

VILLAGE OF EGG HARBOR PLAN COMMISSION MINUTES
TUESDAY JUNE 22, 2021 – 6:00 P.M.

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
 - c. Absent: Paula Cashin
 - d. Staff present: Tom Strong, Megan Sawyer
 - e. Audience members: John Heller, Denny Phillips, Jon Pinkert, Tyler Pluff, MaryJo Kolb, Bonnie Wolfe, John Laubmeier, Colette McDonough, Jennifer - Signature Pieces.

2. Approve Agenda
 - a. **Emily Pitchford moves to approve the agenda. Jon Kolb second.**
 - b. **Motion unanimously carried.**

3. Pledge of Allegiance

4. Approval of May 25, 2021 Public Hearing Minutes
 - a. Changes: No changes
 - b. **Cambria Mueller moved to approve the May 25, 2021 minutes as presented. Jon Kolb second.**
 - c. **Motion unanimously carried.**

5. Open Session
 - a. *Chairperson Mueller opened the floor for public comment.*
 - b. *Mary Jo Kolb: Do you think it is time to form an architectural review board? I've seen projects getting passed in other areas since there is nothing in their ordinances about it. The Town of Gardner for example passed a quarry even though there was significant opposition to it. Perhaps it is fine for an architectural review board and to have some ordinances in place for the future.*
 - c. *John Laubmeier: I represent One Barrel Brewing Company. I am on this call because parking is on the agenda. In the packet, on page 19 of 24, there was a spreadsheet, if you sum up the counts you end up with a surplus of 53 parking spots based on that spreadsheet. My main point tonight is if the commission decides to act on any new ordinance, I ask to the commission to*

discourage making it a retroactive on existing businesses. If this amount is set at \$5,000 per spot is applied to One Barrel, they would end up as a \$210,000 fee. I would like it to be clearly defined for change of use and intensity. It would be my final request that you compare the proposed expanded use rather than setting it back to zero. The effect of that would be to terminate any future investment in the village for those businesses who are short on parking.

- d. Megan Sawyer: The board will be having hybrid meetings starting in July. I reached out to the Kress Pavilion, finding out that there is a scheduling conflict with Tuesday nights through August. We couldn't start with Hybrid meetings until September. We need extra setup time at the Kress to host these meetings. Something to consider as you talk about scheduling the next meeting. This is just something for you to consider when you schedule your next meeting.*
- e. Cambria Mueller: We can get into that in more detail when we talk about the next meeting date and time.*
- f. John Heller: Responding to John Laubmeier, when you refer to surplus, are you referring to the list compiled by Megan Sawyer on page 19? I think you are incorrect in your assessment. There is public parking that should be taken into consideration.*

6. Discussion, consideration, and possible action on DRAFT ordinance 2021-07
Amendment to Chapter 152 § 152.030 Off Street Parking, Driveways

- a. Megan Sawyer provided an overview of the DRAFT ordinance 2021-07, Amendment to Chapter § 152.030 Off Street Parking, Driveways as presented in the packet starting on page 12. The recommended fee amount is a onetime \$5,000 fee per spot. The intent of this provision has been added to the proposed 2021-07 ordinance update to clarify this for any future developers. I compared our calculations to Sister Bay, Ephriam and Cedarburg for a sample of business types and sizes.*
- b. John Heller highlighted the intent and purpose to make the Parking fee equitable for all parties. Most municipalities generally do not include full true cost for the parking spots in the fee amounts assessed. The cost of land and taxes are commonly not included in the calculation. Based on the McMahon estimates for the Dog Park Parking lot improvements, the cost is around \$5,000 per parking spot. We had a fee of \$250 per space. Over 20 years, that would get you to \$5,000 as well.*
- c. Jon Kolb: If I were a business owner, I would want some assurances that if I pay that spot that this stays with my building, so a new owner would not be assessed for that spot again.*
- d. John Heller: Yes, this would be a one-time fee that would stay with the property.*
- e. Cambria Mueller: I like FILOP option for business owners if they don't have room for parking, but I feel we need to have a cap on the number of parking spots that can be paid for through FILOP. This is a great discussion but I*

