

TOWN OF LIBERTY GROVE PUBLIC MEETINGS

Plan Commission

Date: Wednesday, April 13, 2022

Time: 7:00 PM

Place: Town Hall, 11161 Old Stage Road

Agenda:

1. Call to order
2. Declaration of quorum
3. Adopt agenda
4. Approve minutes: 3-30-22
5. Public input
6. Text Amendment for Heartland-10 (HL10) districts
7. Review of Current and Future Town Zoning Maps
8. Correspondence
9. Future meeting dates
10. Adjourn

All agenda items will include discussion and possible action. Deviation from listed order may occur

***Audience members must ask for permission, during public input, to speak on agenda items ***

Anastasia Bell, Clerk/Treasurer

Members of the Town Board or any other Town Committee, who are not members of the body whose meeting agenda is published in this notice, are entitled, as any other citizen of the Town of Liberty Grove, to attend this meeting in an unofficial capacity. It is possible the attendance of one or more non-members may create a quorum of the membership of another body. Such a quorum is unintended, and the non-members are not meeting for the purpose of exercising the powers or duties attendant upon their membership on any Town Committee or Board

Town of Liberty Grove
Minutes of the Plan Commission meeting on March 30, 2022

(This meeting was correctly posted)

Agenda:

1. Call to order
2. Declaration of quorum
3. Adopt agenda
4. Approve minutes: 1-26-22
5. Public input
6. Rezoning Request: Narrow Gate Farms LLC (Jonathan Orrick), Parcel 018-02-27322843A
7. Review of Committee Mission Statement
8. Door County GIS Online Map Tutorial
9. Review of Current and Future Town Zoning Maps
10. Correspondence
11. Future meeting dates
12. Adjourn

Chair Nancy Goss called the meeting to order at 7:01pm. Commissioners Anne Miller, Paul Schwengel, Cathy Ward, Bill Surbaugh, Paul Bokelmann, and Dan Watts were present along with Administrator Walter Kalms, Clerk/Treasurer Anastasia Bell and 10 members of the public.

Miller moved, Ward second to approve the agenda as posted. Carried 7-0.

Surbaugh moved, Ward second to approve the 1/26/22 minutes as presented. Carried 7-0.

Public Input – None.

Rezoning Request, parcel 018-02-27322843A – Jonathan Orrick stated Countryside-10 (CS10) zoning would allow expansion of his family's current business. His proposal included bins for material storage, tree berms, and a paving schedule. Karee Orrick noted a CUP would be the next step if this change is approved. Melissa Steven, 11232 Wildwood Road, expressed concerns regarding noise, lights, water runoff and indicated that CS10 could open the area to other businesses in the future. Jim Robison, Ellison Bay, indicated his support of the application and noted the proposal will decrease the activities currently visible on the property. Miller noted that after talking with the County, Liberty Grove is the only municipality that doesn't have any CS10 and it is the only municipality with Heartland-10 (HL10). It may be worth considering a text amendment to allow "Auto Repair" and "Trade or Contractor Establishments" as a conditional use in HL10. Goss confirmed that a text amendment would be a much simpler process than a zoning change, and CUPs allow the Town some control. Kalms noted there was considerable discussion when the HL maps were created and the understanding at the time was that changes could occur. It was the consensus that a text amendment would be most appropriate at this time.

Committee Mission Statement – **Goss moved, Miller second** to approve the mission statement as presented. Carried 7-0.

GIS Tutorial – The various functions and layers of the County web map were reviewed, and directions were provided to find the most current version of the County Zoning Ordinance.

Town Zoning Maps – None.

Correspondence – None.

The next meetings will be 4/13/2022 and 4/27/2022 at 7:00pm.

Miller moved, Goss second to adjourn at 8:37pm. Carried 7-0.

Respectfully submitted,
Anastasia Bell, Clerk/Treasurer

PETITION FOR TEXT AMENDMENT
DOOR COUNTY COMPREHENSIVE AND FARMLAND PRESERVATION PLAN 2035

To: Door County Board of Supervisors
Door County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

Mail to: Door County Planning Department
Door County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

The undersigned hereby petitions your honorable body for an amendment to the text of the Door County Comprehensive and Farmland Preservation Plan 2035 to effect a change in Volume I, Vision and Goals:

Chapter Name ZONING DISTRICTS AND ZONING MAPS; USE REGULATIONS

Chapter Number 2.05: (3)(a) Table of principal uses - General

Page Number 2-09 THROUGH 2-17

to read as follows:

Uses permitted as conditional uses in the Heartland-10 (HL10) districts to include the following:

Auto Repair (s. 4.04(5)) and Trade or Contractor Establishments (s. 4.04(7)).

