

**VILLAGE OF EGG HARBOR**  
**PUBLIC HEARING MINUTES**  
**TUESDAY NOVEMBER 24 – 12:00 P.M.**

<https://villageofegg Harbor.zoom.us/j/94130060330>

Call in Number: 312 626 6799      Meeting ID: 941 3006 0330

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

Paula Cashin, Commissioner  
Lou Nyberg, Commissioner  
Cambria Mueller, Commissioner

Public Hearing:

Notice is hereby given that at 12:00 P.M. on Tuesday, November 24th, 2020 the Village Plan Commission of the Village of Egg Harbor will hold a public hearing on the virtual platform Zoom to receive testimony from the public on the conditional use permit application filed by Jan Mills. Said conditional use permit application pertains to property located at 7818 State HWY 42 (Parcel # 118-0125302612B) which is located in the Village's Commercial (C-1) Zoning District. Said application is required by Chapter 152 Zoning of the Village of Egg Harbor Municipal Code per section § 152.010 (D) Unclassified or unspecified uses or structures. An unclassified or unspecified use or structure, if dissimilar from other permissible uses or structures, may be permitted upon issuance of a conditional use permit in accordance with § 152.040 et seq.; The applicant plans to open and operate a massage therapy business, also offering facials and retail sales of health related products.

- Chair Joe Smith opened the public hearing regarding the conditional use permit application filed by Jan Mills at 12:00 PM.
- Joe Smith presented the information above regarding this conditional use permit application.
- Joe Smith swore in the witness Tom Strong
- Testimony Tom Strong 5033 Shady Lane, Egg Harbor, WI on behalf of the Village of Egg Harbor:
  - That an application for a Conditional Use Permit was filed by the Applicant with the Village on July 17<sup>th</sup>, 2020 (the "Application") for that property located at 7818 STH 42, Egg Harbor, WI 54209 more particularly described as parcel number 118-0125302612B.
  - That a Public Hearing regarding the application was duly noticed and published as a Class 2 Notice under Chapter 985, Wis. Stats., which notice was published in the Peninsula Pulse on November 13, 2020 and November 20, 2020 as appears on the Affidavit of Publication on file herein.
  - That the Property is currently zoned Commercial under and pursuant to § Sec.152.025 of the Village of Egg Harbor Municipal Code.
- Conclusion of Law
  - That the Plan Commission has proper jurisdiction to hear this matter.
  - Due notice was properly given to all parties and public of the Public Hearing was duly and properly made.
  - That there is sufficient evidence in the record to conclude that the Project is in compliance with the zoning regulation for the Commercial Zoned area including setback requirements, building height requirements, and minimum floor area requirements; as an existing building.

- Joe Smith swore in the Applicant Witness Jan Mills
- Jan Mills 4605 Glidden Drive, Sturgeon Bay, WI.
  - Jan Mills: I have an existing business in Sturgeon Bay, Door County Massage, 7818 HWY-42, would like to expand the existing massage business to that building in Egg Harbor.
  - Joe Smith: In your plans you have ten spaces in the parking lot. Is that still true?
  - Jan Mills: Absolutely. We've already taken out some of the rocks and we plan to extend more gravel for additional spaces.
  - Joe Smith: What is the square footage of the retail? How many massage rooms will you have?
  - Jan Mills: It is doubling as a reception area with couches and chairs. It is around 400 sq. ft for retail. 400 sq. ft is listed in paperwork. 5 massage rooms/stalls, up to five clients at one time.
  - Jon Kolb: I'm concerned there will be a blind spot on the driveway on Hwy 42. Is it possible to enter/exit from the back or side of the property?
  - Jan Mills: I have gone up that ramp with my Jeep, so it is possible. We cut back foliage and some trees. I agree with Jon's comment. We might put up a sign that says right turn only for that driveway.
  - Jon Kolb: Who owns the road behind Double Delites and alongside of it to the mall? Is it possible for her to add a driveway to exit that way?
  - Joe Smith: It is really just a parking lot between Main Street Shops. It isn't a road. It is possible if the neighbors let her do it.
  - Kathy Navis: I agree with Jon Kolb about the blind spot. Access from back would be a good idea.
- Joe Smith swore in Jen Thompson.
- Jen Thompson 10283 Heartland Trail, Sister Bay WI on behalf of Main Street Shops.
  - Jen Thompson: That property is boxed in between Main Street Shops driveway and the Helm property. I don't think straight out the back would be the best place for it. If she were to create a road out would be into the property to the south. There is a right of way from us that allows them to enter that driveway safely, but I can understand the Jon's concern. That is why that driveway is one way and an entrance only. Fat Louie's parking is all flat and there is no need to go uphill, there is a hill on both sides of the Main Street Shops.
  - Kathy Navis: I don't think it helps them to exiting from Fat Louie's as that is a worse place to exit to Hwy 42.
- Joe Smith closed the public hearing at 12:12 PM.

