

Village of Egg Harbor
Plan Commission Public Hearing Minutes
February 23rd, 2021 at 12:00pm

- Joe Smith recused himself for the meeting to present on behalf of the applicant as the General Manager.
- Commissioner Cambria Mueller acted as Chair; she called the meeting to order at 12:00pm
- Commission members present: Cambria Mueller - Chair, Paula Cashin, Kathy Navis, Lou Nyberg, Emily Pitchford, Jon Kolb.
- Village Staff present: Lydia Semo, Tom Strong

PUBLIC HEARING: On the Special Development District Relief application filed by David Pollman. 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 § 152.028 (F) Maximum Impervious Surface Ratio which provides for a maximum allowed impervious surface ratio of 60% in C-1. **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 Relief Application filed by David Pollman at 12:02pm.
- Cambria Mueller presented the information above regarding this conditional use permit application.
- Testimony: Joe Smith, 7763 Upper, HWY 42, Egg Harbor, WI
 - *Joe presented on behalf of Shipwrecked as the General Manager. Shipwrecked would like to expand to include more outdoor dining and bar space, as well as additional parking spots. Joe discussed parking and impermeable surface relief, and the stormwater management plan.*
 - Attorney Kalny asked Joe to clarify the difference in impermeable surface ratio. The aggregate impervious surface ratio of the lots as they sit now is 74.26%. The addition of a new parking lot would bring it to 81.72%.
- Testimony: Tom Strong, 5033 Shady Lane, Egg Harbor, WI.
 - *Tom provided the SDD review as the Interim Zoning Administrator. He believes, from a Zoning standpoint, there is a reason to justify the Shipwrecked proposal being compatible with other developments in the area. It is within the direction of the Comprehensive Plan, which the commissioners will deliberate on at the regular meeting.*
- Testimony: Mary Reilly, 7632 Evergreen Road, Egg Harbor, WI.
 - *In light of Egg Harbor being a Green Tier Legacy Community, Mary urged the Plan Commission to not approve the application unless they would reduce the water management issues on the property to a level that has a 60% equivalency.*
- Testimony: Paul Brophy, 7632 Evergreen Road, Egg Harbor, WI.
 - *Paul was opposed to the proposal as it did not fall in line with the Comprehensive Plan for the Village.*
- Testimony: Lisa VanLaanen, 7802 Horseshoe Bay Road, Egg Harbor, WI.
 - *Lisa spoke as a resident; she related the proposal to the Village View condominiums which cut their size and scope in half to meet the impervious surface ratio and parking requirements.*
- Testimony: Kim Jensen, 7168 WI-42, Egg Harbor, WI.
 - *Kim spoke as a business owner; she was upset with the project and lack of enforcement in the Village. She would like to see more solutions for parking.*
- Hearing no other testimony, Cambria Mueller closed the public hearing of the Special Development District Relief Application at 12:24pm.

PUBLIC HEARING: On the conditional use permit application filed by David Pollman. Said application pertains to property located at 7791 and 7783 STH 42 (C-1 District with SDD Overlay) – Parcel #1180125302612N and #1180125302612P. Said conditional use permit application referenced above is required per section § 152.025 C-1, Commercial District (B) Conditional Uses, (4) Restaurants and taverns. **The applicant is proposing an addition to the existing restaurant commonly known as Shipwrecked.**

- Chair Cambria Mueller opened the public hearing regarding the Conditional Use Permit Application filed by David Pollman at 12:25pm.
- Cambria Mueller swore in the Village Witness, Tom Strong.
- Testimony: Tom Strong, 5033 Shady Lane, Egg Harbor, WI.
 - *Tom spoke on behalf of the Village of Egg Harbor as the Interim Village Administrator; he went through the Zoning Code and criteria for a Conditional Use Permit. Tom also addressed aspects such as traffic control, the neighboring property's concerns regarding the shared driveway, parking, sidewalks, storm mitigation, increased noise, screening. He determined the property is short on parking spots and would need to pay the fee in lieu of parking.*