Dated this 20th day of April, 20 22.

Respectfully submitted,

Walter L. Kalms, Administrator

Name

11161 Old Stage Road

Address

Sister Bay, WI 54234

(Legal Signature)

(Date)

Action Taken:

(By County Planning Committee)

DATE: _____
Approved Denied

(By Board of Supervisors)

DATE: _____
Approved Denied

DATE FILED: _____

FEE PAID (Date): _____
(\$900.00)

(Make check payable to: Door County Treasurer)

Door County Land Use Services

ZONING AMENDMENT – TEXT

(See also Door County Comprehensive Zoning Ordinance section 11.08 and Wisconsin Statutes section 59.69(5).)

By state law, petitions to change the text of the Door County Comprehensive Zoning Ordinance are heard at a public hearing before the Door County Resource Planning Committee, which makes a recommendation to the county board for final decision.

If a majority of the town boards under county zoning do not approve of an amendment passed at the county level, there is a statutory procedure those towns can follow to "veto" that text amendment. *(Towns may not, through this authority, force the county to make amendments to the zoning ordinance text – they can only prevent an ordinance change.)*

WHO CAN SUBMIT A PETITION?

A petition to change the zoning district designation of a property or change the ordinance text may be submitted by:

- 1) any property owner affected by the proposed amendment,
- 2) the town board, if the town is under county comprehensive zoning,
- 3) the Door County Resource Planning Committee, or
- 4) any county board supervisor.

CONSIDERATIONS IN EVALUATING PETITIONS TO CHANGE TEXT OF THE ORDINANCE

- Will the amendment correct an inconsistency or loophole within the ordinance?
- Is the amendment more consistent with the goals of the comprehensive plan than existing ordinance text?
- Is the amendment contrary to the stated goals of the ordinance itself?

HEARING PROCESS & DECISION

1. Submit a completed application form with a \$750.00 non-refundable fee.
2. Provide proposed text to be added or changed.
3. Once the Door County Land Use Services Department deems the application complete, a copy of the application and draft staff report will be sent to the town to ask for recommendations and comments. The applicant will receive a copy of the letter which forwards the application to the town. Please call the town to see if/when the town may be meeting to discuss this matter.
4. The Door County Land Use Services Department will publish a notice of the hearing in the Door County Advocate and will notify the applicant and neighboring property owners in writing of the hearing date / time. It takes ~2 months from time of application submittal to hearing date.

ZONING AMENDMENT – TEXT

HEARING PROCESS & DECISION (continued)

5. The application packet (including staff report and letters) will be posted to the Land Use Services Department website the Friday before the hearing date.
6. If the applicant/petitioner fails to appear at the hearing (in person, or by agent or counsel), s/he will be deemed to be in default and the petition for zoning amendment may, in the Resource Planning Committee's sole discretion, be denied. The applicant/petitioner may, if s/he failed to appear (in person, or by agent or counsel) for good reason, request in writing that the Resource Planning Committee reopen the default denial. Any request to reopen must be made (i.e., written request received by the Door County Land Use Services Department) within thirty (30) days of the default denial. The Resource Planning Committee may, in its sole discretion, reopen a default denial if good cause is shown, such as mistake, inadvertence, or excusable neglect. If a default denial is reopened, the applicant/petitioner must submit a new fee, unless the Resource Planning Committee determines otherwise.
7. Other people can also attend the hearing to testify for or against the petition request.
8. The Resource Planning Committee will consider the evidence presented and will most likely make a decision that same day at a business meeting after the hearing(s). If the case hearings are lengthy or if additional information is needed, it is possible that the decision could be tabled to a later date.
9. The Resource Planning Committee will recommend approval, denial or a modified version of the request. Within a few days after the hearing and meeting, the Door County Land Use Services Department will send the applicant a copy of the Resource Planning Committee's recommendation along with information regarding the date/time that the rezoning will be on the county board meeting agenda (it could be close to one month after the hearing, depending on timing).
10. The County Board will make a final decision and within a few days after county board, the Door County Planning Department will send a letter notifying the applicant of the final decision and the effective date (immediate or 40 day delay).

RESUBMISSION

A petition for zoning amendment that has been heard and decided shall not be eligible to be resubmitted during the 6 months following final action by the Door County Board of Supervisors. The 6 month period may be waived by the Resource Planning Committee provided that the petitioner submits a written report identifying how the new zoning amendment petition differs substantially from the previous petition or identifying substantial new evidence that will be offered and provided that the Resource Planning Committee votes by simple majority that the changes or new evidence would be of such significance that the Door County Board of Supervisors might consider changing the previous decision.