

AGENDA
CITY OF STURGEON BAY
CITY PLAN COMMISSION
Wednesday, September 16, 2020
6:00 p.m.
City Council Chambers
421 Michigan Street, Sturgeon Bay, WI

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from August 19, 2020.
4. Public comment on non-agenda Plan Commission related items.
5. Consideration of: Comprehensive Plan Update.
6. Consideration of: Mixed Commercial-Residential (C-5) code text amendments and interpretation.
7. Adjourn.

NOTE: DEVIATION FROM THE AGENDA ORDER SHOWN MAY OCCUR.

Notice is hereby given that a majority of the Common Council may be present at this meeting to gather information about a subject over which they have decision-making responsibility. If a quorum of the Common Council does attend, this may constitute a meeting of the Common Council and is noticed as such, although the Common Council will not take any formal action at this meeting.

Plan Commission Members

Mayor David Ward
Ald. Kirsten Reeths
Ald. David Hayes
Mark Holey
Jeff Norland
Dennis Statz
Debbie Kiedrowski

9/11/20
11:30 a.m.
CN

CITY PLAN COMMISSION
Wednesday, August 19, 2020

A meeting of the City Plan Commission was called to order at 6:00 p.m. by Chairperson David Ward in the Council Chambers, City Hall, 421 Michigan Street.

Roll Call: Members Mark Holey, Kirsten Reeths, Dennis Statz, David Ward, Jeff Norland, Debbie Kiedrowski, and David Hayes were present. Also present were Alderperson Gary Nault, Community Development Director Marty Olejniczak, Planner/Zoning Administrator Chris Sullivan-Robinson, Community Development Secretary Cheryl Nault, and present via Zoom were Vandewalle & Associates consultants Meredith Perks and Jeff Maloney.

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

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from July 15, 2020.
4. Public comment on non-agenda Plan Commission related items.
5. Conditional use request from David Hayes to allow an existing bed and breakfast facility to be converted into a single-family dwelling, located at 111 S. 7th Avenue.
Presentation:
Public Hearing:
Consideration of:
6. Consideration of: Comprehensive Plan Update.
7. Zoning Text Amendment regarding Height of Buildings in the Heavy Industrial (I-2) District.
8. Adjourn.

All ayes. Carried.

Approval of minutes from July 15, 2020: Moved by Mr. Hayes, seconded by Ms. Kiedrowski to approve the minutes from July 15, 2020. All ayes. Carried.

Public comment on non-agenda Plan Commission related items: Hans Christian, 330 N 3rd Avenue, stated that he lives across from the train depot and shipyard. He talked about the shipyard's boundary. There should be a plan for improvement from Jefferson Street to Sunset Park. It is long overdue to make it more aesthetically pleasing.

Conditional use request from David Hayes to allow an existing bed and breakfast facility to be converted into a single-family dwelling, located at 111 S. 7th Avenue:

Presentation: Mr. Hayes presented his request for a conditional use to convert his bed and breakfast back to a single-family dwelling. He has a potential buyer for his property and they want to purchase it for a single-family home.

Mr. Norland pointed out that it still could be used as a single-family dwelling without a conditional use. Mr. Hayes responded that a mortgage is easier to obtain if the property was single-family use. The perspective buyers have no interest in buying it for a business.

Due to conflict of interest, Mr. Hayes excused himself from the meeting and left the Council Chambers.

Public Hearing: Mayor Ward opened the public hearing at 6:08 p.m. No one spoke in favor or in opposition of the conditional use request. There were no letters of correspondence in favor or in opposition. The public hearing was declared closed at 6:09 p.m.

Consideration of: Mr. Sullivan-Robinson stated that the property is zoned Multiple-Family Residential (R-4). The original use of the property was Single-Family Residential. In 1987, a conditional use was granted for a bed and breakfast. The property is surrounded by residential use and the proposed use conforms to the Comprehensive

Plan. Considering that Single-Family Residential was the original use of the property and it will not be detrimental to the surrounding properties, staff recommends approval of the conditional use request.

