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3 **PLAN COMMISSION MEETING MINUTES**
4 **TUESDAY, JULY 28, 2015**
5 **Sister Bay-Liberty Grove Fire Station – 2258 Mill Road**
6

7 The July 28, 2015 meeting of the Plan Commission was called to order by Chairperson Dave
8 Lienau at 5:36 P.M.

9
10 **Present:** Chairperson Lienau, and members Shane Solomon, Scott Baker, Don Howard, Marge
11 Grutzmacher, Eric Lundquist and Nate Bell.

12
13 **Others:** Brandon Small, Al Gokey, John Maas, Denise Bhirdo, Ron Kane, Bill Wegehaupt,
14 Steve and Marge Musinsky, John Maas, Connie Carlson, Norbert and Ellen Ritt, Alison Beadell,
15 Simon Werner, Jill Hanley and three other individuals.

16
17 **Staff Members:** Village Administrator Zeke Jackson and Assistant Administrator Janal Suppanz
18

19 **Comments, correspondence and concerns from the public:**

20 Lienau noted that no new correspondence had been received. He then asked if anyone wished
21 to comment regarding a non-agenda item.

22
23 Connie Carlson of Beacon Marine requested that Beacon Marine be allowed to display a
24 couple of boats on their grassy lot. Jackson noted that in order to do that a Zoning Code text
25 amendment would be required.

26
27 Denise Bhirdo indicated that it is her understanding that the Village Administrator has
28 determined that the propane tank for a home on Maple Drive is not in the front yard, but she
29 disagrees. Therefore, she took a photo of that home and e-mailed it to the Village President
30 with a request that the matter be referred to the Plan Commission.

31
32 Bhirdo also indicated that she does not believe the designated parking areas on Bay Shore
33 Drive are set back far enough from the intersections, and, therefore, safety issues could arise. It
34 was the consensus that this issue shall be referred to the Parks, Properties & Streets Committee
35 as well as the Bay Shore Drive Oversight Committee.

36
37 **Approval of the agenda:**

38 *A motion was made by Solomon, seconded by Grutzmacher that the Agenda for the July 28,*
39 *2015 meeting of the Plan Commission be approved as presented. Motion carried – All ayes.*

40
41 **Approval of minutes as published:**

42 **As to the minutes for the June 24, 2015 meeting of the Plan Commission:**

43 *A motion was made by Grutzmacher seconded by Solomon that the minutes for the June 24,*
44 *2015 meeting of the Plan Commission be approved as presented. Motion carried – All ayes.*
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1 **Business Items:**

2 **Item No. 1. Public Hearing on a request to amend §66.0320(c) of the Zoning Code in such**
3 **fashion that quarries are allowed as a conditional use in the B-1 General Business District;**
4 **Discussion on a request to amend §66.0320(c) of the Zoning Code in such fashion that**
5 **quarries are allowed as a conditional use in the B-1 General Business District; and consider a**
6 **motion for action to recommend approval of Ordinance 235, which amends §66.0320(c) of**
7 **the Zoning Code:**

8 Lienau explained that a public hearing would be conducted this evening regarding Brandon
9 Small's request to amend the Zoning Code in such fashion that quarries are allowed as a
10 conditional use in the B-1 General Business District. If the Commission determines that the
11 amendment should be made, a referral will be made to the Village Board. Further, if an
12 application for a Conditional Use Permit is actually filed, another public hearing will be
13 required. If the Commission denies Small's request there is no guarantee that "this will be the
14 end of it" as the matter is in mediation.

15
16 *At 5:40 P.M. Lienau called the public hearing on a request to amend §66.0320(c) of the Zoning*
17 *Code for the Village of Sister Bay in such fashion that quarries are allowed as a conditional use*
18 *in the B-1 General Business District to order.*

19
20 Bill Wegehaupt of 10579 Fieldcrest Road indicated that he is against allowing quarries as a
21 conditional use in the B-1 General Business District as it will have negative impacts on the
22 people who live in the surrounding residential neighborhood. The dust from the current quarry
23 operation goes everywhere and the noise is very distracting.

24
25 Steve Musinsky of 10519 Fieldcrest Road indicated that he also is opposed to allowing quarries
26 as a conditional use in the B-1 General Business District. He then read a prepared statement
27 aloud, and also indicated that if a home is in close proximity to a quarry the ability of a
28 homeowner to actually obtain a mortgage could be affected.

29
30 Brandon Small indicated that he understands the neighbors' concerns about the quarry, but
31 pointed out that the current quarry could be operated for an indefinite period of time. If the
32 new proposal is accepted the quarry would be shut down in ten years and a reclamation plan
33 would have to be adhered to.

