

AGENDA
CITY OF STURGEON BAY
CITY PLAN COMMISSION
Tuesday, October 6, 2020
5:00 p.m.
City Council Chambers
421 Michigan Street, Sturgeon Bay, WI

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.

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
Jeff Norland
Mark Holey
Dennis Statz
Debbie Kiedrowski

10/01/20
3:30 p.m.
CN

CITY PLAN COMMISSION
Wednesday, September 16, 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, David Ward, Jeff Norland, and Debbie Kiedrowski were present. Excused: Members Dennis Statz and David Hayes. Also present were Alderperson Dan Williams, 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. Norland, seconded by Mr. Statz to adopt the following agenda:

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.

All ayes. Carried.

Approval of minutes from August 19, 2020: Moved by Ms. Reeths, seconded by Ms. Kiedrowski to approve the minutes from August 19, 2020. All ayes. Carried.

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

Consideration of: Comprehensive Plan Update: Mayor Ward reminded Commission members that the next step is a joint meeting with the City Council on October 6th. A required public hearing will take place. At that meeting the Plan Commission votes to recommend or not recommend to adopt the Comprehensive Plan to the Council. If recommended, the Council will then decide if they will accept the recommendation.

Mr. Olejniczak stated that the Commission has the opportunity to make more changes to the Plan before the public hearing. A few changes have been made since the last meeting with comments from the Commissioners, along with comments from the Mayor and staff. Some minor editing was done, as well as pictures being switched, changed, and added.

Mr. Olejniczak did a quick review of the Future Land Use Plan and highlighted some areas for consideration. The City does not have a lot of control on the highway corridors outside of town because of no extraterritorial zoning. The areas close to the City are shown as unsewered commercial. But, the rest of the areas along the highway outside of the City are shown as future agricultural even though much of the land is already developed with commercial uses. He questioned whether those portions of the corridor should be changed to unsewered commercial. He was comfortable showing all as agricultural, even though it is unlikely that an existing commercial use suddenly will become an agricultural use.

Mr. Olejniczak then discussed the land on the West Side at the edge of the City limits where it is shown as agricultural. If the City would expand in that direction, that would be the next property to develop. This is a 20-year plan and wondered if it this area should show as a more developed use.

Next, Mr. Olejniczak pointed out the County Highway U corridor, south of the Highway 42-57. It is shown as a planned neighborhood, which is a new designation. In the past plan, the land was proposed for lower density residential. But, the City had development proposals for higher density uses recently. The planned neighborhood classification recommends 6 – 8 dwelling units per residential acre. Since there was neighborhood opposition to apartments in this region in the past, Mr. Olejniczak wanted the Commission to be aware of new land use designation.

Mayor Ward asked if it is planned for Industrial Park expansion. Mr. Olejniczak responded that it is shown in the plan as going east and west, and would pick up a portion of land on Division Road, north of the waste transfer station. It would also include more of the Anderson Farm going to Lansing Avenue.

Mr. Norland stated that the 40 acres on the south side of Neenah Avenue where the Ahnapee Trail goes through would be ideal for recreational. It would make a great campground.

Mr. Olejniczak pointed out that the West Side School redevelopment project is off the table. There may be another proposal in the future. The land use plan shows this area as downtown mixed-use. It is currently zoned residential.

In response to a question from Ms. Reeths, Mr. Olejniczak described how the land use plan envisions swapping land to square off Cherry Blossom Park.

Mr. Olejniczak continued to highlight the future land use designations of certain areas. The frontage along Duluth Avenue is shown as neighborhood mixed-use.

The large field next to Target is designated as planned neighborhood. The current plan shows it as either residential or commercial.

On the northern part of Egg Harbor Road, the frontage is shown as commercial. The back side of the north frontage is still shown as agricultural. It is immediately adjacent to the City. He questioned whether such land should be shown as commercial or planned residential as opposed to agriculture.

Mr. Olejniczak also commented on the undeveloped parcel next to Tall Pines Estates. It is shown as planned neighborhood, but it may be better to show as higher density residential in recognition of the apartments that are now there.

It was announced that members should let Mr. Olejniczak know if there are any changes they would like to see, either before or at the public hearing.

