

CITY PLAN COMMISSION MINUTES
November 14, 2023

A meeting of the City Plan Commission was called to order at 6:00 p.m. on Tuesday, November 14, 2023, by Mayor Ward in Council Chambers, City Hall, 421 Michigan Street, Sturgeon Bay.

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

Agenda: 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 October 18, 2023.
 4. Public comment on non-agenda Plan Commission related items.
 5. Consideration of: Zoning map amendment from Central Business District (C-2) to Mixed Commercial-Residential (C-5) for property located at 346 Oregon St.
 - a. Presentation
 - b. Public Hearing
 - c. Consideration (*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: Amending municipal code section 9.05 - Tourist rooming house permit.
 7. Consideration of: Final plat of Geneva Ridge.
 8. Consideration of: Vacation of street right-of-way - S. Madison Ave.
 9. Adjourn.
- All ayes. Motion carried.

Approval of minutes from October 18, 2023: Motion by Ms. Bacon and seconded by Mr. Holely to approve the minutes from October 18, 2023. All ayes. Motion carried.

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

Consideration of: Zoning map amendment from Central Business District (C-2) to Mixed Commercial-Residential (C-5) for property located at 346 Oregon St:

Presentation (a): Ms. Servia explained that the property is currently in the Central Business District (C-2), however the applicant is requesting a change to Mixed Residential-Commercial (C-5). The proposed zoning designation fits with the comprehensive plan and staff recommends approval of the amendment request.

Public Hearing (b): Mayor Ward opened the public hearing at 6:07 p.m. Jeff Jahnke of 154-154-158-162-166 S 3rd Avenue stated he has concerns over the number of people residing in the building and that not enough trash receptacles or parking spaces are available. He is also questioning if the building will be all residential or a mix of commercial and residential. He feels the building inspector will have to address several issues in converting the building to residential. No other members of the public presented for comment. The mayor closed the public hearing at 6:10 p.m.

Consideration (c): Mr. Norland questioned the number of unrelated individuals permitted for single-family housing. Mr. Olejniczak explained that the zoning allowing residential use has to be put in place, then the occupancy of the building will need to conform with the municipal code. The members also discussed whether a boarding house would be an option, which is permitted in either the R-4 or C-5 zoning districts.

Mr. Statz motioned to act on this matter at this meeting. Motion seconded by Mr. Norland. All ayes, motion carried. The members further discussed R-4 versus C-5 and Mr. Olejniczak noted that Council could choose to

go with either classification. He also indicated that he believes extra trash receptacles could be requested from municipal services, and the building meets the minimum parking requirements for single-family residential.

Mr. Statz motioned to recommend a zoning map amendment from C-2 to C-5. Motion seconded by Mr. Holey. All ayes, motion carried unanimously.

Consideration of: Amending municipal code section 9.05 - Tourist rooming house permit.: Mr. Olejniczak stated that the Wisconsin Realtors Association (WRA) served a Notice of Claim on the City, which is the first step of a lawsuit. The WRA does not like the language in the Tourist Rooming House (TRH) ordinance specifying that the owner of a TRH must live in the three-county area or may be required to hire a local company to manage the TRH. He indicated that changing the word “may” to “shall” could alleviate the WRA’s threat to sue.

Ms. Servia further explained that after discussions at the previous meeting, the consensus was that no major changes to the ordinance were needed. Rather, some small modifications are being proposed. Staff believes that making the licenses renewable on a yearly basis makes sense and will make tracking easier. This will increase staff time, which supports a review of the fee charged. Staff also proposes to change the word “may” to “shall” in paragraph 3b of the ordinance, to change the three-county area to either a time or mileage distance and to remove the language that prohibits approval of the license based on the lack of parking spaces.

Mr. Olejniczak explained that the City Attorney agrees with the proposed changes to the parking space language and changing the distance to a 75-minute drive from Sturgeon Bay. Ms. Stephens indicated she prefers the 75-minute, or even 90-minute drive, and that the management company also be within the same driving time. Mr. Norland suggested changing the order of the sentences in paragraph (2) of the ordinance for clarity and agrees with the driving time. Mr. Holey motioned to recommend approval of the changes to the ordinance as presented except for changing the driving time to 90 minutes and requiring the management company to be within the same 90-minute drive time to the TRH. Motion seconded by Ms. Stephens. All ayes, motion carried unanimously.

Consideration of: Final plat of Geneva Ridge.: Mr. Olejniczak indicated that the preliminary plat has already been approved by council and the next step is to move forward the final plat. The setbacks and easements that were missing or incorrect on the preliminary plat have been added and corrected. The Department of Natural Resources (DNR) has approved the storm water management plan. The City is ready to start selling and building on the lots, but the final plat must be approved before moving forward on that. Staff recommended approval of the final plat. Mr. Holey motioned to approve the plat as presented. Motion seconded by Ms. Bacon. All ayes, motion carried unanimously.

Consideration of: Vacation of street right-of-way – S. Madison Ave: Mr. Olejniczak explained that many years ago when the city platted Union Street (now S Madison Ave), it was supposed to continue south but that portion was never built, likely because of the bluff. The right-of-way is no longer needed. The process to vacate it was started back in the 1970’s but never completed. The Local Transportation Board has already recommended approval of the street vacation and the Council has introduced the required resolution to vacate the right-of-way. The next step, after the Plan Commission recommendation, is to have a public hearing in December. The City Engineer approves of the vacation. The land would revert to the two abutting property owners if approved. Ms. Bacon motioned to approve the vacation of the street right-of-way as presented. Mr. Holey seconded motion. All ayes, motion carried unanimously.

Adjourn: Motion by Mr. Statz to adjourn, seconded by Ms. Stephens. All ayes, motion carried. The meeting adjourned at 6:43 p.m.

Respectfully submitted,

Cindy Sommer

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Community Development Administrative Assistant