

CITY PLAN COMMISSION

Tuesday, October 6, 2020

A meeting of the City Plan Commission was called to order at 5:00 p.m. by Chairperson David Ward in the Council Chambers, City Hall, 421 Michigan Street.

Roll Call: Members Debbie Kiedrowski, David Ward, Dennis Statz, Mark Holey, and Kirsten Reeths were present. Ms. Reeths appeared virtually via Zoom. Excused: Member Jeff Norland. Also present were Alderpersons Helen Bacon, Dan Williams, Spencer Gustafson, and Gary Nault (entered the meeting at 5:40 p.m), City Administrator Josh VanLieshout, Community Development Director Marty Olejniczak, Planner/Zoning Administrator Chris Sullivan-Robinson, and Community Development Secretary Cheryl Nault.

Adoption of agenda: Moved by Mr. Holey, seconded by Mr. Statz to adopt the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from September 16, 2020.
4. Public comment on non-agenda Plan Commission related items.
5. Presentation of: Request from Fincantieri Bay Shipbuilding to rezone various parcels along Third Avenue (parcel #'s 281-10-85340109B; 281-10-85371001R; 281-10-35371301R; 281-10-85371401; and 281-10-85360101C) from Central Business District (C-2) to Heavy Industrial (I-2).
6. Consideration of: Zoning Text Amendment regarding Height and Area Regulations in the Heavy Industrial (I-2) District.
7. Adjourn.

All ayes. Carried.

Approval of minutes from September 16, 2020: Moved by Ms. Kiedrowski, seconded by Ms. Reeths to approve the minutes from September 16, 2020. All ayes. Carried.

Public comment on non-agenda Plan Commission related items: No one spoke during public comment.

Presentation of: Request from Fincantieri Bay Shipbuilding to rezone various parcels along Third Avenue (parcel #'s 281-10-85340109B; 281-10-85371001R; 281-10-35371301R; 281-10-85371401; and 281-10-85360101C) from Central Business District (C-2) to Heavy Industrial (I-2): Mr. Olejniczak stated that this is a request for a zoning map amendment that would rezone the properties along the west side of N. 3rd Avenue, owned by Fincantieri, from C-2 to I-2. It would involve all or part of four different parcels. This was only the presentation and no action was needed. A public hearing will be held at the next Plan Commission meeting, followed with a recommendation to Council.

Todd Thayse, representing Fincantieri Bay Shipbuilding, stated that they have been in front of other committees and received various approvals. Their operation has grown and recently celebrated 50 years of Bay Shipbuilding. Over the past five years they have been adding on to their campus. They purchased the Wagener property (former Peninsula Plaza), the former train depot, and former Palmer Johnson properties. He said the rezoning will allow for flexibility, adaptability, and future needs by incorporating all their parcels into the I-2 zoning district.

Mr. Olejniczak spoke about the building expansions proposed by Fincantieri. One proposal is to expand the 422 Building toward the east behind the former Peninsula Plaza building. There is not a requirement that zoning district boundaries follow parcel lines. The I-2 designation is needed for the expansion of the 422 building because the addition crosses into C-2 zoned area.

Mr. Statz questioned the use of the train depot and what the plans were for that building. Mr. Thayse responded that they have no intentions of ever taking that building down. If they ever thought they would not need it, they would offer it to other groups for reuse. There will be a number of professional offices that will need to be developed to house the professionals that will be overseeing the government project.

Mr. Holey wondered why Fincantieri was asking for the change of zoning to I-2 and what that will allow them to do that they can't do now. Mr. Thayse repeated that the rezoning will allow for flexibility, adaptability, and future needs. There is no specific plan.

Ms. Kiedrowski mentioned that at a previous meeting the neighbors had visual concerns with their houses being located across the street from the shipyard. She hoped that some type of landscaping or beautification will be done. Mr. Thayse responded that it is Fincantieri's intention is to install some type of street walk, plaques, trees, landscaping, etc. That will happen whether it is I-2 designation or not.

Ms. Reeths asked if there was an alternative area planned for snow storage. Mr. Thayse responded the gravel pile will be moved into the shipyard in the fall. The parking lot may be used as a staging area for the construction of the 420 and 433 buildings. Then the parking lot would be blacktopped as far as the beautification process. They are looking at their entire snow storage/removal process.

Mayor Ward noted that the parcel is surrounded on three sides by I-2.

Mr. Olejniczak added that conditions can be placed on a rezoning, such as larger setbacks to help create a transition between two zones.

Mayor Ward stated that a small amount of money has been placed in the 2021 budget to work with Bay Shipbuilding in helping with the beautification of 3rd Avenue.

