

**Village of Egg Harbor  
Plan Commission Meeting Minutes  
February 25<sup>th</sup>, 2020 at 12:00 p.m.  
Donald & Carol Kress Pavilion – Great Hall  
7845 Church Street, Egg Harbor, WI 54209**

**PUBLIC HEARING:** On the conditional use permit application filed by Paul and Mert Larsen. Said conditional use permit pertains to property located at 7695 State Hwy 42 in the Village of Egg Harbor, (Tax Parcel Number: 118-0125302641W2) which is located in the Village's Recreational 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 §152.021 Use Requirements, (C) Conditional Uses, (4) More than one principal structure per parcel. The applicant plans to construct a second principal structure on the parcel which requires a conditional use permit.

Smith reviewed the following: Under the provisions of the recently adopted Sec. 62.23(7)(de) of the Wisconsin Statutes, conditional use permit decisions must now be made on the basis of oral testimony before the Plan Commission that establishes, by substantial evidence the necessity of a conditional use and reasonableness of each condition. Documents in support of or in opposition to the conditional use can be submitted but they must be done through testimony by the presenter at the hearing. Oral testimony must be given under oath. Conditions to be established during the public hearing through Finding of Fact and Conclusions of Law.

Commissioners can ask questions to those testifying, audience members cannot.

Smith opened the public hearing for the application as noted above.

Smith swore in the following to provide testimony:

Paul Larsen  
7695 STH 42  
Egg Harbor, WI 54209

Megan Vandermause  
Deputy Administrator/Deputy Clerk – Treasurer  
7860 STH 42  
Egg Harbor, WI 54209

Larsen Testimony:

- Larsen stated that he is building a home, and this will be the second home he is building on the property.
- Larsen said that the new home will go good with the current home on the property.

Vandermause provided testimony on behalf of the Village:

- Vandermause said the conditional use permit application referenced above is required per section § 152.021 Use Requirements, (C) Conditional Uses, (4) More than one principal structure per parcel.
- Vandermause stated that she reviewed the application against the factors deemed reasonable for the Plan Commission consideration as identified in the zoning ordinance and found the following:
  - The number of living units in the proposed area; The proposed density of the parcel is in line with the parcel's zoning district requirements. Low density, multi-family dwellings, not to exceed three dwelling units per acre is a permitted use in the Recreational district. The parcel is 0.69 acres. With the proration of .33 units per acre,  $(0.69/0.33 = 2.09)$  up to 2 units would be allowed on this parcel.
  - The effects of traffic control on abutting Village roads and streets and safety to Villagers, pedestrians, and motorists; It appears on the submitted application documents, that the existing driveway and access easement will be utilized for access to the proposed structure. Therefore, not creating any additional driveways or accesses off of STH 42. Number of vehicles using the existing drive to increase with additional structure.
  - The general health and well-being of the Village resident; No specific information identified by staff.

- The increase in area noise; No specific information identified by staff.
- The increase in potential public or private nuisance; proposed structure to be used as tourist rooming house and would be subject to tourist rooming housing regulation as approved by the Village of Egg Harbor.
- The availability of municipal services such as fire protection, waste disposal, and sewage; the proposed structure would be required to connect to the Village sanitary sewer system and can be serviced by the Village's fire protection services as well as will be required to display a fire number per Village ordinance.
- The adverse effects on the environment; The applicant addresses water drainage in attached application letter. Grading and drainage plan completed by Baudhuin Engineering provided by applicant as follow up to the initial meeting. Grading and drainage plan attached.
- The protection of lake shore, lake, and ground waters; the applicant addresses water drainage in the attached application letter. Grading and drainage plan completed by Baudhuin Engineering provided by applicant as follow up to the initial meeting. Grading and drainage plan attached.
- Effects on surrounding plant foliage and vegetation; No specific information identified by staff.
- The kind and quality of amusements or entertainment; Transient rental use is in alignment with zoning district as motels, hotels, and resorts are a permitted use in the REC district. The existing structure on the parcel is used as a transient rental.
- General growth and dynamics of the Village; Proposed use of additional structure aligns with permitted zoning district uses as previously identified.
- The Village Master Plan;

Smith closed the public hearing.

**PUBLIC HEARING:** On the conditional use permit application filed by Mike Parent. Said conditional use permit application pertains to property located at 7713 State Hwy 42 in the Village of Egg Harbor, (Tax Parcel Number: 118-0125302641C1) which is located in the Village's Recreational 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 § 152.044 Recreational District, (B) Conditional Uses, (7) Multi-family dwellings not to exceed four dwelling units per acre. The applicant plans to construct two, two-unit multi-family dwellings on the property. The parcel is 1.09 acres therefore allowing as a conditional use 4 dwelling units.

Smith opened the public hearing for the application as noted above.

Smith swore in the following to provide testimony:

Mike Parent  
3065 Broad Lane  
Ephraim, WI

Megan Vandermause  
Deputy Administrator/Deputy Clerk – Treasurer  
7860 STH 42  
Egg Harbor, WI 54209

Parent Testimony:

- Nothing to add since the initial meeting.

Vandermause provided testimony on behalf of the Village:

- Vandermause said the conditional use permit application referenced above is required per section § 152.044 Recreational District, (B) Conditional Uses, (7) Multi-family dwellings not to exceed four dwelling units per acre.
- Vandermause stated that she reviewed the application against the factors deemed reasonable for the Plan Commission consideration as identified in the zoning ordinance and found the following:

- The number of living units in the proposed area; The proposed density of the parcel is in line with the zoning district's conditional uses. Multi-family dwellings not to exceed four dwelling units per acre is a conditional use in the Recreational District. The parcel is 1.09 acres therefore allowing as a conditional use the 4 dwelling units (2 duplex buildings, 2 units each).
- The effects of traffic control on abutting Village roads and streets and safety to Villagers, pedestrians, and motorists; It appears on the submitted site plan, that the existing driveway will be used to access the new structures, therefore, not creating any additional driveways or accesses off of STH 42. Number of vehicles using the existing drive to increase with additional structures.
- The general health and well-being of the Village residents; Proposed structures comply with current setback requirements for the Recreational district.
- The increase in area noise; No specific information identified by staff.
- The increase in potential public or private nuisance; No specific information identified by staff.
- The availability of municipal services such as fire protection, waste disposal, and sewage; the proposed structures would be required to connect to the Village sanitary sewer system and can be serviced by the Village's fire protection services as well as will be required to display a fire number per Village ordinance.
- The adverse effects on the environment; The applicant included a storm water and erosion control document with the application documents attached.
- The protection of lake shore, lake, and ground waters; the applicant included a storm water and erosion control document with the application documents attached.
- Effects on surrounding plant foliage and vegetation; The applicant included a landscape plan which was submitted with the property's previous conditional use permit which was approved in 2003. Applicant is planning to follow plan as approved in 2003.
- The kind and quality of amusements or entertainment; The use of the property is in line with the conditional uses of the zoning district. Clarification at the initial meeting that the structures would be used as year round housing.
- General growth and dynamics of the Village; Proposed use of the parcel aligns with conditional uses of the zoning district.
- The Village Master Plan; Housing was identified as a challenge during the Village's recent Comprehensive Master Plan update. If the structures are to be used as year-round housing, four additional housing units would be created in the Village of Egg Harbor.

