

**VILLAGE OF EGG HARBOR PLAN COMMISSION MINUTES**

**TUESDAY NOVEMBER 30, 2021 – 2:00 P.M.**

**Donald & Carol Kress Pavilion Great Hall 7845 Church Street Egg Harbor, WI 54209  
REMOTE ACCESS THROUGH ZOOM VIDEO CONFERENCE:**

**<https://villageofegg harbor.zoom.us/j/94130060330>**

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

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 2:00pm.**
  - b. Commission members present: Cambria Mueller, Paula Cashin, Jon Kolb, Kathy Navis, Lou Nyberg, Emily Pitchford, Chris Roedl
  - c. Absent: None.
  - d. Staff present: Megan Sawyer, Tom Strong
  - e. Audience members: John Heller, Village President, Mary Jo Kolb, Joe Smith, Kelly Diestler
2. Approve Agenda
  - a. **Kathy Navis moves to approve the agenda.**
  - b. **Emily Pitchford second.**
  - c. **Motion unanimously carried.**
3. Pledge of Allegiance
4. Approval of October 26, 2021 Meeting Minutes
  - a. Changes: Commission members provided changes for the minutes.
  - b. **Cambria Mueller moves to approve the October 26, 2021 Plan Commission minutes as amended.**
  - c. **Paula Cashin second.**
  - d. **Motion unanimously carried.**
5. Open Session
  - a. Chairperson Mueller opened the floor for public comment.
  - b. *Megan Sawyer: We did receive notice that a lawsuit has been filed against the Village and Plan Commission case 2021CV000129. Staff is in the process of responding to the initial notice. I will email that to you later today. Update on the Ad Hoc Committee, Paula had expressed a concern that the Chairperson needed to be a Village resident. As an ad hoc*

*committee, the only requirement for the chair of this committee is to be a member of PC. Chris can serve as the chair. First meeting is scheduled for December 7<sup>th</sup>. Next month we will have the first report for this Plan Commission.*

- c. Kathy Navis: Regarding the lawsuit, can members of the Board or Plan Commission be asked to testify?*
- d. Megan Sawyer: We will get that information as we get the paperwork processed.*
- e. Paula Cashin: Who is the attorney assigned to this case for the Village?*
- f. Megan Sawyer: We are working with the Insurance Company. The case has not yet been assigned.*

6. Bertschinger LLC Certified Survey Map 118353401

- a. Megan Sawyer provided an overview of the Bertschinger LLC Certified Survey Map for parcel 118-35-3401 as presented in the meeting packet. This new parcel outlined in Red on the parcel report contains 34,102 square feet (0.783 acres) of land. Sewer service is available for this property. Staff reviewed the certified survey map against the requirements for the R-1 Residential Zoning district. The proposed CSM complies with the minimum lot size and minimum lot width requirements for the R-1 district and accurately depicts the building setbacks for the R-1 Residential district.*
- b. Kathy Navis: What is the minimum lot size?*
- c. Megan Sawyer: 20,000 square feet.*
- d. Kathy Navis moves to recommend to the Board of Trustees to approve the Bertschinger LLC Certified Survey Map for parcel 118-35-3401 as presented.**
- e. Paula Cashin second.**
- f. Motion unanimously carried. Emily Pitchford abstained.**

7. Diestler Certified Survey Map 118-0126302634C

- a. Megan Sawyer provided an overview of the Diestler Certified Survey Map 118-0126302634C as presented in the meeting packet. This request is splitting the parent parcel into two new parcels outlined as outlined in Red on the parcel report. Each new parcel has approximately 2.2 acres with 200 feet of shoreline. Sewer service is available for this property. There are three existing buildings on the current parent parcel. Two of those buildings will be razed before any zoning permits would be issued for new construction. The Zoning permit for removing these buildings is included in your packet. The one remaining cottage structure will be located on the new southern parcel and meets all setback requirements. Staff reviewed the certified survey map against the requirements for the Recreational Zoning district. The proposed CSM complies with the minimum lot size and minimum lot width requirements for the REC district and accurately depicts the building setbacks for the REC district.*
- b. Emily Pitchford: What is the setback from the Ordinary High-Water Mark?*
- c. Megan Sawyer: 75' or average of the two adjoining properties is the standard, but you can average the distance from the water for the two adjacent properties.*
- d. Cambria Mueller moves to recommend to the Board of Trustees to approve the Diestler Certified Survey Map for parcel 118-0126302634C as presented.**
- e. Kathy Navis second.**
- f. Motion unanimously carried.**

