

**Zoning Board of Appeals  
September 28, 2021**

The City of Sturgeon Bay Zoning Board of Appeals was called to order at 12:00 noon by Chairperson William Murrock in Council Chambers, City Hall, 421 Michigan Street.

**Roll call:** Members William Murrock, Dave Augustson, Nancy Schopf and Alternate Michael Marit were present. Members Bill Chaudoir and Morgan Rusnak were excused. Also present were Community Development Director Marty Olejniczak, Planner/Zoning Administrator Chris Sullivan-Robinson, City Engineer Chad Shefchik and Deputy Clerk/Treasurer Laurie Spittlemeister.

**Adoption of agenda:** Moved by Ms. Schopf, seconded by Mr. Augustson to adopt the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from August 24, 2021.
4. Public Hearing: Petition for variance from Section 20.27 (1) of the City of Sturgeon Bay Zoning Code for Austad, LLC located at 1227 Egg Harbor Road parcel #281-62-10000117.
5. Consideration of: Petition for variance from Section 20.27 (1) of the City of Sturgeon Bay Zoning Code for Austad, LLC located at 1227 Egg Harbor Road, parcel #281-62-10000117.
6. Adjourn.

All ayes. Carried.

**Approval of Minutes from August 24, 2021:**

Moved by Mr. Murrock, seconded by Ms. Schopf to approve the minutes from August 24, 2021. All ayes. Carried.

**Public hearing: Petition for variance from Section 20.27 (1) of the City of Sturgeon Bay Zoning Code for Austad, LLC located at 1227 Egg Harbor Road, parcel #281-62-10000117:**

Chairperson Murrock opened the public hearing at 12:04 p.m.

Ms. Spittlemeister read the notice of public hearing.

Mr. Sullivan-Robinson explained Austad, LLC would like to relocate their ACE Hardware store to 1227 Egg Harbor Road and the empty lot to the south. Since the building dimensions, number of parking spaces needed and oddly shaped lot, it is challenging to meet the impervious surface limit of 70% or less. Austad, LLC is requesting a variance that would allow their impervious surface ratio to be 82.6% for the property located at 1227 Egg Harbor Rd and the adjoining parcel #281-62-10000117.

Pete Hurth, Project Engineer for Baudhuin Surveying & Engineering, 312 N 5<sup>th</sup> Avenue, stated that in order for Austad, LLC to relocate to a new location, ACE Hardware corporation recommendation for the building square footage needs to be at least 30,000 square feet. In addition to building and required parking spaces, there also needs to be an area for trucks to back into the loading dock. Multiple design options for parking were explored. After digging borings at the site, bedrock was not hit. Water from the roof is considered clean water and can be absorbed into the ground rather than collected and sent to retention pond. In addition to small storm ponds on site, permeable pavers will be added to handle water shed on the site. During heavy rainfalls, some water will be held on site and slowly released to the retention pond next to CVS Pharmacy.

Skyler Wilson, Professional Engineer for Baudhuin Surveying & Engineering, 312 N 5<sup>th</sup> Avenue. Storm water regulations fall into two classifications, water quality and water quantity, with the City of Sturgeon Bay's regulations more stringent than the DNR. Roof water will be infiltrated to the ground on the back of the building. Water from the employee parking lot will be held on site in one of the three small stormwater ponds before going offsite to the retention pond next to CVS Pharmacy.

Mr. Murrock asked the area for the permeable pavers.

Mr. Willson replied that in total, there will be 2,500 square feet of permeable pavers.

Mr. Murrock inquired what is catching the water under the pavers.

Mr. Wilson responded there is 6 inches of loose clean stone aggregate layer, then 18 inches of clean stone layer underneath that allows water to filter and retain water.

Mr. Murrock asked City Engineer if CVS Pharmacy had permeable pavers.

Mr. Shefchik replied CVS does not have permeable pavers, but are used more often lately. Design still approved by the DNR.

Mr. Augustson asked if retaining pond will be all grass and if trees will be planted around them.

Mr. Wilson stated that retaining ponds will be grass and trees can be planted on the top shoulders.

Mr. Olejniczak questioned whether or not the permeable pavers would be considered pervious.

Mr. Wilson replied that they are still impervious surface.

Mr. Shefchik pointed out that when original design for Egg Harbor Road done, 18 feet on the back side of the sidewalk shows runoff towards the street.

Mr. Hurth stated that design detains watershed and allows less runoff and for more water to go to the retention pond at CVS Pharmacy than it does currently.

Mr. Murrock inquired on the building elevation, the pitch of the parking lot, if the loading dock was a well and if storm drains will be used in the parking lot.

Mr. Hurth replied the building elevation was 625.5 on the high side of the site. Parking lot pitch will be 2-3% and will be pretty flat. The loading dock will be a well and will have a pipe that will drain into the storm pond. Storm drain in the parking lot will be pushed to the far curb.

Mr. Augustson asked if they reduced the amount of the parking spaces if that would greatly reduce the amount of impervious surface.

