

TOWN OF LIBERTY GROVE PUBLIC MEETING

Plan Commission Meeting

Date: July 9, 2025

Time: 7:00pm

Place: Town Hall, 11161 Old Stage Road

Agenda:

1. Call to order
2. Declaration of Quorum
3. Approve Agenda
4. Approve minutes from 6/11/25
5. Public input
6. DC Comprehensive Zoning Ord proposed amendment for Public Purpose Minimum Lot Size Exemption
7. Consider deleting Sec.4.04(8)(e) of County Zoning Ordinance regarding road setbacks for storage buildings
8. Creation of a Land Management Plan for the Town
9. Correspondence
10. Future meeting date(s)
11. Adjourn

All agenda items will include discussion and possible action.

**Report items will not be discussed or voted on.*

Deviation from listed order may occur.

Audience members must ask for permission, during "Public input," to speak on agenda items.

Pamela Donart-Welcome, 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.

DRAFT
(subject to change until final approval by the Commission)

Town of Liberty Grove
Minutes of the Plan Commission meeting on June 11, 2025

Agenda:

1. Call to order
2. Declaration of Quorum
3. Approve Agenda
4. Approve minutes from 4/30/25
5. Public input
6. Review Re-Zoning request for Parcel ID 018-01-02312824
7. Correspondence
8. Future meeting date(s)
9. Adjourn

Chairman Ward called the meeting to order at 7:00pm. Commissioners Cheryl Culver, Ann Miller, Dan Watts, Nancy Goss and Paul Bokelmann were present. Bill Surbaugh was excused. Administrator Kalms and Clerk/Treasurer Pamela Donart-Welcome were also in attendance along with one member of the public.

Miller moved, Goss seconded to approve the agenda as posted. **Carried 6 - 0**

Miller moved, Bokelmann seconded to approve the 4/30/25 minutes as presented.
Carried 6 – 0

Public Input: Administrator Kalms proposed that the Plan Commission consider the subject of set-backs for storage buildings with relation to a County Comprehensive Zoning ordinance created in 1996. He felt that the Town's Plan Commission and Town Board at that time interpreted "roads" to be public roads. The current County Planning Department staff is considering "roads" in that ordinance to mean all roads (public and private). In agreement with Jeff Kussow in the County Zoning Department, Kalms suggested removing Chapter 4 section 4.04 (8) (e) "For commercial storage facilities located within the Town of Liberty Grove, the required setback form roads shall be as specified in s. 3.05, setback form roads and s. 6.06 , additional setback form roads for large buildings, or 150 feet from the centerline, whichever is greater. (Added: 6 May 1996, Ord. 10-96)" from Door County Comprehensive Zoning Ordinance, and allowing the remaining language in the ordinance to sufficiently address setbacks without confusion.

Bill Anderson of 10493 N Orchard Rd, Ephraim spoke to the commissioners on his reasoning to formally request **Re-Zoning for Parcel ID 018-01-02312824**. The Commissioners reviewed the parcel and determined that there are no wetlands on the eastern section of the parcel in question, and nearby parcels are comparably zoned and compatible with his request. Ward clarified that the portion being considered is not exactly 20 acres as requested in his application. On the GIS map, it appears to be closer to 15 acres. Mr. Anderson stated for the record that he is agreeable to

whatever exact acreage measurement of this parcel is designated for Light Industrial vs Rural Agricultural in the Future Use Maps to qualify for his request.

Goss moved, Miller seconded that the Town recommend support for the amended rezoning request of parcel number 01801202312824 for Mr. William Anderson. The amended request being as described in our County Land Use services correspondences on 4/8/25 and 4/9/25.

Motion carried 6 – 0

Following the motion, Administrator Kalms clarified that according to Wisconsin §59.69(5)(3) Planning and Zoning Authority, while the County can deny the Town's recommendation for rezoning application, they must accept a Town denial of a re-zoning request.

Future Meeting: The next meeting was scheduled for July 9, 2025 at 7:00pm.

Miller moved, Culver seconded to adjourn at 7:40pm. **Carried 6 - 0**

Respectfully submitted,
Pamela Donart-Welcome, Clerk/Treasurer

Pending approval at next meeting.



