County of Door
LAND USE SERVICES DEPARTMENT
County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

STAFF REPORT
Conditional Use Permit Application

Applicant Information

- **Name & property address:** Margaret Dreutzer Turk, as Trustee of the Margaret Dreutzer Trust, on behalf of Quarry Bluff Development, LLC; six unaddressed parcels (adjacent to and east of George K. Pinney County Park on Bay Shore Drive).
- **Parcel identification numbers:** 022-01-12282512, 022-01-12282512A, 022-01-12282512B, 022-01-13282511, 022-02-18282622G, & 022-01-13282511P.
- **Zoning districts:** Recreational Commercial (RC), Single Family Residential 20,000 (SF20), & Small Estate Residential (SE).
- **Petition request, including sections of zoning ordinance requiring permit:**
  Margaret Dreutzer Turk, as Trustee of the Margaret Dreutzer Trust, on behalf of Quarry Bluff Development, LLC, is requesting a Conditional Use Permit to establish "multiple occupancy development" and "campground" land uses on the properties indicated above. The applicant is proposing to establish 117 total units on a single 57.76-acre lot, of which 115 of the units would consist of both an occupancy unit (single-family dwelling) and a camp site (parking spot for a recreational vehicle) with the remaining two units consisting of only a camp site. The overall development would also include a club house, private storage buildings, recreation courts, and three stormwater ponds. The parcels indicated above would be reconfigured so that the overall proposed development would be located on one 57.76-acre contiguous lot.

Ordinance sections: 2.05(3)(a), 4.07(2), 4.08(8), and 11.04.

Description of Subject Property and Surrounding Area

Subject Property

- **Lot area:** 57.76 total acres (49.53 acres zoned RC; 0.58 acres zoned SE; & 7.65 acres zoned SF20); irregularly shaped lot.
- **Frontage - water, road:** No water frontage; 720’ +/- road frontage along Bay Shore Dr. (CTH B).
- **Existing uses/structures:** Abandoned nonmetallic mine.
- **Access:** Two (2) driveway accesses to Bay Shore Dr. (one of the accesses is for emergency vehicles only).
- **Traffic patterns/road usage:** This is a county highway with moderate to high traffic levels, depending on time of year.
- **Water and sanitation:** Water will be provided by two (2) shared private high capacity wells via a private watermain throughout the development; sanitary will be provided by a shared private onsite wastewater treatment system (i.e., 40,000 gallon holding tank via a private interceptor sewer main system).
- **Significant topography or vegetation:** This is an abandoned nonmetallic mine that has not been reclaimed. The vast majority of the property consists of exposed bedrock. The area which would contain the occupancy units and camp sites has an approximate elevation drop of 14 ft. from north/northwest to east/southeast, but is relatively flat throughout. There is an elevation drop of 38 feet from the primary development area to
Bay Shore Dr. Blasting of bedrock will be required for the installation of underground utilities (e.g., water, sewer, etc.) and stormwater ponds. Approximately 2 feet of fill is proposed over the majority of the site to establish final grades for the development.

**Surrounding Area:**

- **North:** To the north and northwest are small residential and vacant lots zoned Single Family Residential 20,000 (SF20) and Small Estate Residential (SE). To the northeast are larger residential, vacant, and agricultural lots zoned Estate (ES). The community of Little Harbor is less than 1 mile north. The Town of Egg Harbor begins slightly over 2 miles north.

- **South:** Adjacent to the south is Bay Shore Dr. and a vacant riparian lot owned by the same property owner as the subject parcels, zoned Single Family Residential 20,000 (SF20). To the southeast are small residential and vacant lots zoned Single Family Residential 20,000 (SF20). To the west/southwest is George K. Pinney County Park, which is zoned Recreational Commercial (RC) and Single Family Residential 20,000 (SF20). The City of Sturgeon Bay is approximately 3.5-4 miles south.

- **East:** To the east are small residential and vacant lots zoned Small Estate Residential (SE). Further east are larger residential, vacant, and agricultural lots zoned Estate (ES). State Highway 42 is approximately 3 miles east.

- **West:** To the west are small vacant and residential lots zoned Single Family Residential 20,000 (SF20) and Bay Shore Dr., and Lake Michigan/Green Bay.

**Background/History**
The property currently consists of an abandoned nonmetallic mine which has not been in operation for decades. Portions of the abandoned mine property adjacent to both sides of Bay Shore Dr. were previously purchased by Door County and converted to what is now named George K. Pinney County Park.

The applicants are proposing to establish "multiple occupancy development" (MOD) and "campground" land uses on the subject property. The development will be located on one 57.76-acre contiguous lot. This single lot would contain a total of 117 units, of which 115 of the units would consist of both an occupancy unit (single-family dwelling) and a camp site (parking spot for a recreational vehicle) with the remaining two units consisting of only a camp site. The overall development would also consist of a club house, private storage buildings, recreation courts, and three stormwater ponds.

