RD	
City/State/Zip	STURGEON BAY, WI. 54235	
Daytime Telephone No.	920-493-8663	
Fax No.		

STREET ADDRESS OF SUBJECT PROPERTY: 1361 N. 14TH AVE
Location if not assigned a common address:

TAX PARCEL NUMBER: 2817032001410C

CURRENT ZONING CLASSIFICATION: AGRICULTURAL

CURRENT USE AND IMPROVEMENTS:
LARGE STORAGE BUILDING

ZONING DISTRICT REQUESTED: R-4

COMPREHENSIVE PLAN DESIGNATION OF SUBJECT PROPERTY: HIGHER DENSITY /
RESIDENTIAL

PROPOSED USE OF SURROUNDING PROPERTY UNDER COMPREHENSIVE PLAN:

North: HIGHER DENSITY RESIDENTIAL
South: HIGHER DENSITY RESIDENTIAL
East: RESIDENTIAL / COMMERCIAL
West: C-1 COMMERCIAL

ZONING AND USES OF ADJACENT SURROUNDING PROPERTIES:

North: SINGLE FAMILY
South: SINGLE FAMILY
East: WALMART
West: COMMERCIAL / STORAGE UNITS

HAVE THERE BEEN ANY VARIANCES, CONDITIONAL USE PERMITS, ETC. GRANTED PREVIOUSLY FOR THIS PROPERTY? YES IF YES, EXPLAIN:

BACK 1/2 OF LOT WAS CHANGED TO C-1
FOR STORAGE UNITS

Attach a full legal description (preferably on disk), 8-1/2" X 11" location map, and Agreement for Reimbursement of expenses.

STEVE EITES
Property Owner (Print Name)

[Signature]
Signature

Date

DAVE PHILLIPS
Applicant/Agent (Print Name)

[Signature]
Signature

8-31-22
Date

I, _____, 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.

Date of review meeting

Applicant Signature

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 Chamber at City Hall, 421 Michigan Street, Sturgeon Bay, Wisconsin on Wednesday, October 19, 2022 at 6:00 p.m. or shortly thereafter, in regard to a proposed zoning map amendment to change the zoning classification of an approximately 1.7-acre lot from Agricultural (A) to Multi-Family Residential (R-4). The subject property is parcel no. 281-70-32001410C, which is owned by Estes Investments, LLC and is located at 1361 N. 14th Avenue. The proposed zoning map amendment materials are on file with the Community Development Department and can be viewed on the City's website (www.sturgeonbaywi.org) or at City Hall weekdays between 8:00 a.m. and 4:30 p.m. The public is invited to give testimony in regard to the rezoning request either in person at the hearing or in writing.

By order of:
City of Sturgeon Bay Plan Commission

Location Map

Zoning Map Amendment

A to R-4 for 1341 N 14th Avenue



Portion of the subject parcel
proposed to be rezoned to R-4

October 14, 2022

CITY, WISCONSIN; COUNTY OF:

ADJUST SCALE ACCORDING TO:

JOB NUMBER: 21-2336

EXECUTIVE: DAVE PHILLIPS

DRAWN BY: CMP

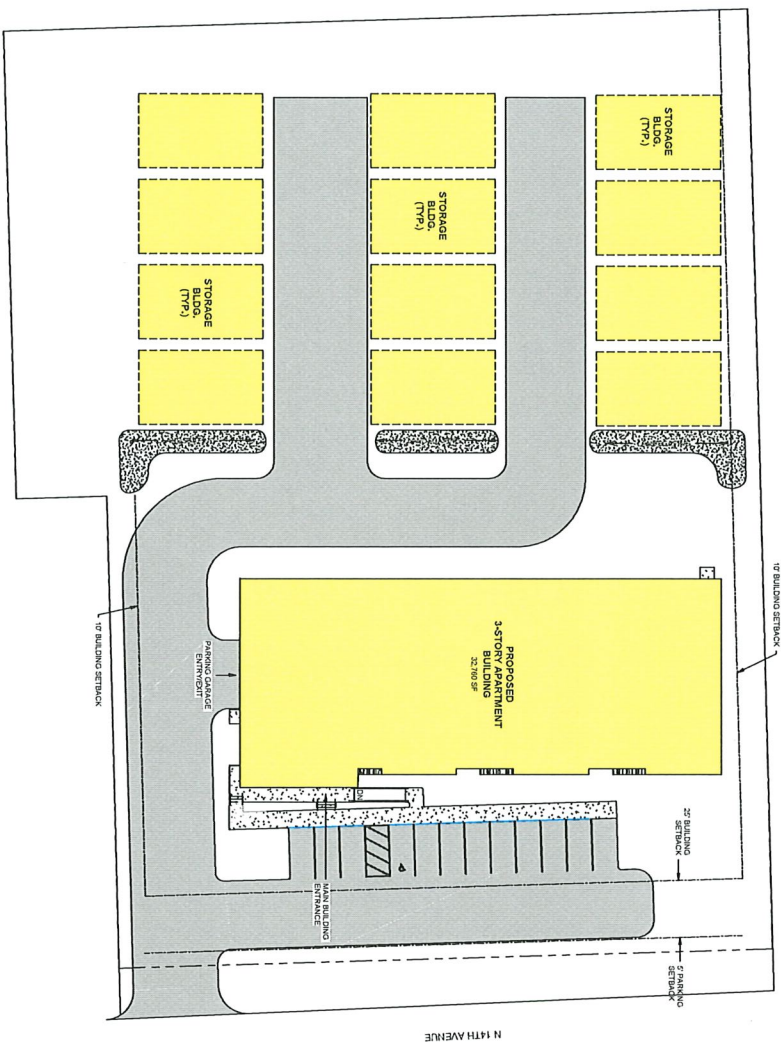
REVISIONS:

☒ PRELIMINARY

☐ BID SET☐ CHECK/REVIEW

CONSTRUCTION

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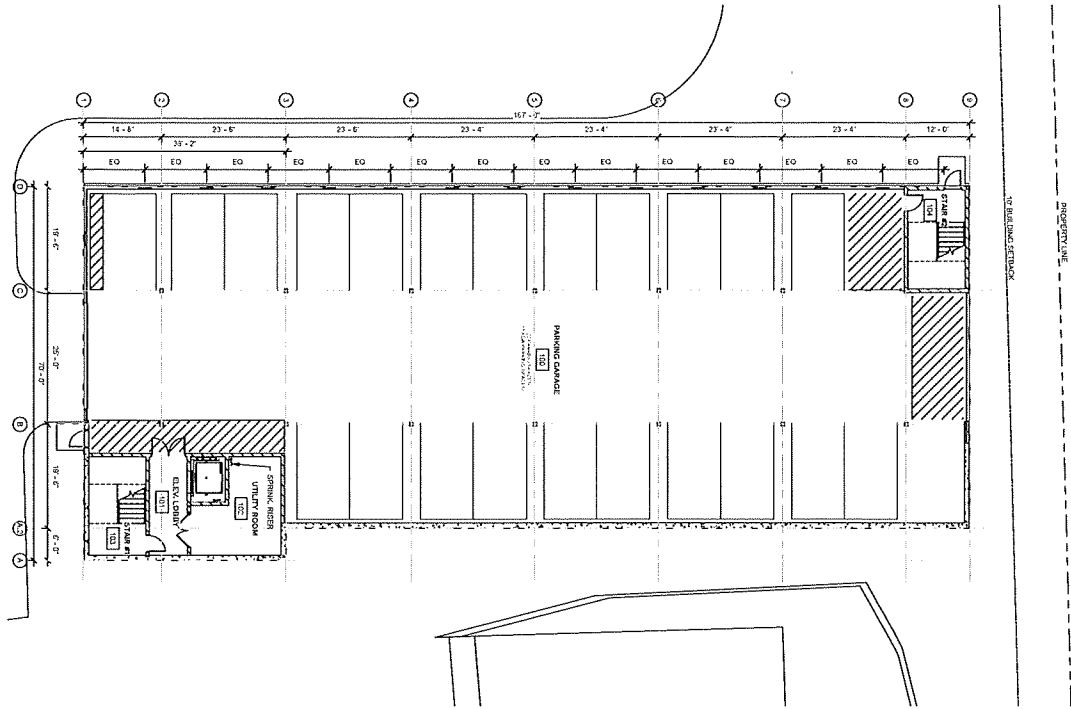


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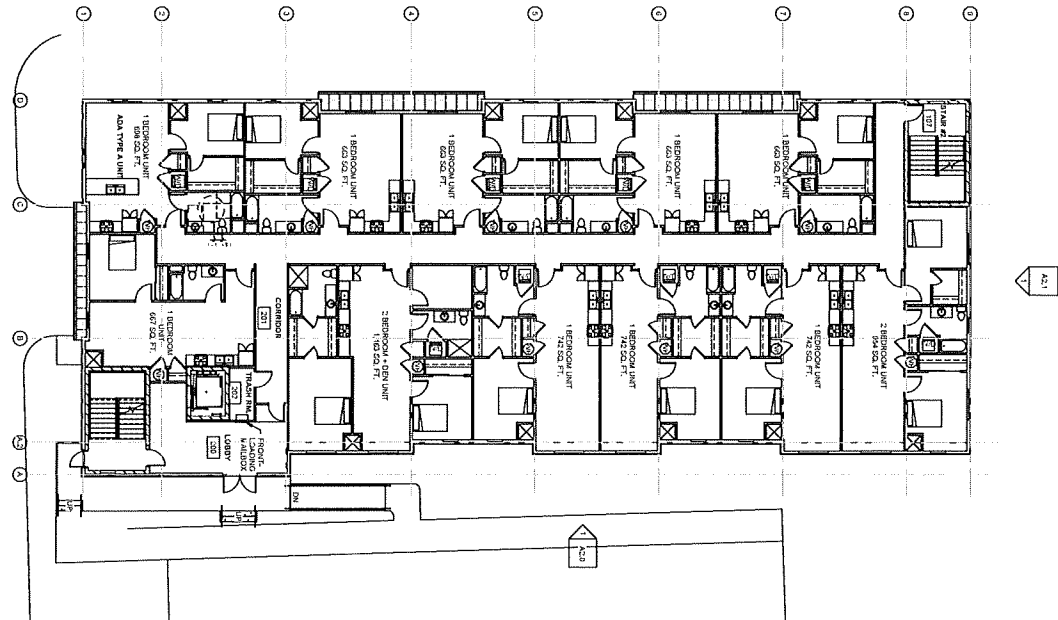
PARKING TABULATION
22 PARKING GARAGE STALLS
12 EXTERIOR PARKING STALLS
34 TOTAL PARKING STALLS

APARTMENT UNIT TABULATION	
(2) 2-BEDROOM	804 SF
(6) 1-BEDROOM	742 SF
(2) 2-BEDROOM + DEN	1,163 SF
(8) 1-BEDROOM	663 SF
(2) 1-BEDROOM	698 SF
(2) 1-BEDROOM	667 SF
22 TOTAL UNITS	

FIRST FLOOR PLAN
1/4" = 1'-0"



SECOND FLOOR PLAN
1/4" = 1'-0"



