

CITY PLAN COMMISSION MINUTES
February 15, 2023

A meeting of the City Plan Commission was called to order at 6:00 p.m. on Wednesday, February 15, 2023, by Mayor Ward in Council Chambers, City Hall, 421 Michigan Street, Sturgeon Bay.

Roll Call (#1): Members David Ward, Dennis Statz, Helen Bacon, Kirsten Reeths, Mark Holey, Jeff Norland and Amy Stephens were present. Staff present were Community Development Director Marty Olejniczak, Planner/Zoning Administrator Stephanie Servia and Community Development Administrative Assistant Cindy Sommer.

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

1. Roll call.
 2. Adoption of agenda.
 3. Approval of minutes from January 18, 2023.
 4. Public comment on non-agenda Plan Commission related items.
 5. Consideration of: Zoning map amendment petition by Robert Scaturo from C-1 to C-5 for parcel located at 11 Green Bay Road - parcel #281-64-63000105B.
 - 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: Conditional Use application from Thomas Phillips to construct a two-family dwelling on property located on the south side of the 1600 block of Georgia Street, parcel #281-36-21130101.
 - a. Presentation
 - b. Public Hearing
 - c. Consideration/Recommendation
 7. Consideration of: Conditional Use application from Fleet Farm for construction of an approximately 92,000 square foot retail building located on the south side of Highway 42-57 (Green Bay Road) across from Grant Avenue, parcel #281-66-13000600.
 - 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.)*
 8. Consideration of: Zoning Code Amendment relating to the minimum floor area required for an efficiency style multiple-family dwelling unit.
 9. Consideration of: Creation of tax increment district #8 for downtown redevelopment in the Third Ave/ Jefferson St area.
 10. Adjourn.
- All ayes, motion carried.

Approval of minutes from January 18, 2023 (#3): Motion by Mr. Norland and seconded by Ms. Reeths to approve the minutes from January 18, 2023. All ayes. Motion carried.

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

Consideration of: Zoning map amendment petition by Robert Scaturo from C-1 to C-5 for parcel located at 11 Green Bay Road - parcel #281-64-63000105B (#5):

Presentation (a): Mr. Olejniczak explained that the owner is requesting a zoning map amendment to change this parcel from General Commercial (C-1) to Mixed Residential-Commercial (C-5) to make it easier

to add on to his existing single-family home at 11 Green Bay Road. Under the current C-1 zoning classification, the structure is non-conforming and Mr. Scaturo is unable to make any structural changes. This is an odd-shaped lot that backs up to a bluff. It borders higher density residential as well as commercial lots. A recommendation of C-5 would be a good transition between the R-4 and C-1 lots.

Public Hearing (b): Mayor Ward opened the public hearing at 6:05 p.m. Robert Scaturo of 11 Green Bay Road explained that he and his wife would like to add on to the existing home because it is very small and he is requesting the zoning change to allow for the addition. He does not have plans drawn up yet but is looking to add about 6 feet onto the dining room area. The public hearing was closed at 6:07 p.m.

Consideration (c): Mr. Statz motioned to act on this matter at this time. Motion seconded by Mr. Norland. All ayes, motion carried. Mr. Norland moved to recommend to council the zoning map amendment as presented to Mixed Residential-Commercial (C-5). Motion seconded by Ms. Reeths. All ayes, motion carried.

Consideration of: Conditional Use application from Thomas Phillips to construct a two-family dwelling on property located on the south side of the 1600 block of Georgia Street, parcel #281-36-21130101 (#6):

Presentation (a): Mr. Olejniczak explained this conditional use request is for a two-family dwelling in an R-2 Single-Family Residential district. All aspects of the proposal comply with the zoning code. A conditional use for a similar project was approved in 2017 for the same property but the previous owner never built on the lot. The use fits with the neighborhood. It is across the street from a Community Based Residential Facility (CBRF) and there are other 2-family dwellings to the south, with single family homes to the east. Staff recommends approval of the conditional use as presented.

