

Village of Egg Harbor
Plan Commission Meeting Minutes
January 28th, 2020 at 12:00 p.m.
Paul J. Bertschinger Community Center
7860 STH 42, Egg Harbor, WI 54209

1. Call Meeting to Order

Smith called the meeting to order at 12:00 p.m. Those in attendance were Joe Smith, Kathy Navis, Emily Pitchford, Jon Kolb, Paula Cashin, Lou Nyberg, Jim Vander Heiden, Ryan Heise, and Megan Vandermause. Also in attendance was Jim Kalny, the Village Attorney. Also in attendance in the audience were Sophie Parr, John Heller, Kaaren Northrop, Chris Roedl, Pat Bohn, Mary Mueller, Bob Wolter, Myles Dannhausen Jr., Geoff Hansen, Mike Schwantes, Ed Fisher, Tom Martin, Mike Parent, Mike Declene, Rick Fisher, Bill White, Marianne Peterson, Jennifer Thompson, Kim Jensen, Peter Gentry, Robert Dickson, and Rick Kohler.

2. Approve agenda

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

3. Pledge of Allegiance

4. Approve minutes of December 19th, 2019

Smith moved to approve the December 19th, 2019 meeting minutes, second by Nyberg, motion carried.

5. Open Session (limited to 10 minutes)

6. Pat Bohn Rezoning petition

- Heise stated that there is an executive summary included in the agenda packet which lays out the process of the rezoning petition.
- Heise reviewed the process as outlined in the executive summary.
- Heise said that eventually the Village Board will expect to have a recommendation back from the Plan Commission regarding the rezone.
- After the Plan Commission makes a recommendation, the recommendation will go to the Village Board and there will be a class 2 notice published.
- Heise stated that the Plan Commission is considering a rezone of the Church Street corridor that is adjacent to STH 42 on the North end of the Village. This area is currently zoned Recreational but could potentially be rezoned to commercial.
- Smith said that this is essentially what the Plan Commission has been discussing the past few meetings.
- Heise stated that this is correct.
- Pitchford said that as she understands, this has been discussed by the Village Trustees.
- Smith said that this item was briefly discussed by the Village Board and the Village Board did not have any opposition to the area becoming commercially zoned.
- Attorney Kalny stated that some of the considerations that the Plan Commission should have are already been taken into consideration.
- Attorney Kalny said that property owners do have the right to remainderance which could require an extraordinary vote by the Village Board in order to change the zoning of the proposed area.
- Navis said that her question would be since the Village is already looking at rezoning this area as commercial, if there would be a reason why the Plan Commission should rezone this single parcel and then rezone the entire area versus just rezoning the entire area as proposed.
- Smith said that he would recommend to the Village Board that the revised zoning map be approved therefore rezoning the entire area as commercial.
- Pitchford asked if there would still be a public hearing if this was done, and Attorney Kalny stated that a public hearing will be required either way.

Smith moved that the Plan Commission recommend to the Village Board the revised zoning map as presented by CIVIC4 be approved, second by Pitchford, motion carried. Navis abstained.

7. Review of conditional use permit application paperwork filed by Paul & Mert Larsen for 7695 STH 42 and scheduling of public hearing if necessary

- Vandermause stated that she put together a report of staff's first review of the conditional use permit filled by Paul and Mert Larsen for 7695 STH 42.
- The conditional use permit is required by section § 15.021 Use Requirements, (C) Conditional Uses, (4) More than one principal structure per parcel.
- Vandermause said that staff completed a first review of the conditional use permit application by reviewing the submitted application documents against the factors deemed reasonable for consideration as outlined in the zoning ordinance.
- Vandermause said that the Plan Commissioners should provide any comments on additional information that stood out to them or information that they would like the applicant to follow up on.
- Pitchford stated that she sees an issue with water and drainage because she doesn't feel like the information provided addresses the water drainage issue and there has been issues related to drainage in this area in the past.
- Pitchford said that she thinks that a professional would need to look at this and see if there is an issue and if/how it needs to be addressed.
- The Plan Commission would like a drainage plan submitted by the applicant prior to the public hearing as well as clarification on well location prior to next meeting.
- Staff will follow up with the applicant on these items.
- Navis asked if the structure will be built as a single family home and Vandermause stated that the building will be constructed that way but likely will be used as a short term rental or tourist rooming house.
- Smith said that the next meeting is tentatively scheduled for February 25th, 2020 and the public hearing for this conditional use permit application could be held prior to the start of the regular meeting.

