

**TOWN OF GIBRALTAR
PLAN COMMISSION
THURSDAY, DECEMBER 20, 2007
7:00 P.M.
GIBRALTAR TOWN CENTER**

Call to order: The regular meeting of the Gibraltar Plan Commission was called to order at 7:02 p.m. by Tom Birmingham, chairman.

Members present: Tom Birmingham, David Boyd, Andy Coulson, Linda Merline and Jim Jauquet

Approve minutes of last meeting: *It was moved by Boyd and seconded by Merline to approve the minutes as presented. Motion carried unanimously.*

Open discussion and correspondence: No correspondence had been received. Coulson spoke with Rick Brauer, Door County Planning regarding the Cotter case. Coulson asked about options that are available when presented with a case such as the Cotter's. The Commission would have the option of not offering a conditional use permit as well. Some commissioners felt there was misunderstanding about what could be done. Birmingham agreed that the option did exist to oppose. Birmingham stated the Commission is now being noticed of the Board of Adjustment and Resource Plan Committee hearings and a representative should be present at the hearings to represent the Town Board's decision. Coulson will represent the Town Board at the January 3rd hearing on the Cotter permit.

Jauquet would like to discuss website changes at the next meeting.

Petition for grant of variance: Fish Creek, LLC c/o James Schneider, Parcel # 014-39-1505A and 014-39-1501A Propose: To reconstruct the facility known as the Fish Creek Motel Building as described in the Door County Zoning Permit: Birmingham read Addendum A which detailed the variances requested. Tom Birmingham explained the procedure for the hearing. Attorney Jim Smith of Pinkert Law Firm represented Jim Schneider - Fish Creek, LLC.

Attorney Smith understood in speaking with Mr. Schneider, Bob Martin and Rick Brauer is that currently there are 37 bedrooms throughout the buildings located on the property. After the entire property is redone, it is Mr. Schneider's intent to continue remodeling the remaining structures pending the granting of this permit, the number of bedrooms will be reduced to 22-24 bedrooms. Attorney Smith was told by Rick Brauer that if Mr. Schneider is looking at redoing the entire project then the entire property should be looked at as a multiple occupancy development. Smith detailed the number of anticipated rooms in each building. Smith read the definition of commercial center zoning. The zoning reflects a strong desire to have transient lodging. Mr. Schneider took out a permit to repair and essentially reconstruct the existing structure. More reconstruction than repair was done by the contractor, therefore the request for the variances. Attorney Smith cited the comprehensive plan's reasoning for the transient lodging versus changing the property to condominiums. Smith stated granting of the variance will not be detrimental to the area. The density is intensive but being substantially reduced and aligns more closely with the ordinance. Redevelopment of the property would allow 3 duplexes as opposed to the current use. There was no intention on Mr. Schneider's part to violate the ordinance, but due to mold and rot on the structure a more intensive reconstruction was needed.

Birmingham questioned why the mold and rot issues were not brought to zoning administrators attention first. Smith did not know. Birmingham stated the walls could have been rebuilt.

Coulson asked if the reduction of bedrooms were part of the plan from the beginning and if so what assurances are there for the balance of the reduction in the bedrooms when the project is only going on in part. Attorney Smith replied that the number of bedrooms were suggested after the fact and that conditions could be attached to the variances. Attorney Smith had been told by Brauer that the project could not be dealt with one building at a time but as a whole. Attorney Smith stated that if the variances were granted a conditional use permit would also be required. There are no cottage plans available at this time as Mr. Schneider wanted to do the project piecemeal. The number of bedrooms per building is listed on the site plan but the plan does not detail the renovations for each building. Bobby Martin stated the parking shown on the site plan is incorrect.

Birmingham stated that because the ordinance was violated the entire property has to conform as an MOD. All that is to be considered is the rebuilding of the motel with the connected zoning challenges for the entire property as an MOD. There is nothing to be considered of the future phases as a variance. The alternative would be to bring the variance that contained the entire plan for the property and buildings. Birmingham reread the petition and it did not say anything about the other buildings. Coulson stated that when the property lost its conforming status the entire property needed to be brought into conformance.

No other testimony was given in favor of the petition.

No testimony was given in opposition to the petition.

No additional correspondence was received in support.

No correspondence was received in opposition to the petition.

Commission discussion included:

- Confusion as to it being a partial or complete project
- Confusion if looking only at the Fish Creek Motel on the property
- Site plan with erroneous parking
- Guarantees on the reduction of bedrooms for the project
- Lack of building inspections on the project
- Requesting the variance be withdrawn, amended and then resubmitted as a complete project
- Attorney Smith agreed with Birmingham that dealing with a whole project being more defined was a good idea.

It was moved by Boyd and seconded by Coulson to recommend to the Gibraltar Town Board that it not support the petition as presented pending the amending of the variance petition to include the entire project by Fish Creek, LLC for Parcels # 014-39-1505A and 014-39-1501A. Motion carried unanimously.

Committee reports: Preservation: Boyd reported the Town Board supported the recommended guidelines. Coulson and Boyd are working on guideline notification letters that once approved by the Commission and the Town Chairman will be forwarded to contractors, realtors and architects. The guidelines will also be included on the town website and in the Spring edition of the newsletter. Boyd stated that an emblematic recognition of those who comply was recommended by the Town Chairman.

Ground and surface water protection and official map: Jauquet reported meeting with Foth last week. Mapping will start with stormwater and wetland areas. The preliminary mapping will be ready for review in February 2008.

Lighting: Best practices: Merline stated the best practices would be on January 2nd agenda. Becky Kerwin of Door County Planning spoke with Grant Thomas, Corporation Counsel and confirmed that the county would not enforce this ordinance. Enforcement is a question still waiting to be answered.

Housing: Jauquet stated that at the county level comprehensive plan meetings it was mentioned that one community could handle the housing issue alone.

2008 Implementation goals: Birmingham suggested tabling this item until the next meeting. The Commission agreed.

Set next meeting date: The next meeting is scheduled for January 22, 2008 at 7:00 p.m.

Adjourn: It was moved by Coulson and seconded by Jauquet to adjourn. Motion carried unanimously and the meeting adjourned at 9:09 p.m.

Respectfully submitted,

Beth Hagen, CMC
Deputy Clerk-Treasurer