

Joint Planning Commission/Town Board Meeting April 13, 2009

Cal Oldenburg called a joint Planning Commission/Town Board meeting to order at 6:00PM in the meeting room at the Town Hall. Present were Cal Oldenburg, Dan Krowas, Gene Stanis, James Schorer, Robert Schultz, James Parent, Barbara Anschutz, Dale Williams, Peter Jacobs, Douglas Smith and 25 visitors. Ken Uhlhorn was absent.

Clerk verified posting. Motion made/second Dan/Gene to accept the agenda. Carried.

Discuss/decide Petition for Grant of Variance for Eric & Rebecca Van Miller – They are applying for a variance for an existing home on Kangaroo Lake. It has an existing slope roof that has to be removed. They would like to create a flat roof and use it as a deck. It would create better aesthetics for the home and also create a fire escape for their young children. It would also be used as a gathering area. Would not be encroaching on the side lot. It won't be enclosed and they are not adding any footage to the living area. Jim Schorer mentioned they may want to double check with the DNR in case there are special rules. There would be no increase in the footprint of the building. Motion made/second Dan/Jim S. to grant the variance. Carried. Motion made/second Dale/Peter to send a letter to Door County Planning recommending approval of the variance. Carried.

Discuss/decide Application for Conditional Use Permit for Harbortyme, LLC – Jim Parent spoke and wanted it to be clear that he is here as a representative of Joseph Parent Enterprises, of which he is a 1% owner and officer of the company. He will be presenting the basics of the project and will be abstaining from the vote. Peter also wanted it clarified that it's a consideration of a Conditional Use Permit, which will be issued by the Door County Planning Dept. at a separate meeting. The purpose of this meeting is for the Town to consider any issues that are relevant that we would request as conditions in issuing the permit. It is a standard Conditional Use Permit for Multiple Occupancy Development. It is not because of not meeting something with the Door County Zoning Ordinance. Jim made his presentation. The buildings in question are the Beachfront Inn on the west side of the road. The site right now has 70% impervious surface, which means 70% is either building or blacktop or some solid surface which causes storm water runoff to go right into the street. The buildings are quite old and contain asbestos. The motel unit building is right on the property line, with no existing setbacks. The new structure would remedy that situation. There will be a total of 10 bedrooms in 8 units. There will be enclosed parking structures for each unit. The density, parking and setback requirements will be met with the new structure. There will be 20 foot setbacks on each side of the building. The height is fine according to the Door County Zoning Ordinance. The height off of Ward St. will be 28 feet. The driveway width at the highway will be 35 feet, which is State approved. Traffic would be lessened coming out onto the highway. The driveway that exists now is almost exactly where the new one will go, except it will be a bit wider. Gene Stanis asked how the storm water runoff will be improved. They have a plan to slope the water through the grassy areas along the sides of the building. What doesn't soak into the grass will end up in the storm sewer via drains. The entire building will be guttered and feed into the storm sewer. The new impervious surface would be 59%. Based on what's behind the structure now, Jim

doesn't think it will hurt anyone's view. County demands downward facing lighting. Will be able to tie into the sanitary sewer system. The units themselves will be ownership units. The owner may be able to rent it for a minimum amount of time, but it will not be like a condo/hotel. The garages will be in fieldstone. The siding will either be high-end aluminum siding or possibly an artificial cedar shank look. For landscaping, there will probably be some sort of retaining wall that has to be built. Also, there may need to be a fence or hedging installed along the north side. The trees along the west side would not be touched, as they are on the adjoining property. Trees on the north are in pretty tough shape and will most likely need to be removed. It does meet zoning regulations.

Christine Crowley spoke and read a letter into the record, a copy of which is available upon request at the Clerk's office. Christine (commonly known as Trissa) owns the adjacent property to the south. She will also be presenting the letter to the RPC. She also stated that the Town Clerk has been extremely helpful in making her feel comfortable to come to the meeting and explaining procedures.

Willard Zak asked where the driveway on the Ward St. side would be located. Jim explained it will be right in the middle of the lot.

Gordon Rowley spoke. He did receive a letter from the RPC and wanted to look into the project. He just wanted to offer a word which relates to the Smart Growth plan. He served on the land use committee as part of the process. He does recognize that land use is not the same as zoning. However, in the land use maps, both current and future (2025), the property is shown as commercial. Residential is shown as a different color. While the plan does call for expansion of multiple occupancy residential, it does not include the parcel in question. He just wants the Board and Commission to remember that the Smart Growth plan was developed with years of work and it must be considered. Several people voiced their agreement with Gordon.

Dale Williams' understanding is that the Smart Growth plan is there as a guide and is not set in stone.

Jim, as petitioner and not Board member, stated that the Smart Growth plan maps are not meant to be locked in.

Tammy Bork, the owner of the property in question, spoke and said their intention was always to keep it as a hotel/motel. However, structurally they have done as much as possible. They have also looked into other options for the property with County zoning. The house is truly falling down. They need some income to fix the lake side.

Gordon Rowley feels multiple occupancy residential is not provided in the commercial category. To do that, he feels it's destroying an opportunity for the business sector to thrive.

Jim Schorer asked if they have explored putting up retail space and getting renters.

Tammy explained she has, but there couldn't be living space above the retail space and there couldn't be that many shops, due to zoning. You can have a shop, but no living space above it unless a lot of requirements are met.

Dan Krowas feels the Smart Growth plan is more of a guide than a written a rule. Times and economy dictates what you're able to do sometimes.

Mary Stevens feels that if the Smart Growth plan is ignored at this point, at what point do we make a decision to maintain the direction of Smart Growth. She feels that the more it's ignored, it will become a moot point.

Gene Stanis feels there were some good points brought up and they will need to be considered.

Cal Oldenburg feels that Smart Growth is a guide. Right now we have a building that is in bad shape and we have an opportunity to fix it and make it look much better.

Jim Schorer asked if Tammy considered tearing down the existing property and putting another rental unit. She did, but they could only rebuild 10 units and financially that wouldn't be feasible.

Barb stated Smart Growth is always taken into consideration and she seems to remember that one of the things that was recommended was that multiple occupancy units go along Ward St.

Motion made/second Dan/Cal to recommend to the Town Board that the Conditional Use Permit be granted. Dan and Cal, aye. Gene and Jim S., nay.

Motion made/second Peter/Barb to recommend approval of the Conditional Use Permit and send a letter to Door County Planning noting the Planning Commission's split decision and the Town Board approval. Carried. Jim Parent abstained and was not in the room.

Motion made/second Dan/Jim S. to adjourn at 7:14PM. Carried.

These minutes are subject to correction at the next regular monthly Planning Commission meeting and regular monthly Town Board meeting.

Douglas Smith
Town Clerk