Mayor Ward mentioned that at one of the Door County Economic Development meetings, it was talked about possibly joining Bay-Lake Regional Planning Commission. He wondered if there was anything that Bay-Lake could do as far as implementation.

Ms. Reeths asked if there were any thoughts on Sunset School. Mr. Olejniczak responded that it is zoned multi-family residential. The draft land-use plan shows it as higher density residential, likely envisioning some type of apartments. The shape of the lot makes it hard to divide into smaller lots. Maybe reuse of the school building itself could be done.

No action was taken.

Consideration of: Mixed Commercial-Residential (C-5) code text amendments and interpretation: Mr. Olejniczak stated that before the pandemic struck, the City had an application to convert a building on Jefferson Street zoned C-5 into mostly residential, but still have a small portion as an art gallery. It was hard to figure out how to fit that proposal into the permitted uses. When mixing uses on a single parcel, the C-5 district seemed to follow the C-2 (downtown commercial) standards, where you are allowed to have residential up to 50% of the floor area on that parcel. In the C-5 district, it can be up to 100% residential. Ultimately, the staff approved the proposed use. The City Attorney thought it would be best to amend the code and make it clear.

Commission members were asked the following:

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?

Do you want to authorize staff to prepare a zoning code amendment relating to mixed-use buildings and home occupations in C-5?

Commission members agreed with staff's interpretation and to amend the code and bring back to a future meeting.

Adjourn: Moved by Mr. Norland, seconded by Mr. Holey to adjourn. All ayes. Carried. Meeting adjourned at 6:51 p.m.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Cheryl Nault". The signature is written in a cursive, flowing style.

Cheryl Nault
Community Development Secretary



MEMO

To: Plan Commission
From: Christopher Sullivan-Robinson & Marty Olejniczak
Date: October 6, 2020
Subject: Rezoning from C-2 to I-2 for Fincantieri Bay Shipbuilding

Request: Fincantieri Bay Shipbuilding is petitioning the City of Sturgeon Bay to rezone the follow parcels from C-2 (Central Business District) to I-2 (Heavy Industrial): parcel #281-10-85340109B; 281-10-85371001R; 281-10-35371301R; 281-10-85371401; 281-10-85360101C.

Attachment 1 illustrates the area to be rezoned. This includes the former Railroad Depot property, former Red Oak Winery / Peninsula Plaza property, and two properties currently used as Fincantieri's parking area off of N 3rd Ave.

Rezoning Process: The first step for a zoning map amendment is the initial presentation to the Plan Commission. The applicant gets to explain the need or desire for the change in zoning classification, answer questions, and get the issue into the public awareness prior to a hearing. This is meant to be an informal discussion and no decisions are made at the during this meeting. However, this is the time for the Commissioners to provide feedback to the applicant prior to proceeding to the public hearing phase. A public hearing is planned for October 21, 2020. After the hearing, the Plan Commission makes a recommendation to the Council and the Council approves or rejects the rezoning.

Surrounding Area: Toward the north, west, and south is additional shipyard property, which is zoned heavy industrial. Toward the east is single-family residential and central business district. Below of the definitions for these zones

Single Family Residential (R-2) - This district is intended to provide a pleasant, safe, and quiet neighborhood environment free from traffic hazards, incompatible land uses, or public annoyance for primarily single-family residential development, but at slightly higher density than the R-1 district.

