

VILLAGE OF EGG HARBOR PLAN COMMISSION MINUTES

TUESDAY JULY 27, 2021 – 6:00 P.M.

**THIS MEETING IS BEING HELD IN PERSON AT
Paul J. Bertschinger Community Center
7860 STH 42, Egg Harbor, WI 54209**

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

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

Agenda:

1. Call Meeting to Order
 - a. **Chair Cambria Mueller called the meeting to order at 6:00pm.**
 - b. Commission members present: Cambria Mueller, Kathy Navis, Emily Pitchford, Jon Kolb, Lou Nyberg, Chris Roedl, Paula Cashin
 - c. Absent:
 - d. Staff present: Tom Strong, Megan Sawyer
 - e. Audience members: John Heller, Jon Pinkert, Tyler Pluff, Joe Smith, David Pollman, Kim Jensen, Peter Gentry, Charles Le Brun, Lisa Van Laanen,
2. Approve Agenda
 - a. **Paula Cashin moves to approve the agenda.**
 - b. **Kathy Navis second.**
 - c. **Motion unanimously carried.**
3. Pledge of Allegiance
4. Approval of June 23, 2021 Public Hearing Minutes
 - a. Changes: No Changes.
 - b. **Cambria moves to approve the June 23, 2021 minutes as amended.**
 - c. **Lou Nyberg second.**
 - d. **Motion unanimously carried. Paula Cashin abstained.**
5. Open Session
 - a. *Chairperson Mueller opened the floor for public comment.*
 - b. *Peter Gentry: I hope you can consider allowing parking within 250 feet of a parcel line for the parking requirement fulfillment. I understand this body intends to grandfather in prior businesses for the fee in lieu of parking. I recommend adding that to the ordinance. I believe you are considering a change in intensity. I would ask that you consider only the incremental additional parking needed be considered rather than going back to square one for the entire project. Thank you for your time.*
 - c. *Lisa Van Laanen: I want to highlight what I emailed you earlier today about the location of the dumpster. I have concerns about the dumpster that is along my property line. I hope to be able to work with the property owner to figure something out.*
6. Kim Jensen Certified Survey Map request to combine parcels # 1180125302612E1 and

- a. *Megan Sawyer presented an overview of the Kim Jensen CSM request to combine parcels # 1180125302612E1 and 1180125302612E2 as presented in the packet starting on page 18. This results in a parcel that complies with all requirements for the C-1 district.*
 - b. *Kim Jensen: I want to combine these parcels so that I can add more outdoor seating at that business to increase my revenue. I would be putting additional bathrooms and a parking lot. I would be interested in having a nice walking path and possibly public bathrooms between us and Village View Condos. Mike Schwantes and I would like to discuss this more with you, the planning commission.*
 - c. **Cambria Mueller moved to recommend to the Village Board to approve the Kim Jensen CSM request to combine parcels 1180125302612E1 and 1180125302612E2.**
 - d. **Emily Pitchford second.**
 - e. **Motion unanimously carried.**
7. Le Brun Certified Survey Map request to divide parcel # 0080225302644C – Extraterritorial Zoning
- a. *Megan Sawyer provided an overview of the Le Brun Certified Survey Map request to divide parcel # 0080225302644C – Extraterritorial Zoning request as presented in the packet starting on page 23. The proposed CSM complies with all REC zoning requirements.*
 - b. **Cambria Mueller moved to recommend to the Village Board to approve the CSM request to divide parcel 0080225302644C with Extraterritorial Zoning.**
 - c. **Paula Cashin second.**
 - d. **Motion unanimously carried.**
8. Review of Special Development District Relief Application filed by Peter Gentry on behalf of Double Barrel Brewing Co LLC for 4633 Market Street (Parcel # 1180125302612E) and scheduling of public hearing if necessary.
- a. *Megan Sawyer presented an overview of the Double Barrel Brewing Co LLC for 4633 Market Street (Parcel # 1180125302612E) Special Development District relief application as presented in the packet starting on page 27. The applicant is requesting relief from section § 152.030(A) and § 152.028(A)(3) that. Staff review starts on Page 32 outlining the details of the review. I conclude that this is in line with the comprehensive plan and all criteria required to consider this proposal at a public hearing, with the Plan Commission requesting additional information from the applicant. We will also need to verify the updated impervious surface percentage. We could schedule this meeting on August 17, 6:30 PM or August 23 after 12:00 noon, based on the availability of the Kress Pavilion Great Hall.*
 - b. *Peter Gentry added clarifying comments stating he currently has 23 spots currently available at the property, including the gravel parking spots. Megan provided a good summary of the project.*
 - c. *Jon Kolb: Does the house between one barrel and shipwrecked but up to the proposal area? Is there enough room for a fire truck? Under 152.030, driveways that are under 200 feet long have to include a turnaround for fire trucks.*
 - d. *Megan Sawyer: No, this area is not adjacent to that house. We can request the additional information on the parking lot for the public hearing.*
 - e. *Chris Roedl: Would a change in intensity or use also require a new Conditional Use Permit due to the change of intensity? Or would it just require a parking requirement review?*
 - f. *Jim Kalny: If we believe the new use is outside the previous use then it might require a new Conditional Use Permit application. We would need to review it in more detail to make that*