GENERAL NOTES:
1. GENERAL NOTE TO PROVIDE SYSTEM THROUGHOUT
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FLOOR PLANS

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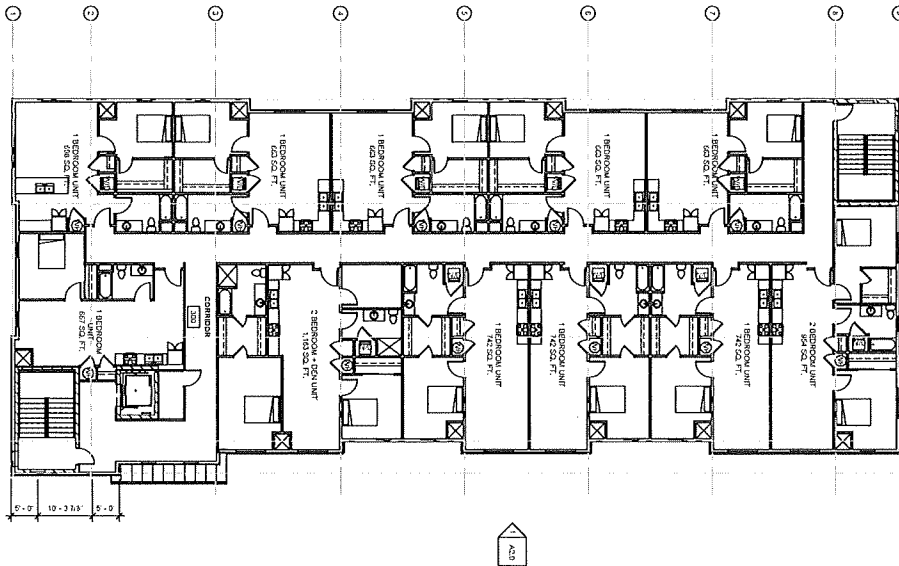
DATE:	09/29/2022
DRAWN BY:	CMP
PROJECT:	DAVE PHILLIPS
EXECUTIVE:	DAVE PHILLIPS
JOB NUMBER:	21-2336
REVISIONS:	

SCALE VERIFICATION
1" = 1'-0"

PROPOSED BUILDING FOR:
21-2336
CITY, WISCONSIN; COUNTY OF:

BAYLAND
BAYLAND BUILDINGS
P.O. BOX 1271 GREEN BAY, WI 54307
(920) 833-1271
www.baylandbuildings.com
DESIGN & BUILD GENERAL CONTRACTOR

THIRD FLOOR PLAN
1/4" = 1' SCALE



BAYLAND
BAYLAND BUILDINGS
P.O. BOX 1271 GREEN BAY, WI 54307
(920) 833-3833
www.baylandbuildings.com
DESIGN & BUILD GENERAL CONTRACTOR

PROPOSED BUILDING FOR:
21-2336
CITY, WISCONSIN; COUNTY OF:

SCALE VERIFICATION
1" = 1' SCALE

REVISIONS:
DATE: 09/29/2022
DRAWN BY: CMP
EXECUTIVE: DAVE PHILLIPS
JOB NUMBER: 21-2336
PROJECT:
REVISIONS:

ISSUED FOR: CHECKED DATE:
BY: [X] PRELIMINARY
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GENERAL NOTE:
1. INSTALL PER THE SPRINKLER DESIGN HIGHLIGHT
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FLOOR PLANS
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BAYLAND