Public Hearing (b): The public hearing was opened at 6:11 p.m. Robert Loss of 468 N. 16th Circle believes the project is a great idea as long as the driveway is paved and drainage issues have been addressed. John Brungraber of 455 N. 15th Drive questioned if this structure would be rental units or owner-occupied.

Nate of Art's Custom Homes & Construction, 2165 Deer Point Ln, De Pere, WI, contractor for the project, indicated he is not sure if the dwelling would be rented out or sold as condos, but he noted that if they would be rentals, they would be long-term leases with no pets and no smoking. They are not planning to use it for short term rentals. Public hearing was closed at 6:16 p.m.

Consideration (c): Mr. Olejniczak stated that the City obtained a parcel three lots to the west with the plan to use it as a storm water pond. They are working to obtain grant funding to assist with the costs. Water from the subject lot would flow to the storm water pond.

Ms. Reeths motioned to approve the conditional use as presented. Ms. Stephens seconded motion. All ayes, motion carried.

Consideration of: Conditional Use application from Fleet Farm for construction of an approximately 92,000 square foot retail building located on the south side of Highway 42-57 (Green Bay Road) across from Grant Avenue, parcel #281-66-13000600 (#7):

Presentation (a): Mr. Olejniczak explained this is a conditional use application by Fleet Farm to build an approximately 92,000 square foot retail building on the south side of Highway 42-57 at the western edge of the City. In order for the project to move forward, Fleet Farm must obtain a conditional use from the Plan Commission as well as a Certificate of Appropriateness from the Aesthetic Design & Site Plan Review Board. The Aesthetic meeting was held on Monday, February 13, and the Certificate of Appropriateness was approved, with the exception of the lighting plan, which will be resubmitted for approval by the Chair. The staff report in the agenda packet explains the rules for large retail establishments with comments from staff. An updated sign packet was provided to each of the members today. Areas of concern are the location of the outdoor seasonal greenhouse and merchandise and location of a bike rack. Staff recommends approval of the conditional use with nine conditions as listed in the staff report.

Mr. Norland questioned whether sidewalks should be installed at this time in advance of the probable requirement in the future when the developments on the north side of the highway are completed. Mayor Ward commented that there are other developments in the planning stage and there is already a partial sidewalk on the north side, however it may be premature to install sidewalks until a determination is made by the DOT on whether the Grant Avenue intersection will be controlled, since it is unlikely pedestrians will be crossing there if it is not a controlled intersection. The Traffic Impact Analysis recommends a traffic signal but the DOT makes the final decision.

Public Hearing (b): Mayor Ward opened the public hearing at 6:31 p.m. Jeff Peterson of CR Structures, based in Appleton, representing Fleet Farm, conducted a PowerPoint presentation touching on all aspects of the proposed building. He indicates they have worked with staff to make any requested changes and stressed that Fleet Farm wants to work closely with the City to bring an attractive and successful store to Sturgeon Bay. He pointed out that there will be an on-site store manager who works with giving back to the community and has authority to make donations and award scholarships on a local level.

Derrick Hoernke of 2401 S. Memorial Drive, Appleton, representing Fleet Farm, explained that the seasonal greenhouse will be located in the parking lot. Their seasonal merchandise displays are located under the cover of the building awnings, the bike rack and bench locations will be worked out with city staff.

Project Engineer Matt Kocourek explained that the berm (hill) along the highway will remain in place as much as possible with the driveway bisecting it. The American Transmission Company pole will remain where it is and they are required to stay at least 20 feet away from the pole. If a sidewalk is required, it would likely start at the northwest corner of the building and go directly north through the green space to the public right-of-way for the frontage road. Going through other areas of the parking lot would not allow for ADA compliance due to the slope of the lot. They do not want to install a sidewalk unless they are sure the intersection will be controlled because it encourages people to go towards an unsafe area. Any water or snow on the parking lots will go to one of two detention ponds. The rear detention pond is the larger of the two and is set up to withstand a 100 year rain event. After the water has been filtered in the detention ponds, it will then feed into the wetland areas. The public hearing was closed at 6:58 p.m.

