

Approved: May 29, 2013

**TOWN OF GIBRALTAR
PLAN COMMISSION
TUESDAY, APRIL 24, 2013
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 Linda Merline, chairman.

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

Proper Notice/Adopt Agenda: Merline confirmed the agenda had been properly noticed.

Motion: (Young, Hackbarth) to adopt the agenda as posted. Carried.

Approve minutes of previous meeting: *Motion: (Hackbarth, Unkefer) to approve the minutes of March 26, 2013 as amended. Carried.*

Public Comment: None

Application for Conditional Use Permit – Patrick Jr. and Mary Haggerty, Parcel #014-40-0005 – Multiple Occupancy Development (MOD) in Single Family Residential 20,000 (SF20): Patrick Jr. and Mary Haggerty have applied for a Conditional Use Permit for their property at 9121 Cottage Row Road in the Town of Gibraltar. The Haggertys have been granted a petition for zoning variance on the proposed addition to their property and are now applying for a conditional use because Section 9.02(2)(b) of the Door County Zoning Ordinance states that, “Expansion of a non-conforming use via new buildings or structures or via additions to an existing building or structure which houses a non-conforming use may be authorized only by a Conditional Use Permit.” A Multiple Occupancy Development is considered a non-conforming use in the Single Family Residential 20,000 (SF20) zoning district.

Merline opened the hearing and explained the procedures.

Testimony in Support: John Pinkert, Pinkert Law Firm, Sturgeon Bay - representing the Haggertys. The Haggertys previously came to the Town Board for a Grant of Variance. The addition will be used as office space and breakfast space, no additional rooming or sleeping areas. The addition cannot be seen from the road. The conditional use is not contrary to public interest, health or safety and will not affect the character of the surrounding area. The existing buildings pre-date the zoning ordinance. These buildings are primarily used for storage and will not be used commercially or as rental space. Hackbarth stated, that the County made changes to the zoning ordinance in February, 2013 in Chapter 4.08(8)(a)(2) that states “additions less than 500 sq ft be authorized via a regular zoning permit if all density, setback and other ordinance requirements are met.” The question arose as to whether this was an oversight by the County or if the Haggertys are required to obtain the Conditional Use because of the variance request.

Testimony in Opposition: None

Correspondence Received In Support: None

Correspondence Received in Opposition: A letter from James E. and Mary K. Nelson was presented to the Commission.

Approved: May 29, 2013

Rebuttal

In Support: None

In Opposition: None

Melrine closed the public hearing.

Motion: (Hackbarth, Young) to recommend to the Gibraltar Town Board to support the Haggerty Conditional Use petition on the condition that it is actually required. Carried.

Petition for Zoning Amendment – Text: Resource Planning Committee – Assembly Halls

The County zoning ordinance does not contain adequate allowances for or regulations regarding assembly halls. The County proposes to create a definition and create an “assembly hall” row under Commercial Uses via a conditional use.

Concerns: Commercial uses popping up in Agricultural areas, traffic, setbacks and other restrictions do not apply to Village Commercial. The Town Board already has the ability to allow this type of request through special event permits. This petition affects Northern Door differently than Southern Door because we have a smaller area and existing similar uses.

Motion: (Unkefer/Young) to recommend to the Town Board to not support the petition as presented. The definition is too vague and possibly redundant with the auditorium definition. The request is open to too many non-commercial zoned areas/districts. It would create safety, traffic issues and noise. Carried. The Town Board already has the ability to offer special event permits.

If this is passed on the County level, the Commission requests, a Town of Gibraltar exclusion.

Petition for Zoning Amendment – Text: Resource Planning Committee – Auditorium

The county zoning ordinance does not contain adequate allowances for or regulations regarding auditoriums, the primary focus of which are performances for the public. The County proposes to create a category and definition for Auditorium. The Commission is happy to see that it is restricted to commercial zoning. The definition is very similar to that of an assembly hall, the only differences being one is predominantly for performances, while the other is for a gathering. The definition should be more specific. Needs to include: Facility open to the public that includes staged performances or staged viewing areas and needs to be separated from assembly halls.

Motion: (Hackbarth, Unkefer) to recommend to the Town Board support of the text amendment to create a definition for auditorium with the addition of staged performances and staged viewing areas to the created use. Carried.

Petition for Zoning Amendment – Text: Resource Planning Committee – DATCP Notification

Clean-up amendment regarding notices to Department of Agriculture, Trade and Consumer Protection.

Motion: (Young,Merline) to recommend to the Town Board to support the change as presented. Carried.

Welcome FAQs Packet: Merline presented examples from other towns of brochures that offer information to people that have relocated or planning to relocate to their municipality. The Fish Creek Civic Association currently does not have anything like this in their guide. The Plan Commission would like to work with the Civic Association to create a Frequently Asked Questions guide for new business and residential property owners.

The Commission created a list of various resources to include in a brochure.

Committee Reports:

Approved: May 29, 2013

Chair: Merline stated that the County is done with the updating of our maps for the Comprehensive Plan. We still have a credit balance of \$450. We have not included the farmland preservation map or the land design maps. Mariah and Audrey are planning to attend a meeting to present the maps. It was discussed whether we still want to add an enlargement of the downtown area for the Parks map and the Community Facilities map. It was discussed to add the storm sewer map to the Plan, but think it would be better to wait until after the road project.

Next month, Merline plans to have our attainable goals on the agenda and begin work to implement aspects of the Plan. Hackbarth asked about the Town's setback requirement and whether the Commission is willing to readdress the issue. Merline will also add that item to the next agenda.

Updates on Parks & Lands/Bike Path: Hackbarth asked Merline about the group planning to remove invasive species from the FC Park. Merline stated she has proposed an activity for information gathering purposes, to educate people on identifying invasive species.

Surface & Groundwater Protection: The Watershed study did their first water test this month. She has seen a Pike in the Creek three days in a row. Unfortunately, the Pike can't jump the waterfall area to get passed the bridge. Hackbarth suggested at a previous meeting, when discussions were taking place with the DOT, that the culvert under the bridge is too small to handle outflow to the Bay during a large flood event. That is the reason properties on the Southside of Main Street are in a flood zone and the property on the North is not. Our fish problem may be tied into the culvert issue. Is there a grant available to tie in both of these issues? There are other low-cost options to create "fish steps".

Attainable Housing: Nothing to report. There is a gentleman working on attaining property to construct a multiple occupancy unit in Town.

Public Comment: None

Set the Next Meeting Date: The next regular meeting is scheduled for Wednesday, May 29, 2013 at 7:00 pm.

Adjourn: *Motion: (Hackbarth, Unkefer) to adjourn at 9:35pm. Carried.*

Respectfully Submitted,

Kelly Murre
Deputy Clerk