

CITY PLAN COMMISSION MINUTES
March 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, Kirsten Reeths, Mark Holey, Jeff Norland and Amy Stephens were present. Member Helen Bacon was excused. Staff present were Community Development Director Marty Olejniczak, Planner/Zoning Administrator Stephanie Servia and Community Development Administrative Assistant Cindy Sommer.

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

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from February 15, 2023.
4. Public comment on non-agenda Plan Commission related items.
5. Consideration of: Conditional Use application from Jurgita and David Kana to convert single-family dwelling to two-family dwelling on property located at 114 N. 7th Avenue, parcel #281-62-25002701A.
 - a. Presentation
 - b. Public Hearing
 - c. Consideration/Recommendation
6. Project plan and boundaries for Tax Incremental District #8.
 - a. Presentation
 - b. Public Hearing
 - c. Consideration
7. Consideration of: Exception to street yard (setback) in the Central Business (C2) district for proposed Muse development located at corner of 3rd Avenue and Jefferson Street, parcel #281-10-85380604B.
8. Consideration of: Initial presentation of zoning map amendment petition by Rachel Garaventa from C-1 to R-4 for parcel located at the northwest corner of Alabama Street and 18th Avenue - parcel # 281-70-33001113D.
9. Adjourn.

All ayes. Motion carried.

Approval of minutes from February 15, 2023 (#3): Motion by Mr. Holey and seconded by Ms. Reeths to approve the minutes from February 15, 2023. All ayes. Motion carried.

Public Comment on non-agenda Plan Commission related items (#4): Carl Wennerstrand of 4408 Cherry Rd, Sturgeon Bay, commented that the city's process of the acquiring a private road should be slowed down and given time for consideration, and the community should be considered as well.

Consideration of: Conditional Use application from Jurgita and David Kana to convert single-family dwelling to two-family dwelling on property located at 114 N. 7th Avenue, parcel #281-62-25002701A (#5):

Presentation (a): Mr. Olejniczak explained that this application involves a large dwelling on a large wooded lot with mature trees in the R-2 Single-Family Residential neighborhood. The surrounding area is all zoned R-2 with mostly single-family homes and a few duplexes. It is part of the Louisiana Street and 7th Avenue Historic District. The comprehensive plan identifies this area for continued single-family, two-family and a handful of multi-family dwellings where historic preservation is supported. The building was listed as pivotal in the 1980's when the historic district was created, however the building itself has changed significantly since then, including the addition of exterior staircases and a second story to the rear. The Kana's are planning to use the upper level as one unit and the lower level as a second unit. They initially applied for a planned unit development rezoning to facilitate a four-unit dwelling but withdrew that application in January.

Some exterior changes that have been made are windows that were moved, eliminated or resized and some doorway changes. Mr. Olejniczak noted that the property is large enough that it could be split into two parcels, which had been done in the past, but then the lots were re-combined again. The historic district designation does not preclude the changes that were made because the dwelling is not covered by the city's Historic Preservation ordinance.

Staff believes that the findings for a conditional use have been met and staff recommends approval of the conditional use application with the following conditions: 1) the lot would not be divided and only two dwelling units would be permitted; 2) there would be no short-term rentals of less than 7 consecutive days; 3) exterior lighting shall be downward directed and not shining onto other properties; 4) garbage/recycling containers shall be screened or stored inside. Additional possible conditions that the members may want to consider would be: 5) no trees shall be removed, except dead and diseased at the discretion of the city forester; 6) with the exception of bathrooms, no windows on the Kentucky Street side of the dwelling shall be changed; 7) one of the units must be owner occupied.

Jurgita and David Kana, the property owners, explained that their initial application was for rezoning to convert the dwelling into 4 units, however the work was too extensive to bring it up to code. Jurgita indicated they would like to remove a tree in the parking lot because it is buckling the asphalt and creating a hazard. They plan to continue to live in the home but would like to house another family. They do not intend to make many changes to the exterior of the building. The windows that are being removed are due to being oddly placed and close to the ceiling in the interior, and they are not functional. They have no intention of running a bed and breakfast. She further explained that a large window was replaced with a sliding door because the old window leaked and caused water damage.