- would like to hear what others think about capping the number of spots. Let's say it is \$5,000 per spot, maybe we cap it at 20 spaces or whatever that number is into consideration as well when determining what that number is.
- f. Kathy Navis: Could you clarify this comment? Are you saying a business would only pay for 20 spaces? If they needed more, they wouldn't have to pay for them or they couldn't build if they exceeded that amount?
 - g. Cambria Mueller: If there is a business has already used their 20 FILOP spots, if they expand and need an additional 20 spots, they can't expand without providing that additional parking on their property.
 - h. Jon Kolb: I had a problem with the \$50 per spot rate that was approved. Based on that I wanted to see a limit on the number of spots. If you need say 50 parking spots and the cost is \$5,000 per spot, I'm ok with not having a limit on it. When the taxpayer is paying the 95 percent of the burden, that is where I have a problem with it.
 - i. Chris Roeld: I would respectfully disagree with Jon on that point. My opportunity cost for use of that area would offset the fee for a parking space. Second, it creates a slippery slope. If all wanted to follow this direction, we have to consider current development and change of use. Third, our Comprehensive Plan needs to drive our decisions that keeps mentioning quaint. I don't think overuse of property meets the standard of being quaint.
 - j. Cambria Mueller: We started talking about this because we have a parking crisis of sorts. We are looking for ways to help the Village move forward and follow the Comprehensive Plan to protect the quaintness. Lack of parking is how we got to this point. That is where I am coming from for capping it.
 - k. Lou Nyberg: I am amazed that the Plan Commission submitted a recommendation to the board for a rate of \$250. That came back to us at \$50. Casey's for example would have to come up with over \$200,000. That is 100 times more than what we were asking for last month. Is this a practical place to start? How long would it take a business owner to recover \$5,000 for one parking space. John mentioned at \$250 per year it would take 20 years to get to \$5,000. Maybe a business owner could chime in on this point to provide insight.
 - l. Jon Kolb: Right now, the taxpayers are paying for these parking spots.
 - m. Lou Nyberg: It is common in this county and state that the taxpayer has a share in public infrastructure expense. There is a share of public expense in infrastructure. You can't just say you want to take one part of that and drop it on business owners.
 - n. Jon Kolb: The parking spots aren't free. If the taxpayer pays \$4,950 for a parking spot while a business is paying \$50, I have a problem with that.
 - o. Chris Roeld: If I build a parking lot, that is what it would cost to build it. I think that is a valid cost per spot to construct a parking lot. I paid that money for the parking lot I needed to provide.
 - p. Lou Nyberg: This is an unrealistic starting point.
 - q. Kathy Navis: I agree with Lou. I think \$5,000 is outrageous. I don't believe it would cost me \$100,000 to install a 20-stall parking lot. It can't cost that much to install it.

- r. *Jon Kolb: A Pickleball court would cost \$100,000 as of 2020. That was not including any costs for land.*
- s. *Kathy Navis: Let's say it does cost \$5,000, and I can't put any more parking spots in. Where is the Village going to put the parking in that is useable for my business? It better be within 300 feet of my business if I am paying \$5,000 for it. What parking spaces are we putting in?*
- t. *Chris Roedl: I would be consider lowering the dollar amount and setting a limit on the number of spots. My thought is 75% of the needed parking or 35 spaces, whichever is greater.*
- u. *Cambria Mueller: If you have property to expand your business, you have to weigh out if you expand to generate more revenue an pay the fee? I agree with Chris that we need to cap it. At some point, if a business outgrows their parcel, there has to be some maximum limits on it.*
- v. *Kathy Navis: I would like to look more like Sturgeon Bay, with business fronts on the road with parking off the main streets. No downtown area is going to require that all businesses put in parking on the main street. We would just have a great big parking lot here.*
- w. *Jon Kolb: You want our quaint village to look like Sturgeon Bay?*
- x. *Kathy Navis: Yes. I don't want a building then a massive parking lot. I want it to be a walking village.*
- y. *Jon Kolb: Kathy, you said you wanted this parking within 300 feet of your building. That is not a walking village then.*
- z. *Kathy Navis: I'm saying if I am a business owner who is going to pay that kind of money for parking, it better be usable for them.*
- aa. *Cambria Mueller: This might be an opportunity for the Village to define the projects that these fees will be applied to over the next five to seven years. I agree with you Kathy that we need to do something with these funds to alleviate the parking problem.*
- bb. *Chris Roedl: Isn't that already laid out in our Comprehensive Plan? I remember seeing a possible pedestrian corridor. This goes back to our Comprehensive Plan driving our decisions.*
- cc. *Cambria Mueller: We would need to identify land that we would use. We would really have to have concrete plans for what to do with that. The Plan Commission would still have the final decision.*
- dd. *Megan Sawyer: There are definitely opportunities we can explore. I did call out in my summary that a specific parking improvement account would be established with defined use for those funds. In the draft ordinance, there is directly for the use of these funds. We would have to explore specific possibilities. We could look into possible lease opportunities if landowners aren't willing to sell.*
- ee. *Cambria Mueller: I think it would be important to keep the public informed on possible projects for these funds. We need to aggressively handle this. Would that make business owners feel better about it knowing there is a specific project for those funds would be used to pay?*
- ff. *Lou Nyberg: I thought Church Street was already going to add parking. How many places will we get out of that?*

