

**Village of Egg Harbor**  
**Plan Commission Public Hearing Minutes**  
**May 11, 2021 at 12:00pm**

- Commission Chair Cambria Mueller called the meeting to order at 12:00pm
- Commission members present: Cambria Mueller - Chair, Paula Cashin, Kathy Navis, Lou Nyberg, Emily Pitchford, Jon Kolb, Chris Roedl, John Heller Village President
- Village Staff present: Tom Strong
- Public: Joseph Smith, Shipwrecked, Main Street Shops Board of Directors, Gary Gruenisen, Denny Phillips, Bobby Bashleben, Caleb Despins, Lisa Van Laanen, Paul Brophy, Tyler Pluff, Jennifer Blahnik, Jeff Schmeckpeper, Joan (No last name), Karen Stout, Kim Jensen, Mike Higgins, Regan Northrop, Stacy Wodack, Yvonne Torres, Logan Devroy, Adela (No last name), Alyssa Rassmussen, Robert Pollman, Pat Nash, Lauren Schar, John Bocchino.

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

- Chair Cambria Mueller opened the public hearing regarding the Conditional Use Permit Application filed by David Pollman at 12:00 PM.
- *Jim Kalny provided an overview of the Wisconsin Statutes regarding the Conditional Use hearing including the definition of testimony and substantial evidence that the Plan Commission can take into consideration for deliberation. Substantial evidence must be practical and preferably measurable. If an applicant agrees to meet all the conditions imposed by the committee, the permit is to be granted. Opinion based nonobjective based testimony will have limited value. Anyone who testifies may be questioned.*
- *Cambria Mueller thanked Jim Kalny for his comments. She wants the commission to hear all testimony. It will be up to the Commission to sift through it during deliberation. She asks testimony to remain civil and orderly.*
- Tyler Pluff, 454 Kentucky St Sturgeon Bay, WI 54235.
  - *Tyler Pluff represents Shipwrecked, provided comment that they are aware of a go fund me page opposing drinking establishments in Egg Harbor. I would ask for any commission members who has donated to the go fund me page should recuse themselves at this time.*
- *Jon Kolb stated that the contribution that was made was done at the request of his wife, though it showed up under his name, which he changed to anonymous. We have been talking about parking since I have been on the plan commission for the last 3 years. I do like the project and the idea of outdoor dining, but I am not in favor of a 400-seat restaurant with only seven parking spots. Jon recused himself.*
- *Jim Kalny indicated that this is a hard case to call but even the appearance of bias is a problem. Jon Kolb recusing himself puts the Village in a better legal position.*
- *Tyler Pluff requests any other commissioners who have donated to the go fund me page to recuse themselves at this time.*
- *Cambria Mueller stated that she is not interested in playing games. If Tyler Pluff is aware of anyone else, I would like to know about it now before we start the hearing.*
- *Tyler Pluff would not like to call out names specifically, but I would like to give one last chance to step forward before I start calling out names.*
- *Chris Roedl donated to this cause before I was a commissioner. I cancelled that donation when I found out I was under consideration as a commissioner. I don't see how this impacts my capacity to make a decision on this application. There is no personal benefit to me or what I see as a conflict of interest.*
- *Tyler Pluff indicated the original donation was changed to anonymous and is still on the page as of yesterday.*
- *Chris Roedl will verify that. That page is not directed toward this development. It is directed towards smart growth in Egg Harbor.*
- *Tyler Pluff commented that this page came out 10 days after the first denial. We believe that it is an attack on this specific development.*
- *Chris Roedl prefers not holding up this hearing. I will consider recusing myself before deliberation. I will sit and listen today.*
- *Cambria Mueller indicated that Pinkert has been in communication with our attorney. I'm disappointed this is coming out as the public hearing is starting.*
- *Joe Smith indicated Chris wasn't appointed last night.*
- *Cambria Mueller indicated it is noon. A courtesy would have been to provide us notice in the morning to have a proper discussion before the meeting.*
- Cambria Mueller swore in the Witness, Joe Smith, on behalf of the Applicant.