8. Nevins Certified Survey Map 118-0134302611S

- a. *Megan Sawyer provided an overview of the Nevins Certified Survey Map for parcel 118-0134302611S as presented in the meeting packet. This request is splitting the parent parcel into two new parcels outlined as outlined in Red on the parcel report. The new parcel has approximately 2.72 acres with 120 feet of shoreline. The remaining parent parcel will have approximately 6.55 acres and 265 feet of shoreline. Both new parcels have wetlands appropriately marked with the buildable zone outlines. Sewer service runs to the end of Mariner Road and is not available for this property from Mariner or from Hwy G. There are no plans to build on these parcels at this time. Staff reviewed the certified survey map against the requirements for the Recreational Zoning district. The proposed CSM complies with the minimum lot size and minimum lot width requirements for the REC district and accurately depicts the building setbacks for the REC district.*
- b. *Kathy Navis: What is the width of the building area on the northern parcel?*
- c. *Megan Sawyer: The width of the parcel is about 104'. With a 20-foot setback on each side, the buildable width is about 64 feet.*
- d. *Emily Pitchford: How do the wetlands impact the size of the lot requirements?*
- e. *Megan Sawyer: That just restricts the building area, not the size of the lot. There may never be plans to build on these parcels given those restrictions, but we can't say that is guaranteed.*
- f. **Cambria Mueller moves to recommend to the Board of Trustees to approve the Nevins Certified Survey Map for parcel 118-0134302611S as presented.**
- g. **Paula Cashin second.**
- h. **Motion unanimously carried.**

## 9. CUP Application Form Review

- a. *Megan Sawyer provided an overview of the CUP application process as presented in the meeting packet. The Conditional Use Application and Approval process has many steps involved from the initial application through the final approval. The Zoning Administrator's first review and final review for the public hearing testimony has become somewhat time consuming and costly for the Village. At the October 26, 2021 Plan Commission meeting, the Plan Commission and Village Staff agreed to a review of this entire process from start to finish, to look for ways to reduce office staff time and cost to the Village. The intent of today's meeting is to have an initial discussion about the direction of updating this process with an objective to minimize the time and cost to Village staff while streamlining the process for the applicant. One of the suggestions under consideration is to have the applicant do a self-review against the CUP criteria to present their case up front to demonstrate why their application should be considered. Jim Kalny has advised that we can pass on fees for professional services including legal and engineering fees.*
- b. *Cambria Mueller: I think this is a great first look at it. Let's go through this item by item to send it back to staff for revisions to bring back to the commission.*
- c. *Kathy Navis: It seems like the Sturgeon Bay application is a good place to begin.*
- d. *Megan Sawyer: On the top of Page 31, the Sturgeon Bay application checks to see if there are any prior variances or conditional use permits in play.*
- e. *Kathy Navis: If this is a new property owner, they should be able to get that information from the Village office. What does the 'proposed use of surrounding properties' mean?*
- f. *Megan Sawyer: The Comprehensive Plan depicts proposed uses for different zoning areas.*
- g. *Emily Pitchford: How would the applicant even know what those proposed use is for the surrounding properties? Maybe there is a use for it but I'm not sure what that might be.*
- h. *Kathy Navis: The 8.5X11 copies of the plans aren't large enough for a big project. We have seen plans come before us that are not to scale,*

