

AGENDA
CITY OF STURGEON BAY
CITY PLAN COMMISSION
Wednesday, January 16, 2019
6:00 p.m.
Council Chambers, City Hall
421 Michigan Street

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from December 19, 2018.
4. Consideration of: Conceptual Planned Unit Development (PUD) for Aaron Hilpiper, for property located at 709 Jefferson Street.
5. Consideration of: Zoning text amendments regarding accessory building setbacks.
6. Consideration of: Memorial Drive zoning restrictions and pedestrian access.
7. Public comment on non-agenda Plan Commission related items.
8. 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:

Dennis Statz
Steven Hurley
Jeff Norland
Laurel Hauser
Mike Gilson

CITY PLAN COMMISSION
Wednesday, December 19, 2018

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

Roll Call: Members Jeff Norland, Dennis Statz, Mike Gilson, and Laurel Hauser were present. Excused: Member Steven Hurley. Also present were Community Development Director Marty Olejniczak, Planner/Zoning Administrator Chris Sullivan-Robinson, and Community Development Secretary Cheryl Nault.

Adoption of the Agenda: Moved by Ms. Hauser, seconded by Mr. Norland to adopt the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from October 17, 2018.
4. Consideration of: Zoning text amendment related to building height exemption for Historic-designated structures.
5. Consideration of: Zoning text amendment regarding accessory building setbacks and height codes.
6. Consideration of: Zoning code amendments for accessory dwelling units.
7. Public comment on non-agenda Plan Commission related items.
8. Adjourn.

Carried.

Approval of minutes from October 17, 2018: Moved by Mr. Gilson, seconded by Ms. Hauser to approve the minutes from October 17, 2018. All ayes. Carried.

Consideration of: Zoning text amendment related to building height exemption for historic-designated structures: Mr. Olejniczak stated that this was referred from Council to review a potential height exemption for historic structures. The maximum height in a Residential district is 35 feet and is 45 feet in the Commercial, Industrial and Agricultural districts. This ordinance exempts the current height of historic structures from the zoning height code with any increases in height to be reviewed by the Historic Preservation Commission.

Mr. Sullivan-Robinson explained that nonconforming structures have the ability to meet code, apply for a variance, or in some situations apply for a Planned Unit Development (PUD).

Mr. Gilson commented that this item really pertains to one building. It will probably never come to Plan Commission again. It doesn't make sense to change the zoning code for one building.

Mr. Norland recalled the only time height was discussed was for the Maritime Museum, which is not a historic building. He believed that it should be left alone.

Mr. Olejniczak stated that the safest thing in regard to the moving the granary back to its original location would be to get a variance, a PUD or code change.

Discussion continued. Moved by Mr. Gilson, seconded by Mr. Norland to recommend to Council to not adopt a code change regarding building height exemption for historic-designated structures.

Mr. Statz stated that this seems like a solution looking for a problem.

A vote was taken on the motion. Motion failed with Mr. Norland and Mr. Gilson voting aye and

Ms. Hauser and Mr. Statz voting no.

Consideration of: Zoning text amendment regarding accessory building setbacks and height codes: Mr. Sullivan-Robinson stated that the Plan Commission had previously reviewed both of these items. The height code had been revised and approved by Plan Commission to allow a maximum building height of 14 feet to 16 feet. It was recommended to Council, but was the consensus not to send it for approval until accessory building setbacks were reviewed. A draft ordinance had been written based on lot widths greater than or less than 100 feet wide. Lots that are less than 100 feet wide would have a 5-foot side yard and 6-foot rear yard. Lots that are or exceed 100 feet wide would have an increased setback of a 10-foot side yard and 10-foot rear yard.

Mr. Sullivan-Robinson handed out a map of all lots in the City that were greater than 100 feet wide, which contained an accessory building and if they would meet the requirements under the new code if adopted. There are 77 structures that would be conforming under the new code and 75 that would be non-conforming.

Mr. Olejniczak added that an accessory structure that is 100 square-feet or under does not need a building permit, but would still require a setback of 3 feet. For any structure over 100 square-feet a permit is required, with a setback of 5 feet on the side and 6 feet on the rear.

Mr. Gilson stated that a 10-foot setback is nothing on a larger lot.

Mr. Norland biggest concern would be a house with a single car garage at a 5-foot setback and wants to increase the size of his garage.

Mr. Statz said again this is a solution looking for a problem. He thought that maybe using a 120-foot or 125-foot lot width with a 10-foot setback may be a better number.

Ms. Hauser was inclined not to change anything or find out if there is a number that would eliminate a good portion of the non-conforming lots.

Mr. Olejniczak mentioned that referring to the map, there are some neighborhoods that have private covenants, such as a 10-foot setback for accessory structures.

