

TOWN OF LIBERTY GROVE PUBLIC MEETINGS

Plan Commission

Date: Wednesday, February 8, 2023

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: 1-25-23
5. Public input
6. Request to Rezone Parcel 018-02-27322843A to Countryside 10 (CS10)
7. HL10 Zoning Change: add Trade and Contractor Establishments and Auto Repair
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 January 25, 2023

Agenda:

1. Call to order
2. Declaration of quorum
3. Adopt agenda
4. Approve minutes: 7-13-22
5. Public input
6. Economic Development Committee recommendation: investigate zoning change for parcel 018-02-33322814C to effect placement of 5 homes for the purpose of attainable housing
7. Correspondence
8. Future meeting dates
9. Adjourn

Chair Nancy Goss called the meeting to order at 7:02pm. Commissioners Cathy Ward, Cheryl Culver, Dan Watts, Paul Bokelmann, and Bill Surbaugh were present along with Administrator Walter Kalms, and Clerk/Treasurer Anastasia Bell. Commissioner Ann Miller was excused

Surbaugh moved, Ward second to approve the agenda as posted. Carried 6-0.

Surbaugh moved, Goss second to approve the 7/13/22 minutes as presented. Carried 6-0.

Public Input – Kalms stated the County denied the Town's HL10 Zoning amendment 18-1 but will allow the Town to reapply waiving the application fee and waiting period. Goss requested this and the STR ordinance be discussed at the next Plan Commission meeting.

Zoning 018-02-33322814C – Goss indicated that it would be difficult to change the zoning to anything besides Heartland (HL) and it would disrupt any credibility this Plan Commission has established with the County to request something that is not within the law. HL3.5 would be a tough sell to the neighbors because there are no other HL3.5 parcels remotely close. Bell reported the number of units allowed in the various HL zones when conservation subdivision is applied which would require a plat and engineering for public spaces and infrastructure. Kalms noted the electors will need to vote if the land were to be given/sold to a developer and if any building or improvements were to occur on Town land. Watts asked how to get employers to assist in addressing the housing issue. **Goss moved, Bokelmann second** to recommend that a zoning change not be pursued at this time and the Town return to considering the options presented by Mariah Good regarding development. Carried 6-0.

Correspondence – Kalms reported on the timber cutting notice received.

The next meeting will be Wednesday, February 8, 2023 at 7:00pm

Surbaugh moved, Goss second to adjourn at 7:54pm. Carried 6-0.

Respectfully submitted,
Anastasia Bell, Clerk/Treasurer

Proposal Background

Detailed below is an update and background on the proposal to rezone 10 acres of land at 1696 Wildwood Road, Sister Bay WI from Heartland-10 (HL10) to Countryside (CS) for the purpose of running a Trade & Contractors Establishment.

Brief Overview:

- There are many similarities between CS and HL10
 - Many of the uses are similar with a few minor differences
- This zoning change allows for our business to sustainably grow with the increasing needs of the community, while building dwelling units for our adult children, and thus keeping young people in the community
- Zoning considerations
 - The change fits with future land use plans
- Spot zoning
 - Mariah Goode stated her opinion is that rezoning to CS would not be considered spot zoning
 - We do not feel this is spot zoning for reasons detailed below
- Allowing our business to continue serving the growing needs of the community and the aging population while simultaneously supporting young families is a benefit to the entire northern door community

Detailed Overview:

We brought a plan to the Town Plan Commission for a plan review about a year ago. This plan detailed a change of zoning to CS with a later application for a conditional use permit for a Trade & Contractors establishment. The Plan Commission was in support of changing the zoning and of our plan. With the support of the Town, we petitioned the County to allow us to change the zoning from HL10 to CS. However, when we arrived at the Plan Commission for their final vote it was suggested that the Town of Liberty Grove could amend the text to allow Trade & Contractors establishments in HL10. It was encouraged that we postpone our plan to rezone and allow the Town to work through the text amendment process. Almost a year later, and the proposal for a text amendment has unfortunately been voted down at the County level. Yet a recommendation has still not been given to the RPC from the Town on the rezoning of our property to CS. Therefore, we are asking the Plan Commission to vote in favor of rezoning a portion of our land to CS to allow our business to continue operating while simultaneously allowing homesites for our children.