County of Door
LAND USE SERVICES DEPARTMENT

County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

June 30th, 2025

To: Town Chairs, Clerks, & Plan Commission Chairs

From: Karyn Behling, Director

Re: Door County Comprehensive Zoning Ordinance Public Purpose Minimum Lot Size Exemption

There will be a public hearing on July 17th at 3pm, regarding a proposed amendment to the Door County Comprehensive Zoning Ordinance, that would allow for a minimum lot size exemption for a public purpose. The Resource Planning Committee is sponsoring this amendment which would allow Door County and other Municipalities within the County to create lots, that do not meet minimum lot size requirements, for a public purpose, i.e., public safety communication towers, parks, water filling station, etc. See the attached proposed amendment and the public hearing notice.

If you would like to submit written testimony for the public hearing, regarding this proposed amendment, it must be received by our office, on or before July 15th. I also welcome you to attend the hearing in person and provide verbal testimony.

Please let me know if you have any questions.

Thank you!

Attachments:

- Proposed amendment to s. 3.04(1), Lot Requirements, Door County Comprehensive Zoning Ordinance
- Notice, July 17th, 2025, Resource Planning Committee Public Hearing

3.03 Multiple occupancy development requirements. (This section deleted effective 5 Oct. 1998; Ord. 22-98) (For Multiple Occupancy Development Requirements, see Section 4.08(8) (Typographical errors corrected: 20 Sept. 2016; Ord. 2016-14)

3.04 Lot requirements.

- (1) ~~No lot shall hereafter be created which does not meet the minimum width and area requirements of this Ordinance. No lot shall be so reduced that it fails to meet any density, dimensional, or other requirement of this Ordinance. Except as provided in sub. (a), no lot shall be created, altered or reduced in a way that it fails to meet any density, dimensional, or other requirement of this Ordinance (Amended: 20 Sept. 2016; Ord. 2016-14)~~

~~(a) For a public purpose, a Municipality within the boundaries of Door County or the County of Door may create lots which do not meet density, dimensional, or other requirements of this ordinance, subject to the following:~~

- ~~1. The parent parcel shall contain no violations of any County ordinance at the time of its division.~~
- ~~2. The lot created for a public purpose shall not be required to meet density, dimensional, or other requirements of this ordinance.~~
- ~~3. The remaining lot shall not be required to meet the minimum lot area and width requirements of this ordinance.~~
- ~~3. The lot created for a public purpose and the remaining lot shall be considered a lot of record.~~
- ~~4. Any development, structures, or buildings on a lot created for a public purpose are exempt from setback and impervious surface ratio requirements described in Chapter 3 of this ordinance.~~
- ~~5. Any lot created for a public purpose may only be transferred to another Municipality within the boundaries of Door County, the County of Door, or an adjoining property owner who shall combine the lots.~~
- ~~6. A certification of zoning shall be recorded at the Register of Deeds for the lot created for a public purpose and the remaining lot, if the remaining lot does not meet the minimum width and area requirements, and shall include all the conditions that affect each lot at the time of the division.~~

(2) Lot of record required. Every building hereafter erected, structurally altered, or relocated shall be placed on a lot of record.

(3) Access to road. No lot shall hereafter be created nor any building placed on a lot which does not have an access to a public road or a private road which is described and recorded in the Door County Register of Deeds office. The property owner shall be responsible for securing such access.

**NOTICE OF PUBLIC HEARING BEFORE
THE DOOR COUNTY, WI RESOURCE PLANNING COMMITTEE**

**DOOR COUNTY GOVERNMENT CENTER
421 NEBRASKA ST.
STURGEON BAY, WI 54235**

A public hearing and subsequent business meeting will be held by the Door County Resource Planning Committee (RPC) on Thursday, July 17, 2025 in the Door County Government Center Chambers Room (C102, 1st Floor).

Applicants and others who wish to offer oral testimony must attend in person.

Members of the public who wish to simply monitor/observe the hearing and meeting may attend in person, or do so remotely by computer using the link below, or via the Zoom smartphone app, or by calling (312) 626-6799.

Link: <https://us02web.zoom.us/j/87098804180?pwd=JzuxafmwapOAnQflaWptasLLxjlaSK.1>

Zoom Webinar ID: 870 9880 4180

Passcode: 567941

The hearing will begin at 3:00 p.m. to give consideration to the applications below for a Map Amendment, a Conditional Use Permit, and a Text Amendment, as specified in the Door County Comprehensive Zoning Ordinance.

