

VILLAGE OF EGG HARBOR PLAN COMMISSION MINUTES

TUESDAY December 21, 2021 – 2:00 P.M.

Donald & Carol Kress Pavilion Great Hall 7845 Church Street Egg Harbor, WI 54209

REMOTE ACCESS THROUGH ZOOM VIDEO CONFERENCE:

<https://villageofeggharbor.zoom.us/j/94130060330>

Call in Number: 312 626 6799 Meeting ID: 941 3006 0330

Cambria Mueller, Chair
Kathy Navis, Commissioner
Emily Pitchford, Commissioner
Jon Kolb, Commissioner

Paula Cashin, Commissioner
Lou Nyberg, Commissioner
Chris Roedl, Commissioner

Agenda:

1. Call Meeting to Order
 - a. **Chair Cambria Mueller called the meeting to order at 2:00pm.**
 - b. Commission members present: Cambria Mueller, Paula Cashin, Jon Kolb, Kathy Navis, Lou Nyberg, Emily Pitchford, Chris Roedl
 - c. Absent: None.
 - d. Staff present: Megan Sawyer, Tom Strong
 - e. Audience members: John Heller, Village President, Mary Jo Kolb, Tom Martin, Michael Schwantes, David O'Brien, Lisa Van Laanen.
2. Approve Agenda
 - a. **Emily Pitchford moves to approve the agenda.**
 - b. **Kathy Navis second.**
 - c. **Motion unanimously carried.**
3. Pledge of Allegiance
4. Approval of November 30, 2021 Meeting Minutes
 - a. Changes: Commission members provided changes for the minutes.
 - b. **Cambria Mueller moves to approve the November 30, 2021 Plan Commission minutes as amended.**
 - c. **Kathy Navis second.**
 - d. **Motion unanimously carried.**
5. Review of December 7, 2021 Development Review Committee Exploratory Ad Hoc Committee Minutes
 - a. *Chris Roedl provided an overview of the December 7, 2021 Development Review Committee Exploratory Ad Hoc Committee meeting as presented in the meeting packet. The meetings will be on the third Wednesday of each month.*
 - b. *Emily Pitchford: Do you have a timeframe for when you expect to make a presentation to*

the Plan Commission? We are excited to see what you will come up with.

- c. *Chris Roedl: Not at this time. This is a big chunk of work.*
- d. *Cambria Mueller: Thank you Chris for taking this on. This is a big undertaking. You are taking a nice approach to break this down into smaller pieces.*

6. Open Session

- a. Chairperson Mueller opened the floor for public comment.
- b. *No open session comments.*

7. Temporary zoning classification for Alpine Resort Acquisition Company, LLC Annexation Petition for Parcel 008-02-25302633

- a. *Megan Sawyer provided an overview of the Temporary zoning classification for Alpine Resort Acquisition Company, LLC Annexation Petition for Parcel 008-02-25302633 as presented in the meeting packet starting on page 15. The attached annexation petition was reviewed by the Village Board at their November 8th, 2021, meeting. At that meeting, the Village Board passed a motion referring the Alpine Resort Acquisition Company LLC annexation petition for parcel 0080225302633 to the Plan Commission for a temporary zoning classification recommendation. Considering that the two neighboring Village parcels (1180125302632A & 1180126302641) of the parcel stated in the annexation petition, are located in the Village's Recreational Zoning District, staff recommends the Plan Commission recommends to the Village Board the temporary zoning classification of Recreational for the annexation petition. Per section 152.020(D)(2) of the Village zoning code, within one year of the annexation date, the Plan Commission shall evaluate the land and recommend permanent classification to the Board. The Plan Commission's recommendation for temporary zoning classification along with the attached annexation ordinance will return to the Village Board at the January 10th, 2022, meeting for final review and approval.*
- b. *Emily Pitchford: To clarify, the larger parcel to the north, we talked about rezoning that parcel to R- 1?*
- c. *Megan Sawyer: That is only for the parcels along the water that are being split off from the parent parcel for residential lots.*
- d. *Kathy Navis: The parcel to the West is the Landmark? That is in the Town of Egg Harbor?*
- e. *Megan Sawyer: That is correct.*
- f. *Emily Pitchford: Is this what the applicant is asking for? Or is this just up to the Plan Commission?*
- g. *Megan Sawyer: This is purely up to the Plan Commission. If you make no recommendation, zoning classification will be rural residential. You would still have one year to give it a permanent zoning classification. I don't think that will change unless we rezone the entire parent parcel.*
- h. *Cambria Mueller: What is the area south of Horseshoe Bay Road zoned as?*
- i. *Megan Sawyer: That is the Plat that we are working through. Those six lots will be zoned as R-1. I anticipate the final Plat Map will come back to the Plan Commission in January,*
- j. Cambria Mueller moves to recommend to the Board of Trustees to approve the Temporary zoning classification for Alpine Resort Acquisition Company, LLC Annexation Petition for Parcel 008-02-25302633 as presented.**
- k. Kathy Navis second.**
- l. Motion unanimously carried.**

