

TOWN OF LIBERTY GROVE PUBLIC MEETINGS

Plan Commission

Date: Wednesday, September 13, 2023

Time: 6:00 PM

Place: Town Hall, 11161 Old Stage Road

Agenda:

1. Call to order
2. Declaration of quorum
3. Adopt agenda
4. Approve Minutes: 8-23-23
5. Heartland-10 Text Amendment Language
6. Public Input
7. Correspondence
8. Future Meeting Dates
9. 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 August 23, 2023

Agenda:

1. Call to order
2. Declaration of quorum
3. Adopt agenda
4. Approve Minutes: 8-9-23
5. Short-Term Rental Ordinance
6. Public Input
7. Correspondence
8. Future Meeting Dates
9. Adjourn

Chairman Nancy Goss called the meeting to order at 6:00pm. Commissioners Anne Miller, Paul Bokelmann, Cathy Ward, Cheryl Culver, Bill Surbaugh, and Dan Watts were present with Administrator Walter Kalms, Clerk/Treasurer Anastasia Bell, and approximately 3 members of the public.

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

Surbaugh moved, Miller second to approve the 8/9/23 minutes as presented. Carried 7-0.

Short-Term Rental Ordinance – the ordinance was reviewed, and the following items were noted:

- County Zoning 4.08(9)(i) prohibits rental of secondary dwelling units less than 750 sq. ft.
- DCTZC should be added to sections requiring compliance and payment of all fees.
- Limit occupancy to legal bedrooms, POWTS design, or 12.
- Children under the age of 3 do not count towards occupancy limits.
- Change defined words to be capitalized throughout ordinance.

Public Input – Valerie Austgen requested language regarding illegal activity be removed because the renter actions cannot be corrected if they're not known. and asked if there would be a hearing for each 'strike'.

Correspondence – None.

The next meeting will be Wednesday, September 13, 2023 (focus on HL-10) at 6:00pm.

Miller moved, Culver second to adjourn at 9:17pm. Carried 7-0.

Anastasia Bell, Clerk/Treasurer

Information from Town Board/Plan Commission meeting minutes.

- 2-8-23 (Plan) Minimum of 10 acres for the proposed additional CUP uses
- 2-15-23 (Board) Amendment would allow two new CUP uses. Countryside would allow seventeen regular uses. STRs are a greater issue in HL-10 than these establishments. Enforcement lies with the County. Plan Commission deemed this the fairest way to address citizen concerns. Established businesses need to grow and new ones need a place to start. Some businesses are too intense for residential areas. This could provide relief to the current situation, but it is not the complete solution. CUP process is likely to address concerns. Unlikely there will be a significant rush of businesses. Might help in retaining fire department volunteers. Can be removed if deemed inappropriate. 10-acre minimum parcel, 5,000 sq. ft. maximum for accessory building for standalone trade/contractor establishments and auto/marine repair businesses via CUP.
- 3-22-23 (Plan) Not supportive of accessory buildings-the number of buildings per parcel will be one. Building to be limited to a 5,000 sq. ft. footprint with up to 7,500 sq. ft. of usable space.
- 4-12-23 (Plan) 5,000 sq. ft. footprint with 7,500 sq. ft. usable space (loft). One building per parcel with potential for second principal structure only if the owner builds a home later. Affirm footnote #8. Buildings over 50-years are exempt.
- 4-26-23 (Plan) Limit the number of buildings to one. Consider allowing one single business on the parcel and prohibiting subletting or rental of the space.
- 5-10-23 (Plan) Eliminate accessory buildings for the business. Confirmed Town cannot require business to be owner operated. Determine maximum number of buildings and consider the total square footage of all buildings to be in line with current HL-10 guidelines. Encourage the owner to build a home in the future.
- 5-24-23 (Plan) One principal business structure with a maximum footprint of 5,000 sq. ft. and a maximum floor space of 7,500 sq. ft. Allow one accessory building only after a home has been built.