Mr. Olejniczak stated that years ago single-family homes were allowed in the Multi-Family district. It was then changed to a conditional use. In some areas where apartments were desirable because single-family homes were a permitted use, it was making it more difficult to construct the apartments later on if there were several single-family homes in that area. He believed the intention of the conditional use was for raw land that was being developed. In this case, it is a neighborhood that has been developed for well over 100 years with mostly single-family homes. It would make sense to allow this as a single-family home.

After a short discussion, it was moved by Mr. Holey, seconded by Mr. Norland to approve the conditional use request. All ayes. Carried.

Mr. Hayes returned to the Council Chambers.

Consideration of: Comprehensive Plan Update: Mr. Olejniczak stated that continued progress is being made toward the new updated Comprehensive Plan. Mr. Holey volunteered to record a welcome video to set the stage for the virtual open house that was followed by a narrated presentation by Ms. Perks, which is found on the City's website. In addition, a comment form was created and posted to the website, along with the latest draft of the Comprehensive Plan. Notices were sent to everyone that participated in the other open houses, etc. Unless there were any other issues, the next step would be to set a public hearing date.

Ms. Perks stated that the goal at this meeting was to set a public hearing date. A 30-day public notice period, required by State Statute, is where the updated plan will be available to the public and can prepare for the joint Council/Plan Commission public hearing, which will take place after the 30-day notice. Only two responses were received from the public input survey that had supportive feedback.

Ms. Perks added that In terms of changes, the document was formatted into a more graphic, more visually interesting document, along with more clarity on the maps and figures. Also, an additional recommendation was added in the Economic Development Chapter to promote Sturgeon Bay as a recreation destination. Additional language on the Ice Age Trail was included. Highlighting the skilled workforce and a focus on City functions or making clear when it is a City function or when in partnership has also been updated in the draft. Glossary is a key word that was discussed at the previous meeting, not to fall in planner jargon and to provide definitions, which was also added. This is a 10-year plan with a 20-year outlook.

Kelly Avenson, 26 N 3rd Avenue, stated that the City should reach out as much as possible for public input.

Mr. Hayes stated that he would somehow like to identify and encourage more transparent, friendly, and supportive relationships between the businesses, industries, and community. This could be more of a higher priority and create a subcommittee that focuses on that relationship. He doesn't want the Plan to be held up any more.

Ms. Kiedrowski agrees with Mr. Hayes. The Industrial Park may set businesses apart and may not feel as much of a part of the community. Maybe verbage could be added regarding drawing in more of the industrial and manufacturing areas. She wondered why there are two separate routes for the Ahnapee Trail and Ice Age Trail. She thought that the Plan can move forward to a public hearing.

Mr. Norland stated that the picture of the granary (page 4) should be replaced with an upscale picture of the Industrial Park. The granary picture says nothing about our city. Secondly, in the Housing chapter, the Plan Commission wasn't really interested in the accessory dwelling units. Thirdly, the annual review of the Plan is very important. He felt that the Plan could move forward to a public hearing.

Mr. Statz stated he is ready for the Plan to move forward to a public hearing.

Ms. Reeths thanked Vandewalle for updating the Plan. The 2020 ALICE report recently came out and she would like to see most current statistics added. She also feels the Plan should move forward.

Mr. Holey thought the Plan was ready to go forward, but had a few comments. On page 14, under largest employers, Sevastopol High School is listed, but not Sturgeon Bay High School. Walmart is not listed either. On page 20, nothing is said about the need for child care. In regard to Chapter 2, he felt that Agriculture is the least important of the three and it should read Natural Resources, Environmental Sustainability, and Agriculture.

Mayor Ward stated a great job was done eliminating some of the jargon. He felt that the Commission was ready to go forward with the public hearing.

Moved by Mr. Holey, seconded by Ms. Reeths to set the date for the public hearing on October 6, 2020 at a joint Plan Commission and Council meeting.

Mr. Olejniczak mentioned that the virtual open house and comment opportunity will be available on the website until October 6th.

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

Zoning Text Amendment regarding Height of Buildings in the Heavy Industrial (I-2) District: Mayor Ward referred to a memo written by Mr. Olejniczak that stated this issue came up because of plans from Bay Shipbuilding for new construction in the South Yard. One building would be 110 feet tall and the other would be 57 feet tall. He then allowed the public to speak.