- determination. I would have to look into the original application, approval and following correspondence.
- g. Jon Kolb: I applaud you for your effort to add more parking spaces, but I don't believe we can continue to move forward with 400 seat restaurants without addressing the parking.
 - h. Cambria Mueller: Do we have the option to table this application until we have more details?
 - i. Kathy Navis: This seems like a separate issue to me. I don't recall the exact numbers proposed for the original CUP application. I do agree that there is some connection however.
 - j. Chris Roedl: Can we move forward on this application? This seems like it is separate application from the original Conditional Use Permit application.
 - k. Jim Kalny: Special Development District is a different issue from the Conditional Use Permit. The Conditional Use Permit review is not a noticed agenda item for this meeting. We could definitely go forward with this application now with revisiting the original CUP independently.
 - l. Cambria Mueller: If we move this to the public hearing and it is approved, then we need him to require more parking spots, are we putting ourselves in a bad place?
 - m. Jim Kalny: I don't think this is putting you in a bad place.
 - n. Kathy Navis: How does a review of an existing CUP review get triggered?
 - o. Megan Sawyer: If we feel that use is outside of the conditional use approval, then the review process takes place. We would have to look into the details to make that determination.
 - p. Peter Gentry: Provided an overview of the current assessment of his parking as presented. I am trying to improve the parking at this building, adding 17 parking spots. We have looked at this from every possible angle. There are some limitations due to the elevation change on our parcel. This is five more spots than my original proposal. The building will be a steel structure building that matches the appearance of the existing building. We are asking for the setback for the building so that it will allow us to as much parking as possible. The shed that is there now would go away. The height of the building is the same height as the existing building. The architect tells us that we are well under the impervious surface ratio required.
 - q. Jon Kolb: Is this a new storage shed? Is it possible to move the building to that higher part of the parcel?
 - r. Peter Gentry: No, that isn't practical. We would have to blast to make it level, then build a 13-foot retaining wall. The architect indicates this part of the parcel is just too steep to do anything there.
 - s. Chris Roedl: The new storage building is pretty close to the Market Street.
 - t. Cambria Mueller: With the hill in the back of the lot, is there a concern about a runoff from that area through Hatch's parking lot? That area already has more water than it can handle. I want this to be taken into consideration.
 - u. Peter Gentry: There is some green space between us and Hatch's parking lot. The designer has addressed the runoff mitigation.
 - v. Jon Kolb: Would you consider pavers so the water will have a place to go?
 - w. Peter Gentry: I would consider it, but I would have to look at the costs.
 - x. Chris Roedl: I concur with Peter's statement that there is green space between this area and the Hatch Parking Lot.
 - y. Peter Gentry: We were approved for 88 indoor and 72 outdoor seats. John Heller came up with 88 inside and 328 outside for his Utility Committee seat count on July 2nd. Chris Roedl came up with 373 total inside and out. At the highest point, we would be required to supply 104 parking spots. I will remind you I was in line with the ordinance when I built it two years ago.
 - z. Jim Kalny: You can talk about the number of seats and required parking spots at the public

hearing.