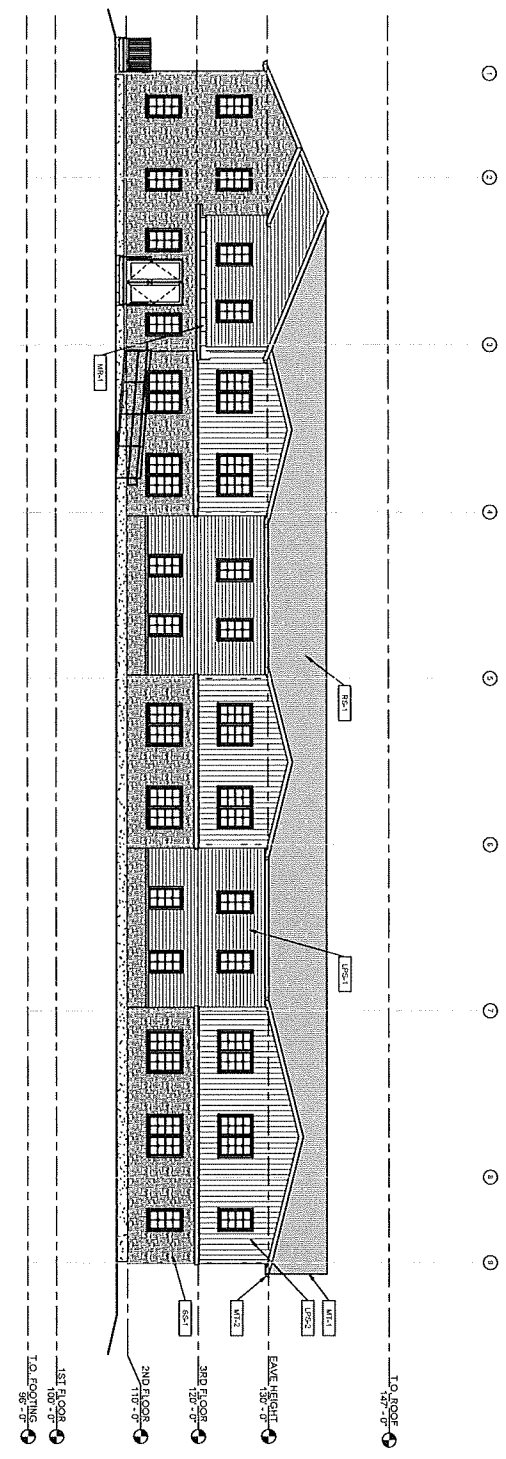
BAYLAND BUILDINGS

P.O. BOX 1371 GREEN BAY, WI 54307

(920) 433-3833

www.baylandinc.com

DESIGN & BUILD GENERAL CONTRACTOR



1st Floor

2nd Floor

3rd Floor

4th Floor

5th Floor

6th Floor

7th Floor

8th Floor

9th Floor

10th Floor

11th Floor

12th Floor

13th Floor

14th Floor

15th Floor

16th Floor

17th Floor

18th Floor

19th Floor

20th Floor

21st Floor

22nd Floor

23rd Floor

24th Floor

25th Floor

26th Floor

27th Floor

28th Floor

29th Floor

30th Floor

31st Floor

32nd Floor

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96th Floor

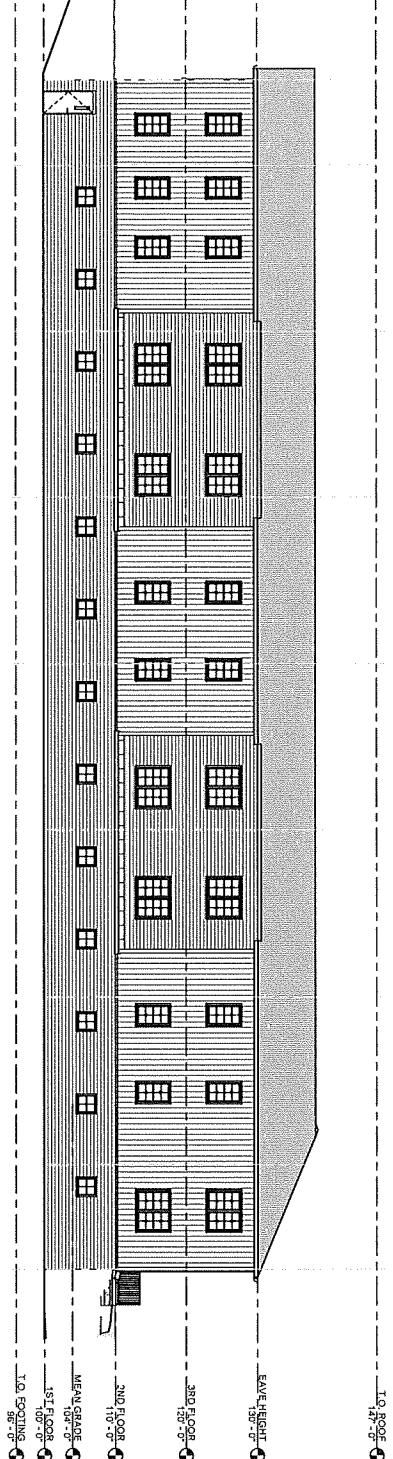
97th Floor

98th Floor

99th Floor

100th Floor

BUILDING ELEVATION - EAST
1" AS 20 SCALE = 1/8" = 1'-0"



BUILDING ELEVATION - WEST
2" AS 20 SCALE = 1/8" = 1'-0"

PROPOSED BUILDING FOR:
21-2336
CITY, WISCONSIN; COUNTY OF:

SCALE VERIFICATION
1" = 1'-0"

DATE: 09/29/2022
DRAWN BY: CMP
EXECUTIVE: DAVE PHILLIPS
PROJECT NUMBER: 21-2336
REVISIONS:

ISSUED FOR: CHECKED DATE:
BY: PRELIMINARY
BY: NO SET
BY: DESIGN REVIEW
BY: CHECKED
BY: CONSTRUCTION

EXTERIOR ELEVATIONS
A2.0

SCALE VERIFICATION

ISSUED FOR: CHECKED DATE BY:

☒ PRELIMINARY

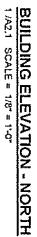
☐ BID SET

☐ DESIGN REVIEW

☐ CHECKSET

☐ CONSTRUCTION

A2.1

[illegible]

PETITION FOR DIRECT ANNEXATION BY UNANIMOUS APPROVAL

We, the undersigned, constituting all of the electors and all of the owners of real property in the following territory of the Town of Nasewaupée, Door County, Wisconsin, lying contiguous to the City of Sturgeon Bay, petition the Common Council of the City of Sturgeon Bay to annex the territory described below and shown on the attached scale map to the City of Sturgeon Bay, Door County, Wisconsin:

See legal description attached hereto as Exhibit "A".

The current population of such territory is 2,015 (2018).

A scaled map of the parcel subject to this petition is attached hereby as Exhibit "B". Petitioners request that the City of Sturgeon Bay approve a zoning classification of C1 (General Commercial) upon the subject property.

We, the undersigned, elect that this annexation shall take effect to the full extent consistent with outstanding priorities of other annexation, incorporation, or consolidation proceedings, if any.

Signature of Petitioner	Printed Name	Date of Signing	Owner*	Elector*	Address or Property Description
1. <u>Frank Steeves</u>	Frank Steeves Fleet Farm Group, LLC	9/15/2022		Elector	6703/6639/6663 St Hwy 42-57
2. <u>Mark A. Kerscher</u>	Mark A. Kerscher	9-16-22	Owner		6703/6639/6663 St Hwy 42-57
3. <u>Cindy Lou Kerscher</u>	Cindy Lou Kerscher	9-16-22	Owner		6703/6639/6663 St Hwy 42-57
4. <u>Mark A. Kerscher</u>	Mark A. & Cindy Lou Kerscher REV Trust	9-16-22	Owner		6703/6639/6663 St Hwy 42-57
5. <u>Cindy Lou Kerscher</u>					
6.					
7.					
8.					
9.					
10.					