- Cambria Mueller swore in the Witness, Joe Smith.
- Testimony: Joe Smith, 7763 WI-42, 54209.
 - *Joe Smith provided his testimony on behalf of Shipwrecked. He emphasized the need for restaurants in Egg Harbor, as people need food to eat while visiting away from home.*
- Cambria Mueller swore in the Witness, Cody DeMeuse.
- Testimony: Cody DeMeuse, 506 S. Oxford Avenue, Sturgeon Bay, WI.
 - *Cody spoke as a Public Works Supervisor for the Village of Egg Harbor; he addressed pedestrian safety and the need for the sidewalk on CTH G before the project moves forward.*
- Cambria Mueller swore in the Witness, Ken Mathys.
- Testimony: Ken Mathys, 7695 Evergreen Road, Egg Harbor, WI.
 - *Ken spoke as a resident of Egg Harbor, noting that he serves on the Parks and Public Works Committee; he said he enjoys the vibrancy of Egg Harbor but was worried that this project would push it over the top. He was concerned about outdoor drinking and increased noise. Having no knowledge on the Shipwrecked lawsuit with the Village, Ken stated he believes the project cannot move forward until the lawsuit is done and the sidewalk is built.*
- Cambria Mueller swore in the Witness, Dawn McGinnis.
- Testimony: Dawn McGinnis, 7813 Horseshoe Bay Road, Egg Harbor, WI.
 - *Dawn lives across the street from Shipwrecked, she would like the Plan Commission to deny the CUP as submitted until there is more discussion on how the project will affect traffic on CTH G. She would like the Village and County to consider changing the traffic pattern between Dock Road, CTH G, and HWY 42.*
- Cambria Mueller swore in the Witness, Mary Reilly.
- Testimony: Mary Reilly, 7632 Evergreen Road, Egg Harbor, WI.
 - *Mary believed the Shipwrecked property is a gateway for the commercial district. She believed the Plan Commission is losing the battle over any kind of coherent design standards in the Village, and post-modern industrial architecture does not meet the definition of charming or quaint. She explained the overwhelming support to retain the charm of the Village throughout the comprehensive planning process. She recommended the Plan Commission put a moratorium in place until a framework is in place to guide future development. She also expressed concern over parking and noise.*
- Cambria Mueller swore in the Witness, Chris Roedl.
- Testimony: Chris Roedl, 6115 Anschutz Lane, Egg Harbor, WI.
 - *Chris represented Hatch Distilling Company, located at 7740 WI-42, Egg Harbor, WI. He believed Joe Smith was acting in abuse of his position and as a conflict of interest. He noted the negative history with the owners of the Shipwrecked property and asked the Plan Commission to be thorough in their process and decision making. He expressed concern of litigation by the applicant. Chris was also concerned about the parking deficit by the applicant, he did not think it was reasonable for them to count the Cape Cod property or the Fat Louie's property as adjacent agreed ownership, since the use can change in the future and the agreements are not permanent. He believed if the Plan Commission allowed the development to move forward, they would be subsidizing a competitive advantage for one business over others. Chris stated that the design of the development is confused, gaudy, and not in keeping with the character of the Village. He asked that the Plan Commission deny both the CUP and the SDD applications.*
- Cambria Mueller swore in the Witnesses, Robert Hawley and Jennifer Blahnik, owners of the neighboring property Signature Pieces.
- Testimony: Robert Hawley and Jennifer Blahnik, 7775 WI-42, Egg Harbor, WI.
 - *Robert Hawley: Our building was built by Lisa Van Laanen in 2000. At that time, it complied with all the setback requirements as far as I am aware of. We purchased the building ten years ago. At that time Christine's was in existence. From a legal standpoint, there has never been nor is there presently any shared driveway agreement or an easement, or anything in writing whatsoever which of course it has to be when it relates to real estate, that is on file or existing elsewhere. It is amazing to me that someone who would put this much effort into a project would not figure out where the four corners of the property are. An architect, an engineer, Joe Smith, the Pollman's. In their incorporation of their plans, which by my estimation approaches 400 seats, bigger than Stauber and Al Johnsons put together. They essentially have used our driveway to allow them egress from their additional parking spots and their beer garden. On a conceptual matter, we don't oppose their project to add more outdoor space for dining and consuming alcohol. It is certainly going to impact us not only in noise, potentially music, and parking. That is our major concern. We feel that a fence, some kind of barrier should separate our driveways. We feel they should comply with the setback. Right now, we have no water issues in our basement. Our driveway is maintained and used for our customers and our tenants. We have two apartments upstairs. We have allotted them two parking spaces per apartment. We own our driveway is evidently a part of their plan. They have never approached us. We went over there two years ago when they bought the property. We introduced ourselves and said we wanted to be good neighbors with them. We have heard nothing from them. We found out about the plans a few weeks ago and unbelievably so, after I took a look at it, they are using our driveway indicating it is a shared driveway. Where they came up with that I have absolutely no idea. From a legal standpoint they have nothing whatsoever to do with our property. We want to see some screening. We are also against the water feature. The combination of water and*

