

Approved: July 28, 2015

**TOWN OF GIBRALTAR
PLAN COMMISSION
TUESDAY, MAY 26, 2015
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 Wendy Minten.

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

Approve Minutes of Previous Meetings: *Motion: (Hackbarth/Minten) to approve the minutes of the March 24, 2015 meeting, as written. Carried.*
Motion: (Minten/Hackbarth) to approve the minutes of the April 28, 2015 meeting, as written. Carried.

Public Comment: None

Petition to Rezone Parcel #014-01-02302722A1 from Countryside 5 to General Commercial – Stella Maris Parish/Northern Sky Theater: Stella Maris Parish on behalf of Northern Sky Theater, Inc. petitions to rezone the above mentioned property from Countryside 5 (CS5) to General Commercial (GC). Northern Sky Theater, Inc. wishes to establish a “Fine Arts Venue” on the property. A “Fine Arts Venue” is not allowed in the CS5 zoning district. However, this use would be allowed by Conditional Use Permit in the GC zoning District.

Merline explained procedures and opened the hearing.

Richard Dannhausen, trustee for Stella Maris Parish, filed the request on behalf of Northern Sky Theater. Stella Maris purchased the property to consolidate churches, but have since decided against. Northern Sky has approached the Parish about purchasing the property.

Mary Sieberg, Jacksonport, Chairperson for Northern Sky Theater. Would like to consolidate operations for rehearsal, storage, stage construction and shoulder season performances. They like the property because of its natural wooded setting that reflects the character of Northern Sky Theater. The purchase would take place after the Parish would obtain the Conditional Use.

Dave Meier, managing director, explained they are waiting to apply for Conditional Use until after the rezoning. NST has until mid-July to close, with Stella Maris Parish.

Jacinda Duffin, realtor, Sturgeon Bay, explained offer to purchase is contingent on the rezoning, conditional use and soil testing etc. Hackbarth asked whether it was possible for the sale to fall through after the property has been rezoned. Duffin said, it can happen.

Testimony in Support:

Howard Williamson, Baileys Harbor

Gwen Greybois, 5343 S. Lake Rd. Sturgeon Bay

Jim Jauquet, Fish Creek – spoke in support, referenced the Smart Growth Plan and that this area was a consideration to be zoned commercial, due to the neighboring commercial property and central location.

Correspondence in Support:

Loyd Rowley, Address Unknown

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Tom and Linda Birmingham, Fish Creek
Mitch Larson, Fish Creek
Howard and Patty Williamson, Baileys Harbor
Janette Franke, Kenosha and Fish Creek
Karen and David Studebaker, Ellison Bay
Dawn Welter and Family, Address Unknown
Michele & Roger Stoeger, Fish Creek
Andrea Kinsey-Jauquet, Fish Creek

Testimony in Opposition:

Mike Mitterman, Fish Creek, read letter into the record.
Rick Lauterbach, 3297 Lebaron Dr. Fish Creek
Tony Petroni, Cty F, Fish Creek
Jackie Udell, 3434 Tanglewood Ln. Fish Creek
Beth Hagen, S. Highland Rd. Fish Creek, asked for a list of other allowed commercial uses.
- Merline gave a detail from the DCZO

Richard Stultz, Tanglewood Ln.

Correspondence in Opposition:

Michael and Lauren Mitterman, Fish Creek
Beth and Paul Hagen, Fish Creek

Rebuttal in Support:

Dave Meier, shared plans for the property development. The facility is a rehearsal space that could have the capacity for performances. DCA is too big. The space will be used for performances from Labor Day to Mid October. Off season use would typically be administrative, 7 full time employees and box office needs. Vision for the space is to keep it wooded, pristine. More of a retreat to create. No intention to sell part of the property.

Richard Danhausen, compared the activity to Pen Players, it is unfortunate that the Conditional Use for Fine Arts Venue is only allowed in General Commercial

Jocinda Duffin, NST has taken a lot of care in choosing a location, and design to limit the impact to neighboring properties.

Mary Sieberg, decribed NST's Mission Statement

Rebuttal in Opposition:

Mike Mitterman, Rezoning to General Commercial in a rural area, may be considered spot zoning. Other corners at the intersection could also be rezoned to GC, creating a larger impact.

Jackie Udell, asked how many parking spaces.

Mr. Meier answered – 20 space for administrative/box office/handicap use. The Ordinance requires 1 spot for three seats, 95-100 spaces.

Rick Lauterbach, asked about zoning.

Tony Petroni, reiterated that the focus of tonight's meeting is whether the property should be rezoned, not the Conditional Use.

Gwen Greybois, 5343 S. Lake Rd. Sturgeon Bay, also had a question about the zoning process

Merline stated the Town can petition to have the property returned to original zoning, if the sale falls through.

Jim Jauquet, Fish Creek

Beth Hagen, asked if any property has ever been returned to its original zoning? Merline answered, not to her knowledge.

Merline closed the public hearing. The Commission discussed the petition.

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The Commission looked at whether this parcel would be considered spot zoning. Due to the proximity of Greenwood; across the street, it is near another general commercial zoned property. Merline gave a background of the zoning of General Commercial properties within the Town: intersections of Juddville Rd & 42 and County A & 42 are zoned commercial. The properties on S. Highland & County A preceded zoning, with a farm market and repair shop.

Is the existing district a better fit? Would the new district fit original plan guidelines? Will the rezoning support harmonious and well planned development? Merline read the definition of General Commercial and Countryside 5. The Commission has concerns if the sale were to fall through and other allowable GC uses. They are not opposed to Northern Sky Theater, but need to consider the rezoning at this time and how it could affect the future use of this area. The Commission would be opposed to other General Commercial uses at this property.

Fine Arts Venues are allowed (as Conditional Use); in Countryside zoning districts, in other parts of the County.

Currently, NST and Stella Maris do not have an extension on the sale, to meet contingencies.

Merline stated, the Town has the option to have the land zoned back to countryside 5, if the sale falls through. But the petition process will take time.

The Plan Commission also needs to consider economic impact to the Town. Would not want NST to leave Gibraltar. Another natural lot of that size, is hard to find in current GC districts. Three other properties near this intersection are for sale. This area could become another node of development for GC.

It was noted that temporary uses do not apply, to a Fine Arts Venue.

Motion: (Merline/Blackwood) to recommend the Town Board to support rezoning the property from Countryside 5 to General Commercial. Tie Vote (Minten and Hackbarth opposed), motion fails.

Discuss Commission Goal – Creek Plan: Merline gave a slide presentation of the creek, highlighting the seasonality of the creek, its health and the culvert.

Discuss Commission Goal – Invasive Species: Parks and Lands has been very active reducing invasive species on Town properties. But still finding some on neighboring properties. Honeysuckle at the Park entrance. Garlic mustard and dames rocket in Fish Creek Park. Need to coordinate a community wide motivational piece.

A flyer was suggested to mail out to landscapers and property owners; with top 5 picks, a saturation mailing. Focus on one a year in newsletter and on website. Linda will contact the County's current Invasive Species Coordinator.

Review Comprehensive Plan Updates – Chapters 6 & 7: The Commission reviewed updates to Chapters 6 and 7.

Committee Reports:

Chair – No Report

Maps – No Report

Watershed – No Report

Parks and Lands/Bike Plan – No Report

Surface & Groundwater – No Report

Attainable Housing – No Report

Set the Next Meeting Date: Tuesday, June 23, 2015 at 7:00 PM.

Adjourn: *Motion: (Minten/Hackbarth) to adjourn at 10:30 PM . Carried*

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Respectfully Submitted,
Kelly Murre, Deputy Clerk