

Village of Egg Harbor
Plan Commission Public Hearing SDD Minutes
August 4th, 2020 at 6:00 p.m.

- Commission Members Present: Joe Smith, Chair, Paula Cashin, Kathy Navis, Lou Nyberg, Emily Pitchford, Jim Vander Heiden, Jon Kolb.
- Village Staff: Ryan Heise, Jess Reinke, Tom Strong, Sophie Parr, James Kalny

PUBLIC HEARING: Notice is hereby given that at 6:00 P.M. on Tuesday August 4th, 2020 the Village Plan Commission of the Village of Egg Harbor will hold a public hearing at the Donald & Carol Kress Pavilion – Great Hall, 7845 Church Street Egg Harbor, WI 54209 to receive testimony from the public on the SPECIAL DEVELOPMENT DISTRICT RELIEF application filed Michael J. Schwantes. Said special development district relief application pertains to property located at 7784 State Hwy 42 in the Village of Egg Harbor, (Tax Parcel Number: 118-0125302612D) which is located in the Village’s Commercial (C-1) Zoning District with a Special Development District overlay.

Said application is seeking relief from the following sections of Chapter 152 Zoning of the Village of Egg Harbor Municipal Code: Section § 152.028(G)(1) which stipulates that the maximum floor area of any building in any zoning district is 18,000 square feet, Section § 152.048(A)(3) which stipulates the front yard setback for parking lots in the Commercial District is 75’ as measured from centerline of roadway, § 152.028(C)(1) which stipulates the maximum building height of 35’, Section § 152.029(D)(2)(a) which stipulates that fences shall not include trees but shall include vegetative hedges planted along the immediate lot line, Section §152.060 Special Development District of the Village of Egg Harbor Municipal Code allows the applicant to apply for special development district relief. The applicant requests relief from the above provisions as the proposed design includes an overall building floor area of approximately 34,642 sq. ft. which incorporates interior parking and a storm water system for exterior impervious surfaces, 34 on-site parking spaces, and a fence to screen the driveway from the neighboring property. The applicant is proposing the construction of a 16-unit condominium development with 2 retail units and 14 residential units with a mixed-use retail along the street.

- Chair Joe Smith opened the public hearing regarding the Special Development District application filed by Michael Schwantes at 6:07 PM.
- Joe Smith presented the information above regarding this application.
- Michael Schwantes and the development team provided an overview of the of the project starting with the history from the original construction of the property that they are looking to redevelop. We are looking to combine the ideas from the feedback earlier in the year while respecting this history. The first design was too big, so we reduced it quite a bit to enhance the fabric of downtown Egg Harbor.
- The team presented a video walk through of the project which shows the scale of the building and how it fits in with the surrounding buildings. He compared this updated plan against the original plans showing the reduction in the project size. <https://youtu.be/hRfMgCCIGm4>
- Jon Kolb: Will you have to level off the back area? If so, will there be a drop from the adjacent property line?
- Development Team: There will be a slope in that back area. We expect blasting to take 10-12 working days.
- Jim Vander Heiden: When all is said and done will this development team own any of the building or will it all be sold off?
- Michael Schwantes: It is the intent that the developer will keep the northern building and redevelop it. That building has historical significance and we want to do something that would keep this building and renovate the second floor.
- Jim Vander Heiden: My concern, as with any condominium project, that the developer gets to walk away at the end of the project
- Michael Schwantes: We will not be walking away. You can put in a deed restriction if you like.
- Jim Vander Heiden: Who would ultimately approve a storm water plan?

- Ryan Heise: With HWY 42 I'm pretty confident that the DOT would be involved in the review and approval of the storm water plan.
- Kathy Navis: On lot 1, the plan is to have 2 retail spaces on the first floor and redo the residence on the second floor?
- Development Team: The challenge is that we have garbage collection on that lot. Our intention is to keep it, restore it and do it right. Whatever safe guards you want to impose is fine with us.
- Emily Pitchford: Asked for clarification around the driveway in the original plans and the updated plans. I read something about the north side but I don't see that on these plans.
- Development Team: That was on the original plan. Current plans now eliminate south side driveway and moving it to the north side of the main building, between the 2 buildings.
- Ryan Heise: I think you read that in my comments. We can review that in deliberation.
- Joe Smith: We will open the meeting now to anyone in the gallery who would like to speak.
- Public members speaking
- Terrence Johnson 5041 Shady Lane Egg Harbor, WI
 - I think this is going to be a wonderful thing for the village. Congratulations to the project team for resizing the project so it is more appropriate for the village.
- Steve Richardt 4660 Harbor Heights Court Egg Harbor
 - I want to be as positive as possible but for me it's kind of hard. Preserving the old gas station is fine. The plan looks really nice but I still don't think it fits Egg Harbor. I think it's going to open the flood gates like Hatch and One Barrel. Everything on the West side of the road is going to end up being new construction. Fireside did a nice job on their remodel. Alpine is on the agenda as well and we all know where that is going. No body wants it to turn into Sister Bay.
- Angela Lensch to Everyone: 06:43 PM
 - I have a long list of items as provided in the letter submitted to this commission. **(See Addendum A)**
 - I'm asking the commission not to take action today. It's important for our community to be present. This is a big project that is asking for a lot of exceptions.
 - Prepare complete and share a storm water plan for approval. I was glad to see some research has been done.
 - Prepare complete and share a long-term requirements and maintenance plans for the property.
 - Prepare complete and share a plan for a safeguard plan for other properties around the village during blasting.
 - Prepare for a worst-case scenario. What if they build it and people don't come or something happens in the middle of development that halts the project. We need to have a safe guard for the village.
 - I'm also concerns about property taxes and fire access.
 - You're asking a lot out of us. In return I would ask the small area of green space be chemical free and possibly with pollinator plants.
 - To sum it up, I ask that you keep deliberating and do not make decisions today.
- Cambria Mueller 7750 Sleepy Hollow Road, Egg Harbor
 - I'm in agreement with Steve and Angela. This is a very large building even with their scaled back plans. They are asking for a big variance. Once you open that can of worms you can't stop it.
- Joe Smith: Thank you to everyone who provided comment. Anyone else looking to comment on the project? Hearing none I will close the public hearing on this matter.