Public Hearing (b): Mayor Ward opened the public hearing at 6:25 p.m. Julie Hein of 806 Quincy Street pointed out that this is the oldest home in the neighborhood and was a pivotal home in the creation of the historical district on the state and national registries. She stated that some of the windows have been removed without a permit. She stated that she believes this is still going to be a 4-unit multi-plex in reality because it would just be a matter of closing two doors to separate the two units into 4. She pointed out that the plans show three laundry areas, two kitchens and two wet bars. She stated that the owners have been non-compliant with the zoning code for the past two years because they have been housing many of their employees. Julie further stated that when the applicants applied for the zoning change, many of the neighbors submitted letters in opposition and she urged the members to read them if they hadn't already done so. She urged the members to deny their application and said that if this application gets approved, she is concerned about the future of the neighborhood because this will set a precedent.

D.J. Jeanquart of 130 N. 7th Avenue has lived in the neighborhood for 23 years. He indicated he lives directly across Kentucky Street in an historic district that has been recognized throughout the Midwest. He is proud to live in this district and is requesting that the applicants be denied. He stated that the duplex could easily be turned into a 4-plex by simply closing a door. He stated that at least 8 unrelated people were living in the house last year and more than 7 cars were parked in the driveway. He does not believe the tree in the parking lot should be removed to expand the driveway. He stated that people move into this neighborhood for the peace and quiet and he feels the property values will decrease if this type of housing is approved. He also requested that the members review the letters submitted by the neighbors at the time of the rezoning application.

Linda Switzer of 612 Louisiana Street moved onto the corner lot of Louisiana and 7th Avenue five years ago because she and her husband love the homes in this district. They purchased a Dutch Colonial type home that didn't fit the district and spent a great deal of money restoring the home to fit. Linda enjoyed seeing the beautiful window that has now been replaced with the patio door. She is concerned that previous violations have not been addressed in other 4-unit dwellings in the area. She stated she wants to see enforcement of the code in this area where the neighbors take such pride in their neighborhood.

Hannah Palous (sp?) of 7 S. Madison Avenue, Apartment 1, stated she is in support of this application. She stated she respects the other speakers' points of view but would like to see newer, more inclusive attitudes in this tourist-driven area. Hannah is happy the applicants want to help with housing for their employees

and questions where the workers can find housing if this is denied and if the previous speakers are willing to step up and help with housing. She stated the house was vacant for a period of time and if the neighbors felt it had such significant historical value, why wasn't it purchased by the historical society at that time. She indicated that closing the doors to make the dwelling into 4 units is just hypothetical and doesn't mean it would actually happen.

Carl Wennerstrand of 4408 Cherry Road stated that the neighbors hold no responsibility for assisting with housing and that consideration should be given for the community of people that are concerned. He indicated that the aesthetic value of this property has already been damaged but the city shouldn't support this trend. He appreciates the architecture of the city's historic buildings.

Linda Switzer stated she is offended by Hannah's implication that the neighbors are not inclusive of where tenants are from. She is concerned with too many tenants and questions how violations would be enforced.

Hannah Palous stated she did not intend to insult or upset anyone but feels that the neighbors should be more inclusive.

Julie Hein stated that the home was not vacant, the previous owner passed away and should be honored for the contributions she made to the home.

Jurgita Kana stated that there are several duplexes in the neighborhood already and proceeded to list the addresses. She stated she does have a building permit for the work that's being done. They had planned to replace the windows last year but shipment of the replacements was delayed due to the pandemic. She admitted that they had employees living with them last year but they have since purchased employee housing in Carlsville and will not be using this residence for that purpose. The tree in the driveway should be removed because it is causing damage to the asphalt.

A letter in opposition from Beth Stratka of 123 N. 7th Avenue was read into the record. The public hearing was closed at 7:09 p.m.