Smith closed the public hearing.

### **1. Call Meeting to Order**

Smith called the meeting to order at 12:14 p.m. Those in attendance were Joe Smith, Paula Cashin, Emily Pitchford, Lou Nyberg, Kathy Navis, Jon Kolb via Zoom Meetings, Ryan Heise, and Megan Vandermause. Absent was Jim Vander Heiden. Also in attendance were Cambria Mueller, Joyce Risser, Sophie Parr with CIVIC4, Tom Martin, Bob Woelter, Ed Fisher, TJ Utschig, Giz & Linda Herbst, Michael Schwantes, Dennis and Mary Jo Delorit, Chuck Baum, Rick Kohler, Frank Kauzlarich, Kim Jensen, Renee Schwaller, Ann Johnson, Caren Nor, Kaaren Northrop, Polly Helm, Alyssa Rasmusson, Lauren Schar, Jill Sommers, David Sanks, Jennifer Thompson, Karen Peterson, Bill White, and Lisa Van Laanen.

### **2. Approve agenda**

Cashin moved to approve the agenda, second by Nyberg, motion carried.

### **3. Pledge of Allegiance**

### **4. Approve minutes of January 28<sup>th</sup>, 2020 meeting minutes**

Smith moved to approve the January 28<sup>th</sup>, 2020 meeting minutes, second by Cashin, motion carried.

### **5. Open Session (limited to 10 minutes)**

- Dennis Delorit said that he had spoken to the Administrator about the drainage on Alpen lane has anything been done.
- Smith said that the Administrator is not sure if anything has been done with this yet, but the issue will be referred to Parks and Public Works instead of the Plan Commission.

- Delorit asked if someone will let him know what is going on with it, and Heise said that someone will reach out to him about the issue.

**6. Deliberation and possible action on the conditional use permit application filed by Paul & Mert Larsen for 7695 STH 42**

- Smith stated the in the agenda packet, the Plan Commission will find the application, drawing, and the drainage plan.
- Smith said that Vandermause put together a Findings of Fact and Conclusions of Law document.
- Vandermause said that she started the Finding of Fact and Conclusions of Law document based off the information that was available prior to the meeting.
- Vandermause reviewed the findings of fact:
  - That an application for a Conditional Use Permit was filed by the Applicant with the Village on January 17<sup>th</sup>, 2020 (the “Application”) for that property located at 7695 State Highway 42 Egg Harbor, WI 54209 more particularly described on ATTACHMENT “A” hereto (the “Property”).
  - 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 February 7<sup>th</sup>, 2020 and February 14<sup>th</sup>, 2020 as appears on the Affidavit of Publication on file herein.
  - That the Property is currently zoned Recreational under and pursuant to § Sec.152.044 of the Village of Egg Harbor Municipal Code.
  - That testimony was presented by Paul Larsen on behalf of the Applicant that the Applicant proposes to construct a secondary principle structure on the Property (the “Project”), as more particularly identified in the Application on file herein.
  - That testimony was presented by Megan Vandermause, Deputy Administrator/Deputy Clerk Treasurer, on behalf of the Village that in order for the Project to obtain Village approval, a Conditional Use Permit under the provisions of § Sec. 152.021, et. Sec. of the Code would be required.
  - That compliance with the provisions of § Sec. 152.046(A)(1)(b) of the Code regarding REC Recreational district setbacks be required for the proposed Project.
  - That compliance with the provisions of § Sec. 152.044(A)(6) Permitted uses of the Recreational District, low-density, multifamily dwellings, not exceeding three dwelling-units per acre would be required for the proposed Project.
  - That compliance with the provisions of § Sec. 152.46(F) Maximum impervious surface ratio of 40 % and § Sec. 152.45(G)(1) minimum floor area of 750 sq. ft. would be required.
- Vandermause reviewed the conclusions of law:
  - That the Plan Commission has proper jurisdiction to hear this matter.
  - Due notice was properly given to all parties and public of the Public Hearing was duly and properly made.
  - That there is sufficient evidence in the record to conclude that the Project is in compliance with the zoning regulations for the Recreational District including setback requirements, building height requirements, and minimum floor area requirements.
- Vandermause said that under the Determination section of the document is where the Plan Commission will list the conditions put on the project.
- Smith said that he would recommend that there be a condition that requires he application to follow the drainage plan during construction.
- Pitchford said that the property would be required to comply with the tourist rooming house regulation that was approved by the Plan Commission, and Vandermause said that this is correct.
- Vandermause said that the short-term regulation will be approved once the Village Board approves the updated zoning code.
- Vandermause said that she thinks that any short-term rental the is in existence or comes about in the future would be required to comply with the regulation.
- Navis said that there is no grandfathering then in terms of short-term rentals.
- Vandermause said that the short-term rental regulation is just new regulation is not adjusted regulation.
- Navis asked if when the Plan Commission approves a conditional use permit, what can be changed in terms of the plan that the Plan Commission reviews during the initial meeting.

- Vandermause said that as a condition the Plan Commission could require that any changes that are submitted are required to be reviewed and approved by the Plan Commission prior to construction.
- Navis asked if the same goes for changes to the site plan, building plan, and drainage plan, and Vandermause said that the Plan Commission could impose a condition that changes in any regard must be reviewed by the Plan Commission.
- Navis said that typically if the Plan Commission approves a conditional use permit then the applicant could change the plan without the Plan Commission having any recourse.
- Smith said that as long as the applicant still meets the conditions of the conditional use permit then yes they could change the plan.
- Smith said that as an example, one of the things that was included in the conclusions of law is that the project doesn't go over the 40% impervious surface so if the change would put the project over the 40% then this would need to be reviewed.
- Navis asked if this needs to be specifically stated, and Smith said that this is specifically stated in the Findings of Fact document.
- Vandermause said that in the Findings of Fact document it is noted that the project needs to be in compliance with the zoning code but the Plan Commission can be as specific as they want in terms of having changes being reviewed and approved by the Plan Commission.
- Vandermause said that if the Plan Commission is worried about changes to the site plan or drainage plan, she would recommend the Plan Commission make a condition that changes be reviewed and approved by the Plan Commission.
- Pitchford said that Vandermause stated in her testimony that she believes there will be one driveway.
- Vandermause asked Larsen if it is correct that there will be one access to the property.
- Larsen said that he has asked the WisDOT for an additional driveway in the past and they denied his request. So, he can only have one driveway on the property.
- Smith said that as the Plan Commission has dealt with in the past, if things are not specifically stated there can be changes so if the Plan Commission thinks there needs to be a condition in this regard there should be one.
- Smith said that he would error on the side of adding a condition versus not.
- The Plan Commission agreed that there should be a condition that there not be more than one access to the property.
- Pitchford said that maybe down the road if there needs to be another driveway it could be reviewed but at this point, she thinks that based on the size of the property just one driveway should be allowed.
- The Plan Commission said that if there are any changes to the project they should be brought back and reviewed by the Plan Commission.
- Kolb stated that he agrees that there should only be one access to the property.
- Vandermause reviewed the conditions that the Plan Commission considered imposing:
  - That the Applicant shall follow the drainage and grading plan as submitted.
  - That the Applicant shall comply with the short-term rental regulations as ordained by the Village of Egg Harbor.
  - That only one driveway access point be allowed for the property.
  - That any changes to the site plan, building footprint, or drainage and grading plan be reviewed and approved by the Plan Commission.
  - That the Village staff shall prepare and issue a Conditional Use Permit to the Applicant consistent with the Determination herein, which Conditional Use Permit shall be recorded against the Property to protect and preserve the rights and responsibilities identified herein.