music noise will negatively impact the value of our property.

- Jen Blahnik: I second everything that Bob said. We worry extremely about any potential liability with people using our parking lot. Some sort of visible fencing that makes it clear that they are two separate properties. We are not opposed to the project other than the water feature. We are really worried about the impact and potential property value down the line.
- Robert Hawley: If you consider that this is the biggest project north of Sturgeon Bay with close to 400 seats, yet Al Johnson's has a parking lot for their customers and employees. This is put together piecemeal. We feel that they are going to take over our parking spots behind our building. They have already tried to take over our driveway. One would assume that they would go next into the parking lot as well. We want some accommodation. We want them to redraft that with a 10-foot setback to have a noise buffer from their water feature. The drinking and noise from people being outside, which we are not opposed to. We understand that during Covid, people want to sit outside to enjoy the atmosphere including people watching. Thank you very much for your consideration.
- Cambria Mueller swore in the Witness, Carol Straubel.
- Testimony: Carol Straubel, 4954 N. Shore Drive, Egg Harbor, WI.
 - *Carol spoke in opposition to this project and supported many of the other concerns addressed by other witnesses. Carol was specifically concerned about the character of Egg Harbor; she believes the current Shipwrecked building does not fit the character of Egg Harbor and that the expansion would continue the disconnect.*
- Cambria Mueller swore in the Witness, Frank Kauzlarich.
- Testimony: Frank Kauzlarich, 7885 Apple Ridge Road, Egg Harbor, WI.
 - *Frank was primarily concerned about safety and the increased traffic flow on HWY 42 and CTH G. He was also concerned about the size of the project and the quaintness of the Village.*
- Cambria Mueller swore in the Witness, Kaaren Northrop.
- Testimony: Kaaren Northrop, 4471 Daisy Patch Road, Fish Creek, WI.
 - *Kaaren represented Main Street Marking located at 7770 HWY-42, Egg Harbor, WI. She spoke about the parking and noted that the outdoor seating numbers could be skewed or short. She brought up lack of enforcement and expressed concern with Shipwrecked counting spots at Cape Cod. She noted that the parking deficit for Shipwrecked is about as large as the Main Street Parking lot.*
- Cambria Mueller swore in the Witness, David Pollman.
- Testimony: David Pollman, 6281 Maple Run Road, Egg Harbor, WI.
 - *David Pollman spoke on behalf of Shipwrecked. He noted that Shipwrecked does not want to be like other outdoor bars in Door County. He noted that, in the past, there has been resistance to other different developments that are now favored. Their goal is to fit in with the quaintness of the Village, and he noted that the waterfall image is not advertising, and they would like it to be art for everyone to enjoy. The property was purchased with 76% impervious surface. He stated they do not want to infringe on Signature Pieces' property and would like to work with them on the issue. He also discussed sidewalks, parking, and entrances to the building.*
- Cambria Mueller swore in the Witness, Kim Jensen.
- Testimony: Kim Jensen, 7168 WI-42, Egg Harbor, WI.
 - *Kim addressed the parking issue, she noted that as owner of Mojo Rosas she has seen Shipwrecked employees and other non-customers park in her lot many times. She disagreed with allowing businesses to use other businesses to cover their shortage of parking spots. She noted this has been an issue for 20 years and there needs to be equity amongst the businesses in the Village to set a precedent. She was also concerned with the way Joe Smith was addressing the public testimonies. She believes that once a business starts recreating, they have to go back to zero to maintain the 60% impermeable surface ratio and parking.*
- Cambria Mueller swore in the Witness, Karen Peterson.
- Testimony: Karen Peterson, 3712 Junction Road, Egg Harbor, WI.
 - *Karen spoke as the business owner of Maxwells House in Egg Harbor. She believes the fee in lieu of parking is in place to help those businesses that have no other option for parking, but Shipwrecked has the space for added parking. She encouraged Plan Commission to address the parking issue and to require Shipwrecked to provide adequate parking.*
- Cambria Mueller swore in the Witness, Jon Kolb.
- Testimony: Jon Kolb, 5004 Beach View Lane, Egg Harbor, WI.
 - *Jon shared a video of pedestrians j-walking between parked cars long Dock Road and CTH G next to Shipwrecked on Saturday, February 13th at 1:47pm. He noted that the restaurant is still extremely busy on snowy winter days and is even more busy in the summer; the lack of parking and wandering pedestrians create safety issues. All the surrounding businesses on CTH G were closed.*
- Cambria Mueller swore in the Witness, Ann Harvey.
- Testimony: Ann Harvey, 7765 W. Shore Drive, Egg Harbor, WI.
 - *Ann noted that the term "park and walk" insinuates that they are parking in someone else's space; there needs to be safe parking next to businesses. Ann also questioned if Shipwrecked would rent their building out for private events, and where those patrons would park. She noted that additional activity around the corner of HWY 42 and CTH G by Shipwrecked will cause more locals to speed and cut-through down South Trail Road.*