- gg. *John Heller: Church Street will start this fall and be completed next spring. Church Street will have around 100 parking spots. The dog park will have a total of 50 spaces. The project cost is around \$3,000,000. This includes curb and gutter, lighting on Church Street and the Dog Park parking lot.*
- hh. *Jon Kolb: That is a lot of money per parking spot. If you take 3,000,000 divided by 150, that's \$20,000 per parking spot the taxpayer is paying. The reason we are doing Church Street is for the additional parking. We needed additional parking and Church Street was the place to do it.*
- ii. *Kathy Navis: This is not just for parking. It's updating the street and adding sidewalks as well. Parking isn't the only reason for the project. If that were the only reason for that update, we would have added only a parking lot.*
- jj. *Cambria Mueller: This was to make the Village more walkable as well.*
- kk. *Jon Kolb: What if we tiered the cost per spot in the FILOP? Say 1-3 spots at one rate, 4-10 at a tiered rate, and 11 or more at a rate of an actual parking lot? That way if you are asking for a large quantity of spots, you aren't burdening the Village with the cost of building that parking.*
- ll. *Cambria Mueller: I kind of like that for the smaller businesses.*
- mm. *Lou Nyberg: I don't have a problem with capping it or increasing the rate above 50, but if we are going to ask the business owner for \$5,000 per space and we want the money up front, that I have an issue with.*
- nn. *John Heller: Bonds and a Grant.*
- oo. *Lou Nyberg: As a small business owner, I have a line of credit and I have to service that debt. If I could do that on a yearly basis would make more sense for the small business owner. To ask for \$100,000 up front doesn't make sense.*
- pp. *Jon Kolb: I think this is something we would want to offer a ten-year payment plan for.*
- qq. *Kathy Navis: Then why wouldn't you just pay an annual fee per year instead of up front.*
- rr. *John Heller: So that would be \$500 per space for 10 years. I think you give the people the option to choose for themselves.*
- ss. *Lou Nyberg: I think that is a better place to start. Let's talk about this in terms of the marina slip. What is the cost per slip? It costs us how many millions for the marina. Taxpayers paid for that marina and it is relative. Taxpayer dollars paid for that infrastructure. Roads and parking are also infrastructure. Small businesses help make this village. We invited people to start their business. We use those businesses. We need to supply the roads to support those businesses. There is a compromise here.*
- tt. *Cambria Mueller: Businesses who have ample parking made that investment. I don't agree with a business maxing out their use of the FILOP without parking on site.*
- uu. *Lou Nyberg: I agree on that point, but we need some guidelines. You don't go from 5 miles per hour to 100 mph. Twenty years ago, costs were much different. A year ago, we weren't charging anything for parking. We need to work into it and do it in a reasonable way.*
- vv. *Cambria Mueller: What if it is not retroactive? If there is a change of use for*

- an existing business, you would feel better if we aren't retroactive?*
- ww. *Lou Nyberg: I think that is part of it. We need to find a way to do this that doesn't hurt either party. We already have the plan for Church Street. You could say that part of this money is going toward that project. John, your survey said we are 75-100 short. We are adding 150 spots there. This isn't as big of a problem as we are making it out to be. The crisis on holiday weekends and prime summer weekends. We're making the Village more walkable and safer with the lighting. The Village is already some very positive steps with Church Street. We can explore other options to add parking at a reasonable cost if we can find it. Church Street is a huge project and helps make it more walkable.*
- xx. *Kathy Navis: How many spots are being added on Hwy 42? They are taking out many the bump outs to add more parking. There is a fair amount of additional parking that will be added in two years. I thought the original recommendation was \$200, not \$250. I thought that was fair and reasonable. \$5,000 for a parking lot up front is unreasonable. No one is going to open a business in Egg Harbor with that cost. \$100,000 up front for a parking lot that doesn't exist and could be paying for parking 500 to 1,000 feet away. In one of the studies that John Heller presented, the business had to be within 300 feet of a parking structure to pay the fee.*
- yy. *Cambria Mueller: As long as the is within the Village I think is satisfactory. I don't believe that distance is a relevant argument.*
- zz. *Jon Kolb: I don't think anyone is going to walk from Church Street to Greens and Grains or Shipwrecked.*
- aaa. *Kathy Navis: I think they would for Shipwrecked or retail stores, but if you are buying groceries, then maybe not.*
- bbb. *Chris Roedl: Recommended an annual fee of \$250 per year for the first 5 spaces, \$500 per year for 6 and over with a cap of 45 spots. The 45-spot cap is based on the spreadsheet that Megan provided.*
- ccc. *Jon Kolb: I believe 45 spots is too high. I would like to see the cap at 10.*
- ddd. *Kathy Navis: Are we trying to penalize larger businesses? Why are we charging the larger businesses more per spot?*
- eee. *Jon Kolb: Because they are going to force us to build a parking lot. That is a cost of business. You need to have spots for your customers.*
- fff. *Cambria Mueller: They will also place a higher burden on their neighbors who do have parking.*
- ggg. *Lou Nyberg: What is the profit for a restaurant? If you do that to a restaurant who needs parking for their customers and employees, you have to look at the revenue that they would be generating to cover those costs. If you have a 200-seat restaurant, with this price on parking, you aren't going to get any new restaurants in the Village.*
- hhh. *Kathy Navis: This is a seasonal town. You have four to five months to make a living.*
- iii. *Cambria Mueller: Do we need any more 200 seat restaurants?*
- jjj. *Chris Roedl: I would argue that you would make that money to cover those costs in the restaurant business. I could build a pretty nice restaurant on my*

