

**TOWN OF GIBRALTAR
PLAN COMMISSION
TUESDAY, FEBRUARY 23, 2021
GIBRALTAR TOWN CENTER*
7:00 PM**

Call to Order: Merline called the meeting to order at 7:01 p.m.

Roll Call / Quorum: A quorum was present. (To mitigate impacts of COVID-19 this meeting was held via Zoom)

Members present: Linda Merline, Tom Blackwood, Don Freix, Paul Pillat (joined later)

Absent: Brian Hackbarth (A power outage at his location caused him to be unable to connect.)

Proper Notice / Adopt Agenda: Sara Lancaster stated that proper notice was given. *Motion (Blackwood, Freix) to adopt the agenda as posted. Carried*

Approve Minutes of Previous Meeting(s): *Motion (Freix, Blackwood) to approve the minutes from the January 26, 2021 meeting as written. Carried*

Public Comment: None

Petition for Conditional Use Permit – Conditional Use Permit Application, Parcel #014-02-33312722R: Fish Creek Investments, LLC proposes to convert the existing restaurant (Gibraltar Grill) with living quarters above to a duplex. Duplexes must be authorized by a Conditional Use Permit in the Town of Gibraltar. This property is located at 3993 Main Street (State Highway 42) and in a Village Commercial (VC) zoning district.

Merline Opened the Hearing and Explained the Procedures.

Testimony in Support: Tom Young, owner of Fish Creek Investments, LLC, presented his proposed plans for the duplex.

Young explained that currently the building houses the restaurant Gibraltar Grill. It is a 5,000 square foot 2 story building on $\frac{3}{4}$ of an acre and has 32 parking spaces. Currently, there are 4,000 square feet on the first floor that is used as a full-service restaurant. The second floor is 1,000 square feet and is used as a residential unit for employee housing. Young explained he is respectfully requesting the conditional use permit to change the use of the building from retail to residential so that the building may be converted from a restaurant to a duplex for short-term rental use.

Several points of interest include:

- Unit one will be located on the first floor. It will be 3500 square feet, have 4 bedrooms and 4-1/2 baths. Unit 2 will be located on the second floor with the addition of a master bedroom suite on the first floor, bringing the total square footage to 1,500 square feet. It will contain 3 bedrooms and 2 baths.

- There is no change at all to the existing footprint of the building. Everything will be done within the four corners of the current building. The two units will have separate entrances and amenities. $\frac{1}{2}$ to $\frac{1}{2}$ of existing parking lot will be returned to green space.

- The new use will significantly reduce traffic, lights, noise and smells in that area compared to the existing use.

- Construction is scheduled to begin at the end of the current season (sometime in October 2021) and will be completed by May 1, 2022.

Merline asked if anyone in the audience had questions.

Peery Duderstadt, 3990 Main Street, is the neighbor directly across the street from the Gibraltar Grill. He asked if the duplexes would be individually owned.

Young explained that both units would be owned under the umbrella of Fish Creek Investments, LLC, which currently owns Gibraltar Grill. There will be no change in ownership or business structure. They would be short-term rental units.

Duderstadt asked if as rental units if they would be Air BnB. Young said he thought they would be using VRBO, but yes, in concept, their use would be short-term rental.

Paul Pillat asked where parking would be. Young said parking would be in the same location, but reduced from the current 32 parking spaces.

Duderstadt asked if work isn't beginning until October if Gibraltar Grill will be opened this season. Young said the restaurant will be open from Memorial Day weekend through October.

Duderstadt asked if the property was being sold to Young. Young said he already owns the property and has since 2004. He clarified that the entity that he owns, Fish Creek Investments, LLC, owns the property.

Linda asked if anyone else had questions.

Pillat asked what the length of stay would be for rentals.

Young stated they are still sorting through those details. Preliminary thoughts are 7 days/1 week during peak season (July and August) and a 3-night minimum during the shoulder seasons. He said that seems to be pretty standard in Door County.

Pillat asked if the upstairs unit would be rented out to one or multiple families.

Young said he would suspect that a large family groups (e.g., siblings and their respective families) might rent the unit together. So, it would be 1 party renting the unit, but that party may consist of multiple families who are traveling together. The upstairs unit would sleep 10 people. He is also thinking there would be a minimum age, with a requirement that the primary renter be 25 years of age or older.

Young also pointed out that during the season, the restaurant has at least 100 cars coming in and out of the parking lot every day.

Young also pointed out that each unit will have a separate entrance. The unit on the 1st floor will have exclusive use of the existing backyard and fire pit (which will be fenced). New yard/green space with a fire pit will be created for use by the upstairs unit. Presently there is a fireplace (gas) on what the restaurant refers to as the screened porch. On the other side by the bar is a wood burning fireplace which will be converted to a gas fireplace for safety reasons. The outside fire pit will remain wood burning.