**VILLAGE OF EGG HARBOR**  
**PUBLIC PLAN COMMISSION MINUTES**  
**TUESDAY NOVEMBER 24 – 12:00 P.M.**

<https://villageofegg Harbor.zoom.us/j/94130060330>

Call in Number: 312 626 6799      Meeting ID: 941 3006 0330

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

Paula Cashin, Commissioner  
Lou Nyberg, Commissioner  
Cambria Mueller, Commissioner

Agenda:

1. Call Meeting to Order
  - Chair Joe Smith called the meeting to order at 12:12 PM
  - Commission Members Present: Joe Smith, Chair, Paula Cashin, Kathy Navis, Lou Nyberg, Emily Pitchford, Cambria Mueller, Jon Kolb.
  - Village Staff: Lydia Semo, Tom Strong, Attorney Jim Kalny.
  - Public Attendees: Jan Mills, Sophie Parr, Fred Anderson, Jen Thompson, Lisa VanLaanen, Bill White, Michael Schwantes, Bob Wolter, Andrew Wagener, Bill Aubrey
2. Approve agenda
  - **Paula Cashin moved to approve the agenda. Second by Cambria Mueller. Motion unanimously approved.**
3. Pledge of Allegiance
4. Approval of October 20, 2020 meeting minutes
  - Paula Cashin: Item 6, second bullet, capital “B” in Sturgeon Bay. Section 6 page 4, the 11<sup>th</sup> bullet should say “What is the last word?” Page 6, first bullet, capitalize “M” in Market. Page 7 capitalize “E” and “H” in Egg Harbor; second bullet from bottom capital “C” capital “S” in Church Street. Page 9, 10<sup>th</sup> bullet marking should be marketing. Two bullets down, once should be one.
  - Emily Pitchford: Page 7 correct spelling of routs should be routes.
  - **Joe Smith moved to approve the October 20, 2020 minutes as amended. Second by Cambria Mueller. Motion unanimously approved.**
5. Open Session
  - Chair Joe Smith Opened the floor for public comment.
  - No comments offered from the public or the commission members
6. Deliberation for the conditional use permit application filed by Jan Mills for 7818 State HWY 42 (Parcel # 118-0125302612B)
  - Joe Smith: We had our public hearing at 12:00 PM today. We have the findings of fact and

conclusions of law. We will have a few tweaks to that document. Overall, it fits with the general scheme of things for downtown Egg Harbor, a shop as opposed to an empty building would be great. While there are concerns with the driveway access but the addition of 5 more parking spots downtown is a great thing for the Village.