**Smith moved to approve the conditional use permit subject to the Findings of Facts and Conclusions of Law document as discussed and prepared by the Plan Commission for the property at 7695 STH 42, second by Navis, motion carried.**

7. **Deliberation and possible action on the conditional use permit application filed by Mike Parent for parcel # 118-0125302641C1 (7713 STH 42)**
  - Smith reviewed the findings of fact:

- That an application for a Conditional Use Permit was filed by the Applicant with the Village on January 22<sup>nd</sup>, 2020 (the “Application”) for that property located at 7713 State Highway 42 Egg Harbor, WI 54209 more particularly described on ATTACHMENT “A” hereto (the “Property”).
- 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 February 7<sup>th</sup>, 2020 and February 14<sup>th</sup>, 2020 as appears on the Affidavit of Publication on file herein.
- That the Property is currently zoned Recreational under and pursuant to § Sec.152.044 of the Village of Egg Harbor Municipal Code.
- That testimony was presented by Mike Parent on behalf of the Applicant that the Applicant proposes to construct two, two-unit multi-family dwellings on the Property (the “Project”), as more particularly identified in the Application on file herein.
- That testimony was presented by Megan Vandermause, Deputy Administrator/Deputy Clerk Treasurer, on behalf of the Village that in order for the Project to obtain Village approval, a Conditional Use Permit under the provisions of § Sec. 152.044(B)(7), et. Sec. of the Code would be required.
- That compliance with the provisions of § Sec. 152.046(A)(1)(b) of the Code regarding REC Recreational district setbacks be required for the proposed Project.
- That compliance with the provisions of § Sec. 152.46(F) Maximum impervious surface ratio of 40 % and § Sec. 152.45(G)(1) minimum floor area of 750 sq. ft. would be required.
- Smith reviewed the conclusions of law:
  - That the Plan Commission has proper jurisdiction to hear this matter.
  - Due notice was properly given to all parties and public of the Public Hearing was duly and properly made.
  - That there is sufficient evidence in the record to conclude that the Project is in compliance with the zoning regulation for the Recreational District including setback requirements, building height requirements, and minimum floor area requirements.
- Smith said that now based on those foregoing findings of fact and conclusions of law the Plan Commission needs to impose any conditions on the project.
- Navis said that she would like the same condition that any changes to the site plan, drainage plan, or building plan be reviewed and approved by the Plan Commission.
- Vandermause asked if the Plan Commission would like to impose any conditions regarding the driveway access on this property.
- Navis said that the driveway access is not changing, and Vandermause confirmed that this is correct.
- Pitchford pointed out that the driveway is on the site plan so the condition regarding changes to the site plan would trigger a review of the driveway being moved.
- Vandermause reviewed the determination section and conditions of the project.
  - That any changes to the site plan, building plan, and drainage plan be reviewed and approved by the Village Plan Commission.
  - That the Village staff shall prepare and issue a Conditional Use Permit to the Applicant consistent with the Determination herein, which Conditional Use Permit shall be recorded against the Property to protect and preserve the rights and responsibilities identified herein.

**Smith moved to approve the conditional use permit subject to the Findings of Fact and Conclusions of Law as reviewed by the Village Plan Commission for the conditional use permit filed by Mike Parent for 7713 STH 42, second by Cashin, motion carried.**

- 8. Review of conditional use permit application paperwork filed by Kimberly Jensen for 4655 CTH E (Parcel # 118-0125302611B) and scheduling of public hearing if necessary**
- Smith asked Jensen to take a moment and explain her project to the Plan Commission,
  - Jensen said that she will be moving on of her existing businesses, Villagios, to the property.
  - Jensen said that she is not planning on changing very much on the property.
  - Jensen said that she is hoping to add a patio to the front of the patio so that there can be indoor and outdoor seating. Jensen said that she would also like to add an indoor/outdoor fireplace.
  - Jensen said that there is space for 100 indoor seats and with the outdoor patio she is hoping to add 25 seats outside.

- Jensen said that the additional parking should be available on street but should parking become an issue for the property, she also owns Village Café just up the street so that parking lot could be used for employees or overflow parking.
- Vandermause reviewed staff's first review of the conditional use permit application.
- Vandermause said that because there is not a lot changing on the property there isn't much to report on.
- Vandermause said that there is one error on her report. She has 23 parking spaces noted but there are actually 27 on site parking spaces.
- Vandermause said that the refuse and recycling area is to remain the same on the site. Jensen confirmed that this is correct.
- Vandermause said that the property is connected to the Village's sanitary sewer system and will be required to have a grease trap.
- The property can be serviced by the Village's fire protection services and already has a fire number.
- There will be no changes to the existing parking lot or access point off of the county road.
- Vandermause said that she did pull an old site plan out of the property's parcel folder. Vandermause said that this wasn't something provided by the applicant but it was pulled because it gave the Plan Commission a more detailed view of the site plan than would be available on the Door County Land Portal.
- Vandermause said that this was provided to the Plan Commission just as a reference.
- Smith asked Jensen what the operational hours will be for the business, and Jensen said that the hours will be from 11:00 a.m. to 9:00 p.m.
- Navis asked if Jensen is planning to add outdoor seating if this should be required to be on the site plan prior to approval so that if there are changes to the site plan it includes the outdoor seating.
- Vandermause said that the outdoor seating can be added to the site plan and reviewed at the next meeting.
- Navis said that this is something that the Plan Commission should have prior to the conditional use permit's hearing.
- Vandermause said that Jensen can update the site plan and Vandermause will include it in the agenda packet so that the Plan Commission can review it prior to the hearing and meeting.
- Smith told Jensen that she should update the site plan to reflect the proposed patio and it should include the number of seats Jensen is proposing.
- Navis said that this is not a change of use but is a change of ownership and asked if it still requires a conditional use permit even though it is not a change of use.
- Vandermause said that currently that is how this is handled but it is something that can be discussed in the future that if the property changes ownership but not use a new conditional use permit is not needed.
- Smith said that a conditional use permit is also required in this case because the property sat unused for more than 12 months.
- Vandermause said that this is correct because the property's current use is technically vacant.
- Smith said that the next regular Plan Commission meeting is scheduled for March 24<sup>th</sup>, 2020 at 12:00 p.m.
- Smith asked if Kolb will be back by that meeting, and Kolb said that he will not be so the meeting will be held at the Kress Pavilion.

**Smith moved to accept the conditional use permit application filed by Kim Jensen for 4655 CTH E and to schedule the public hearing for that matter for March 24<sup>th</sup>, 2020 at 12:00 p.m. at the Donald & Carol Kress Pavilion, second by Cashin, motion carried.**

**9. Initial meeting follow up for special development district application paperwork and conditional use permit application paperwork filed by Michael J. Schwantes (The Residences at Egg Harbor LLC) for 7784 STH 42, public hearing has been scheduled for March 11<sup>th</sup>, 2020 at 12:00 p.m.**

- Smith asked Schwantes or one of his colleagues to walk the Plan Commission through what has changed on the plans from the initial meeting.
- Schwantes said that the project team made some changes to the project based off the constructive criticisms that was received from the Plan Commission at the last meeting.
- Schwantes said that the project team did want to address the Plan Commission's concerns.
- Rick Fisher introduced himself and stated that he attended the first meeting and presented the project to the Plan Commission.
- Fisher shared updated plans with the Plan Commission.