It was the consensus of the Commission to come back to the next meeting using a 120 or 125-foot lot width instead of 100 feet.

Consideration of: Zoning code amendments for accessory dwelling units: Mr. Olejniczak stated that this was tabled from the last meeting in order to get more insight from the City Attorney in regard to the recent statutory change on regulating short-term rentals (tourist rooming houses). You can no longer restrict the short-term rentals of the accessory dwelling units. Before it was a 30-day minimum consecutive day rental period. It has now changed to 7 days. In addition, you can now regulate between 7-29 days for half the year. If the code was adopted as currently drafted and an accessory dwelling unit got approved, it could not be rented by the day. It could be rented by the week for half the year and by the month or longer for the rest of the year. According to the City Attorney, it is highly unlikely that the rule will change.

The other potential change that was previously discussed was the rule regarding the principal unit or accessory unit has to be the permanent resident of the property owner. It was also discussed that maybe it could be the property owner or family of the property owner and what the definition of family was.

Mr. Gilson stated that he was not in favor of the 7-day rule. It is just like a tourist rooming house. If allowed, there should be a different way of applying for that such as a variance and to give the neighbors a chance for input.

Mr. Olejniczak responded that this would be a conditional use and would give neighbors the chance to testify.

Ms. Hauser is in favor of the accessory dwelling units. She said the hotels are concerned regarding Air B & B's. ADU's are owner occupied and not just lodging houses. She feels it should be given a try.

Mr. Norland stated that the R-1 district should not be included. People that buy property in the R-1 district want single-family. He was not in favor of ADU's. He felt that even in R-2 it would be opening Pandora's Box and will be difficult to close.

Ms. Hauser wanted everyone to stay open-minded. She suggested starting with R-2 and take another look at it down the road. She had looked at other communities who have done this and it is worth trying.

Moved by Ms. Hauser, seconded by Mr. Statz to recommend to Council approval of the zoning code amendments for accessory dwelling units, but to specifically apply to the R-2 zoning district.

Ms. Hauser amended the motion, seconded by Mr. Statz to exclude the R-1 zoning district.

Ms. Hauser said she strongly felt that the person that owns the property and pays the taxes should be the person that lives on the property.

Discussion continued in regard to the property being in a trust or if the children of the owner of the property lived in one of the dwellings.

Moved by Ms. Hauser, seconded by Mr. Statz to amend the motion and recommend to Council approval of the zoning code amendments for accessory dwelling units excluding the R-1 (Single-Family Residential) zoning district and that the property owner of record reside in the main unit or accessory dwelling unit.

A vote was taken on the final amended motion. Motion carried, with Ms. Hauser, Mr. Statz, and Mr. Gilson voting aye and Mr. Norland voting no.

Public comment on non-agenda Plan Commission related items: Shawn Fairchild, 311 Pennsylvania Street, stated that historic preservation is very important in our community. It is not an easy thing to go through getting something on the historic register. Making a code to protect the granary is not uncommon. The granary is on the national registry. In this situation, you are singling out the building. It is significant and 70 feet tall.

Adjourn: Moved by Mr. Norland, seconded by Mr. Gilson to adjourn. All ayes. Carried. Meeting adjourned at 7:07 p.m.

Respectfully Submitted,



Cheryl Nault
Community Development/Building Inspection Secretary



4.

MEMO

To: Plan Commission
From: Christopher Sullivan-Robinson
Date: January 7, 2019
Subject: Conceptual PUD for Aaron Hilpipre; Property 709 Jefferson St

The subject property is located as the northeast corner of Jefferson St and 7th Ave. It was recently rezoned to C-5 (mixed commercial and residential) as part of the Jefferson Street rezoning that occurred in 2016. The property contains two primary structures with a mix of 4-units of multiple-family residential and a commercial space.

The applicant purchased this property at the beginning of 2018 and has converted the commercial space into two residential units (totaling 6-units). The desired use would be long-term and short-term residential. Current zoning allows multiple-family residential as a conditional use, however density (12.4 units/acre or 3500sqft/unit) would not allow more than 3 units. Thus, the only options would be to apply for a variance or apply for a planned unit development (PUD). After review by staff and legal counsel the best option was to go through the PUD process

The Jefferson Street corridor has always been known for its mix of commercial and residential uses. The previous zoning classification left the area with a lot of nonconforming uses. Historically, property owners would change between commercial and residential uses, which can't occur without meeting certain commercial/residential requirements. Thus, the City rezoned that corridor to C-5 to allow more flexibility for the existing uses.