- Emily Pitchford: What is the requirement for parking spots?
- Joe Smith: 1 spot for every four employees plus 1 for every 400 square feet plus two for the upstairs Short-term rental. Total four to five minimum spaces are required. There are currently about five spaces back there.
- Emily Pitchford: We should put in the conditional use permit that there should be no less than five parking stalls. Ten would be great.
- Paula Cashin: I like that wording Joe. No less than five.
- Joe Smith: Item number two under determination in the CUP, we will and that there would be no less than 5 parking stalls in the parking lot.
- Kathy Navis: Are we able to require more than the five parking spaces? I'm thinking the five massage artists, five clients, five therapists, the receptionists, and the upstairs renters. That could be up to thirteen spots needed.
- Jon Kolb: I agree the more parking spots the better, but do we require restaurants to have parking for the maximum number of people?
- Kathy Navis: Yes, based on the number of chairs.
- Cambria Mueller: Our ordinance states one parking stall per four employees, I don't want to see us put such restrictions on her if we are not going to enforce it throughout the whole village.
- Jon Kolb: I would like to see minimum parking spots kept at ten but encourage her to put in more than ten.
- Paula Cashin: I agree. Let's make it no less than ten parking stalls.
- Jan Mills: I will put in as many as I can fit back there. The only issue is a well-head, so I have to work around that. I will need to remove some trees and a bird house to put in additional spots beyond the ten already planned.
- Jon Kolb: Jan, are you certain you can get ten spots back there?
- Jan Mills: Yes.
- Joe Smith: Let's make it no less than ten parking spots. Are there any other conditions we need to address? There's not much worry for abundance of waste, or hours of operation or noise.
- Jan Mills: Will I be able to use the outdoor space for outside retail?
- Joe Smith: As long as it falls under the outdoor displays section of our code you should be set. That is a little different from the conditional use permit.
- **Joe Smith moved to approve the conditional use permit application filed by Jan Mills for 7818 State HWY 42 Parcel #118-0125302612B and accept the findings and facts and conclusions of law that we discussed as a group. Seconded by Paula Cashin.**
- Jon Kolb: I would still like to discuss the driveway with concerns as an exit onto HWY-42. I can see that working as an entrance but it's more concerning as an exit. Is that something we can put a condition on?
- Lou Nyberg: I agree with what Jan mentioned to make it a right-turn-only exit going north.
- Joe Smith: The congestion from a left hand turn would only hold up those in the parking lot. It wouldn't impact the road traffic.
- Jon Kolb: That is a good point.
- Lou Nyberg: There is a crosswalk there as well.
- Jon Kolb: You do have to get past the crosswalk to see if any traffic is coming. I just want my concerns noted.
- **Motion carried with 6 votes. Kathy Navis abstained.**

7. Review of conditional use permit application paperwork filed by Carlson Erickson Builders on behalf of Anderson/Peters Group, LLC for an Employee Housing Project at 7942 STH 42 (Parcel # 118-0124302614M5) and scheduling of public hearing if necessary
- Tom Strong gave background on the application provided in the packet starting on page 26 highlighting 3 reasons this project needs to go through conditional use permit approval.
  - Fred Anderson: Within the Ashbrooke itself there is a two-bedroom apartment. Our night manager lives there. For the last 4-5 years we've been a part of a group leasing the parsonage from the Methodist Church, just south of The Village Café. Because of Covid we didn't have any need for housing for J-1 employees this year, but we expect to need it next year.
  - Paula Cashin: How many employees do you intend to live in the three-bedroom home?
  - Fred Anderson: There could be up to two kids per bedroom so we would have a maximum of six. It is not our intent to put as many people as we can into this space.
  - Jon Kolb: Are there any state restrictions of how many people could be in a housing unit like that?
  - Fred Anderson: Not that I am aware of any but that doesn't mean it doesn't exist.
  - Cambria Mueller: Are we okay with another dwelling to be on this parcel? We have an ordinance that says no more than two per parcel. I'm not saying we shouldn't do this, but I would like to see some wording to make sure it stays as employee housing, and not change to short-term rentals.
  - Joe Smith: So, Cambria, you are saying you would approve it 100% as employee housing but if it was turned into a short-term rental word it wouldn't sit well with people. I think that is fair and we should put this language in the permit.
  - Fred Anderson: I would be fine with that restriction.
  - Jon Kolb: Would Fred Anderson be able to lease the dwelling to employees of other businesses? Would Fred be able to lease that to employees of Shipwrecked for example?
  - Joe Smith: Yes.
  - Sophie Parr: We included a definition of the employee dwelling and requirements. The leniency is that it can act as a dorm-style structure with a shared common space and bedrooms being rented out. A conditional use for a Short-Term Rental is constrained to having a restroom and kitchen for each unit. The occupancy refers to Wisconsin Statute refers to number of people per cubic feet in a room. We just refer to the state code on that. The rental period shall not be less than 30 consecutive days. In terms of employment, that is also specified in Chapter 152. If you are going to approve it as employee housing it will need to meet all those standards.
  - Emily Pitchford: Was that approved by the Village Board?
  - Sophie Parr: Yes, about a year ago.
  - Kathy Navis: Did we change the density allowed for employee housing? Is there an issue with two dwelling units on this parcel?
  - Sophie Parr: There are no limitations on that. We refer to the state code regarding how many people can live there. We did not link employee dwelling to increased density. We didn't link employee housing to increased density. We simply increased density for commercial. You could build a multi-family structure and get a conditional use for employee housing. I don't think there is a density issue with this project.
  - Kathy Navis: If Fred wanted to in the future, he could portion off that lot?
  - Fred Anderson: I would be under the understanding that as long as it falls within the zoning code for parcel size and density limits. When I bought the hotel 20 years ago it sat on four parcels of property that we combined into one.
  - Cambria Mueller: The wording in the ordinances referenced by Sophie prevents the dwelling from becoming a short-term rental in the future, correct?
  - Sophie Parr: Yes. In the commercial district, employee dwelling is a permitted use but needs to stick within the requirements.
  - Jim Kalny: There may also be an issue of that use being an accessory use to the use of the hotel. As