Smith moved that a public hearing be scheduled for the conditional use permit application filed by Paul & Mert Larsen for 7695 STH 42 at 12:00 p.m. on February 25th, 2020, second by Navis, motion carried.

8. Review of conditional use permit application paperwork filed by Mike Parent for parcel # 118-0125302641C1 (7713 STH 42) and scheduling of public hearing if necessary

- Smith stated that this is a conditional use permit related to a project that the Village has reviewed a few times.
- Vandermause walked through staff report regarding the conditional use permit.
- Vandermause stated that the conditional use permit is required per section § 152.044 Recreational District, (B) conditional uses, (7) Multi-family dwellings not to exceed four dwelling units per acre.
- Vandermause said that staff completed a first review of the conditional use permit application by reviewing the submitted application documents against the factors deemed reasonable for consideration as outlined in the zoning ordinance.
- Vandermause said that the Plan Commissioners should provide any comments on additional information that stood out to them or information that they would like the applicant to follow up on.
- Navis stated that she has the same question that is listed under item j which is if the building will be used for year round housing, and Mike Parent confirmed this correct.
- Parent reviewed that the setbacks and the floor plan of the north building will be a bit different than what was proposed with the properties original conditional use permit.
- The elevation of the finished floor will also be a bit different than the original site plan.
- Parent said that the landscape plan and drainage plan will remain the same from the original conditional use permit. There might be a bit more landscaping added between the two back buildings.

- Vandermause that the setbacks as noted on the site plan do meet the current zoning setback requirements for the recreational district.
- Navis asked why the finished floor will be a foot higher, and Parent said that this is really just because of the design.
- Parent said that this is not related to the drainage.

Smith moved to schedule a public hearing for the conditional use permit filed by Mike Parent for 12:00 p.m. on February 25th, 2020, second by Cashin, motion carried.

9. Review of special development district application paperwork filed by Michael J. Schwantes (The Residences at Egg Harbor LLC) for 7784 STH 42 and scheduling of public hearing if necessary

- Vandermause stated that the item #9 and item #10 are related to the same project. The project will require both special development district relief as well as a conditional use permit.
- Vandermause reviewed the executive summary that was included in the agenda packet for the special development district relief.
- Vandermause stated that the items the project group are seeking special development district relief from are outlined in the letter provided by Fisher & Associates as well as outlined on page C1.1 on the plan set included in the agenda packet.
- Vandermause said that also included in the agenda packet is the section of the village zoning ordinance that reviews what the Plan Commission should consider when reviewing a special development district project.
- Vandermause stated that the applicant requested clarification on the Village's definition of building height. Vandermause said that the definition has been included in the executive summary that is included in the agenda packet.
- Vandermause stated that the building height definition does not address "roof top structures". Vandermause said that the Village code does not address roof top structures so the Wisconsin State building code requirements would need to be followed regarding roof top structures.
- Schwantes said that he and his team have been working on a project at the property listed above for quite some time.
- Schwantes said that the team has worked really hard on the design of the building to help it fit in the Village.
- Schwantes said that there is a live loft concept.
- Schwantes said that another challenge that the team has worked through was parking and the team looked at some ideas about buying some surface property from neighboring properties however, this concept did not work out.
- There will be gated parking and underground parking at the development.
- Schwantes said that there is interest in the condominium already.
- Schwantes said that the team tried to work with the Village to make the building as green as possible. There will be a solar array on the roof of the building.
- Schwantes said that when there is a development of this type, the size of the building and access to the building is very important.
- Schwantes said that with the access set up as a one way access to the development it is really reducing the congestion to the site.
- Right now as a gas station/convenience store there is a lot of traffic in and out from those visiting the gas station and convenience store. The new development would not create as much in and out traffic.
- The team is proposing a one way system for the driveway system.
- Rick Fisher with Fisher & Associates reviewed the items the project group is seeking relief from which includes, the building footprint related to the maximum allowed floor area, the impervious surface ratio, parking related to setbacks and the need for two parking spaces per active residential unit, landscaping requirement along a fence, and clarification on the building height.
- Fisher stated that regarding the impervious surface ratio the current site exceeds the Village's maximum impervious surface ratio as the current ratio is 65% and the proposed project includes an

impervious surface ratio of 81.3%.