Areas within 1000 feet of the shore on the west side of Sevastopol (including much of the land subject to this application) were zoned "Recreation" when shoreland zoning was adopted by the county in 1968. In 1976, when Sevastopol adopted comprehensive county zoning, the remainder of the properties subject to this application came under county zoning jurisdiction, and were also zoned Recreation. The lots retained that Recreation zoning designation until 1995, when the 1968 ordinance was replaced. Since 1995, the existing zoning districts (primarily Recreational Commercial, with some Single Family 20,000 and a very small amount of Small Estate) were established for these properties.

"Multiple occupancy developments" and "campgrounds" are both allowed land uses in the RC zoning district with the issuance of a Door County Conditional Use Permit. "Multiple occupancy development" and "campground" land uses are not allowed in the Small Estate Residential (SE) and Single Family Residential 20,000 (SF20) zoning districts. Therefore, no occupancy units or camp sites may be allowed – and none are proposed to be located – in
the SE and SF20 zoning districts. Those districts were also not used in the density calculations. Parking area(s), driveway(s), the sanitary system, and green space associated with the development are allowed to be located in the areas zoned SE and SF20.

**Multiple Occupancy Development Land Use**

A "multiple occupancy development" is defined as: "A development on a single lot wherein a building is provided with 3 or more occupancy units, or wherein 2 or more detached buildings are provided with 2 or more occupancy units, regardless of the characteristics of the user(s) of the occupancy units and regardless of the ownership of the building(s) or of the occupancy units." (Underlining added; this is the type of multiple occupancy development proposed.)

An "occupancy unit" is defined as: "A room, or interconnected rooms, consisting of living quarters physically separated from any other unit in the same building. The unit may include facilities for cooking, eating, and other facilities convenient to human living." Each single-family dwelling is considered one occupancy unit.

A "dwelling unit" is defined as: "A structure, or that part of a structure, which is used, or intended to be used as living quarters. A dwelling unit shall be served by water and a sanitary system, and have finished rooms consisting of, at a minimum, a kitchen, bathroom, and sleeping area." Each single-family dwelling is considered one dwelling unit.

For the purpose of the remaining portion of this staff report, an "occupancy unit" will be referred to as a "dwelling unit" since "dwelling unit" meets the definition of an "occupancy unit".

With a conditional use permit for a "multiple occupancy development," multiple dwelling units (e.g., single-family dwellings) may be allowed on a single lot. Since the proposed development will contain (more than) two detached buildings with (more than) two dwelling units between them on a single lot, this development is classified as a "multiple occupancy development." The proposed development will contain 115 detached buildings with 115 dwelling units on a single 57.76 acre lot.

**Campground Land Use**

A "campground" is defined as: "Any parcel or tract of land which is designed, maintained, intended or used for the purpose of providing camp sites offered with or without charge for temporary overnight sleeping accommodations by 4 or more camping units, or by any number of camping units if the parcel or tract of land is represented as a campground."

A "camping unit" is defined as: "Any single temporary shelter 400 square feet or less in area, except sleeping bags, bed rolls, and hammocks, used for camping by a camping party. Camping units include recreational vehicles, camping trailers, tents, motor homes, park models, camping cabins, and yurts."

With a conditional use permit for a "campground," multiple camping units may be allowed on a single lot. Since the proposed development will provide temporary overnight sleeping accommodations by more than 4 camping units on a single 57.76-acre lot, the proposed development is classified as a "campground," in addition to the "multiple occupancy development" classification. The campground regulations limit campgrounds to no more than two dwelling units for the campground owner and manager, however, because the applicants are also applying for the "multiple occupancy development" land use, this dwelling unit allowance can be exceeded since the dwelling units are associated with the "multiple occupancy development" land use and regulated as such.
Density Calculations
The proposed development will provide 115 dwelling units and 117 camp sites on a single
57.76-acre lot, of which 49.53 acres is zoned Recreational Commercial (RC). As previously
outlined, the dwelling units are associated with the "multiple occupancy development" land
use and the camp sites are associated with the "campground" land use. Both the proposed
number of dwelling units and camp sites meet all regulations of the Door County
Comprehensive Zoning Ordinance.

"Campground" land use maximum density calculation:
- Per Section 4.07(2)(d) of the Door County Comprehensive Zoning Ordinance,
  the maximum number of camp sites shall be 10 per acre.
- At a maximum of 10 camp sites per acre, the minimum lot area required for
  the proposed "campground" land use density is 11.7 acres (117 camp sites
divided by 10 camp sites per acre). With 49.53 acres zoned for Recreational
Commercial (RC), the proposed lot exceeds the minimum area required.