Village of Egg Harbor
Plan Commission Public Hearing CUP Minutes
August 4th, 2020 at 6:00 p.m.

PUBLIC HEARING: Notice is hereby given that at 6:00 P.M. on Tuesday, August 4th, 2020 the Village Plan Commission of the Village of Egg Harbor will hold a public hearing at the Donald & Carol Kress Pavilion – Great Hall, 7845 Church Street Egg Harbor, WI 54209 to receive testimony from the public on the CONDITIONAL USE PERMIT application filed by Michael J. Schwantes. Said conditional use permit application pertains to property located at 7784 State Hwy 42 in the Village of Egg Harbor, (Tax Parcel Number: 118-0125302612D) which is located in the Village’s Commercial (C-1) Zoning District with a Special Development District overlay.

Said application is required by Chapter 152 Zoning of the Village of Egg Harbor Municipal Code per section § 152.025 Commercial District (C-1), (B) Conditional Uses, (6) Medium density, multi-family structure, not exceeding eight dwelling units per acre. The applicant is proposing the construction of a 16-unit condominium development with 2 retail units and 14 residential units with a mixed-use retail along the street.

- Chair Joe Smith opened the public hearing regarding the Conditional Use Permit application filed by Michael Schwantes at 6:55 PM.
- Joe Smith presented the information above regarding this conditional use permit application.
- Joe Smith swore in the Village Witness Ryan Heise
- Testimony Ryan Heise 6345 Hwy 57 Sturgeon Bay WI:
 - Ryan provided his findings of fact on this application and the Staff’s review:
 - This matter originally came before the plan commission for a public hearing on March 11, 2020. Returned with a revised plan on June 23, 2020 on the application for a conditional use permit submitted by Michael Schwantes of 3428 N Lake Michigan Street, Sturgeon Bay, WI 54235.
 - Fact: That an application for a Conditional Use Permit was originally filed by the Applicant with the Village on January 20th, 2020 (the “Application”) for that property located at 7784 State Highway 42 Egg Harbor, WI 54209 more particularly described on ATTACHMENT “A” hereto (the “Property”). Plan was revised and a new conditional use permit was applied for on June 23, 2020.
 - Fact: That a Public Hearing regarding the application was duly noticed and published as a Class 2 Notice under Chapter 985, Wis. Stats., which notice was published in the Peninsula Pulse on July 24th, and the 31st of July.
 - Fact: That the Property is currently zoned C-1 under and pursuant to § Sec.152.025 of the Village of Egg Harbor Municipal Code.
 - Conclusion of Law:
 - The Plan Commission has proper jurisdiction to hear this matter.
 - Due notice was properly given to all parties of the public hearing was duly and properly made.
 - Ryan provided an overview of the written review he provided to the commissioners. Conditions that can be reviewed under the CUP application:
 - The number of living units in the proposed area;
 - The effects of traffic control on abutting Village roads and streets and safety to Villagers, pedestrians, and motorists
 - The general health and well-being of the Village residents