8. Consideration of Village View Schedule Modification and Consideration of Authorization of Issuance of Village zoning permit for blasting and footings and foundation
- a. *Megan Sawyer provided an overview of the Village View Schedule Modification and Consideration of Authorization of Issuance of Village zoning permit for blasting and footings and foundation as presented in the meeting packet starting on page 27. The Plan Commission last reviewed and approved Village View's construction schedule as required by the issued conditional use permit in September 2021. The issued conditional use permit for the Village View project also requires that prior to commencement of construction a copy of the following is required:*
 - *All state approved building plans.*
 - *Any required WisDOT approvals for storm water and drainage and highway 42 access.*
 - *All environmental impact statements – Phase I and II environmental impact statements.*
 - *A copy of the blasting permit and blasting insurance policy together with contact information regarding how to file a claim.*
 - *Any and all required DNR stormwater management plan.*
 - b. *There is a delay in building plan approvals at the state level. Therefore, the project team is pursuing an early start permit from the state. What could be done to help the project stay on schedule, is that a zoning permit could be issued for blasting, footings, and foundations only after the state early start permit and a copy of the blasting insurance and information on how to file a claim is received. The building inspector would also issue an early start permit for footings and foundation only after he receives a copy of the State issued early start permit and zoning permit from the Village. An additional zoning permit would be issued for the remainder of construction only after the Village receives copies of all state approved building plans. A representation from Bayland Buildings indicated that final approved plans are expected around February 15th. The Village has already received environmental impact statements as required by the CUP and no WisDOT or WIDNR approvals are required. The updated construction reflecting the recent delay in schedule is included in the agenda packet for the Plan Commission's consideration, review, and possible approval. With the updated schedule, blasting and excavation would occur out of season. Bayland has representatives here if you have any questions for them.*
 - c. *Emily Pitchford: We are approving the schedule based on the dates on the graph?*
 - d. *Megan Sawyer: Correct. The Conditional Use Permit requires that they come back to the Plan Commission with any plan or schedule changes. If we authorized the zoning permit for just the blasting, footings, and foundation, it would be based on this schedule.*
 - e. *Kathy Navis: Based on this schedule presented, do you expect to get the State approval in time to stick to this schedule?*
 - f. *David O'Brien: Yes. We submitted the plans last night and received the early start approval this morning. The email we received indicates they review plans within 30 days. Plans are typically reviewed in 6-8 weeks based on our recent experience in the last year. We are no longer planning to blast given the close proximity to other buildings in the area. We are going to use mechanical means to remove the rock. This would include drilling and they would haul it away. If there is blasting it will be minimal.*
 - g. *Cambria Mueller: Does the DNR need to do any reviews with this change from blasting to drilling?*