The first step in the PUD process is a conceptual review, which occurs as an informal discussion with the Plan Commission. This step allows for the applicant to provide an overview of the project and for the Plan Commission to provide constructive feedback in order to proceed to preliminary review. There is no action required from the Plan Commission during conceptual review.

Aaron Hilpipre has requested to follow the combined preliminary/final PUD procedure for the next phases of the PUD process. Within our PUD code this is permitted, but requires approval of the Plan Commission at the time of conceptual review. Hence, a decision is needed from the Commission at this meeting.

CITY OF STURGEON BAY PLANNED UNIT DEVELOPMENT APPLICATION

Date Received: <u>1-3-19</u>
Fee Paid \$ <u>6,477.00</u>
Received By: <u>CN</u>

Application For: Conceptual Preliminary Final Combined Preliminary/Final
 Note: There are different requirements for each of the above processes. A separate application is required for each.

NAME OF PROPOSED PLANNED UNIT DEVELOPMENT: _____		
	APPLICANT/AGENT	LEGAL PROPERTY OWNER
Name	<u>Aaron Hilpipre</u>	
Company		
Street Address	<u>1211 FOX RIVER DR</u>	
City/State/Zip	<u>DEPERE WI 54115</u>	
Daytime Telephone No.	<u>920 360 1065</u>	
Fax No.		
STREET ADDRESS(es) OF SUBJECT PROPERTY: <u>709 JEFFERSON ST / 226-228 N 7TH Ave</u> Location if not assigned a common address: _____		
TAX PARCEL NUMBER(s): <u>281-62-25002202</u>		
AREA OF SUBJECT PROPERTY AND NO. OF LOTS: <u>.25 acres (10,890 sqft)</u>		
CURRENT ZONING CLASSIFICATION: <u>C-5</u>		
CURRENT USE AND IMPROVEMENTS: <u>Apartment, COMMERCIAL</u>		
COMPREHENSIVE PLAN DESIGNATION OF SUBJECT PROPERTY: <u>TRANSITIONAL COMMERCIAL</u>		
WOULD APPROVAL OF THE PROPOSED PLANNED UNIT DEVELOPMENT CONFORM WITH THE COMPREHENSIVE PLAN? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Explain: <u>TRANSITIONAL ZONES CAN BE USED FOR COMMERCIAL, RESIDENTIAL, OR A MIXED USE.</u>		

PLEASE IDENTIFY SPECIFIC PROPOSED LAND USES. USES MUST IDENTIFY AND CORRESPOND TO A PARTICULAR LOT, LOCATION, BUILDING, ETC. ALLOWANCE OF MAX 6 RESIDENTIAL UNITS TOTAL WITHIN TWO EXISTING BUILDING ON THIS PROPERTY ALLOWANCE OF SHORT AND LONG TERM RENTAL CAPABILITY; UTILIZE EXISTING LOT LAYOUT ALLOWANCE OF COMMERCIAL USE ON FIRST FLOOR OF LARGER BUILDING

CURRENT USE AND ZONING OF ADJACENT SURROUNDING PROPERTIES:

North: RESIDENTIAL
 South: RESIDENTIAL
 East: COMMERCIAL
 West: COMMERCIAL

COMPREHENSIVE PLAN DESIGNATION OF ADJACENT SURROUNDING LAND USES:

North: TRANSITIONAL COMMERCIAL
 South: SINGLE FAMILY RESIDENTIAL
 East: TRANSITIONAL COMMERCIAL
 West: TRANSITIONAL COMMERCIAL

IS ANY VARIANCE FROM COMPREHENSIVE PLAN, SUBDIVISION ORDINANCE, OR ZONING ORDINANCE BEING REQUESTED? If yes, describe:

MULTI-FAMILY DENSITY 20.27(2) / MULTIPLE PRINCIPLE USES COVERED
UNDA PUD REGULATIONS

HAVE THERE BEEN ANY VARIANCES, CONDITIONAL USE PERMITS, ETC. GRANTED PREVIOUSLY FOR THIS PROPERTY? NO IF YES, EXPLAIN: _____

Attach an 11" X 17" detailed site plan (if site plan is larger than 8-1/2" x 11", also include 20 copies folded to 8-1/2" X 11"), full legal description (preferably on disk), location map with site boundaries marked, proof of ownership, and Agreement for Reimbursement of expenses. Site or plot plan shall include dimensions of property, structures, building elevations, proposed site improvements, signature of person who drew plan, etc.

Aaron Hilgipre
 Property Owner (Print Name)

[Signature]
 Signature

12/10/18
 Date

Applicant/Agent (Print Name)

Signature

Date

I, _____, have attended a review meeting with at least one member of staff and understand that I am responsible for sign placement and following all stages listed on the check list in regard to the applicant.