- The increase in area noise
 - The increase in potential public or private nuisance.
 - The availability of municipal services such as fire protection, waste disposal, and sewage
 - The adverse effects on the environment
 - The protection of lake shore, lake, and ground waters
 - Effects on surrounding plant foliage and vegetation
 - The kind and quality of amusements or entertainment
 - General growth and dynamics of the Village
 - The Village Master Plan
 - Purpose and intent of the Village Zoning Code
- Jim Kalny: Before we open the public comments part of this hearing we should hear an abbreviated presentation to put something on the record for this conditional use application.
- Joe Smith swore in applicant Michael Schwantes 3428 N Lake Michigan Drive Sturgeon Bay, WI
 - It is our goal to build a condominium building with 14 residential and 2 retail units done in a style that will complement the existing buildings in Egg Harbor. We will restore the heritage of the previous building back in the 1920's. We would like to start construction in late October to minimize disruption to businesses.
 - Joe Smith: You provided us information from a water scientist about the run off. You have also provided us a letter from Cap Paschke about blasting. You have provided us with a proposed timeline that is your intention but subject to change. The intention for building on lot 1 is to have retail on the first level and residential on the second level. The intent for building on lot 2 is to have 2 retail units on the first level and 14 residential units on the second and third levels.
 - Michael Schwantes: Those statements are correct.
 - Jon Kolb: Your intent is to build both lot 1 and 2 at the same time?
 - Michael Schwantes: That is correct.
 - Emily Pitchford: Currently this is one parcel. Is there some plan to do something different or are you just calling it lot 1?
 - Michael Schwantes: We have the surveys done but technically we haven't separated them yet. Technically you are right it is currently 1 lot but when we start the development it will be 2 lots. We will have a responsibility to remodel and repair the building on the north side. We will be preselling
 - Emily Pitchford: So we are going through this process with it as 1 lot but then that is going to change after we go through this process?
 - Joe Smith: We approved the splitting of it about a year ago. It just hasn't been recorded with the county. There were several conditions. One of the conditions was that future development does not exceed the 60% permeable level. That was about a year ago.
 - Jon Kolb: Do I need to look at this as 2 lots and 1 development? These will at some time be sold off.
 - Joe Smith: Correct. When we get into our conditions that's when we put in safeguards.
 - Paula Cashin: They are asking for a reprieve on the 10 foot setback, asking for a 5 foot setback. Who owns the property on the other side?
 - Joe Smith: The setback is for parking spaces, not for the buildings. We can look that up on the County GIS site.
 - Paula Cashin: Will there be a new well? Are they doing to share the same well?
 - Michael Schwantes: There will be a new well for the condo building. There is an existing well on lot 1.
 - Jim Kalny: We should make the plans submitted with the application and explained by the developer in this hearing and prior hearing as a part of the record for this public hearing.
- Joe Smith: We will make the plans submitted to us including the digital video that was played at our SDD hearing as a part of the record for this August 4th, 2020 meeting. **(See Addendum B)**
- Joe Smith swore in Angela Lensch 7653 St Hwy 42 Egg Harbor, WI 54209

- I'm going to reiterate what I said during the SDD meeting. This is such a large project I suggest continuing deliberation requesting the commission not take any action today.
- Jim Kalny: Angela, would you like to swear to the letter that you submitted and ask that it be added as a part of this record?
- Angela Lensch: Yes. I would like to request that the letter I submitted be attached to this meeting as well.
- Joe Smith: Commissioners, any objection to receiving this exhibit? Hearing none this exhibit is received.
- Jim Kalny: We should clarify that testimony needs to be given under oath and is separate from the comments made in the earlier SDD meeting.
- Joe Smith swore in Cambria Mueller 7750 Sleepy Hollow Road, Egg Harbor, WI 54209
 - I would just like to state that the plan commission put 18,000 sq feet for the maximum size for this district. This building is over twice that size. It is a large building.
- Joe Smith swore in Steve Richardt 4660 Harbor Heights Court Egg Harbor
 - I would ask the commission to take a closer look at the retail space. There is already a lot of retail space in the condo itself and property number 2. We have already lost some retail in the village. Do we have any idea of what the retail will be?
- Joe Smith: Is there anyone else who would like to provide testimony? Please unmute your mike at this time. Last Call. Hearing none we will now close the public hearing.
- Meeting closed at 7:24

**Village of Egg Harbor
Plan Commission Meeting Minutes
August 4th, 2020 at 6:00 p.m.**

1. Call Meeting to Order
 - Meeting called to order at 7:24
2. Approve agenda
 - **Jon Kolb motioned to approve the agenda. Second by Lou Nyberg. Motion unanimously approved.**
3. Pledge of Allegiance
4. Deliberation and possible action on the special development district relief application filed by Michael J. Schwantes (Village View Condominiums) for 7784 STH 42
 - Joe Smith: SDD Items are Max floor area, setback for the parking and setback for the rear parking. One of the things they previously asked about was the 35' height restriction. Jim Kalny would you expand on this item?
 - Jim Kalny: It's clear under your current code is that height is one of the things that you you are not in position to provide relief for in the Special Development District. Section 152.26 of your code specifically says "*The Plan Commission may not deviate from or adjust the zoning regulations of the underlying district established for and pertaining to building design standards and height of buildings or structures*". Height as defined in our code includes structures put on top of a room which is what would be required for handicapped access in this case. We don't have any other provisions that apply to how we handle handicapped access situations. It appears this is something that would go to a variance. As you discuss the conditional use you may want to discuss whether you believe the height variance is appropriate just to give the Zoning Board of Appeals your views on if a variance is in the public interest.
 - Kathy Navis: We should discuss this in the SDD deliberation or under the CUP deliberation.
 - Jim Kalny: I think it makes more sense in the conditional use portion. You don't have authority under to act on it under the SDD portion. For practical purposes, I think the important thing is that you make a record in one of the two to hearings with regard to what you think of the height. You are the planning commission and have expertise in zoning matters.
 - Jim Vander Heiden: Just a procedural question – shouldn't the zoning board of appeals act on this first? We would have a better sense of project we are or are not approving.
 - Jim Kalny: That is certainly a logical order. You could grant your conditional use condition on a variance to keep the process moving. It will need to go for a variance at some point along the line. You could ask to hear on the variance first. A third option – you could consider if the board amend this process.
 - Joe Smith: So basically what we need to consider under SDD deliberation is how well does this project fit in with the general direction of the Village. By definition the Special Development District is the down town area. I feel this amended plan as TC Johnson mentioned is a very good fit for what is going on around it. Lisa Van Laanen also felt that this fit in with the other buildings in the area. These are other large buildings. In my mind this is consistent. I like the new design aspects including the continuity of the stonework on the bottom. In my mind I would approve all 3 requests.
 - Lou Nyberg: I agree. I like it. I like what they've done. This is a good development option for

the village. It adds residential units right in the Village. The building and the plan is attractive. I appreciate keeping the old building intact and utilizing it. I'm very in favor of it.