There has been a lot of confusion and contradicting guidance throughout this process. For instance, when the County Board voted on the text amendment from Liberty Grove, one supervisor asked if there was another route for the same objective to be achieved. The supervisor specifically asked if a zoning change could achieve the same results. Mariah Goode answered that a zoning change could solve the same problem as the text amendment would have and therefore, rezoning is a viable option for people looking to achieve the desired goal of the text amendment. The County has continually suggested that rezoning is a viable option for our land and is the best path forward. Another suggestion given by the zoning department was to move our business out of Liberty Grove to areas such as Gibraltar. However, we would prefer to stay

in Liberty Grove for multiple reasons. Businesses that are local tend to support other local businesses. If we drive the service businesses out of northern Door County, there will be a huge need for those services. These needs will be filled by non-local contractors. This could greatly increase traffic and start the outsourcing process of services which is not a sustainable model for Liberty Grove moving forward. By hiring and employing local people, they support local restaurants, grocery stores, clothing stores, lumberyards, hardware stores, etc. If we continue to drive out services, there will be less and less local community supporting one-another; one of the main attractions to Door County.

This is a complex issue that we recognize is hard to combat. But we feel changing the zoning on our land is one step in this process. We have listened to the concerns of changing zoning which seem to be spot zoning and the additional uses in CS. However, in a meeting with the zoning department on January 31st, Mariah Goode stated that she lives in Baileys Harbor which has CS zoning, yet she has not noticed an influx of undesirable uses in the CS districts. In addition, below you will find a detailed outline of the different uses and why the majority of the 17 uses are not sustainable business options for people in Liberty Grove to pursue.

We are so thankful for all the work that the Town has done to pursue a text amendment to include Trade & Contractors Establishments and Auto Repair shops in the HL10 zoning district. We appreciate the support we have received from the Plan Commission thus far. The support and sense of community we feel in Liberty Grove is why we are coming before the Plan Commission, wanting to keep our business and family located in Liberty Grove, and not bypassing this meeting as the County suggested we could do. With the Town's support to include Trade & Contractors Establishments and Auto Repair shops on HL10, we feel that rezoning one parcel of land to CS is a less substantive change, especially since we are only requesting a Trade & Contractors Establishment on land that our aging parents currently live on.

Our Proposal Overview

We would like to rezone the front 10 acres of land at 1696 from HL10 to CS with the intent to have a Trade & Contractors Establishment.

Our goal: to provide a place where children can join the business and we can continue to provide services in northern Door County.

Reasoning:

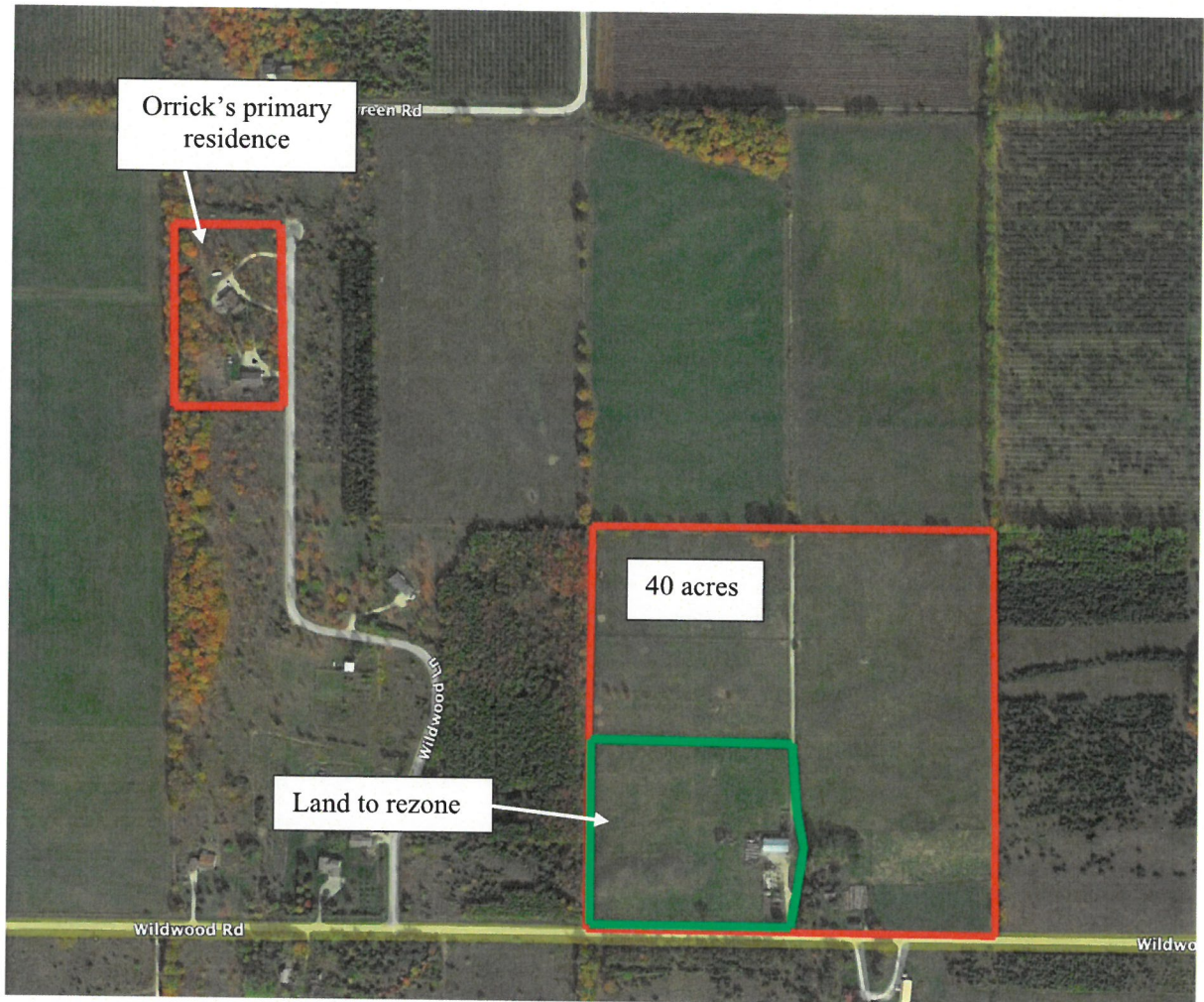
Our main goal is to operate our business out of the property. However, since we have built a house for aging parents on the property and have 6 children that will eventually need home-sites, we propose changing the zoning of one portion of the property to CS so that part of the property will be used for the business and the other part can be used for homes in the future.

We propose using a 10-acre portion of our land, in line with the conditions of a conditional use permit, as our base of operations for our light excavation/landscaping business. We would like to have a small landscape yard with neat bins of mulch, topsoil and decorative stone. All material stored on-site will be organic in nature. The ice melt used in winter operations will be stored inside, out of the weather and off the ground.

As the children come into the business, they would like to offer other services to benefit the community such as cleaning and caretaking. In efforts to be cognizant of the increased noise, traffic, and dust that may occur due to these proposed changes, we will do the following:

- **Traffic Mitigation:** We do not intend to have a garden center or retail space where people come to shop. This will keep additional traffic on Wildwood Road to a minimum.
- **General Visual and Noise Mitigation:** As a base of operations, we will need to park trucks, trailers, skid steers and other equipment onsite. We will park machinery out of sight, behind or inside the buildings. The property will have a berm with trees planted on it for noise and visual screening. We have begun to collect soil, mulch, and wood chips to help feed the trees for this purpose. Many times, berms are made of rocky fill and have no nutrients or moisture for trees causing them to die off. We have already begun to take measures to ensure this does not happen to our berm.
- **Visual Mitigation:** To make sure the property does not become an eyesore we plan to build a berm from the natural hill on the property on a diagonal line to the road to block the sight of display bins of material. We plan to plant native white cedars and white pines on the berm. We will plant white pines because they grow fast, up to a foot a year once established, and cedars because of their natural screening ability. We have been collecting wood chips and mulch to form the berm. Larger piles of bulk material such as mulch and topsoil will be stored behind the natural hill and behind the buildings. Trucks and equipment can be parked inside and behind the buildings.
- **Noise Mitigation:** We will, to the best of our ability, limit usage to daylight hours (after 7am) with a few exceptions such as snow removal or after-hours emergency calls. We plan to load trucks at the end of the day in preparation for the next morning. Additionally, we have low RPM hydraulic machinery to keep noise down.
- **Dust Mitigation:** We plan to pave the entrance and most traveled paths in stages after construction is completed in each area. We also have the ability to water any material that prove to be dusty in nature.
- **Contamination Mitigation:** To further protect ground water, all material on site will be organic in nature such as mulch, woodchips, stone and topsoil. Ice melt for winter use will be stored inside away from waters reach.