Kelly Catarazolli, 334 N 3rd Avenue, stated that not only would this affect her business and neighbors, but also the Stone Harbor condos. She was disheartened to see this come to Plan Commission to change the rules. A 60-foot high building would take away the view from people coming from the downtown to the park. It is the scenic drive going north. There are ways that Bay Ship could make the area more attractive. The Palmer Johnson buildings are 53 feet tall. The public would not have any input with an ordinance change. She encouraged the Commission not to change the ordinance.

Hans Christian, 330 N. 3rd Avenue, stated that he respects Ms. Catarazolli's opinion, but also respects the Plan Commission's position. Public input should not be surrendered. We have to remain an effective community. There are already buildings as high as 53 and 57 feet. He trusted the Commission to think long-term and also to think about the consequences regarding the decisions.

Kelly Avenson, 26 N 3rd Avenue, also encouraged not to remove the checks and balances that there currently is for restrictions. She supported what Ms. Catarazolli stated and not remove the control that we have as far as community members and the City itself.

Paul Anschutz, 221 N 6th Avenue, shared a thought about coming down Jefferson Street. With a building 110 feet high, you won't be able to see the trees on the West Side. He wondered if the Plan Commission was given a need for this type of variance from Bay Ship. There should be a need shown. Blueprints should be provided.

Mr. Hayes referred to Mr. Olejniczak's memo. He would like to have in writing, from Fincantieri, the need and unique burden, and how that burden has forced them to modify their business plan or how they do operations. The need could also be reflected in some type of drawing. He didn't feel that there was enough information. He was concerned about height restrictions and visual impact. Sturgeon Bay has a beautiful waterfront.

Mr. Olejniczak added that the matter before the Commission is what an appropriate maximum building height in the I-2 district should be. Currently, it is 45 feet. A number of buildings constructed in recent years that exceed 45 feet is because of variances that have been granted. Buildings that have to do with shipbuilding need more clearance than what the zoning code allows. It was brought to the Plan Commission's attention to see if there is a desire to allow for taller buildings in the I-2 district. He offered several options to consider. The first option was to make no changes to the zoning code. The second option would increase the height limit in the I-2 district to 60 or 80 feet. The third option would allow buildings in the I-2 district that are above the height limit to be approved by the Plan Commission. The last option would be to eliminate the height limit in the I-2 district.

Mr. Olejniczak added that any project has to go before the Aesthetic Design & Site Plan Review Board for approval. The Board reviews the style of construction and things of that nature.

Ms. Reeths would like to see blueprints of a project. She agreed with Mr. Christian regarding beautification. It should be a requirement of the business to do some beautification in the area.

Commission members discussed the options. It was the consensus of the Commission to eliminate the option of eliminating the height limit in the I-2 district, as well as eliminating the option of increasing the height limit in the I-2 district to 60 or 80 feet. It was agreed upon to have staff work on the option of allowing buildings in the I-2 district that are above the height limit to be approved by Plan Commission.

Mayor Ward said that a request for information could be made as far as a providing a blueprint and a reason why the project needs to be done.

No further action was needed.

Adjourn: Moved by Mr. Norland, seconded by Mr. Hayes to adjourn. All ayes. Carried. Meeting adjourned at 7:18 p.m.

Respectfully Submitted,



Cheryl Nault
Community Development Secretary



MEMO

To: Plan Commission
From: Christopher Sullivan-Robinson & Marty Olejniczak
Date: March 11, 2020
Subject: Mixed Commercial/Residential (C-5) District Interpretation and Potential Amendment

The City's Zoning Chapter defines the C-5 (Mixed Commercial / Residential) as the areas of the city where residential properties are converting to commercial uses or vice versa, especially areas where it is desired to maintain the existing buildings or architectural character of the neighborhood. It is also intended for areas of the city where a continued mixture of residential and commercial uses are desirable. The uses permitted are those uses which are generally compatible in areas with a combination of both residential and commercial properties.