long as it is employment related for people serving Ashbrooke we should be fine.

- Sophie Parr: To that point, since it is an accessory dwelling, it will have to go through the conditional use permit approval process no matter what. This is currently zoned recreational but even under commercial zoning, it would still need to go through conditional use.
- Jon Kolb: Are there separate parking requirements for the dwelling unit itself?
- Tom Strong: I would expect that the same parking requirements apply to this project.
- Jim Kalny: You could apply parking requirements under the Conditional Use Permit.
- Joe Smith: These will be mostly J-1 employees who don't have a car. Fred, do you have any parking lot plans?
- Fred Anderson: My plan is to come off of Church Street with a driveway and have parking for 2 or 3 cars on the north side of the home. We will be 75 feet back from the center of the road, there will be space for parking. I'm thinking it will be room for 2 cars plus the driveway area. If we need more we could add it.
- Sophie Parr: We adjusted the code for that as well and the employee dwelling is basically one parking space per sleeping space.
- Kathy Navis: What will this look like? Is it a stick built or manufactured?
- Fred Anderson: It is three-bedroom two bath ranch style home. What ever you consider a Stratford home to be. I consider it to be a stick built in a prefab construction environment.
- Cambria Mueller: Thank you for coming up with this idea, hopefully it will encourage other businesses to provide housing to their employees.
- Kathy Navis: With the parsonage no longer housing seasonal employees, why not make it larger? I would send people your way.
- Jon Kolb: Is there anything in the county that will incentivize increasing the number of bedrooms in this employee housing dwelling?
- Joe Smith: Not sure.
- Joe Smith: We will schedule this for public hearing and action on Tuesday, December 22<sup>nd</sup>, 2020 at 12:00 PM.

#### 8. Village View - Changed Ordinance Language Request – Height Exemptions

- Tom Strong: I included email correspondence up to this point in the packet. I would open it up to Michael Schwantes and his project team to state their case then let the commission respond.
- Michael Schwantes: Brian from Bayland Builders as is our architect to provide the overview.
- Bill Aubrey: Provided the possible additions to the current ordinance 152.028 as provided in the packet. We are asking for a modification that would allow roof access components to be above the 35-foot limit. I sent a couple of ideas about what this might look like.
- Jim Kalny: As a result of this project, two issues came to our attention. First, the height of a structure can't be allowed a variance and needs to be appealed. Second, handicapped accommodation are not addressed in our current code. We will likely run into situations where a project that is desirable is limited because they are trying to make it handicapped accessible. That doesn't seem to be in line with the public interest. In the next item on the agenda, we also talk about what is recommended in the Wisconsin Zoning Board Handbook that allows certain ADA items that the Zoning Administrator can approve.
- Cambria Mueller: When we as the Plan Commission or the Village looks into the different ordinances, we strive to make sure that the ordinances are in line with the comprehensive plan. I feel like the height restrictions are in place so that we maintain the quaintness of the Village of Egg Harbor. I am not opposed to this to allow the ADA accessibility, however we cannot as a commission change an ordinance on the spot. I think it is worth a discussion moving forward but it

would be nice to look at the comprehensive plan again to understand why those height restriction numbers are the way that they are.

