

**CITY PLAN COMMISSION MINUTES**  
**October 19, 2022**

A meeting of the City Plan Commission was called to order at 6:00 p.m. on Wednesday, October 19, 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 excused. Staff present were Community Development Director Marty Olejniczak and Community Development Administrative Assistant Cindy Sommer.

**Agenda (#2):** Motion by Mr. Holey and seconded by Ms. Reeths to accept the following agenda:

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. 14<sup>th</sup> 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 ¾ 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 Nasewaupsee.
7. Adjourn.

All ayes, motion carried.

**Approval of minutes from September 21, 2022 (#3):** Motion by Mr. Statz and seconded by Mr. Norland to approve the minutes from September 21, 2022. All ayes. Motion carried.

**Public Comment on non-agenda Plan Commission related items (#4):** Chris Kellems of 120 Alabama Street questioned the Grant Avenue and Sawyer Drive connection and would like the city to update the public on any progress. She is also concerned about the Fleet Farm entrance if the project goes through. Mr. Olejniczak indicated that a tentative agreement has been made to acquire the necessary parcel for the Grant Avenue/Sawyer Drive project but they are waiting for the property owner to respond with final approval. Representatives from Fleet Farm have already been looking at a traffic study to determine any needs.

**Consideration of: Zoning map amendment from Agricultural (A) to Multiple-Family Residential (R-4) located at 1361 N. 14<sup>th</sup> Avenue. (#5).** Mr. Olejniczak explained that Estes Investments, LLP has requested to change the zoning for the easterly portion of this parcel from Agricultural to Multi-Family Residential with a proposal to build a 22-unit apartment complex with parking under the building. The westerly 190 feet of the parcel was rezoned to Commercial about a year ago and storage units are in the process of being constructed. The Plan Commission recommended that the developer come back with some type of higher density residential use on the front half of the parcel, which is what is being proposed at this time. If the zoning change is approved, the project would still be required to go to the Aesthetic Board for building and design approval.

Dave Phillips of Bayland Buildings explained that they have been working on a storm water plan with Stantec, which was approved earlier today and adds a retention pond, grading and erosion control. The storage unit progress has been slow due to a tenant in the trailer that was unable to find other housing, which has been resolved and the project will move forward much quicker now. They plan to begin construction on the apartments in the spring and would like zoning change approval at this time, if possible.

Ms. Reeths questioned the location of the retention pond and its proximity to the existing creek. Mr. Phillips showed the location of the pond on a map and explained it is at least 25 feet from the creek.

**Public Hearing:** The mayor opened the hearing at 6:18 p.m. Connie Larsen of 1411 N. 14<sup>th</sup> Avenue lives just north of the parcel. She indicated she is not opposed to the development but is very concerned about the grading between the storage units and her property. The developer has been using her property for grading and moving of fill. She would prefer a block wall be installed along her property line to cut down on weeds and improve appearance. She hopes these issues will be addressed before the developer is permitted to move forward with the apartment project.

Karl Schroeder of 1457 N. 12<sup>th</sup> Place explained that he is very concerned about creek drainage on the western boundary. Mr. Schroeder had previously submitted a letter with photographs that were provided to the members. The photos show debris in the ditch with no erosion protection and fill dumped over the erosion barrier that was later installed. Mr. Schroeder indicates these are substandard construction practices and he does not feel that will change with more construction. Ms. Reeths questioned if the site looks the same now as it does in the photos. Mr. Schroeder said a second erosion barrier has been put in place since the photos were taken and no new dirt has been dumped onto that. He is very concerned about what could happen in the spring when the snow melts.

Anthony Recupero of 1408 N. 12<sup>th</sup> Place explained that the southeast corner of his property line is a drainage ditch/creek leading to the subject parcel and there is currently debris consisting of trees, logs, rocks, etc at least 4 feet high, which will cause the creek to flood all the way to 12<sup>th</sup> Place. He is asking that the current situation be rectified before any further construction is done. He was not previously opposed to any development on the property but given the current situation, he is now opposed to further development. Ms. Reeths asked who is responsible for the creek/drainage ditch. Mr. Olejniczak explained it is a non-navigable creek and is therefore the responsibility of the property owner. He further explained that the storm water plan done by Stantec will shift the drainage ditch closer to the property line, thereby making it the responsibility of Estes Investments.

The mayor closed the public hearing at 6:36 p.m.

**Consideration:** Ms. Bacon questioned whether it is a creek or a ditch and whether it is man-made or natural. Mr. Olejniczak explained it is the actual beginning of Little Creek but is non-navigable, so there is no DNR oversight. It doesn't technically become a creek until it is south of Michigan Street. Mr. Norland questioned if the developer would be able to rectify the drainage situation within the next month and Mr. Phillips indicated that it could as long as the weather permits them to pour two more slabs for the storage units, at which point they can finish the grading on the north property line and clean up the drainage ditch to prevent problems in the spring.

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

Mayor Ward motioned to approve the zoning map amendment from Agricultural (A) to Multiple-Family Residential (R-4) located at 1361 N. 14<sup>th</sup> Avenue subject to the following conditions, which must be resolved no later than the time of the second reading of the ordinance:

1. The retaining wall/retention on the north side of the property shall be completed,
2. The existing debris shall be removed from the drainage swale,
3. The drainage swale shall be relocated closer to the west property line, consistent with the approved stormwater management/grading plan.

Motion seconded by Mr. Norland. All ayes, motion carried. The mayor requested that the city engineer prepare a report prior to the second reading of the City Council.

**Consideration of: Annexation petition by Mark and Cindy Kerscher for parcel nos. 020-01-13272522A-C in the Town of Nasewaupee (#6).** Mr. Olejniczak explained that the amendment to the comprehensive plan was approved by the City Council at the last meeting. There are three parcels, two of which have houses and the third is vacant. An annexation study was completed and shows that the city

does not have any issues with adding these parcels, however they will need to loop the water main to be sure there is sufficient flow, which had already been planned and would need to be done at some point anyway. Temporary zoning will have to be assigned until the annexation process is complete, at which point a public hearing will be held prior to assigning permanent zoning. Staff recommends General Commercial (C-1) zoning be assigned.

Mr. Statz motioned to approve the annexation petition by Mark and Cindy Kerscher for parcel nos. 020-01-13272522A-C in the Town of Nasewaupée. Motion seconded by Ms. Bacon. Ms. Reeths asked if there was a need for a traffic study and Mr. Olejniczak indicated that Fleet Farm is already looking into this as dictated by large retail and state highway requirements. Ms. Bacon questioned about the location of the driveways; the current concept plan shows an intersection with Grant Avenue as well as a second access to the west that would be right turn only.

All ayes, motion carried.

Mr. Norland motioned to assign temporary General Commercial (C-1) zoning. Motion seconded by Ms. Reeths. All ayes, motion carried.

**Adjourn (#7):** Mr. Statz motioned to adjourn, seconded by Mr. Holey. All ayes, motion carried. The meeting adjourned at 7:10 p.m.

Respectfully submitted,

Cindy Sommer  
Community Development  
Administrative Assistant