

**TOWN OF GIBRALTAR
PLAN COMMISSION
TUESDAY, DECEMBER 4, 2012
7:00 P.M.
GIBRALTAR TOWN CENTER**

Call to order: The regular meeting of the Gibraltar Plan Commission was called to order at 7:00 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, Tom Blackwood and Britt Unkefer.

Proper Notice/Adopt Agenda: Merline confirmed the agenda had been properly noticed.
Motion: (Hackbarth/Unkefer) to adopt the agenda as posted. Carried.

Approve minutes of last meeting: *Motion: (Hackbarth/Blackwood) approve minutes of October 23, 2012 as amended. Carried.*

Rescind motion to approve minutes from May 22, 2012: *Motion: (Unkefer/Blackwood) to rescind motion from a previous meeting to approve May 22, 2012 minutes. Carried.*

Public Comment: None

Proactive and Preventative Protection of Groundwater Quality: Marne Kaeske Stewardship Coordinator from Ridges Sanctuary explained they have been working on best management practices regarding land use issues and groundwater quality for the Hines Emerald Dragonfly; which has been listed as endangered since 1995. The dragonflies spend 4-5 years in their larval stage in wetland areas and are indicators of water quality and density. They need the Karst fed coastal wetlands to survive. 12 sites throughout Door County are listed as their critical habitat by the Fish and Wildlife Services. The Ridges groups need regional and local government support to preserve and protect the groundwater. Best management practices fit in Gibraltar already with its smart growth objectives. Kaeske highlighted some of these objectives. Peil Creek area depicts three different recharge potentials. Future implementation needs input and recommendations from the town and is looking for support on the next plan of action. Hackbarth suggests information for the Commission to study to really get a handle on the plans. Maps are currently listed on the Soil and Water webpage and will be available on the Ridges web page; with a brochure, within the next month.

Petition for Zoning Amendment (Map) – Drzewiecki (Parcel #014-02-33312721B2):

Merline opened the hearing and explained the petition and process.

Jon Drzewiecki has petitioned for a zoning amendment change at parcel #014-02-3312721B2 from single-family 20 zoning district to village commercial zoning district. The land described above will be used for one 8-unit multiple occupancy development building if the amendment is adopted.

Testimony was given in favor of the petition:

John Drzewiecki, 1231 Grignon St. Green Bay – presented his plan with the Gibraltar and Door County Comprehensive Plans. He explained his acquisition of the land and his work with Keith Garrot. He read several points from the Comprehensive plan regarding economic development. He explained that many of the residents in similar homes are 2nd and 3rd generation residents and are those that have never owned a

home. It will encourage young people to settle here and has been an option for older generations, due to less maintenance and property upkeep. He then presented maps that highlighted the development core area and showed an area designated as residential with a higher density. He then explained the need for housing in this area. He presented the property layout and floor plans of the building. He also described potential tenants. Unkefer asked about landscape buffer. Drzewiecki explained the area is heavily wooded and intends to keep as much of that as possible.

Keith Garrot, 320 Main Ave. Depere, WI - is the developer of the project and has built 2 buildings of this type in Sister Bay. He explained the need for housing in this area and currently has people on a waiting list for the apartments in Sister Bay. He will keep as much of a buffer as possible and thinks it will fit into this area nicely. Close to the school, YMCA and walking distance to town.

Sam Perlman with DCEDC –DCEDC has maintained an affordable housing committee for many years. Surveys have demonstrated a significant need in this area. There is less than 2% availability in Door County for affordable housing. The development has been successful in Sister Bay. Thinks this location is excellent due to proximity close to the core area.

Testimony was given in opposition to the petition:

Carl Eckert, 3878 Cty F Fish Creek - would like to know where employees are coming from. Are they hiring locally?

Carla Marr, 3876 Cty F Fish Creek – 8-unit building would be in their backyard. Mr. Drzewiecki is currently in arrears with the Town of Gibraltar and is delinquent on other property taxes. The County is in the early stages of foreclosing on the properties. She read a list of concerns regarding the development: other parcels are available, afraid the development will turn into another condominium. Neighbors have fought a multi-use development in the past, neighboring the Art School. Hackbarth asked a few questions regarding a dormitory on the neighboring lot. She explained the Art School is already zoned for it.

Walt Teichen, 292 Poplar Elmhurst, IL – owns a neighboring property. His family sold the lot to his parents in 2001, Mr. Drzewiecki inherited the land. Says there is a big difference between the properties being developed in Sister Bay. This is more of a residential area. The project does comply with the smart growth plan, but doesn't think it is wise to build before the jobs are available. He noted the number of other options available for multi-family use and has been told that there is not an unmet need for housing in this area.

