

Approved: January 24, 2017

**TOWN OF GIBRALTAR
PLAN COMMISSION
TUESDAY, NOVEMBER 29, 2016
GIBRALTAR TOWN CENTER
7:00 P.M.**

Call to order: The regular meeting of the Gibraltar Plan Commission was called to order at 7:00P.M. by Linda Merline, chairman.

Roll Call/Quorum: Merline stated that a quorum of the Commission was present. Members present: Linda Merline, Brian Hackbarth, Tom Blackwood, Wendy Minten, and James DeGroot.

Proper Notice: Motion: *(Hackbarth/Minten) to adopt the agenda as posted. Carried*

Approve Minutes of Previous Meetings:

Motion: (Hackbarth/Minten) to table the minutes of the October 25, 2016 meeting. Carried.

Public Comment: None

Petition for Zoning Amendment – Peninsula Gun Club (parcel #014-01-09302744A&44C) to rezone from Heartland-5 to Countryside-5:

Linda Merline opened the hearing and explained the procedures

Anthony Bryzek and Mark Richard were present, representing Peninsula Gun Club. The club has been around since 1957 and has been operating under a conditional use permit. The club is a non-conforming use in HL-5. If the zoning were changed to CS-5, the club would be a conforming use, via a conditional use permit. They have been advised by Rick Brauer to request the rezoning. The club purchased 20 acres to the west about 12 years ago to create a buffer. They are looking to make improvements that would make the gun club safer for the neighbors. Request is to uniform zoning with the use of the property. It would remedy stray bullets. They would utilize the combined 40-acre parcel centrally, maintaining the buffer.

Testimony in Support: None

Testimony in Opposition:

Nona Sievert asked if the skeet range was relocated, how would the buffer be guaranteed. Merline explained the need for a conditional use. The buffer requirements could become one of the conditions. Barb McKesson, asked if consultants were being used in regards to construction. Bryzek stated there are guidelines to follow.

Jim Smith, Pinkert Law Firm, representing adjacent property owner. Presented aerial map showing proximity to neighbor and lack of trees on the gun club property, would assume more clearing would be needed. The comprehensive plan intends for the area to remain wooded. He highlighted 3 concerns to not support the variance.

1. Spot Zoning

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2. Certain uses permitted in CS5 not compatible to residential use
3. Rezoning would not be consistent with Comprehensive Plan

Smith reviewed the considerations in evaluating rezoning and land uses in the Town of Gibraltar. The use of the gun club is not compatible to the character of the neighborhood and will adversely affect the neighbors.

Chris Zimmerman, owns property directly west. In opposition due to the elimination of the buffer. Has concerns regarding safety. His residence is less than 100 ft from the west property line. Typical range of a shotgun is 200-300 yards. Says the gun club is managed improperly. No supervision of what is being used on the rifle area. The recommended berm is 12 ft high. The new structure being built is elevated above that grade. He addressed environmental issues due to the lead and proximity to the wetlands. He is concerned that property values will decrease and sound buffering will be reduced.

Hackbarth asked if the opposition was for both parcels.

Cy Turnblad , 3672 Juddville Rd., stated the intensity of the shooting has increased over the years. The club is unmanaged. Shooting after hours and early mornings. He suggested the private club should be gated and kept more secure.

Rebuttal in Support:

Hackbarth asked if there were any rules regarding shooting on private property.

State Statute for gun club hours is 6 am to 11 pm. The club's hours are 9 am to dark and were set based on complaints by neighbors.

Mark Richards said the club is looking into a camera system to monitor the property.

Rebuttal in Opposition: Chris Zimmerman, stated the noise is loud enough to be awoken. People are not following the rules and using the club before and after posted hours.

Cy Turnblad, asked Mark Richards how the camera system would work.

Correspondence in Opposition Received:

Frank Sterner

Denise Elfe

Leslie Potter & Julie Grant

John & Denise Potter

Merline Closed the Public Hearing

The Commission discussed the petition. Blackwood stated, enough of a case has been made for spot zoning. Merline gave an explanation on the difference between heartland and countryside zoning districts. Heartland is meant to be more restrictive and kept rural/residential. It is spot zoning and doesn't agree with the Comprehensive Plan. Minten stated the gun club has existed prior to zoning and making it safer will benefit the community. Hackbarth thinks that parcel may have been overlooked during rezoning.

*Motion: (Blackwood/DeGroot) to recommend to not support the petition for rezoning. Carried.
Hackbarth and Minten opposed.*

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Petition for Zoning Amendment – Jeff Stangel on behalf of Donn Dresselhuys (parcel # 014-02-35312733A2) to rezone from Heartland-5 to Neighborhood Residential:

Linda Merline opened the hearing and explained the procedures (1:54)

Donn Dresselhuys, 8877 Gibraltar Bluff Rd. presented his design and plan to create seasonal housing on a limited low density basis. He is requests to rezone a 3.5-acre parcel from Heartland-5 to Neighborhood Residential. If property is rezoned, the petitioners will submit a Conditional Use Permit application to establish a Multiple Occupancy Development (MOD). The MOD will consist of 12 two bedroom units. Mr. Dresselhuys stated how it would benefit the community.