Please see the photo of the Orrick's home (left rectangle), 40 acres owned (red square), and proposed rezoned area to CS (green outline). We live close to the land with family living on the 40 acres. Our proposal is not to have a business far away from our home. Rather, we already have a home and are trying to build homes for our grown children while also running our business so our children can be a part of the family business. The business needs space for storage of natural, organic materials which will not fit on the 5 acres where our house is located.



Land Uses

Below is a table outlining the differences in zoning between CS and HL10. For each additional land use in CS, it is important to note that it would also require a zoning change and a permit process where the land use plan is presented and approved. Therefore, there are additional layers of control that both the Town and County have before any additional use could occur.

Use	CS	HL
Agriculture	P	P
Greenhouses	P	P
Roadside Stands	P	P
Tree/Shrub Nurseries	P	P
Art Galleries	C	C
Assembly Hall	C	C

Auto Repair	C	
Commercial Fishing Facilities	P	
Family Day Care Homes	P	P
Farm Implement Sales/Services	C	
Fertilizer Distribution Plants	C	
Grain Mills	C	
Home Businesses	C	C
Home Occupation	P	P
Home Office/Studio	P	P
Kennels	P	
Model Homes		C
Trade and Contractor Establishments	C	
Veterinarian Clinics	P	
Wineries/Breweries	C	C
Fruit/Vegetable/Cheese Processing Plants	C	C
Nonmetallic mining	C	C
Resource Recovery Facilities	C	
Salvage Yards	C	
Sawmills/Planing Mills	P	C
Sewage Disposal/Treatment Plants	C	C
Slaughterhouses	C	
Solid Waste Facilities	C	
Temporary Asphalt/Concrete Plants	C	C
Cemeteries	P	P
Churches	C	C
Fine Arts Venues	C	C
Fire/Police Stations	C	P
Institutional Residential	C	
Libraries/Museums		P
Private Schools	C	C
Public Schools	C	C
Public Highway Garages	C	C
Town Halls/Community Centers	P	P
Campgrounds/Trailer Camps	C	C
Camping	P	P
Commercial Riding Stables	C	C
Golf Courses	C	C
Gun Clubs/Shooting Ranges	C	
Institutional Recreation Camps	C	C
Outdoor Active Recreation Facility	C	C
Parks	P	P
Private Riding Stables	P	P
Public Boat Launching Facilities	C	
Retreat Centers	C	C

Bed & Breakfast Establishments	P	C
Boardinghouses	P	P
Conservation Subdivisions	P	P
Duplexes	P	P
Dwelling for Agricultural Production & Processing	P	P
Farm Related Residences	P	P
Manufactured Homes	P	P
Manufactured Home Parks	C	C
Secondary Dwelling Units	P	P
Single Family Residences	P	P
Single Family Residences Separated from Farm Parcels	P	P
Temporary Manufactured Homes	P	P
Airports	C	
Airstrips and Landing Fields	C	C
Animal Shelters/Pounds	C	
Utility Facilities – Type A	C	C
Utility Facilities – Type B	C	C

Additional Uses in CS:

1. Auto Repair – Conditional use permit
 - Would require a conditional use permit, meaning there would still be control and monitoring of the business
2. Commercial Fishing Facilities – Permit
 - This is not an overly sustainable business option with the huge decrease in commercial fishing, this also requires a permit
3. Farm Implement Sales/Services – Conditional use permit
 - Not a sustainable business option due to the limited farming in Liberty Grove and requires a conditional use permit
4. Fertilizer Distribution Plants – Conditional use permit
 - Not a sustainable business option due to the limited farming in Liberty Grove and requires a conditional use permit
5. Grain Mills – Conditional use permit
 - Not a sustainable business option due to the limited farming in Liberty Grove and requires a conditional use permit
6. Kennels – Permit
 - Would require a permit
 - Currently allowed in HL10 with a home business with a conditional use permit
7. Trade and Contractor Establishments – Conditional use permit
 - Would require a conditional use permit, meaning there would still be control and monitoring of the business
8. Veterinarian Clinics – Permit
 - Would require a permit
 - Currently allowed in HL10 with a home business with a conditional use permit
9. Resource Recovery Facilities – Conditional use permit