- aa. *Kathy Navis: My concern is that you are going to come to us for a Special Development District review, then we have to do revisit the seat count and parking requirement after the fact. Before we go through that work, are you sure you can't add more parking spots there?*
- bb. *Chris Roedl: That is a really steep hill. I really think that this is the maximum number of parking spots they can get in there.*
- cc. *Cambria Mueller: I think what you presented maximized the number of parking spots. For Attorney Kalny, if we move this to public hearing, at that point is when the current Conditional Use Permit can also be talked about?*
- dd. *Jim Kalny: Yes, it can be talked about if you think it has a bearing on this project. You would not be making a decision on that however at the Special Development District hearing or deliberation. The fee in lieu discussion would come into play in a review of the intensity. You do have to remember he was approved under the prior parking requirements. You could refer this back to staff to review the number of seats and parking requirements prior to the Special Development District public hearing.*
- ee. *Cambria Mueller: I will staff to get us the original conditional use permit before we move forward.*
- ff. *Jim Kalny: You could schedule the public hearing and have staff get that information. If you don't want to move forward, you can cancel the public meeting if needed.*
- gg. *Peter Gentry: Would you still go forward with the CUP review if I pull this application? I have had this seat count since the day we opened.*

hh. Cambria Mueller moves to table the review of the One Barrel Special Development District application for the August 24, 2021.

ii. Kathy Navis second.

- jj. *Cambria Mueller: Let's put this on the Conditional Use Permit topic on the agenda for next month, followed by revisiting this SDD application.*
- kk. *Peter Gentry: To clarify, what happens if you decide I am in violation of my original CUP permit? Would you make me shut down?*
- ll. *Jim Kalny: We would have to review those historic details and process to determine the next steps.*

mm. Motion unanimously carried.

9. Review of Special Development District Relief Application filed by Tyler Pluff on behalf of Sojenhomer LLC for 7783 STH 42 and 7791 STH 42 (Parcel #s 118-0125302612N and 118-0125302612P) and scheduling of public hearing if necessary.

- a. *Megan Sawyer presented an overview of the Special District Relief Application filed by Tyler Pluff on behalf of Sojenhomer LLC for 7783 STH 42 and 7791 STH 42 (Parcel #s 118-0125302612N and 118-0125302612P) as presented in the packet starting on page 38. Staff's first review starts on page 42. The applicant is seeking relief from § 152.030(A) and § 152.026(F). This request is separate from the Conditional Use Permit Application. I conclude that the benefits of this project meeting the criteria for SDD relief with the commission requesting additional information for the public hearing.*
- b. *Jon Kolb: On page 45 of the packet, I would ask if the comprehensive plan should be updated, since congestion is no longer just the summer.*
- c. *Megan Sawyer: It is a long process that we just went through. It is a long process. We won't likely update that in the near future, but your point is still valid and relevant.*
- d. *Chris Roedl: Recused himself from this discussion.*
- e. *Kathy Navis: To be clear, we are specifically reviewing this for setback relief for the parking lot – correct?*
- f. *Megan Sawyer: That is correct. The 75-foot parking lot setback line is represented on the*

updated plans. Impervious Surface is just under 60%.

- g. *Tyler Pluff: At the May 11 public hearing we heard you wanted more parking. This is a unique corner triangle lot. We can't fit a lot of parking in there without the SDD relief. We are asking you to consider this SDD application and would like to see it applied as a condition on the conditional use permit.*
- h. *Lou Nyberg: As the existing parking lot is already within that 75-foot setback, I don't have a problem with that.*
- i. *Jon Kolb: Would garbage trucks back up to the dumpster? Would we want to ask if the dumpsters could be relocated?*
- j. *Tyler Pluff: That would be tight, but we can check with the architect.*
- k. *Cambria Mueller: The dumpster location would have to be discussed under the Conditional Use Permit application.*
- l. *Jim Kalny: We could discuss the dumpster location in conjunction with the CUP more than the SDD application. You could schedule both meetings at the same time.*
- m. Cambria Mueller moves to schedule he public hearing for the SDD application for Monday August 23 at 4:00 PM at the Kress Center.**
- n. Kathy Navis second.**
- o. Motion unanimously carried. Chris Roedl Abstained.**