LIBERTY GROVE

William Andersen, Registered Agent of OHCE LLC, petitions to rezone the eastern 20 acres of parcel ID 018-01-02312824 from Heartland-10 (HL-10) to Light Industrial (LI) in order to subdivide the property into smaller lots. The property is located on CTH ZZ near the intersections of Appleport Rd and Hill Rd.

A map showing the property affected by the rezoning proposal is available for viewing and/or purchase from the Door County Land Use Services Department during normal business hours.

GIBRALTAR

Caroline Reymont, on behalf of Rey Rey Properties LLC, requests a Conditional Use Permit to establish a Private School (private preschool) within Condominium Unit #4-A of the building addressed 4140 Bluff Lane. The Private School use shall be authorized by a Conditional Use Permit in the Village Commercial (VC) zoning district.

DOOR COUNTY COMPREHENSIVE ZONING ORDINANCE TEXT AMENDMENT

The Resource Planning Committee is sponsoring a text amendment to Section 3.04 of the Door County Comprehensive Zoning Ordinance to allow substandard lots to be created by a municipality for a public purpose.

The proposed text amendment is available for viewing and/or purchase from the Door County Land Use Services Department during normal business hours.

The purpose of a hearing is to allow parties to explain how their interests are affected, how the public is affected, and to bring out any facts pertinent to the case related to public health, safety, convenience, and general welfare.

Written testimony will be accepted on 8 1/2" x 11" paper, or by email to LUSdepartment@co.door.wi.us, and must be received 48 hours prior to the day of the hearing. Anonymous correspondence will not be accepted. Letters are available for inspection upon request. Letters are entered into hearing records, but are not read aloud. **Please note: Correspondence or testimony submitted for town-level proceedings does NOT get forwarded to the county.**

All application materials may be viewed on-line approximately four business days before the hearing at <https://www.co.door.wi.gov/AgendaCenter>. Additional materials may be posted up until 4:30 p.m. the day before the hearing.

The list of names to whom this notice was sent by regular mail is available upon request.

Hugh Zettel, Chairperson
Resource Planning Committee
c/o Land Use Services Dept.
Door County Gov't. Center
421 Nebraska St.

Sturgeon Bay, WI 54235
Phone: (920) 746-2323
FAX: (920) 746-2387

Publication Dates: June 27th & July 4th 2025

6/24/2025

(Amended: 22 Aug. 2006; Ord. 2006-16 – Effective 12 Sept. 2006) (Amended: 22 Feb. 2011; Ord. 2011-03) (Deleted and replaced: 20 Sept. 2016; Ord. 2016-14)

2. The substandard lot or parcel is developed to comply with all other ordinance requirements.

(Amended 22 Aug. 2006; Ord. 2006-16 – Effective 12 Sept. 2006)

(Amended 28 Feb. 2012; Ord. 2012-09)

(Amended 25 March 2014; Ord. 2013-03)

(Deleted and replaced: 20 Sept. 2016; Ord. 2016-14)

3. (Deleted: 20 Sept. 2016; Ord. 2016-14)

(c) (Deleted: 30 Sept. 2010; Ord. 2010-13)

(6) Lots which qualify as building sites as provided in sub. (5) may be enlarged through acquisition of adjacent property, but need not comply with the provisions of s. 3.02(3), table of district requirements. Any such lots which have been enlarged through land acquisition or combining of separate parcels into a single legal description shall not be thereafter reduced or rearranged except in compliance with s. 3.02, district requirements. (Amended: 25 June 1996; Ord. 16-96)

3.05 Setbacks from roads.

(1) State and federal roads. Except as provided in subs. (5), (5a), and (6), the minimum required setback for all structures fronting on state and federal roads shall be 90 feet from the centerline of the right-of-way or 57 feet from the edge of the right-of-way, whichever is greater. (Amended: 29 January 2002; Ord. 02-02) (Amended: 26 Feb. 2013; Ord. 2013-08) (Typographical error corrected: 20 Sept. 2016; Ord. 2016-14)

