

CITY PLAN COMMISSION MINUTES
April 19, 2023

A meeting of the City Plan Commission was called to order at 6:00 p.m. on Wednesday, April 19, 2023, by Vice Chairman Dennis Statz in Council Chambers, City Hall, 421 Michigan Street, Sturgeon Bay.

Roll Call (#1): Members Dennis Statz, Spencer Gustafson, Mark Holey, Jeff Norland, Helen Bacon and Amy Stephens were present. Member David Ward was excused. Staff present were Community Development Director Marty Olejniczak, Planner/Zoning Administrator Stephanie Servia, City Engineer Chad Shefchik and Community Development Administrative Assistant Cindy Sommer.

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

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from March 15, 2023.
4. Public comment on non-agenda Plan Commission related items.
5. Consideration of: Combined Preliminary/Final Planned Unit Development rezoning application by E&I Property Investments LLC for a residential development located on Colorado Street & N 6th Avenue – parcel #281-62-08000117.
 - 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 unanimously passed by the members present to act on the request at this meeting.*)
6. Consideration of: Preliminary Revised FEMA Flood Insurance Rate Maps
7. Adjourn.

All ayes. Motion carried.

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

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

Consideration of: Combined Preliminary/Final Planned Unit Development rezoning application by E&I Property Investments LLC for a residential development located on Colorado Street & N 6th Avenue – parcel #281-62-08000117 (#5):

Presentation (a): Architect and applicant Mark Isaksen explained that the proposed project is very similar to the conceptual presentation last fall. The plan calls for 19 duplexes and one single-family dwelling, a large storage building, clubhouse and two pickleball courts. The dwellings are all 1600-1900 square feet, with the possibility of making some one and two bedroom rather than two and three bedroom. They eliminated the community garden from the previous plan to allow for a detention pond. The main driveway no longer lines up with N 6th Place due to the addition of the single-family dwelling. A second driveway is planned for the storage building to allow for wider turns from the street. At this time there is no other driveway access, however if 6th Avenue is extended, then a second driveway may added there.

Brad Trembl of Robert E. Lee and Associates explained that they are putting in a wet detention pond that will have controlled drainage onto the corner of 6th Avenue and Belmar Street. City Engineer Chad Shefchik further explained that this is a neighborhood friendly design that will significantly reduce the current flow of water by about 60%.

Mr. Olejniczak responded to questions about installation of sidewalks and explained that there are no existing sidewalks that lead up to this area and many of the property owners do not want the costs associated with installing sidewalks. Mr. Gustafson further explained that many trees would need to be removed and several of the homes are very close to the street so sidewalk installation would be problematic.

The members discussed aligning the driveway with N 6th Place and different ways to do so without negatively impacting the development or the traffic flow. They also discussed the separate driveway for the storage building versus having the storage building driveway connect to the entrance road.

Public Hearing (b): Mr. Statz opened the public hearing at 6:32 p.m.

Mark Bosman of 540 Belmar Street explained that, in general, he believes the proposed development is a good idea, although he has concerns about drainage onto his abutting property. He would like to see more trees or other ways to increase the privacy between his property and the development. He does not want to be assessed any costs associated with water or storm sewer associated with the development. He also has concerns about the units being used for short-term rentals.

Connie Bordeau of 928 N. 6th Avenue expressed a variety of concerns, including low water pressure at her home, stormwater runoff, increased vehicle traffic, opposition to sidewalks, and reduced wildlife habitat. She stated this development is too big and too much for the quiet area she grew up in.

Susan Exworthy of 1005 N. 6th Avenue asked about the square footage of the units and if the creation of one and two bedroom units would change the design. She asked if the development would be constructed all at one time or as the units were sold. She questioned if there would be light pollution in the area and whether this development would change surrounding property values. She also questioned the potential noise levels coming from the pickleball courts and whether there are city noise ordinances or if play time would be limited to certain hours.

Joe Schroedl of 1007 N. 7th Place explained he is pleasantly surprised by this development, although he wishes there were fewer units. He has concerns about drainage and feels that the separate driveway for the storage building is unnecessary and should be combined with the main driveway.

Alfred Kanzler of 840 N. 5th Avenue questioned if there would be rear egress for emergency services. He asked if the main flow of traffic would be to 8th Avenue, Delaware Street or 4th Avenue.

Miriam Mc Carthy of 624 Colorado Street questioned who is going to live in the development and how many units are being proposed. She also asked if this would be a gated community and how affordable the units would be.