- There will be 10 spaces in front of the building and all the other parking for the residents is secured within the building footprint.
- The current site does not have pollutant controls for the vehicles. The proposed site will have better storm water management and storm water quality due to treatment.
- Fisher said that the group is working with a civil engineer to work through storm water discharge.
- The majority of the proposed impervious surface ratio is roof.
- Rick Fisher stated that the team is requesting some relief on the off-street parking requirement.
- Rick Fisher stated that a proposed the resident parking is just under two spaces per unit.
- Fisher said that the project group is seeking relief from this provision to reduce the number of parking so that there is compliance within the site. Fisher said that it is understood that street parking is already at a premier use and the project team does not find it necessary to rely on the ability to count on street parking.
- The development will have some primary year round residents but it is likely that the parking facilities will not be 100% parked all the time.
- The project team is also seeking relief from the landscaping requirement alongside fences. The paving along the side of the site meets the setback requirements, but the project team is proposing a fence to screen the driveway from the neighbor property therefore they are seeking relief from the landscaping along fencing.
- All of the building meets the 35 ft. height restriction except for the handicap access elevator and fire rate stairway to the roof.
- The structure for the stairway and the elevator would be above the 35 ft.
- Rick Fisher explained that since the area is non-habitable space, the team was not sure how this fit in with the building height requirement.
- Clearance above the floor would be an additional 14 ft. for the elevator shaft.
- The elevator would provide handicap access to the roof.
- Knowing that the height is a concern, the appendage that is taller than 35 ft. is as far back as possible.
- Cashin asked about the underground parking. Fisher said that there will be underground parking and at grade parking.
- Cashin asked if the area will need to be blasted, and Fisher stated that the blasting would need to be explored but there would need to be an excavation specialist consulted with regarding the earthwork.
- Kolb asked about visitor parking, and Fisher said that there are almost two spaces per unit and visitors could park in the gated parking area.
- Smith asked if the first floor covered parking is secured, and Fisher said that the team is working on this but right now all of the parking behind the building is secured.
- Fisher said that the other thing that the team is trying to make sure of is that there is a way to easily get through the parking area if someone pulls in by mistake or make it obvious at the street level that the area is private parking.
- Vander Heiden stated that it looks like on the first floor that there are five retail units.
- Diagonal parking in the front would need to be explored from a safety perspective.
- Navis said that she thinks that the parking in the front is a problem because of backing on to the highway and backing across the sidewalk.
- Navis said that she would suggest eliminating the 10 spots in front and making the ground level accessible.
- Kolb said that he is concerned about parking because if he would have a unit there with his wife and they each have a car and then a group comes to visit there would not be any parking.
- The current code includes counting on street parking which would bring the project into compliance; the project team understanding that on street parking is premier parking is trying not to have to rely on the parking available on street.
- Smith said that he sees Kolb's concern coming in as all the units being owner occupied and the intent is that not the entire building will owner occupied all of the time.
- Kolb said that he would need to see something that would accommodate visitor parking.