- Fisher said that one of the concerns regarding the original designed was the commercial space on the first floor.
- Fisher said that originally the plan contained a mixed-use floor with some live/work spaces.
- Fisher said that the project team revised the plan so that the entire first floor could either be retail and some additional either residential or retail units but not necessarily a live work unit.
- The project team determined that regardless of the use of those spaces that the parking would remain the same for those spaces.
- The plan now is for the entire front of the building be retail or store front. The units facing either north or south behind the retail spaces would be either additional retail space or residential units.
- No residential units will face the road.
- The project team has gone back and looked at the circulation on the site and revised the lower level parking.
- All of the residential parking is within the building footprint. There will be parking at grade and parking ramp that goes underground in the basement of the building.
- Originally the project team was proposing a one-way driveway with two access points one on one side to go in and another on the other side to go out, and this has been revised so that there is a single double lane access. The one driveway access will be on the farthest south end which moves the driveway as far from the intersection as possible.
- The access points on the property will be limited and reduced from the current three access points to one.
- With reconfiguration of the driveway, the project team was able to gain an additional 10 spaces inside the building.
- Right now the goal was to have the additional 10 spaces inside, originally there was angled parking in front of the building and after review of the proposed STH 42 plan, the angled parking in front of the building has been removed.
- Now the project team is proposing some parallel parking spaces on street which would be achieved by widening the road similar to what exists and what is being proposed in the STH 42 project. Fisher said that McMahon Engineering is the Village's engineer, and the project team's civil engineer reached out to McMahon regarding the on-street parking. McMahon Engineering is not sure if they are in support of the additional parallel parking spaces because of the congestion at the intersection.
- Fisher said that in terms of meeting the parking requirements what the project team would like to do is have the on street parking reviewed by the WisDOT as part of the revised plan, and work with them to see if they would accept these seven spaces.
- Fisher said that if the proposed on-street parking would not be allowed and the project would not be in compliance with the parking requirement, the facility would participate in the Village's fee in lieu of parking program to pay a fee for the deficient amount of parking spaces.
- Smith asked if the on-street parking spaces shown in the plan are in the right of way or on private property.
- Fisher said that he was going to propose putting the parking spaces in the right of way if there is space available.
- Smith said that as the parking spaces fit in the drawing right now if they are beyond the existing right of way lien.
- Fisher said that to fit the spaces in the drawing he moved the property line.
- Smith asked if the spaces were constructed today as is they would be built on private property.
- Fisher said that the Plan Commission challenging the initial design was very helpful because the revised design helps to maintain the character of the street and also puts some green spaces or patio spaces in front of the retail spaces.
- Kolb asked how wide the green space between the sidewalk and the building is, and Fisher said that there is approximately 14 ft. of green space between the sidewalk and the building.
- Kolb said that the parking as proposed shows a tree between spaces and said that he thinks the Village is trying to get away from that.
- Fisher said that he just replicated the street views so these can be removed.
- Heise said that just to be clear on the parking spaces, Fisher said that the parking spaces as presented are on the private property. Fisher said that he prefers to move the property line so that the public sidewalk remains in the public right of way.
- Heise said so as the property lines currently exist without being moved if the proposed parking on private



property or within the public right of way.

- Fisher said that the parking is on top of where the property line is now or where the sidewalk is now.
- Fisher said that shifting the property line would make the parking spaces in the public right of way.
- Smith that the project is increasing parking to 54 parking spaces inside the building from what was shown last meeting.
- Fisher said that the project team is no longer asking for an exception to the parking rules. The team as originally proposed that the parking counts be adjusted but they are not proposing this anymore.
- Kolb asked if visitor parking will be allowed inside the building or will be outside of the building.
- Fisher said that he knows that the site currently has enough spaces for all of the residential units, but the project team has not completely figured out the visitor parking and how the parking will be controlled.
- Fisher said that the project team could leave access to the at grade spaces behind the retail spaces open and then have a controlled access with assigned parking spaces to the residential units.
- Fisher reviewed the first floor, floor plan.
- The first-floor spaces will be flexible and could be used for whatever the owner might want. Public restrooms on included on the first floor.
- The four retail/residential units would be shelled.
- Schwantes said that there was a concern presented at the last meeting that the front spaces be dedicated retail per the condo docs so that these spaces would not become residential down the road. Schwantes said that the project team wants to maintain the feel of the commercial district so that the visitors and locals have a common sense that it is a main street.
- Fisher reviewed the reliefs that the project team is now asking for which includes the footprint being larger than what is allowed and less green space than what is required by the ordinance.
- Now that the parking has been moved inside, all of the pollutants that are coming in from all the vehicles will now be going into the storm sewer. Roof water is considered clean water by the DNR so most of the site once it is reconstructed is going to be clean water.
- The current site as it is configured has no pollutant controls or runoff controls, but the project team will bring that to the entire site.
- What the project team has asked to do as part of the redesign of the site is to have 73% impervious surface instead of 81% that was originally proposed at the first meeting. The current site has 65% impervious surface.
- Navis asked where the gain of pervious surface came from, and Fisher said that the single driveway eliminated the additional impervious surface.
- On the north side of the property there will be a sidewalk and grass but no driveway. There will be an access sidewalk for the exit.
- On the revised plan, the building has been shifted slightly to the road and slightly to the north so that there can be landscaping along the south driveway.
- Cashin asked for clarification on slightly and Fischer said the building was moved three to four feet.
- Cashin said that she likes the building set back.
- Fisher said that with this move the building is more like the current buildings on the site so there will be similar space between the building and the public way.
- Schwantes said that he spoke to the southern neighboring property owner and she is open to some new ideas regarding landscaping on the north side of her property.
- The team will work together with the neighboring property owner through landscaping.
- Fischer said that the project team had originally came and asked for relief for five items and is now asking the Plan Commission for relief from only two items.
- Fisher reviewed that the team is asking for relief from the maximum floor area requirement.
- Navis said that the way the building is being constructed the parking in the basement and the parking on the first floor are part of the square footage calculation.
- The basement and the majority of the first floor is parking and would be considered part of the buildings floor area.
- Navis pointed out that if the parking was outside of the building it wouldn't be counted toward the floor area.
- Navis asked if Fisher is saying the footprint of the building is 19,100 sq. ft., and Fisher said that approximately this is correct, and the project team is looking at ways to reduce this.
- The floor area is calculated by taking 19,000 and multiplying by 4.