Mr. Sullivan-Robinson discussed the required building setbacks (yards) in the I-2 and C-2 districts. If the zoning classification does change to I-2, the former train depot and Peninsula Plaza buildings will become non-conforming structures.

In closing, Mr. Thayse stated that the shipyard already operates on their north end bordering the Little League fields and boat launch. Since their campus has grown, it would be easier if all their property was zoned I-2.

No action was needed. A public hearing will be held at the next Plan Commission meeting.

Consideration of: Zoning Text Amendment regarding Height and Area Regulations in the Heavy Industrial (I-2) District: Mr. Olejniczak stated that Mr. Thayse pointed out in his letter that Fincantieri applied for variances for two buildings that were approved. The variances will allow them to be able to construct a Navy frigate that was awarded to Fincantieri. The variance approval was appealed and will end up in court causing some delays. So they are requesting that the Plan Commission and Council considering amending the code.

Currently, the height limitation in the I-2 Heavy Industrial district is 45 feet. Fincantieri is seeking one building matching the current building height of 59 feet, with the other building is as high as 110 feet tall. The other variance approved was a setback variance from the south side of the yard, which was also appealed. Mr. Olejniczak stated that this potential amendment would affect all areas of the City that are zoned I-2. It would provide a building height exemption to any building that is located at least 300 feet from the boundary of a residential zoning district. The potential amendment also includes a side yard exemption that would allow existing buildings in the I-2 district to be expanded using their current side yard distance if less than the required 20 feet. He further stated that if the Plan Commission approves of the proposed text amendment, it can be recommended to Council. A public hearing would be held, followed by adoption of an ordinance, if approved by the Council.

Hans Christian, 330 N. 3rd Avenue, stated he is the one challenging the decision of the ZBA. He stated it would be illegal to change the code until after the Circuit Court decides the appeal. He is afraid the expansion of the building will destroy their businesses.

Mr. Statz asked if there was a maximum building height proposed. Mr. Olejniczak said that the amendment could be changed so that a building could be exempted up to a certain height.

Ms. Kiedrowski asked Mr. Thayse what would happen if the height requirement didn't pass. He responded that there is no alternative. The size they proposed is what they need for their operations. Otherwise, they would have to look outside of Sturgeon Bay for a site to manufacture the frigate.

Mr. Thayse added that there should not be an increase in noise since they will be moving outdoor shipbuilding operations inside.

Ms. Reeths wondered if this could be brought up by a case by case basis in the amendment. Mr. Olejniczak responded an alternative is to require a conditional use approval or a planned unit development rezoning. Conditional uses are approved by the Plan Commission. A planned unit development requires Council approval.

After reviewing the proposed zoning text amendment, it was moved by Mayor Ward, seconded by Mr. Statz to recommend to Council approval of the zoning text amendment regarding Height and Area Regulations in the Heavy Industrial Districts, with the addition of the maximum building height up to 120 feet.

Mayor Ward stated that staff looked into past variances in the City regarding height and setback. There have been many variances approved for shipbuilding buildings. The approved Maritime Tower is 118 feet tall. There are no building height requirements for historic buildings or agricultural buildings. He also read the purpose statement within the zoning code and indicated that the proposed amendment is in line with the purposes. Any type of construction inside of a city is going to produce conflict. Fincantieri employs over 300 families in the 54235 zip code. Having steady work is very important. Unlike a zoning variance, which has to be based on a hardship, the zoning code is based on a broader set of principles and includes the general welfare and prosperity of the community.

Mr. Holey agreed with adding the 120 feet maximum height so that it is not open-ended. He wondered what this amendment will actually solve. Mayor Ward responded it solves the problem of having to continually appeal the zoning code height requirement to the Zoning Board of Appeals.

Mr. Holey also asked what the reason is for the distance of 300 feet. Mr. Olejniczak responded 300 feet is the distance in which property owners are notified of a public hearing in the case of a conditional use or variance. That number could be changed if desired.

Ms. Kiedrowski stated that it is unfortunate that some areas profit while others are impacted. The fact of the matter is that Fincantieri provides good paying jobs and in order to prosper we need the economics of manufacturing jobs. She wouldn't like to see a rectangular block building. Buildings can be architecturally done.

Mr. Sullivan-Robinson added that all nonresidential buildings need design approval from the Aesthetic Design and Site Plan Review Board.

Ms. Reeths stated that Fincantieri is our number one employer. She likes the 120-foot maximum height and this needs to go forward.

A roll call vote on the motion was taken. All ayes. Carried.

Adjourn: Moved by Mr. Statz, seconded by Mr. Holey to adjourn. All ayes. Carried. Meeting adjourned at 6:03 p.m.

Respectfully Submitted,

Cheryl Nault
Community Development Secretary