Summary:

- Minimum of 10 acres
- Affirm County footnote #8 for parcels that aren't quite 10 acres from a split.
- 5,000 maximum sq. ft. with up to 7,400 sq. ft. usable space (loft)
- No accessory buildings for the business
- Allowance of one accessory structure only after a home has been built



clarification info #1
1/1

Town Clerk <tlibertygrove@gmail.com>

text amendment language clarification needed

1 message

GOODE, MARIAH <mgoode@co.door.wi.us>
To: Town Clerk <tlibertygrove@gmail.com>

Wed, Mar 8, 2023 at 3:42 PM

Hi, Stacey –

The county has received the town's newly proposed HL 10 text amendments.

There are two things we need clarified before we move forward:

1. Does the 10-acre minimum lot size requirement include lots that meet the HL 10 size requirements described in footnote 8 in section 3.02(3)(b)? (See page 3-6 of the attached.) This provision allows for a lot that is not a true/full 40 acres to be subdivided into even fourths, as long as the parcel in question dates back to and is described in the original US surveys as being "a 40". This provision is a long-standing one, and many lots have been created in HL 10 using it.
2. Does the town intend to limit the size of the buildings within which auto repair and/or trade & contractor establishments would be allowed, or does it mean to only limit the size of structures that would be "accessory" to those uses? The auto repair and trade & contractor uses would by definition be principal uses if the text amendments are adopted, so there would be no size limit on those buildings with this language.

Please let me know if you need further clarification about the items for which we need clarification. 😊

Thank you!

Mariah Goode, Director

Door County Land Use Services Department

Door County Government Center

421 Nebraska Street

Sturgeon Bay, WI 54235

Direct line: (920) 746-2224

Main office line: (920) 746-2323

FAX: (920) 746-2387

E-mail: mgoode@co.door.wi.us

Website: <https://www.co.door.wi.gov/164/Land-Use-Services>

clarification info #2
1/2

Hi, Nancy –

Now that multiple staff members have looked at this, we do have a number of questions and comments to offer:

- Is the intent to allow only one of these uses (auto repair or trade & contractor) per lot, and no other principal uses or structures on the lot besides a home? This is how what was sent reads to us. We want to make sure the town understands that this would preclude, for example, two or more of these (or other) businesses sharing a single building, a single business having two or more buildings, the presence of a barn or other buildings for agricultural uses (agriculture is a principal use), the establishment of any other type of business allowed in HL10 (including agriculture), or a duplex. Also, when/if there were to be a single-family home present, also precluded would be a secondary dwelling unit, a home occupation, a home business, a family day care, etc.
- We assume the allowance for “one accessory building after a home has been built” means the accessory building has to be accessory to the home, not the business. This would decrease what a typical HL10 homeowner could do for accessory buildings, and/or could result in odd-looking buildings (e.g., giant garages attached to homes, as those are considered part of the principal structure).
- Was the town interested in pursuing exemptions for buildings over 50 years old? If yes, what are they exempt from... size limitations? number maximum (business and/or home allowance?)? maximum number or type of uses? What if someone wants to essentially rebuild the 50-year old building to accommodate the use – is that allowed?

Please let me know if you need clarification about any of the above. We won't start drafting anything until we hear further from the town.

Thank you!

Mariah Goode, Director
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Website: <https://www.co.door.wi.gov/164/Land-Use-Services>
Apply for permits on-line: <https://www.citysquared.com/#/app/DoorCountyWI/landing>

From: GOODE, MARIAH
Sent: Friday, June 9, 2023 8:29 AM
To: 'ngoss@libertygrovewi.gov' <ngoss@libertygrovewi.gov>
Subject: RE: HL-10 notes

Received.

I already have a few clarifying questions/issues for the town to think about, based on the lists below... I'm running this stuff past Kristin and Becky, though, so we can have multiple brains thinking about this and get our questions to you all at once.

Thanks!

