

TOWN OF GIBRALTAR PLAN COMMISSION
TUESDAY, MARCH 20, 2012
7:00 P.M.
GIBRALTAR TOWN CENTER

Call to order: The regular meeting of the Gibraltar Plan Commission was called to order at 7:06 p.m. by Linda Merline, chairman.

Roll Call/Quorum: Merline stated that a quorum of the Commission was present.
Members present: Linda Merline, Brian Hackbarth, Britt Unkefer and Andy Coulson
Members absent: Tom Blackwood

Proper Notice/Adopt Agenda: Merline confirmed the agenda had been properly noticed. *It was moved by Hackbarth, seconded by Coulson to adopt the agenda as posted. Motion carried.*

Approve minutes of last meeting: *It was moved by Hackbarth, seconded by Unkefer to approve the minutes of February 28, 2012 as amended. Motion carried.*

Petition for Zoning Text Amendments – Resource Planning Committee: Merline detailed the purpose and procedures of the hearing before the Commission.

It was moved by Hackbarth, and seconded by Coulson to remove the discussion from the table. Motion carried.

Merline gave a summary of the RPC text amendments. The County's public hearing will be held on Thursday April 5th.

TA #1: No public comments/concerns

TA #2: No public comments/concerns

TA #3: Hackbarth explains that this amendment is more than a clean-up and is actually a substantial change. Steve Gomol is in opposition of the landscape buffer being removed. It is important to have a landscape buffer. He gave the example of Stella Maris Fish Creek Parish and the potential expansion of the parking lot where a buffer should be required. If the buffer were removed, some residents would have a parking lot in their backyard.

TA #4: No public comments/concerns

TA #5: No public comments/concerns

TA #6: No public comments/concerns

TA #7: No public comments/concerns

TA #8: No public comments/concerns

TA #9: No public comments/concerns

TA #10: No public comments/concerns

TA #11: No public comments/concerns

TA #12: No public comments/concerns

TA #13: No public comments/concerns

TA #14: No public comments/concerns

TA #15: Fine Arts Venue – Merline read the proposal.

In Support – None

Opposed - Terry Bolland- Summertime Restaurant said this is trying to solve a non-existent problem. We have sufficient restaurants to take care of the demand. Hackbarth shared information

that was given at the County meeting, that Mid-Summer Music Festival is looking to build a campus somewhere in the county and the possibility of expansion at the Peninsula Art School. Bolland questions the need for a new category.

Steve Sohns – concerned about location in rural residential areas and the impact to the character of that area. He also addresses the issue of additional signage. It was granted for Peninsula Players and may be needed more often, should this category be created.

TA #16: Community Commercial Kitchen Land Use Category –

In Support - None

Opposed - Terry Bolland in opposition, this amendment lacks control and is not needed. He pointed out that many commercial kitchens are currently not being used, churches for example, have kitchens that could be used and could have the supervision. He also questioned how it would be supervised and regulations enforced

Steve Sohns believes there is a need for it but the way it is currently written has too many holes and lacks control. There needs to be a certified teacher or educator on site.

TA #17: No public comments/concerns

TA #18: No public comments/concerns

Merline closed the public portion of the hearing.

TA #1: No Concern

TA #2: No Concern

TA#3: Unkefer addresses the need for a buffer. Merline states that this change affects only Gibraltar because Gibraltar is the only Town to use Village Commercial. This is one of the differences between commercial center and village commercial. After discussion it is recommended to not include ‘village commercial’ in this amendment.

It is moved by Hackbarth, and seconded by Unkefer to recommend to the town board, it support a modified version that includes in 3.10(2)(a) Village Commercial and strike Village Commercial from the 3.10(2)(a) commentary. Motion carried.

TA #4: No Concern

TA #5: No Concern

TA #6: There should be some limit. Hackbarth agrees that the current limit of two accessory buildings is too restrictive but questions the possibility of an unlimited number. Even though square footage limits the size of the accessory buildings, the possibility of someone having ten small building is still there. It is agreed that a maximum number should be added to the amendment.

It is moved by Coulson, and seconded by Unkefer to recommend to the Town Board, the number of allowable accessory buildings not to exceed 3. Motion carried.

It was moved by Coulson and seconded by Unkefer to recommend support of the balance of the clean-up amendments, excluding the fine arts venue and commercial kitchen amendments. Motion carried.