"Multiple Occupancy Development" (MOD) land use maximum density calculation:
- Per Section 4.08(8)(c)2. of the Door County Comprehensive Zoning
  Ordinance, the maximum residential density of a MOD in a non-core area
  shall be based on the net lot area and number of bedrooms within the MOD.
  MODs in non-core areas shall not exceed 10 bedrooms per acre of net lot
  area; fractional results shall be rounded down to the nearest whole number.
  Furthermore, net lot area shall not include land located in Wetland zoning
districts. In addition, if the MOD includes mixed uses, the minimum lot area for
the appropriate district for those uses shall not be included in the net lot area.
- Net lot area: 49.53 acres (zoned RC) – 11.7 acres (minimum lot area for
campground) = 37.83 acres net lot area.
- At 37.83 acres of net lot area, the maximum "multiple occupancy
development" density allowed is 378 total bedrooms. This is adequate net lot
area to allow for all 115 proposed dwelling units to contain three (3) bedrooms
each. (Note that, per the building floor plans submitted with the application,
three [3] bedrooms are not being proposed for each dwelling unit.) Therefore,
the lot contains sufficient net lot area for the proposed "multiple occupancy
development" land use.

The proposed development is not subject to the Door County Land Division Ordinance since
no land division nor site condominium are proposed.

In summary, the proposed "multiple occupancy development" and "campground" land uses
for this development comply with all applicable requirements of the Door County
Comprehensive Zoning Ordinance.

Zoning Considerations
- **Purpose of zoning district: DCZO Section 2.03(18):** Recreational Commercial (RC).
  "This district is intended for Door County’s resort areas, particularly areas where high
  concentrations of recreational uses are located or are appropriate. These areas are not
  intended to develop into business districts and, thus, many retail, office, and service uses
  are restricted or prohibited in favor of recreational uses such as golf courses, ski resorts,
multiple occupancy developments, marinas, and restaurants. Lot sizes of at least 20,000
  square feet are required for new lots."
• **Does the use meet the zoning ordinance’s stated purpose and intent?** Yes, this development is a proposed residential “multiple occupancy development” land use and recreational “campground” land use.

• **Specific requirements for proposed use and/or possible conditions that may be relevant.** If the Resource Planning Committee determines the conditional use permit should be approved, the following are possible conditions that may be relevant:

  1. The use must be established within 12 months of the issuance of the conditional use permit. At minimum, a Door County Regular Zoning Permit for land disturbance in excess of 10,000 sq. ft. and 1,000 cu. yds. of earth material shall be obtained within 12 months of issuance of the conditional use permit.

  2. The use shall comply with all applicable local, state, and federal building codes and ordinances.

  3. Any outdoor lighting erected in conjunction with this use shall utilize lighting fixtures whose hood, lens, or combination thereof allow no direct beams of light to be seen from off the property or to be cast skyward, and the lighting elements of which shall not be visible from adjacent properties.

  4. The entire development shall be screened from adjacent properties and public roads by means of a vegetative screening, as described in s. 3.10(4) – Landscape Buffer Tree Requirements of the Door County Comprehensive Zoning Ordinance (DCCZO).

  5. Detailed landscaping and screening plans in compliance with DCCZO s. 3.10, s. 4.07(2)(b), s. 4.08(8)(j), and s. 7.03 shall be submitted to and approved by the Door County Land Use Services Department prior to commencing construction of any buildings. Landscaping and screening materials shall be installed/established prior to occupancy of any buildings and/or use of any camp sites.

  6. Before any zoning permits shall be issued for any structures, the parcels must be combined into one lot via recordation of a new legal description at the Register of Deeds.

  7. All principal buildings (i.e., single-family dwellings) shall be separated from each other by a distance of at least 20 ft.

  8. If any rockholes and/or rockhole channels meeting the dimensional requirements of DCCZO s. 5.06(2) are identified on-site during or after construction, the requirements of DCCZO s. 5.06(4) shall be met.

  9. The RPC will need to set a completion date for the project.

**Comprehensive Plan Considerations**

• **County comprehensive plan land use map designation and description.**

The area of the parcel proposed for the multiple occupancy development and campground land uses is designated on the county plan’s future land use map as “Commercial,” “Parks and Recreation,” and “Residential,” as described below and shown on the attached map:
Commercial – “Commercial” areas are those intended for development with retail sales, trade of goods and/or services, commercial offices, and commercial lodging establishments and are found largely in community centers, core areas, or “downtowns.” Commercial areas should maintain defined boundaries, avoid excessive access points to major roads by encouraging shared driveways or internal circulation patterns, and have buffering or screening of light industrial uses and storage and parking areas from adjacent public rights-of-way and residential areas. Highway corridor development should avoid further strip development and loss of community separation by limiting future development density, employing stringent setbacks, and requiring screening of new uses. Note that the future land use maps depict many “outlying” (i.e., non-core) commercial areas, reflecting existing commercial zoning or businesses such as multiple occupancy developments; when redevelopment is proposed for the latter, it should be undertaken carefully and with consideration for neighborhood compatibility.