10. Scheduling of public hearing for Conditional Use Permit Application submitted by Sojenhomer LLC for an addition at 7783 STH 42 and 7791 STH 42 (Parcel #s 118-0125302612N and 118-0125302612P)

- a. *Tyler Pluff presented an overview of the updated parking and landscaping plans for the Conditional Use Application on behalf of Sojenhomer, LLC. We looked at our Fat Louis's site and Cape Code motel as an option to add even more parking. We believe we can add 13 stalls at those locations. Both of those would require an SDD relief to add the additional parking there. The rest of the plans remain unchanged from the original submission.*
- b. *Megan Sawyer presented an overview of the updated parking plans for the Conditional Use application filed for 7783 STH 42 and 7791 STH 42 (Parcel #s 118-0125302612N and 118-0125302612P) as presented in the packet starting on page 49.*
- c. *Kathy Navis: You would need SDD relief for the Cape Cod parking lot?*
- d. *Tyler Pluff: Yes – we would need it for setback for Cape Cod and Impervious surface relief for Fat Louis. Those would be separate applications.*
- e. *Cambria Mueller: Is the location of the dumpsters something you already explored?*
- f. *Tyler Pluff: We did look at different options and this was the best way to squeeze as many parking spots out of it as we could. We could talk to Baudhuin to see if there is a different location we can explore.*
- g. *Cambria Mueller: I did get a phone call about the delivery entrance on Hwy G. Is the delivery area so the trucks can back into that area since that is a busy area? It seems like it would be too tight for a full-sized semi to back in there. Hwy G is a busy area.*
- h. *Tyler Pluff: Yes. That is for delivery trucks. It is fifteen feet wide and 63 feet long.*
- i. *Joe Smith: We are intending to have smaller delivery trucks use that area. We have mostly shorter semi's that deliver to our location. Only one full sized semi-truck delivering grain comes in once every few weeks. That is early in the morning before heavy traffic times. It only takes them a few minutes to unload.*
- j. *Kathy Navis: I think this is a fantastic update from the last proposal. Is there a reason there is only parking on one side closest to the HWY 42 area?*
- k. *Tyler Pluff: There would be some outdoor seating there as well as some place to put the snow in the winter.*
- l. *Cambria Mueller: Let's go to the parking requirements as presented on page 58 of the packet.*
- m. *Megan Sawyer: Provided a recap of the updated parking requirement calculation and*

- fulfillment numbers.*
- n. *The commission members deliberated on several points of the calculation and fulfillment numbers, including the Plan Commission's authority to require additional parking depending on the proposed project.*
 - o. *Cambria Mueller: I don't believe the intent of the parking FILOP was ever to allow for up to 60 parking lot shortage.*
 - p. *Commission members generally agreed that they believe this updated plan is a good effort to add additional parking, with questions about the shared use agreements with Cape Cod and Fat Louis.*
 - q. *Lou Nyberg: Today Shipwrecked is 50 spots short. They are now 60 spots short. This project only adds 10 additional required spots. We are already adding a fair amount of public parking spaces on Church Street and in other areas. If we have fee in lieu of, I think we can look for additional alternatives for what the Village would do with that money. I think the parking issue at this point is how much more do you want to do until we see where we're at with the current road projects? The high season isn't just an Egg Harbor problem. It is a Door County problem. I think everyone at the public hearing should understand what we have done to this point to make improvements.*
 - r. *Cambria Mueller: Our ordinance has the Fee In Lieu of Parking. That is the way it is. I'm concerned that we are setting a precedence now. What if someone is willing to pay for 100 spaces?*
 - s. *Kathy Navis: True but if we change this ordinance, then the next person needs to meet this ordinance.*
 - t. *Jon Kolb: Did anyone go to the Peg Egan on Sunday? Guests park vertically. We think we are adding parking there but in essence, we are reducing parking spots for those concert events.*
 - u. *Lou Nyberg: That may be true, but these are improved parking spots, sidewalks and lighting that will get more use from our regular visitors to use it more than what it is used now. It is only 1 city block from Hwy 42 to Church Street. People will walk if they have to.*
 - v. *Paula Cashin: I agree with Lou. They will park on Church Street especially if there are no spots available on Hwy 42 or in parking lots.*
 - w. *Kathy Navis: I would ask the applicant to find another location for the dumpster. I don't think it is considerate for the business next door for it to be parked right there.*
 - x. *Tyler Pluff: Yes, we will explore that with the designer.*
 - y. *Kathy Navis: I would ask that they comply with the fence height requirement for the side yard setbacks and vision triangles.*
 - z. *Tom Strong: Joe Smith acknowledged that the fence would need to be lowered to meet the side yard and vision triangle height limits during the initial review. The front fence area and piers are behind the right of way and setback lines, so height restrictions were determined to not apply to those sections.*
 - aa. *Megan Sawyer: The updated pages were reviewing are an addition to the March 12, 2021 plan submission.*
 - bb. *Cambria Mueller: There is also a roof downspout that currently pours out to Hwy G. That should be tied into the storm water mitigation system. This will be confirmed in the McMahan water mitigation plan review.*
 - cc. *Jon Kolb: I would prefer to see a right turn only exit on Hwy 42.*
 - dd. *Jim Kalny: The DOT would have to approve it.*
 - ee. *Joe Smith: The DOT didn't want another driveway that close to the signature pieces driveway.*
 - ff. Emily Pitchford moves to schedule he public hearing for the Sojenhomer Conditional Use Permit Application for Monday August 23 at 4:00 PM at the Kress Center.**
 - gg. Kathy Navis second.**
 - hh. Megan Sawyer to get additional information regarding the dumpster, fence location and**