TA#15 Fine Arts Venue: Hackbarth opposed to a fine arts venue being allowed in Heartland 3.5 zoning. Birch Creek is not in county zoning. Unkefer also opposed. Those interested in building in other zoned areas, should have to ask and get special permission to have zoning changed, for this type of project. Merline states that the County is trying to make their job easier, since there currently isn't a category for this type of venue, other than mixed-use. Hackbarth states that this type of category would be all-inclusive, with meal preparation and lodging. He also stated that student status for the venue can be easily manipulated and that the large lot requirement is subjective and depends on setbacks etc. Coulson also

has concerns: he stated that lodging and food industry facilities meet certain requirements and questions whether a school would have to do the same thing. He states that a for-profit performance venue should meet the same requirements and licensing as any other food and lodging commercial venture. Merline not opposed to food and lodging in this type of venue and understands that camaraderie amongst the students is created. Hackbarth points out that not-for profits are exempt property tax and room tax, allowing this type of venue would remove income from the local economy. He is opposed to this amendment as it is written. Not opposed to campuses but states they should meet the requirements, as any other restaurant and lodging facility. He agrees that not allowing this amendment will make someone ask for a zoning change and meet the requirements. Merline states that we do not want to take a town's means to disallow, but agrees that it has holes.

It is moved by Hackbarth, and seconded by Coulson to recommend to the Town Board to not support this text amendment as written and pass along list of concerns. Motion carried.

but a.)not allow in heartland zoning, b)in zoning areas that are currently zoned for restaurant and lodging.

#16 Community Commercial Kitchens. Coulson is concerned about licensing requirements for commercial kitchens and whether they are supervised by certified or trained individuals. Unkefer is also concerned about certification and safety for the equipment, workplace and consumers; insurance issues and product liability. Merline questions whether we would be opposed to incubator type situation, where the commercial kitchen standards are met and either supervised or used by a certified/licensed individual; individuals with the food service sanitation license? Merline states that this type of facility is a good incubator; we want to promote people to make a living in Door County. Unkefer is opposed to the lack of public safeguards in transporting and canning specifically. Merline asks about the difference between a commercial kitchen and a restaurant. She also questions if the issues at hand are the responsibility of the zoning code or state regulations. Coulson states it is not the responsibility of the Town to police whether the individuals are properly utilizing the facility; that belongs to the state. Hackbarth not opposed to the concept, questions the need, but thinks it should have been researched more. He concludes that we do not want someone to be running a restaurant without the proper restaurant licenses. OK with deleting of the footnote regarding cheese and vegetable processing plant.

It was moved by Coulson and seconded by Unkefer to recommend the town board support of a modified version of the Community Commercial Kitchen text amendment leaving out 4.04(16)(B), requesting that "state licensed" precede establishment in the definition and require a parking definition. Motion carried with Hackbarth opposed.

Petition for Application for Conditional Use – Britt Unkefer Parcel # 014-02-32312711V5 Proposed Use For A Brewery: Unkefer excused himself from the Commission as he is the petitioner for the Conditional Use. Merline detailed the purpose and procedures of hearing before the Commission. Merline stated a conditional use is being petitioned for within the Village Commercial district. Unkefer addressed the questions on the application. He stated the microbrewery could enhance commercial properties in the surrounding area; people seek out microbrew operations, even though his system would not be on display. He stated the goals for his business: to continue to buy locally and possibly support/encourage a local farmer to grow hops, to incubate 1 full-time position and 1 part-time position, and to potentially export his product outside of the area (most likely, not from current location), which could become a draw to the Door County area. He explained that the equipment would be contained within the existing building. He anticipates brewing would take place twice a month and would enhance

the current business. He has received email concerns from neighbors. Going Garbage is their waste removal provider and does not anticipate additional pick-ups. Most of the waste from the brewing operation would be recycled to a local pig farm. He currently has more parking than required and the Fire Department Chief has signed off on the plan. He stated that he is in the Fish Creek Sanitary District #1 and will be utilizing the current fixture and a private well. He has addressed concerns about dust and runoff with rain gardens and rain barrels. He is currently following best practices in regards to lighting. The only up lighting remaining will be on the business sign. He explains, he has always tried to address neighbor concerns and be a good neighbor.

Coulson asks how this particular facility is designed to limit output. Unkefer explains that this is only pilot equipment; if it works, great, if not, easy to remove and resell. Coulson asked about odor emissions. Unkefer explains that they will only be boiling 150 gallons of fluid at a time; only twice a month, the smell, if any will be minimal.

Hackbarth explains he has been in the kitchen facilities. He explains the entire property has always been zoned commercial; the building that was previously residential has now been converted to a commercial building.