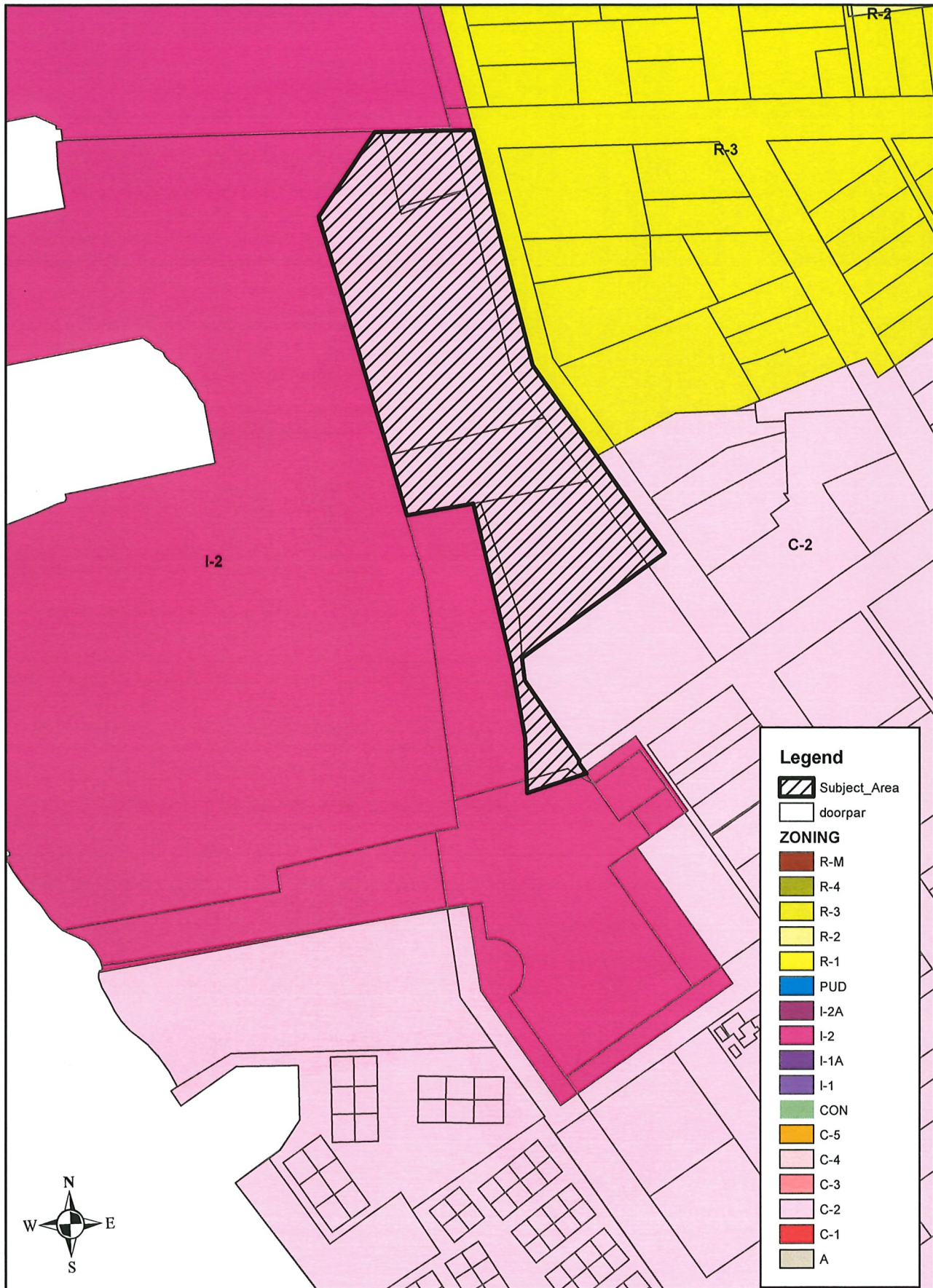
Central Business District (C-2) - This district is intended for the central business district on both the east and west sides of the city. It is intended to provide development and redevelopment opportunities consistent with the historic development pattern of the areas. Targeted uses shall be those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

Heavy Industrial (I-2) - This district reserves land for all uses permitted in the I-1 district plus certain businesses that require the use of unlimited outdoor storage and production yards and involve the use of heavy outdoor equipment and machinery.

Comprehensive Plan: As depicted in Attachment 2, there are two different future land use designations for the subject area. The area outlined in blue is planned to have a future use of Industrial. The current use and proposal zoning change is consistent with the Comprehensive Plan. The area outlined in green is planned to have a future land use of Downtown Mixed Use. The comprehensive plan has maintained this future land use likely due to the former uses of these properties which have acted as buffers / transitional uses from the industrial area. Depending on the future use of those parcels (e.g. office, parking, manufacturing) the rezoning might not be consistent with the Plan. Please note that the land use designations are the same under both the current Comp Plan and proposed new Comp Plan.