Charles Johnson, 3864 Cty F Fish Creek - A neighbor to the proposed development. He purchased his property that was specifically in a single family residential neighborhood. Concerned about clearing a beautifully wooded lot and what may happen in the future to that neighborhood. Supports the other objections previously mentioned.

Jay Marr, 3876 Cty F Fish Creek - Thinks this development would hurt the family environment of the neighborhood. Concerned about traffic problems and lighting. Also concerned about the type of people the apartments could attract. Unkefer asked if there were other rental properties in that area. Marr stated that yes, there are other single-family rental properties in that area.

Nancy Teichen-Brook, 3861 Gibraltar Rd. Fish Creek – Strongly opposes the multi family dwelling. Feels there will be a loss of property value and appeal. Concerned about the increased traffic flow and that effect on pedestrian and bike traffic. Noise will be increased. Also concerned about an absentee landlord situation.

Bill Johnson, 3868 Cty F Fish Creek - Doesn't think the property is large enough to manage the natural buffer. Understands the long term plan, but doesn't think it fits into this neighborhood.

Tom Birmingham, 3860 Cty F Fish Creek - This type of project is sorely needed but hesitates with this proposed area and thinks the real need is an area that has more potential to expand. Doesn't think one 8 unit building is enough. Hackbarth asked if a higher density is really preferred. Birmingham stated he thinks we need a more successful project that won't disrupt a residential neighborhood and doesn't agree with this type of spot zoning.

Kim Jacobs, 3841 Gibraltar Rd. Fish Creek - Biggest concern is that it is a single family residential neighborhood and thinks a multi family unit will not fit the character of the neighborhood.

Charles Pelletier, 3781 Gibraltar Rd. Fish Creek – Doesn't think Gibraltar Rd needs another commercial expansion and agrees with Tom Birmingham's considerations.

Carl Eckert, 3878 Cty F Fish Creek – Explained restrictions that were included with the original sale of the property; which included “one single-family home” per lot.

Gail Ritchie, 9281 Maple Grove Rd. Fish Creek – States there is a big difference between the development in Sister Bay and the proposed site on Gibraltar Rd. She has concerns about light pollution. Thinks the cost of rent for these units will not meet the needs in the community.

Alvin Krause, 3830 Gibraltar Rd. - Would hate to see trees on Gibraltar Rd. cut down. Doesn't think there are currently enough jobs to sustain this development. Hackbarth asked if there was opposition to the development of the Hilltop Condominiums. Krause stated he took over the project and wasn't involved in the permitting process.

Correspondence was received in support: Yes, one from Holly Feldman Manager of Marketing and Audience development at AFT.

Correspondence was received in opposition: Yes, the plan commission was presented with letters from: Abraham and Jonathan Cohn, Harold M. Olson (representing Earl Olson Jr et al) and Rick Ripley.

Rebuttal:

In Favor: None

Unkefer asked Sam Perlman about a survey regarding housing needs. Perlman stated housing needs show a low availability and high occupancy.

Hackbarth asked Mr. Drzewiecki about the past due property taxes. Drzewiecki stated the taxes need to be paid by the end of January.

Opposed:

Walt Teichen- There is not enough of a buffer protecting the neighboring properties. Concerned about the delinquent taxes and agrees that there is a big difference between the site on Gibraltar Rd. and Sister Bay.

Tom Birmingham – To answer an earlier question, The Hilltop condos were a redeveloped property.

Carla Marr – Believes a wind problem could be created when trees are removed that will also affect the neighboring properties.

Jay Marr – reiterated the delinquent taxes are current information from Treasurer Jay Zahn.

Merline closed the public hearing and explained the next procedures.

Merline read rules and considerations regarding the zoning amendment petition.

Hackbarth stated Birmingham's opinion was taken heavily into consideration, since he was very involved in the zoning process and planning for Gibraltar. It was agreed that there is a need in town for this type of development. Previously, the commission considered an area on Spring Rd. which also brought in a lot of opposition and failed. Main focus for housing development is sewer and walking distance to/from town. Housing has been in the comprehensive plan but the Commission has been unable to make any progress with a viable location. Blackwood stated that affordable housing goes far beyond a multi unit complex and needs to be refocused on affordable lot sizes and thinks single family zoned areas should stay single family. The unpaid taxes are also a major concern. If they are not taken care of, and then the property is rezoned and sold to another, anything could happen to it. Once it is zoned Village Commercial, anything can be done on the property that is allowable within a VC district.

Unkefer stated if this petition didn't require rezoning and was a conditional use, it would be easier to approve with restrictions.

Motion: (Blackwood/Merline) to recommend to the Town Board to not support the Drzewiecki Petition (parcel # 014-02-33312721B2) for Zoning Amendment. Carried.