Approximately 49 acres of the area of the parcels – where the individual units are being proposed – lie within areas designated as Commercial. The Commercial future land use designation addresses areas that are found largely in established commercial areas such as community centers, core areas, and downtowns as well as “outlying” existing commercial zoning. The proposed development falls within the latter category due to the fact that it is primarily zoned for Recreational Commercial and the closest community center or downtown, the City of Sturgeon Bay, lies approximately 3.5 miles away.

Parks and Recreation – Land designated for “Parks and Recreation” are appropriate for out-of-doors sport and general recreation facilities, camping or picnicking facilities, nature exhibits, and protected historical and other cultural amenities.

One area of the proposed development has approximately 0.28 acres designated as Parks and Recreation. This area is not being proposed for any development.

Residential - “Residential” are intended to be developed predominantly with single-family uses, or, where allowed by zoning or other ordinance, mobile homes, group quarters, or non-transient multi-family buildings. Some parcels designated as “Residential” may currently contain duplexes, multi-family developments, or resorts, if those uses are located on parcels currently zoned for primarily single-family residential development, or if the municipality wished to ensure that the long-term development of the property would be primarily residential rather than commercial in nature. "Residential" areas include the majority of the county’s shorelines and areas containing smaller lots and/or emerging small-lot residential development patterns.

Approximately 1.2 acres of several of the individual units and guest parking areas along the northwest corner extend into areas designated as Residential. There is also a small sliver of Residential in the southeast corner of the development proposed to be part of the open space.

The area of the proposed development to the south is designated entirely as Residential, but none of the individual units extend into this area either. The main entrance, a pond, and a holding tank are being proposed for this area.

This area has been designated in the county comprehensive plan for the land use descriptions listed above since 2009. The comprehensive plan recognizes that these outlying commercially zoned areas exist and recommends “undertaking the development carefully and with consideration for surrounding uses.” The Resource Planning Committee may want to keep in mind Goals 2 and 4 regarding protecting the county’s
natural features and the community’s **rural atmosphere** if/when setting conditions (see below).

**Relevant goals/policies/action items from comprehensive plan:**

**GOAL 2.** Preserve and protect the county’s surface water, groundwater, wildlife habitats, and natural features.

**Policies**

- Be proactive about working with public and private - local, county, regional, and state - agencies to preserve, protect, and improve the quality of surface water, ground water, and wildlife habitat.

- Identify, preserve, and protect natural features, including escarpments, bluffs, steep slopes, drumlins, dunes, rockholes, bluffs, woodlands, ridge and swale complexes, shoreland vegetation, wooded areas, and wetlands.
  - Guide growth to planned growth areas with appropriate infrastructure for high density development and minimize impact to natural resources within growth areas.
  - Base land use decisions, at least in part, on soil types.

*Note: The area proposed to be developed is not mapped as an escarpment on the zoning ordinance’s natural features map. Also, zoning administrators inspected the property and did not identify any rockholes or rockhole channels that meet the zoning ordinance’s definition of a rockhole.*

- Manage the impact of new development on water quality through appropriate land use designations, decisions, and conditions.
  - Concentrate intense waterfront recreational facilities, especially marinas, in order to reduce impact on water quality.
  - Consider basing land use decisions, at least in part, on soil types and the SWCD’s analysis of what that means for the proposed development.

**Action Items**

- Evaluate all rezoning and development proposals for potential impact on natural features.

- When reviewing and deciding upon conditional use permit applications, consider significant geological features and how they will be affected.

**GOAL 4.** Maintain, preserve, and enhance the community’s rural atmosphere and agricultural heritage.

**Policies**

- Preserve rural character by retaining/preserving large areas of natural and open space that provide scenic views.

- Work cooperatively with developers and government agencies to promote development patterns that reflect rural character.
- Regulate new development to fit in with the county's communities by minimizing its visual impact.

- Avoid or mitigate highway corridor development so as to minimize blending of communities and to preserve the county's scenery by leaving open/green space between communities.

- Any future corridor development should be well-screened and designed.

**Action Items**

- Consider the appearance of new development, particularly along highway corridors, when reviewing conditional use permits and rezoning petitions.

- **Other relevant text from county comprehensive plan.** None.
Future Land Use Map
Margaret Dreutzer: 022-01-12282512, 022-01-12282512A, 022-01-12282521B, 022-01-13282511, 022-02-18282622G, 022-01-13282511P
Conditional Use Permit
Proposed Use: Multiple Occupancy Development and Campground