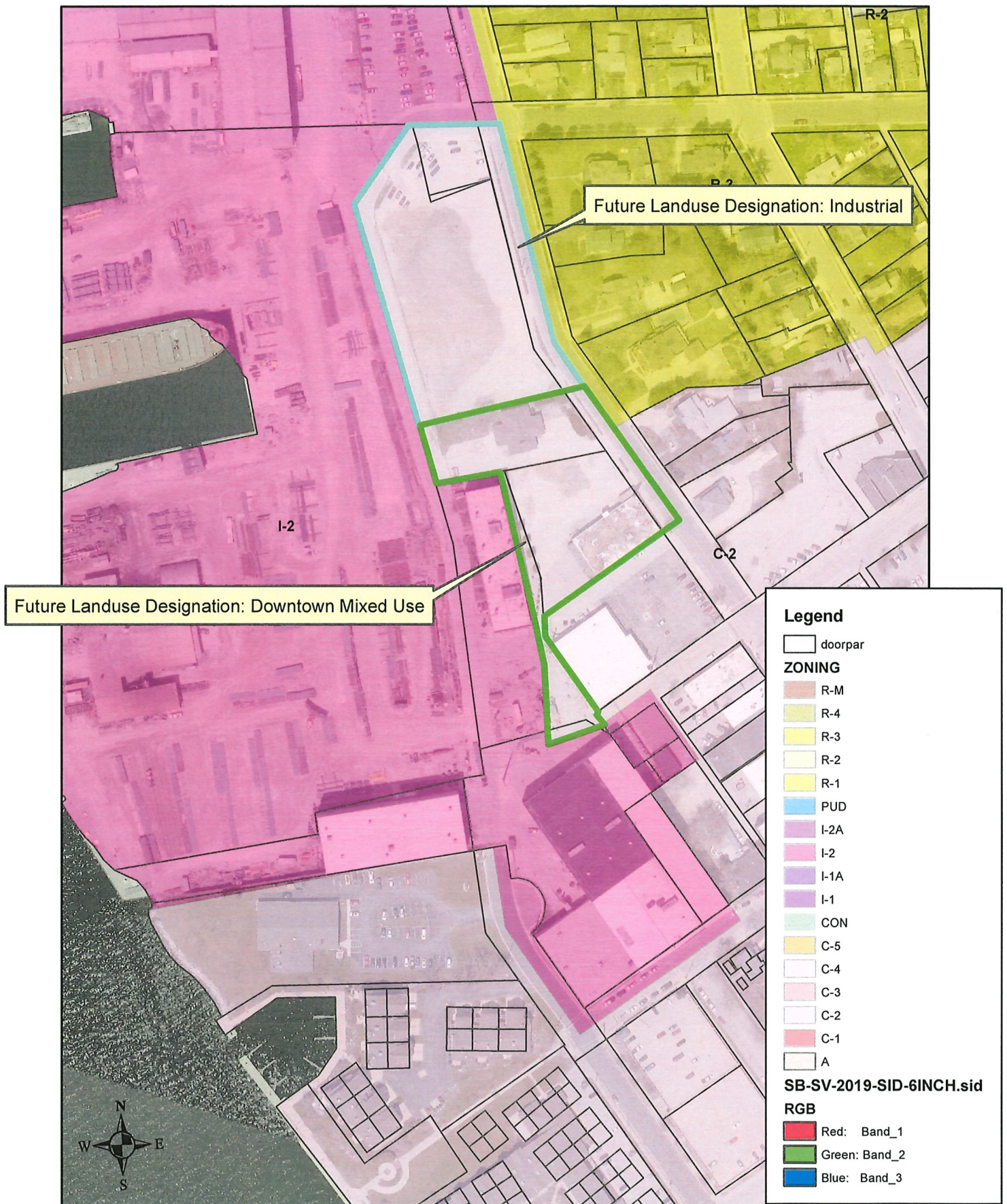
Zoning Issues: If this area is to be rezoned, the two buildings located at 325 and 341 N 3rd Ave would become non-conforming due not meeting minimum setback requirements of the I-2 zoning district. These buildings are currently vacant.