- Chair Cambria Mueller closed the public hearing at 3:10pm.

Village of Egg Harbor
Plan Commission Regular Meeting
February 23rd, 2021

Agenda:

1. Call Meeting to Order
 - Cambria Mueller called the Plan Commission meeting to order at 3:10pm.
 - Commissioners Present: Kathy Navis, Emily Pitchford, Lou Nyberg, Jon Kolb, Paula Cashin, and Joe Smith (recused)
 - Staff Present: Lydia Semo, Tom Strong
 - Audience Members: Alyssa Rasmusson, Ann Harvey, Bill White, Caleb Despina, Carol Ballje, Carol Straubel, Cathryn Harvey, Chris Roedl, Chuck Baum, David Pollman, Noreen Pollman, Dawn McGinnis, Mary Dunworth, Denny Phillips, Eric Herndon, Jen Thompson, Jim Kalny, Jim Vander Heiden, Jim Vitrano, John Walsh, Jon Pinkert, Ken Mathys, Shawn Mathys, Kim Jensen, Lisa VanLaanen, Lou Nyberg, Matt Frydach, Myles Dannhausen Jr., Pam Seiler, Pete Hurth, Peter Gentry, Robert Pollman, Sophie Parr, Stacy Wodack, Kaaren Northrop, Bea Baschleben, Dave Callsen
2. Approve Agenda
 - **Paula Cashin moved to approve the agenda. Seconded by Jon Kolb.**
 - **Motion carried.**
3. Pledge of Allegiance
4. Approval of January 26, 2021 Meeting Minutes
 - Emily Pitchford: In open session, the second line, “a positive” was repeated.
 - **Cambria Mueller moved to approve the minutes with the changes. Seconded by Paula Cashin.**
 - **Motion carried. Joe Smith abstained.**
5. Open Session
 - *Carol Straubel asked how the project can move forward after listening to the public testimonies, especially if the concept of the shared driveway doesn't exist. Cambria Mueller noted that after deliberation, there will most likely be items for the applicant to come back with changes.*
6. Correspondence
 - *There were two pieces of correspondence from Lauren Schar and Chris Roedl that were sent out the morning of the meeting. The rest is in the packet.*
7. Sojenhomer LLC Certified Survey Map Application (Parcel # 118-1180125302612N and 118-0125302612P)
 - Cambria Mueller: We reviewed the CSM Application at our last meeting, this went to the Village Board but with updated plans. The Village Board of Trustees did not approve it without the Plan Commission first approving the updated. Tom please jump in if that is missing anything.
 - Tom Strong: That is pretty much it. The change in the survey was to acknowledge the property along highway G that is under review has changed hands. I brought this to Joe's attention. He provided the updated plans. The trustees reviewed it and asked that the Plan Commission approve the updated plans before bringing it back to the Trustees on March 8th
 - Emily Pitchford: Did the Village request this CSM?
 - Tom Strong: Correct. Sophie had all of about 4 hours for the staff first review. The first CSM was not identified in the first pass. I noticed it when I was doing a more detailed review. I brought this to Joe's attention. He provided the updated CSM.
 - Emily Pitchford: For Attorney Kalny, how do you approve something that doesn't exist yet?
 - Attorney Kalny: Actually, it does exist as it is shown right now. If you file an award of damages, the property does convey. That is what Tom noticed. That property was not accurately represented on the first CSM. That has been corrected. The real issue now is if this consolidate of these two properties meets zoning requirements. If it is, you would normally approve it unless there is something that is contrary to zoning. This does not have anything to do with the Special Development District or Conditional use applications. This would simply allow them to combine these two parcels.
 - Cambria Mueller: Any other discussion or questions. Hearing none.
 - **Cambria Mueller: I make a motion to recommend to the board to approve Sojenhomer LLC Certified Survey Map Application (Parcel # 118-1180125302612N and 118-0125302612P) Seconded by Jon Kolb.**
 - **Motion carried. Joe Smith abstained.**