- There will be 58 spaces provided on site total.
- The project team didn't account for on street parking as part of the approval.
- Vander Heiden stated that parking is an issue that is top of mind for everyone right now but as the Plan Commission is talking about housing in the central business district there are certain considerations that should be given because you want people to live downtown.
- Fisher said that keeping spaces within the building footprint was important to the team.
- Vander Heiden said that he would raise the same concern regarding the parking in front.
- Fisher said that the team was trying to follow the direction they were given to try and match the existing building elevations.
- Pitchford asked what the anticipated sale price will be per unit, and Schwantes said that the numbers are not formalized as the project has not gone out to bid yet, but the price could range depending on the size of the unit from \$200,000 to \$700,000 - \$800,000.
- Schwantes said that there will be an art piece incorporated in corner of the lot as a representation of Egg Harbor.
- Heise said that some general guidance that staff gave the team was to look toward attainable housing and that was the idea behind the one bedroom units although \$200,000 would not qualify as attainable housing.
- Nyberg asked for a better idea of the height issue regarding the overall height of the building.
- Schwantes said that the issue of the height is regarding the roof top access issue which came up handicap access to the roof top patio. Schwantes said he personally had a family member that was handicap and this was something that important to him to have addressed.
- Fisher explained that when the roof top patio was designed, it was designed with the bare minimum footprint that would not require the roof top to be completely ADA compliant. However, the project team would like to provide a handicap access to the patio if possible.
- Wolter stated that because the elevator will be at the back of the building it would not be seen from the road.
- Smith said that the Plan Commission cannot issue a variance and this item would need to be addressed by the Zoning Board of Appeals. If there would need to be a variance application filed, there would be some factors that would need to be looked into to establish a necessary hardship.
- Smith stated that the Special Development District section of the zoning ordinance does not allow the Plan Commission to deviate from height and what the process would be to have this addressed.
- Attorney Kalny said that as a condition the Plan Commission could direct the applicant to apply for and receive a variance from the Zoning Board of Appeals before allowing the additional height.
- Fisher said that when the roof top accesses were designed, they were designed so that the fire department and their equipment can easily access the area.
- Kolb asked if the fire department has ladders high enough for a three story building, and Smith said that he asked the fire department this question and they do.
- Cashin asked if the rooftop bar noted on the plans would be a business, and Fisher said that this space would be exclusive to the residents so no business would be conducted on the roof.
- Fisher said that this area will be common space for all the residents.
- The project includes a roof top solar farm and the project team is hoping to run exterior lights with the solar power.
- Navis asked if the team would consider putting more solar on the roof since it is such a large space.
- Ed Fisher said that the team would love to add on additional solar panels however there is technology that is always evolving.
- The solar panels will stick up above the building but it is likely they will not be seen.
- Ed Fisher stated that the project team has thought about adding more solar as the technology gets better.
- Smith said that the floor area allowed by the village code is 18,000 sq. ft. and this project has a total floor area of approximately is 76,000 sq. ft. including the parking area.
- Each floor has a floor area of approximately 19,000 sq. ft.
- Smith said that this is something that took him off guard but he is not necessarily opposed to it because he thinks this is a good fit for the site. Smith stated that this is something he wanted to point

out to the Plan Commissioners just to make sure everyone was aware of the total floor area.

- The total floor area is the sum of all of the floors. A lot of the floor area goes to addressing the parking.
- Smith said that he does not have a problem the request for relief from this provision based on the way it is designed but this is something that he thinks will be a concern.
- Navis asked what the floor area is of Shipwrecked and Smith said that it is roughly 15,000 sq. ft.
- Kolb said that with the proposed project the building will be set back from the roadway.
- Kolb asked if there is a concern with bedrooms not having a window and just having one exit, and Rick Fisher stated that because the building has a fully sprinkled system and is fire rated there is an exception in the state building code for the windows.
- Heise said that one other item for the consideration that he would recommend to the Plan Commission is to require the applicant to look into having some sort of covenant for the property that requires there to be businesses on the bottom floor for continuity of the downtown businesses.
- There are three live work units on the first floor and two full retail spaces. Heise stated that he is suggesting the covenant so that the work spaces stay in tack.
- Schwantes said that just so the Commission knows there are some retail owners that are interested in the space.
- Navis asked what the ceiling heights are on each floor not including the parking. Fisher explained that right now the ceiling heights are 9 ft. but the team is looking to add some interior ceiling features. 9 ft. or above in some units.
- Fisher stated that he thinks that the live work units really provide something unique.
- Fisher asked if the Plan Commission is discussing the spaces being commercial in nature or strictly retail, and Navis said that she would like to see the spaces stay retail.
- Kolb said that he could see these spaces as potentially being a professional office.
- Schwantes said that the two people interested right now are interested in the units that are strictly retail units.
- Navis said that one thing that is occurring to her is that one of the units on the third floor could be used as the roof top patio and then there would be no need for the additional height.
- Fisher stated that the team is seeing the access to the roof top patio as a utility access and not as building height.
- Fisher stated that the project team was not sure if area that is not a livable space is under the same regulation.
- Navis said that she likes the idea, the underground parking, and the façade but her personal view is that the parking in front is dangerous and ugly.
- Navis would suggest pulling the building forward and increasing the first floor parking so that some of it can be public parking.
- Navis said that backing out of angled parking across the highway is very dangerous.
- Ed Fisher said that the team is hoping to move forward to the public hearing but the team is trying to accommodate as much parking as possible.
- Ed Fisher said that the angled parking only stops one lane of traffic.
- Ed Fisher said that pulling the building forward might only had four or five spaces. A 10 ft. wide sidewalk is being proposed in front of the building so that people can gather in front of the building. Pulling the building forward would not gain a lot of space.
- Navis asked if the team has reviewed the proposed highway project and the team stated that they have not.
- The Plan Commission is considered about parking for all of the uses of the building.
- Heise stated that there is a lot of parking discussion that is going on and the ask by the Village to the project team would be accommodating the parking based on the proposed parking changes.
- Fisher said that the path that the team was on was approving the parking without counting on street parking.
- Fisher said that people that are going to buy these units are also concerned about security and will be concerned about who has access to the building.
- Schwantes said that the security issue on the sale of the units needs to be taken into consideration