- Not a sustainable business decision located in Liberty Grove and requires a conditional use permit
- 10. Salvage Yards – Conditional use permit
 - Would require a conditional use permit, meaning there would still be control and monitoring of the business
- 11. Slaughterhouses – Conditional use permit
 - Not a sustainable business option due to the limited farming in Liberty Grove and requires a conditional use permit
- 12. Solid Waste Facilities – Conditional use permit
 - Would require a conditional use permit, meaning there would still be control and monitoring of the business
- 13. Institutional Residential – Conditional use permit
 - Would require a conditional use permit, meaning there would still be control and monitoring of the business
- 14. Gun Clubs/Shooting Ranges – Conditional use permit
 - Would require a conditional use permit, meaning there would still be control and monitoring of the business
- 15. Public Boat Launching Facilities – Conditional use permit
 - Would require a conditional use permit, meaning there would be control and monitoring of the business and would only affect a small portion of land by the water
- 16. Airports – Conditional use permit
 - Would require a conditional use permit, meaning there would still be control and monitoring of the business
- 17. Animal Shelters/Pounds – Conditional use permit
 - Would require a conditional use permit, meaning there would still be control and monitoring of the business

Allowed in HL but not CS

1. Model Homes – Conditional use permit
2. Libraries/Museums – Permit

There are 48 uses that are allowed in both CS and HL10. In addition, the definitions are very similar in their intent for the land.

Definition of Country Side:

“Countryside (CS). This district is intended for mostly rural areas of the interior of the county where a mixture of low density residential, agricultural, and rural commercial activity exists or is desirable. The district provides for residential development at modest densities consistent with a generally rural environment and allows for nonresidential uses which require relatively large land areas and/or which are compatible with surrounding rural land. The district also accommodates agricultural uses and, hence, can serve as a transitional district between the Exclusive Agricultural, Prime Agricultural, and General Agricultural districts and more intensely developed areas. Lot sizes of at least 10 acres are required for new lots.”

Definition of Heartland:

“Heartland-10 (HL10). This district is intended to help maintain the rural character of areas of the interior of Door County, particularly cleared and other open areas where agricultural activity has been diminishing. The district provides for residential development at low densities, agricultural uses, and other nonresidential uses that require relatively large land areas and/or which are compatible with the surrounding rural character. Lot sizes of at least 10 acres are required for new lots.”

Rezoning Considerations

Considerations in evaluating petitions to rezone:

- Was the existing district due to a mistake in the mapping process?
 - Yes. Nancy Goss has mentioned that at the time when land was designated as HL10, they were operating under some presumptions that did not materialize.
- Have circumstances changed for this property or surrounding properties since the original zoning district designation?
 - Yes. There have been enormous changes from agricultural land both in this immediate area and throughout Liberty Grove. The piece of property directly across the road used to grow produce and other various agricultural products and now supports a painting business and an auto repair shop. The tremendous demand for services of all types has put a strain on many of Door County’s small businesses and has resulted in drastic changes to land use in recent years.
- How are the adjacent properties zoned and used?
 - There is a painting and auto mechanic shop across the road, a plumbing business to the west, single family homes and home business, vacant land, agricultural land, and orchards.
- Is the land area in question large or small?
 - Large. We are requesting 10 acres, but if it would be better to rezone all 40 acres, we would be willing to do that.
- Would the new district fit official plan guidelines for the property? Is the existing district a better fit?
 - If you read the description of HL10 and CS they have very similar descriptions. Both talk about low density residential and both state the use of land for non-residential uses that require larger land areas.
- Is the request simply to economically benefit one property owner or a small group of property owners?
 - A change like this is beneficial for the entire community as it allows for other young entrepreneurs that would like to work in the trades and services to be able to do so. Although tourism is a substantial revenue source in Door County, tourism cannot survive without the trades and services. Rezoning brings value to the entire community when we are allowed to keep our youth working and living in the community. Our business employs young people in the community, it

supports other young contractors who need our supplies or need us to bring our equipment to help with their projects, and by keeping our employees employed in Liberty Grove, they are in turn supporting other businesses in the community.