parking lot and pay the \$5,000 fee per spot no problem. I'm looking at this however for future development. I'm trying to represent constituents. Do we want overgrowth? The current fee allows for overgrowth.

- kkk. Jon Kolb: I don't want Egg Harbor to look like Sturgeon Bay or Sister Bay. I want it to keep the small quaint village as our comprehensive plan says. I don't want to encourage them to build over their parking lots adding massive structures without ample parking.*
- lll. Lou Nyberg: You should go back and review Wisconsin Act 67 over really closely. If you want to control what comes in the town, that is a different subject. The problem before us right now which is what we are going to do about parking.*
- mmm. Cambria Mueller: What do the commissioners think about Chris Roedl's recommendation? \$250 per spot for 1-5, \$500 for 6 or more spots, with a cap of 45 spots*
- nnn. Emily Pitchford: I don't think it was ever intended to cap it at 45 spots. I would recommend 10 max spots to be paid through the fee. It was never intended to be a huge number like 45 or 90. If you need that many spots, you need to rethink your entire property.*
- ooo. Chris Roedl: I think a cap of 10 is drastically too low. I felt 45 was a fair number based on what is already happening in the Village.*
- ppp. Jon Kolb: I would want a higher rate per spot the higher you go. I agree with Emily that I thought we were doing this for up to something like ten spots. What about \$250 up to 5 spots, \$500 up to 10, \$1,000 for 11-20, \$1,500 for 21-30, then the actual cost of a parking top for 30 or more. I could agree to something like that.*
- qqq. Cambria Mueller: What if we keep it at \$250 per year for 1-5 spots. Commissioners expressed a consensus in favor of that starting point. To Emily and Jon's point, I would agree with you that I had the same mindset to cap it at 10 was the original intent. I see it now from Chris's point of view. I think 45 is too high, but 10 is too low. What about a cap of 28 spots as a maximum? To Lou's point, does everyone agree that this is not retroactive? In my mind, a change of use and change of intensity, they do go back to zero and all spots get counted. That is a business decision that they have to make.*
- rrr. Chris Roedl: I agree. That is too complicated the other way.*
- sss. Kathy Navis: That would mean that Casey's wants to add two tables, then they are not going to be able to do that at all. They are fortunate to have the bank and village office right across the street.*
- ttt. Lou Nyberg: Let's say Casey's is going to add something. If you tiered the cost, the new seats should be charged at that level. I don't think they have to go back to zero. If you are at 5 already, then you would pay the fee for 6 and above.*
- uuu. Cambria Mueller: How would that be different compared to a new restaurant that would start at zero? How is it fair that Casey's would only pay for those new seats in comparison?*
- vvv. Lou Nyberg: Because Casey's is grandfathered in and has been her for a long time. You don't want to discourage existing businesses from expanding.*

We could put something in that they have to come to us to approve an expansion.

www. Cambria Mueller: Using Casey's as an example if we cap it, they are already over that cap we are considering. I don't think it is fair to the others who have either provided the parking or can't afford the fee. If you have an established business that is looking at expanding, you need to work that cost into the budget. I'm not looking at this as a penalty as some are seeing it. There is a cost to this parking.

xxx. Lou Nyberg: Chris Roedl, if you want to expand, do you want to go back to 0?

yyy. Chris Roedl: I think that would be the only way to keep it fair.

zzz. Kathy Navis: That is what our ordinance says today. If you are going to change your use, you go back to square one and you have to come into compliance for your parking.

aaaa. Chris Roedl: Let's say someone wanted to buy Casey's, if we capped it at say 20, the new owner would have to remove seats. I don't think that is fair. That is why I looked at the current landscape. I think we have room for new development.

bbbb. Cambria Mueller: I really like that idea. If Casey's does sell, we aren't putting a burden on the sellers or the buyers. There are 165 seats in Casey's. They know what they are purchasing. There won't be any additional costs to them unless they try to expand that use. Are we ok at the cap at 45 with a tiered cost? Are we ok at the cap at 45?

cccc. Commission agrees to explore this option with more discussion about the specific tier level and amounts.

dddd. Cambria Mueller: I think we need a few more steps in the tiers. What about 6-10 spots at \$500 per spot?