- Navis said that if the square footage of the parking is removed from the floor area calculation the floor area isn't as egregious.
- Kolb asked if the 16 spaces of the covered parking would be considered visitor parking. Fisher said that currently the plans contain all the required number of spaces for the residences within the footprint of the building. Fisher asked if Kolb is asking for additional spaces for visitors or is just asking if whatever is available on that level could be used for visitor parking.
- Fisher said that he would think that the basement parking would be restricted, and the street level could be used as overflow.
- Schwantes said that the project team is really concerned with the security issue of the parking lot.
- If there is transient and visitor parking at ground level there still needs to be enough parking control for the residents.
- Kolb asked if the parking at grade would be uncontrolled, and Fisher stated that if this is the case then the parking spaces would not meet the requirements because they need to provide enough parking spaces for the residents.
- Navis said that the parking spaces must be provided they do not necessarily have to be controlled for use by specific users.
- Navis said that if the project has 54 parking spaces and some are controlled and some are uncontrolled the number of spaces being provided still meets the requirement. Navis said that whether the spaces are controlled or uncontrolled does not change the requirement for parking.
- Navis said that some of the residents will need to park in an unrestricted parking lot but nowhere in Door County is there a restricted parking lot.
- Fisher said that he has been proposing restricting the parking lot because of elements of construction the floor of the parking will contain a lot of equipment.
- Access codes could be provided to those needing to use the restricted parking.
- Fisher said that the building is designed to meet the height requirement. Fisher said that the building as proposed includes a roof top patio with an occupant load of 50.
- The project team would like to provide handicap access to the patio, which is not required because the area is less than 3,000 sq. ft.
- The project team thinks it is a poor decision to build this space that is not handicap accessible.
- The project team is proposing a footprint for an elevator, staircase, small lobby. The elevator would provide handicap access to the patio.
- The project team is also proposing that a pathway be created to a second exit. There could potentially be a situation where there is an occupant load of more than 50 on the roof top and if that occurs, there needs to be two exits.
- The project team would like to provide a small access point to create a second exit in case there are more than 50 people on the roof.
- Schwantes said that many people that have taken care of handicap people understand not to have handicap access is not right.
- Schwantes said that the building meets the height requirement, but the elevator shaft does not.
- Schwantes said that because the elevator shaft is set back on the building it will not be seen and asked if Fisher could explain this.
- Fisher said that the project team could build the patio that meets the height requirements without a handicap access and a stairway on the outside.
- Fisher said that what the project team is asking is that the elevator shaft can be built to service the space with handicap access.
- Fisher explained that he has been doing some research and what he has found is that the ordinance can be waived without a variance for handicap accessibility.
- Fisher said that therefore he is proposing minimal construction to meet the handicap accessibility requirements.
- The advantages to this are that with the fire-rated stair enclosure and elevator this also brings better access for the fire department.
- Fisher said that without the height restriction of the zoning ordinance, these things would have absolutely been provided in the original design.
- Nyberg asked about needing a handicap accessible public restroom on the roof, and Fisher said that he would prefer that, but he doesn't know if this would be allowed.

- Fisher said that if an amenity like this could be added that would be great, but he doesn't know what would be allowed.
- Pitchford said that Fisher is saying that nothing else outside of the handicap access elevator and the stairwell would be over the 35 ft. height requirement.
- Fisher said that the solar panels would also exceed the height requirement, and Pitchford asked about the screening fence.
- Fisher said that these items are consider roof top equipment and is not included in the height of the structure.
- Fisher said that the screening fence is included but he wasn't sure if the Plan Commission would like the solar panels screened or not. Fisher said that maybe based on the height issue the Plan Commission would not want them screened.
- Schwantes said that the solar panels will be used for landscaping lighting and the lighting in the public areas.
- Smith asked if the secondary exit is also above the height restriction. Fisher said that this is correct and is an enclosed stairway.
- Fisher said the elevator has clearance requirements, so the shaft has to be taller than the cab. Fisher said that the project team could rearrange the shape of the staircase to make it more appealing, but he was trying to minimize the shape.
- Fisher said that he could have the stairway enclosure have a slopped roof.
- Schwantes said that something that was a major concern of the Village was an architectural style and the project team wanted to design something that fits in with Egg Harbor.
- Schwantes said that the project team wanted to design something that everyone can be proud of in the future.
- Schwantes said that the project team is hoping to reproduce the stone building. The same stone could be incorporated on the new building.
- Navis asked what the material is on the inset decks. The material for the inset decks is smart siding which looks like wood but is recycled material. Smart siding is prefinished and comes with a lengthy guarantee.
- Navis asked for additional material details, and Fisher said that a precut limestone insert will also be used on the building.
- Navis asked what color the brick will be, and Fisher said that the brick color and size has not been determined.
- Pitchford asked if there will be balconies, and Fisher said that each of the units on the face of the building has a balcony.
- Schwantes said that there is an old barn on the property and the project team will be trying to reuse this material as much as possible.
- For the roof top equipment and the potential elevator the project team completed a visibility profile to see what might be seen from where.
- Fischer said that the potential elevator is 50 ft. back from the front of the building so even from across the street of the second-floor level of the neighboring restaurant the elevator shaft would not be visible from the street side.
- The solar panels would be set back so that they are not seen at the street level.
- A proposed construction schedule was presented to the Plan Commission. Demolition would be done in late June.
- Pitchford said that the project team should talk to an insurance company about in the event that the blasting causes any damage to anyone's property that they are covered and talk to them about keeping insurance for a minimum of five years.
- Utschig reviewed the process for earth work. Utschig said that the blasting company is required to have insurance and to take a video of all neighboring properties so that they can be assessed for damage is necessary. Utschig said that the blasting company has do this by law and they notify the police and fire departments.
- Utschig said that he can assure the Plan Commission that the blasting company is very reputable and will take all of the necessary precautions.
- Cashin said that she would like to see a copy of the insurances and the amounts.
- Smith asked if there has been any Geotech work done. There has been a phase two on the property and it averages rock after about 2 ft. so there would need to be blasting.

- Utschig said that a straight line will be added about every foot 15 ft. away from any structure and then the charge will be sent in a straight line. Utschig said that this is a bit more expensive but it is an extra precaution that is being taken.
- In a perfect world the blasting would be done the first week in August for three weeks.
- The drilling will start at 8:00 a.m. and the dust will be contained. Utschig said that the DNR requires the dust to be vacuumed.
- Utschig said that if there would be a condition about blasting on a Friday, he would need to know that.
- Navis said that to her she doesn't think that the project team could drill or blast before November.
- Navis said that she cannot see blasting being done in the middle of the season.
- Takes three weeks to blast.
- Utschig said that the blasting will be started at 8 a.m. and be done at 3:30 p.m.
- Utschig said that he thought that by proposing the building predominately in the winter this would create a perfect situation.
- Utschig asked when the season starts going down and the Plan Commission said that everything slows down in November.
- Navis said that everyone that has a business in the Village of Egg Harbor makes a living May through October.
- Navis said to have this type of disruption right in the middle of the season will really have an impact on businesses.
- Schwantes said that for this project there will be blasting and building so something is going to happen during the season. Schwantes said that the building cannot be built in six months, so he understands what the Plan Commission is saving but there is going to be disruption.
- Navis said that she doesn't really like the reconfigured retail spaces on the first floor. Navis asked how wide the retail spaces are. Fisher said that at this point what the project did team was look at different options for lay out of these spaces so that the team can accommodate the preferred use of the space.
- If someone wanted to rent a different configuration, this can be accommodated.
- A couple conceptual layouts.
- The space can be flexible.
- Spaces would be roughed in but wouldn't be fully constructed until after a sale.
- Navis said that at this point the project team is eliminating the live/work spaces. Navis said that she thinks this is something that the Plan Commission really liked. Fisher said if they build a live work unit it really limits the user.
- Fisher said that these spaces were designed so that no matter the use the parking requirement for the spaces comes out the same.
- If there is residential on the first level, they won't face the street.
- There will be all retail in the front of the spaces. Retail space could take over the entire floor.
- Schwantes said that the group has some inquiries regarding retail spaces already.
- Navis asked if any of the spaces will be leased or if the units will be sold. Schwantes said that the intention is to sell the units but there are investors that buy and lease back all the time.
- Pitchford said that the project team was saying that the number of relief items has been reduced to two. The two relief items are related to the maximum floor area and the impervious surface.
- Pitchford asked about the height issue, and Smith said that the Plan Commission can not issue relief from the height requirement.
- Fisher said that he reviewed some verbiage in the Zoning Board of Appeals handbook that noted that zoning requirements can be waived in terms of accessibility.
- Fisher said that what he is asking for is a waiver of the height based on handicap accessibility.
- Vandermause said that in regard to this, she reached out to Attorney Kalny regarding this ability.
- Vandermause said that based on her brief review of this section it looks like the Village would have to have a section in the zoning code that calls out this ability.
- Vandermause said that she does not believe the Village has this language in the zoning code, so it is something she has asked Attorney Kalny to look into.
- Attorney Kalny will be able to tell the Plan Commission if there is the ability to do this. Either way, it would not be up to the Plan Commission to permit the height, either the Zoning Board of Appeals would have to issue a variance, or the Zoning Administrator would have to waive the zoning requirement.

