

Village of Egg Harbor
Plan Commission Public Hearing Minutes
Shipwrecked Special Development District Hearing
August 23, 2021 at 4:00 PM

- Commission Chair Cambria Mueller called the meeting to order at 4:01 PM
- Commission members present: Cambria Mueller - Chair, Paula Cashin, Kathy Navis, Lou Nyberg, Emily Pitchford, Jon Kolb, Chris Roedl
- Village Staff present: Megan Sawyer, James Kalny, Village Attorney, Lydia Semo, Tom Strong,
- Public: John Heller Village President, Ann Harvey, Dawn McGinnis, Joseph Smith, Shipwrecked, Tyler Pluff, Jon Pinkert, Mary Reiley, Paul Brophy, Denny Phillips, Kaaren Northrop, John Heller, Liz Heller, Bill White, Laurie Culp, Peter Culp, Jennifer Blahnik, Chuck Baum, James Vander Heiden, Vonnie Calsen, Claude and Marion Crawford, Al Lohman, Jim Vitrano, Peter Crytall, Myra Crystall
- *Jim Kalny provided an overview of the Wisconsin Statutes regarding the Conditional Use hearing including the definition of testimony and substantial evidence that the Plan Commission can take into consideration for deliberation. There were changes in 2017 with regard to Conditional Use Permits. The law provides that if an applicant agrees to meet or agrees to meet all the conditions specified by the ordinance or imposed by the commission, the Village has to grant the conditional use permit. The new law also places requirements on what kinds of conditions may be imposed. Conditions have to be related to the purpose of the ordinance, based in substantial evidence, they have to be reasonable and to the extent it is practical it has to be measurable. The applicant has to demonstrate that they will meet the conditions imposed, proven to the level of substantial evidence as well. Substantial evidence means facts and information other than merely personal preferences or speculation. Simple opinions aren't enough. They need to have some substance supporting those opinions related to the ordinance or purpose of the ordinance. The substantial evidence has to be directly related to the requirements and conditions that are imposed, such that a reasonable person would accept that evidence in support of any conclusion that is reached based on it. To fortify the evidence, we follow the procedure to take the testimony under oath, allowing staff and the applicant to question those providing testimony. Once granted, the Conditional Use Permit shall remain in effect as long as the conditions imposed are followed. We are free to impose conditions such as duration, limitations on transfer or renewal, in addition to the other conditions imposed. That is the overview of the law that governs what we can do with Conditional Uses that I wanted to share with you before we start this hearing.*
- *Cambria Mueller thanked Jim Kalny for his comments. She thanked the in-person audience for spacing themselves out. We will start with the in-person testimony. I will swear you in, asking you for your name and address for the record. You can then provide your testimony. The person filing the application does have the right to ask questions. She asks testimony to remain civil and orderly.*
- *Megan Sawyer: There will be two separate hearings today. The first is for the Special Development District application. The second is for the Conditional Use Permit application.*
- *Jim Kalny: Under the new law, conditional uses include any type of special exception. We are going to have the public hearing that is related to both of these items. Any questions you have about the 75-foot setback exception, those questions should be raised along with any questions regarding the conditional use.*
- *Cambria Mueller: Thank you Jim Kalny. If at any time you are having trouble hearing testimony or the commissioners, please raise your hand. I will be asking you to step up to the microphone to provide testimony. We will start it off with the Special Development District Application hearing at this time.*

PUBLIC HEARING: On the Special Development District application filed by Tyler Pluff. Said application pertains to property located at 7791 and 7783 STH 42 (C-1 District with SDD Overlay) – Parcel #1180125302612N and #1180125302612P. Said Special Development District Relief application referenced above is required per section § 152.030 (A) Off Street Parking: Driveways which requires a 75-foot front yard setback for parking lots within the C-1 Zoning District. **The applicant is proposing an addition to the existing restaurant commonly known as Shipwrecked.**

- Chair Cambria Mueller opened the public hearing regarding the Special Development District at 4:08 PM.
- Cambria Mueller swore in the Witness, Megan Sawyer, on behalf of the Village of Egg Harbor.
 - Testimony: Megan Sawyer 6776 Division Road Egg Harbor, WI 54209