8. Deliberation and possible action on the of Special Development District Relief Application submitted by Sojenhomer LLC for an addition at 7791 STH 42 (Parcel # 118- 0125302612N and 118- 0125302612P).
- *Cambria Mueller discussed the impervious surface ratio, and she shared sentiment with the concerns of those who presented in the public hearing. Jon Kolb asked for the engineers to come up with a new percentage for impervious surface since they have the underground storm water system.*
 - Pete Hurth: The goal is to soak away enough storm water so that it provides an improved condition. The basic numbers for the run-off: there are currently 634 cubic feet of chambers proposed under the patio area, equivalent to 4,700 gallons, which would accept clean run-off water from the patio and roof. Today, with no storm water controls, 2,601 cubic feet of run-off would leave the site. After the project, there will only be 1,022 cubic feet of volume of water will enter the drainage system, and the discharge rate will be 39% of what it is today.
 - *The Plan Commissioners discussed the options for impermeable and permeable surfaces. They also discussed the logistics of stormwater run-off with Shipwrecked's engineers.*
 - Jon Kolb: Where would overflow go?
 - Pete Hurth: It would be an underground pipe that goes to a catch basin.
 - Cambria Mueller: With the location of the parking lot being in such close proximity to Signature Pieces, does something like this increase the possibility of water issues on that property?
 - Pete Hurth: We surveyed the elevations along the existing shared driveway, and we are tipping everything back to the catch basin in our parking lot so there is no increased run-off towards that neighbor.
 - Tom Strong: I know you have worked diligently with McMahon on the design, if they give the final approval, will you need a State or DNR approval since it is along HWY 42?
 - Pete Hurth: We are well under an acre so the DNR would not need to get involved, it would become a Village consultant review which would be up to McMahon. We'll be showing the DOT that the peak flow leaving our site is less than it is today. We were able to realign the stripes in the existing parking lot and we do have a net increase of 11 stalls.
 - Jon Kolb: Aren't we taking this opportunity to look at the total parking, since it is a major change in business?
 - Attorney Kalny: Yes, we are at the updated code as far as what we're applying right now.
 - *The Plan Commissioners further discussed the proposed remediation and the impervious surface ratio. Cambria Mueller thought the Village needs to be cautious in setting a precedent moving forward, especially after the Village View Condo situation. Lou Nyberg noted that almost nobody in the Village meets the 60% impervious surface ratio. Cambria Mueller questioned if impervious surface relates to green space as well as water run-off. Kathy argued that we can't want the applicant to put in parking while decreasing their impermeable surface ratio, and she believed the efforts to take away and absorb water was reasonable.*
 - Joe Smith: Besides impermeable surface, what was the second condition?
 - Tom Strong: It is not a condition, but it's whether it fits in line with the Comprehensive Master Plan. On page 95 in the packet.
 - Kathy Navis: I don't see an issue with that.