Date of review meeting _____ Applicant Signature _____ Staff Signature _____

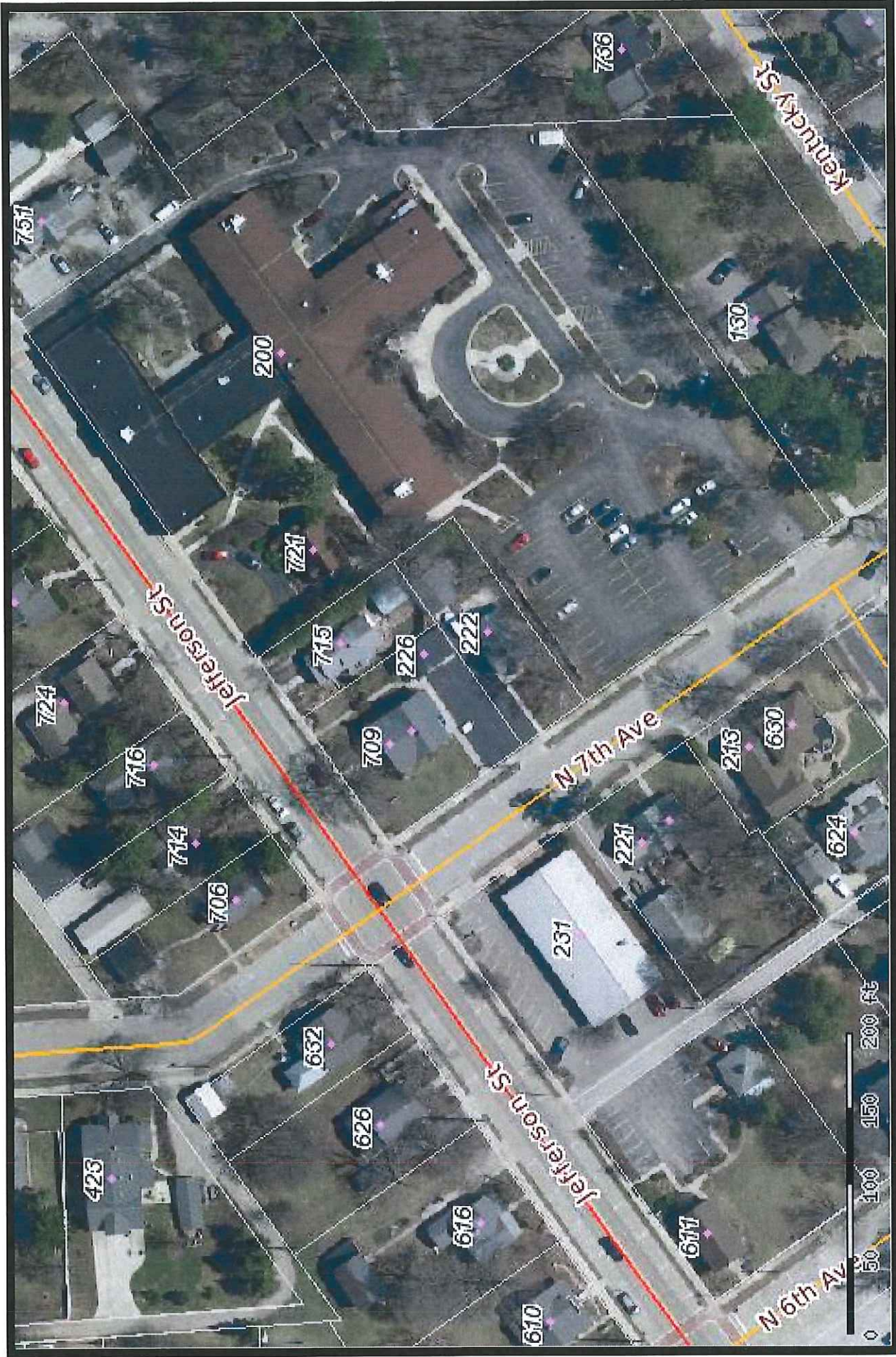
Map

Printed 12/03/2018 courtesy of Door County Land Information Office

... from the Web Map of ...
(<http://www.co.door.wi.gov>)



Door County, Wisconsin
... for all seasons!



Door County can not and does not make any representation regarding the accuracy or completeness, nor the error-free nature, of information depicted on this map. This information is provided to users "as is". The user of this information assumes any and all risks associated with this information. Door County makes no warranty or representation, either express or implied, as to the accuracy, completeness, or fitness for a particular purpose of this information. The Web Map is only a compilation of information and is NOT to be considered a legally recorded map or a legal land survey to be relied upon.