Consideration (c): After discussion, Ms. Reeths motioned to approve the conditional use subject to the nine conditions recommended by staff as follows:

1. Final approval of the utilities plan by Sturgeon Bay Utilities.
2. Final approval of the stormwater management plan by the City Engineer.
3. Approval by the Community Development Department of the exterior lighting plan to confirm the height of light poles, shielded fixtures, and prevention of light spillover onto adjoining property.
4. Thirteen additional trees are needed within 10 feet of the parking areas either by shifting trees or by adding additional trees in the vicinity of the main parking area.
5. Agreement to install (or pay for installation of) a sidewalk along the south side of the frontage road from the intersection with Highway 42-57 to the main entrance into the Fleet Farm site if sidewalk is installed on Grant Avenue southerly to the highway intersection and the Grant Avenue/Highway 42-57 intersection is upgraded to either a signalized intersection or roundabout.
6. Agreement to install a sidewalk leading from the frontage road to the pedestrian facility along the front of the Fleet Farm building at the time that sidewalk is installed along the frontage road.
7. Submit a plan for outdoor display that meets the purpose and intent of the ordinance.
8. Provide outdoor seating for nine people.
9. Provide at least one bike rack.

Mr. Holey seconded motion. All ayes, motion carried.

Consideration of: Zoning Code Amendment relating to the minimum floor area required for an efficiency style multiple-family dwelling unit (#8): Mr. Olejniczak indicated the Council recently approved a development agreement for a proposed development known as the Muse on the corner of 3rd Avenue and Jefferson Street. The proposal calls for small, efficiency (studio) style apartments on the

second floor, many of which are smaller than the zoning code's minimum requirement of 500 square feet for a one-bedroom apartment. There is no category for efficiency (studio) apartments. Staff considered different options and determined it may be worthwhile to amend the zoning code to allow for smaller apartments. Four potential options are listed on the staff report. The staff is requesting direction on which, if any, of the options should be recommended to council.

Members discussed the options and were in support of recommending efficiency (studio) style apartments. There was discussion regarding whether the amendment to add efficiency style units should apply to all zoning districts that allow apartments or just the Central Business District (C-2). Ms. Stephens motioned to recommend to council to add a category to the minimum floor area chart under s. 20.27(2) for efficiency (studio) units with a minimum of 450 square feet in all zoning districts where they are allowed. Motion seconded by Mr. Statz. All ayes, motion carried.

Consideration of: Creation of tax increment district #8 for downtown redevelopment in the Third Ave/Jefferson St area (#9): Mr. Olejniczak introduced potential new Tax Increment District (TID) #8 in the area of 3rd Avenue and Jefferson Street. The city is working on implementing a development agreement with Shirley Weese Young to construct the Muse, which is a music school/venue with apartments on the second floor. The project calls for public restrooms and Ms. Weese Young is requesting financial assistance from the city to help fund the project. The development of a TID would allow the city to provide financial assistance and use property taxes that will be generated to recover costs and for other public improvements in the area. Staff is looking for initial direction on the boundaries and projects within the TID, which would likely go to public hearing in March.

Adam Ruechel of R.W. Baird presented a PowerPoint outlining the proposed parameters of the TID, including the projected timeline. A copy of the PowerPoint was provided in the agenda packet. The expenditures of the TID are projected to be paid off in about 11 years, but the life of the TID could extend out to 20 years if needed.

The members discussed possible changes to the boundaries and areas that need improvement and could benefit from the TID, including improvements to the downtown parking structure. They also discussed future developments in the area, including another project by Shirley Weese Young for the 4th and Jefferson corner. Mr. Olejniczak explained that the boundaries of the TID could be amended up to four times throughout the lifetime. Members were in support of moving forward with a new TID. No formal action was taken.

Adjourn (#10): Ms. Bacon motioned to adjourn, seconded by Mr. Norland. All ayes, motion carried. The meeting adjourned at 7:36 p.m.

Respectfully submitted,

Cindy Sommer
Community Development
Administrative Assistant