- *Megan spoke on behalf of the Village of Egg Harbor regarding the Special Development District review against the ordinance 152.026 (F) criteria as presented in the meeting packet. My report is true to the best of my knowledge and ability. I will only cover the parking lot setback request under the Special Development District application review. The remainder of the review will be covered in the Conditional Use Permit review. The project seems to be with the spirit and intent of the C-1 Commercial Zoning district. This setback relief would provide a significant benefit by allowing them to add 8 extra parking spaces which would not be allowed due to the 75-foot setback requirement. I conclude the character of this project is consistent with the commercial district as many other parking lots in the C-1 district also doesn't comply with the 75-foot setback. I conclude that the benefits to expand the parking area meet the criteria under ordinance 152.026 (F) for special development district relief.*
- Cambria Mueller swore in the Witness, Tyler Pluff, on behalf of the Applicant.
- Tyler Pluff, 454 Kentucky St Sturgeon Bay, WI 54235.
 - *Tyler Pluff represents Shipwrecked, provided an overview of the project updates, increasing the number of parking spaces on site, while maintaining as much green space as possible. We wanted to add parking but at the same time, not pave the entire parking lot. We are adding a total of 24 spaces in the main parking area, with 3 additional parking spaces for employees in the delivery area. We moved the dumpster based on feedback during the initial review earlier this year.*
 - *Paula Cashin: I see 24 parking spaces, not 27.*
 - *Tyler Pluff: There are 3 additional parking spaces for employees in the area that is used for deliveries early in the morning.*
 - *Jon Kolb: Spaces 3-5 are in front of the new dumpster location. Will there be a no parking sign in front of the dumpsters?*
 - *Tyler Pluff: Yes. We will have a sign indicating no parking before noon. Parking will be available during regular business operations.*
- Cambria Mueller swore in the Witness,
- Testimony: Dawn McGinnis 7797 Horseshoe Bay Rd Egg Harbor, WI 54209
 - *I don't like to come to these meetings. When I see a safety issue directly across from my home, I feel the need to speak up. That is why I came here today. According to State Statues, there are many violations covered in the photos I have provided to you today. Driving on the left side of a divided road, parking on a sidewalk, parking in a crosswalk, and parking along a yellow painted curb. I am not a civil engineer or parking lot designer. I am however someone who cares about this community and the safety of the people who visit. I want all of you to have the facts to make a decision on the application in front of you. I do not believe delivery trucks will be able to make deliveries from the delivery driveway and be able to safely back out onto CTH G because it is very difficult for me to back out of my own driveway onto CTH G.*
- Cambria Mueller swore in the Witness, Al Lohman
- Testimony: Al Lohman 6041 Bluff Ledge Road Sturgeon Bay, WI 54235
 - *In my opinion, when the building was destroyed by fire and the building was rebuilt a few years ago, restaurant seating capacity was increased. It is now increasing again on the same footprint without sufficient parking. My opinion on it is that this is abusing their neighbors, including Main Street Market and Main Street Shops. It is not a hardship such as needing a wheelchair ramp. I feel this application should be denied.*
- Cambria Mueller swore in the Witness, Kaaren Northrop
- Testimony: Kaaren Northrop, Main Street Market 7770 Hwy 42 Egg Harbor, WI 54209
 - *I am here on behalf of Main Street Market. I think the most important thing in this request is point 2, parking and congestion mitigation. This is the third attempt this year to bring expansion plans to this commission without significant changes to meeting the required parking spaces. I feel they are trying to wear you down and think that by are proposing to gain approval by adding just a few parking spaces. This plan shows a total of 27 spaces for a proposed 394 seat restaurant. Al Johnsons and Stabbur in Sister Bay are the only restaurant that is even close to this large, and they have two large parking lots with space for over 100 cars. This property is less than an acre and doesn't have room for sufficient parking, not even close to the 104 parking spots required. It isn't even large enough to provide parking for the restaurant that is already there. This proposal is too large for the parcel it sits on. The lack of parking is a burden to taxpayers and other businesses who do have sufficient parking. The plan commission is responsible to the taxpayers of this Village. Businesses are not entitled to build whatever they want on their property. That is why we have the zoning code that has been developed over these years. The development has to be in line with the character of the village as determined by the taxpayers as represented in the Comprehensive Plan. I would ask every taxpayer of the Village who feels this project does not fit the character of the comprehensive plans to stand up. The large majority of in person audience members stood up. We have a lot of taxpayers in this room who don't feel this plan fits. We are paying for the infrastructure that Shipwrecked is not*

providing. The proposed 394 seat restaurant in the most congested part of the Village with only 27 parking spots does not fit the space and will be a burden to the taxpayers of this Village. I respectfully ask you to deny this application.

- Cambria Mueller swore in the Witness, Mary Reiley
- Testimony: Mary Reiley 7632 Evergreen Road, Egg Harbor, WI 54209
 - *It is confusing to me that we are considering the Special Development District application before the Conditional Use Permit Application. I don't have comments on the setback, but I do have comments about the appropriateness of this development in the Village. I share the concern about parking. This clearly attempts to put the burden on the taxpayers in the village. This project would increase usage by 45 percent, with only 40% of the required physical parking according to the ordinance. The reason I am here is to talk about the scope of this project. The use that is proposed simply cannot be accommodated on this site. To push that problem off on the taxpayers is extremely unreasonable and insulting. The first proposal had 25 spaces. They returned with only 7 spaces. The latest proposal now has 27 spaces. The developer is trying to tread water and trying to wear everyone down. We will continue to testify and will stay on this proposal until a final decision is made. I certainly hope you vote in favor of the taxpayers, and not in favor of one property or one business owner.*