- Testimony: Joe Smith, 7765 WI-42, Egg Harbor, WI
  - *Joe Smith provided his testimony on behalf of Shipwrecked as outlined in Exhibits A - K. He emphasized the need for restaurants in Egg Harbor, as people need food to eat while visiting away from home. The revised application comes in under the 60% impervious surface ratio. We are willing to comply with all reasonable conditions. Shipwrecked is an established restaurant in Egg Harbor. Based on the evidence presented, I strongly feel that the conditional use as a restaurant and tavern is appropriate and should be approved.*
  - *Cambria Mueller asked about the quotes that referenced the comprehensive plan that people should park once and walk. Where should people park, when your business is going to be short 84 spots.*
  - *Joe Smith commented that they are already in operation and short a number of spots. Last night at the Village board approved an update to the Hwy 42 plan that will add parking not in the downtown core, but to the peripheral areas. Church Street is adding over 100 parking spots as well. The trustees have made a commitment to the downtown area. A suburb is full of private parking lots. The board realized this is a compact downtown area those needs should be met with public on street parking. Sturgeon Bay is serviced by public parking in the downtown area. We are excited to contribute to the Fee In Lieu of to support that cause.*
  - *Cambria Mueller appreciated the effort to take green space into consideration, but parking is also a large concern. I hope we can hear great ideas as the public hearing continues.*
- Cambria Mueller swore in the Village Witness, Tom Strong, on behalf of the Village.
- Testimony: Tom Strong, 5033 Shady Lane, Egg Harbor, WI.
  - *Tom spoke on behalf of the Village of Egg Harbor as the Interim Zoning Administrator; he went through the Design Element report and the project against criteria for a Conditional Use Permit. Tom also addressed aspects such as traffic control and the neighboring property concerns regarding the shared driveway, parking, sidewalks, storm mitigation, increased noise, screening. He determined the project requires 107.5 spots. The project is short 94.5 spots that would need to pay the fee in lieu of parking at \$4,225 per year. I would like to highlight 152.030 that gives the commission the authority to require additional parking spots based on the project. I will consolidate the items for the commissioners to deliberate on at the May 25<sup>th</sup> meeting.*
  - *Kathy Navis asked to confirm the height limitations for the fence.*
  - *Tom Strong indicated that the vision triangle requirement is 30", but the limit for side and rear yard fences is 2 feet.*
  - *Cambria asked if the storm water mitigation plan is the same as the first time.*
  - *Tom Strong didn't see much of a change in the system at all.*
  - *Joe Smith indicated that the removal of the parking lot is what brought the percentage under the 60% limit.*
  - *Cambria Mueller asked if the grease trap is sufficient to handle the additional kitchen space.*
  - *Joe Smith indicated the grease trap is 2400 gallons which only needs to get pumped out every six months. It is sufficient for the expansion.*
  - *Joe Smith asked if flashing beacons are a part of the Hwy 42 project?*
  - *Tom Strong indicated they are under discussion, but they are not currently included in the plans.*
  - *John Heller confirmed that the flash beacons are not included in the plans at this point.*
- Cambria Mueller swore in the Witness, Caleb Despins
- Testimony: Caleb Despins 8241 Wildflower Ct Baileys Harbor, WI
  - *Caleb read a letter he had submitted to the Plan Commissioners opposing the use of the Fee in Lieu of Parking for the large number of parking spots the applicant is short, adding 92 seats while reducing the number of spots available from 11 to 7. This will make the downtown parking worse. I asked the Plan Commission to revise this FILOP ordinance before allowing the project to move forward. He highlighted a Journal of Planning Education parking fee in lieu of study of 40 other municipalities who have implemented a Fee in Lieu of Parking studies. The average charge was \$11,531, 130 times more than what the Village is requiring at \$50. A second study averaged \$11,018 per parking stall. Why would any business in the Village not immediately replace their parking to expand their capacity? The Parking Study done for the Village recommended FILOP to establish public parking funds, stating that the Village can create more parking or manage existing parking more effectively. Requiring Shipwrecked to provide more parking would meet the goals outlined in the parking study. Joe Smith indicated that a walking village was the goal of the FILOP in the first place. Church street will help the over all parking situation, but they exceed what is generally considered walking distance at over a quarter mile away. Even if the lack of parking is offset by taxpayer funded parking on Church Street, well over half the spots being added would be spoke for by Shipwrecked. With the project costing over \$1.600,000, it would take over 190 years before the Village would recoup that cost. This puts an undue burden on the Village taxpayers. I do not believe many consider this project to meet the concept of balanced growth as outlined on P 35 of the Comprehensive Plan. Page 37 says the master plan should prioritize community desire for how to develop land through the Village. The community has submitted a large number of communications opposed to this project. I believe this commission should table this proposal or apply a conditional use that requires a review of the Fee In Lieu of ordinance before this project moves forward. We only have one chance to get this right. There will be no second chance to fix it. The results will have a long-lasting impact on Egg Harbor.*
- Cambria Mueller swore in the Witness, Mary Reilly.
- Testimony: Mary Reilly, 7632 Evergreen Road, Egg Harbor, WI.
  - *Mary has worked for 40 years in community development. Her primary objections are that they came back with*