(2) County roads. Except as provided in subs. (5), (5a), and (6), the minimum required setback for all structures fronting on county roads shall be 75 feet from the centerline of the right-of-way or 42 feet from the edge of the right-of-way, whichever is greater. (Amended: 29 January 2002; Ord. 02-02) (Amended: 28 Feb. 2013; Ord. 2013-08)

(3) Town roads. Except as provided in subs. (5), (5a), and (6), the minimum required setback for all structures fronting on all town roads shall be 65 feet from the centerline of the right-of-way or 32 feet from the edge of the right-of-way, whichever is greater. (Amended: 29 January 2002; Ord. 02-02) (Amended: 26 Feb. 2013; Ord. 2013-08) (Typographical error corrected: 20 Sept. 2016; Ord. 2016-14)

A (4) Private roads. The required setback for all structures fronting on private roads or private road easements, except those serving 4 lots or less, shall be 30 feet. No setback shall be required from private roads or private road easements which serve 4 lots or less. If the width of the private road or private road easement is described by

plat, survey, deed or similar document, the setback shall be measured from the edge of the described road or road easement. If the width of the private road or private road easement is not so described, then the setback shall be measured from the edge of the traveled roadway. (Amended: 27 May, 1997; Ord. 14-97)

(5) The required setback for roads in the Commercial Center, Mixed Use Commercial, Village Commercial, and General Commercial Districts within areas designated "Core" in the Door County Comprehensive and Farmland Preservation Plan shall be 25' from the right-of-way. (Amended: 27 February 2007; Ord. No. 2007-04; Effective 12 March 2007) (Amended: 30 August 2011; Ord. 2011-11) (Amended: 26 Feb. 2013; Ord. 2013-08) (Amended: 20 Sept. 2016; Ord. 2016-14)

(5a) The required setback for roads in the Single-Family Residential 10,000 district shall be 25' from the right-of-way.

PARTICULAR USE REQUIREMENTS 4.04(9)

(7) Trade or contractors establishments. Except in the Light Industrial district, all outside storage areas and parking of trucks and machinery used in conjunction with the establishment shall be screened from all adjacent properties and public roads by a vegetative screening, as described in s. 3.10(4), landscape buffer tree requirements.

(8) Commercial storage facilities.

(a) Except in the Light Industrial district, all buildings shall be located a minimum of 50 feet from all lot lines. In the Light Industrial district, the yard requirements listed in s. 3.02(3), table of district requirements, shall apply.

(b) Use. Commercial storage facilities shall not be used as workshops or retail shops.

(c) Outside storage. Outside storage shall be prohibited.

(d) Screening. Such facilities shall be screened from public roads by a vegetative screening, as described in s. 3.10(4), landscape buffer tree requirements.

B
—
(e) For commercial storage facilities located within the Town of Liberty Grove, the required setback from roads shall be as specified in s. 3.05, setback from roads, and s. 3.06, additional setback from roads for large buildings, or 150 feet from the centerline, whichever is greater. (Added: 6 May 1996; Ord. 10-96)

(9) Home offices/studios. The use of a dwelling unit or accessory structure for a home office/studio shall be clearly secondary to the residential use of the property and shall not change the property's residential character. The following shall apply:

(a) Home offices/studios shall not require a zoning permit.

(b) A maximum of two home offices/studios shall be permitted per lot or building site. In no instance shall there be more than two home-based enterprises on a lot or building site, whether those enterprises are home offices/studios and/or home occupations and/or home businesses.

(c) The home office/studio business shall be conducted by resident(s) of the dwelling unit. Other persons may be employed by the business but shall not work on the premises.

(d) Home offices/studios may be conducted in any dwelling unit or accessory building. The total floor area dedicated to home offices/studios, whether located within the dwelling unit and/or in an accessory building, shall be no more than 25% of the floor area of the dwelling unit.

(e) Such use shall not include the conduct of any retail or wholesale business on the premises, nor any other activity requiring visits by members of the public.