- Jon Kolb: It was nice to have a gas station in town. I'm in favor of replacing the gas station with something very pleasant.
- Paula Cashin: I think they came along way from their initial plans. They listened to our concerns on behalf of the village.
- Kathy Navis: I agree. I think that there is going to be density above and beyond what is permitted. I love the idea that it's walkable. They can arrive, park their cars and they do not have to get their car out again. I really don't have any issue with the requested relief. The one thing I'm a little concerned about is that we tie the building on lot 1 into this project. Whether in the CUP or SDD I think we need to tie the lot 1 building into this project. The landscaping needs to be done well.
- Joe Smith: I agree with you 100%. I've known Michael for a long time. I don't think he would do that. I'm for it to be written out as a specific condition for approval. That would be a question for Jim Kalny. What we really want to make sure is that Lot 1 and 2 are tied together in that they don't just do the construction on lot 2 then sell off lot 1 without doing anything with it. Do we do this under SDD or CUP, that before they can get an occupancy permit for the condos. How do we tie those together?
- Jim Kalny: Through the conditional use permit. You are approving it as a package and is within the authority granted under the Conditional use provision. Special development is more if you are going to grant the relief or not. The condition of the development itself falls more under the conditional use permit process.
- Kathy Navis: I think that this 1 lot vs 2 lots is troubling. When does that division happen? This feels a little troubling.
- Jim Vander Heiden: My concern is that the building on Lot 2, after the development is done a condo association will be in control. That would be my concern. If we have concerns about how that will all work, it would be nice to get that worked out now.
- Jim Kalny: Splitting the lots would make them sellable independently. I understand what Jim is saying since the parking and access to the parking is a central part of the development. I think we can put some restrictions on making sure that the parking remains available and the common area is accessible.
- Joe Smith: Do you see any issues now with the plans submitted are based on 2 lots but the property is currently a single lot.
- Jim Kalny: Other than the fact that when this becomes 2 lots they would be able to sell one. If you want to put development requirements that both are developed at the same time, you would be in a position to do that.
- Kathy Navis: The parking that is to the north of the driveway, the space in front and the rest in the back, is that what you believe is the required parking for lot 1?
- Development Team member: The intention is that those 6 spaces plus the 6 spaces that are in back would be shared by both lots. The ingress easement is a shared agreement. That means if lot 1 is sold, that easement would go with it, as well as any conditions that are put on it. What if we split them first and do the landscaping in front of the building and put the awnings on it.
- Ryan Heise: While we're talking about it, what type of instrument should the village use to ensure there is shared use between those two lots? Developers agreement or a covenant?
- Jim Kalny: I think you do both. You want to state it as a condition with a restrictive covenant being put on the property.
- Development Team Member: Reviewed the plans for the shared parking areas under question for the commission members. Also highlighted the general timing to do the landscaping and development first to get that lot in compliance. If we have any deviation from this plan, we will come back to the planning commission for approval.
- Paula Cashin: Do you have to meet some level of sales before you begin production?

- Development Team Member: Fifty percent. I'm confident we already have this number.
- Jon Kolb: Can we ask for some assurance that once the project gets started it is going to be completed?
- Development Team Member: I don't think we can guarantee that we'll start construction in October with any sincerity. We need to get legal documents completed in order to go to offers. We need to get condo survey then we have to move quickly. We've had serious interest in the units.
- Jon Kolb: Down town Green Bay just went through several construction companies that couldn't finish the project.
- Jim Kalny: This is a little more difficult since we don't own the property in this case. This is privately owned property so this is a little different. Our conditions have to be based on what is in our ordinances. This goes beyond land use. We can try to come up with some conditions that make it more likely but we're not in as good a position if we owned the property.
- Jon Kolb: We would not be able to require presale of 50% of the building before starting?
- Jim Kalny: We could impose that condition, but I believe it would be reasonable for them to challenge if they wish.
- Ryan Heise: What about a construction bond? Say the economy goes south quickly and the structure sits there. Is the Village in the position to require a construction bond?
- Jim Kalny: The village can ask the developer for some sort of security. For a development this size, it might be worth the risk to push that a bit.
- Development Team Member: If you are the developer and you are just under 50%, you are taking a risk. The construction schedule is about 10 months. If they want to put themselves at risk by starting under 50%, I just don't see that happen. If they don't have the presales, we just take the production schedule and slide it back to a timeline that makes sense. I understand your concern about the Green Bay project. A lot of people want to be in downtown Egg Harbor. It's very exciting.
- James Vander Heiden: You started this conversation by questioning if this is the right project for downtown Egg Harbor. It seems to me that given the size of the units, it looks like this is a candidate for someone to buy a condo unit and simply rent it out most of the time. I don't know if that's right or wrong. It brings people downtown. I'm trying to remind myself about the short term rental restrictions we have in place that might either encourage people to buy these as investments that might turn this into the Egg Harbor Hotel. Or to actually buy them as living units for themselves. Do we think we have enough restrictions? I don't want to stop it entirely but I also feel like it would be good to have people who live here and have a stake in this property rather than simply as a rental unit.
- Jon Kolb: Do you have a price range yet for these units?
- Development Team Member: We haven't put it out to bid yet. We don't have prices set yet. It's a bit premature. The project has changed quite a bit from the first proposal. We need to work through it. Does the village have an ordinance that describes the short term rentals? Could you explain that to us?
- Ryan Heise: There are no restrictions as far as time limits. There are restrictions around trash cans. You have to have a property manager or live within 75 miles.
- Jon Kolb: Just one comment on the roof height. I believe the extra height is set back and I don't believe you will see it from the road. I have no problem with it.
- Lou Nyberg: The reason for it is for handicapped access.
- Emily Pitchford: I like that the footprint is much smaller than the first proposal.
- **Joe Smith moved to approve the request for relief from Section § 152.028(G)(1) (maximum floor area), Section § 152.048(A)(3) (setback for parking lots) and Section § 152.029(D)(2)(a) (fences) and deny the request for relief from 152.028(C)(1) (building height). Second by Paula Cashin.**