- Paula Cashin: To our attorney, my understandings are that ADA compliance applies only to public facilities. This is private property, and the ADA compliance does not apply to private properties.
- Jim Kalny: I have to qualify that a bit. For a place that is open to other people in the public, you cannot discriminate. If you are going to let all your customers go into a certain area and limit access to handicapped individuals, that would be a violation of the ADA requirement. That is what they ran into here.
- Andrew Wagener: There are more requirements because of the retail portion below and the fact that it exceeds 2 floors. The public includes anyone who goes in there including residents or people visiting it.
- Paula Cashin: Retail is the first and second floor, correct?
- Andrew Wagener: Correct. The code doesn't have an exception the way I read it. They don't separate parts of a building out. It requires floors above it need to be equally accessible per the ADA code.
- Jon Kolb: Is this circumventing the Zoning Board of Appeals? Didn't the Zoning Board of Appeals take a look at the height and say no?
- Andrew Wagener: I wouldn't look at it as circumventing. When we went to the Zoning Board of Appeals, they felt they were bootstrapped based on how the code is currently written and it limited flexibility. There are two views about a hardship and if you created it yourself. Our view is that the hardship is that you are entitled to build up to 35 feet in the Village restriction, but the ADA code created the hardship. The Zoning Board of Appeals felt that they needed more tools from the Village code to allow ADA compliant access to the roof for this project. As the Village grows, ADA options in new construction is going to be more prominent. This just gives an exception for the approval process the way the code is currently written.
- Jim Kalny: The Board of Appeals felt that under the current state of law, granting a variance in a case like this isn't appropriate as it is a self-created hardship. There is also a provision that indicates the hardship has to be created by the topography of the property. One of the things that the board said in their decision, they would like the Plan Commission and Council to address handicapped accessibility issues. They recognize the plan commission and the board forwarded this to the board of appeals with the recommendation to do something with it. They thought it was in the public interest to allow ADA access.
- Jon Kolb: To me this says that the Zoning Board of Appeals was handcuffed in their decision. As a planning commission we need to address ADA issues going forward. Now might be the time to do it.
- Andrew Wagener: I believe making ADA accommodations is a pretty common thing going on right now.
- Jim Kalny: Yes. I grabbed a Sturgeon Bay ordinance as an example. They have had issues with ramps that go into setback areas to allow handicapped access. They created an ordinance that if something an ADA provision requirement, they can amend the code. Also, the Zoning Handbook recommendations that recognizes that variance approval isn't the ideal way to address access requirements.
- Kathy Navis: Jim, to be clear you are suggesting that we could alter the overlay district to allow height restrictions to be one of the things we can make a determination on, or we can alter the overlay to allow variations based on ADA requirements?
- Jim Kalny: We really have 3 options. One, would be to change the height ordinance itself but I don't think you want to go that far. Another would be to change the height regulation in regard to the overlay and allow the plan commission to approve it. Third, we could just do something about ADA compliance generally to give us a course of action to address those issues.

- Kathy Navis: If the overlay district does not allow variation to building height, and we were to approve the overlay could allow changes due to ADA, does that work legally? So, you can override our own overlay ordinance?
- Jim Kalny: Right. Not just the plan commission. This will have to go to the board.
- Joe Smith: I think what Kathy is going for here is that we couldn't approve a fifty-foot building just because we feel like it. The portion of the building that needs to be higher to meet ADA requirements, that we could do.
- Kathy Navis: I agree with Cambria. I don't think we should change the building height requirement at all. If we approach this only in the overlay district, if there is a height need due to an ADA requirement, I don't have a problem with that. I'm questioning if the overlay districts modifications that say we can't modify height, would be allowed to approve height for ADA only. That seems like these are two conflicting things.
- Jim Kalny: Yes. You would be allowed to vary your height limitations to meet ADA requirements.
- Jon Kolb: So, we could have a 35 foot height restriction with a setback for an elevator shaft to allow an additional six to eight feet to allow an elevator?
- Jim Kalny: Yes.
- Joe Smith: With their request, there are two aspects of it. The first is talking about the ADA vertical elements. The second is decorative in nature. Commissioners, how do you feel about that aspect of it?
- Kathy Navis: I don't see any reason to approve the decorative element.
- Emily Pitchford: I agree.
- Andrew Wagener: Once you get on the roof, you will need some sort of safety features that will most likely exceed the 35 feet limit. Some of that has to do with those safety features.
- Jim Kalny: I believe the life safety features that I think are a good idea. Safety is something you should always take into consideration when making exceptions. If something is ADA required to begin with, items to provide safety should also be allowed. I think you would want to include a provision that says as long as it is consistent with the ordinance. If you had a request for a 60-foot height for example, that wouldn't be in line.
- Cambria Mueller: This is a brand-new building. I have all the sympathy for an owner of an existing building is looking to provide ADA compliant access. It doesn't hurt to ask but our ordinance says the height limit is 35 feet. I don't understand why the ordinances keep getting pushed, trying to see how far it can be taken. You have the option to build it exactly as needed to conform with the ordinances.
- Andrew Wagener: As a developer, there is a general understanding that there are accommodations throughout for ADA and safety features. Even though your ordinance has a 35-foot height limit, it's reasonable to expect accommodations for ADA and safety compliance.
- Cambria Mueller: The roof access is a great addition to the building, but it is not a necessity. I know time and effort has been put into this project. I am not anti-ADA. I just think that a brand-new building can be created to meet our ordinances to some extent.
- Kathy Navis: I thought the parapet wall met the 35' requirement? I'm not sure why this has come into the discussion at all.
- Bill Aubrey: The original design is conceptual in nature. The roof plane is below 35'. When you put a 42" guard rail on for safety it exceeds the limit with those components at about 36' 6". To do roof access for ADA and codes, the elevator shaft will be approximately 15 feet above the height requirement. The stairs will also be roughly 10-12 feet above that plane which is roughly 33' 6". The original conceptual drawing was under 35 feet. Our roof plane is still below 35 feet but with the safety elements, we are just over the 35-foot limit.
- Joe Smith: Does anyone else get the feeling 'are you kidding me' right now?
- Emily Pitchford: This is the same thing that we had discussed two months ago. Now we're back in