eeee. Kathy Navis: I'm not. I would do \$250 for 0-10 spots. I don't think it is fair to the small businesses. Are you going to charge them \$250 for the first tier then \$500 per spot for the next five? Or are you going to charge then \$500 per spot for all spots if they are 10 short?

ffff. Jon Kolb: I would say the first 5 would be at \$250 and \$500 for each spot from 6-10.

gggg. Lou Nyberg: I think if you put \$1,000 per spot for 10 up to the cap, that is high enough. We are talking about an annual fee? Let's say a guy is going to change something, you could be adding \$35,000 per year.

hhhh. Jon Kolb: We are talking about an annual fee. Isn't that simply the cost of doing business? If that cost doesn't pan out, you don't do that change? You don't get a free ride on the taxpayers.

iiii. Chris Roedl: I agree with Jon on this one.

jjjj. Lou Nyberg: Then you are only going to get certain kinds of businesses in town.

kkkk. Emily Pitchford: They have other alternatives like shared use agreements or building a parking lot, like shared use agreements.

llll. Cambria Mueller: Is everyone in agreement with this as a ballpark idea as a first step for a future discussion? 1-5, \$250 per spot, 6-10 \$500 per spot, 11-

28 at \$1,000

mmmm. Kathy Navis: I'm not ok with that. Harbor Hardware is already 12 spots shorts. You are going to tell them they have to pay an extra \$6,000 per year? That parking lot is never full. You are telling businesses they can't expand. No one should have to pay \$1,000 per year for a parking space. You are restricting business from expanding.

nmm. Chris Roedl: I'm ok with it.

oooo. Jon Kolb: I'm ok with it. I would even be ok with 6-15 at \$500.

pppp. Emily Pitchford: I will consider it. In the past I was ok with \$250 per spot but not up to 45 spaces.

qqqq. Jon Kolb: If we want to stay away from that \$5,000 mark which I can understand. If we want to go up in increments with a cap of \$2,000 for now, at least that is a starting point.

rrrr. Kathy Navis: Jon, you are suggesting \$2,000 per year for a parking space?

ssss. Emily Pitchford: The \$5,000 recommendation was a onetime fee with an option to pay for it over 10 years.

tttt. Megan Sawyer: In the recommendation, it is presented as a one-time fee with an option to pay for it through an assessment against the property for no more than ten years.

uuuu. Chris Roedl: Based on commission input at this point, it sounds like \$500 per year is the highest several want to go. What if we did 1-15 spots at \$250, then 16 and over at \$500 per spot per year, capped at 45.

vvvv. Cambria Mueller: What if we put something in the ordinance that if a business changes hands doesn't trigger a parking review? We don't want to burden the seller or the buyer. Commission members agreed by consensus.

wwww. Chris Roedl: Let's say we move the cap down to 20. Imagine someone who is currently at 45 seats, and they want to add some parking spaces, they are trying to do something good, but they would put themselves in a bad spot.

xxxx. Jon Kolb: No reassessment if they are just adding spaces.

yyyy. Cambria Mueller: Is it as simple as us just putting that into the ordinance? If you are adding parking spots, that doesn't constitute a change of use?

zzzz. Megan Sawyer: I don't believe in our ordinance, currently a change in ownership that would trigger a parking review. In the past there have been some businesses that have gone through the conditional use process even through they weren't changing the use. Just the change in ownership would not trigger a parking review. Only a change of use or change of intensity would trigger it.

aaaaa. Cambria Mueller: Based on that, I feel better about a lower cap number. What about 25 as the cap, as long as buyers and sellers are protected. It is only if you change the use or intensity of the business.

bbbbb. Commissioners Nyberg, Kolb Roedl and Pitchford expressed support. Navis prefers to see the cap at a higher number.

ccccc. Emily Pitchford: How about we set a cap, and anything higher than that needs to be reviewed by the plan commission for consideration.

dddd. Kathy Navis: *I would like to see the cap higher. Chris's cap at 40-45 makes more sense to me. That way we are not eliminating any of the existing businesses.*

eeee. Cambria Mueller: *Who is leaning toward 40-45? Roedl, Navis, Nyberg are in favor of it, Pitchford and Kolb would consider it.*

ffff. Kathy Navis: *How about if we do \$250 for 0-10, \$350 for 11-20, and \$500 for 20-45?*

ggggg. Cambria Mueller: *What if we have a new business that comes into the village, that then provides no parking and maxing size their property allows and pays the fee for 45 spots. Is that what we are setting up the ordinance for? We have to look at that way as well.*

hhhhh. Chris Roedl: *They would be allowed to do that. Let's use the Harbor View grill as an example. They could duplicate that business model and meet the requirement by paying the fee. That would go in front of the plan commission.*

