

Village of Egg Harbor
Plan Commission Public Hearing Minutes
Double Barrel Special Development District Hearing
October 12, 2021, at 6:00 PM
Donald & Carol Kress Pavilion – Great Hall
7845 Church Street Egg Harbor, WI 54209
<https://villageofegg Harbor.zoom.us/j/84871750995>
Call in Number: 312 626 6799 Meeting ID: 848 7175 0995

- Commission members present: Cambria Mueller - Chair, Paula Cashin, Kathy Navis, Lou Nyberg, Emily Pitchford, Jon Kolb, Chris Roedl
- Village Staff present: Megan Sawyer, Jim Kalny, Village Council, Tom Strong
- Public: Peter Gentry, Double Barrel Brewing, David Phillips, Bayland, MaryJo Kolb, Kevin Egan, Myles Dannhausen Jr, Luke Bentley, Laurie Culp, Lisa Van Laanen, Paul Brophy, Alyssa Rasmussen

PUBLIC HEARING: On the Special Development District Relief application filed by Peter Gentry on behalf of Double Barrel Brewing Co. LLC. Said application pertains to property located at 4633 Market Street (C-1 District with SDD Overlay) – Parcel #1180125302612E. Said Special Development District Relief application referenced above is required per section § 152.030 (A) Off Street Parking: Driveways which requires a 75-foot front yard setback from the centerline of the roadway and a 10-foot side yard setback for parking lots within the C-1 Zoning District and section § 152.028(A)(3) Commercial District setback restrictions which requires a 10-foot side yard setback for structures in the C-1 Zoning district.

- **Chair Cambria Mueller opened the public hearing regarding the Special Development District filed by Peter Gentry at 6:00 PM.** *I will swear in those wishing to give testimony tonight.*
- *Megan Sawyer: We have a hybrid meeting tonight so commissioners and anyone providing testimony, please speak clearly and directly into the microphone.*
- Cambria Mueller swore in witness Megan Sawyer, Zoning Administrator to present on behalf of the Village of Egg Harbor.
- Testimony: Megan Sawyer 7860 Hwy 42 Egg Harbor, WI 54209
 - *Megan spoke on behalf of the Village of Egg Harbor regarding the Special Development District review. My report is true to the best of my knowledge and ability. The applicant submitted an updated plan requiring another public hearing, asking for relief from § 152.030 (A) Off Street Parking: Driveways which requires a 75-foot front yard setback from the centerline of the roadway and a 10-foot side yard setback for parking lots within the C-1 Zoning District and from section § 152.028(A)(3) Commercial District setback restrictions which requires a 10-foot side yard setback for structures in the C-1 Zoning district. Staff has completed the review and report of the Special Development District Application against section § 152.026 (F) as presented in the meeting packet. The approval of*

a project of the SDD shall be within the discretion of the Village Plan Commission and shall be based upon determination as to compliance with the following criteria:

1. The proposed project is consistent with the spirit and intent of these regulations and will produce significant benefits in terms of improved design sufficient to justify the application of the Special Development District concept instead of conventional zoning restraints.
 2. The character of the project is compatible with existing development in the surrounding area and with the Comprehensive Master Plan.
 3. The proposed project can be provided with municipal services.
 4. The project's proposed design provides adequate for practical operation and maintenance based on actual functional needs in terms of circulation, parking, emergency services, delivery services, snow plowing and garbage and refuse collection.
 5. Any other factors which, in the discretion of the Village Plan Commission, are necessary to protect the public health, safety and welfare of the area of community.
- *Based on my review against the criteria under § 152.026 (F), I conclude that the benefits of this project to expand the parking area with relief from the front yard, side yard, and rear yard setback requirements for parking lots and to construct an accessory structure with relief from the side setback requirements for structures meets the criteria for Special Development District relief. See Appendix A for the full Zoning Administrators review.*
 - Cambria Mueller opened the floor to questions from the commissioners.
 - No questions from the commission members.
- Cambria Mueller swore in witness David Phillips.
 - Testimony: David Phillips, Bayland Buildings, Green Bay, representing the owner Peter Gentry.
 - *David Phillips provided details about the updated project plans. We really felt there was no way to add any more spots than we initially presented. After the last meeting, we went back to the drawing board. With a lot of help from Baudhuin and Peter, we submitted this new plan on September 28th, 2021. We were able to increase the number of parking spots from 40 to 47 spots. We are still under the impervious surface ratio at 56.82%. We moved the accessory structure back behind the dumpster enclosure which hides the building in a way. We had to extend a retaining wall. Baudhuin figured out how to make it work. The relief we are asking for allows us to get the maximum number of parking spots.*
 - *Cambria Mueller: Looking at the three spaces in front of the 20-foot overhead door, is it anticipated that this door will be used for deliveries? Is it intended to have those three parking spots blocked off?*
 - *David Phillips: At certain times maybe. That would be a good spot for one or two employees to park. We made the service door larger at four feet by eight feet. Most deliveries will be through that door.*
 - *Paula Cashin: Regarding the additional parking spaces, will all these be done in asphalt? My concern is if it isn't asphalt, people will park however they want,*