Merline stated that the building footprint isn't changing, it is already in the sanitary district, and has a private well. She asked Young if there would be any changes in lighting. Young said the only lighting they have now is the string lights in front, which would probably come down as that was there for outdoor ambience. The other exterior lights at the building entrances are currently downcast and would likely stay.

Duderstadt asked about the property adjacent to the restaurant that is located on the other side of the existing fence. Young stated that property is owned by the Krause estate and added that the lot wraps around behind his property to Windmill Lane. It is zoned and platted for four duplexes (similar use to what Young is requesting).

Merline asked if there were any other questions. There were no other questions.

Testimony in Opposition: None

Rebuttal: None

Correspondence in Support: None.

Correspondence in Opposition: None

Merline Closed the Hearing.

Merline stated that the property is in Village Commercial, which allows mixed use. In the past TOG has encouraged residential uses within the downtown area. What Young is requesting is allowed within this zoning district. She pointed out that the project's plans to remove impervious surface and not change the building's footprint are all positive.

The Plan Commission decided that the project would not adversely affect property values in the area, but may enhance property values due to less traffic and noise. It is also similar to other uses in the area, as the applicant made note of it in the application. The Plan Commission found it to be consistent with the Town's comprehensive plan as well as the criteria set forth in the Door County Comprehensive Zoning Ordinance.

Merline asked if Young if the Town fire chief was aware of the plans. Young stated that as part of the application process the fire chief needed to sign off on the proposed plans and application, which Chief Bertges did. Young also mentioned that the building already has a fire suppression system (2-hour burn rating) in place between the first floor and the second floor.

Merline asked if there was drainage or control of stormwater on the property. Young said nothing out of the ordinary. He also commented that the property is pretty dry. The property was recently removed from the floodplain.

Merline asked if any vegetation would be removed from the property. Young said only to the extent of removing asphalt and replacing it with grass/green space.

Pillat asked for additional explanation of the parking changes. Young directed the Plan Commission to the parking lot drawing included in the packet and pointed out which areas would be left and which would be turned into green space. The majority of the parking spaces would be removed to allow for the most greenspace possible.

The Plan Commission had no further comments.

Merline explained that tonight the Plan Commission will make a recommendation that will go before the Gibraltar Town Board. From there, the Gibraltar Town Board will make their recommendation to the County. The County will be the ones to grant or deny the conditional use permit request.

Motion (Freix, Pillat) to recommend to the Gibraltar Town Board they accept the proposed Conditional Use Permit application and proposed plans as presented with no additional conditions. Carried

Short Term Rental Ordinance – Initial Discussion

Merline explained that tonight is just an initial conversation to start the dialogue about short-term rentals (STR) and their effect on Gibraltar? Is there an issue? What are the issues? Is there action the Plan Commission and/or the Town should be taking to address those issues. She explained that it is the Plan Commission's job and role to balance what a property owner may do with their property and how that affects their neighbors.

Merline explained that in her research issues with STR seem to be those that are located in residential districts, not commercial districts, because the expectation for that type of activity is already expected in those areas. Merline explained that local municipalities can only regulate STR for less than 7 days if it is felt that some local control is needed. Local government cannot regulate STR between 7-29 days. Anything over 29 days is considered a regular rental.

Merline shared Sevastopol's proposed STR ordinance. She explained that, if the Town were to move forward with some sort of STR ordinance it would be nice to do so in step with other communities who are addressing the same issue.

Merline asked Lancaster to share the research and information she gathered on this topic for tonight's discussion. Lancaster showed a list of approximately 40 short-term rental units she obtained from the Door County Tourism Zone Commission's website. Lancaster explained the units listed were those that are permitted and tracked by the DCTZ. Specific addresses for the locations were not provided on the Airbnb and VRBO websites, but the location maps on those websites do provide an idea of where within the Township these short-term rental units are located. Lancaster stated that the majority currently tend to be located within or very near the village area of the Township, which is zoned Village Commercial. However, there are definitely some outliers located within the residential areas of the Township.

Pillat questioned how many of those STR rent for less than 7 days. Lancaster explained that data was not provided. Pillat asked for clarification on local regulations on STR and whether only those who rent for less than 7 days can be regulated. Merline restated that local governments can only regulate STR less than 7 days. In Wisconsin, homeowners may rent their houses on a short-term basis of one week or longer, but local governments may impose local regulations on rentals for less than a 7-day rental.

There were several short-term rental owners on the Zoom meeting who expressed concern and/or outright opposition to any sort of ordinance and/or regulations that might set a minimum night stay. Merline explained she was not there to take a side and repeated that this was just an initial discussion to explore the topic.