 - Jon Kolb: After listening to the public testimonies, they believe it is not compatible. This increases more of what people are not wanting.
 - Kathy Navis: I don't think it's okay to say the neighbor across the road can have outdoor drinking and dining, but this establishment cannot.
 - Jon Kolb: You're right, but they already have outdoor dining, and we could put a limit on how much outdoor dining we want.
 - Cambria Mueller: Is everyone okay with the impervious surface as it stands with the engineering, with the caveat that it might change if anything in the CUP gets changed?
 - Kathy Navis: Are the downspouts coming from all the current and proposed roofs?
 - Pete Hurth: Yes.
 - Kathy Navis: If they're picking up that much additional water, then I see it as them reducing the impervious surface ratio.
 - Lou Nyberg: If nothing else changes, then Pete can re-run the numbers.
 - Attorney Kalny: It sounds to me that you would like to hold action on this item until we are sure that we have the complete final plans.
 - **Kathy Navis moved to withhold a decision on this matter, pending final plans and review of the Conditional Use Permit. Seconded by Paula Cashin.**
 - **Motion carried. Joe Smith abstained.**
9. Deliberation and possible action on the of Conditional Use Permit Application submitted by Sojenhomer LLC for an addition at 7791 STH 42 (Parcel # 118- 0125302612N and 118- 0125302612P).
- *The Plan Commissioners discussed population density in the area. It is apparent that it will not be increasing the number of people living in the area, but it may increase the number of people physically in that area at a*

given time.

- *The Plan Commissioners discussed the issue with the shared driveway and lack-of-a shared use agreement with Signature Pieces. They noted the requests of Signature Pieces regarding the driveway, the 10-foot setback, and the fencing or screening. Joe Smith, the applicant, stated that they would eagerly welcome the proposed condition. Kathy Navis did not think it was reasonable to discuss this matter until Shipwrecked has met with their neighbors.*
- Joe Smith: We're looking for a Conditional Use Permit, what we're asking for is some guidance and some conditions which allows us to proceed without having to wait for meetings.
- Tom Strong: Once you approve a conditional use project, that is not the same as the Zoning Approval. Once everything is in place to meet those conditions, then the Zoning Permit can be given.
- Jon Kolb: We could set it up now that they either get a signed agreement with their neighbors, or they work with the ordinance.
- Cambria Mueller: So, is everyone okay with the condition being as its written to either get the shared use or it applies to the 10-foot setback with screening?
- Attorney Kalny: There are a lot of loose ends, I don't know how you would address that in a Conditional Use Permit. We don't know what the access is going to look like, we don't know if screening will be required, we don't know if there will be set-backs or if there will be set-back relief. It strikes me that we're getting to a situation where we want them to come back and address some of these issues.
- Cambria Mueller: So, instead of it being a condition we would like the applicant to go back and provide a shared-use agreement or they will follow the 10-foot setback, or they will provide some other remedy that they will present to us.