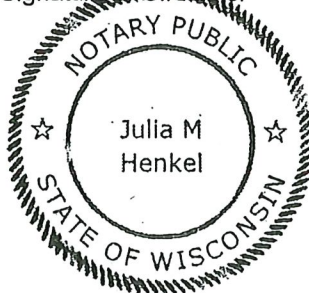
*If owner, write "owner" in appropriate box; if elector, write "elector" in appropriate box.

I, Lori Flick, (name of circulator), being duly sworn, state: Wisconsin I reside at Action Realty, Sturgeon Bay, WI 54235, Wisconsin. I personally circulated the attached petition commencing on the 15th day of September, 2022, and terminating on the 16th day of September, 2022, and personally obtained each signature on this petition. I know that each person who signed is an elector or owner of property located in the territory proposed for annexation and signed the petition with full knowledge of its content on the date indicated opposite his or her name. I know their respective residences given. I reside within the territory described above. I am aware that falsifying this affidavit is punishable under Sections 12.13 (3) (a) and 946.32 (1) (a) of the Wisconsin Statutes.

Subscribed and sworn to before me
this 16th day of September, 2022

Signature of Circulator

Julia M. Henkel
Notary Public, State of Wisconsin
My Commission expires: 3-19-25



Sturgeon Bay Fleet Farm Parcel Description

A parcel of land located in part of the Northwest Quarter of the Northwest Quarter of Section 13, Township 27 North, Range 25 East, Town of Nasewaupee, Door County, Wisconsin, more fully described as follows.

Commencing at the Northwest Corner of Section 13;

Thence S00°07'18"E coincident with the West line of the Northwest Quarter of Section 13 a distance of 65.59 feet to its intersection with the South right-of-way line for STH 42-57 (Green Bay Road) also being the point of beginning.

Thence S88°40'18"E coincident with said South right-of-way line a distance of 44.54 feet;
Thence S76°18'13"E coincident with said South right-of-way line a distance of 102.39 feet;
Thence S88°42'39"E coincident with said South right-of-way line a distance of 300.00 feet;
Thence S80°10'48"E coincident with said South right-of-way line a distance of 101.12 feet;
Thence S88°42'39"E coincident with said South right-of-way line a distance of 150.00 feet;
Thence N83°41'41"E coincident with said South right-of-way line a distance of 151.33 feet;
Thence S88°42'39"E coincident with said South right-of-way line a distance of 459.01 feet to its intersection with the East line of the Northwest Quarter of the Northwest Quarter of Section 13,
Thence S00°04'21"E coincident with said East line a distance of 1249.52 feet to the Southeast Corner of the Northwest Quarter of the Northwest Quarter of Section 13;
Thence N88°38'55"W coincident with the South line of the Northwest Quarter of the Northwest Quarter of Section 13 a distance of 1302.10 feet to the Southwest Corner of the Northwest Quarter of the Northwest Quarter of Section 13;
Thence N00°07'18"W coincident with the West line of the Northwest Quarter of Section 13 a distance of 1265.16 feet to the point of beginning.

Said parcel of land contains 37.198 acres (1,620,349 square feet) more or less.