Testimony in Support:

Brian Sieberlich, 3520 Cty Rd F., spoke in support. There is need for seasonal housing.

Testimony in Opposition:

Michael Mitterman, 3355 Cty Rd F. It is spot zoning and out of character with the neighborhood. Military stockade on 3.5 acres. Concerned about the transient nature of residents.

Walter Rasner, 3356 Cty Rd F, Was the original owner of the property. 3.5 acres is too small for that many dwellings.

Dennis Kaldor, 9218 Rasner Way, stated that this is high density for 3.5 acres. Out of character with the rest of the neighborhood. It is important to maintain consistency for land utilization within residential neighborhoods.

Rebuttal in Support: Mr. Dresselhuys, stated engineers are designing the land for proper drainage. The location is close to other commercial areas.

Mary Enroth, Hidden Harbor spoke in support.

Rebuttal in Opposition:

Mitterman, stated lighting and traffic will be an issue.

Andrea Kinsey, asked how the owners could guarantee for good behavior.

Dresselhuys stated, they will be operated as a condominium with an owners association. Rules will be enforced.

Tony Fiorato asked how to limit to employer use.

Walter Rasner, inquired about the holding and propane tanks. Concerned about renter's guests and overcrowding. Too close to neighboring properties, no buffer.

Merline explained the conditional use process. Buffers could become a requirement and lighting could be specified

Dennis Kaldor, admires the intent of the project but it doesn't fit the area.

Correspondence Received in Opposition:

Barbara Rasner

Sarah McCoy

Richard Rasner

Naomi Issa

Walter Rasner

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Michael & Lauren Mitterman
Douglas and Doris Ohnesorge

Merline closed the public hearing.

The Commission discussed the petition. Merline stated this is also spot zoning and gave background information regarding general commercial at Cty A and F. That intersection was seen as a possibility for future growth, therefore zoned GC. Neighborhood residential applies mainly to condominium complexes and none are in that area. Minten is opposed and referenced land use from the Comp Plan.

Blackwood stated, the Plan states we should support seasonal, affordable housing.

DeGroot also agrees that it is spot zoning.

Hackbarth is concerned about consistency. The Town voted to rezone an area for Northern Sky.

Motion: (Minten/DeGroot) to recommend to the Town Board to not support the petition for rezoning.

Carried.

**Goal 10: Gather Information/Make a Recommendation on Town vs. County Zoning –
Consideration of Recommendations to the Town Board:**

Kufrin reviewed the last year's building permits and anticipates 60-80 zoning considerations per year. Depending on how aggressive the Town wants to be on enforcement, calculates about an hour per week for zoning administration. He also discussed:

- A section of the Gibraltar overlay needs to be cleaned up.
- Development agreements would need to be created, based on design standards.
- Legal liabilities would need to be considered. Insurance does cover some legal expenses.

Merline presented 3 categories for discussion to make a recommendation to the Town Board.

1. Pursuit of separation from County Zoning
2. Pursuit of the Improvement of the Service the County Provides to the Town in Regards to Zoning
3. Pursuit of the Improvement of the Services the Plan Commission Provides to the Town.

Blackwood and Merline stated the County should get a chance to improve services before separating. Kufrin explained, if we view the recent Shoreland Zoning changes as a comprehensive revision, the Town would have 1 year from the date it was adopted, to act on separating. It was suggested to send a letter recognizing the Comprehensive Revision to the County, take the year to plan for separating and give the County the year to make improvements.

Legal Counsel should be utilized to create a strategy.

The Towns of Liberty Grove and Jacksonport would be interested in a joint effort to also separate from county zoning.

DeGroot had to leave the meeting at 11:33 pm.

Motion: (Hackbarth/ Minten) to recommend to the Town Board pursuing separation from county zoning within 12 months of the Comprehensive revision, and during the interim to pursue improved services from the County. Carried

Need to have a follow-up conversation to determine minimum requirements. Possibly an earlier meeting in December, prior to the Town Board's special meeting mid month.

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Committee Reports:

Chair- No Report

Town Board Update – No report

Surface and Groundwater – No report

Update on Parks and Lands/ Bike Pedestrian Plan – No report

Attainable Housing – No report

Maps – No report

Set the Next Meeting Date: TBD

Adjourn: *Motion: (Blackwood/Minten) to adjourn at 11:43 P.M. Carried*

Respectfully Submitted,

Kelly Murre,
Deputy Clerk