- h. *Megan Sawyer: Typically, the DNR approval is needed when there is more than an acre disturbed. This project is far less than that.*
- i. *Cambria Mueller: At what point do you determine if the rock removal isn't possible, and you might have to change the plans?*
- j. *David O'Brien: We don't. We will get it out of there some way. We will figure it out.*
- k. *Jon Kolb: Do you need to dig deeper than the prior underground storage tanks?*
- l. *David O'Brien: Not that I am aware of.*
- m. *Kathy Navis: At this point, you don't have a contractor lined up to do the rock removal?*
- n. *David O'Brien: Correct. We don't yet, but we are pushing for it. We are getting quotes from several contractors.*
- o. *Chris Roedl: You have roof framing over the fourth of July. Is that going to require any truss deliveries that might impact traffic?*
- p. *David O'Brien: There will be a crane on site, but we have made it completely clear that the construction can't impede traffic.*
- q. *Michael Schwantes: We want to minimize the construction activity during tourism season as much as we can. This early start permit would let us do much of this work when few people are here. We have always been concerned about that as you know. Bayland can get this building exterior under wraps to minimize outside activity and the related impact on businesses during peak tourism season.*
- r. *Paula Cashin: That was a concern to neighboring businesses as well. I can't believe this blasting is now off the table. The President of that company didn't seem to have any concern, and now he does?*
- s. *Michael Schwantes: He made a presentation. We want to keep everyone around us as happy as possible. We have to look at other options now mainly due to concerns from nearby neighbors.*
- t. **Cambria Mueller moves to approve the updated construction schedule for Village View Condominiums for 7784 STH 42, parcel # 1180125302612D as presented, and authorize staff to issue a Village zoning permit for blasting, footings, and foundation, only after a copy of a State issued early start permit has been received as well as a copy of the blasting insurance and information on how to file a claim as required by the issued conditional use permit. A second zoning permit shall be issued for the remainder of construction only after copies of all state approved building plans are received by the Village.**
- u. **Paula Cashin second.**
- v. *Kathy Navis: They just said they aren't going to do any blasting. Do we still need the insurance requirements? Do we need to put an additional requirement on there for insurance for the mechanical rock removal?*
- w. *Megan Sawyer: There could still be some minimal blasting so we should keep the current requirement as is. We could add it for the rock removal if you want to do that.*
- x. *Chris Roedl: That seems excessive to start requiring every sub-contractor to provide proof of insurance to the Plan Commission.*
- y. **Motion unanimously carried.**

9. Sojenhomer Lawsuit Case No. 2021CV000129 Update

- a. *Megan Sawyer provided an overview of the Sojenhomer Lawsuit Case No. 2021CV000129 Update as presented in the meeting packet starting on page 34. As reported at the last Plan Commission meeting, Sojenhomer LLC filed Case No. 2021CV000129 against the Village of*

Egg Harbor and Village of Egg Harbor Plan Commission. Staff submitted the paperwork to our insurance company and the case was assigned to Attorney Ashley Lehocky with Town and Counsel Law & Litigation LLC. Attorney Lehocky has previously represented the Village before, including a previous case against Sojenhomer LLC. Staff will continue to work with Attorney Lehocky and provide future updates to the Village Board and Village Plan Commission as necessary. Ashley has indicated that based on this type of case, requesting new testimony from any commission members won't happen.