iiii. Kathy Navis: *If they have land and they need 45 parking spaces, that is going to cost them \$22,000 per year. That is a lot of money. Are people going to choose to put in no parking?*

jjjj. Chris Roedl: *They would meet the requirement. If you want to put a percent limit on it, that is possible but tricky. If I'm looking at revenue per square foot for my parking lot, I would consider it.*

kkkkk. Cambria Mueller: *I'm leaning towards the 25 spots. That isn't preventing any business right now unless they want to change the use or intensity. They are grandfathered in today. If their property is only housing up to a max of 25 FILOP spots, that would protect the village and still allow some flexibility for a lot of the businesses that fall under the 25 spots. What do commissioners think about Kathy's proposal? \$250 for 1-10, \$350 11-20, \$500 20-45?*

llll. Kathy Navis: *Are we going to go back through the parking ordinances and revisit the calculations as well? I think we need to take that into consideration.*

mmmmm. Emily Pitchford: *I agree. We need to take the calculations into consideration.*

nnnnn. Jon Kolb: *I would at least like to see some limits put into place.*

oooo. Cambria Mueller: *Who would agree with 25 spot cap? Kolb yes, Roedl would consider it. 45 spots? Nyberg, Navis and Pitchford yes.*

ppppp. Kathy Navis: *I think the Plan Commission needs to have some discretion. If someone makes a proposal and they have land, it is up to the discretion of the Plan Commission to approve the combination of options to meet the requirement. If someone wants to build lot line to lot line, we could just say no. This discretion already exists. If they can prove it is reasonable and it makes sense for them to pay the fee, then we can approve it.*

qqqqq. Chris Roedl: *The Plan Commission already has this discretion.*

rrrrr. Jon Kolb: *If you set it at 25, you could also use the argument that the plan commission has the right to adjust that.*

sssss. Kathy Navis: *Harbor View currently requires 32 spots. You are telling me that a similar business could only put in enough seating that equates to 25*

parking spots?

tttt. Cambria Mueller: While I agree with the reasoning behind a cap of 45, the other side is we do have to be forward thinking about new development. I think 25 spots protects the Village more. This is more reasonable and proportional. For tonight – let’s recap what we currently have and put it on the agenda for the next meeting. \$250 for 0-10, \$350 11-20, \$500 21-25 with a cap of 25? This is not us agreeing to this. This is just a baseline for our discussion next month. I think this was a productive discussion. I appreciate the input on this tonight.

uuuuu. Jon Kolb: I think we are at a good spot. I want to make sure no one adds more tables before this gets finalized. Do we put a freeze on current expansion?

vvvvv. Kathy Navis: This needs to be approved by the Trustees first.

wwwww. Cambria Mueller: I do think we have collected the data. We know the number of seats, parking stalls. Is there any way to put a halt on conditional use permit applications until we can get this ordinance nailed down because it is data driven?

xxxxx. Tom Strong: The short answer is no. Jim Kalny has provided the opinion that the moratorium option is only applicable to specific types of development like new neighborhood developments.

yyyyy. Jon Kolb: Maybe my fears aren’t warranted because we do have the option as the Plan Commission to require additional parking in the Conditional Use Approval process.

7. Updated Village parking audit & parking requirement comparisons.

- a. Megan Sawyer provided an overview of the updated parking audit and parking requirements comparisons as presented in the packet starting on page 15. Egg Harbor requirements are compared with Sister Bay, Ephraim, and Cedarburg for a number of different business types and sized.*
- b. Emily Pitchford: I think we should look at this, as Egg Harbor’s requirement calculations are on the low side.*
- c. Kathy Navis: Do the others consider retail space only or the entire building? Do they count all employees or the maximum number of employees on site at one time?*
- d. Megan Sawyer: I used the maximum number of employees on shift at one time. I used square footage of retail space. I would have to take a closer look at those other codes to see if they include building space or retail space.*
- e. Chris Roedl: Do you see any flaws in the EH logic?*
- f. Kathy Navis: I feel we are short but I’m not sure we are comparing apples to apples. Retail space vs building space are completely different requirements.*
- g. Chris Roedl: I feel like we should only change one thing at a time. Let’s tackle the fee first, then look at these calculations later.*