34
35 *At 6:01 P.M. Lienau asked if anyone else wished to comment, and when no one responded he*
36 *declared that the public hearing was closed.*

37
38 Howard indicated that he hasn't heard anything this evening which convinces him that quarries
39 should be allowed as a conditional use.

40
41 Solomon noted that he realizes there are "two sides to the story", but based upon what he
42 heard this evening he believes the quarry operations should remain as they are right now as
43 eventually the useful life of the quarry will expire.

44
45 Lundquist pointed out that whatever action the Commission takes "it's a gamble". He also
46 stated that he believes the adjoining property owners should be fully advised of what is being
47 proposed and what the consequences of that proposal could be. Several of the Commission
48 members concurred.

1 Denise Bhirdo noted that if a text amendment is made it would be possible to impose a “sunset
2 clause”.

3
4 *A motion was made by Bell, seconded by Grutzmacher that Agenda Item No. 1 - Discussion on*
5 *a request to amend §66.0320(c) of the Zoning Code in such fashion that quarries are allowed*
6 *as a conditional use in the B-1 General Business District, shall be tabled until the next meeting*
7 *of the Plan Commission so that the Commission members will have an opportunity to obtain*
8 *public input on this issue. To that end, prior to that meeting a fact sheet/notice shall be sent to*
9 *all the individuals who own property within 1,000 feet of the existing and proposed quarry*
10 *operations. Motion carried – All ayes.*

11
12 **Item No. 2. Discussion on a request to amend a Conditional Use Permit for Alison Beadell of**
13 **2259 Scandia Rd; Consider a motion for action if necessary:**

14 On October 8, 2013 the Village Board approved Ordinance No. 219, which granted a
15 Conditional Use Permit for a second dwelling unit at 2259 Scandia Road to Alison Beadell, but
16 to date she has not made any of the building modifications mentioned in that permit. Beadell
17 has now requested that her Conditional Use Permit be amended as she would like to change
18 her building plans. A copy of the revised plans was included in the meeting packets.

19
20 *A motion was made by Baker, seconded by Solomon that Alison Beadell’s request to amend*
21 *her Conditional Use Permit for the property located at 2259 Scandia Road is approved as*
22 *presented. Motion carried – All ayes.*

23
24 **Item No. 3. Discussion regarding Paul Vandermaazen’s request for a permit to erect a 6’, salt-**
25 **treated wooden privacy fence in the front yard at 10397 STH 57; Consider a motion for**
26 **action if necessary:**

27 Paul VanderMazzen has requested that he be allowed to erect a 6’, salt-treated wooden privacy
28 fence in the front yard of his residence located at 10397 STH 57. The Zoning Code does not
29 allow fencing in the front yard unless the Plan Commission grants approval. VanderMazzen
30 would like to install the fence on top of already existing berms which surround his garage as he
31 believes the fencing would help eliminate highway noise and allow for more privacy.

32
33 *A motion was made by Solomon, seconded by Howard that a permit shall be issued to Paul*
34 *Vandmaazen to erect a 6’ salt-treated wooden privacy fence in the front yard at 10397 STH 57.*
35 *Motion failed with Lienau, Bell, Grutzmacher, Baker and Lienau opposed.*

36
37 *A motion was made by Solomon, seconded by Baker that a permit shall be issued to Paul*
38 *Vandmaazen to erect the 6’ salt-treated wooden privacy fence which is described in the*
39 *document which was included in the meeting packets at 10397 STH 57, but that fence may not*
40 *be erected on top of the existing berm. Motion failed with Lienau, Bell, Lundquist and*
41 *Grutzmacher opposed.*

42
43 **Item No. 4. Discussion on a request for approval of fence materials by Norbert and Ellen Ritt**
44 **of 10786 N. Spring Road; Consider a motion for action if appropriate:**

45 Norbert and Ellen Ritt have requested that they be allowed to erect a 48” cedar split rail fence
46 with a mesh wire backing in the side and back yards at 10786 N. Spring Road to prevent their
47 dog from running away.