10. CUP Application Form and Fee Review

- a. *Megan Sawyer provided an overview of the CUP application process as presented in the meeting packet. Please see the attached, conditional use permit application form, procedure and checklist for conditional use permit application, and agreement for reimbursement of expenses. These documents were updated after the Plan Commission's first review and comments from last meeting. The Plan Commission should review the updated forms and direct staff to make any additional changes. Staff reached out to Sturgeon Bay to determine how they process their reimbursement of expenses for conditional use permit applications. Sturgeon Bay has a required fee for conditional use permits, which is a rough average of staff time and public expense for a typical application. In addition to the required fee, Sturgeon Bay requires the applicant to sign and submit an agreement for reimbursement of expenses. Sturgeon Bay relies on that to bill for expenses that are above "normal" costs covered by the application fee. Sturgeon Bay passes costs from their attorney and other consultants on to the applicant. Village staff proposes implementing the same procedure related to conditional use permit applications in the Village of Egg Harbor. Village staff is also proposing an increase in the conditional use permit application fee.*
- b. *Emily Pitchford: What is the base fee for Sturgeon Bay?*
- c. *Megan Sawyer: \$300. Marty Olejniczak at Sturgeon Bay indicated that fee amount is probably low. Ours is currently at \$150 which is far short of covering even the very basic costs. The current fee is \$150 which falls far short of covering the Village's costs.*
- d. *Kathy Navis: Is there a certain number of staff hours we are going to consider to be a normal application?*
- e. *Megan Sawyer: The Village expenses for a typical application include \$280 for the public hearing (7 @ \$40 per Plan Commission member), publication costs (2 @ \$55 to \$100 per insertion), and staff time for the first review, final review, and additional administrative tasks. Staff is proposing to increase the application fee to \$500 to cover the line item costs plus minimal staff time. It is important to consider that each conditional use permit application is unique and review requirements vary from application to application. It is expected that many applications will require more time from Village staff than what is actually covered in this \$500 fee. This is probably still on the low end, but it does come closer to covering our costs. If we have a very simple thirty-minute review by Jim Kalny, I don't think we would pass that on to the applicant. If the review is more involved, then we would likely pass those costs on to the applicant. We could also handle it that any attorney fees are passed on to the applicant. We are proposing the fee amount increase from \$150 to \$500.*
- f. *Megan Sawyer: The procedure and check list is based on Sturgeon Bay's form. I tailored that to our approval process as presented on page 39 of the meeting packet. The reimbursement form on page 40 is also based on Sturgeon Bay's form. I would have to ask*

- Jim Kalny where we should add that to our code. That is all the forms for the recommendation.*
- g. Emily Pitchford: Is there going to be a cap on the agreement for reimbursement for expenses? I think we need to consider a maximum cap. At some point the applicant might say forget it. We want to encourage business in the Village. We have to keep that in mind.*
 - h. Cambria Mueller: Did Sturgeon Bay say what the average fee the city invoices applicants for? Or could you give us an estimate based on recent applications here in the Village?*
 - i. Megan Sawyer: They did not give an average. Marty indicated this is really on a case-by-case basis. We can reach out to the treasurer, but I would expect a similar answer. This idea for reimbursement comes post Act 67. We can pull that information, but I don't know if the past history would be an accurate representation.*
 - j. Paula Cashin: What have the legal fees been on recent applications?*
 - k. Tom Strong: I would estimate the Shipwrecked application legal fees are around \$30,000, but that is an extreme case. I would ballpark the One Barrel review as an example at \$2,000. Many of the applications such as Door County Massage, Golf N More and Jimmy's are so straight forward, they don't need a legal review at all.*
 - l. Megan Sawyer: One other factor is if the applicant pulls their attorney into the discussion. If that happens, we generally communicate through Jim Kalny.*
 - m. Cambria Mueller: I agree in a way with Emily. If I were to submit a CUP application then you get a \$5,000 bill from the Village, that would come as a shock to me. I do think Village Staff in general keeps the lines of communication open and would keep an applicant up informed in this case. The applicant would still sign this to accept responsibility for these costs. They would have to pay these bills within 14 days. I guess the applicant would be aware of the costs since they would be getting periodic invoices.*
 - n. Emily Pitchford: This could get to a point where the applicant says this is costing too much then they want to withdraw. Somehow, they need to be kept informed at where these numbers are at. I don't know if the 14-day timeframe is early enough.*
 - o. Cambria Mueller: The applicant would have a responsibility to keep up to date as well. Maybe signing this form will be an incentive to reach out to Village Staff to keep these legal expenses as low as possible.*
 - p. Megan Sawyer: We could get Jim's initial opinion then get an estimate for how much time he thinks he might need to spend on a particular project. This way we can give the applicant an estimate up front. The reason we are looking at this this is because recent situation we were just in. This wasn't typical but it is unsustainable for the Village to cover these costs on a yearly basis. Yes, this was A-typical but that doesn't mean it won't happen again. This would protect the Village while encouraging the applicant to do their homework to bring their best foot forward. We have to think about how we can protect the Village.*
 - q. Emily Pitchford: I agree with that, but you also have to look at it from the applicant's viewpoint. You are suggesting we shift this cost to the applicant. That is fine but only up to a point.*
 - r. Jon Kolb: In most cases we don't have to get the Village attorney involved. What if we include \$250 for the first hour of legal time that the Village would absorb? Once we exceed that amount, this could be a shared cost by both parties with the applicant paying 50% of the fees. Hopefully both don't want to keep involving an attorney. This would be a shared interest by both parties to come to an agreement sooner.*
 - s. Megan Sawyer: \$250 is a pretty minimal amount for a legal review.*
 - t. Cambria Mueller: What is the attorney's rate per hour?*