8. Discussion and consideration of limiting the number of conditional use permit applications filed per parcel per 12-month period.
- a. *Megan Sawyer presented an overview of the proposal to limit the number of conditional use permit applications filed per parcel per 12-month period as presented starting on page 23 of the packet. Given the review of this past year, the reviews have eaten up a significant amount of staff time and Village resources. I am recommending limiting the number of conditional use permit applications per parcel to two in a twelve-month period.*
 - b. Cambria Mueller moves to limit the number of Conditional Use Permit Applications per parcel per 12-month period to two. Chris Roedl second.**
 - c. *Kathy Navis: What triggers the requirement for an applicant to need a second Conditional Use Permit application?*
 - d. *Cambria Mueller: If a Conditional Use Permit Application is denied, then they have to start over. If we table a request asking for revisions, that doesn't require a new application. With Shipwrecked we denied their first request but did not deny their second application. If we continue to work with them that is not a new conditional use permit.*
 - e. *Emily Pitchford: Village View Condo project was tabled so that was just one application.*
 - f. *Cambria Mueller: Emily, you are correct. That was a single request. I think that is something for the commissioners to consider along with staff time and attorney fees. If an applicant comes with a plan that just doesn't fit, we might deny it. They usually come back and have a plan that is better suited to the plans that would be their second application. Even not denying an application, it is still eating up a lot of staff time and attorney fees due in part to Wisconsin Act 67.*
 - g. *Jon Kolb: What is the fee for filing a Conditional Use Permit application? Is that based on our actual costs? Can we use our costs to justify a fee increase?*
 - h. *Megan Sawyer: We are looking at increasing that fee based on our costs. We might need to get clarification for how long an application can remain open, if for example the applicant doesn't respond in a timely manner.*
 - i. *Kathy Navis: Under what circumstances, are we able to deny an application rather than tabling it. This might be a Jim Kalny question.*
 - j. *Lou Nyberg: I recall Jim Kalny recommending that we could have tabled the first shipwrecked proposal. We didn't have to deny it. We chose to deny it.*
 - k. *Emily Pitchford: In that instance the whole premise of the shared parking for that plan didn't exist at that point.*
 - l. *Kathy Navis: If we choose to deny an applicant twice, I think we need some guidance for when it is appropriate to deny an application instead of tabling it,*
 - m. *Chris Roedl: That guidance is Wisconsin Act 67.*
 - n. *Cambria Mueller: I think our ordinances and comprehensive plan are in place as well. I see it now from the staff's view for all the time they have to*

put into these reviews. I expect an applicant to come to the table as close to what we would expect as commissioners, so they have the best shot at approval on the first review. I would like applicants to respect staff's time by coming to the table very close to what we would expect to approve. I hope we wouldn't have to table an application but if we do, that it would be for minor changes.

- o. Emily Pitchford: That's fine but it isn't working like that right now.*
- p. Cambria Mueller: This would hold them to coming to us with a more complete plan the first time. If someone has to be sent back to the drawing table, it should just be denied. That is my opinion.*
- q. Jon Kolb: I agree. This forces the applicant to put their best plan in front of us first. I agree with the original motion at two attempts per year. We can handle it as a committee when we choose to deny or table an application. At least we can expect to see their best plan up front.*
- r. Cambria Mueller: We need to figure out what the norm will be for this Plan Commission under this proposal.*
- s. Kathy Navis: How is an applicant supposed to predict what we will and won't be ok with? We have that written in that they are able to ask for certain relief for their project.*
- t. Chris Roedl: When was the last time this commission denied an applicant two times in a year?*
- u. Kathy Navis: I don't think that has ever happened. Even if they don't come back with a new application but they likely will need to return with updated plans. Is it any less work for staff if they don't have to go through the application procedure again?*
- v. Cambria Mueller: This is just preventing someone from applying 3 or more times per year going forward. Today, they could apply 10 times per year right now.*
- w. Lou Nyberg: I think we already have sufficient discretion when we consider any given project. Having a limit at two gives us some options.*
- x. **Motion unanimously carried.***

9. Correspondence

- a. There were no public communications included in the packet. There were two last minute communications that came after the packet was finalized.*
- b. Cambria Mueller: Regarding the cow troughs, can those be put back in place?*
- c. Megan Sawyer: Yes, the cow troughs will be returned to their original location along with the striping. I have been talking with the contractor to get an update.*
- d. Jon Kolb: I have a concern that those cow troughs might not allow for parking on both sides of those no longer viable. Could we opt for concrete pylons instead? I would hate to lose any parking spots.*
- e. Megan Sawyer: The cow troughs were part of the Special Development*

District relief approval in 2018. Given the state of things, and how that area might have been affected.

