

**Village of Egg Harbor
Plan Commission Meeting Notice and Agenda
May 19, 2020 at 12:00 p.m.**

Members of the public are encouraged to join the PUBLIC HEARING following the instructions below:

TO CONNECT VIA TELEPHONE CALL:

DIAL - 1 312 626 6799

ENTER PUBLIC HEARING ID: 961 2149 6952

**Members of the public who are hard of hearing are encouraged to join the
PUBLIC HEARING via video conference by following the instructions below:**

TO CONNECT VIA COMPUTER/PERSONAL DEVICE:

PUBLIC HEARING Link: <https://villageofegg Harbor.zoom.us/j/96121496952>

PUBLIC HEARING ID: 961 2149 6952

Joe Smith, Chair
Kathy Navis, Commissioner
Emily Pitchford, Commissioner
Jon Kolb, Commissioner

Paula Cashin, Commissioner
Lou Nyberg, Commissioner
Jim Vander Heiden, Commissioner

PUBLIC HEARING: On the conditional use permit application filed by Kimberly Jensen. Said conditional use permit application pertains to property located at 4655 CTH E in the Village of Egg Harbor, (Tax Parcel Number: 118-0125302611B) which is located in the Village's Multi-Use Zoning District with a Special Development District overlay. Said application is required by Chapter 152 Zoning of the Village of Egg Harbor Municipal Code per section § 152.045 Multi Use District, M-U, (B) Conditional Uses, (7) Restaurants and taverns. The applicant plans to open and operate a restaurant on the property.

- Joe Smith called to order the public hearing on the conditional use permit application filed by Kimberly Jensen. Said conditional use permit application pertains to property located at 4655 CTH E in the Village of Egg Harbor, (Tax Parcel Number: 118-0125302611B) which is located in the Village's Multi-Use Zoning District with a Special Development District overlay. Said application is required by Chapter 152 Zoning of the Village of Egg Harbor Municipal Code per section § 152.045 Multi Use District, M-U, (B) Conditional Uses, (7) Restaurants and taverns. The applicant plans to open and operate a restaurant on the property.
- Ryan Heise was sworn in under testimony by Joe Smith.
- Heise brought forth Findings of Fact and Conclusion of Law for Kim Jensen. See packet for details.
- Kathy Navis asked if the proposed plan has enough parking. There will be 100 indoor seats with a rendering of 25 outdoor seats. 27 parking spaces currently for the building, in addition to on street parking. In compliance with parking spaces including consideration for employees.
- Kim Jensen was sworn in under testimony by Joe Smith.
- Jensen stated she also owns Village Café, if they need to accommodate for staff they will park at Village Café since it is not open at night.
- Smith closed the public hearing.

Please note this **public hearing** is not to be confused with a **public meeting**. This hearing allows interested parties to provide testimony and submit evidence for the Plan Commission to consider when it deliberates the issuance of the conditional use permit. This is not a time for questions and answers. The Commissioners will not respond to any statements made. If you have questions or concerns about a project, please reach out to Village staff or the applicant in advance of the hearing. Please also note that even though the Commission may be interacting with the applicant, the general public will not have an opportunity to speak while the Commission is deliberating during their business meeting.

1. Call Meeting to Order
 - a. Smith called the meeting to order at 12:12pm.
2. Approve agenda
 - a. **Smith moved to approve the agenda, seconded by ***REVISIT***, motion carried.**
3. Pledge of Allegiance
4. Approve minutes of March 11th, 2020 meeting minutes
 - a. **Cashin moved to approve the meeting minutes, motion carried.**
5. Open Session (limited to 10 minutes)
 - a. ***REVISIT*** something about shipwrecked
 - b. Noreen had a question of outside seating and how it will proceed with serving people, including alcoholic beverages.
 - c. Pitchford asked if the Village Board adopting Door County's guidelines.
 - d. Smith stated ***REVISIT***
6. Deliberation and possible action on the conditional use permit application filed by Kim Jensen for 4655 CTH E
 - a. Smith asked if there were any other conditions beyond what Heise presented.
 - b. **Pitchford moved to approve the conditional use permit filed by Kim Jensen, seconded by Navis. Motion carried.**
 - c. Smith asked Attorney Kalny ***REVISIT***
7. Tom Starks Food Truck Application
 - a. Stark stated he's from Egg Harbor and would like to be up and running by the end of June with his mobile food service truck. Everything has been approved up until this point. Cannot complete application until inspection is completed. Needs approval of the parking location the food truck on his property.
 - b. Kolb asked for a better idea of the location of Stark's property, and if he talked to his neighbors.
 - c. Stark stated his neighbors and owners don't have issues. Lives next to a chalet.
 - d. Kolb asked about signage, Stark stated at this time there will be no signage on HWY-42, only on the food truck itself.
 - e. Pitchford asked about public restrooms. Stark stated that the State only requires that the employees have a restroom available.
 - f. ***REVISIT*** Heise and restrooms.
 - g. 115.08(i) The operator of a Mobile Food Establishment or Mobile Vendor vehicle shall arrange for use by personnel and customers of the Mobile Food Establishment or Mobile Vendor vehicle public or private toilet facilities during all hours the Mobile Food Establishment or Mobile Vendor vehicle is in operation. If private toilet facilities are arranged, permission shall be provided in writing from the private property owner.
 - h. Cashin asked if under the mobile food ordinance that the food truck has to be moved every 10 days.
 - i. ***REVISIT***
 - j. Navis asked if there is any state regulation about selling from the home base.
 - k. Navis asked why he chose to put the home base at his own house. Stark stated ***REVISIT***
 - l. Smith stated that a mobile food service must return to its home base once in every 24 hour period.
 - m. Cashin asked how many parking spaces Stark has, he stated about 25.
 - n. Stark stated the purpose of this is to approve parking the food truck on his own land.
 - o. Nyberg asked if that sets a precedent ***REVISIT***
 - p. Kolb asked for an opinion from Attorney Kalny about preapproval about ***REVISIT***. Kalny stated you can do conditional approvals but he would recommends not doing that.
 - q. ***REVISIT*** discussion of ordinances
 - r. Smith stated that the ordinance should allow that Stark can sell food from the home base of the food truck.
 - s. Navis stated if there is nothing missing from the ordinances then she is okay with that.
 - t. Smith asked when Stark's inspection is. Stark said he will virtually do the inspection with the state after this meeting.
 - u. Attorney Kalny stated ***REVISIT***
 - v. Stark stated ***REVISIT***
 - w. Smith asked if it would be acceptable to the plan commission that they schedule a special plan