- and you won't get the full number of parking spots.*
- *David Phillips: We bid it out and priced it as blacktop.*
 - *Lou Nyberg: Regarding the structure and the use of the structure, is there any control about the size of this accessory building? This is an 1,800 square foot building in the middle of our village. In my eyes, an 1,800 square foot storage building in the middle of our village isn't something we would probably ask for. What if they want to make it larger? What would we have to say about that? Once we approve the setbacks, can they make the building as big as they want?*
 - *Megan Sawyer: The size is already limited because they are building into the hill. We would have a say about the size of the structure. I checked the building size as a part of the zoning review. It has to comply with our zoning code. Chapter 152.029 (B) (2) reads: "The total floor area of all accessory buildings shall not exceed 10% of the total lot area."*
 - *David Phillips: The lot is 61,400 square feet so we could build a 6,000 accessory building if we had the room and didn't add any parking.*
 - *Lou Nyberg: I know that they built a storage building down the street. I was reading the attorney's memo about the acceptability of a project like this and what the rules are. There seems to be a question if this is a compatible building and is necessary for the operation of the business. I don't see where a storage building for picnic tables is critical to the business. We are being asked to approve a rather large building in the middle of our commercial area. I am just questioning if we have any say so on that.*
 - *Cambria Mueller: I am not discounting what you are saying, but we can't address that during this public hearing. We will address that during deliberation.*
 - *Jon Kolb: I counted 45 spots. Could you clarify that the other two spots are where the current outbuilding is?*
 - *Megan Sawyer: The existing Menards style storage building will be removed. That is where the additional two spots are.*
 - *Cambria Mueller asked for anyone else who wishes to provide testimony in person or on Zoom. No additional testimony provided.*
- **Chair Mueller accepts all the testimony provided today for the record.**
 - **Chair Mueller closed the public hearing at 6:24 PM.**

Minutes submitted by Tom Strong on October 13, 2021, for approval on October 28, 2021.

Italics – Summarized statements.

BOLD – Commission Procedure or action

Appendix A: Gentry 4633 Market Street SDD Zoning Review Oct 12 PH

Zoning Administrators Review – October 12th, 2021 Plan Commission Public Hearing
Additional comments from September 13th Plan Commission Meeting report are
highlighted in **RED**.

**Special Development District Application Report for Double Barrel Brewing Co LLC, 4633
Market Street (C-1 District with SDD Overlay)
Parcel #: 1180125302612E**

Zoning Administrators Review and Report: Zoning Administrator's review is in **BLUE**.

**Special Development District Application filed by Peter Gentry on behalf of Double Barrel
Brewing Co LLC for 4633 Market Street (C-1 District with SDD Overlay) Parcel #
1180125302612E**

Regarding the Special Development District application referenced above, the applicant is requesting relief from section § 152.030(A) which requires a 75' front yard setback from the centerline of the roadway and a 10' rear yard setback from the lot line for parking lots within the C-1 Zoning district and § 152.028(A)(3) that requires a 10' side yard setback for structures in the C-1 Zoning district. **At the September 28th, 2021 Plan Commission meeting, the applicant submitted an updated plan, therefore, resulting in an amendment to his Special Development District relief application to include an additional request for relief from the required 10' side yard setback for parking lots in the C-1 Zoning district.**

Staff has completed the review and report of the Special Development District Application against section § 152.026 (F) The approval of a project of the SDD shall be within the discretion of the Village Plan Commission and shall be based upon determination as to compliance with the following criteria:

- 1) The proposed project is consistent with the spirit and intent of these regulations and will produce significant benefits in terms of improved design sufficient to justify the application of the Special Development District concept instead of conventional zoning restraints.

The front yard setback for parking lots in the C-1 zoning district is 75' from the centerline of the roadway. Being that the parcel is a corner lot, both streets right of way

lines are considered front lot lines, therefore requiring a 75' setback from the centerline of STH 42 and a 75' setback from the centerline of Market Street. The applicant is seeking relief from the front yard setback requirement on Market Street only. Per the updated plans submitted, the proposed parking lot setback from Market Street is <5'. The applicant is also seeking relief from the rear lot line parking lot setback of 10'. Per the plans submitted, the proposed parking lot setback from the rear lot line is 1'. The applicant is also seeking relief from the side lot line parking lot setback of 10'. Per the updated plans submitted, the proposed parking lot setback from the side lot line ranges from 3.8' to 4.7'. In addition to the requested parking lot setback relief, the applicant is seeking relief from the required 10' side yard setback for structures in order to construct a 33'x 55' accessory structure to be used as storage. The proposed side yard setback of the accessory structure is 5.5'. The project now also contains a 1' wide retaining wall at the back of the accessory structure. The retaining wall is set back 4.5' from the side lot line. There are no specific setbacks required by the Village Zoning Ordinance for retaining walls, so this is in compliance with the ordinance.

The intent of the Commercial District (C-1) relative to setback requirements as described in § 152.025 of the Zoning Code is as follows: "The Commercial district has a less significant lot size and minimal setbacks."