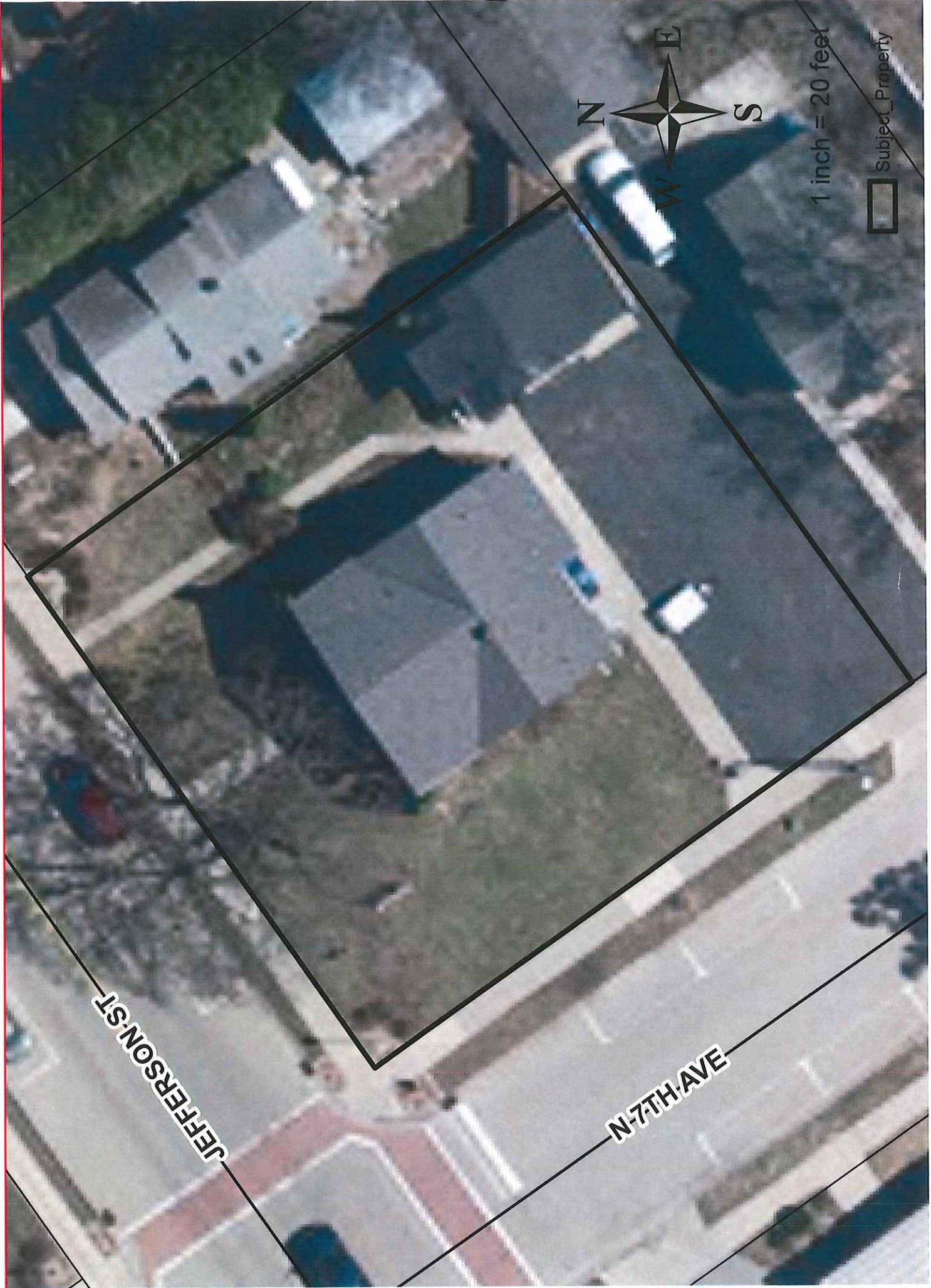


UNIT 1



UNIT 1

Hilpipre's PUD



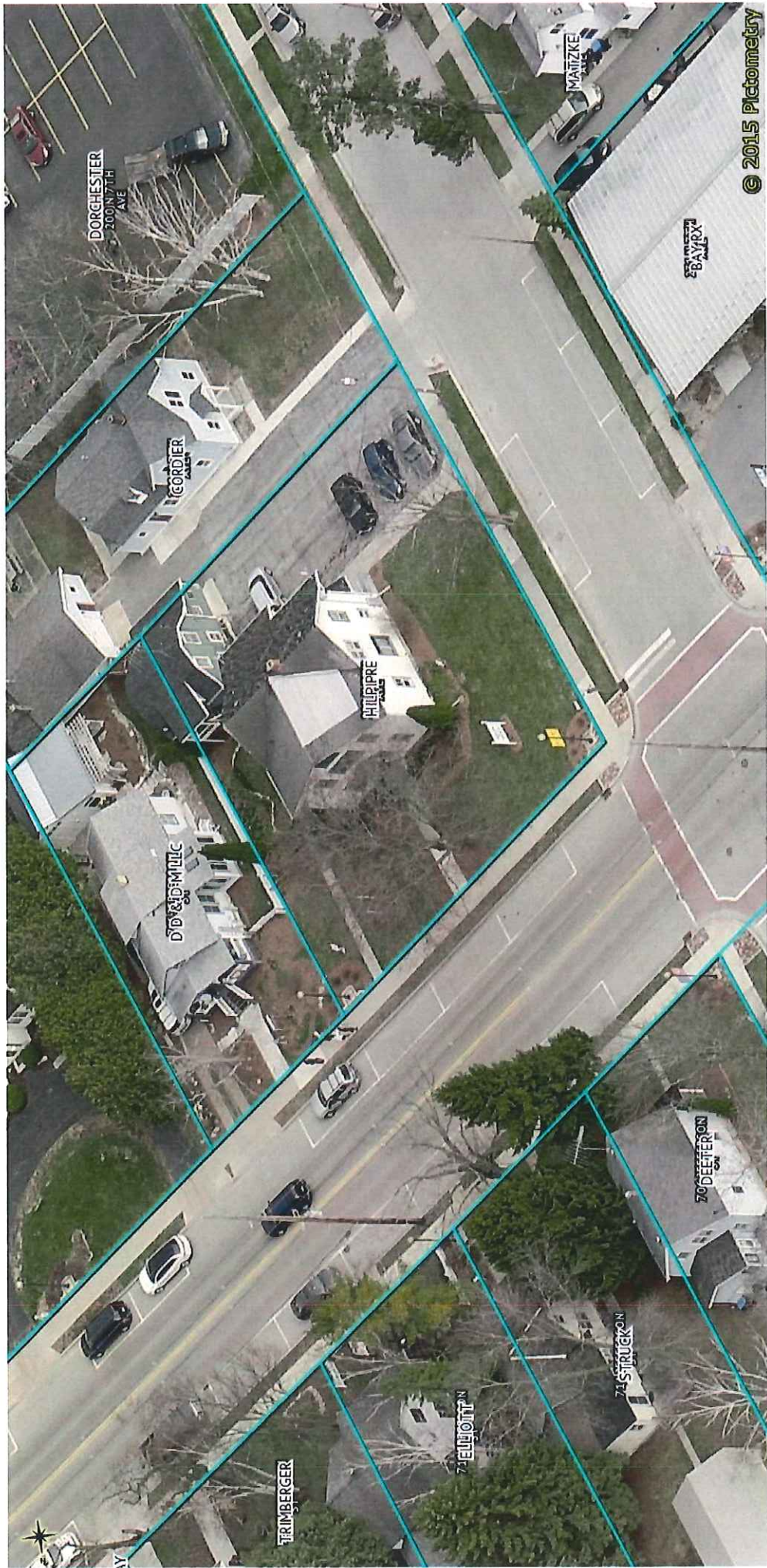
JEFFERSON ST

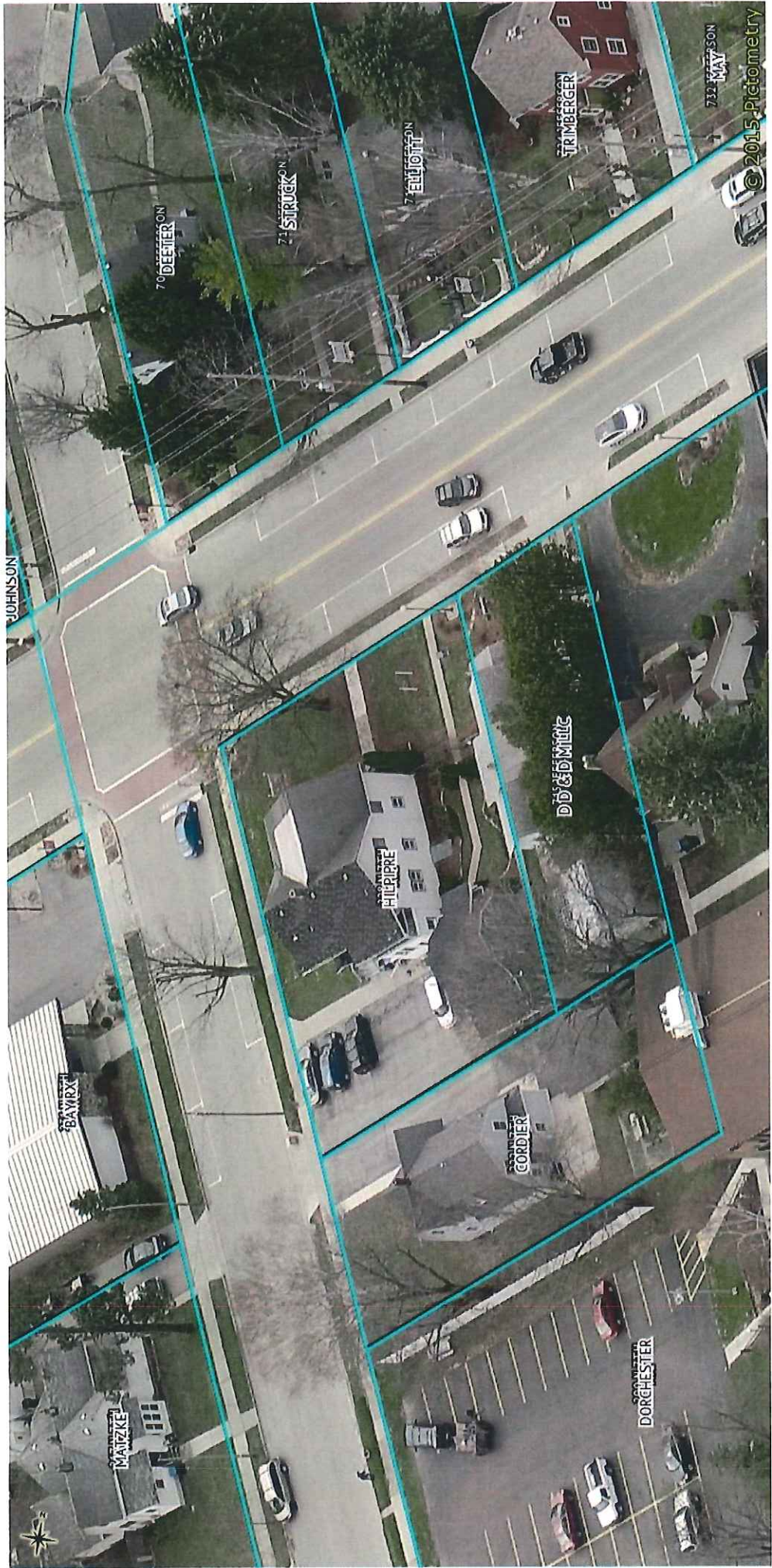
N-7TH AVE



1 inch = 20 feet

Subject_Property





Google Maps 222 N 7th Ave



Image capture: Aug 2013 © 2019 Google

Sturgeon Bay, Wisconsin



Street View - Aug 2013



Christopher Sullivan-Robinson
Planner/Zoning Administrator
421 Michigan Street
Sturgeon Bay, WI 54235



Phone: 920-746-2907
Fax: 920-746-2905
E-mail: csullivan-robinson@sturgeonbaywi.org
Website: www.sturgeonbaywi.org

MEMO

To: Plan Commission
From: Christopher Sullivan-Robinson
Date: January 8, 2019
Subject: Zoning Code Text Amendment Regarding Accessory Building Setbacks

At previous Plan Commission meetings, it was the belief that accessory building setback should be based off of lot width. Staff drafted a code, which stated any accessory building on residential lots greater than 100 feet wide would have a 10 foot side yard and rear yard setback. Staff did a quick review on GIS to see roughly how homes with lots greater than 100 feet would be affected by this draft code. After further review, the Commission members believed that 100 feet was not the right number, so Staff did some basic calculations with the dataset collected. The median is 135 feet and the average is 142 feet. In your packet is a revised draft based median number of the data set which is 135 feet. Your packet also includes the data set.

The Commission has the option to approve the draft code with the revised lot width, make additional changes, or deny it.

Draft Ordinance

20.29 - Accessory building height and area regulations—Single-family dwellings and two-family dwellings.