- James Vander Heiden: Working on former gas station properties, there is usually an environmental impact assessment that is required to clear the site. Do we know if that has been done or should it be a requirement?
- Development Team Member: Good point. The bank will require that before proving any construction financing unless they know it is environmentally clean. We've had our phase 1 and 2 done. We have reports from doing that early on. We would be happy to provide phase 1 and phase 2 reports to your committee.
- James Vander Heiden: Should we be asking for anything beyond that from a legal point of view?
- Jim Kalny: We're not the owners. The bank is going to have environmental and a number of other securities before this goes forward. The agreements for purchase for example. I don't think there is anything else under SDD. Possibly under conditional use.
- James Vander Heiden: It might be prudent to widen the blasting circle for monitoring beyond 300 feet given the state of many of these historic buildings in our downtown. My last point was that
- Maybe to most of the commercial district given the nature of the buildings that are in our downtown. I was disappointed that we heard from so few from the public. I'm not sure what to make of that. Maybe it's because the development is ok with everybody. Maybe they are uncomfortable with zoom. Given the importance of this project, is it possible for us to reach out to the business district folks to hear more from them. I would also like to hear from the historical society group. We heard their concerns last time but didn't hear from them now. I don't know what is reasonable to gather some of this. It just feels like we ought to be hearing from more of the community.
- Kathy Navis: I spoke to 2 business owners who attended and spoke up about the initial design and both are now very happy with the revised plans.
- Jon Kolb: Kaaren thought it came back as a great update. She was in favor of it. Her only concern was about the driveway coming into the Road.
- **Motion Unanimously carries.**

5. Deliberation and possible action on the conditional use permit application filed by Michael J. Schwantes (Village View Condominiums) for 7784 STH 42

- Joe Smith: This one is specifically in regards to the density and any other concerns we may have. We've talked about some conditions that would be fitting and proper. The first is a requirement for an access easement to the driveway for both properties. Also putting in a provision for environmental impact that James Vander Heiden was asking about. We also talked about construction bonds, expanding the blasting zone and ensuring development happens at the same time for both lots. How do we want to proceed? What happened with One Barrel we did kind of on the fly. We put our conditions in there then realized they weren't as well thought out as we hoped they would be. We all want to avoid that going through this process. By putting together our wish list of conditions and giving it to staff and attorney. I think that is the way to go. Ryan and Jim, how long would it take to put that together?
- Jim Kalny: A couple weeks – we could do that. I think James Vander Heiden raised a good point. Maybe we wait for the variance. That is an essential part of this plan to the developer. We could move forward on the variance while we are putting together these conditions.
- Team Member: If the variance gets denied, we will move forward with a staircase. We really want to take care of our handicapped friends. I don't get approval for the height, we would go ahead without the elevator. I really want to move forward tonight so we can move forward with our presales and construction preparation.
- Joe Smith: I don't have a problem with this moving forward simultaneously.
- Jon Kolb: I do like Joe's suggestion to create a wish list of conditions and have Ryan and Jim get together to say yes you can or can't. We could review that list at the August meeting in 3 weeks. I would like to see the conditions to be shared with Mojo Rosa's and Nature works to have them give us specific concerns if they have any.