Fincantieri Rezoning - Site Map

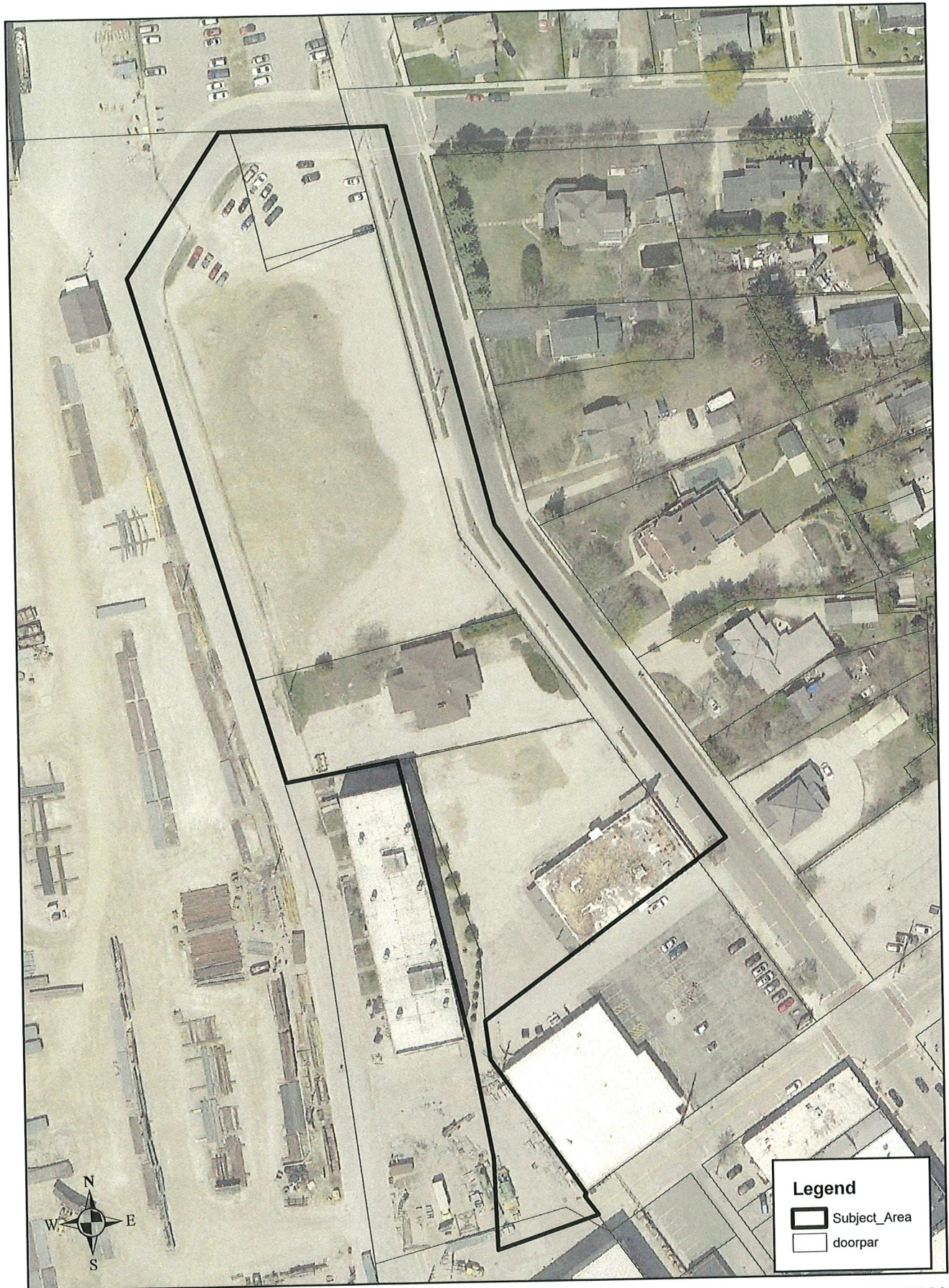


Date: 9/29/2020

Fincantieri Rezoning - Site Map



Fincantieri Rezoning - Site Map



FINCANTIERI

BAY SHIPBUILDING

October 1, 2020

Sturgeon Bay Common Council
421 Michigan Street
Sturgeon Bay, WI 54235

VIA EMAIL

RE: Request to Amend Current I-2 Zoning in Properties Owned by Fincantieri Bay Shipbuilding

Dear Mayor Ward and Common Council,

As you may be aware, Fincantieri Bay Shipbuilding (FBS) submitted a variance application to the Zoning Board of Appeals (ZBA) on July 29, 2020 requesting variances to both height and property line setbacks on both an existing building (B420) and a new building to be constructed (B433). The need for these variances were laid out in the application and reiterated at the August 25, 2020 ZBA meeting.