- Pitchford said that she thinks this is something that still needs to be discussed and asked if this means all kinds of things can be built because of handicap accessibility but do not comply with the zoning code.
- Vandermause said that Attorney Kalny will follow up on this issue for the March 11<sup>th</sup> meeting.
- Vandermause said that as far as she is aware this is not a tool that has ever been used by the Village so we will need look toward Attorney Kalny for guidance.
- Vandermause said that at this point she is not sure if this can even be considered. Attorney Kalny will be in attendance at the March 11<sup>th</sup> meeting.
- The Attorney has all of the information on this. Vandermause said that this looks like a tool that can be utilized in other municipalities, but she is not sure if it can be used in the Village of Egg Harbor.
- Pitchford said that going back to last month, there was something about DNR approval of the storm water management plan.
- Heise said that there will be a storm water management plan for both construction and post construction.
- Heise said that the Plan Commission needs a determination from the DNR that states if an approved plan will be required or not.
- Fisher said that the disturbed area for the site would be less than an acre and would be exempt from the DNR requirement. Heise said that the project team should get a letter from the DNR that states this.
- Fisher said that there could still be review through the Village's consulting engineer.
- Pitchford asked if McMahon has been contacted yet or if they will be.
- Heise said that McMahon has not been contacted yet because the plan keeps evolving so it is tough to get them to look at a plan that is subject to change.
- Pitchford asked if this would be something that would be reviewed prior to the public hearing. Heise said that this is up to the Plan Commission, and Pitchford said that she thinks this is something to be concerned about especially because relief from the impervious surface requirement is being requested.
- Fisher said that the project team will be consulting with their civil engineer there will be a process onsite to control all the water on the site and would be collected to the storm sewer.
- Fisher said that what the project team would hope to come away with is a conditional approval based on approval from staff and from the Village's consulting engineer.
- Fisher said that he would like to have their engineer work with the Village engineer to work on a final design.
- Fisher said that the project team as quite a bit of work to do before they even get to that point.
- Once the project team knows that the project would be viable based on the conditions imposed then they would hire an engineer to come out and do a full topographic survey and survey the storm water and the street.
- Fisher said that this is a pretty substantial commitment.
- Fisher said that the project team is hoping that it would be a condition of the approval that approval be gained by the Village engineer.
- Navis said that she would like clarity on the parallel parking that is being proposed.
- Is the parking as proposed on the Mueller property? Is the parking in the public right away.
- The parking is overlapping the current sidewalk and the location of the sidewalk would remain the same.
- Is the parking far enough back that it could still exist with the new street proposal?
- Fisher explained how he designed the on-street parking based off of the proposed STH 42 plans.
- Smith asked how difficult it would be for McMahon to verify this.
- Heise said that it is a bit unclear to him what the project team is trying to do. Heise said that currently they are proposing parking that is within the right of way so it is not on private property. Heise said that Fisher's solution to this is shifting the property lines around. Heise asked what the objective is regarding the parking is it to get parking on the property and outside of the Village right of way?
- To create parking which would be public parking would need to be reviewed by a different committee because they have been working on the highway project for a number of years.
- Fisher said that he overlaid the highway lay out and added parallel parking spaces and adjusted the public sidewalk.
- Smith said that between now and the next meeting Fisher needs to explain the on-street parking more clearer because right now the Plan Commission is running in circles regarding this issue because it is not being explained properly.
- Utschig asked when the street is proposed to be done, and Heise said that the road will be done in 2023-

2024.

- Utschig said that the street is going to be disruptive for two years and this project is only creating distribution for two to three weeks.
- Kolb asked as far as height goes, he doesn't see an issue with the handicap elevator being taller than 35 ft.
- Kolb said that in one of the pieces of correspondence that the Plan Commission received it was recommended that we as a Village get an architect to review the architecture on the village behalf.
- Cashin said that there is an architect on the committee.
- Navis asked how much time the Plan Commission has between the conditional use hearing and deciding.
- Vandermause said that she doesn't think there is a specific timeline for a decision, it just needs to be reasonable so if the Plan Commission is asking for more information in order to make a better decision it can take as long as necessary.
- Navis said that she also thought that the correspondence that was received regarding having an architect review the project on behalf of the Village to look for anything they the Plan Commission might not have seen.
- Navis said that she thought this was a really good suggestion.
- Navis said that she likes the idea and likes the idea of vertical development. Navis said that she loves that the building is walkable and likes that the parking is enclosed but thinks the project is too big. Navis said that she thinks she would like to see the project go back to the 60% impervious surface ratio.
- Navis said that she has heard from everyone she has talked to that the façade looks like it could be in Chicago and doesn't look like Door County.
- Navis said that she thinks that having an architect give the Plan Commission some suggestions on what could be done to make the building feel more like Door County is a good idea.
- Navis said that everyone that she has talked to thinks the building is too big.
- Navis said that she would like to see an architectural reference to know what this building looks like when people are driving or walking in the Village.
- The Plan Commission agreed that they would like a better idea of what the building is going to look like and a visual that isn't an elevation.
- Navis said that this is a huge project and thinks the Plan Commission needs to slow down and get more information. Navis said that she doesn't like the first-floor plan.
- The length of the front of the building is 165 ft. is the length of the front of the building.
- Ed Fisher said that the retail spaces are narrow but when the design was redone, they tried to avoid the village spaces have no windows.
- Ed Fisher said that it is very hard to get a retail client if there is no place for their customer to park.
- Ed Fisher said that the parking lane is an option that they came up with if the WisDOT allows it.
- Navis said that some of the space on the first-floor parking can be used for customer parking. Required parking is required parking no one regulates who is using it.
- Navis pointed out that that is no place in Door County that has a restricted parking.
- Navis said that she thinks that the first-floor parking should be open public parking.
- Schwantes said that a concern of the developer is having two spaces per residential units.
- The Plan Commission asked for measurements clearly labeled on the site plan.
- Cashin said that she likes most of the idea but wishes it could be down sized.
- Pitchford said that she like the idea of having an architect or planner review the plans to see what the Plan Commission is missing and seeing what Egg Harbor is going to look like.
- Schwantes said that he has seen developments that have done 3D modeling. Schwantes said that maybe some outside visuals could be put together as far as what the building is going to look like from coming down the street.
- Smith said that he thinks a lot of people generally like the concept but there are a lot of details that need to be worked through.
- Smith said that there will be a hearing in two weeks.
- Navis asked if the Plan Commission has as much time as they need to ask for more information on the details.
- Navis said that once the Commission is ready to take action on this project she thinks that there needs to be the same condition that was put on the two conditional use permit applications today that requires any

change to any part of the plan to come before the Plan Commission for review and approval.