There have been several instances where the interpretation of the code caused confusion to whether the restrictions under mixed use properties conforms to the intent of the C-5 district. Because the permitted uses in the C-5 district refer back to the C-2 Central Business District (which in turn refers to the C-1 General Commercial District), it appears that if a property owner wants to use their building(s) for a mix of commercial and residential, the residential space couldn't exceed 50 percent of the overall floor area of the building(s) on the lot. The 50 percent rule was meant for the downtown commercial zone where uses are predominantly commercial with upper residential spaces. This limitation works well in the C-1 and C-2 districts which are primarily commercial zones. But in the C-5 district, where both commercial and residential uses are permitted individually, it doesn't seem to make sense that a mixed-use building is limited to 50% residential.

Another quirk is that if a property owner wants to have a home occupation within their residence, the use is essentially limited to a personal business office and limited to no more than 25 percent of the building. Please review Attachment A.

The issue of how to treat mixed-use buildings in the C-5 district has come up again last week. There is a prospective buyer for a property on Jefferson Street. They are looking to convert a commercial building into residence with a smaller portion to be used as an art gallery. The current code could be interpreted as only allowing their proposal if the residential component is no more than 50% of the floor area. It also appears that the option of treating their proposal as a home occupation doesn't work, because the permitted rules prohibit onsite sales, onsite customers, and limits signage to two square feet.

From staff's perspective, in the C-5 district there should not be a floor area restriction on the mix between residential and commercial uses. The Community Development Director and I believe that, because various commercial uses and residential uses are separately listed as permitted uses in the C-5 district, a situation where the two uses are housed within the same

building is also permitted, regardless of the amount of floor area devoted to each use. But this interpretation should be verified and codified so that it is very clear going forward.

This issue was discussed with Attorney James Kalny. He believes that staff's interpretations are valid. He also advises that if the Plan Commission agrees that the mixed-use building is permitted despite having more than 50% of the floor area as residential use, a permit could be granted now. It still is a good idea to amend the code to make it clear, but there is no need to wait for the amendment before granting approval to the Jefferson Street property owner.

In addition, home occupations within this zone shouldn't be this strict. Staff supports an amendment to the code to allow them as a permitted use in the C-5 district.

Based on this information there are two questions for the Plan Commission to answer at the March meeting:

1. Does the Commission support staff's interpretation that a mixed-use building is permitted in the C-5 district regardless of whether the residential component is 50% or more of the total floor area?
2. Does the Commission want to authorize staff to prepare zoning code amendments relating to mixed-use buildings and home occupations in the C-5 code?

20.09 - Use regulations for R-1 district.

The R-1 district is intended to provide a pleasant, safe and quiet neighborhood environment free from traffic hazards, incompatible land uses, or public annoyance for single-family residential development in the city.

(1) Permitted uses are:

- (a) Single-family dwellings.
- (b) Churches and religious institutions.
- (c) Elementary, junior, and senior high schools.
- (d) Municipal buildings, except sewage treatment plants, garbage incinerators, warehouses, public garages, public shops or storage yards, penal or correctional institutions and asylums.
- (e) Public parks, playgrounds, recreational and community center buildings and grounds.
- (f) Telephone booths, exchanges and lines and transformer stations.
- (g) Accessory uses customarily incidental and subordinate to any of the above uses provided that no such use generates traffic or noise that would create a public or private nuisance.
- (h) Accessory buildings which are in addition to a principal building on the lot, provided that there are no more than two accessory buildings per principal building on a lot.
- (i) Tourist rooming houses, subject to the following:
 - 1. The facilities shall be licensed by the state department of health services, the city, and the Door County Tourism Zone Commission.
 - a. New tourist rooming house permits issued by the city are valid for one year and expire on June 30. If a new tourist rooming house permit is issued after April 1, the city permit shall expire on June 30 the following year.
 - b. Renewal tourist rooming house permits are valid for two years and expire on June 30. Renewal permits may be applied for no sooner than six months prior to expiration, but are not valid until July 1.
 - c. The community development department will oversee the issuing or renewal of tourist rooming house permits. In the event city staff denies a permit, the applicant may appeal the denial decision to the city plan commission.
 - 2. The owner/operator must reside within Door, Kewaunee, or Brown Counties during periods in which the tourist rooming house is rented. This requirement may be waived if there is a valid management contract with a management company located within Door County.
 - 3. Designated tourist rooming houses may have an unlit sign no larger than 2 square feet in size.