- u. *Tom Strong: \$290 per hour.*
- v. *Jon Kolb: Maybe we say the first hour is absorbed by the Village. After that first hour, the fee is split 50% each by the Village and the applicant.*
- w. *Cambria Mueller: I don't mind the idea of absorbing the first hour. I don't like the idea of splitting it. They are likely going to have their own lawyer.*
- x. *Kathy Navis: Their attorney isn't going to be representing the Village's interest.*
- y. *Cambria Mueller: We are verifying that an application meets our ordinances.*
- z. *Kathy Navis: Are you suggesting that the applicant's attorney should be looking at it from the Village's standpoint? If so, do you think it would be prudent to trust that attorney in that case?*
- aa. *Cambria Mueller: No. But why is our lawyer doing the leg work to make sure that a project meets state statues or our zoning code? They should be coming to us with a clarification of those gray areas. I think splitting the cost could be a slippery slope.*
- bb. *Megan Sawyer: Besides legal, other outside service is the engineering review with McMahan for storm water mitigation. It would be prudent to rely on our own experts in both these areas. If they are working with their self-review, we could use that to send to Jim that would minimize our attorney's time. Even with the applicant signing the reimbursement form, they are likely to hire their own attorney to represent their interests if they feel it is necessary.*
- cc. *Chris Roeld: I think there needs to be an incentive for the applicant to limit our costs. Right now, they have no incentive. The 50/50 split might feel more comfortable for me.*
- dd. *Kathy Navis: That 50/50 split feels more comfortable for me as well. Any small project you could have \$5,000 to \$10,000 in legal fees. If they are also paying their own attorney as well, do we really want to make it that difficult to do business in Egg Harbor?*
- ee. *Cambria Mueller: It isn't that we don't want businesses in the Village. I liked the Shipwrecked project as it had a lot of great attributes. We went through months of deliberation on that project.*
- ff. *Megan Sawyer: If I am an applicant for a Conditional Use Permit, if I can prove that I am following the Zoning code, Jim Kalny probably doesn't need to be consulted. Bay Lakes Regional Planning Commission will help going forward with procedural matters. We would categorize the billing so that expenses so that those expenses for procedural items are not passed on to the applicant.*
- gg. *Chris Roeld: I don't see these costs going high unless the applicant is doing something adversarial or going against our ordinances. In that situation, I think it makes sense to pass that cost on to the applicant. I am starting to lean towards these legitimate costs being 100% covered by the applicant.*
- hh. *Emily Pitchford: I think it should be 100% but I also think the applicant needs to know the potential costs up front.*
- ii. *Jon Kolb: I think they will know that if they are progressing through several meetings, the longer it takes the more expensive it is going to be. If things are going quickly, they will realize this is more normal.*
- jj. *Kathy Navis: Do we know if any other community besides Sturgeon Bay passes these charges on to the applicant?*
- kk. *Megan Sawyer: I can explore that. Sturgeon Bay has this in their code. In passing on some of those legal fees is based on a case-by-case basis, this is where we landed to protect the Village against a future situation similar to the one we just went through.*
- ll. *Kathy Navis: You are under the understanding that Sturgeon Bay is already passing these costs on to the applicant?*