*fewer parking spaces in this version, deferring the cost for parking to the Village of Egg Harbor and its taxpayers. I believe this project should be rejected on the basis of parking alone. The number of spots required is way out of scale for this Village. This would add a significant burden to an already overly congested area, including vehicle and pedestrian traffic. She is recommending the Village higher a firm to execute a vehicle and pedestrian traffic study to understand the impact of this addition, executed by the Village and paid for by the application. We are creating a situation for ourselves that will become more of a danger in the future.*

- *Joe Smith asked Mary to expand on her credentials.*
- *Mary outlined her work history, including working as a director in Pittsburg, also in the private sector financing housing and community development projects.*
- Cambria Mueller swore in the Witness, Paul Brophy.
- Testimony: Paul Brophy, 7632 Evergreen Road, Egg Harbor, WI.
  - *Paul Brophy has a degree in City Planning and 50 years of experience working in Community Development his entire career. In the Comprehensive Plan, Page 28, highlights the public desire to maintain the quaintness of the Village. 75% of the respondents expressed the desire to maintain the quaintness of the Village. It is clear that this project is not quaint and is significantly in conflict with this part of the Comprehensive Plan. I ask the commissioners to consider the quaintness in their deliberation. Second, I am puzzled by any objection to the Go Fund me activity. I respectfully disagree with Tom Strong's conclusion that this project is consistent with the plan. This is not a quaint building at all. I urge the commission to deny this application as it is not consistent with the comprehensive plan.*
  - *Joe Smith asked if Paul is approaching the project area from the south on Hwy 42, the intent of this project is to soften the look of the existing building. Did you look at the 3-D renderings for how it would look with the addition?*
  - *Paul Brophy did review the renderings for the first submission. I appreciate the effort to improve the aesthetics, but the size of this proposal gets in the way of that in my opinion.*
- Cambria Mueller swore in the Witnesses, Jon Kolb.
- Testimony: Jon Kolb, 5004 Beach View Lane, Egg Harbor, WI.
  - *Jon Kolb shared a video showing automobile and pedestrian foot traffic on Hwy G in the winter months. Jon asked Joe Smith for a customer count as an indicator of the number of pedestrians crossing the street in this area.*
  - *Joe Smith said they typically serve between 900 and 1000 customers per day on a summer Saturday.*
  - *Jon Kolb would like to see a traffic study as a citizen to be sure we have people safely crossing the street. Joe Smith was on the board and plan commission from 2019-2021. The plan commission has talked about parking for the last three years, including Fee in Lieu of Parking. That fee was set at \$200 per spot per year by the plan commission. On February 10, 2020 Board Meeting Joe Smith made the motion to set it at \$50. I think that is a big conflict of interest in the favor of the business wanting to use that fee to this extent. Jon played the audio of the motion from the February 10, 2020 meeting when the Fee In Lieu of Parking amount was established at \$50 per spot per year. I believe that is a conflict of interest.*
  - *Joe Smith asked Jon to play the meeting audio from the beginning of that agenda item to hear the whole story.*
  - *Jon Kolb played the audio of the entire discussion.*
  - *Joe Smith said he went into every meeting with an open mind. I changed my mind in part based on the testimony provided by the new testimony provided at the trustee meeting.*
  - *Jon Kolb stated that he agrees with that statement which is why I hated to recuse myself. I also come into this with an open mind. However, we had a \$200 per spot fee that was reduced to \$50. The last concern I have to bring up is pedestrian safety. Maybe paying for flashing lights would be a great way to use these funds. It is highway 42 with heavy traffic during tourist season.*
  - *Joe Smith asked about the request for a traffic study. Are you aware of the current litigation over the condemnation along Hwy G. Would you be surprised to learn that Shipwrecked asked for a traffic and pedestrian safety study to prove their case for condemning the land? The land was condemned without a study, though we asked for it many times. I'm not sure why you think we should have to pay for a study when the Village didn't do a study for their project.*
  - *Jon Kolb believes a study should be done, and it would prove there is a safety concern.*
- Cambria Mueller swore in the Witness, Kim Jensen.
- Testimony: Kim Jensen 7168 Hwy 42 Egg Harbor, WI.
  - *Kim Jensen owns four businesses in the Village providing full time and part time jobs as well as employee housing. Our comprehensive plan should be supporting our future development and safety. I have held the opinion that Egg Harbor will never have enough parking. Fifteen years ago, I suggested a 3 story parking structure near Main Street Market, and I was laughed out of the room. I want to thank Shipwrecked for opening my eyes. I will be asking the planning commission to allow me to join my properties to add 200 seats to the back of Mojo Rosas. We will be using existing parking and FILOP of \$2,500 to satisfy my parking requirements I will not have. Our current parking ordinances will not protect my property or others from using my parking lot to expand their business to increase their revenue while mine is not increasing. I see our ordinances do not address the tax burden on all taxpayers to pay for public parking. I see a rift between businesses due to the Village being able to enforce ordinances. I encourage other businesses in Egg Harbor to develop now to ensure that you can be considered for the same development. People will park as close to where they want to be. I encourage all businesses to take advantage of*