Amy LaBott, 908 Rhode Island Street, owner of ACE Hardware, stated that with the City's requirements and ACE recommendations they could not reduce the amount of parking stalls for the new location. Parking for trucks with trailers would also need to be considered. With the new store, there would be more employees. At their current location, their customers have use of a public lot across the street. Taking away parking stalls was not an option.

Mr. Augustson asked what ACE Hardware's recommendations are for parking.

Ms. Labott replied that ACE's recommendation for parking spaces are 3-5 per 1000 square feet of selling space. They are currently on the lower end at just over 3 parking spaces.

Mr. Murrock inquired on the time frame when the new store would be open.

Ms. Labott responded that they are hoping to break ground in November and get the slab poured in time for the delivery of the steel frames. She is hoping the construction of the building will take place next spring and summer for the store to open in September 2022.

Rich Fisher, architect for Fisher & Associates, LLC, W13654 Balsam Lake Rd, Crivitz. They looked at a number of different layouts for parking. The layout presented is the one with the most parking for the parcel. Parking along the building and a reasonable driveway area for the semi-trailers to back up. The layout also provided the most amount of parking for trucks/trailers with the least amount of pavement. This operation is unique because most of the product is on the floor. There is not a lot of product back in storage. In considering the lifts for the loading dock, this parking layout is the most efficient. Nice barrier for landscaping on the street side and a lot of effort went into storm water management so the site will perform as though it had 30% pervious green space.

Mr. Murrock asked if they neighboring businesses were in favor of ACE Hardware building on the parcel.

Ms. Labott explained that Steve Estes, owner of parcel behind, is very aware of their plan. The Jim Olson building currently on the market and there is an accepted contract. They have not had any communication with that new owner or Best Western hotel.

Mr. Murrock inquired if there was any consideration for underground containment chambers.

Mr. Hurth responded that they are still considering burying underground chamber for the roof runoff on the back side of the building. Another option would be to hollow the ground to get the same volume. Placing underground chamber under the parking lot is tricky, as they would have to ensure the grade works to drain properly into the pond and then off the site. The option for permeable pavers in the parking lot was chosen instead.

Mr. Murrock asked if the retention ponds built next to CVS Pharmacy were also capable of handling the additional water from the ACE Hardware site.

Mr. Hurth replied that discharge from the site will be less than the predeveloped system.

Mr. Murrock questioned where the water from the parking lot across the street at Cherry Point Mall flows.

Mr. Hurth explained that there is a dip in the parking lot where a large underground pipe connects to a big storm sewer and ends up at the CVS retention pond. He explained the large area of watershed that feeds the CVS retention pond.

Mr. Murrock asked where the water flows by Evenson Laundry.

Mr. Shefchik replied that water from that area goes to the nearby creek line that flows behind WPS and connects to the big storm water pipe that then flows to Memorial Drive.

Mr. Olejniczak commented on the following:

1 – the City ordinance is a per square footage rule for parking at retail establishments and tries not to encourage additional parking

2 – the 70% impervious rule predates the storm water ordinance

3 – the property owner did try to make attempts to reduce the impervious area on the site, including trying to have access to the property to the south for truck to use and different layouts for the parking lot design, along with putting in an offer for additional property. The lot is an odd shape, hindering the design plan for parking.

Mr. Hurth explained that there are challenges to having permeable pavers. One thing that can be done is to pile snow on top during the winter so they are not damaged by plowing.

Mr. Murrock inquired if there was curbing along the parking lot with outlets into the retention areas.

Mr. Hurth responded yes.

Josh VanLieshout, 324 N 12<sup>th</sup> Avenue, stated that repurposing the site for another use is great for the city in addition to using existing infrastructure. The stormwater runoff will be less post redevelopment than it currently is now on the site. Enabling a local business to expand is a good thing for the city.

There were no letters of correspondence in favor of the variance request.

No one spoke in opposition of the variance request.

There were no letters of correspondence in opposition of the variance request.

The public hearing was declared closed at 12:48 p.m.

**Consideration of: Petition for variance from Section 20.27 (1) of the City of Sturgeon Bay Zoning Code for Austad, LLC located at 1227 Egg Harbor Road, parcel #281-62-10000117:**

Mr. Murrock stated that Austad, LLC has made every effort possible to explore options for a lower impervious surface on the site.

Moved by Ms. Schopf, seconded by Mr. Marit to approve variance from Section 20.27 (1) of the City of Sturgeon Bay Zoning Code for Austad, LLC located at 1227 Egg Harbor Road and Parcel #281-62-10000117 as petitioned. Reasons for granting are they have met all conditions for parking and storm water requirements and surrounding lots exceed the impervious surface ratio. Roll call: all ayes. Carried.

Moved by Mr. Augustson, seconded Ms. Schopf to adjourn. All ayes. Carried. The meeting adjourned at 12:53 p.m.

Respectfully submitted,

Laurie Spittlemeister,  
Deputy Clerk/Treasurer