Jay Marr asked for the number of issues or complaints the Town received. The Town office has not tracked these complaints up to this point so no exact numbers are currently available. Lancaster said it is her belief only a handful of complaints have been directed to the Town office or Chief Roesch directly, however this does not include any complaints filed with the county sheriff's department. Most activity in short-term rental units that might initiate a complaint would likely occur at night after office hours or on the weekends when the office is closed.

Carla Marr expressed concern over regulating STR less than 7 days. She mentioned that last year they had 37 reservations for rentals less than 6 days. There is concern that not everyone that visits Door County can afford to stay for more than 6 days.

Merline stated that one way some communities are being proactive in preventing issues is requiring the short-term rental be located at the owner's primary resident and/or the owner have a listed agent who resides within a set distance/mileage of the community. Requiring a business permit of some sort filed with the Town might be something else the Town could enforce to have more local control. Don Freix suggested reaching out to the Town attorney for additional Town ordinances related to STR. Merline mentioned that there are also examples available online from other municipalities who have moved forward with this. The Town office and Plan Commission will continue to gather more information about the subject for future discussion.

Goal 6: 2024 Comprehensive Plan: Begin Review of 2004 Plan Goals, Objectives & Recommendations – Chapter 1, Agricultural, Natural & Cultural Resources, pages 1-7

Merline provided an overview of the Comprehensive Plan's goals and objectives. The Plan Commission will start reviewing the 2004 Comprehensive Plan looking for areas that might need to be updated when the 2024 plan is put together. Merline explained that every 10 years the Town is tasked with updating the plan where needed. No changes or recommendations need to be recommended at this time. This is for the Plan Commission to familiarize themselves with the Comprehensive Plan and flag any goals and objectives that are either outdated or no longer apply to the Town.

The Plan Commission went through the list of goals and objectives for Chapter 1: Agricultural, Natural & Cultural Resources. Recommendations were not addressed at this time. Merline asked the Plan Commission to make notes of any goals and objectives that need to be addressed to be discussed in more

depth at future meetings. The Plan Commission will review the goals and objectives of the next chapter (Housing & Population) at the next meeting.

Goal 12: Improved Communication with Residents – Town Communication Plan

Pillat had questions about the validity of the Town Communication Plan Lancaster provided Pillat with background information on the Communication Plan and informed him that the Communication Plan before them went through several drafts and Town legal before it was approved by the Town Board in 2018.

Pillat questioned the Town's use of social media within its communication plan. Lancaster explained that good communication practices include multiple channels of communication to meet people where they are at. Facebook is one of the many channels, or tools, the Town employs within its plan, in addition to a Town website, text/email alerts, weekly news updates, press releases, mailers, etc. The Town has an approved policy and protocol for the Town Facebook page that was reviewed by the Town attorney and approved by the Town Board.

Pillat asked what the difference is between the Town's communication plan and communication policy. Lancaster explained because this communication plan was the inaugural plan for the Town, the document addresses both. More specific policies and protocol as they pertain to Town employees or the use of the Town Facebook page and other communication protocol are outlined in the employee handbook and internal processes.

Pillat questioned why the communication plan was being brought up at tonight's meeting it was approved in 2018. Merline explained it was brought up because it is a starting point for the Plan Commission and makes them aware of what communication channels are available to them to improve its communication with town residents. Lancaster added that this document is a "living" document that will evolve and require changes and updates as the Town and residents' needs change.

Reports

a. Chair Report – Merline mentioned that the Plan Commission received permission from the Town Board to hire Baudhuin to conduct a survey of the box culvert work area for the Fish Passage Project. Regarding the RFP, the Town Board said there were not any extra funds. The Town is going to be following up with the Town attorney to see if there is an RFP boilerplate that could be used to write the RFP in house. Merline questioned whether the project will happen this year due to the Town not having funds budgeted to hire a consultant to oversee the construction portion. The Town may need to file an extension for the grant the Town received for the construction portion of this project.

There is a new habitat person at DNR, Luke Roffler who will be the Town's new contact person regarding the meander portion of the project. Merline has put him in contact with Gary VanVreede from Fish and Wildlife as well as Nick Legler from the DNR Fisheries Management/Water Division. Uncertain whether there will be any work done on the meander yet this year.

The Town Board asked for the coal tar sealant ban issue be placed on the back burner, but Merline noticed in a press release from Rep. Joel Kitchens office that there is some action moving forward with this topic within the state legislature.

b. Ground and Surface Water - None

c. Town Board/Parks and Lands - None

Set Next Meeting Date: The next meeting is set for March 23, 2021 at 7 p.m.

Adjourn: *Motion (Freix, Pillat) to adjourn at 9:02 p.m. Carried*