Accessory building regulations, for single-family dwellings and two-family dwellings, shall be as follows:

- (1) *Height.* The height of an accessory building shall not exceed 14 feet, measured from the finished grade to the highest point of the roof, unless all of the following conditions are met:
 - (a) In cases where the construction of the accessory building's roof pitch and side walls match that of the principal building, then the maximum building height shall not exceed 24 feet and the eave side walls shall not exceed 14 feet.
 - (b) The overall building height may equal, but not exceed, the height of the principal building.
 - (c) The maximum height of the eave sidewall shall not exceed ten feet on structures 1,000 square feet or less and structures more than 1,000 square feet shall be limited to 16 feet.
- (2) *Street yard.* There shall be a minimum setback from the street right-of-way line of 25 feet. In addition, except on waterfront lots abutting the waters of Sturgeon Bay, an accessory building shall be located no closer than the principal building to the street at its nearest point, except when the principal building is more than 60 feet from the street, the accessory building minimum setback shall be 60 feet.
- ~~(3) *Side yard.* There shall be a minimum side yard of five feet, except on the street side of a corner lot the minimum side yard shall be the same as required for the principal building.~~
- ~~(4) *Rear yard.* There shall be a minimum rear yard of six feet, except that, when the rear yard abuts a street, the minimum rear yard shall be the same as required for the principal building.~~

(3) Side and rear yard setback as follows:

Accessory Building Setbacks		
Lot Width	Side Yard Setback	Rear Yard Setback
<135'	5'	6'
≥135'	10'	10'

- (a) *Exceptions.* On the street side of a corner lot the minimum side and rear yard shall be the same as required for the principle dwelling.
- (4) *Total area.* Accessory buildings shall not occupy more than one-third of the required area for the rear yard.

- (5) *Floor area.* The total floor area of all accessory buildings shall not exceed 1,000 square feet for single-family dwellings or 1,200 square feet for two-family dwellings or three percent of the land area, whichever is greater, to a maximum of 2,000 square feet. If upper floors are constructed within the accessory building, the floor area of the upper floors shall be included in the calculation of square footage of floor area.
- (6) *Number permitted.* There shall be a maximum of two accessory buildings permitted on the same lot.
- (7) *Separation.* An accessory building shall be located no closer than five feet to the principal building.

Lot Width Analysis

Created Nonconforming (ft)

110	164
100	120
100	101
125	192
144	115
126	100
112	136
170	101
220	100
133	292
125	125
268	117
247	102
213	146
105	170
177	150
150	185
150	187
100	129
168	158
113	157
158	131
151	130
151	178
140	<u>178</u>

107
100
142
140
100
101
100
111
100
135
131
113
124
196
152
180
149
100
149

<u>MODE</u>	<u>100</u>
<u>MEDIAN</u>	<u>135</u>
<u>AVERAGE</u>	<u>142.7536</u>

Christopher Sullivan-Robinson
Planner/Zoning Administrator
421 Michigan Street
Sturgeon Bay, WI 54235



Phone: 920-746-2907
Fax: 920-746-2905
E-mail: csullivan-robinson@sturgeonbaywi.org
Website: www.sturgeonbaywi.org

MEMO

To: Plan Commission
From: Christopher Sullivan-Robinson & Martin Olejniczak
Date: January 11, 2019
Subject: Memorial Drive Zoning Restrictions & Pedestrian Access

Alderwoman Catarozoli requested that an agenda item relating to Memorial Drive be added to a Plan Commission meeting. It is our understanding that she specifically wants the Plan Commission to consider whether the zoning code restrictions pertaining to the stretch of Memorial Drive from 8th Ave to 15th Ave should be looked at again; and also whether a pedestrian or multi-modal path along the water-side of Memorial Drive should be planned.

Attached is a site map showing the subject area, which is the section of land roughly between 8th Ave and Utopia Circle. The site is approximately 3000ft running along the water-side of Memorial Drive.

These properties are privately owned and restricted by section 20.33 of zoning code. The property owners aren't allowed to construct buildings and there are limits on landscaping. Currently, the use of the property is for scenic purposes only, with physical use restricted to property owners and guests. In addition to the zoning restrictions there are recorded easements from the 1930's governing this strip of land. The zoning restrictions were last considered in 2007. At that time, a group of property owners met with City Staff and some potential changes were drafted. But ultimately, the consensus at that time was to make no changes to the code and the matter was dropped.

The potential specific type of pedestrian access requested to be considered would be a multi-modal path, which allows walking and biking ideally. But other means of improving walking or biking along Memorial Drive could be looked at as well. A sidewalk already exists on the north side of Memorial Drive, which connects to downtown, but ends a short distance east of 12th Avenue. Thus, there are a few properties that aren't connected to the existing sidewalk system.

Due to the easements being recorded long ago, it is somewhat unclear what rights and responsibilities the City has in regard to this land. Based upon initial review by the city attorney, it appears that the City should construct a path on the waterside. If the City decides to pursue such path, additional legal review would be undertaken.

Therefore, this item is on the agenda to see if the Plan Commission wants to pursue either aspect of this issue.

Memorial Drive Pedestrian Access

- City Sidewalks
- Incomplete Sidewalk Connection
- Proposed Waterfront Path