- mm. Megan Sawyer: Yes, that is my understanding. The applicant bears 100% of the costs.*
- nn. Emily Pitchford: Sister Bay has gone through a lot of growth. I would like to know if they are passing that cost on to the applicant. I would also like to know from Sturgeon Bay and Sister Bay, what amount are they typically billing to the applicant.*
- oo. Kathy Navis: Are they billing 100% of the cost or are they absorbing some of the cost?*
- pp. Emily Pitchford: I feel like this could be really dangerous for an applicant. I would like to have more information on this.*
- qq. Kathy Navis: Someone just said if the applicant meets all of our zoning ordinances, we shouldn't have a lot of attorney fees. If you ask Shipwrecked, they will say they did meet our ordinances. They would not have anticipated that it would have gone on for months with three public hearings.*
- rr. Megan Sawyer: I would say that more in the context if a new business is going to occupy an existing building.*
- ss. Lou Nyberg: I agree with Kathy and Emily about finding out more about what other municipalities are doing. I think shifting this expense to the applicant at times would be unnecessary. I don't think we should be doing that. I don't think you can cover all the contingencies at this point. The Shipwrecked situation was a very unusual situation.*
- tt. Cambria Mueller: Act 67 changed the landscape. We don't just get to talk about if something matches up with our zoning codes. It has become more complex, in order to financially protect the Village, we have to have our attorney involved. Jim Kalny has even said that Act 67 has been a learning curve for judges since it is still relatively new.*
- uu. Megan Sawyer: Why don't we do some additional research on where these other communities are with these fees.*
- vv. Emily Pitchford: In a typical application, are you saying the \$500 fee would cover our costs?*
- ww. Megan Sawyer: Yes, for applications that require a basic review. This would cover the public hearing, publishing the notice and basic staff time. That doesn't cover any legal costs. What I am hearing is that you would want us to absorb the very basic legal review costs.*
- xx. Kathy Navis: I would be interested in knowing what we were billed for the One Barrel. It would be interesting to know.*
- yy. Chris Roedl: That was mostly procedural to revisit the prior application. We had asked him to dig into that for us. There wasn't really much of a legal review for the new project.*
- zz. Megan Sawyer: The attorney doesn't have to be involved in some of these basic cases. In the Village View case, he drafted the document of the findings of fact and conclusions of law document. Having an accurate record of the proceedings is a benefit to the applicant and to the Village. This conditional user permit remains with the parcel.*
- aaa. Commission members agreed by consensus to move forward with the fee change plus the updated forms.*
- bbb.** *Kathy Navis: Under the checklist, the application shall contain a detailed site plan. Do we need to specify a detailed site plan to scale?*
- ccc.** *Megan Sawyer: I will make sure to add 'including an 11X17 site plan drawn to scale'.*
- ddd.** *Kathy Navis: Regarding the standards and conditions from our zoning code that we use for our review, should we look at that to make sure we are asking the right questions? I looked up the definition of population density. This came up in the Shipwrecked review.*
- eee.** *Megan Sawyer: By definition, that is the number of people physically living in an area. I can add a clarification on that point. We would review that with the applicant during our initial review.*

- fff. Chris Roedl: You are assuming that the people who wrote the Comprehensive Plan were using that same definition. I think we will be debating this one for a while.*
- ggg. Kathy Navis: I think we need to use the definition of population and density. We can't make up our own. If we want to say something else, we should call it something else. Is that really what we meant in the Comprehensive Plan? Population density means how many people live in an area.*
- hhh. Jon Kolb: I think that we were using it as the population by the hour. We don't have that many people living in downtown Egg Harbor. We do have human traffic through downtown Egg Harbor. That is what I think of with that term.*
- iii. Kathy Navis: That is traffic. That isn't population density.*
- jjj. Cambria Mueller: In the most basic form of the term, population density is the number of people living in an area. If you take each word separately, I think the average person would assume it means something different.*
- kkk. Kathy Navis: I think it means the number of people living with in an area. That is what population density means.*
- lll. Jon Kolb: I would disagree. Not many people live in that area. I don't see it as a neighborhood. When I think of density, I think of the 4th of July weekend. Maybe we need another condition then.*
- mmm. Cambria Mueller: I think this is something we will be debating for years to come. Before the next meeting, let's review the conditions individually to come up with updates.*
- nnn. Megan Sawyer: Population density is very specific. The Plan Commission is looking for something along the lines of seating capacity. I think each factor isn't going to apply to every application. I think that is what we are currently missing, something like customer capacity.*
- ooo. Kathy Navis: How about pedestrian capacity? I think we should look at all these conditions. Under Act 67, we are putting everything on these conditions. I have no idea if these are in line with what other municipalities use.*
- ppp. Megan Sawyer: We had these criteria in place before Act 67 came along. We were ahead of the game. Other municipalities didn't have conditions laid out. I agree this is worth some research. Today, we could move ahead with the new forms in their current stage, then update the forms once we update the criteria in the ordinance.*
- qqq. Emily Pitchford: I feel like we could add to these conditions. I don't see the term congestion mitigation in there. We could possibly include some of the wording from the Comprehensive Master Plan for additional conditions. We should all read through them again.*
- rrr. Cambria Mueller: We are good with updating the fee and updating the application form, and we will hold on to the question about passing on the attorney fees until staff comes back with more information on that topic. We can still review it in full at the next meeting, with the changes Megan will make.*
- sss. Cambria Mueller moved to recommend to the Village Trustees to approve increase conditional use permit application fee from \$150 to \$500, and the updated conditional use application forms as presented, except for the reimbursement of expenses.**
- ttt. Paula Cashin second**
- uuu. Jon Kolb: Could I ask that when this is explained to the Village Board it is clearly understood what costs this fee will cover? I don't want them to approve it at a lower number because they don't know how we came to this recommendation.*
- vvv. Megan Sawyer: I will use the same executive summary information for the Trustees.*