while still looking at the retail side of it.

- Smith said that to reiterate Vander Heiden's point about supporting development in the down town district the overall arching theme in some of the information the Plan Commission has reviewed in the past related to parking requirements was to get rid of parking minimums from downtown. Smith said that by having so much enclosed parking the storm water will also be managed.
- Vander Heiden pointed out that on the first floor about three quarters of the street façade is retail and the other quarter is living.
- Vander Heiden said that he thinks it would be great if all of the first floor units were retail instead of live work.
- Vander Heiden said that he thinks that the Commission should discuss if they want retail on the entire first floor.
- Schwantes said that the project would be very sensitive to the retail use so he doesn't think a restaurant use would fit in with the residential aspect of the project.
- Kolb said that the Plan Commission is the architectural review committee and asked if the three story building is the direction that the Plan Commission wants to go in.
- Smith stated that he thinks that the three story building does fit with the central district of downtown.
- Smith said that he thinks the center of Village is a good space for this type of development.
- Cashin said that the three stories don't bother her because the building is set back.
- Smith asked if the Plan Commission would like the first floor to be all retail or if they like the idea of the live work units.
- Navis said that she would like to see the live work units be retail and maybe there could be flexibility in if there is an interest in the unit being all retail, then the space could be built as retail.
- The 500 sq. ft. retail space in the live work unit could be used as a gallery or other smaller shop.
- Navis said that she wants the section be retail and not become living space.
- Heise said that this could be an agreement that the developer has with the Village.
- The parking along the front needs to be changed do to safety concerns.
- Kolb stated that maybe the project team could keep angled parking but move the sidewalk toward the building. Heise said that the sidewalk cannot be moved as the sidewalk lies within the public right of way.
- Heise stated that he would not see the Village changing the scope of the road project to accommodate the project.
- Heise said that the Village is going through a long process to clean up the safety in the Village and he agrees that the angled parking is a safety concern.
- Danhaussen said that the Plan Commission should check with the WisDOT to see if they would even allow this type of parking.
- Kolb asked about the Double Delites property being acquired and suggest this be done in conjunction with this project.
- The Plan Commission discussed the composition of the first floor. Cashin said that she likes the idea of the retail space but only if it stays retail space and does not become living space.
- Vander Heiden said that the traditional prototype for this type of live work space would be live work space that is above and below each other versus side by side.
- The Plan Commission discussed possibly having the live work units set up as living space in back and retail space in front instead of side by side.
- The applicant will review the parking in front of the building.
- Ed Fisher said that the mix of live work space is a nice mix because if a retail space is empty the space doesn't appear to be completely empty since someone is also living there.
- Heise asked for clarification on the water storage tank for the sprinkler system, and Rick Fisher stated that the location is still being worked out but will be near the ramp for the basement or under the basement floor.
- Kolb stated that he has a small problem with the fact that the public hearing will be happening in February when there isn't a lot of people here.
- Smith said that most of the year round residents that live and work here do their business in the off season when they have the time to put projects together. Smith stated that those communities'

members that choose to leave for the winter are making the choice to leave while the Village still needs to conduct business.