height requirements, and routing the back downspout into the storm water system.

ii. **Motion unanimously carried 5-0. Jon Kolb and Chris Roedl Abstained.**

11. Discussion, consideration, and possible action on DRAFT ordinance 2021-07 Amendment to Chapter 152 § 152.030 Off Street Parking, Driveways
- a. *Megan Sawyer presented an overview of Ordinance update 2021-07 to update Chapter 152 § 152.030 Off Street Parking, Driveways as presented in the packet starting on page 63.*
 - b. *Jim Kalny: In your last discussion did you explore the idea of a one-time fee? You could also consider making this a permit fee rather than a zoning provision. That would avoid the grandfathering option.*
 - c. *Megan Sawyer: We took the spot of construction a parking spot, then divided it up over 20 years.*
 - d. *The commission members deliberated on the dollar amount for the fee in lieu of parking proposal presented in 2021-07.*
 - e. *Cambria Mueller: Can we get this to a point that we can make a recommendation? If we make a recommendation, it will go on the trustee meeting agenda for August 9.*
 - f. *Kathy Navis: If someone needs 25 spaces, we will charge them \$250 for the first 10, \$350 for the second 10 and \$500 for the last five? If someone needs 21 spaces, we aren't charging them \$500 per space for all 21 – correct? Is there a limit to the number of years we will charge for this?*
 - g. *Cambria Mueller: Yes, that is correct. The dollar amount would be incremental.*
 - h. *Lou Nyberg: If we seat a reasonable amount per year, this becomes a cost of doing business for that entity. If you decided on \$200 per space, then they can pay that annually. I don't think there should be a limit on the number of years this applies. That amount might be adjusted in the future.*
 - i. *Paula Cashin: I agree it should be evaluated every year as the costs or funds available changes.*
 - j. *The commission members deliberated on the duration of the fee and the option to pay a larger one-time fee. They also deliberated on what happens if a business changes ownership or changes use.*
 - k. *Emily Pitchford: If a business changes intensity, do they have to come into compliance for the entire property?*
 - l. *Kathy Navis: Yes, they have to cover the entire property if they have a change of use or change of intensity. That is how the ordinance reads today. Do we want to change that?*
 - m. *Commission members agreed that they did not want to impose a review if a business changes ownership, but they do want to review it when seats are added, which would apply to the entire property.*
 - n. *Lou Nyberg: In this environment, the people who don't have outdoor seating are at a disadvantage.*
 - o. *Chris Roedl: I believe the 25-spot limit is too restrictive. 40 seems to be the magic number that makes sense to me. In the spirit of compromise, I would agree to support that limit.*
 - p. *Jon Kolb: I would consider compromising to go up to 30 spots, with the 21-30 spots charged at \$500 per spot per year. I would also ask it to be limited to a number of years – possibly 20 years. Can we legally justify \$500 per spot for 50 years? We are putting this into a fund.*
 - q. *Commission members agreed to set the maximum limit at 30 parking spots.*
 - r. *Jim Kalny: You will want to include some language to be sure the Plan Commission has the authority to exceed this limit on a case-by-case basis.*
 - s. *Megan Sawyer: For bookkeeping, this would be built into the annual business license fee. Those are all due at the end of the year so it would be a clean transaction from a bookkeeping standpoint.*
 - t. **Cambria Mueller moves to recommend to the Village board resolution 2021-07,**