Mariah Goode, Director

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 Apply for permits on-line: <https://www.citysquared.com/#/app/DoorCountyWI/landing>

From: ngoss@libertygrove.wi.gov <ngoss@libertygrove.wi.gov>
Sent: Thursday, June 8, 2023 7:34 AM
To: GOODE, MARIAH <mgoode@co.door.wi.us>
Subject: FW: HL-10 notes

Good Morning, Mariah,

Below are the salient points of what Liberty Grove wants as far as the HL-10 text amendments re auto repair and contractors' establishments. Please let me know if we have missed something that we need to address.

Thanks for all your help!

nbg

-----Original Message-----

From: "Town Clerk" <tl@libertygrove@gmail.com>
 Sent: Friday, June 2, 2023 4:11pm
 To: "Nancy Goss-official" <ngoss@libertygrove.wi.gov>
 Subject: HL-10 notes

Nancy,

Here is what I found from the Plan Commission meeting minutes.

- 2-8-23 Minimum of 10 acres for the proposed additional CUP uses
- 3-22-23 Not supportive of accessory buildings-the number of buildings per parcel will be one. Building to be limited to a 5,000 sq. ft. footprint with up to 7,500 sq. ft. of usable space.
- 4-12-23 5,000 sq. ft. footprint with 7,500 sq. ft. usable space (loft). One building per parcel with potential for second principal structure only if the owner builds a home later. Affirm footnote #8. Buildings over 50-years are exempt.
- 4-26-23 Limit the number of buildings to one. Consider allowing one single business on the parcel and prohibiting subletting or rental of the space.
- 5-10-23 Eliminate accessory buildings for the business. Confirmed Town cannot require business to be owner operated. Determine maximum number of buildings and consider the total square footage of all buildings to be in line with current HL-10 guidelines. Encourage the owner to build a home in the future.
- 5-24-23 One principal business structure with a maximum footprint of 5,000 sq. ft. and a maximum floor space of 7,500 sq. ft. Allow one accessory building only after a home has been built.
- Conditional Use approval

Let me know if I missed something. I think the summary points are as follows:

- Minimum of 10 acres
- Affirm County footnote #8 for parcels that aren't quite 10 acres from a split.
- 5,000 maximum sq.ft. with up to 7,500 sq.ft. usable space (loft)
- No accessory buildings for the business
- Allowance of one accessory structure only after a home has been built
- Conditional Use approval

Stacy

Clarification info # 3
1/1



Town Clerk <tlibertygrove@gmail.com>
to MARIAH ▾

Thu, Jul 27, 1:53 PM ☆ ↶ ⋮

Mariah

Here is the latest from the Plan Commission meetings. Can you draft verbiage for their review?

- The maximum number of buildings for one trade/contractor establishment or auto/marine repair shop will be one.
- Normal HL10 regulations will be followed once a home is built.
- The principal business structure can have a maximum footprint of 5,000 sq ft. and maximum floor space of 7,500 sq ft.
- Accessory building(s) to be allowed only after a home has been built as already defined by County Ordinance.
- Allow one principal structure for one trade/contractor establishment or auto/marine repair shop and then to follow normal HL10 regulations once a home is built.
- The business established prior to a home will be counted as one of the two home businesses allowed in HL10.
- Exempt existing barns from size limitation and allow it to be rebuilt to accommodate the business prior to a home on the parcel.

Thank you,
Stacy

...

GOODE, MARIAH <mgoode@co.door.wi.us>
to me ▾

Mon, Jul 31, 4:10 PM ☆ ↶ ⋮

Hi, Stacy –

These new businesses can't be authorized as stand-alone entities and then be "converted" to home businesses when/if a home is built. If they are allowed as stand-alone businesses, they are allowed as stand-alone businesses. They can't be recategorized when a new use (residence) is introduced on the property, and we wouldn't want to potentially render those uses nonconforming anyway.

I assume "following normal regulations once a home is built" means that the home gets all the accessory structures it would normally get, on top of the business building (which is technically a principal building), and that all the uses that would normally be allowed can occur.

What type of structure is considered to be an "existing barn"? Are there design standards when/if it is rebuilt?

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