- *The Plan Commission discussed the sidewalk along CTH G and HWY 42.*
- Cambria Mueller: Could we put a condition that, down the road, a sidewalk has to run along the side of Shipwrecked.
- Attorney Kalny: If you believe there is sufficient facts and evidence right now, any condition you impose has to be backed up with substantial evidence. If you believe the record is sufficient in regard to evidence that reasonable people would draw this conclusion that it isn't just opinion and speculation.
- *The Commissioners discussed research studies including car and pedestrian traffic along CTH G near Shipwrecked. Joe Smith stated he would have no problem providing signage to direct pedestrians to the entrance of Shipwrecked. Attorney Kalny stated if they wanted to do a study on pedestrian and car traffic, they would want someone with expertise. The applicant should do as much as they can to direct traffic. Jon Kolb would like the study to be done in peak season over summer.*
- John Heller: CTH G is going to commence in March, it's going to consist of curb and gutter, completely repaved road, storm sewer and buried utilities are already in. It'll include sidewalks from the intersection of CTH G and HWY 42 all the way to the Bird Trail, with the exception of 400-square-feet of sidewalk along Shipwrecked and will not be built until after litigation is resolved. There will be no parking along Shipwrecked where people park now.

- *The Plan Commissioners briefly discussed the need for an outdoor music ordinance in the Village, and it was mentioned that the EHBA could work it out amongst themselves.*

- Joe Smith: We take the gates off the garbage receptacles in winter to allow for snow removal and put the gates back on in the summer. Is this acceptable for screening?
- Cambria Mueller: Yes, that's fine.

- *The Plan Commissioners discussed outdoor drinking and the concerns of loss of quaintness brought up in the public hearing, they stated it is a safety concern. Jon Kolb disagreed and thought that outdoor dining adds to the quaintness of a Village. Joe Smith noted that Shipwrecked is currently at 70% dining and 30% bar, they are not an establishment where people stay late to drink. Joe Smith also discussed what types of drinks and food will be served outside, which included beer, wine, and locally produced distillery cocktails; they want to include a unique food menu.*

- *The Plan Commissioners discussed the drawings, fencing, gates, and architectural elements.*
- Joe Smith: We intend to keep the cow troughs in their place

- Emily Pitchford: The drainage and downspouts will need to be included in the stormwater mitigation plans. The McMahon review needs to be complete.
- Tom Strong: Correct, that was McMahon engineering saying that's one of the details that will be needed in the

final plans.

- Paula Cashin: The owners of signature pieces were concerned about the noise coming from the waterfall. Frankly, I don't like the idea of the waterfall.
- Joe Smith: For clarification, the waterfall would not run all night and would be turned off when we are closed.
- Jon Kolb: I see it as a piece of art rather than a sign since it doesn't say "Shipwrecked" on it, how did we go about getting art approved in the past?
- Tom Strong: Previously art was approved on Village owned property by the Art Committee and then approved by the Plan Commission, Parks and Public Works Committee, the Public Arts Initiative, and the Trustees. This will be on Shipwrecked's private property.
- Emily Pitchford: There is something about structures in the ordinance, specifically about fountains, in chapter 152, section C, number 6. Fountains should not exceed 5-feet in height, 8-feet in diameter. The question is what this is designated as.
- Tom Strong: My conclusion was that it is a sign based on how it'll draw people in from outside the parcel. But it is up to you to define it.
- Cambria Mueller: I would agree that it is a fountain.
- *The Plan Commissioners further discussed the ordinances and the classification of the water feature, it was inconclusive.*