- i. *Megan Sawyer: I would typically have one full size set of plans to scale for my review. We would then provide additional 11X17 copies for Plan Commission members.*
- j. *Cambria Mueller: I know we talked about what population density means at the last meeting. I think it would be good to clarify this point, so everyone is on the same page.*
- k. *Kathy Navis: That is one of the criteria that we use in our reviews. Where did those come from*
- l. *Megan Sawyer: That is directly out of our Zoning code in Chapter 152. The Village wrote that criteria.*
- m. *Cambria Mueller: The submission must also be made at least 10 days in advance of the plan commission meeting. I think you could use more like 21 days.*
- n. *Megan Sawyer: We can think about that. This is in place to ensure we have enough time to review it.*
- o. *Kathy Navis: I would question the idea of the applicant self-review. I thought those are factors that came from the state. Is there anything missing? I thought these were conditions in the procedure that the state enacted.*
- p. *Megan Sawyer: These existed prior to Act 67. I will have a conversation with Jim Kalny on this. We can look into what others might have to see if we can make improvements on this.*
- q. *Cambria Mueller: We do get Megan's report, but I think it would be nice to hear it in the applicants own words to specify how they believe they meet these criteria. I like the section about meeting with a staff member to review the application. I think staff's time is valuable,*
- r. *Megan Sawyer: If someone is applying for a conditional use permit, they typically stop in to confirm what they will need to submit. This currently isn't a requirement, but it generally take place without it being required.*
- s. *Kathy Navis: What is the public hearing sign on the property about?*
- t. *Megan Sawyer: This appears to be a part of the Sturgeon Bay process as a way to make sure neighbors are informed.*
- u. *Emily Pitchford: For each item in the requirements, we should probably provide the applicant with a reference to any ordinance they will need to check.*
- v. *Jon Kolb: Could we put a link in the electronic version of the application to those ordinances?*
- w. *Cambria Mueller: Make sure the link opens in a new browser tab, so they don't have to switch back and forth.*
- x. *Jon Kolb: Can they attach documents?*
- y. *Megan Sawyer: This will be a fillable adobe form, but they can certainly provide additional documentation.*
- z. *Jon Kolb: Is there a limit to the number of characters for the reason for the CUP application?*
- aa. *Megan Sawyer: If I were filling this out, I would just refer to the section of code that is requiring it, but they might want to elaborate on it.*
- bb. *Emily Pitchford: I don't know how long it typically takes to review these applications. Maybe we should charge for the time above and beyond a certain limit.*
- cc. *Kathy Navis: Does Sturgeon Bay charge for every minute of legal fees?*
- dd. *Megan Sawyer: I just pulled this off their website. I can find out how they manage that. I would imagine they pass on the actual invoice costs.*
- ee. *Emily Pitchford: Would you say the Village attorney looks at every conditional use permit application?*
- ff. *Megan Sawyer: Since Act 67 was enacted, I would say yes. It really depends on how complicated the application is. Most of the time we are looking at a food establishment.*
- gg. *Emily Pitchford: I think these get to a point when we are just spending too much time on an application. On a typical conditional use application, a typical one might take him two*

- hours. If it is an application that he spends sixty hours on, that isn't reasonable. Maybe that is the cost that we shift to the applicant. Why is the Village picking up the expense when the applicant should be hiring an attorney in the first place if it is that complicated?
- hh. Cambria Mueller: We would still want to use our own legal counsel.
- ii. Megan Sawyer: This is something I can look into. I will ask Sturgeon Bay to get more context.
- jj. Kathy Navis: The question then becomes if we cover a certain amount of time then bill the applicant above and beyond that.
- kk. Megan Sawyer: staff will bring an updated version back to the Plan Commission at the next meeting.

