

Town Board Meeting April 15, 2002

Steven Parent called a special meeting to order at 7:00 PM in the Auditorium. Present Randy Nesbitt, Barbara Anschutz, Robert Schultz, Peter Jacobs, Jane Pluff, Rita Hubbartt. After Steve called the meeting to order he turned the meeting over to Randy Nesbitt, our attorney. James Parent and Steven Parent were not present at the meeting. 60 people were present.

There was an update taken on the issue. The Baileys Harbor Planning Committee voted in favor of the proposal in February. Please come up and state your name and address if you would like to speak.

Motion made/second Bob/Peter to turn the meeting over to Randy Nesbitt. Randy asked that Mike Parent come up and explain the project for those who have not been here before. Mike stated it is on the former John Brann property next to Anclam park. On February 4, 2002, they asked for a rezoning change from the Planning Committee. They are placing deed restrictions on the property because there were some concerns as to what could be done with the property with a mix commercial zoning change. They are looking at 3 buildings with 6 units. There are 2 lots now and could be divided into 4 lots with a home on each if the zoning does not get changed. They could put the homes for the single family at 35 feet. The duplex would be about 25 to 26 feet. The deed restrictions would follow the property. The single units could be put in with an over the counter permit. Mike called the County today and Planning Dept. stated the County would take part in and over see and take action if need be.

Randy asked for people to speak in favor of the project.

Tim Lawrie 8101 Hwy 57- he has looked at the plans, they value the Town of Baileys Harbor, he could build 4 single-family homes on the lot now, and he feels it would be a good addition to the tax base.

Jerry Kwaterski Hwy 57- he is in favor of the project and we need more people in town so the business places can stay open during the winter months.

Dale Williams 2538 Juniper Ridge Road- Is in favor of the project, does not consider it spot zoning, he has looked at both plans, prefer the 3 duplexes. It would open up the water view more.

Kevin Egan 2787 Ridges Road- Member of the planning committee keeping with the favor of residential of Baileys harbor. There is a concern as to what can be built there. With the deed restrictions that would help, the project will not go away, something will be built. The County has the final say. We could get a developer in who is not friendly to the town. It fits in with the town.

Joe LeClair 7950 Hwy 57- I own Anclam Motel, he wants to speak in favor of the project, and he feels it will enhance the area.

Joe Parent- Oaks property- In favor of project, he feels very strong about how it looks and how it will help Baileys Harbor.

John Zettel 7880 Hwy A- He would go along with the project. Base on past experiments Joe will do a great job.

Bill Becker 2476 County F- Bill is in favor of the project. He didn't feel a zoning change to mix commercial would not following the town plan.

Dennis Hickey Hwy 57- In favor of the project, there will be a deed restriction, and also with the height issue.

Mr. Nesbitt asked if there were anyone else who wished to speak for the project.

Against the project.

Joan Holiday 8152 Hwy 57- why are we having this discussion in rezoning our township. There was a clear message to the Town Board at the Annual meeting that we did not want any zoning changes in the township. Where is it going to stop? Hiring for Smart Growth Plan, why not wait until we have completed that project.

Max Sample 8775 Guy Street- Opposed for the change of zoning. Two requested turned down. If approved it will set an example for the 2 to come back and change theirs. The Town Board cannot turn them down. Object to the buildings going up. Cannot see how 3 buildings will fit on the property.

Tom Lux 8024 Hwy 57- Remind the Town Board the entrance coming into the town. 3 buildings that will look out of the way. Are they going to cover the parking space?

Kristie Peil- 8067 Hwy 57- read the Comprehensive Plan Core Area. We have had 5 public meetings on this issue. 47 different people, not welcome at this time. She said she was the one who called the Planning Dept. Joe Parent has destroyed the property on Guy Street and was taken to court. He paid his fine.

Loren Peil 7254 Hwy 57- attended all the meetings, he is against the project. He feels it was a threat to the Town Board that if we don't get the zoning change we will have 4 buildings on the property.

Bill Cecil 7754 Chapel Lane- He doubts it will come before the RPC. We should work with Smart Growth. Spot zoning is not with the County.

Gordon Rowley 8020 Hwy 57- considers it Spot zoning and has concerns on the project.

Annie Peil- Asked who is paying for having the attorney here, and if we ever had this done before. Joe Parent will be paying for the special meeting and all cost for the attorney. After the meeting clerk remembered that the Baileys Harbor Yacht Club also paid for a special meeting with all cost from the attorney paid by them.

John Jessup 2734 Summit Road- had a photo of the present home. He is opposed to the zoning change. Needs 10 feet on each side. Leave it zoned as is there will be 4 homes. His wife asked if it was spot zoning. County couldn't answer the deed restriction issue, in who would enforce the restrictions. It could change in 40 to 50 years from now. Changing the zoning a number of things could happen in the future. Leave the zoning the same.