- Kathy Navis: This also gives the public more time if somebody didn't know this was happening which I don't know how that's possible, but it gives the public more time to get back to us. I don't know if legally if we can require pre-sales. I don't personally think that is necessary. The bank isn't going to let them move forward. Who is the governing body that has to approve the storm water plan?
- Jim Kalny: DOT because of the proximity to HWY 42 and DNR will normally have connections to review.
- Ryan Heise: As we put these conditions together we can add a condition for a DOT or any regulatory authority permit for the driveway and storm water if needed.
- Joe Smith: Anything else for Staff and Legal to look at for conditions?
- Kathy Navis: Have a commitment that building 1 is going to be completed as a part of this development.
- Joe Smith: That would be easy to condition, that the lot 1 scope of work be completed as presented.
- James Vander Heiden: That lot 1 scope of work is really only landscape and exterior. Michael outlined early on their commitment to invest in that building. It sounds like there have good intentions, but more definition would be helpful.
- Development Team Member: We have the scope of work listed in the project plans.
- Joe Smith: What needs to get done there?
- Development Team Member: There are no roof leaks. It needs some paint and carpeting. There is a lot of clutter.
- Joe Smith: I would think as far as the retail on the first store will be what ever decides to go in there. There are bathrooms on the first floor. You can't make a plan until you know what business is going in there.
- Development Team Member: Is it possible before you adjourn this meeting that you can summarize all the conditions that you will be bringing to your legal team?
- Joe Smith: What do you guys think about the expansion of blasting zone?
- Kathy Navis: I don't think it's going to happen but if my windows crack from the blasting I want to know that I'll be compensated.
- Jon Kolb: I'd like to talk about groundwater. I had a tree drop in my yard in a prior house and our water was brown for days. I think we need to protect the village and say the insurance is going to cover sewer. Does that last for 6 months or a year? How long does that insurance need to last? Say they blast and the water at Mojo Rosa's turns brown and she can't operate, will she be covered?
- Lou Nyberg: Bob Paschke has been in business for 90+ years.
- Development Team Member: Bob Paschke's letter in the first submission, he stated that his work follows the State of Wisconsin blasting regulations. He does a video of the inside of every home in the blast zone. I think it's unreasonable to ask him to do water service survey of everyone's well. It isn't required unless the village or county has something in place. He would work with the village in advance. If you would like to make it a condition of the construction permit. I understand there are a lot of things to consider.
- Jim Kalny: In fact there may be some restrictions on what you can do with ground water. Perhaps you can refer groundwater and blasting issues to staff to clarify for you to add conditions if possible.
- Jon Kolb: Ryan could you give me a list of what the insurance policy would cover by next meeting.
- Kathy Navis: I would like to know what the 300' radius covers.
- Joe Smith: You can do that on Door County GIS. It's real easy to do.
- Ryan: I don't know if you want to do that now. We have the recommendation for staff to investigate the insurance policy and the 300 foot radius. Bob Paschke is going to have a list of the

buildings.

- Andrew Wagener: Provided an overview of the insurance policies around blasting operations. They will have liability even beyond the 300 feet. If there is damage in that area the insurance would cover that. Some damage isn't immediate there is a discovery rule. You typically have 6 years to find damage and seek recovery.
- Ryan Heise: Here is the list of conditions I have to look into:
- Developer agreement which would require the shared use of the driveway and parking executed as a restrictive covenant recorded with the property.
- Blasting – getting the insurance policy and verifying the village utilities are covered
- Building on Lot 1 to be improved before certificate for occupancy is given. We need a better scope of work. I can work with the development team on that.
- We talked about getting environmental impact statements
- DOT permitting for driveway and storm water and any other regulatory agencies are involved as well.
- Joe Smith: When lots are separated that there is an on going agreement that there be an instrument that continues into the future that is a shared parking agreement for that one parking stall.
- Kathy Navis: Do we have to state the condition that this includes 22 number of parking spaces?
- Joe Smith: Ryan and Jim, could you add language that any deviation from the site plan as presented needs to come back to the planning commission. That doesn't need to include internal.
- Jim Vander Heiden: Reaching out to DOT would be great. Is the new driveway access approved with the DOT being that close to the intersection with HWY G? They could throw a log jam into this pretty easily if they want to.
- Kathy Navis: Has anyone looked into a potential conflict with the HWY 42 project sidewalks with what the Parks and Public works is proposing?
- Ryan Heise: I sent the future plans to the Development team. I have not had a review of how their plans fit into our plans yet.
- Development Team Member: I took the information you sent to us. The side walk is concrete, 5 feet wide with 5 feet up to Hwy 42. We're hoping that since we've dropped from 3 driveways to 1. I would say it's going to take a while to get the DOT approval. I don't think you can ask us to wait for another meeting. This meeting was properly noticed. We will have to have a DOT permit or this thing doesn't go through. If we have conditions on the existing building I would prefer to go through those right now.
- Joe Smith: We're not going to vote on this tonight. Ryan is going to put that full list together for anything to change on the lot 1 scope of work. I think he has a pretty good feeling about what we're looking for. That does not need to be another public meeting. Just a regular plan commission meeting.
- Emily Pitchford: Where did we end up on the storm water plan?
- Paula Cashin: Ryan is going to check into it with the DNR.
- Joe Smith: Any other conditions we want Ryan to look into for the next meeting? Hearing none.
- **Joe Smith: I move to task staff to complete the findings of fact and conclusion of law a bring it to our regularly scheduled August meeting. Second by Kathy Navis. Motion unanimously carried.**

6. Next Meeting

- August 18, 2020. 6:00 PM. Just like this, just the commission will meet at the Kress with invited to join by zoom.

7. Adjourn:

- **Paula Cashin moved to adjourn the meeting. Second by Lou Nyberg. Motion unanimously carried.**

Meeting adjourned at 8:39 PM.

Minutes submitted by Tom Strong on Tuesday August 11th, 2020

Addendum A:

From: Angela Lensch <alensch@villageofegg harbor.org>

Sent: Tuesday, August 4, 2020 3:04 PM

To: Tom Strong <tstrong@villageofegg harbor.org>; Ryan Heise <rheise@villageofegg harbor.org>

Subject: Please forward to the Planning Commission Commissioners :)

Dear Village of Egg Harbor Planning Commission,

As a Village of Egg Harbor Trustee and as a home and business owner within the Village of Egg Harbor, I am writing to you today to share some of my concerns and perspectives regarding the special development district relief application and the conditional use permit application filed by Michael J. Schwantes (Village View Condominiums) for 7784 STH 42.