- f. *Cambria Mueller: Could you or Tom look into it to verify? If that isn't viable, we can look into alternatives to be sure the parking lot is functioning as it was intended to.*
- g. *Megan Sawyer: Thanks. I have the direction I need.*
- h. *Cambria Mueller: The second piece of communication was regarding excessive noise from a short-term rental on Sleepy Hollow.*
- i. *Colette Donough: What are the consequences for this property owner? This owner has quite a track record of late-night parties at this property. His property is booked up through the summer and fall months. Nothing good comes from a house that sleeps 14 guests. What can we do as neighbors? What would the next steps be?*
- j. *Jon Kolb: We had talked about three strikes, and you are out. We could possibly not renew their business license.*
- k. *Megan Sawyer: That is the avenue we would explore. There is a requirement that the rental units need a business license. If the owner is over a certain distance away, they need to have a designated agent for managing this property.*
- l. *Colette Donough: This is brand new construction that was built to be a party house. With excessive noise at 2:00 AM, that has reached a point to draw the line. We have been here for fifteen years. We have kids and grandkids who are sharing our home.*
- m. *Cambria Mueller: Do they need to be registered with the Tourism Zone to rent through online portals?*
- n. *Megan Sawyer: Yes, they need to be registered with DCTZC. The Short-Term Rental Zoning is under ordinance 152.054 – Tourist Rooming Houses – Short Term Rentals. We will look into what action can be taken at this point.*
- o. *Cambria Mueller: I don't think it is breaking the noise level defined in our ordinances. Just to put it on the record, the owners do want to be a part of the community. I think he will be receptive, but the neighbors also need a course of action. Sending in letters to document the issue is the place to start.*
- p. *Emily Pitchford: The purpose of having a defined agent within a certain distance was so they could respond. Maybe the agent needs to be contacted when it happens.*
- q. *Jon Kolb: Can't you file a complaint with VRBO or AirBNB? I believe they have some no party house policy on their end.*
- r. *Colette Donough: Megan, you will be sending the owner a copy of the ordinance? You are all to be commended. Bravo to all of you.*

10. Zoning Report

- a. *Tom Strong provided an overview of Zoning Administration activities as presented on page 23 of the meeting packet. Zoning requests and submissions are still not slowing down. Village View demolition is in*

progress but no zoning or building permits have been issued. The first building is going up in the new neighborhood next to the 9th hole at the Orchards. Megan Sawyer will likely be providing these reports for you starting next month.

11. Open Session

- a. Cambria Mueller opened the floor for public comment.*
- b. Mary Jo Kolb: There is a chain link fence around shipwrecked? Is something going to be done with that for this summer? In many conversations, Egg Harbor is being compared to Sturgeon Bay. No one in Sturgeon Bay on 3rd or 4th avenue serves 400 people. If you want to serve a group that large, you go to Stone Harbor. To compare Michigan Street to Egg Harbor is not comparable at all.*
- c. Megan Sawyer: We will continue to work on the screening by shipwrecked.*
- d. John Laubmeier: As you are working on completing this ordinance, I would ask you to treat new businesses and existing businesses differently. If I am a new business, I can read your ordinances and make a new business plan. To the businesses that are already here, I don't think it's fair to them. I think it is reasonable to assess them for whatever additional parking requirements they might have but not to take them back to zero. That would be a huge economic hurdle for any existing business.*
- e. Jon Kolb: I would like the Village to consider stoplights at Greens N Grains and Shipwrecked corners. I don't know how far discussions have gone in the past. It could be just flashing during the off season. I hope we can put that on a future agenda. It has been a problem corner for years and it is getting worse. We should be proactive about safety. We may not like it, but we need to control traffic.*
- f. Kathy Navis: I believe you will need to present that to the Parks and Public Works committee or the Trustees.*
- g. Cambria Mueller: Megan, wasn't there talk in the past about having joint PPW and PC meetings. Do you remember stoplights being on the radar, and if so, why it didn't happen?*
- h. Megan Sawyer: I remember a discussion, but I don't recall specifics. We can explore having a joint meeting if that is something you want to do.*
- i. Cambria Mueller: I want to thank John Heller and Megan Sawyer on putting all the information together on the parking topic. This helped guide the discussion tonight.*
- j. Kathy Navis: I am wondering if there are other communities that have a tiered FILOP fee structure. I would hate to recreate the wheel.*
- k. Emily Pitchford: We did find information like that but those were for communities that were way larger than Egg Harbor.*
- l. Cambria Mueller: I feel like the discussion is headed in the right direction. I don't want to reinvent the wheel. I think it would be helpful to have more details from Sister Bay as the closest comparable.*
- m. Megan Sawyer: Sister Bay does have a fee set at \$3,000 but they have never*

assessed that fee. I briefly talked with the Administrator once. I can talk with them more to get some insight into the fee and the other options they have to meet the requirement.

12. Next Meeting

- a. July 27, 2021, 6:00 PM In person at the Bertschinger Community Center. Large Meeting Room.
- b. *Cambria Mueller: We will hold in person meetings through the summer at the Community Center. If there is a public meeting, we could have that on a different day at the Kress to allow for a Hybrid meeting.*

13. Adjourn

- a. **Cambria Mueller moved to adjourn. Seconded by Emily Pitchford.**
- b. **Motion unanimously carried.**
- c. Meeting adjourned at 8:56 PM.

Minutes completed by Tom Strong on June 25, 2021. Submitted for approval on July 27, 2021.

Bold – Commission Action

Italics – Summarized Comments