- Is there an overriding public good to be gained by rezoning the property? (If yes, rezoning might be justified even if other considerations point toward denying the petition.)
 - Yes. We take care of a lot of people, their homes, and their businesses - they depend on us. We provide needed services such as plowing driveways in the winter and shoveling walkways and spreading ice melt allowing the elderly to continue living in and engaging with the community. We clear storm damage, check on homes when homeowners are gone, weed gardens, install patios, and provide general property services. In addition to our normal business operations, we have expanded into the commercial services. Without our business in operation, many of the local business in Sister Bay and throughout the county would not have a local contractor plowing their parking lots (such as nursing homes, Bargains, NWTC, many churches, and condo complexes). We also donate many of our services to those in the community who cannot afford certain services that are desperately needed. The community depends on us in many ways. We have raised our family in this community with some children still at home. Our adult children and some of their significant others depend on us. Our employees and their families depend on the economic ability that can be offered through our employment. The whole community thrives when our young people can have opportunities to work and serve in a community and then, in turn, support that same community.

Spot Zoning:

“In general, a rezoning that 1) will economically benefit only one or a few property owners, 2) affects a small area of land, 3) is not a fit with official plans, 4) will allow for higher intensity or higher density uses than those allowed on surrounding properties, and 5) will not result in any overall public benefit may constitute ‘spot zoning,’ which may be deemed illegal.”

1. This will economically benefit many people and businesses in the community.
2. We could have up to 40 acres of CS land, which is a lot of land area.
3. Future land use for this property matches the future land use in the County that is zoned CS.
4. This will not allow for higher density. In HL10 people can have Trade & Contractors Establishments with Home Businesses.
5. Overall public benefit - Businesses that are local tend to support other local businesses. If the trades and service businesses are driven out of northern Door County, those needs will be filled with non-local contractors. Local contractors and local employees support local businesses here in Sister Bay and Liberty Grove and play a crucial role in supporting the restaurants, grocery stores, clothing stores, lumberyards, hardware stores, etc.

“Note that rezoning a property means that any use allowed in the new zoning district may be established on the property, now or in the future, not just the use being proposed by the current applicant. A property owner may volunteer to legally restrict the uses to which the property may be put, such as through a deed restriction naming the county as enforcement agency, but the planning committee may be reluctant to participate in such discussions or agreements for fear of inadvertently engaging in ‘contract rezoning,’ which is illegal.”

Reasons why we need to keep trades and services in northern Door County

- Currently young people are being run out of the county. This means we have less families staying and raising their children in Door County. We are seeing the effect of less and less young people to run the restaurants, staff resorts, offer seasonal activities, as well as the increased demand the services. The wait times, response times, and availability to get services done around your home are all a result of losing young people.
- With the influx in people moving to Door County, the community is requiring more services than ever before.
- Increased tourism that Sister Bay and other towns have pushed for, rely on services as the backbone to their operations.
- With much of the property being built up and bought by people from out of the county, it is leaving locals in a challenging situation and if we do not start to fix this, there will be insurmountable consequences.
- There is not property available in Liberty Grove for the services like ours to operate. Commercial land is not feasible because of the size, location, and price. Industrial land is hard to find and does not allow for residences, thus not solving the housing concerns we are facing.
- Looking at many of the services in the interior of Door County, our Trade & Contractors Establishment fits with all of those. There are many home businesses and trade and service businesses operating within a few mile radius of our land. The only feasible spot to have Trade & Contractors Establishments and trades and service businesses is in the interior area of Door County.

Application Z-22-0524

Application Public Hearing Text Amendment
Submitted
Z-22-0524

RefreshMoveBulk MovePrintMapHelp

Overview

ApplicantTown of Liberty Grove
Town of Liberty Grove
11161 OLD STAGE ROAD
Sister Bay, WI 54235
(920)854-2934
tlibertygrove@gmail.com

Department
Application Number
Group Number
Application Type
Application Status
Application Date

Public Hearings
Z-22-0524
Public Hearing Text Amendment
Submitted
04/28/2022

Parcel Zone
Inspector
Permit Created
Building Construction Type
Zone
TotalCost

krankir
No

Overview

Contacts (1)
Items (0 / 2)
Media (2)
Notifications
Subscriptions
Financial
Comments (0)
Quick Map
Quick Calendar(beta)

Groups
+ Create Group
1. Application Info

Department: Public Hearings
Assigned To: Kristin Rankin
Application Type: Public Hearing Text Amendment
Application Status: Submitted
Application Date: 04/28/2022
Cost of Construction:

Description

Comments

Zoning map use regulations to read as follows: uses permitted as condition 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)).

Save Changes