Subject to all easements and restrictions of record

Exhibit A



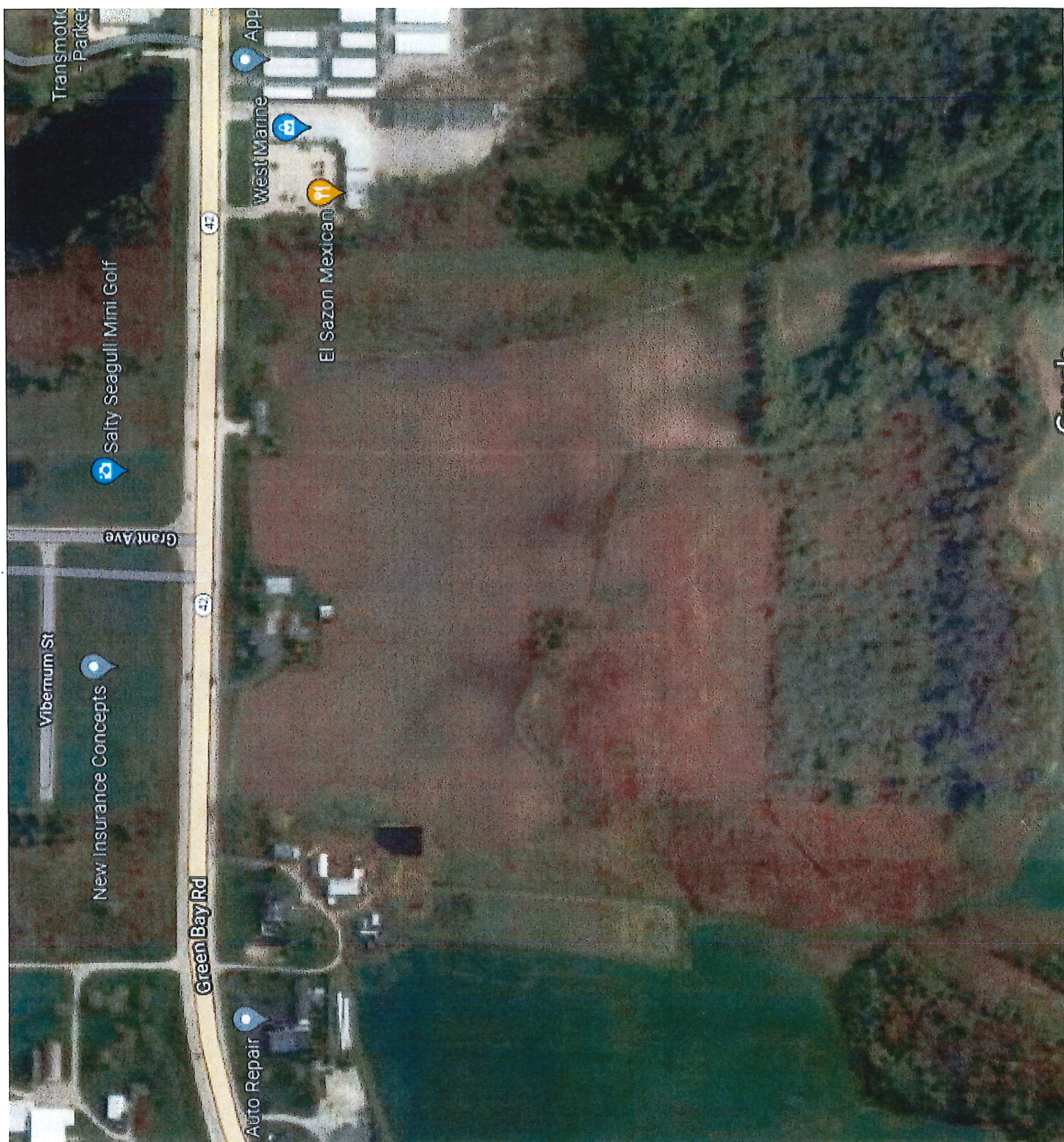


Exhibit B

Annexation Study

Mark & Cindy Lou Kerscher – Highway 42-57
October 14, 2022

Background

The City of Sturgeon Bay received a petition for direct annexation from Mark and Cindy Lou Kerscher for three parcels of land totaling 37.198 acres in size. The subject parcels are located at 6703, 6639, and 6663 Highway 42-57, on the south side of the highway. They are currently in the Town of Nasewaupée. The subject parcels are contiguous to the City on the east and north sides. There is a pre-annexation agreement with the City for one of the parcels (6639 Highway 42-57). That agreement allowed for the dwelling on the parcel to hook up to the municipal sewer and water in exchange for annexing the property at a later date.

The petition was submitted as a petition for direct annexation by unanimous consent. In order to formally annex the parcel, the Common Council must adopt an annexation ordinance by a 2/3 majority vote after recommendation from the Plan Commission.

Existing and Proposed Use

The area proposed to be annexed contains two dwellings and some outbuildings. Most of the property is cropped, although there are wetlands along the eastern and southern portions. An electric transmission line owned by American Transmission Company runs diagonally across the property.

Fleet Farm has proposed to remove the existing buildings and redevelop the site into a retail store with indoor/outdoor lumberyard, gas pumps and car wash. The Annexation petition was submitted to facilitate that project by enabling it to be eligible for municipal sanitary sewer and water service.

Existing Services

The subject property already is within the electrical service area of Sturgeon Bay Utilities. Municipal sanitary sewer and water mains are located within the right-of-way of the highway up to Grant Avenue, which is about half-way along the frontage of the land proposed to be annexed. The house at 6639 Highway 42-57 is already hooked up to these utilities under the aforementioned pre-annexation agreement.

Extension of Services

All department heads were asked to review and report on the impact that the proposed annexation would have on the services provided by the City. The following is a summary of service impacts and costs.

Police protection - The police chief reports that if the annexation occurs and the proposed development is constructed, there will be an increase in service calls due to the retail store. The chief believe the Department can provide police protection to the property without incurring additional costs or needing additional manpower.

Fire Protection - The fire chief reports that the property can be serviced without increased personnel or equipment costs, provided that the proposed development has sufficient water flow

for fire protection. The existing dead-end mains will need to be looped in order to provide the proper pressure and volume for fire protection. This looped has been previously planned and Sturgeon Bay Utilities, the developer, and City staff have initiated discussions on the plan and costs to complete it.

Utilities - Electrical service is already provided to the subject property. There is sufficient water and sewer capacity to serve the property, but the looping of the water main will be required to maintain proper flow/pressure. The existing water and sanitary sewer mains that run along the highway can be extended into the property to serve future development. However, the property is not within the sewer service area (SSA) for Sturgeon Bay. A boundary amendment to the SSA is necessary. The Utilities Commission and SBU staff will submit the SSA amendment to the Wisconsin DNR for approval. Until the boundary amendment is approved by the state, a connection to the sanitary sewer cannot be made.

Park and Recreation - The annexation will have no impact on park and recreation services if the proposed development occurs. The site is not anticipated to have any municipal recreation facilities and will not generate a demand for such facilities.

Public Works – The state is responsible for the maintenance of the state highway with the county highway department providing snow removal and weed cutting services on behalf of the state. At this point no new local streets are proposed for this development. The proposed Fleet Farm is not eligible for refuse and recycling pick up. Thus, no significant impacts to public works are anticipated.

Administrative functions - The annexation would not impact the administrative functions of the City, such as elections. There would not be a need for increased staff or other costs to the City.

Potential tax revenue and related impacts

Based upon current assessment information and tax rate, the combined property would generate about \$1,637 in City property tax revenue. This figure could change due to differences in assessment ratios and future changes to the City's tax rate. Obviously, if the Fleet Farm project happens, the property taxes generated would be significantly higher, but an estimate is not available at this time.

Under state law, for five years the City must pay to the Town of Nasewaupée the amount of taxes it received from the subject property in the year prior to the annexation. The 2021 taxes levied on the subject parcels were \$214.73. Thus, the City would be obligated to pay a total of \$1,073.65 to the town.