1 *A motion was made by Grutzmacher, seconded by Howard that Norbert and Ellen Ritt shall be*
2 *allowed to erect the fence which is described on the documentation which was included in the*
3 *meeting packets at 10786 N. Spring Road as presented. Motion carried – All ayes.*
4

5 **Item No. 5. Review and discussion on Al Gokey’s preliminary plan submission for two**
6 **adjoining CSM requests and a PUD request for the property known as the “Old School**
7 **Property” at 10604 STH 57; Consider a motion to proceed to public hearing:**

8 Preliminary Site Plans, Utility Plans, Grading and Drainage Plans, and drafts of two CSM’s
9 which were submitted by Al Gokey on behalf of Harbor View, LLC for the Old School Property
10 at the intersection of STH 57 and STH 42 were included in the meeting packets, and the
11 Commission members jointly reviewed all of that documentation. There are now six lots within
12 the development rather than seven. The question arose as to whether or not there should be a
13 public or private road within the development, and Gokey indicated that the costs would be
14 astronomical if he were required to install a public road on his property. He also noted that
15 whatever type of road is constructed it will not be a “through street”.
16

17 *A motion was made by Solomon, seconded by Baker that a public hearing shall be conducted*
18 *on Al Gokey’s preliminary plan submission for the two adjoining CSM’s and a PUD which were*
19 *reviewed at this meeting for the property which is commonly referred to as the “Old School*
20 *Property” at 10604 STH 57. Motion carried – All ayes.*
21

22 **Item No. 6. Discussion on the U.S. Supreme Court case which is entitled *Reed v. Town of***
23 ***Gilbert, AZ*; Review of relevant sections of the Sister Bay Zoning Code, (§66.0720, §66.0721,**
24 **and §66.0722), and discussion on the implications of that case:**

25 *Jackson introduced Cody Garris, who is serving an internship with the Village, and asked that*
26 *Garris explain the implications of the Supreme Court case which is entitled “Reed v. Town of*
27 *Gilbert, AZ”. Based upon that case the Village’s Sign Code could be challenged in Court. In a*
28 *rare unanimous decision the Court struck down a local government’s Sign Code as a violation*
29 *of the freedom of speech guaranteed by the First Amendment. Discussion took place regarding*
30 *this issue, and it was eventually the consensus that the Village’s current sign regulations shall*
31 *stand.*
32

33 **Item No. 7. Discussion on the Village of Sister Bay Sign Code:**

34 Grutzmacher noted that a number of banners have been erected at the corner of Mill Road and
35 N. Bay Shore Drive, and believes that display is quite unsightly and could be considered
36 “overkill”.
37

38 *It was the consensus that the Village’s Maintenance Department employees shall be*
39 *asked to make a concerted effort to see that any banners which are erected on the*
40 *Village’s banner posts are displayed in a tasteful fashion.*
41

42 Grutzmacher also noted that she has heard comments that the Parks Committee and the Marina
43 Committee have granted permission for a mural to be painted on the Boathouse, and asked if
44 this is a permitted activity. It is her contention that before any final decisions are made
45 regarding the mural content a referral should be made to the Plan Commission.
46

47 *The Commission members requested that a draft of a Mural Code be prepared and presented to*
48 *them at a future meeting.*
49

1 **Item No. 8. Discussion regarding §66.0501(b)(3)(e) - Accessory buildings in the Front Yard**
2 **Setback Area; Consider a motion for action if necessary:**

3 Lee Callum indicated that he would like to construct a two car garage on his property, but the
4 preferred location is technically considered to be the “front yard”. It is his understanding that
5 §66.0501 of the Zoning Code states that accessory buildings are not permitted in front yards. In
6 the past requests such as this were referred to the Zoning Board of Appeals, but Jackson is
7 unsure that Callum would be able to prevail as he would have to prove that there is a
8 “hardship”.

9
10 Jackson believes it would be best for requests such as this to be considered on a case-by-case
11 basis. If this were to occur the requests would have to be treated as a conditional use.

12
13 *A motion was made by Solomon, seconded by Bell that a Zoning Code text amendment which*
14 *states that accessory buildings shall be allowed in the front yard setback area of the R-1 District*
15 *as a conditional use shall be drafted and presented to the Plan Commission members at their*
16 *next meeting. Motion carried – All ayes.*

17
18 **Item No. 9. Discussion on conversion of Mariners Pointe Dr. from a public road to a private**
19 **road; Consider a motion to refer for further action:**

20 Representatives of the Mariners Pointe Homeowner’s Association have expressed concerns that
21 since construction has started on the Old Ballfield Property traffic within their development has
22 increased dramatically. They are wondering if Village officials would consider converting
23 Mariners Point Drive from a public road to a private road.