To summarize, Fincantieri Marinette Marine, a sister company of FBS, has been awarded a Navy contract to build multimission guided-missile frigates. FBS will be performing work for this program, resulting in the need to not only increase its workforce, but also its facilities. The terms of the Navy contract require more shipbuilding to be completed indoors, which will require upgrades and expansions to its buildings. As shipbuilding has evolved over the years, the need to modernize is evident in the past variance approvals granted by the ZBA to the very same B420 in question, whose current height and location have successfully undergone this same process in the past while under ownership of Palmer Johnson Yachts. The current ZBA understood this need and unanimously granted the request from FBS, as did the Aesthetic Design and Site Plan Review Board.

We understand that the Common Council can amend the current I-2 zoning code, which covers the properties in question. Such an amendment would avoid delays and still allow the intent of the ZBA to be upheld.

Therefore, we respectfully request that the Common Council take action to amend the height and setback restriction on the referenced property consistent with what has already been unanimously approved by the ZBA.

Sincerely,



Todd Thaysse
Vice President and General Manager

FINCANTIERI MARINE GROUP, LLC
Bay Shipbuilding
605 North Third Avenue, P.O. Box 830
Sturgeon Bay, Wisconsin 54235

P. 920-743-5224
F. 920-743-2371
www.fincantierimarinegroup.com

Date Received: NA
Fee Paid: \$ NA
Received By: _____

CITY OF STURGEON BAY ZONING/REZONING APPLICATION

	APPLICANT/AGENT	LEGAL PROPERTY OWNER
Name	Peter Glasen	
Company	Fincantieri Bay Shipbuilding	
Street Address	605 N 3rd Ave	
City/State/Zip	Sturgeon Bay WI 54235	
Daytime Telephone No.	920-746-3269	
Fax No.		

STREET ADDRESS OF SUBJECT PROPERTY: 605 N 3RD AVE
Location If not assigned a common address: _____

TAX PARCEL NUMBER: 281-10-85340109B, 281-10-85371001R, 281-10-85371301R,
281-10-85371401, 281-10-85360101C

CURRENT ZONING CLASSIFICATION: I-2 (Industrial) / C-2 (Central Business District)

CURRENT USE AND IMPROVEMENTS: 50' x 220' Metal Building

ZONING DISTRICT REQUESTED: I-2

COMPREHENSIVE PLAN DESIGNATION OF SUBJECT PROPERTY: I-2 / C-2

PROPOSED USE OF SURROUNDING PROPERTY UNDER COMPREHENSIVE PLAN:
North: I-2
South: I-2, C-2
East: C-2, I-2
West: I-2

Past Variances Granted:

1. 281-10-85340109B
 - a. 273 N 1st Ave
 - i. 2020 – Setback and Height Variance
 - ii. 2008 – Sign Variance
 - iii. 2007 – Setback and Height Variance
 - b. 225 Jefferson St
 - i. 2006 – New Building
 - c. 218 Kentucky St
 - i. 2006 – Street yard and Height Variance
2. 281-10-85371001 – N/A
3. 281-10-85371301
 - a. 1988 – SP. EX. – Caboose as permanent structure
 - b. 1992 – Use Caboose as Santa's Workshop
4. 281-10-85371401 – N/A
5. 2811085360101C – N/A

Description - Parcel to be Rezoned:

A parcel of land being Lot 1 (less that portion of Lot 1 dedicated to the public for North 1st Avenue) of C.S.M. Number 3049, recorded at Volume 18, Page 285 of Certified Survey Maps as Document Number 799772, and portions of Blocks 34, 36, and 37 of the Assessor's Map of the City of Sturgeon Bay, and Moeller's Plat, all in Government Lot 4 of Section 6, Township 27 North, Range 26 East, City of Sturgeon Bay, Door County, Wisconsin. More particularly described as follows:

Commencing at the SE corner of Lot 1 of said C.S.M. Number 3049, said corner being on the northerly right of way line of Kentucky Street and the point of beginning of lands to be described; thence S. 56°41'31" W., 275.00 feet along said northerly right of way line of Kentucky Street to the intersection of said northerly right of way line and the easterly right of way line of North 1st Avenue; thence along said easterly right of way line as follows: N. 33°18'29" W., 141.54 feet; thence Northerly, 124.45 feet along the arc of a 45.00 foot radius curve to the left whose chord bears N. 18°42'12" W., 88.41 feet (incl. < = 158°27'07"); thence N. 05°39'33" W., 52.09 feet to a point where said easterly right of way terminates; thence S. 82°43'46" W., 50.67 feet along the northerly terminus of North 1st Avenue to the westerly right of way line North 1st Avenue; thence continue S. 82°43'46" W., 487.50 feet to a 1" found steel pipe on a meander line; thence continue S. 82°43'46" W., 8 feet +/- to the approximate ordinary highwater mark of Sturgeon Bay; thence Northerly, 4,430 feet +/- along said approximate ordinary highwater mark; thence N. 88°52'50" E., 64 feet +/- to a point on a meander line, said point being N. 23°43'43" W., 1632.21 feet along said meander line from the aforementioned 1" found steel pipe on said meander line; thence continue N. 88°52'50" E., 1108.30 feet to the westerly right of way line of North 3rd Avenue; thence along said westerly right of way line as follows: S. 12°19'10" E., 701.47 feet; thence S. 33°16'04" E., 345.28 feet to the SE corner of Lot 1 of Moeller's Plat; thence leaving said westerly right of way line, S. 56°50'31" W., 225.22 feet along the southerly line of said Lot 1 of Moeller's Plat to the easterly line of Lot 1 of the aforementioned C.S.M. Number 3049; thence along said easterly line as follows: S. 01°40'02" E., 32.67 feet; thence S. 33°06'53" E., 140.84 feet to the northerly right of way line of Jefferson Street; thence S. 56°50'31" W., 2.85 feet along said northerly right of way line to a point where said northerly right of way terminates; thence S. 33°09'29" E., 40.00 feet along the westerly terminus of Jefferson Street to the southerly right of way line of Jefferson Street; thence N. 56°50'31" E., 84.00 feet along said southerly right of way line to the westerly line of a 12 foot alley; thence S. 33°26'58" E., 65.01 feet along said alley; thence S. 56°41'32" W., 58.51 feet; thence S. 33°26'59" E., 43.51 feet; thence S. 56°41'31" W., 25.00 feet; thence S. 33°26'58" E., 210.03 feet to the point of beginning.

Said parcel contains 1,489,898 square feet +/- (34.20 acres +/-) together with all riparian rights appurtenant thereto. Said parcel is subject to all easements of record.

Zoning Code Amendments Relating to the Height and Areas Regulations in the I-2/I-2A Districts

A. HEIGHT EXEMPTION IN THE HEAVY INDUSTRIAL DISTRICTS

The following is a potential amendment that would allow new buildings in the I-2/I-2A districts to be taller than the current 45-foot building height limit provided such new buildings are located 300 feet or more away from residential districts.

Create section 20.27(4)(c) as follows:

- (c) Buildings located in the I-2/I-2A Heavy Industrial districts may exceed the maximum building height, provided the building is located at least 300 feet from the boundary of a residential zoning district, which shall include the R-1, R-2, R-3, R-4, and R-M districts and shall also include the PUD district if the underlying zoning classification is one of the aforementioned districts.