In support: Steve Gomol 3994 Rileys Lane. In favor of the project, has met with other neighbors on Riley's Lane and others also have no objection to the proposed project.
Terry Bolland - Summertime Restaurant: Should be given a chance to go on at this level.
Bob Erickson - Door County Realty: Call to the town office. Has no issue with the application.

In opposition: Monica Fogarty 9357 Park Place Villas. Concerned about lighting, glass breaking, loud music, and worried that the micro brewery would significantly increase noise. She states that The Wild Tomato is a growing business.
Dan Fogarty describes the close proximity of the properties, brewery is a good idea but should not be on that property, it is maxed out.
e-mail Brian and Rozan Anderson 9353 Park Place Fish Creek Object to the increase in customers, traffic, noise. They believe a brewery would negatively affect the nature of the customers. They also object to the short notice regarding the scheduled hearing date.
e-mail Jim Kuzma – Opposed to the industrial beverage operation. He is concerned about the noise, dust, dirt, light pollution and traffic; also concerned about the size of the operation in regards to exporting.
e-mail Jeff and Katy Strei – Would like to be supportive but have questions regarding traffic flow, noise, odor and dust.

Rebuttal:

In support: Britt explains, he has done whatever they could to be good neighbors. They are taking measures to fix the lighting issues. He says music has gone both ways. He also explains that the coolers and cooler fans predate the Park Place Villas. They have no intentions to open that area to the public, it will service carryout, not the brewing aspect. The small operation is unimpressive. He also stated that when funding permits the rear parking area will be paved, which would help control dust. He explains the brewing addition could incubate 2 new positions.
Terry Bolland – interested in hearing all the comments.

Opposition: Dan Fogarty will there more waste? More smell? The parcels are very close together. Property is maximized. Unkefer you are trying to capture the moisture, the waste will be

given to local pig farmers and the smell from the brewing will be minimal. The added noise is from the carryout - that is not part of this application it was an over the counter permit.

Merline closed the public portion of the hearing. No more testimony.

Hackbarth explains that this meeting is about the brewery aspect only.

Coulson didn't know there were noise and dust issues prior to the take out being opened. Take out will increase traffic but that is not relevant to the brewery. He understands the neighbors objecting to noise associated with success of the original restaurant. That is the nature of being located next to a commercial property. It is a commercial neighborhood.

Merline states that this area has always been zoned commercial. She sympathizes with the condo owners, but even their property was zone commercial prior to the condominiums being built.

Hackbarth explains that this equipment is the same as any other piece of kitchen equipment.

Merline emphasizes the need for strong local business, it supports our local economy. We must be careful that once he has the conditional use permit that the operation doesn't get too big. The county can attach conditions for example, located only in the building vs. outside vats etc.

Coulson states the amount of traffic would be the same at the restaurant whether the brewing equipment was located on property or not. He asks about the capacity of the 3 barrels. Unkefer states they are 15.5 gallon capacity. The limitation on a brewing operation is the number of fermenters. We would have 2-3 of each: brewing tanks, fermenters and brite tanks. The brewing process takes a day, then sits and ferments for a month, then to the brite tanks for final process. We would like 9 tanks total. Ours cannot go outside of the building due to the flood plain.

Hackbarth suggest that we require Unkefer to obtain the necessary licensing. Not to be expanded beyond 9 tanks with all tanks inside the building.

It was moved by Hackbarth seconded by Coulson to recommend the town board support Britt Unkefer's Petition for Conditional Use with the following conditions: 1) all permits and licenses for alcohol will be obtained prior to operation begins 2) the operation will not be expanded at this location beyond 9 tanks with all tanks to be located in the building. Motion carried.

8:34 p.m. Unkefer returned to the Commission.

Public Parking Plan:

Coulson presented the parking plan from Baudhuin. 93 cars, 60+ boat trailer lots. He will ask Steve Parent to attend the April meeting. Coulson will contact Parent.

Committee Reports:

Chair: Merline-County will have a meeting on Monday April 30th. The Annual meeting is April 10th. Email subscription updates will come through town office. Advertisement for well testing program for next month's agenda. We will create a newsletter article on well testing.

Maps: Nothing to report

Updates on Parks & Lands and Bike Path: Nothing to report.

Public Power: Hackbarth it is a dead issue.

Surface & Groundwater Protection:

Public Parking:

Attainable Housing: Nothing

Sustainable Gibraltar:

Public Comment: None

Set the Next Meeting Date: The next regular meeting is scheduled for Tuesday, April 24, 2012.

Adjourn: *It was moved by Coulson and seconded by Hackbarth to adjourn. Motion carried and the meeting adjourned at 11:35 p.m.*

Respectfully Submitted,

Kelly Murre
Administrative Assistant