Joe Stauber of 1015 N. 6th Avenue expressed concern about increased traffic, especially with the other newer apartment buildings being built in the general area. He also has concerns about the sewer capabilities.

A letter from Mark and Sue Bosman of 540 Belmar Street with a variety of questions was read into the record. A second letter from Chesla Seely-Anschutz expressing the need for sidewalks was read into the record. The public hearing was closed at 7:05 p.m.

Consideration (c): Mr. Isaksen was invited to respond to the questions that arose during the public hearing. He explained that short term rentals will not be permitted under their condominium agreement. The development is for a 55 and older community under the 1995 Fair Housing Act for elder communities, which states that 80% of the residents must be 55 or older, and the units will likely sell for over \$500,000. They would like to have at least two, possibly more, buildings sold before starting construction. Lighting will be residential, with the possible exception of lights by the pickleball courts. The storage building and clubhouse building design will have to go to the Aesthetic Design and Site Plan Review Board so landscape and lighting for those areas will be reviewed at that time. The plan has been reviewed by the fire department and there are no concerns. There will be a 3-4 foot berm with trees on the west side of the development, which will create privacy for the residents and surrounding property owners. The development will be gated but the residents will determine if the gates will be open or closed at certain times.

Mr. Holey suggested sugar maple trees rather than silver maple and the possibility of adding attractive plantings for butterflies.

The members discussed water pressure and Mr. Olejniczak explained there are both high and low pressure zones in the area and Sturgeon Bay Utilities reviewed the plans and indicated that the capacity is sufficient and wouldn't affect anyone in the low pressure zone. Ms. Bordeau was advised to contact Sturgeon Bay Utilities to address her water pressure concerns.

Ms. Bacon indicated that they have not had complaints about the noise levels from the pickleball courts in Sunset Park. The general thought from the members is that the residents of the development are most likely to have noise concerns, which could be addressed through the condo association.

Mr. Isaksen further explained that they are well under the maximum density for the acreage. Mr. Shefchik believes that many of the residents will likely spend winter in other areas and/or are retired, so traffic won't be impacted much by this development, and traffic flow will likely be going in different directions.

Motion was made by Ms. Stephens to act on this matter at this time. Motion seconded by Mr. Norland. Vote was all ayes. Unanimous motion carried.

Mr. Holey motioned to recommend approval of the PUD as presented with the following conditions:

1. Underlying zoning classification shall be R-2.
2. The clubhouse building and the garages are permitted under the PUD subject to approval by the Aesthetic Design and Site Plan Review Board.
3. The opportunity for a street connection to the future extension of N. 6th Ave shall be maintained as a secondary exit. There shall be no trees, buildings, significant slopes or other obstructions between the 6th Avenue right-of-way and the end of the private driveway in the northwest portion of the site.
4. The entrance road shall be shifted westerly to line up with N 6th Place.
5. The trees shown along Colorado Street and the built portion of N. 6th Ave shall be shifted into the right-of-way in order to satisfy the street tree requirement of the municipal code, unless alternative locations for the trees are approved by the City Forester.
6. Two of the trees shown by the clubhouse parking area shall be switched to canopy type trees.
7. Final approval of the stormwater management plan by the City Engineer and final approval of the utilities by Sturgeon Bay Utilities.
8. Any exterior lighting shall be designed with full cutoff fixtures to reflect light away from adjacent parcels and public streets, and away from the night sky.

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

Consideration of: Preliminary Revised FEMA Flood Insurance Rate Maps (#6): Ms. Servia explained that the Federal Emergency Management Agency updates the flood study and maps periodically. The new study and maps have been issued and the City received notice that they have 90 days from March 24, 2023, to appeal any of the changes. However, in order to appeal, a scientific study showing proof must be obtained. The new maps show the base flood elevation increasing by one or two feet for portions of the outer bay, while other waterfront areas remained the same. The base flood elevation decreased by one or two feet for portions of the inner bay south of Michigan Street. Property owners were not directly notified of the impending changes, however notification was completed by two publications in the Peninsula Pulse. Staff does not recommend appealing any of the maps.

The members discussed the process used for the map changes and that the changes would affect new development. It was also noted that the new maps are based upon one foot elevation contours rather than two foot contours used for the old maps. No formal action was taken on the matter.

Adjourn (#7): Mr. Norland motioned to adjourn, seconded by Mr. Holey. All ayes, motion carried. The meeting adjourned at 7:50 p.m.

Respectfully submitted,

Cindy Sommer
Community Development
Administrative Assistant