## 10. Outdoor Music Ordinance and Event Permit Discussion

- a. Megan Sawyer presented an overview of the ordinances that are currently in place as presented in the meeting packet.
- b. Cambria Mueller opened the floor for comments regarding the idea of an outdoor music ordinance.
- c. Commission members expressed the opinion that the first need is to clarify what the definition of an event should be.
- d. Commission members expressed the opinion that there aren't any good examples of an outdoor music ordinance to use as a starting point. There are generally just general noise ordinances that apply decibel level limits as measured at the property line. Commission members generally agreed that enforcement and permitting every single outdoor band would be a problem with trying to regulate individual band performances.
- e. Commission members generally agreed that an event could be defined as any activity that is outside of the normal business activity, including noise levels, capacity of people and impact on parking.
- f. Cambria Mueller: I think we could just beef up our existing temporary event license to accomplish this objective. Someone from the public spoke about Sausagefest. Maybe in a case like that they should provide a shuttle for that event.
- g. Paula Cashin: When a business has a typical band performing, do they have to fill out one of these applications?
- h. Megan Sawyer: This year no as Outdoor ordinances were relaxed. Just having a band on a patio, they would not have to fill one out. For an event like Sausage fest, they would have to fill one out. I do think we could refine the requirements. In general, we have required the event license if the operations are outside of their normal business operations, going beyond typical capacity, or if you have outdoor displays for retail vendors. Bay Lakes Regional Planning Commission would be a great resource to work on this. We will be a member with that group starting January 1, 2022. This is a state funded regional Commission. Door County is not currently a member. They are accepting local municipalities as members through June of next year. I think they will be a great help with the Ad Hoc committee as well.
- i. Cambria Mueller: I downloaded a decibel meter on my phone. The chart in our ordinance doesn't seem to make sense to me.
- j. Paula Cashin: When One Barrel has a band, how do we enforce that?
- k. Cambria Mueller: I downloaded this to see how easy it is to use. I feel like we need to offer the option to let residents record actual readings to document violations. I also don't want it to encourage false reports either. How do you prove exactly where you were when you took the decibel reading?

- l. *Chris Roedl: I don't see how we can regulate that. The Peg Egan would be our number one violator.*
- m. *Jon Kolb: Maybe we go back to the event form and make modifications to that.*
- n. *Megan Sawyer: We received several complaints last summer about the bands at One Barrel. I just called Peter to make him aware of the comments though no one issued any formal complaints. He is updating his contracts for next year to limit the noise level allowed.*
- o. *Cambria Mueller: Maybe we could put some weight on the number of complaints that are received. I think there are probably better ways to enforce this instead of using the decibel meter.*
- p. *Megan Sawyer: Beefing up the form is something we can do by adding an acknowledgement from the applicant about the noise ordinance. I would ask if the Plan Commission would like to be the ones to approve these applications. Right now, those would be handled by the office staff.*
- q. *Plan Commission members agreed that staff should continue to provide these approvals.*
- r. *Commission members discussed various facets of also creating an outdoor band license.*
- s. *Megan Sawyer: We will come up with an updated DRAFT Event License form to review at the next meeting.*

#### 11. Correspondence

- a. Cambria Mueller opened the floor to any comments regarding the correspondence.
- b. *Megan Sawyer: No correspondence received by Village Staff.*

#### 12. Zoning Report

- a. *Megan Sawyer provided an overview of the building permit report as presented in the meeting packet. 6 new zoning permits were also issued for 5 new residential units and one addition for the cart storage at the Alpine Golf Course.*

#### 13. Open Session

- a. Cambria Mueller opened the floor for public comment.
- b. *Jon Kolb: I recently put up a small pre-built storage shed on my property. Does that really need both a zoning permit and a building permit?*
- c. *Megan Sawyer: The zoning permit is required to verify the location and setbacks. The building inspection is up to building inspector. That is on a case-by-case basis. In some areas they don't require a building permit if there is no electrical service, plumbing or heating. I can talk with him in more detail about that.*
- d. *Paula Cashin: Who is the insurance carrier for the lawsuit?*
- e. *Megan Sawyer: We have insurance through the League of Wisconsin Municipalities, McClone is the insurance agent.*

#### 14. Next Meeting

- a. Regular Meeting: December 21, 2021, 2:00 PM.

#### 15. Adjourn

- a. **Cambria Mueller moved to adjourn.**
- b. **Kathy Navis second.**

- c. **Motion unanimously carried.**
- d. Meeting adjourned at 3:19 PM.

Minutes completed by Tom Strong on December 1, 2021. Submitted for approval on December 21, 2021.

**Bold – Commission Action**

*Italics – Summarized Comments*