Consideration (c): The members discussed several issues relating to the conditional use request, including the definition and interpretation of a family and number of possible tenants: the historic value of the home and changes to the dwelling made through the years, and currently: and the existence of other 2-family dwellings in the area. A motion was made by Mayor Ward to postpone this matter until the next meeting to allow staff time to consider options for conditions. Motion seconded by Mr. Norland. All ayes, motion carried.

Project plan and boundaries for Tax Incremental District #8 (#6):

Presentation (a): Adam Ruechel of R.W. Baird discussed the proposed new TID district. This will be a mixed-use district consisting of three parcels along Jefferson Street and North 3rd and 4th Avenue. He discussed the draft plan that was presented in the agenda packet, went over the requirements of the district and explained the process. The proforma in the packet projects that the TID will recover its costs in about 14 years, at which point it could be closed early if desired. He explained that TID proceeds could be used for city improvements in the ½ mile radius area of the TID parcels.

The members discussed the statutory timelines, the purpose of the Joint Review Board and when improvements could be done in the ½ mile radius areas. Mayor Ward pointed out that TID #1 will be closing in April, which will free up substantial capacity for using tax increment financing in the city.

Public Hearing (b): The public hearing was opened at 7:45 p.m. Joint Review Board Chairperson Josh Van Lieshout stated that he believes this is a great opportunity to redevelop a significant corner in the city, which should energize and bring more activity to the 3rd Avenue business district. Public hearing was closed at 7:47 p.m.

Consideration (c): Mr. Olejniczak stated that, if the members agree with creating the TID, the next step is a resolution to the Common Council recommending that TID #8 be created. Mr. Holey motioned to approve the resolution to recommend the creation of TID #8 to council as presented. Mr. Norland seconded motion. All ayes, motion carried.

Consideration of: Exception to street yard (setback) in the Central Business (C2) district for proposed Muse development located at corner of 3rd Avenue and Jefferson Street, parcel #281-10-85380604B (#7): Ms. Servia explained that Shirley Weese Young is requesting that the proposed Muse development be permitted to have an exception to the street yard setbacks. The city's municipal code allows the Plan Commission to approve this type of exception in the Central Business (C-2) district. The request is for the building to be set back 1 foot from Jefferson Street and 5 feet from N. 3rd Avenue where the public restrooms will be located. The rest of the building will be set back 30 feet from 3rd Avenue. Reduced street yard setbacks have been common practice in other downtown commercial areas of the city. Staff recommends approval of the exception as presented. Mr. Statz motioned to approve the exception to the street yard setbacks as presented. Ms. Stephens seconded motion. All ayes, motion carried.

Ms. Weese Young states that she very much appreciates the vote of confidence for this project.

Consideration of: Initial presentation of zoning map amendment petition by Rachel Garaventa from C-1 to R-4 for parcel located at the northwest corner of Alabama Street and 18th Avenue - parcel # 281-70-33001113D (#8): Ms. Servia introduced this initial presentation of a zoning map amendment by Rachel Garaventa to amend this parcel from General Commercial (C-1) to Multiple-Family Residential (R-4) to allow Ms. Garaventa and her son, Nicholas Prechel, to construct a single-family dwelling on the parcel as well as retain the ability to add an accessory building for commercial purposes in the future. There are several other R-4 parcels along Alabama Street so it fits with the neighborhood.

Nicolas Prechel explained that he will be building this house with his mother. He plans to keep the lot as wooded as possible. The driveway would go on the north end of the parcel off of 18th Avenue near the existing electrical box. He is planning to purchase a modular home and possibly add a mother-in-law suite over the garage at a later date.

No formal action was taken. This will be scheduled for public hearing at the next meeting.

Adjourn (#9): Mr. Statz motioned to adjourn, seconded by Mr. Norland. All ayes, motion carried. The meeting adjourned at 8:00 p.m.

Respectfully submitted,

Cindy Sommer
Community Development
Administrative Assistant