changing the maximum number to 30 spots, spots 21-30 at \$500 per spot, adding a grandfather clause, allowing the plan commission to exceed the 30-spot limit, and add this fee to the annual business license permit.

- u. Kathy Navis second.**
- v. Motion unanimously carried.**

12. Discussion, consideration, and possible action on DRAFT ordinance 2021-08 Amendment to Chapter 152.041 Conditional Uses, Application.

- a. Megan Sawyer presented an overview of Ordinance update 2021-08 to update Chapter 152 § 152.041 Conditional Uses, Application as presented in the packet starting on page 65.*
- b. Jim Kalny: I think this is defensible as it is unreasonable to ask staff to review the same project multiple times.*
- c. The commission members discussed the option of adding 'significant changes' to the ordinance but agreed it should be left at 2 applications. The Commission members would have the option to table an application if they choose.*
- d. Jon Kolb: What is our charge for these applications and does that cover our costs?*
- e. Megan Sawyer: Right now, the charge for a CUP application is \$150.00. We will be revisiting this fee amount when we review the budget. This update is just are looking to limit it to two applications per year.*
- f. Kathy Navis moves to recommend approval of resolution 2021-08 Amendment to Chapter 152.041 Conditional Uses, Application as presented.**
- g. Paula Cashin second.**
- h. Motion unanimously carried.**

13. Correspondence

- a. No Correspondence received at the time the packet was created.*
- b. Two emails were received on July 26 and 27.*

14. Zoning Report

- a. Megan Sawyer provided an overview of Zoning Administration activities as presented on in the meeting packet on page 66. The Noise complaint from last month, the owner verified that the letter was received. His residence is within the 75-mile requirement. He updated his house rules posted in the house. He also passed along his contact information to neighbors.*
- b. Cambria Mueller: I would like to see staff put a list together about noise ordinances that apply to Short Term Rentals. Possibly something like an FAQ format for easy reading.*
- c. Megan Sawyer: We did communicate the noise ordinance with the business license information in the past. We could do that again. We could update our website with an easy-to-read overview of the Short Term Rental ordinance.*
- d. Jon Kolb: Someone approached me about a home on West Shore regarding the number of vehicles and RVs parked in the yard. Has anyone contacted the Village office?*
- e. Tom Strong: Yes, a verbal complaint was communicated to office staff.*
- f. Megan Sawyer: Provided a recap of how staff communicates with property owners when complaints are filed.*

15. Open Session

- a. Cambria Mueller opened the floor for public comment.*
- b. Chris Roedl: As a member of the public, I would ask that staff confirms the water feature has been removed from the 3.12.21 plans.*
- c. Emily Pitchford: I think we should walk the Village to look firsthand at developments in the village.*

- d. *Jim Kalny: It would have to be noticed as a meeting with the route you are going to take.*
- e. *Kathy Navis: The idea of coming up with a band ordinance is a good idea. I would like to consider that prior to the next season.*
- f. *Lisa Van Laanen: Thank you for responding to my concern regarding the dumpster.*

16. Next Meeting

- a. Public Hearings for Shipwrecked Conditional Use and Special Development District Applications: August 23, 4:00 PM at the Kress Pavilion and also on Zoom.
- b. Regular Meeting: August 24, 2021, 6:00 PM IN PERSON ONLY at the Paul Bertschinger Community Center. Large Meeting Room.

17. Adjourn

- a. **Cambria Mueller moved to adjourn.**
- b. **Paula Cashin second.**
- c. **Motion unanimously carried.**
- d. Meeting adjourned at 9:15 PM.

Minutes completed by Tom Strong on July 29, 2021. Submitted for approval on August 24, 2021.

Bold – Commission Action

Italics – Summarized Comments