www. **Motion unanimously carried.**

11. Correspondence

- a. Cambria Mueller opened the floor to any comments regarding the correspondence.
- b. *No Public Correspondence this month.*

12. Zoning Report

- a. *Megan Sawyer provided an overview of the building permit report as presented in the meeting packet. I have only issued one zoning permit so far in December for a home in the Apple Ridge subdivision. The Village View zoning will be coming soon.*

13. Open Session

- a. Cambria Mueller opened the floor for public comment.
- b. *Kathy Navis: In reading through the use requirements in Ch 152.010, there is nothing in there that would require a conditional use permit for the Flats project. A motel requires a conditional use permit.*
- c. *Megan Sawyer: That is considered to be transient rental like a motel. That is in the C-1 zoning district, so it does not require a conditional use permit.*
- d. *Kathy Navis: Chapter 152.010 states that 'A conditional use permit in accordance with §152.040 et seq. shall be required if one or more of the following apply to the proposed development: 10) Motels not in existence before 10-14-81 and in which more than 25% of the units are housekeeping units.' I'm reading this as is under use requirements outlined in 152.010.*
- e. *Megan Sawyer: 152.025 lists motels as a permitted use in the Rec-1 district. That would also be a permitted use in C-1.*
- f. *Kathy Navis: So, it is possible that a future project could use an architectural review without a conditional approval.*
- g. *Megan Sawyer: Eventually I think we will have a separate standalone Architectural Review Board. It is very possible that a future project could need an architectural review but not need a conditional use approval.*
- h. *Emily Pitchford: Should all projects need an architectural review?*
- i. *Paula Cashin: I don't think residential properties should require an architectural review. As long as I am meeting the zoning codes to get the required permits, that shouldn't need an architectural review.*
- j. *Kathy Navis: We are getting into a gray area here. There is a new building that looks like a residential house, but it is actually a Tourism Rooming House in the C-1 district.*
- k. *Chris Roedl: It sounds like you are starting to make the argument that all projects in the C-1 district should have an architectural review.*
- l. *Emily Pitchford: I would like to say thank you to everyone on the Plan Commission for all your hard work this year. Also, to the Village Staff for supporting this Commission. It has been a huge amount of work. Virtually everyone has been at each of these meetings.*
- m. *Kathy Navis: I agree for our staff. They have worked countless hours on all these projects. It is amazing what they get done.*

14. Next Meeting

- a. Regular Meeting: January 25, 2022, 2:00 PM. Hybrid meeting.

15. Adjourn

- a. **Cambria Mueller moved to adjourn.**
- b. **Paula Cashin second.**
- c. **Motion unanimously carried.**
- d. Meeting adjourned at 3:34 PM.

Minutes completed by Tom Strong on December 22, 2021. Submitted for approval on January 25, 2022.

Bold – Commission Action

Italics – Summarized Comments