- Navis asked if there is a hopeful construction schedule. The project team said that once the project is approved the marketing of the project will be increased and the project team is hoping to start construction as soon as all approves from appropriate entities can be achieved.
- Smith said that thinking about the process if there is a public hearing and the project team decides to change the plans would the Plan Commission then need to have another public hearing.
- Attorney Kalny stated that if there is a substantial change to the conditional use conditions then there should be an additional public hearing.
- The project team reviewed that they need to follow up with maintaining retail on the first floor, knowledge of rotary construction, and parking in the front.
- The project team would like to present more information to the Plan Commission within the next two weeks after they have had time to review and rework the plans.
- Fisher said that they can accelerate the design schedule.
- Navis asked if the Plan Commission can add a condition as to when this construction begins.
- Attorney Kalny stated that conditional uses go to the use of the property and determining the construction schedule would be a condition that is not in relation to the use of the building.
- Rick Fisher explained that the project team reviewed a number of design options to bring the building into the middle of the site so that there is the ability to construct without affecting the highway flow and neighboring property. With the building set back it would allow the construction to be done without having to interfere with the highway.
- Rick Fisher stated that possibly a sort of turn off lane with parallel parking in it could be added in front of the building instead of the angled parking.
- Smith asked Attorney Kalny if it would be acceptable for the Plan Commission to review the revised plans prior to the public hearing.
- The Plan Commission discussed holding a special meeting to review the revised plan.
- The Plan Commission discussed looking at the revised plan at the next meeting and then scheduling the public hearing.
- Heise reviewed a summary of the possible conditions the Plan Commission could impose based on the discussion so far which included parking coordination with the WisDOT for parking in front of the building, retail space set up either front and back style or side by side style, and no business operation shall take place in the roof top patio space.
- Heise stated that the project team should clarify the visitor parking issue.
- The project team should also clarify the water tank location, the excavation technique and plan for earthwork, clarification on WI State building code for roof top structure definition, construction timeline and need for any STH 42 lane closure and related information from the WisDOT, and DNR coordination regarding the storm water management plan.
- The Plan Commission discussed the storm water system and Rick Fisher explained that all of the storm water system would be internal.
- The same system would be able to meter the flow. There is no flow control on the site currently. All of the water goes on to the street currently.
- Heise stated that he believes based on the size of the parcel, review from the DNR would be needed to the storm water management plan. Rick Fisher said that even if this wasn't the case the DNR standards would be followed.
- Attorney Kalny stated that any concerns brought up as part of the conditional approval should be reviewed to determine that these factors really impact the use as part of the conditional use. Imposed conditions should be in place and satisfied prior to the issuance of the conditional use.
- Schwantes said that one thing that the team is concerned about is the family having some definitive direction in their lives after recent events within the family.

Smith moved to schedule public hearings for the Special Development district application filed for 7784 STH and the conditional use permit application filed for 7784 STH 42 on March 11th, 2020 at 12:00 p.m., second by Nyberg, motion carried.

10. Review of conditional use permit application filed by Michael Schwantes for 7784 STH 42 and scheduling of public hearing if necessary

- This item was discussed in conjunction with item 9 as the same project is referenced for both the special development district and conditional use permit applications.

11. Zoning Code revised document from CIVIC4 and possible recommendation to Village Board

- Parr stated that she is going to review the changes to the zoning code document that were made after the review at last month's Plan Commission meeting.
- Parr reviewed the changes to the proposed zoning code document as outlined in the summary.
- The Plan Commission had a discussion on the Location of Structures section of the special development district relief section of the code.
- Navis asked about the density in relation to the special development district and there was discussion about adding density as a relief item.
- Vandermause asked if the density would exist in both the conditional use section and the special development district relief.
- The Plan Commission agreed that density should not be included in something that cannot be deviated from.
- Parr pointed out that there was a typo in the impervious surface area table and that the impervious surface ratio for the commercial district should be 60% instead of 28% as noted.
- The Plan Commission discussed impervious surface ratios and if the low impervious surface ratio is still appropriate for today or if an increased ratio would be acceptable.
- Pitchford asked if Parr has any knowledge regarding other impervious surface ratios in other municipalities.
- Parr stated that this is something that she could look into but she does know that this is not something that all municipalities choose to regulate.
- Smith suggested that the Plan Commission come back to the impervious surface issue at the April meeting.
- The Plan Commission discussed the proposed parking regulation for designated employee dwelling and agreed that the definition needs to be modified.
- The Plan Commission also discussed the proposed parking regulation for tourist rooming houses. As proposed tourist rooming houses was added to the same category as hotels and motels.
- Kolb stated that he thinks tourist rooming houses should be in a separate category and there should be parking spaces required per the number of bedrooms due to multiple people or families sharing one short term rental and having multiple cars.
- The Plan Commission had a discussion that even a single family home household could have multiple cars.
- Heise asked about the parking regulation regarding the fact that a home could be built as a single family home and used as a single family home part of the year and short term rental the rest of the year.
- The Plan Commission discussed the proposed parking regulation for mixed use structures. As proposed spaces required would be determined either per the commercial use or dwelling units whichever is greater.
- The current code requires that the primary use of the property determines the parking requirement.
- The Plan Commission discussed that if there is a residential use if there should sort of parking requirement that has parking that would be reserved for residents.
- The Plan Commission was interested in parking regulation that would be accommodating all uses be included in the parking calculation.
- Smith stated that he likes what Parr has proposed but there could be some more research done regarding mixed use structures.
- Vandermause suggested that the Plan Commission discuss the parking regulation as its own item.
- Parr stated that she added a section to the proposed document that addresses mixed use structures. Parr stated that this section likely needs to be discussed. Parr reviewed the section as drafted.