it again.

- Paula Cashin: Eliminate putting the bar up there. Let the residents can go to nearby businesses. Then you don't have to worry about ADA accommodations.
- Kathy Navis: What is the ceiling height in each of those units?
- Bill Aubrey: Nine feet.
- Kathy Navis: So, make it eight feet.
- Emily Pitchford: We were told two months ago that the height requirement for the elevator shaft was slightly over 35 feet. To put it 12 to 15 above the limit is going too far.
- **Joe Smith moved to make no recommendation to the Village Board for the changed ordinance language request. Seconded by Emily Pitchford.**
- Kathy Navis: I would suggest that the developer goes back to the drawing board and gets the parapet height at 35 feet. I do not have an issue with the elevator shaft, but I have a huge issue with any other aspect of the building exceeding that limit with the exception of a TV antenna as our ordinance says. I don't see any reason why that parapet wall should be higher than 35 feet.
- Jon Kolb: I agree with Kathy. I'm ok with the elevator shaft as it will be set back in the building so it will not be visible. I like the idea of staying at 35 feet for the building itself.
- Emily Pitchford: This is the issue that went before the board of appeals already. I don't know why we are discussing it again.
- Bill Aubrey: The percentage of the building for elevator shaft and stair dwellings will be less than 8% of the roof space and it is set back significantly. It can be done but it is difficult to do that at under 35 feet. The reason we are requesting a change in ordinance isn't to pull anything over on any one here. When you physically construct a building, it becomes difficult even with 8-foot ceilings in a parking structure could be potentially hazardous for vehicles in the parking structure. We are trying to consider that a three-story structure needs to meet structural requirements. We will need to put in duct work and floor systems need to be installed properly to avoid problems. You can squeeze things down but that makes it problematic from a construction standpoint. There are a lot of components that go into the floor height dimension. Can you altar the design, but it makes it difficult to accommodate the building requirements. It isn't uncommon to have allowances to the height restriction. In the design we're looking at right now, 92% of the structure is below 35 feet. Many ordinances in the state, including Sister Bay, the average height is the measurement that is used as the building height. We're trying to make this a positive for the community and the residents. We aren't asking for 100% of the structure to go over this limit. The elevator shaft is 8 feet by 8 feet. If you do enough buildings like I have, you try to look at 12 feet between floors. That is all we're trying to do. We are asking you to consider these based on the fact that others that have similar ordinances.
- Paula Cashin: I don't care about other communities. I only care about Egg Harbor.
- Cambria Mueller: Our ordinances weren't written to have 3 story buildings in the Village. The easy solution to this is to make it a two-story building. The ordinance is what it is.
- Jon Kolb: The feasibility of this project has to be the fact that is a three-story project, not two stories.
- Cambria Mueller: That is what everyone looks at when buying a parcel. Our ordinance says this can't be over a certain height. I question the logical thinking of needing it to be three stories then running into these problems now.
- Jon Kolb: From what point is the 35 feet measured? Could the building be dug a foot deeper to provide an extra foot.
- Joe Smith: From the base of the building. Yes, you could do that.
- Paula Cashin: You could eliminate this problem by eliminating the bar on the roof.
- **Motion Carried with five yes votes. Jon Kolb and Kathy Navis Nay.**

## 9. Village View – Changed Ordinance Language Request – ADA

- ADA code was discussed in Agenda item number 8.