- Cambria Mueller swore in the Witness, Paul Brophy
- Testimony: Paul Brophy 7632 Evergreen Road, Egg Harbor, WI 54209
 - *I will try to give you a fact-based testimony in line with the Village Attorney's advice. I will remind the commission that I have a master's degree in city planning along with 50 years of work in this area. Much of the testimony had mainly been about details. You have often heard the expression "the devil is in the details" but in this case it is not. The devil is in the scale. We are focusing on details for a project that in my opinion, based on the facts in the long-range plan, this proposal is inconsistent with the long-range plan. Page 28 of the long range says A large part of quantitative feedback and qualitative feedback was in regard to quaintness and architecture aesthetics of the Village. The community is overwhelmingly interested in ensuring a quaint and aesthetically pleasing future for the Village. Over 75% of the public would like more attention paid to quaintness, while only 2% want less attention paid. We had a situation that has been addressed, when the fire occurred and this property was rebuilt, the rebuilding on this site was already out of scale for this village. This commission is now being asked to approve conditional use permit to add to the building, making the current density situation and the current scale situation even worse. I ask this commission to not make it worse. I ask the Village to remain consistent with the long-term comprehensive plans. The long-term plan is the filter through which specific proposals should be judged. Don't deny this because of parking or setback, deny it because the scale it is not consistent with the long-range plans. Deny it based on the facts. This project is simply too big, it is not quaint, and it is not consistent with the long-range plan. I urge you to deny it once and for all. Let's not have another hearing. Say no to this proposal. By doing so you will be consistent with the long-range plan, consistent with what the people of this village said they wanted, and consistent with the show of support you just saw when Kaaren asked audience members to stand up.*
 - *Tyler Pluff: You are aware that this hearing is for the parking lot setbacks? Are you aware of the maximum square footage in the Village Commercial District?*
 - *Paul Brophy: I was advised by the Chair that we could testify on any basis. I have no comments on the setbacks. My comments are about the scale of this proposal against the comprehensive plan. I would rely on the staff regarding the maximum square footage for this project.*
 - *Tyler Pluff: Are you aware that this project is under the 18,000 square feet maximum limit?*
 - *Paul Brophy: I would urge you to tell me why that is consistent with the comprehensive plan. This project is not consistent with the comprehensive plan as I see it. If you think you are within your rights, that point I am not going to speak to.*
 - *Tyler Pluff: Are you aware of what is stated on page 35 of the comprehensive plan regarding supporting tourism facing businesses?*
 - *Paul Brophy: I think we've done a great job in getting diversity. Expanding this building increases a well-worn use in the Village – bar trade and restaurants. The statement on encouraging diversity is looking for things like more dental offices and medical offices in the Village. The Shipwrecked building and One Barrel are already tourist related. Have we gone far enough? I think we have.*

- *Cambria Mueller: Please provide testimony directly related to the setbacks during this meeting. Otherwise we understand there will be some overlap but please try to avoid duplicating testimony.*

- Cambria Mueller swore in the Witness,
- Testimony: Marian Crawford 7589 Horseshoe Bay Road Egg Harbor, WI 54209
 - *Are the two entrances for the parking lot already on Hwy G? It is already difficult to get from Hwy G to Hwy 42. We would like to support the businesses in the Village, but it is getting harder to even get into the Village. With*

delivery trucks in this area, that is going to make it harder to get through. This project is going to make a bad situation worse with the only parking entrance on Hwy G.

- Cambria Mueller swore in the Witness, Ann Harvey
- Testimony: Ann Harvey 7765 West Shore Drive Egg Harbor WI 54209
 - *For the 75-foot setback, do they not need two approvals? Are they asking for permission for both? Do they need separate approvals? Regarding the entrance on Hwy G, I completely agree that it has already been a nightmare for driving on Hwy G. I believe those are governed by different bodies for Hwy G and Hwy 42. I believe this project is landlocked and it should not be approved. I want to be considered as standing in a show of support of denying this project.*
 - *Megan Sawyer: There is one application for both Hwy 42 and Hwy G setbacks. Wisconsin DOT will not allow a driveway on Hwy 42 for this project. The County has indicated that no permits are needed since they already have two driveway entrances on G. My attachments include correspondence with both Wisconsin DOT and County representatives.*
 - *Ann Harvey: Do you expect more use of those driveways on Hwy G? Do you not think there is some irony that the state will not approve an additional highway? It is not a safe corner. We don't have the protection on Hwy G that we have on Hwy 42.*
 - *Dawn McGinnis: I have asked numerous times someone to give me the name of the person at the DOT who told the applicant they could not put a driveway on Hwy 42. I finally contacted someone from the DOT directly, David Nielson. They did confirm that the state won't allow a driveway on Hwy 42 for Shipwrecked due to the proximity of Signature Pieces. In my opinion it makes no sense to have Semi's deliver to Shipwrecked on Hwy G.*
- Chair Cambria Mueller closed the public hearing at 4:53 PM.

Minutes completed by Tom Strong on August 24, 2021 for approval on September 28, 2021.