Attorney James Ebbeson 20 S. First Street, Sturgeon Bay, WI –He had a concern about roll call not taken, with noted names of people who attended the Annual meeting not taken. He wants the minutes and resolution part of record for this meeting. County of Door has not ever enforced deed restrictions in the past. Will not in the future. He stated he wanted to make the board more aware, speak loud and clear, listen and abide by them, if you approve this project you will be taken to court, embarrassed, and to the appeals court, you will cost the town money for all of this. This is spot zoning in general term taking a piece of property and changing it. Zoning Administration employees are not qualified to give an answer. No one has authority to give legal advice. Joe knew what it was zoned when he purchase the property. You will be embarrassed and legally in the wrong. It will be tested.

Bill Nelson 7628 Elm Road- stated he attended the annual meeting and it was to be taken under advisement the way he understood.

Kari Anderson County A- asked about written testimony. Clerk stated that she has not received any at this time, but did receive some for the previous meetings. Nesbitt stated that they should be in by tonight.

Tom Bronsky 2540 Juniper Ridge- opposed the project.

Annie Peil- Orphan Annies Guy Street- Against the project, leave the zoning as is.

Pat Sample 8075 Guy Street- Opposed the project, we will have to change others if we change this one.

Rebuttal for those in favor of project-

Mike Parent- Waiting for Smart Growth would not be the correct way; things are going to come up in the next 3 years that will have to be decided on. They have the correct amount of parking for the buildings. With the garages and they would be allowed to park 2 units outside. With people stating that Ward Street would be a good place to develop that also is zoned SF 20 and that is in the core area of town. Threats that were made to the town were out of line.

Tim Lawrie – he resents the threats that were made to the town board by Attorney Ebbeson. He doesn't feel people should be threatened not to make a decision.

Jerry Kwaterski Have live in this town for 50 years we need some growth. We also need more people in town for year round business.

Dale Williams- Comments on deed restrictions, I install holding tanks and they need deed restrictions. The issue is zoning changes, as long as some people have what they want, nobody else should get anything.

Opposed for those against project-

Max Sample- Address two points, Max made the motion to recommendation not to consider anymore rezoning. The resolution passed on the recommendation at the Annual Meeting. Second Mr. Lawrie made a remark about families coming out; my wife pays taxes just as much as I do, so she should be able to make a statement as I.

Tom Lux- As a business owner few stay open all year, I do, apartments bring people here all year, condo's and town houses do not.

Mr. Ebbeson- He stated it was not a threat. It was done for advisement. He feels it should be table until we get something in writing. Take the minutes and consider them good. Cannot come back for a year.

Gordon Rowley- He did attend the Planning meeting, his understanding zoned residential to change to mix commercial. What is broken can be developed as residential. By the increase 600% it is too much. He doesn't think it was broken and doesn't need to be fixed.

Bill Cecil- Request for a personal wish, if there is a hardship, no personal interest we do need growth, there are places that we can do growth.

John Jessup- We have a Comprehensive Plan, no plan is perfect. The land trust is raising money to go to court in the future years. Also another new Plan Commission member is coming up, wait to see what they want.

Pat Sample – She takes offense on the people raised here. The people of the town elect people on the board. She objects to the way it was handled. Don't feel it was the right way it was done. Don't take everything that Joe Parent states as white snow. He had to pay a fine for what he did on the bluff.

Closed the public part-

Bob asked about the recommendation and zoning to Randy Nesbitt. Randy stated that the motion was a recommendation and they really cannot put a stop on the town board. Zoning is a function of the town, is not binding on the town board. The County does the zoning changes; the town board just makes recommendations. Bob asked if we could

make a decision on the issue tonight. Randy stated they could make a recommendation either way.

Bob Schultz- He has spent a lot of time on this issue. He still stands by the way he felt the first time. He feels it would look much better coming into town with 3 homes in place of 4. He likes the way it looks, lower homes, deed restrictions, design, and he trusts the family that they would have the best interest of the town.

Barbara Anschutz- She doesn't feel it is spot zoning. More money from taxes, sewer revenue. She feels the project is good.

Peter Jacobs- He is very uncomfortable without a real dialogue with the developer. He doesn't feel good about more development. He has a hard time with rezoning. He feels it is good project for Baileys Harbor.

Bob doesn't feel we have to change for everyone, if it fits the town than the recommendation can be for change.

Randy stated the County would be looking for something from the town either way, being done by a resolution. Peter asked if it could be done with conditions placed on the project. Randy stated yes.

Motion made/second Peter/Barbara to recommend the rezoning of this property from SF 20 to Mix Commercial subject to deed restrictions as presented at the Feb. 4th meeting with details. This being done by Resolution. Carried. Barbara, Bob yes, Peter no.

This should be presented before 10 days.

It will not come back to the town for more input.

Motion made/second Bob/Peter to adjourn at 9:05 PM. Carried.

Town clerk, Jane Pluff