## 10. Residential (R1) Zoning Discussion

- Sophie Parr: Provided an overview of her written definition of a home-based business examples presented in the packet starting on page 32 of the meeting packet.
- Paula Cashin: I like the idea of not listing specific businesses and limiting space for the business. I like what the Village of Ephraim's ordinance.
- Kathy Navis: One question I have from looking at Ashwaubenon where they list businesses that are not allowed, would a welding shop be allowed in Ephraim?
- Sophie Parr: Keep in mind that the requirements you put in place should limit businesses that create excessive noise or work with hazardous materials.
- Jim Kalny: Item J in that example really puts the ball in your court.
- Kathy Navis: So, this example would allow an art gallery?
- Jon Kolb: If you make the art there, yes.
- **Joe Smith moved to direct staff to draft an ordinance based on Ephraim for inclusion our Zoning Code. Seconded by Paula Cashin.**
- Jon Kolb: I don't see where Ephraim has anything limiting increase traffic.
- Kathy Navis: It is item E. Does the Village of Ephraim's ordinance require these to be conditional use permits? Or are they just permitted with no discussion.
- Sophie Parr: I'm not sure, I don't believe so. You can require it to be a conditional use.
- Jim Kalny: I agree. I think that is a good idea.
- **Motion carried.**

## 11. Parking Discussion

- Paula Cashin: Reading through this, I thought maybe we should get rid of allowing businesses counting parking spaces within 50 feet of their business. They need to meet the other ordinances. If they can't, they will need to pay the fee in lieu of parking space, \$50 per space.
- Joe Smith: How does anyone feel about counting the parking spots right in front of your property?
- Cambria Mueller: How would you do that when there are multiple businesses on a single property? Each business has its own requirements.
- Joe Smith: Good question. I don't know. I believe it would be counted as the whole building, since the building is subject to zoning.
- Kathy Navis: The Village View for example, we had parking spots for retail plus additional spots for each condominium.
- Joe Smith: Look at Kathy Navis' building as an example. It has the grocery store, the café, and the massage business. If someone is leasing space, it will be up to the landlord to pay that fee in lieu of parking.
- **Joe Smith moves to direct staff to draft an ordinance change to disallow the 500-foot range in the Fee in Lieu of Parking Ordinance, changing it to parking spots physically adjacent to the business property. Seconded by Paula Cashin.**
- Cambria Mueller: Will there be discussions about where those funds will go? Will it go to pay for a trolley or in some way to help offset the parking issues?
- Paula Cashin: Hopefully, they will collect enough money so the Village can purchase a piece of property and put public parking on it.
- Kathy Navis: It could also go towards the Church Street parking. We've been saying that all along

that those funds should go to pay for public parking. Is that written anywhere?

