

**Zoning Board of Appeals  
March 29, 2022**

The City of Sturgeon Bay Zoning Board of Appeals was called to order at 12:01 p.m. by Chairperson William Murrock in Council Chambers, City Hall, 421 Michigan Street.

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

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

1. Roll call.
2. Adoption of agenda.
3. Public Hearing: Petition for variance from Section 20.27 (1), 20.31(4)(c), and 27.13(4)(c)(5) of the Municipal Code for Richard Robinson located at 911 Green Bay Rd; parcel #281-66-13000101.
4. Consideration of: Petition for variance from Section 20.27 (1), 20.31(4)(c), and 27.13(4)(c)(5) of the Municipal Code for Richard Robinson located at 911 Green Bay Rd; parcel #281-66-13000101.
5. Adjourn.

All ayes. Carried.

**Public hearing: Petition for variance from Section 20.29(2), 20.31(4)(c), and 27.13(4)(c)(5) of the Municipal Code for Richard Robinson located at 911 Green Bay Rd; parcel #281-66-13000101:** Chairperson Murrock opened the public hearing at 12:05 p.m.

Mr. Sullivan-Robinson introduced the item for public hearing. Mr. Robinson is looking to redevelop the property by razing the six buildings currently on the lot, constructing a new building and redoing the parking lot. The applicant site plan shows a total impervious ratio of 89.22% for the northerly parcel. Ordinance from section 20.27(1) requires the combination of all impervious surfaces not to exceed 70% for parcels zoned General commercial (C-1).

Ordinance 20.31(4)(c) for off-street parking requires a 5-foot setback to allow for safety and separation. The current site plan has a 2-foot setback at the closest point and would affect 2 parking stalls.

In regards to ordinance 27.13(4)(c)(5), this section requires ground signs to have at least 5 feet of separation from the street right-of-way. The purpose of this ordinance is to provide safety and aesthetics. It is up to the applicant to prove unnecessary hardship, property limitations, and that the variance would not negatively impact the public interest.

The expected usage of this building would be office space/retail and restaurant. The anchor tenant is dictating the number of spaces for the parking lot.

Mr. Olejniczak added that if the sign variance is denied, it would need to be pushed further to the west towards Comfort Inn. They would appreciate the sign to be placed according to the site plan and not the ordinance. Staff members are in favor of splitting the lot in two.

Ms. Schopf asked if the sign would block traffic views.

Mr. Olejniczak responded it would not.

Mr. Murrock asked who is the current owner of the property.

Mr. Olejniczak stated that it is Jennifer Woldt and sale of the property is contingent on approval.

Richard Robinson, 3405 Hawthorne Blvd, St Louis, MO, explained he and his partners currently have Starbuck's as the anchor tenant, who is dictating the number of spaces for the parking lot. The parking stalls run straight across and the impacted stalls from the variance would be the same distance from the highway as the others. If these two stalls are not granted, it would complicate that row of parking.

The sign on the site plan will require moving a utility pole. The proposed sign placement would provide safety for installation and viewing.

Ms. Schopf inquired if there was a line of cars will there still be enough room to drive through and around.

Mr. Robinson responded there would.

Ms. Schopf asked mentioned that intersection is already busy from people entering Walgreens. Are Walgreens satisfied with the additional traffic.

Mr. Robinson stated Walgreens does not have an issue.

Mr. Murrock stated that there is a main utility pole at that intersection.

Mr. Robinson mentioned that it is a main transmission pole. That pole is being moved to the corner of the two lots and another pole will be installed to withstand the utility lines.

Ms. Rusnak inquired if the other two tenants will need additional signs.

Mr. Robinson replied that there will be one pole for the sign and the other tenants will be listed below Starbucks.

Renee Borkovitz, Baudhuin Engineering CAD Draftsman, 312 N 5<sup>th</sup> Ave, stated that the percentage of impervious surface for both lots is 74%. Additional efforts were made to provide more green space on the site plan. Storm water will be collected and stored underground in the basement of the stores. Overflow will be drain to existing basins in the streets.

Mr. Murrock asked what would happen if the basement fills to maximum capacity.

Mr. Robinson responded water would be outlet to the City's stormwater system.

Mr. Murrock inquired if curb and gutter will be all around the parking lot.

Mr. Robinson replied that there would.

Mr. Murrock questioned the parking lot grading plan and asked if impervious pavers were considered.

Dave Phillips, Portside Builders Sales Rep, stated that they do not work as well for the space provided. Baudhuin Engineering came up with the underground water retention in the basement. The plan is costly but effective. The storm water run off is kept on site. With the amount of green space in front of the building and parking lot, it reduces the percentage calculation of impervious surface. Many sites in the area are already over the percentage of impervious surface allowed by ordinance.

The building is simple, however Starbucks is dictating what the building will look like. The design meets their wants and needs. The building will be on a slab on frost wall.

Mr. Murrock asked for clarification on the percentage of impervious surface.

Ms. Borkovitz replied the entire parcel will be 74.6%, north parcel will be 89.22% and down to 81.3% with landscaping.

Mr. Robinson further stated that Starbucks is requiring a certain amount of parking spaces based on building size. A minimum of 42 spaces were required for the three tenants.

Mr. Murrock inquired where the snow will be placed during the winter months.

Mr. Robinson answered that the snow would be piled in a couple parking stalls and may need to be removed.

Mr. Murrock commented that the snow pile at Walgreens is in parking stalls next to the highway, which obstructs the view for traffic.

Mr. Robinson responded that is a good point and will have the snow piles placed so they do not interfere with traffic views.

Mark Paulsen, 836 S Duluth Ave spoke in favor of the development. He believes they will be a good neighbor and the redevelopment is an attractive building. Design to move the driveway to the north is beneficial for traffic flow.

There were no letters of correspondence in support of the variance requests.

No one spoke in opposition of the variance requests.

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

The public hearing was declared closed at 12:51 p.m.

**Consideration of: Petition for variance from Section 20.29(2), 20.31(4)(c), and 27.13(4)(c)(5) of the Municipal Code for Richard Robinson located at 911 Green Bay Rd; parcel #281-66-13000101:**

Moved by Ms. Schopf, seconded by Ms. Rusnak to approve the variance from Section 20.29(2) as presented. Ms. Schopf's reasons are that they have done everything possible for the site to reduce impervious surface. Ms. Rusnak agreed and added she appreciates the appearance of green space. Roll call: all ayes. Carried.

Moved by Ms. Schopf, seconded by Mr. Marit to approve the variance from Section 20.31(4)(c) as presented. Ms. Schopf's reasons are there is space provided and enough green space to compensate the number of parking spaces. Mr. Marit agrees with the reasons. Roll call: all ayes. Carried.

Moved by Mr. Murrock, seconded by Ms. Rusnak to approve the variance from Section 27.13(4)(c)(5) as presented. Mr. Murrock's reasons are the sign is more conforming and further away from the highway than the existing sign on the property. Ms. Rusnak agrees with the reasons. Roll call: all ayes. Carried.

Moved by Ms. Schopf, seconded by Ms. Rusnak to adjourn. All ayes. Carried. The meeting adjourned at 12:58 p.m.

Respectfully submitted,

Laurie Spittlemeister,  
Deputy Clerk/Treasurer