GENERAL REQUIREMENTS 3.06(2)

- (b) Public utility poles, lines, and related equipment without permanent foundations.
- (c) Minor structures, as listed in s. 3.12(1)(a).
- (d) Fences, provided they are not located within a public right-of-way.
- (e) Signs, as provided in Chapter 8.
- (f) Outdoor lighting installations and unenclosed canopies for lighting and rain protection in conjunction with such uses as automobile fuel sales or drive-in facilities, provided these items are not located within a public right-of-way and provided that they are not located in side yards.
- (g) Structures such as ramps and landings, lifts, or elevator housing, which are designed and intended to comply with the requirements of the Americans with Disabilities Act or fair housing laws to make existing buildings accessible to disabled people, and where no feasible alternative locations exist.
- (h) Overhanging eaves and gutters, provided they extend not more than 2 feet into the required setback and are not located within a public right-of-way. (Added: 25 June 1996; Ord. 16-96)
- (i) Unenclosed stoops which are not more than 25 square feet in area and unenclosed stairs which are not more than 5 feet in width, provided such items extend not more than 6 feet from the wall of the building and are not located within a public right-of-way. (Added: 25 June 1996; Ord. 16-96) (Amended: 17 December 1996; Ord. 37-96) (Amended: 20 Sept. 2016; Ord. 2016-14)

3.06 Additional setbacks from roads for large buildings. In order to reduce detrimental effects upon roadside scenery within Door County, all nonresidential buildings, and additions thereto, constructed after the effective date of this Ordinance shall conform to the additional setback requirements of this section. These requirements shall apply to all districts, except the Commercial Center, Light Industrial, and Village Commercial districts, and except for the Mixed Use Commercial and General Commercial districts located within areas designated "Core" in the Door County Comprehensive and Farmland Preservation Plan, and are in addition to the required setbacks provided in s. 3.05, setbacks from roads. (Amended: 27 February 2007 – Ord. 2007-04; Effective 12 March 2007) (Amended: 20 Sept. 2016; Ord. 2016-14)

- (1) The requirements of this section shall not apply to residential buildings, including multiple occupancy developments, and emergency service buildings, including fire stations, EMS buildings, and police facilities. (Amended: 25 February 2003; Ord. 02-03; Effective 7 April 2003)
- (2) Additional setback schedule. The required additional setback from a road shall be determined by a building's total volume according to the following schedule:

GENERAL REQUIREMENTS 3.08(1)

<u>Total Volume(cubic feet)</u>	<u>Additional Setback Required (feet)</u>
0 - 50,000	0
50,001 - 60,000	25
60,001 - 90,000	75
90,001 - 120,000	125
120,001 - 180,000	175
180,001 - 250,000	225
250,001 - 400,000	275
400,001 - 600,000	325
> 600,000	375

(3) Clusters of buildings. For the purposes of this section, buildings which are less than 30 feet apart shall be considered as one building and the total of each building's volume shall be used to determine the additional setback of each building.

(4) Reduced setback by screening. The required setback may be reduced by vegetative screening, as described in s. 3.10(4), landscape buffer tree requirements. The screening shall be placed to obscure the view of the building(s) from the road, except for a not greater than 30 foot wide opening that provides access to the site. This option will reduce the required setback by 50%, but cannot be used to reduce the total setback beyond the minimum required in s. 3.05, setback from roads.

(5) Exemptions. An exemption will be made for newly created buildings or additions that are associated by use with building(s) existing prior to the effective date of this Ordinance. However, to be exempted, the new building must be located within 150 feet of the existing building(s). Road setback requirements for these exemptions will be the minimum setback required in s. 3.05, setback from roads, or no closer to the road than the closest existing building, whichever is greater.

3.07 Setback from navigable water. (Relocated to s.3A.04: 27 May 2014; Ord. 2014-10) (Navigable water setback regulations in s. 3A.04 revised and moved to Door County Shoreland Zoning Ordinance: 20 Sept. 2016; Ord. 2016-14)

3.08 Height requirements.

(1) Height limitation. Except as provided below and in subs. (2) and (3), no building, structure, or sign shall exceed an average of 35 feet in height above the finished grade elevation, or 37 feet in height above pre-construction grade elevation, whichever is lower. For riparian lots, (a) through (d) below shall not apply, and subs. (2) and (3) shall not apply within 75 feet of the ordinary high water mark. (Amended: 29 June 2000; Ord. 15-00; Effective 8 August 2000) (Amended: 17 April 2012; Ord. 2012-14) (Amended: 20 Sept. 2016; Ord. 2016-14)

(a) For lots with widths less than 90', no building, structure, or sign shall exceed an average of 26 feet in height above the finished grade elevation, or 28