- Navis asked about the example provided and Parr stated that the general concept is a mixed use between residential and commercial.
- The Plan Commission discussed if there would be a way to calculate density based on this definition.
- The Plan Commission thought that more research is needed regarding the mixed use structures.
- Parr discussed her basis for adding the mixed use structure section of the zoning code.
- Parr reviewed the designated employee dwelling section that was added to the proposed zoning code.
- Pitchford said that in certain situations there is not cooking facilities in all of the buildings.
- The Plan Commission discussed that this section might be too restrictive.
- The Plan Commission agreed with the square footage requirements or number of people per bedroom regulation.
- Smith asked if the Plan Commission thinks that the Village wants more facilities in the Village that do not include cooking facilities in all of the units instead of in a common area.
- The proposed regulation that any new “employee dwelling use” must provide kitchen facilities for each unit.
- Parr stated that she looked at the requirements for employee dwelling units that were required for grants to determine what information might be needed.
- The Plan Commission reviewed the proposed density determination language.

12. Tourist Rooming Houses (Short Term Rental) regulation recommendation to Village Board

- Vandermause stated that the provision language is the same as what has been discussed by the Plan Commission at previous meetings.
- Vandermause said that the recommended action is to recommend to the Trustees that the regulation be incorporated into the zoning code.
- Smith said that the sticking point for the Trustees is the trash container issue.
- Kolb said that he thinks that this regulation is gentler than requiring screening.
- Vandermause said that something that was discussed last meeting but was not decided on was the review of a short term rental business license after three violations.
- Vandermause said that she did not make the change to include this in the regulation as it was not voted on.
- Vandermause asked Attorney Kalny if this regulation would be appropriate because even though the Village requires a business license the State of Wisconsin gives property owners the right to rent their home.
- Attorney Kalny said that this type of regulation is not common in other municipal regulation regarding short term rentals and that the violations triggering a review of the business license is likely asking to be a test case.
- The Plan Commission agreed to leave the regulation as is.

Navis moved that the Tourist Rooming Houses (Short Term Rental) regulation be incorporated in the village zoning code, second by Cashin, motion carried. Pitchford abstained.

13. Fee in lieu of parking determination

- Vandermause stated that the Plan Commission has been having discussions regarding the parking regulation and the fee in lieu of parking over the past few months.
- Vandermause said that at the last month’s Plan Commission meeting there was a discussion regarding the fee in lieu of parking and setting the fee in the amount of \$200 per space.
- Vandermause said that staff concluded that \$200 per space per year is justified by reviewing the cost to build and maintain one parking space over the span of 20 years which amounts to approximately \$4,000.
- Smith asked if the Plan Commissioners all received a forwarded email from Kim Jensen who thought that \$200 per space was too high.
- Jensen said that she sent this information because she feels like there should be a way that the businesses and the Village can work together to get everyone back to square one because the parking problem was created years ago.