- Joe Smith: It is not. We should recommend that Village Staff should create a fund for these funds to be spent on parking.
- Jon Kolb: Does this apply to existing businesses or just new businesses?
- Kathy Navis: Existing businesses are grandfathered in with the parking they were permitted 20 years ago.
- Paula Cashin: I feel this needs to be applied to existing businesses as well. If this is applied to only new businesses, we aren't going to be collecting much money at all.
- Jim Kalny: Yes, the existing businesses are likely to be grandfathered in.
- Jon Kolb: If a business such as One Barrel adds seating outside, can we then change their parking requirements?
- Jim Kalny: That is a slightly different question. Since our parking requirement is tied to volume of use, there would be a pretty good argument that any expansion would be subject to the ordinance.
- Cambria Mueller: Wouldn't it be the same as remodeling your business and needing to bring it up to code? It would make sense to me that if you expand seating capacity, now we need to evaluate new parking requirements.
- Jon Kolb: If you expand your business, you are also expanding your parking requirements.
- Kathy Navis: What would adjacent to your property mean? If there is a parking space with 1 foot of length on my property, can I count that spot?
- Jim Kalny: You could define it as frontage, or any portion along the property line.
- Jon Kolb: It could say extending 1 parking spot beyond your property line, there may be a few spots double counted but it won't be 500-feet of double counted spots.
- Jim Kalny: Is there any concern of basing it on frontage now rather than usage?
- Kathy Navis: It does put businesses with no parking in front of them at a great disadvantage.
- Joe Smith: Kathy, looking at your building specifically, you currently have 3 parking spots in front of you, but they are talking about eliminating those for the turn lane. That would be \$150 per year for you.
- Kathy Navis: To be clear we are voting on having staff draft an ordinance to send to the Village Board. I think it's ok to eliminate the 500-foot range. It will never be completely perfect.
- Joe Smith: Do we want this to come back to the Plan Commission or send it directly to the board.
- All Commission members in unison: Send it to the board.
- **Motion unanimously carried.**
- **Joe Smith moves to suggest to the Village Board to establish a separate account to hold the fee in lieu of parking funds for parking mitigation. Seconded by Cambria Mueller.**
- **Motion unanimously carried.**
- Kathy Navis: I think we should see the finalized parking ordinance. We had the updates under discussion but then we had this COVID-19 gap. We talked about a lot of things so I think we should have one more look at it at the next meeting.
- Paula Cashin: I thought we just voted to give those two items to the board.
- Kathy Navis: We voted to give those two updates to the board. I would like to take a look at the complete ordinance. I'm suggesting we should look at it in its entirety to ensure the changes we had proposed
- Joe Smith: We can put that on the agenda for next month. By then the Board will most likely take action on these two items. We can look it over after those updates are in place.
- Jon Kolb: Is it the Planning Commissions responsibility to solve parking problems for next summer? Will that be on our agenda next month?
- Paula Cashin: Did Ryan meet with the EHBA about parking or trolley possibilities?
- Tom Strong: Yes. Ryan met with the EHBA/Alyssa early last week. He did not ask Alyssa to this specific meeting, but she is expecting to have a seat at the table to move this forward. Ryan will be

invited to the next Plan Commission meeting.

- Jon Kolb: We should continue the discussion, so we have something in place in June.

## 12. Zoning Map Public Hearing Schedule

- Tom Strong: January 11th. This is a Class 2 notice. There is no law requiring notification to adjacent property owners. We will of course reach out to the property owners themselves. This will include Rezoning of Alpine Parcel to R1, Church Street to Commercial, and the map update to correct dual zoned parcels.

## 13. Open Session

- Lisa VanLaanen: Our ordinances weren't written to have 3 story buildings in the Village, but I think it is something we need to work on. I don't think ordinances and laws are set in stone. They are fluid and we should look at three story buildings and how we can fit those in the Village. I have noticed a lot of rock moving at One Barrel, are they expanding their parking?
- Tom Strong: I know they had sent an inquiry to Ryan about a project but I don't have that email in front of me that I was copied on. Just like you said earlier, if they are expanding seating area, that would trigger a parking review.
- Joe Smith: If it is landscaping, they will not need to go to Plan Commission, but if they are expanding seating or parking, they will need to go to Plan Commission.
- Emily Pitchford: Who would follow up on that? It isn't something that would wait another 30 days until our next meeting.
- Tom Strong: I will follow up with Ryan about concerns expressed when he is back in the office on Monday.
- Cambria Mueller: I have been absent from the plan commission for a year or more, but I remember before I left, there was an ask to evaluate what the comprehensive plan includes. After reading the very bland plan from years ago, that really gave me insight into what the ordinances are there for. We are creating these ordinances to both protect and advance the village. I just want to say it did give me a different outlook.
- Lisa Van Laanen: I still think when you look at the height of Signature Pieces, Mojo Rosa's, Door County Nature Works, many meet or exceed our building height limit. I think the Village View elevator shaft should be looked at in that way.

## 14. Next Meeting

- December 22<sup>nd</sup>, 12:00 PM via Zoom for Public Hearing and General Meeting.

## 15. Adjourn

- **Cambria Mueller moved to adjourn the meeting. Second by Lou Nyberg. Motion unanimously carried.**
- Meeting adjourned at 2:06 PM

Minutes submitted by Tom Strong on November 30, 2020 for committee approval on December 22, 2020.