Petition for Grant of Variance – Hagen (Parcel # 014-02-36312734C & 34D):

Merline opened the hearing and explained the petition and process.

Julian Hagen has petitioned for a grant of variance on parcel #014-02-36312734C & 34D from Section 3.02(3)(b) which requires a newly created lot in the Countryside 5 zoning district to be at least 250' wide and 5 acres in area. The petitioners propose to reconfigure 2 parcels in order to bring the existing buildings into compliance with the required setbacks and locate the existing septic on the same lot as the residence. These lots are both non-conforming and will still be non-conforming after the zoning change.

No testimony was given in favor of the petition

Testimony was given in opposition to the petition:

Louis Sohns, 2981 Maple Grove East Fish Creek – In 1968, Mr. Sohns sold this piece of property to Ed and Carol Dougal (the property with the house on it). A requirement of that sale was a survey of the parcel. A friend from Chicago came and measured that piece of property. The property was supposed to run along the north edge of the barn; and on the west, run in line with the existing store. Evidently, when the property was measured, he didn't go all the way to the back side of the barn. The certified survey moved the whole line moved to the east, and that is why the line runs through the barn. When the Dougal's were first interested in selling, they approached Mr. Sohns to purchase more property to make it a conforming 3 acre parcel. He sold them the balance of that lot to make it one. The lots were supposed to be combined and never were. Sohn's has no objection to moving that line, but would like to see it stay as one lot. The septic and the mound are located outside the parcel with the other buildings. He is not in favor of splitting the parcels because if the petitioner decides to sell, potentially another home could be built on that. If Sohns knew this was going to be the case, he would never have sold the property.

No correspondence was received in support

No correspondence was received in opposition

Merline closed the public hearing

The Commission would really like to hear what Mr. Hagen has in mind, and based on what Mr. Sohns stated about the intention of the sale it should be opposed. Unkefer and Blackwood would still like to hear from the petitioner and his intentions for the other small parcel.

Motion: (Hackbarth/Unkefer) to recommend to the Town Board to not support the Hagen petition for grant of variance (parcel # 014-02-36312734C & 34D). Carried.

Petition for Zoning Amendment (Text) – Resource Planning Committee:

Merline opened the hearing and explained the petition and procedures.

The Resource Planning Committee has submitted 5 topics to be sponsored for public hearing.

1 – 5.03(2) Clean-up amendment regarding natural features protection chapter maps.

Motion: (Hackbarth/Blackwood) to recommend to the Town Board to support the petition for text amendment of 5.03(2). Carried.

2 – 7.02(4) Off-premise parking amendment

If both lots are zoned the same, one can be used for off-street parking. Think this could become a problem in areas of conditional use.

Hackbarth shared several concerns: feels this allows for further sprawl and concerned about the catch all in residential neighborhoods that a parking lot could be installed over-the-counter versus a conditional use. It was decided to delete the language in paragraphs 7.02(4) and 7.02(4)(a) “or in a district within which the use the parking serves is permitted.”

Motion: (Hackbarth/Unkefer) to recommend to the Town Board to support the petition for text amendment of 7.02(4) as amended. Carried.

Topic 3 – 4.08(8)(f)1 Multiple Occupancy Developments

Discussion ensued regarding the MOD clean-up amendment that will allow a smaller MOD in core areas to have lower side-yard setbacks. This change applies to 2 unit developments to lots that are 150 feet wide or less and allows side and rear yard setbacks to be a minimum of 10 feet and 20 feet.

Motion: (Hackbarth/ Blackwood) to recommend to the Town Board to support petition for text amendment regarding Multiple Occupancy Developments. Carried

Topic 4 – 2.05(3)(a) and (b) – Outdoor recreational use amendments

Discussion ensued regarding the definitions of outdoor recreational use. Questions arose regarding some of the descriptions. The County is cleaning up the category, changing the definitions and expanding the categories.

The commission decided to postpone further discussion regarding Topic 4 and Topic 5 until the next meeting.

Committee Reports:

Chair: It is in the bills to be paid to have the County begin working on the maps for the Town. Merline stated she did deliver the parking plan to the Town Board.

Maps: Nothing to report

Updates on Parks & Lands/Bike Path: Nothing to report

Surface & Groundwater Protection: Merline met with Greg Cohurst on the plan for the creek management.

Attainable Housing: Nothing to report

Public Comment: None

Set the Next Meeting Date: The next regular meeting is scheduled for Wednesday, December 12, 2012 at 7:00 pm.

Adjourn: *Motion: (Hackbarth/Blackwood) to adjourn at 10:50 pm. Carried.*

Respectfully Submitted,

Kelly Murre
Administrative Assistant

Approved: February 26, 2013