(2) Conditional uses are:

- (a) Home occupations, subject to the following:
 - 1. The home occupation shall be conducted only by residents of the dwelling unit and shall be conducted entirely within the dwelling unit.
 - 2. There shall be no outdoor storage or display of equipment, materials, or articles offered for sale.
 - 3. There shall be no articles offered for sale on the premises except such as is directly produced by the home occupation.

4. There shall be no mechanical equipment used other than such as is permissible for purely domestic purposes.
 5. There shall be no signage associated with the home occupation, except for one wall sign not to exceed four square feet and not illuminated.
 6. A home occupation which meets the criteria listed in subsections 1 through 5, and, in addition, contains no signage, has no retail sales, and has no stock in trade kept or sold, and in which the clients do not generally visit the premises, shall be permitted and shall not require a permit.
 7. Only vehicles of a type ordinarily used for conventional passenger transportation, i.e. passenger automobile or vans and pickup trucks not exceeding a payload capacity of one ton, shall be used in conjunction with a home occupation, except that not more than one commercial vehicle may be authorized by the city plan commission as part of the conditional use permit. The use of any public right-of-way for the parking or storage of any commercial vehicles or trailers associated with a home occupation is prohibited.
- (b) Reserved.
 - (c) Public museums and libraries.
 - (d) Art galleries.
 - (e) Public utilities.
 - (f) Bed and breakfast establishments, provided the facilities are licensed by the department of health and social services.
 - (g) Community living arrangements, except as regulated in § 62.23(7)(i), Wis. Stats., and provided, however that the 2,500-foot distance described in § 62.23(7)(i)2r.a., Wis. Stats., shall not apply.

(Ord. No. 961-1195, § 3, 11-7-95; Ord. No. 1092-0303, § 1, 3-18-03; Ord. No. 1099-0603, § 1, 6-17-03; Ord. No. 1144-0305, § 1, 3-15-05; Ord. No. 1315-0316, § 2, 3-1-16)

20.14 - Use regulations for C-1 district.

The C-1 district is intended to provide commercial areas outside of the central business district. Permitted uses shall be general commercial uses as well as those commercial uses which are oriented to the highway user or which require greater space.

(1) Permitted uses are:

- (a) Any use listed as a permitted use in the R-1 district, except single-family dwellings.
- (b) Post offices.
- (c) Parking lots.
- (d) Banks.
- (e) Professional offices.
- (f) Medical, dental, and veterinarian clinics.
- (g) Hotels and motels and conference facilities.
- (h) Theaters, bowling alleys and other indoor places of amusement.
- (i) Restaurants and taverns.
- (j) Funeral homes.

- (k) Customer service establishments.
- (l) Bus depots.
- (m) General retail establishments.
- (n) Libraries, museums, and art galleries.
- (o) Tourist information centers.
- (p) Child day care facilities, provided the facility is licensed by the department of health and social services.
- (q) Gasoline service stations.
- (r) Automobile repair establishments.
- (s) Automobile, recreational vehicle, or farm implement sales lots.
- (t) Commercial storage facilities.
- (u) Lumber and building supply yards.
- (v) Charitable institutions, rest homes, and clubs or lodges.
- (w) Bed and breakfast establishments, provided the facility is licensed by the Wisconsin Department of Health and Social Services.
- (x) Boardinghouses and lodging houses.

(2) Conditional uses are:

- (a) Communication towers.
- (b) Colleges and vocational schools.
- (c) Public utilities.
- (d) Multiple-family dwellings.
- (e) Community living arrangements, except as regulated in § 62.23(7)(i), Wis. Stats., and provided, however, that the 2,500-foot distance described in § 62.23(7)(i)2r.a., Wis. Stats., shall not apply.
- (f) Hospitals.
- (g) Water related uses such as marinas, launch ramps, charter boating or fishing and ferry terminals.
- (h) Commercial establishments with drive-through facilities.
- (i) Public garages, shops or storage yards.
- (j) Outdoor recreation facilities such as golf courses, shooting ranges, and outdoor theaters.
- (k) Animal shelters and pounds.
- (l) Commercial housing facilities.
- (m) Residential use, when incorporated into a multiuse building and using not more than 50 percent of the available floor area.