- 1.) I highly suggest the Village of Egg Harbor Planning Commission take **No Action** today toward the special development district relief application AND the conditional use permit application filed by Michael J. Schwantes (Village View Condominiums) for 7784 STH 42.
 - There is NOT an opportunity for our ENTIRE community to be present here today to address some pretty big potential changes to the center of our Village.
 - This is NOT a typical conditional use application and especially because of the special development district relief being requested.
- 2.) There are many aspects to this development that I like:
 - I was happy to see the scope of the project go down and that the historic building to the south is going to be saved, preserved and utilized!!
 - I was glad to see the mixed-use development aspect of the project as it is crucial to the Village due to its location, etc.
 - I like the solar panels and raised beds on the roof and pavers for parking.
 - I feel it is important the Village of Egg Harbor Planning Commission require that the developer create a long term maintenance of the property, i.e.: not to allow the pavers to be blacktopped at a later date, etc. Maintain Solar Panels, etc.
 - With special use requests come special use requirements and maintenance contracts in return. This is the heart of our village and it is paramount that we be incredibly conscious of all potentials for the life of the property.
- 3.) How will this development affect the property taxes for the district it is in? for the whole Village, etc?
- 4.) What happens if the developer goes bankrupt either during construction or after completion of the building?
 - Every good business plan has to have a worst case scenario plan, I suggest that the Village of Egg Harbor Planning Commission require a plan be submitted, reviewed and accepted only if it protects the heart of our Village.
- 5.) What happens if there is a fire?
 - A grill fire burned down a condo in Sister Bay this spring - luckily there were no other buildings near by the fire - like there will be with this building.

BELOW I HAVE COMMENTED TO THE "Staff's Follow up Review Report" WITH ADDITIONAL COMMENTS, CONCERNS, PERSPECTIVES: THE ORIGINAL "Staff's Follow up Review Report" ITEMS ARE HIGHLIGHTED IN YELLOW - MY COMMENTS ARE UNDERLINED:

(a) The number of living units in the proposed area; Revised plans include two dedicated retail areas as well as 14 residential units on the second and third floors.

- What are you listing the units for? What is the Retail Cost of each Unit?
- Do you have any pre-sales at this time? I am concerned that these units will be hard to sell at the top dollar you are marketing them as...
 - Do people want to sit on a patio that faces a busy highway (noise, exhaust fumes, dust, etc)? Or the side of another building - looking at their rooftop on the south or the side of a restaurant on the north?
 - MoJo's has live music outside in the back - will that be a problem? Noise complaints, etc
- I am concerned about the center units; they have very limited window and outdoor access. Specifically to the units with bedrooms that have NO windows.

SUGGESTION: Make the building smaller and have larger units by eliminating the center units (with very few windows)... this would also give more green space to the sides (north & south) of the property thus the patios would not be right along side of the properties on the north and south side.

- In regards to the Village of Egg Harbor's Green Tier Resolution as it relates to creating more equity within the Village, it would be more paramount to grant 'special development district relief' for projects that create more affordable housing rather than more high-end condos - there are plenty of available condos in the Village.
- We need more affordable housing for our year long residents who work and are part of our community.

(b) The effects of traffic control on abutting Village roads and streets and safety to Villagers, pedestrians, and motorists; The revised plan includes a single two-way driveway on the north end of the property to minimize the access points on STH 42. The location of the driveway as presented is preferred as it is as far from the CTH G and STH 42 intersection as possible, therefore reducing congestion of the intersection. Revised

project plans include 40 parking spaces. Material through the excavation process is to be loaded in dump trucks and hauled off site. In the letter provided by the project's general contractor, if road closures are required due to material hauling or equipment deliveries, a flagman will be provided as needed. The letter from the general contractor also notes that traffic control signage in each direction will be provided. According to the WisDOT's website a permit is required to work in the right of way of an interstate, a permit will be needed from the WisDOT for blocking and/or detouring STH 42 prior to the start of any work. Blasting had been requested to occur outside of peak tourism season.

- The two way road along the south side seems like a potential for congestion, etc. Please explain this area more and how people turn around in the parking garage, etc.

(c) The general health and well-being of the Village residents; The proposed project requires further explanation with building setback requirements for the C-1 District. On Page 3 of the plan set, they meet the setback requirements of 0' in C-1. That is true for front and side but the rear is still 10'. It's an awkward lot and it would appear that the short side to the east would be considered the "rear" - it looks like it could be a 10' space between the pavement and the lot line, but a measurement confirmation is needed. A special development district relief application has been submitted for the maximum floor area of 18,000 sq. ft. Number of special development district relief items have been reduced to three items with the submittal of the revised plans; and one conditional use item. Because the development is centrally located in the middle of the Village's downtown, the Village View project will be walkable/bikeable to several amenities in the Village, therefore creating a residential development which does not require vehicle travel to meet basic needs.

- What is the primary use of the residential units? Year long resident? Seasonal resident? Airbnb/VRBO? A combination of the three?
 - Will potential buyers be comfortable with the level of differing functions the building will have?
 - Are they ok with not knowing their neighbors, etc?
 - Again, I feel this could make it challenging to sell these units - unless it all ends up Airbnb/VRBO - then we have a high end hotel in the center of the Village.
 - Is this worth granting special development district relief?
- Walkable/bikeable is great!! Yet how many people come to Door County to stay in one Village - there are so many amazing places to visit, shop and eat at, etc. all over the county.
- Is this scale/size of a development what we want to grant in the heart of our Village?