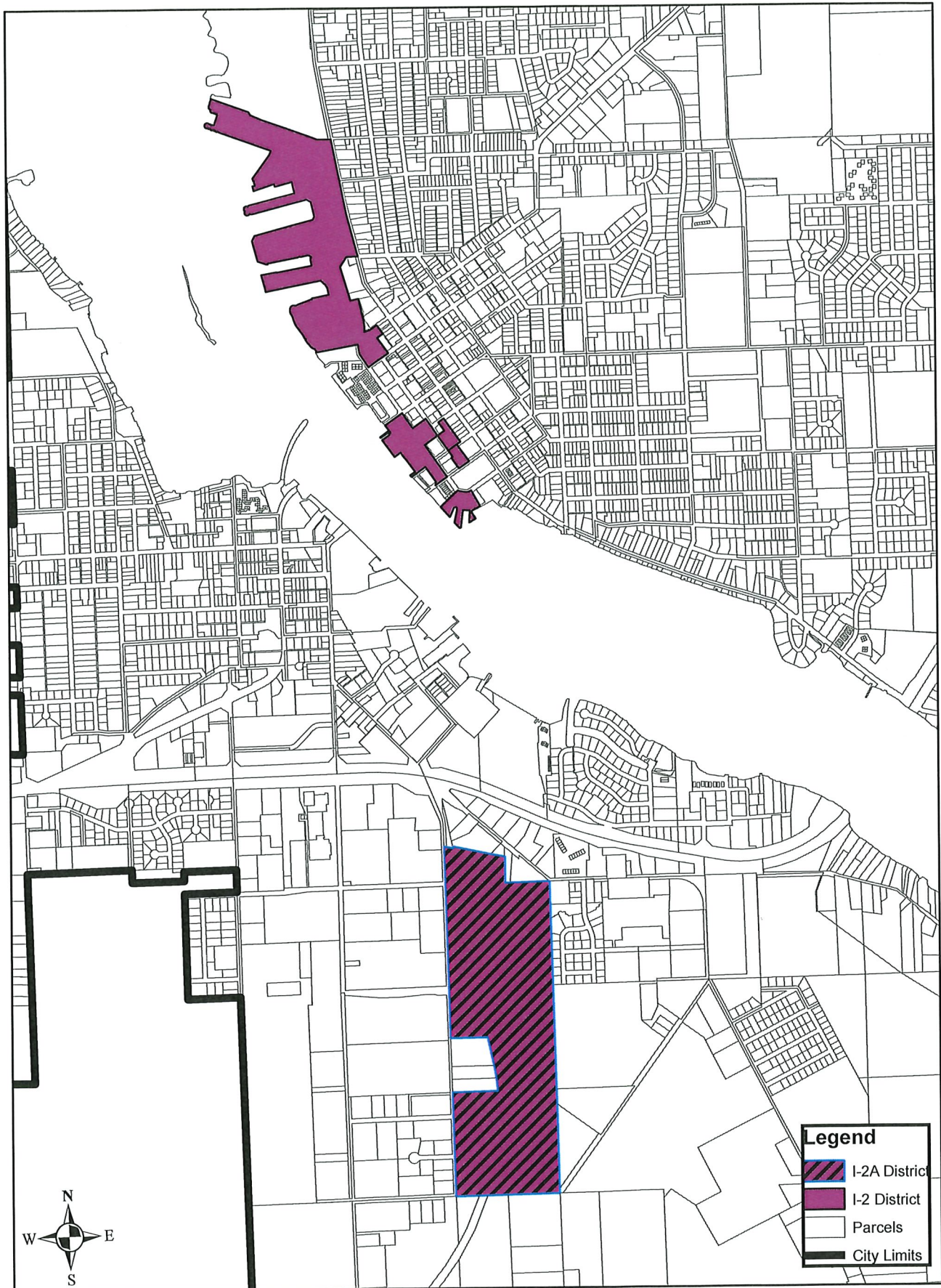
B. SIDE YARD EXEMPTION IN THE HEAVY INDUSTRIAL DISTRICTS

The following is a potential amendment that would allow existing buildings in the I-2/I-2A districts that are closer to the side lot line than the currently required 20-foot minimum side yard to be expanded by using the current side yard distance as the required minimum side yard for the expansion.

Create section 20.27(3)(f) as follows:

- (f) Within the I-2/I-2A Heavy Industrial districts, the minimum side yard for any existing building with a side yard that is less than the minimum side yard required in subsection (2) shall be equal to the existing side yard. The intent is this provision is to allow existing buildings to be extended provided the addition is no closer to the side lot line than the existing building.

I-2 / I-2A Zoning Districts



Date: 10/1/2020