(Ord. No. 961-1195, § 3, 11-7-95; Ord. No. 1099-0603, § 3, 6-17-03; Ord. No. 1118-0104, § 3, 1-6-04; Ord. No. 1144-0305, § 3, 3-15-05; Ord. No. 1207-0608, § 1, 6-17-08)

20.15 - Use regulations for C-2 district.

The C-2 district is intended for the central business district on both the east and west sides of the city. It is intended to provide development and redevelopment opportunities consistent with the historic development pattern of the areas. Targeted uses shall be those commercial uses which do not detract from this area because of noise, smoke, odors, or disruption of traffic patterns.

(1) Permitted uses are:

- (a) Any use listed as a permitted use in the C-1 district, except gasoline service stations; automobile repair establishments; automobile, recreational vehicle or farm implement sales lots; commercial storage facilities; and lumber and building supply yards.
- (b) Residential use, provided such use covers not more than 50 percent of the combined floor area of all principal buildings within the lot.

(2) Conditional uses are:

- (a) Communication towers.
- (b) Colleges and vocational schools.
- (c) Public utilities.
- (d) Multiple-family dwellings.
- (e) Community living arrangements, except as regulated in § 62.23(7)(i), Wis. Stats., and provided, however, that the 2,500-foot distance described in § 62.23(7)(i)2r.a., Wis. Stats., shall not apply.
- (f) Hospitals.
- (g) Water-related uses such as marinas, launch ramps, charter boating or fishing and ferry terminals.
- (h) Gasoline service stations.
- (i) Automobile repair establishments.
- (j) Automobile or recreational vehicle sales lots.
- (k) Commercial establishments with drive-through facilities.
- (l) Bed and breakfast establishments, provided the facility is licensed by the Wisconsin Department of Health and Social Services.
- (m) Commercial housing facilities.

(Ord. No. 961-1195, § 3, 11-7-95; Ord. No. 1099-0603, § 4, 6-17-03; Ord. No. 1118-0104, § 4, 1-6-04; Ord. No. 1144-0305, § 4, 3-15-05; Ord. No. 1277-0612, § 1, 6-19-12)

20.175 - Use regulations for C-5 district.

The C-5 district is intended for areas of the city where residential properties are converting to commercial uses or vice versa, especially areas where it is desired to maintain the existing buildings or architectural character of the neighborhood. It is also intended for areas of the city where a continued mixture of residential and commercial uses are desirable. The uses permitted are those uses which are generally compatible in areas with a combination of both residential and commercial properties.

(1) Permitted uses are:

- (a) Single-family dwellings established within an existing building, including repairs/reconstruction of such dwellings and additions up to 50 percent of the original floor area.
- (b) Two-family dwellings established within an existing building, including repairs/reconstruction of such dwellings and additions up to 50 percent of the original floor area.
- (c) Any use listed as a permitted use in the C-2 district, except bus depots and those uses listed separately as conditional uses under subsection (2). Such uses shall only occupy an existing building or occupy a new building with a building footprint not exceeding 3,000 square feet.

(2) Conditional uses are:

- (a) New single-family dwellings.
- (b) New two-family dwellings.
- (c) Additions to existing dwellings that exceed 50 percent of the original floor area.
- (d) Multiple-family dwellings.
- (e) Uses listed under subsection (1)(c) that are located within a new building with a building footprint that is 3,000 square feet or larger.
- (f) Restaurants and taverns.
- (g) Hotels and motels.
- (h) Parking lots.
- (i) Rest homes.
- (j) Community living arrangements, except as regulated in § 62.23(7)(i), Wis. Stats., and provided, however that the 2,500-foot distance described in § 62.23(7)(i)2r.a., Wis. Stats., shall not apply.
- (k) Public utilities.
- (l) Massage parlors.
- (m) Liquor stores.
- (n) Payday lending institutions.
- (o) Pawn shops.
- (p) Accessory dwelling units, subject to the requirements set forth in section 20.10(2)(c).

(Ord. No. 1174-0906, § 2, 9-20-06; Ord. No. 1355-0219, § 5, 2-19-19)