(d) The increase in area noise; Area noise to increase during blasting and construction. In a letter provided by the general contractor regarding blasting for the project it is cited that "the drilling process will be noisy, drilling will start 8:00 a.m. each day Monday through Friday for a period of three weeks. Charges for blasting will occur three times per day at 9:30 a.m., 12:30 p.m. and 3:30 p.m." A request for blasting outside of the peak tourism season has been made. No specific information identified by staff regarding increase of area noise after construction is completed. However, the project is located in a heavily trafficked area of the Village, and use is likely to be compatible.

- It is paramount the Village of Egg Harbor Planning Commission protect surrounding businesses/properties by setting up some sort of safeguard contract with the developers that insures any damage done to bedrock, wells, sewer lines, gas lines, foundation, ground water, etc. be corrected at the expense of the developer within a timely manner, etc.
- It is also paramount that the Village of Egg Harbor Planning Commission not allow blasting to be done between May 1st through October 31st. We have too many visitors during this time besides the surrounding businesses doing their best to stay open during the current 'pandemic' to have that level of disruption.

(g) The adverse effects on the environment; The applicant has noted that a storm water system will be developed for exterior impervious surfaces. The existing site has 65.3% impervious surface. Unclear what the impervious surface area is on the new project. Project appears to be presented as a single lot and can't be subdivided to meet requirements. Solar components presented on rooftop.

- I highly suggest that the Village of Egg Harbor Planning Commission not approve anything until a storm water system is developed and shared with the commission as well as the above safeguard plan.

(h) The protection of lake shore, lake, and ground waters; information identified in item (g) also applies.

- I highly suggest that the Village of Egg Harbor Planning Commission not approve anything until a storm water system is developed and shared with the commission as well as the above safeguard plan.

(i) Effects on surrounding plant foliage and vegetation; The project plan reflects that the landscaping that will be surround the project limits and is native plant material.

- There is not much room for plant foliage and vegetation, yet native plant material is a great focus - pollinator plants and chemical free grounds would also be an incredible pledge to the safety of visitors, both insect and human.

(j) The kind and quality of amusements or entertainment; Project is located within C-1 zoning.

(k) General growth and dynamics of the Village; Proposed use requires a conditional use permit and three (3) special district relief items. Project encourages mixed-use development and is walkable/liveable.

- Note: The proposed use could be carried out without granting special district relief if the developer reduced the size (length, width, height) of the building, did less blasting and geared its function toward affordable housing for the residential units

(l) The Village Master Plan; the following is an initiative as identified in the 2020-2040 Comprehensive Master Plan “Recognize importance of tourism while promoting the Village as a place for year-round living and business.” Housing was identified as a challenge during the Village’s recent Comprehensive Master Plan update. Project is proposing in increase the number of housing units in the Village in addition to mixed retail.

- We need more affordable housing for our year long residents who work and are part of our community.

(m) Purpose and intent of the Village Zoning Code; Meets basic code requirements outside of items which applicant is seeking relief through special development district provisions, which can be granted by Plan Commission with the following exceptions: (1) Building height relief This is an item that the Plan Commission does not have the authority to provide relief on. Village staff has started contacting the Zoning Board of Appeals in preparation for a future meeting to address the variance needed. The Plan Commission could grant conditional approval. (2) Maximum number of units is a conditional use permit item, which can be approved by the Plan Commission.

In conclusion, my main concern is the preservation and safety of the surrounding businesses within the Village! It is paramount that the Village of Egg Harbor Planning Commission protect the existing properties! A building of this size has not been blasted into an old community like ours before. The potential for problems are huge and I would caution against big development in the heart of town, not only to preserve its quaintness but also preserve the current businesses and property owners that have work year after year to make Egg Harbor amazing.

What we have is rare and beautiful and we need to protect that. If this does go through - I would highly suggest that the Village of Egg Harbor Planning Commission go to great length to protect the current businesses and properties at all cost. Insurance from the blasting company is not enough. To the point of taking before and after pictures of surrounding properties to show if there was damage done from blasting or heavy truck activity, etc. Even those pictures may not show foundation cracks, sewer line cracks, well pipe damage, etc and damage to these could cause businesses to endure huge expenses or even worse, to close

We are waking up as a world for the need to make some pretty big changes on all system fronts. Noninvasive and sustainable, smart growth is what we need to be focused on as we grow as a community. We need to make decisions ‘of the people, by the people, for the people.’ Especially when it comes to special district relief requests - for this relief will affect everyone within the community. Please be careful not to be swayed by the newness and potential of this project but rather ask yourselves the hard questions that will affect everyone and the longevity of our Village.

This potential development is a big new wild card for the Village if this goes through as is - it's easy to tout all the pro's: more property taxes, more sewer usage, walkable/bikeable, etc... but let's look at what has to happen for this building to go in - into our old village on swiss cheese bedrock: “the drilling process will be noisy, drilling will start 8:00 a.m. each day Monday through Friday for a period of three weeks. Charges for blasting will occur three times per day at 9:30 a.m., 12:30 p.m. and 3:30 p.m.” Please ensure the safety, protection and longevity of the existing, surrounding properties.

Thank you for your time,
Angela Lensch

Addendum A:

FILE: August 4, 2020 Public Hearing and Plan Commission Minutes Addendum B.PDF

Contents:

Original Village View Project Plans March 11, 2020

Updated Project Plans August 4, 2020

[Village View Video](#)