- Navis said that to her it seems like these plans are very preliminary.
- Smith said that the plan wouldn't necessarily need to be reviewed if there
- An audience member asked if it is a forgone conclusion that the Plan Commission is going to allow a much larger building than what can go on the property, and Smith said that it is not.
- Smith said that the Plan Commission is open to hearing from the public at the hearing what the community members have to say about this item.
- Vandermause said that there will be two hearings in two weeks. One hearing on the special development district relief application and one on the conditional use.
- Smith said that the special development district relief application is regarding the impervious surface ratio and the maximum floor area.
- Smith said that for the conditional use hearing all testimony should be based on substantial evidence.
- The special development district relief hearing doesn't have the same evidentiary rules that the conditional use permit hearing has.
- Smith said that what most people are going to do is testify under the special development district relief hearing not the conditional use permit hearing.
- Navis said that she would like to know without the parking area what the floor area is.
- Navis said that she would like to know what the floor area is between the living space and the retail space.
- Navis said that how the project looks right now it looks like the building is four times the allowable square footage, but the parking wouldn't be included in the floor area if it wasn't included within the exterior walls of the building.
- Navis said that she would like to see the project behind the 65% impervious surface.
- Navis stated that she is concerned with setting a precedent.
- Pitchford said that she appreciates the changing of the driveway, but she is still concerned with the traffic the project is going to generate.
- Navis said that this isn't much of a concern to her because the gas station creates a lot of traffic.
- Pitchford said that this would be a different type of traffic and this is already a problem area. Pitchford asked if the project is making the traffic situation better or worse.
- Pitchford said that since there is a new use here, she thinks the Plan Commission needs to look at.
- Nyberg said that right now there is a lot of in and out traffic and this would be more residential traffic.
- Navis asked about bike storage. Fisher said that there is ample space in the basement that has storage space.
- Bicycle parking could go in the terrace area.
- Navis said that she feels like with a development of this size with a flat roof, the entire roof should be covered in solar panels.
- Cashin said that she is not sure everyone would want to look at the solar panels.
- If they covered the whole roof with solar panels, they wouldn't be seen anymore than they are being seen now.
- Navis said that she sees this as a huge opportunity to add solar.
- Kolb would like the visual of driving into Egg Harbor seeing the stone Church and then seeing the stone front of this building. Kolb said that he thinks this would help the Plan Commission more with really understating the architecture.

#### **10. Zoning Code revised document from CIVIC4 and possible recommendation to Village Board**

- Sophie Parr with CIVIC4 said that the first document reviews all the changes that have been made to the zoning code document since the last time the Plan Commission reviewed the document.
- Parr reviewed the changes to date that have been made to the zoning code document.
- Parr said that the Plan Commission had talked a little bit about parking for tourist rooming houses.
- Parr said that she pulled some examples of parking requirements for tourist rooming houses from Marquette, Oneida County, and Fontana.
- Parr said that Fontana is the most like Door County. Parr reviewed the parking requirements for the other municipalities.
- Parr said that these were the most relevant examples she could find.
- The Plan Commission agreed that they liked the Fontana example for tourist rooming houses parking

regulation.

- Parr will draft the parking for tourist rooming houses based off the Fontana example.
- Parr reviewed the mixed-use structure parking minimums that she included in the updated zoning code.
- Looks like the standard for other municipal codes is that if there is a mixed use building the required parking is the sum of the parking for each of the uses.
- Smith said that in the current code the parking requirements is the predominant use of the structure.
- Parr said that the standard seems to be the sum of all the parking required parking for all of the uses.
- Parr said that the Plan Commission could make it very simple and just require the sum of all the uses to be the requirement.
- Pitchford said that if right now there is a shop with a residential unit on top if there is parking for the residential use required. Vandermause said that right now the predominant use of the building determines the parking requirement.
- Navis said that she is not sure how she feels about this because this would create a lot of parking requirements.
- Parr said that Door County's code has specific requirement for mixed use structures on a lot. The County requires the aggregate to be provided but on a case by case bases allows relief for mixed use structures based on specific requirements.
- The Plan Commission liked Door County's mixed-use parking requirement for mixed use structures.
- Parr stated that she made a revision to the language for mixed use structures.
- Parr said that in regard to mixed uses she provided some guidance by adding a definition for dwellings that are built within a mixed-use structure must meet the requirements of the ACTP.
- Pitchford asked about the ceiling height minimum, and Parr explained that she put this in there because developers do not always build out the space specifically.
- Pitchford said that she thinks this is too restrictive because there are lot of older buildings that could be converted from a residential space to a commercial space.
- The Plan Commission had a discussion on the requirement for commercial space on the ground floor of the building.
- Navis asked what the intention of this provision is, and Parr said that the purpose is to make sure that the commercial space of a mixed-use building could be leased commercially. Provides people that are looking for the space with enough space to operate the business.
- The Plan Commission agreed that "a" and "b" from this section is too restrictive and should be removed.
- Mixed use structure does have a specific line item in the parking section of the zoning ordinance.
- The only other change since the last meeting is in the employee dwelling section of the ordinance.
- Parr said that she has essentially taken a step back from the detail that was originally provided in previous versions of the updated code. Parr reviewed the revised definition of an employee dwelling.
- An employee dwelling unit must provide access to some sort of kitchen/bathroom facility.
- The Plan Commission wasn't sure about the space requirement under this section. The Plan Commission said that there is a state code that provides regulation regarding sleeping space size. The Plan Commission would like Parr to refer to the statute under this section.
- Increase in the number if the sleeping space is a certain square footage.
- Parr said section "b" defines employee dwelling versus employee dwelling unit.
- The parking requirement for employee dwelling units is one space per two sleeping spaces for employee dwellings.
- A business can own the dwelling, or the owner of the dwelling can contract with a business.
- Parr included language in the code update that notes rental or lease of an employee dwelling shall not be any less than 30 days.
- Smith said that the only change that that needs to be made is the occupancy for the employee dwellings.
- Navis asked about density and asked if there was a way to increase density in the REC district for affordable housing.
- Navis said that she thought this was discussed but didn't see this in the updated code.
- Parr said that densities are defined in the updated code and in the REC District a medium density is allowed as a condition use.
- Navis asked if the residential district would ever be a place for affordable housing.
- Navis asked if there is a way to look at a high density in an area that is more affordable to build.