- commission before June 15th. Stark will ask the state if he can sell from his home base.
- x. Attorney Kalny stated it would be a good idea for Stark to compile a list of alternative parking places for the food truck.
8. Approval of Fifth Addendum of Meadow Ridge Condominium Plat
 - a. Brian Pfeffer submitted the Plat.
 - b. Attorney Kalny asked what the purpose of the condominium plat was.
 - c. Pfeffer the purpose is to not increase the area or increase units, they would like to turn over the timeshare ***REVISIT***
 - d. ***REVISIT***
 - e. Smith asked if anything has been changed ***REVISIT***. Pfeffer stated no.
 - f. Pfeffer stated the original plat was done in 2002 ***REVISIT***
 - g. **Smith moved to approve the Meadow Ridge Condominium Plat Fifth Addendum, seconded by Cashin, motion carried.**
 9. Recommendations to Trustees regarding Zoning Rule Relaxation for Businesses Affected by Covid-19
 - a. Smith stated that the ***REVISIT***
 - b. Pitchford asked if the Village's Zoning Rule Relaxation for Businesses Affected by COVID-19 is different than what the County has laid out. Kalny confirmed **REVISIT**
 - c. Smith stated that instead of changing the zoning code, the county has just decided to relax the enforcement of it. Smith stated that it is fitting to ***REVISIT*** for just this year. Pitchford stated it would need to be in conjunction with the ***REVISIT***
 - d. Attorney Kalny addressed liquor licensing.
 - e. Heise stated that Section 125.10?? ***REVISIT***
 - f. Plan commissioners would prefer to keep with consistency of County.
 - g. Heise stated **REVISIT** guidelines vs. order
 - h. **Smith moved to recommend to the Trustees that Village Zoning Ordinances ***REVISIT***, seconded by Navis.**
 - i. Jim asked what happens when the county changes that. Smith stated he would intend that we stay parallel with what the county does.
 - j. **Motion carried.**
 10. Building and zoning report
 11. Code Violations
 - a. Smith asked if there was any recent action, Heise stated no.
 - b. Smith asked if Heise was aware of real estate sign violations at Point Beach. He was not and will contact President Heller.
 12. Open Session (limited to 10 minutes)
 - a. Lauren Schar with the Fireside Restaurant asked if the committee could update if there is a permit for the work that is being done at the former gas station ***REVISIT***. Asked about the residences. Smith stated the plan commission is awaiting ***REVISIT***.
 - b. Heise stated he contacted JJ ***REVISIT***
 - c. Tom Stark stated his representative said the food truck is allowed to sell food at the home base.
 - d. Kim Jensen asked if the utilities committee met to discuss prorating bills. Heise stated that President Heller is planning a meeting.
 - e. Tom Stark asked if main events will be cancelled for Egg Harbor. Smith stated all he has heard of was 4th of July.
 - f. Lauren Schar stated that the EHBA has a meeting May 20th. Will send invites.
 13. Next Meeting
 - a. Next special meeting pending inspection of Stark's food truck.
 14. Adjourn
 - a. **Navis moved to adjourn meeting, seconded by Kolb. Motion carried.**

Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, or to request this service, contact Lynn Ohnesorge, Village Clerk, at 868-3334, or at PO Box 175, Egg Harbor, WI 54209. It is possible that a quorum of the Village Board members or other Village Committee members may be present at this meeting. This is incidental and no action will be taken by the Board or any other Committees.

Date Posted: May 14, 2020

Posted by: Lynn Ohnesorge, Clerk-Treasurer

Time Posted: 4:00 p.m.

_____ Post Office
_____ Paul J. Bertschinger Community Center
_____ Media