24
25 *A motion was made by Baker, seconded by Grutzmacher that the Village is not interested in*
26 *converting Mariners Point Drive to a private road. Motion carried – All ayes.*

27
28 **Item No. 10. Report by the Zoning Administrator regarding development activities, various**
29 **enforcement actions, and issuance of Sign and Zoning Permits:**

30 Jackson gave the following oral report:

- 31
32
- 33 • Work on the Bay Shore Drive Line Burial Project is substantially completed.
 - 34 • Work is progressing on the Sledding Hill. Hockers Excavating will complete this project
35 once all the work on the beach has been completed.
 - 36 • The anticipated substantial completion date for the Beach Reconstruction Project is
37 August 6th. There were cost under-runs, and the Parks Committee decided to use those
38 funds to construct a reclaimed paver sidewalk around the entire beach. The pavers were
39 taken out of the brick parking lot on the former Helm’s property. The swim buoy permit
40 was just received last week.
 - 41 • Midwest Sunsplash is scheduled for August 7th and 8th.
 - 42 • The search for a new Finance Director will resume at the end of July. One of the Parks
43 employees will be on medical leave for three to four months, and Joe Baldarotta will be
44 returning as the Ice Rink Manager.
 - 45 • Sales are up considerably at the Marina. The Marina Guest Events have also been a huge
46 success.
 - 47 • Movies in the Park are being conducted on a regular basis and data is being compiled
48 regarding attendance rates.
 - 49 • The Village’s website has been entirely refurbished but there still are a few “kinks” which
have to be worked out.

- 1 • Construction has started on the Niagara Ridge Development.
- 2 • Keith Garot has not met the deadline agreed to in his Development Agreement, but
- 3 Jackson just learned that revisions were made to the engineering plans for that
- 4 development.
- 5 • Enforcement letters were sent to four individuals regarding an unscreened propane tank,
- 6 unkempt vegetation and illegal parking of a boat(s).
- 7 • He made four site visits and spoke with the owners/occupants of those properties
- 8 regarding placement of a machine in the right-of-way, an unpermitted sandwich board
- 9 sign, an unpermitted real estate sign, and display of unpermitted fireworks.

10
11 Jesse Johnson has placed a temporary goat pen in front of The Creamery. Such an appurtenance
12 is technically not permitted.

13
14 *Discussion took place regarding the goat pen issue, and it was eventually the consensus that*
15 *Jackson shall contact Jesse Johnson and inform him that if he wants to continue to display goats*
16 *in the pen after the work is completed on the Bay Shore Drive Reconstruction Project, he must*
17 *submit a Zoning Permit Application and appear before the Plan Commission.*

18
19 **Item No. 11. Discussion regarding matters to be placed on a future agenda or referred to a**
20 **Committee, Official or Employee:**

21 *It was the consensus that the following issues shall be placed on a future agenda or referred to a*
22 *committee, official or employee:*

- 23
24 • *The Plan Commission will be asked to determine whether or not the propane tank*
25 *Denise Bhirdo referred to at the beginning of this meeting is in the front yard of a*
26 *residence on Maple Drive.*
- 27 • *At the August Plan Commission Meeting a public input session shall be conducted on a*
28 *request to amend §66.0320(c) of the Zoning Code in such fashion that quarries are*
29 *allowed as a conditional use in the B-1 General Business District. Prior to that meeting a*
30 *fact sheet/notice shall be sent to all the individuals who own property within 1,000 feet*
31 *of the existing and proposed quarry operations.*
- 32 • *At the August Plan Commission Meeting a public hearing shall be conducted regarding*
33 *Al Gokey's preliminary plan submission for two adjoining CSM's and a PUD for the*
34 *property which is commonly referred to as the "Old School Property" at 10604 STH 57.*
- 35 • *At the August meeting of the Plan Commission a draft of a Zoning Code text amendment*
36 *which states that accessory buildings shall be allowed in the front yard setback area of*
37 *the R-1 District as a conditional use will be considered.*
- 38 • *The downtown parking space safety issues which Denise Bhirdo referred to at the*
39 *beginning of this meeting shall be referred to the Parks, Properties & Streets Committee*
40 *and the Bay Shore Drive Oversight Committee.*
- 41 • *A draft of a Mural Code shall be prepared and presented to the Plan Commission for*
42 *consideration at a future meeting.*
- 43 • *The Village's Maintenance Department employees shall be asked to make a concerted*
44 *effort to see that any banners which are erected on the Village's banner posts are*
45 *displayed in a tasteful fashion.*
- 46 • *The Plan Commission will consider Beacon Marine's request to allow parking of boats in*
47 *the R-1 District at a future meeting, and, if that request is deemed to be appropriate,*
48 *recommend a proper course of action.*

1 **Adjournment:**

2 *A motion was made by Grutzmacher, seconded by Baker to adjourn the meeting of the Plan*
3 *Commission at 9:17 P.M. Motion carried – All ayes.*

4
5 Respectfully submitted,



6
7 Janal Suppanz,
8 Assistant Administrator