- *The Plan Commissioners discussed the deficit in parking spaces.*
- Tom Strong: I came up with 104.5 spaces being required, you can deliberate on the spaces at Fat Louie's and at Cape Cod. The Plan Commission may require additional spaces if the scope of the project indicates that more spaces are needed.
- Cambria Mueller: Are we okay with counting the Fat Louie's spaces and the Cape Cod spaces with a shared use agreement?
- Kathy Navis: Isn't that allowable in our ordinance?
- Tom Strong: Yes, that can be allowed with a signed shared use agreement.
- *The Plan Commissioners discussed the properties and parking spaces, including the number of employees Shipwrecked has in the summer season.*
- Cambria Mueller: I don't know what to do here. Regardless, they're at a short fall. To be at a shortfall of 65 spots is huge.
- Joe Smith: My thought as the applicant is that even though we may potentially pay a fee in lieu of parking, it still doesn't add spots to downtown. No matter what amount of money or applications we put forward, those 65 stalls aren't going to happen.
- Lou Nyberg: I think we need to focus on what we can do, but the fact is that we don't have the space and we don't have the desire to build a 90-space parking lot in the middle of downtown. The problem is that we have to solve it in another way, and I think that could be to do some of the things that are already in process such as adding places to park where people will have to walk a distance, and putting special signage up. It's a communication thing. You're not going to solve the problem by putting it in the business' lap.
- *Jon Kolb shared an image of a possibility for additional parking spaces for Shipwrecked.*
- Joe Smith: Jon's plan doesn't consider the grade change, though. And it could create a dangerous short cut from HWY 42 to CTH G.
- *Michael Higgins explained the options they explored for parking on Shipwrecked's property.*
- Paula Cashin: I think Shipwrecked needs to go back and look at adding more parking spaces.
- Cambria Mueller: Are we okay with being more flexible on setbacks, impervious surface, and the Comprehensive Plan?
- Lou Nyberg: I think that we need to view the problem as a bigger problem and solve the parking issue as good as we can for the Village. We can deal with this one situation if we want to, but it does not solve the problem that we will be facing again with all the people in the Village talking about parking, and to not have a solution to the parking.
- Paula Cashin: I agree it's not about the problem, however, let's be more equitable to the other business owners by having Shipwrecked at least add more parking spaces.
- Lou Nyberg: Are we going to make somebody pay for somebody else's inconvenience? The Village and the world have changed, we didn't have a parking problem 25 years ago because we didn't have the amount of people here. All I've heard on the Plan Commission is how to grow our village, and that's what's happening. We have a good problem, because people are coming here, and the businesses are liking it.
- Jon Kolb: I'm not intending to solve the whole Village problem; I'm intending to solve the issue of this business not having enough parking.
- *Noreen Pollman spoke on behalf of Shipwrecked. She stated they have looked at all options and alternatives and most don't work because of the difference in grading. She does not want to turn the piece of land that she*

purchased into a parking lot, she does not believe it is her responsibility to solve the parking problem in the Village. She is happy to turn the land behind the Fat Louie's building into parking, as she owns that property as well. She stated if the Plan Commission doesn't want Shipwrecked to do anything, they will just let the property grow weeds. She believes there are alternatives that are far more reasonable than what the Plan Commission is requesting.

- Cambria Mueller: Yes, I appreciate that you did your due diligence to this. But now it is time for us to do our due diligence. We need to realize that we aren't going to fix the parking problem, but can we allow Shipwrecked to add that many seats and not have the parking. We need to start having a discussion on what is willing to shift, we will need to come up with terms.
- Joe Smith: We are willing to meet the conditions set forth in the code, whether it is paying the fee or counting the spaces. We physically do not have the room to comfortably add more than the spaces drawn on the plan.
- Attorney Kalny: We have been at this for over six hours, I'm sure some people are having difficulty keeping up with everything and thinking it all the way through. I think it would be a good idea to adjourn to a later date.
- Cambria Mueller: We will be tabling the rest of this discussion.

10. Zoning Report

11. Open Session

12. Next Meeting

- Tuesday, March 2nd, 2021 at 12pm

13. Adjourn

- **Cambria Mueller moved to adjourn to next Tuesday, March 2nd at noon via Zoom.**
- **Seconded by Kathy Navis.**
- **Motion carried. Joe Smith abstained.**
- Meeting adjourned at 6:14pm

Minutes completed by Lydia Semo on March 22, 2021. Submitted for approval on March 23rd, 2021.