- Jensen said that through conversations she had with Village staff she understands that existing businesses would not be subject to any ordinance changes.
- Heise said that today's discussion should really be based on establishing the fee in lieu of parking amount and then the Plan Commission can dive into deeper discussion regarding other aspects of the parking regulation
- Northrop said that Jensen's determination is entirely different than what the Plan Commission has been talking about because she is talking about all businesses that are short right now contributing to a parking fund.
- Gentry stated that improving the value of the property increases the amount of the money available to the Village through taxes.
- Jensen said that the Village has a unique situation and that other municipalities don't have.
- Jensen said that the parking issues have been happening for 20 years and she doesn't think that anyone is thinking about the future. Jensen said that she thinks that the fee in lieu of parking fee is just part of the discussion that needs to be had.
- The Plan Commission said that they will be reviewing the rest of the parking ordinance beyond the fee in lieu of parking.
- Northrop said that even after these comments there are still two separate things being discussed, one being a fee in lieu of parking fee for new business and the other being existing businesses choosing to participate in a parking fund.
- Northrop said that fee in lieu of parking is its own animal.
- Smith asked what the Plan Commission thinks about the fee amount.
- Navis said that she thinks that \$100 per space is fair.
- Vandermause stated that as President Heller and staff did some research they found that Sister Bay does have a fee in lieu of parking fee which is set at a onetime fee of \$3,000 per space.
- Vander Heiden said that there seems some rational behind the \$200 fee.

Vander Heiden moved to recommend to the Village Board that a fee in lieu of parking be established in the amount of \$200 per space per year and direct staff to reflect other parking regulation changes as requested by the Plan Commission, second by Kolb, the Plan Commission discussed:

- Kolb asked about establishing a trust for the fee in lieu of parking fees.
- Heise said that how the fees are used is still a discussion to be had but the idea is to use the revenue generated from fees to help mitigate parking either by building new parking areas or running a trolley or shuttle on busy weekends.

The Plan Commission voted, motion carried.

14. Property acquisition CTH G

- Heise reviewed the executive summary included in the agenda packet for the item.
- Heise stated that as part of the CTH G project the Village is looking at acquiring some property.
- Heise reviewed the property that needs to be acquired as part of the CTH G project.
- Kolb asked if there is a total price for the property. Heise said that as part of the process there are offers and negotiates regarding price for each section of property.
- There is a vendor that helps the Village with acquisitions and negotiations.
- Smith said that something that he would like to note is that the parking on side of the Shipwrecked building will be removed as part of the property acquisition.
- Kolb asked how many properties are affected and Heise stated there are twelve properties but a few of them are Village property.
- Heise stated that the Plan Commission is reviewing the plat map to make a recommendation to the Village Board.
- The Plan Commission doesn't have to take any action on the plat map, but the Plan Commission just needs to review it.
- Attorney Kalny stated that some municipalities don't bring these to the Plan Commission.

- Attorney Kalny said that the Plan Commission can push their comments on to the Village Board but the Village Board does not have to do anything with them.
- Kolb asked about moving the crosswalk back so a car can be in queue, and Heise said that this was discussed and it was decided that for safety reasons the crosswalk location is to remain as is.
- Heise stated that the WisDOT has reviewed the crosswalk location and this is an approved location for the crosswalk based on safety. Heise said that this intersection does warrant a stop light but this is not being pursued and the crosswalk location as presented is an alternative option.

Kolb moved to approve the plat map which reflects the property acquisitions required to proceed with the CTH G improvements project, second by Cashin, motion carried.

15. Building and zoning report

- The building and zoning report was presented to the Village Plan Commission.

16. Code Violations

- Vandermause reported that there was some follow up with different properties to make sure that permits were filed.

17. Open Session (limited to 10 minutes)

- Hansen recommended having an electronic copy of the packet available during the meeting so that the audience knows what the Plan Commission is reviewing.
- Kolb said that there was an article in the Door County Advocate regarding a path that would run from the Village Beach to Door County Murphy Park.
- Heise stated that the path project is right now just an idea that is started to be worked on. There has been no design done on the trail to date.
- Northrop asked why Plan Commission meetings aren't held at the Kress.
- Northrop said that she thinks having the meeting at the Kress would be ideal because it has the equipment.
- Smith said that the Plan Commission meets at the Bertschinger Center as this is where the government offices are located. Smith said that he saw people going into the Village office during the meeting to receive different documents and this could not be done if the meeting was held at the Kress.
- Kolb made a special request that the next two meetings be held at the Kress because he needs to call in to the meetings as he will be out of town.
- Kolb said this includes any additional meetings that may be scheduled outside of this meeting.
- Smith said that he plans all of his vacations around the Village meeting he needs to attend.

18. Next Meeting

The next meeting is February 25th, 2020 starting at 12:00 p.m. at the Kress Pavilion

19. Adjourn

Navis moved to adjourn at 3:56 p.m., second by Cashin, motion carried.