Per the plans submitted for the proposed project, the project seems to be consistent with the spirit and intent of the C-1 district and the minimal setback description of the ordinance. The reduced/minimal setbacks produce a significant benefit by allowing the applicant to provide approximately 23 additional onsite parking spaces. The reduced/minimal side yard setback for the accessory structure also seems to be consistent with the spirit and intent of the C-1 district. Section § 152.028(A)(3) describes the setback requirements for the C-1 District. The side yard setback requirement for properties along a 66' road corridor (STH 42) is 0' while the side yard setback requirement for properties along all other road corridors (Market Street) is 10'. This property is unique in that the two front lot lines are along road corridors with different widths. The east lot line setback as considered the rear yard against the STH 42 front lot line results in a 0' side yard setback being that the STH 42 road corridor is 66'. The east lot line as considered the side yard against the Market Street front lot line results in a 10' side yard setback being that the Market Street Road corridor is approximately 50'.

Zoning Administrators Review and Report: Zoning Administrator's review is in **BLUE**.

Special Development District Application filed by Peter Gentry on behalf of Double Barrel Brewing Co LLC for 4633 Market Street (C-1 District with SDD Overlay) Parcel # 1180125302612E

- 2) The character of the project is compatible with existing development in the surrounding area and with the Comprehensive Master Plan.

The character of the project is compatible with existing development in the surrounding area as many existing parking lots in the C-1 district do not comply with the setback requirements for parking lots. Also, the existing parking lot of the parcel does not comply the 75' front yard setback requirement. **The addition of the accessory structure is compatible with existing development as an accessory structure has also recently been constructed at a neighboring property.**

The Comprehensive Plan identifies congestion mitigation as a need for the Village (see page 16 of Comp Plan). The Comprehensive Plan states that the abundance of visitors during the summer seasons results in congestion and parking challenges. The project creates a total of 47 parking spaces on the parcel therefore, contributing to the mitigation of parking challenges. The existing driveway is to be maintained as access to the property off Market Street. No additional access driveways are proposed.

Determination: The character of the project is compatible with existing development in the surrounding area and with the Comprehensive Master Plan.

- 3) The project can be provided with municipal services.

The proposed project complies with the requirements for driveways outlined in § 152.030(F)(2) of the Zoning Code. Per the plans submitted for the proposed project, there is a vertical and horizontal driveway clearance of not less than 12 ft. so fire and emergency equipment can enter unobstructed. The driveway is not over 200 feet long, therefore a turn-around area for fire and emergency equipment is not required.

Determination: The proposed project can be provided with municipal services.

- 4) The project's proposed design provides adequately for practical operation and maintenance based on actual functional need in terms of circulation, parking, emergency services, delivery services, snow plowing and garbage and refuse collection.

Design elements of proposed project described below:

Driveway and Parking Lot:

Per plans submitted for the proposed project, the driveway follows requirements per §

152.030 (F)(2). Driveway as proposed is approximately 22 ft. wide. Vertical and horizontal clearances are no less than 12 ft. Existing access driveway to parking lot off Market Street is to be maintained. Existing driveway in compliance with required 5 ft. setback from lot line. Driveway and parking lot proposed to be surfaced and graded to be dust free using asphalt pavement. Applicant to confirm that deliveries are made within the parking lot. Applicant provided updated impervious surface ratio with proposed project which equals 56.82%, and is compliance with the 60% maximum impervious surface requirement for the C-1 District.

Landscape:

Existing landscape material along north property line to remain. Additional landscaping material added along proposed accessory structure. No screening material proposed along south property line. Parking lot size of 40 spaces eliminates need for interior landscaping as required for parking lots with 50 spaces or more.

Location of dumpster:

Per plans submitted, the existing dumpster and dumpster enclosure is to remain in existing location.

Snow plowing: Per the plans submitted, there is green space surrounding the parking lot, therefore allowing space for snow removal in the winter.

Determination: Project's proposed design provides adequately for practical operation and maintenance based on actual functional need in terms of circulation, parking, emergency services, delivery services, snow plowing and garbage and refuse collection.

Zoning Administrators Review and Report: Zoning Administrator's review is in **BLUE**.

Special Development District Application filed by Peter Gentry on behalf of Double Barrel Brewing Co LLC for 4633 Market Street (C-1 District with SDD Overlay) Parcel # 1180125302612E

- 5) Any other factors which, in the discretion of the Village Plan Commission, are necessary to protect the public health, safety and welfare of the area of community.

Per plans submitted, storm water berm to be constructed on east side of property. Applicant provided an updated preliminary storm water plan as proposed by Baudhuin Engineering. The preliminary plans have been submitted to the McMahon Associates for review. I believe the project plans do include an appropriate amount of green space that fits the character of the surrounding businesses.

Determination: Preliminary storm water plans submitted to McMahon Associates for review. Final plans to be submitted to McMahon Associates for final review and approval prior to the issuance of a village zoning permit.

Conclusion:

Based on my review against the criteria under § 152.026 (F), I conclude that the benefits of this project to expand the parking area with relief from the front yard, **side yard**, and rear yard setback requirements for parking lots and to construct an accessory structure with relief from the side setback requirements for structures meets the criterial for Special Development District relief.