The annexation will not impact the amount of state shared revenue that Sturgeon Bay receives. It also will not have any noticeable impact on the sales tax credit allocation received from Door County.

Comprehensive Plan & Zoning Classification

The future land use plan of the Sturgeon Bay Comprehensive Plan identifies the subject property for continued Agricultural/Rural use. However, a petition to amend the Comprehensive Plan to place the subject property into the Regional Commercial land use category was submitted. That petition was recommended for approval by the Plan Commission and the Council has approved the first reading of the ordinance to amend the Comprehensive Plan with the second reading

consistent with the Plan. There appear to be no specific recommendations relating to this parcel, such as planned public facilities or special projects.

If annexed, the City needs to provide a zoning classification. The petitioner requests C-1 General Commercial zoning district. Based upon the amended Comprehensive Plan designation and surrounding zoning, the C-1 district is appropriate.

Annexation Guidelines

The City had adopted goals and policies for annexations and guidelines for evaluating proposed annexations. The proposed annexation appears to generally meet those policies that are relevant. In particular, the annexation is compatible with existing and planned land uses, does not create jagged or irregular boundaries, can be served by municipal services, and has short-term and long-range economic benefits to the City. It allows for orderly growth of the City without leap-frogging over undeveloped areas.

Conclusion

The City can provide services to the current development on the three parcels with only marginal costs. If the Fleet Farm is to develop, the necessary services can also be efficiently provided, but there will be a need to loop the water main to provide sufficient water for fire protection. The developer, city officials, and Sturgeon Bay Utilities have already begun planning/design for this loop and the cost allocation for the loop. It is noted that this water main loop has been planned for a long time and will be needed regardless of whether the property is annexed.

In general, there does not appear to be any strong arguments against the annexation. Therefore, annexation is recommended by staff.

Plan Commission Recommendation

The Plan Commission will consider the annexation petition on October 19th and make its recommendation to the Council. The Commission will also make its recommendation for temporary zoning, should the annexation take effect.

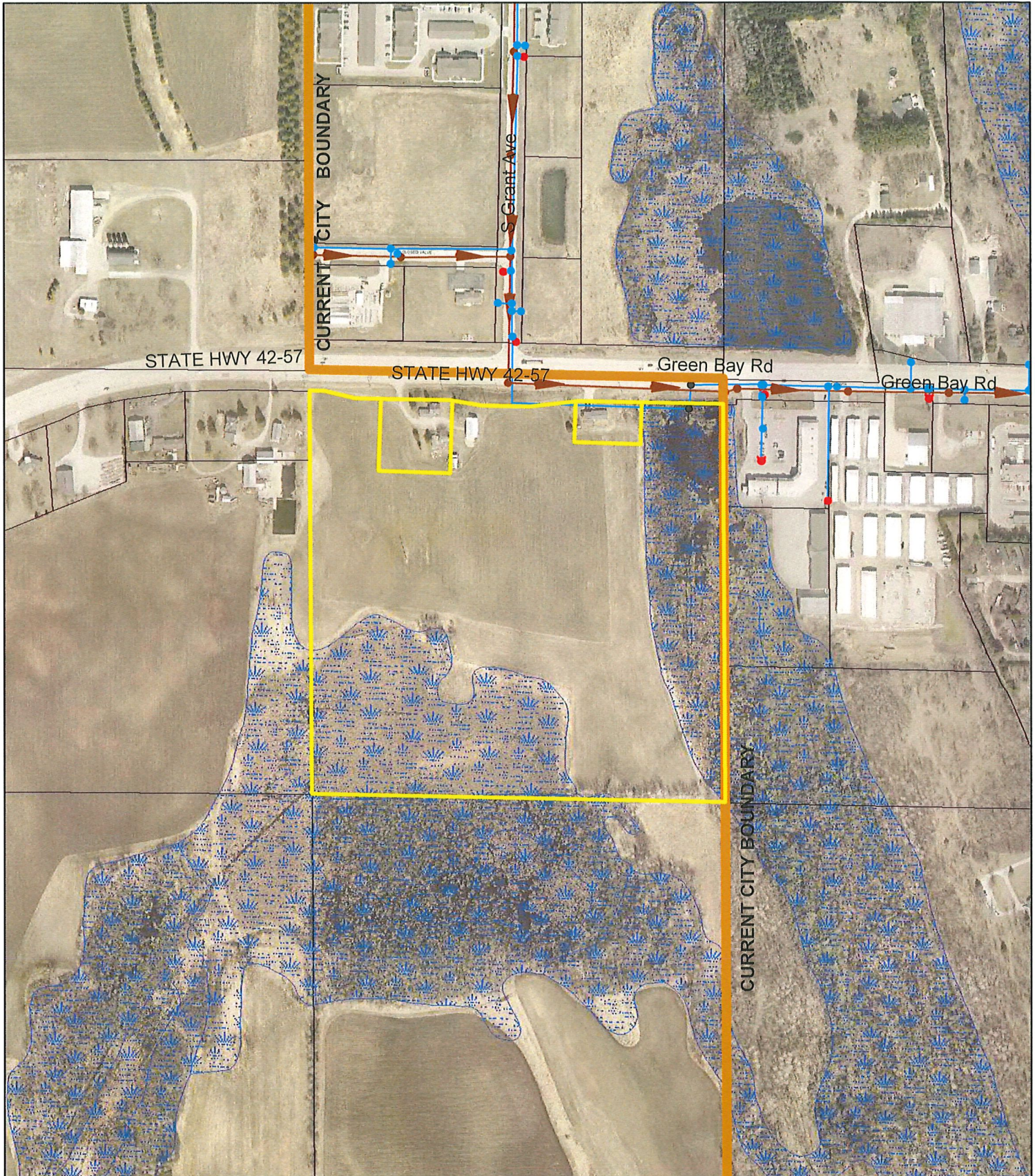
Prepared by: 
Martin Olejniczak
Community Development Director

10/14/22
Date

Reviewed by: 
Josh Van Lieshout
City Administrator

10/14/22
Date

Annexation Area - Kerscher/Fleet Farm



Parcels proposed to be annexed are outlined in yellow.
Existing sanitary sewer and water mains are shown (brown and blue lines, respectively).