- Navis said that she does not think that the Plan Commission is looking forward at making it easy for someone that wanted to build affordable housing. Navis said that eight units per acre is not dense.
- Smith said that if the Plan Commission makes this a conditional use it has the lofty goal of being affordable houses but could become tourist rooming houses.
- Smith said that if the Plan Commission could come up with a way to have higher density affordable housing but some sort of covenant that it should not be used for tourist rooming houses.
- Smith said that this will be very hard to regulate.
- Nyberg said that the Plan Commission could look long and far to find somewhere has been able to do this.
- Navis provided a few examples of places that this is happening around the country.
- Heise said that the Door County Economic Development Corporation is working on affordable housing and the Village has looked at provided land for an affordable housing project in the Village.
- Nyberg said that he thinks is a great idea.
- Smith said that the Plan Commission should continue with the zoning update as is and in the future not part of this discussion, make the attainable housing part of the special development district.
- Parr said that the special development district is very walkable to the downtown. The higher density buildings should be walkable downtown.
- Parr said that currently the Village does have significant relief for high densities in the downtown.
- Parr said that she would not recommend making changes to the residential because you want to keep the character of the residential district and you want to preserve single family areas.
- Parr said that her opinion the special development district overlay does cover where the village would want higher density properties.
- Parr said that the problem is not that people do not want to build attainable housing the problem is because that it is expensive.
- Parr said that the current special development district overlay does what the village needs it to do in terms of high density.
- Heise said that he senses that Navis is trying to have something called out that specially encourages attainable housing.
- Navis said that she would just like to see that the zoning ordinance does not make it prohibitive for people who want to construct attainable housing.
- Parr said that this is something that is achieved more so by adopting an affordable housing policy.
- The affordable housing policy would be a separate policy from the zoning code.
- The Village Trustees did make a minor change to the tourist rooming houses regulation. Parr will update the tourist rooming houses section with the change that the Trustees made.
- Parr will make the final updates to the zoning code for one final review by the Plan Commission.
- Smith asked if the Plan Commission wants to see this one more time or have one final review.
- The Plan Commission will vote on the final document at the special meeting in two weeks.
- Parr will highlight all the changes in general for the Plan Commission's final review.
- Parking will be worked on separately including an attainable housing policy.

**11. Correspondence regarding the proposed project for 7784 STH 42 from the following: Paul Brophy, Dave and Sandy Hope, Egg Harbor Historical Society, Frank Guarino, Judy Ortiz, Laurie Farnan, Lynn Backingren, and Niki Kaftab**

- The correspondence received to date regarding the proposed project at 7784 STH 42 was included in the agenda packet.

**12. Building and zoning report**

- The building and zoning report was included in agenda packet.

**13. Code Violations**

**14. Open Session (limited to 10 minutes)**

- Northrop asked how the conditions that were put on the conditional use permits today that required that the changes to site plan and building plan be reviewed and approved by the Plan Commission will be tracked.

- Vandermause said that the building inspector receives copies of the conditional use permits. The building inspector would need to verify that the plans he receives match the plans that were submitted with the conditional use permit.
- Northrop said that for the mixed-use parking discussion and the review of relief on parking for mixed use structure on a case by case would require a lot of work because the use of the spaces could change at any time.
- Northrop said that she understands that the Plan Commission is trying to make something work but she thinks this is also making something that can become easily abused.
- Northrop said she is curious why the Village would pay for an architect to review the proposed condo project plans, and the Plan Commission said that with that suggestion there was also the suggestion that that fee get rolled into the permitting fee for the structure itself.
- Northrop said that when Eames Farm was going to be built, Bob Doneoff, the developer, built a model that was as big as a 6 ft. table and let everyone see what the development would look like.
- Northrop said that Schwantes eluded to the ease of putting together a 3D model and she thinks this would be very beneficial to the Village.
- Kolb said that he thinks this is a good idea.
- Peterson said that she was very concerned with the cavalier brushing over the project team gave the blasting issue.
- Peterson said that she really thinks there should be a study as to what impact the blasting will have on the village.
- Peterson said that neighboring property owners need assurance that their property is insured, and their merchandise is insured.
- The company that is going to do the blasting is the one that is going to have the insurance.
- Peterson said that she thinks there should be a study done to figure out if the downtown can withstand the blasting.
- How deep is the basement with the parking?
- Helm said that not only is there a danger that property is being damaged but there will be a loss of business due to the proposed schedule.
- A lot of people depend on their livelihood during the proposed time period for blasting.
- Peterson said that she thinks the developers need to bring forth some sort of proof that this will not be a danger to the Village of Egg Harbor.
- Helm said that she would like to comment on the green space. Helm said that she owns the neighboring businesses Nature Works and Design Works.
- Helm said that her property has never had water in the basement, Helm said that she is concerned with the storm water and asked if the Village system will be able to handle all the water.
- The Plan Commission said that all of the water flow is self-contained, and all of the water flow will go into the storm sewer.
- Can the storm water handle the additional water?
- The Plan Commission has not received a storm water plan from the project team to date but the storm sewer does handle all the water from the current site.
- Heise reviewed the process for the public hearings for the next meeting on March 11<sup>th</sup>.
- Phillips said that any responsible contractor can provide references from other jobs for blasting on similar sites.
- Phillips said that insurance should be provided for damage to personal properties and business profits. The seasonality is a major concern.
- Phillips said that he is concerned about sewer lines and water lines as well as the DNRs process for removal of the gas tanks and the soil around them.
- The DNR has very stringent guidelines regarding that site and the removal of the gas tanks.
- Nyberg said that he is really questioning the insurance piece and he thinks this is important to get more information on.
- Phillips said that the Plan Commission should get some references on the contractors and can ask for losses filed through their insurance carrier.
- Helm said that the Village is a very different environment and blasting in dirt and blasting in stone is very different.
- Schar asked if the Plan Commission has seen any condo documents. Schar said that she has some

- concerns regarding signage and the units being used as transient rentals.
- The Plan Commission said that the project would be required to meet the requirements of the existing ordinances.
  - There will be short term rentals allowed in the proposed project.
  - Northrop asked about the construction schedule. The Plan Commission said that the proposed project schedule included tearing down the gas station this June and reopening by the following June.
  - Schar said that it seemed like the project team had a really poor attitude to bring regarding the blasting issue and construction schedule.
  - Peterson said that she didn't realize that the proposed project would allow short term rentals.
  - Schar stated that she is not interested in feeding the masses and a development like this is not why she moved to Egg Harbor.
  - Schar said that she thinks there is a breaking point in development and thinks that the village is getting close to it.
  - Thompson said that the Mueller's choose to take this avenue regarding the property.
  - Van Laanen said that regarding the parallel parking in front of the proposed project she cannot see happening at all.
  - The project team should try to negotiate with their neighbors and try to get an egress to Church Street.
  - Peterson said that she thinks there is a semi educated public and asked if there will be something that the residents can look at.
  - Vandermause said that she will have the agenda packet posted online.
  - Vandermause said that if anyone has trouble finding documents to contact her directly or stop by the office.
  - Vandermause said that she is more than willing to help people find the materials they would like to look at in terms of the proposed project.

#### **15. Next Meeting**

The next meeting is March 11<sup>th</sup>, 2020 which is a special meeting and March 24<sup>th</sup>, 2020 is a regular meeting both starting at 12:00 p.m.

#### **16. Adjourn**

Navis moved to adjourn at 3:24 p.m., second by Nyberg, motion carried.