*the current FILOP ordinance to keep up with the current development we are seeing in Egg Harbor. I am looking forward to the same consideration given to Shipwrecked. I thank them for opening my eyes. I hope that my development will help with paying for public parking.*

- Cambria Mueller swore in the Witness, Lisa Van Laanen.
- Testimony: Lisa Van Laanen 7802 Horseshoe Bay Rd, Egg Harbor, WI 54209.
  - *Lisa expressed concerns that this updated project does not mitigate the parking concerns expressed about the original submission. They reduced the original spaces they offered. Green space is a concern, but parking took up the majority of the conversation. Contrary to other comments at past meetings, this commission does have a say in issues such as parking. Section 152.026 covers special development districts, that gives the planning commission authority to impose alternatives to the permitted uses at its discretion. This case, the FILOP regulation wasn't intended to allow a shortage of over 80 parking spaces. This proposal as presented operating at full capacity, there wouldn't be enough parking spots for this one business. That would suck the oxygen out of the Village. Another point I would like to make is the developers have said how much time and money have been spent on this proposal. All proposals take time and money. That should not be considered in this deliberation. Everyone has a right to develop but only according to the Village's criteria and approval based on the interest in the community. The addition could be reduced or less outside tables. The project is just too large for the size of the lot that it is proposed. I was not able to find the height of the proposed project. The height of the existing building is 36.15 feet, exceeding the allowable height. I think the Village should get a confirmation of this before approving the addition. I hope the commission rejects this proposal and return with a workable proposal that fits in with that lots parameters and meets the communities expressed sensibilities.*
  - *Joe Smith asked if Lisa is aware of the height of the building before it burnt down? The Village zoning code allows us to rebuild in the same footprint and the same height. The prior structure was 40 feet high, which is why Megan and Brett allowed it to be rebuilt to the height it is at. The height as listed on A3-1 in the plans. The height of the addition is 26 feet, 1 ½ inches at the peak. That design element is what we felt would soften the big blue wall on that side of the existing structure.*
  - *Lisa indicated when the structure was rebuilt, it was changed from a restaurant and lodging to just a restaurant. That was a change of use and was not addressed. The building is still huge. The addition alone is bigger than Signature Pieces.*
- Cambria Mueller swore in the Witness Bonnie Wolfe.
- Testimony: Bonnie Wolfe, 4527 Harbor School Road Egg Harbor, WI 54209.
  - *Bonnie Wolfe has been a homeowner in Egg Harbor for 35 years. I would like to ask Joe Smith how many seats were in place prior to the fire, which was a tragedy.*
  - *Joe Smith: 270 seats both indoor and outdoor. Currently during Covid we have 230. Pre-covid it was 302 total with 72 of those outside.*
  - *Bonnie Wolfe asked if this will be the largest restaurant in Northern Door?*
  - *Cambria Mueller stated that Al Johnson's is around 370 with indoor and outdoor seating.*
  - *Bonnie Wolfe expressed concern regarding the size of this project for the reasons that others talked about including traffic, pedestrian safety and parking. If this business wants to expand, they should pay for the parking. In this case with such a large number of added seats, they should have added parking spaces. As Kim Jensen was saying, if she wants to build out she doesn't have to worry about adding parking if we are going to approve this. I love Egg Harbor and Door County. I would like to see things stay nice.*
- Cambria Mueller made several last calls for testimony. I want to thank everyone for being on this call and for the testimony provided. It is a lot for the plan commission to think about. We have 2 weeks to digest this information and review the Comprehensive Plan.
- Joe Smith asked about the time of the meeting on the 25<sup>th</sup> with a prior commitment at 3:00 PM that day.
- Cambria Mueller: Could we make sure that this deliberation is the first agenda item on the 25<sup>th</sup>.
- Emily Pitchford: I would like to know where we stand legally with the two commission members in question who could not participate today. Are they going to be able to participate on the 25<sup>th</sup>?
- Cambria Mueller: We will have a conversation with Jim Kalny and John Heller to determine how we will move forward well before the meeting on the 25<sup>th</sup>. As soon as we know, we will let you know as well.
- Kathy Navis: If Jon and Chris are recused from this deliberation, do we still have a quorum?
- Cambria Mueller: Yes as long as the rest of us are there we should have five commissioners. We need four for a quorum.
- *Cambria Mueller asked if there are any other comments from the commissioners. No other commissioners had comments to add.*
- Chair Cambria Mueller closed the public hearing at 2:12 pm.