Map date: October 14, 2022



STURGEON BAY POLICE DEPARTMENT



*The mission of the Sturgeon Bay Police Department is to serve, protect,
and work in partnership with the community to ensure a safe, nurturing environment.*

MEMO

Date: 09/26/2022

To: City Administrator Josh VanLieshout

Community Development Director Marty Olejniczak

Re: Annexation

Annexation procedure for the City of Sturgeon Bay requires department heads to conduct an impact study in regards to lands that will be annexed into the city. Therefore, this MEMO was drafted to address perceived issues from a law enforcement perspective. If the city would annex the land and no improvements are made to the property it would have a minimal impact on SBPD. If Fleet Farm is built on the proposed annexed property, we will see an increase in police response to the area as Fleet Farm will attract a fair amount of vehicle traffic and other incidents associated with retail stores.

Understanding the potential issues that may arise with the addition of a Fleet Farm, I believe that our current staff will be able to respond appropriately to the additional call volume.

Sincerely,

Clinton Henry
Chief of Police
Sturgeon Bay Police Department
421 Michigan Street
Sturgeon Bay, WI 54235
(920) 746-2450



Visit our website at: www.sturgeonbaywi.org

MEMO

To: Joshua Van Lieshout, City Administrator
Marty Olejniczak, Community Development Director
From: Valerie J. Clarizio, Finance Director/City Treasurer
Subject: Kerscher/Fleet Farm Annexation
Date: September 22, 2022

As per your email dated September 21, 2022 in regard to the Kerscher/Fleet Farm annexation, I have reviewed the potential property tax impacts that may be caused by the annexation. Based upon the assessment information as shown on the most current tax bills issued to Mark & Cindy Kerscher and their Trust (parcel addresses: 6639/6663/6703 State Hwy 42-57), if the properties had been annexed in time to be included in this years' tax collection the City would have received approximately \$1,636.85 in real estate taxes. This amount was calculated by using the combined \$222,700 assessments for the three parcels as shown on the 2021 tax bills, and multiplying it by the City's 2021/2022 tax rate of \$7.35, without TID. Keep in mind that the above mentioned assessed values may vary slightly at the time the properties are annexed to the City due to the differences in the assessment ratios between the City of Sturgeon Bay and the Town of Nasewaupee. Also, according to Wis. Stats. 66.0217(14), no territory may be annexed by a City unless the City agrees to pay annually to the town, for 5 years, an amount equal to the amount of property taxes that the town levied on the annexed territory, as per the tax roll in the year in which the annexation is filed. The 2021 taxes levied, for collection in 2022, on these properties in the town of Nasewaupee was \$214.73.

The annexation will have no impact on the amount of state shared revenue received by the City, as the payments to the municipalities are no longer formula based; they are simply based off of the payment amount from the prior year.

The annexation will have minimal impact on the amount of the sales tax credit allocation received from the County of Door. The County distributes the sales tax based upon the equalized values of the municipalities.

Please feel free to contact me if you have any questions or need any additional information.

Olejniczak, Marty

From: Shefchik, Chad
Sent: Thursday, September 22, 2022 9:12 AM
To: VanLieshout, Josh; Olejniczak, Marty
Subject: FW: Annexation petition - Kerscher
Attachments: Annexation petition - Kerscher.pdf

If Fleet Farm builds on these annexed properties the engineering department will likely have to inspect the new sewer and water mains installed on the site. Other than that there are no long term impacts or additional services that the engineering department will have to provide.

However, this development will likely need a looped water main from the dead end of Grant Ave to S Columbia Ave. It will need to be determined how this loop will be paid for and inspection of the installation will likely be needed by the engineering department. If this issue is resolved between the City and Developer then the engineering department does not object to the annexation.

Thanks,

Chad Shefchik
City Engineer

City of Sturgeon Bay
421 Michigan Street
Sturgeon Bay, WI 54235

Office: 920-746-2913
Mobile: 920-493-1039
Email: cshefchik@sturgeonbaywi.org

From: Olejniczak, Marty
Sent: Wednesday, September 21, 2022 10:21 AM
To: Henry, Clint <CHenry@sturgeonbaywi.org>; Brinkman, Dan <DBrinkman@sturgeonbaywi.org>; VanLieshout, Josh <jvanlieshout@sturgeonbaywi.org>; Barker, Michael <mbarker@sturgeonbaywi.org>; Clarizio, Valerie J. <vclarizio@sturgeonbaywi.org>; Reinhardt, Stephanie <sreinhardt@sturgeonbaywi.org>; Dietman, Tim <tdietman@sturgeonbaywi.org>; Montevideo, Kalin <kmontevideo@sturgeonbaywi.org>; Shefchik, Chad <cshefchik@sturgeonbaywi.org>
Subject: Annexation petition - Kerscher

The City received an annexation petition for three lots on the south side of Highway 42-57 owned by the Kerschers. The petition is attached. Per the City procedures, an annexation study is prepared with input from all of the city departments. Therefore, please draft a memo and send to Josh and me that outlines the expected impact to your department in terms of providing services to the annexed land. Bear in mind that the annexation is intended to facilitate the development of a Fleet Farm store (including gas pumps) at that site.

Thanks.