

VILLAGE OF EGG HARBOR PLAN COMMISSION MINUTES

TUESDAY OCTOBER 27, 2020 – 6:00 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

1. Call Meeting to Order
 - Chair Joe Smith called the meeting to order at 6:00 PM
 - Commission Members Present: Joe Smith, Chair, Paula Cashin, Kathy Navis, Lou Nyberg, Emily Pitchford, Cambria Mueller, Jon Kolb.
 - Village Staff: Ryan Heise, Tom Strong
 - Public Attendees: Jan Mills, Chad Ladick, Sophie Parr, Matt Stone, Chris McCahill, Bill White, Tom Fisk, Matthew Peterson, John Heller, Village President.
2. Approve agenda
 - **Paula Cashin moved to approve the agenda. Second by Emily Pitchford. Motion unanimously approved.**
3. Pledge of Allegiance
4. Approval of September 22, 2020 meeting minutes
 - Jon Kolb: On Page 4, That state regulates should read The state regulates.
 - Paula Cashin: Under Open Session, Item5, 6th bullet, John Kolb, keep our residents ~~are~~ protected. Are should be removed.
 - **Joe Smith moved to approve the September 22, 2020 minutes as amended. Second by Lou Nyberg. Motion unanimously approved.**
5. Open Session
 - Jon Kolb: I really appreciated the electronic signs the county put up near Hwy 42/57 that say keep Door County open. Next spring if we are still in a Covid type of a state, maybe we could have a sign at the village entrance that says “Help keep Egg Harbor open. Please wear a mask. Keep your distance. Treat Employees with respect.” I would like to thank Village staff for the list of agents for Short Term Rentals in my neighborhood. Hopefully, that takes care of potential issues next summer.
6. Review of conditional use permit application paperwork filed by Jan Mills for 7818 State HWY 42 (Parcel # 118-0125302612B) and scheduling of public hearing if necessary
 - Ryan Heise: Provided an overview of the application as presented on page 9 of 51 in the meeting packet.
 - Jan Mills: I own Door County Massage. We are in Sturgeon Bay and need more space. We are

going to use the building for massage and retail on the main floor. Short Term Rental for the upstairs.

- Paula Cashin: When you say retail Jan, what are you going to sell?
- Jan Mills: Health related items like essential oils, massage tools, yoga mats, maybe a few t shirts.
- Joe Smith: What are you going to do with the parking lot in back?
- Jan Mills: Currently there are 5 spots. We would like to expand it to 10 parking spots.
- Cambria Mueller: The Parks and Public works committee was expressing concern about the highway project. Are there any conditions we need to put on this property? Anything additional that we need to look at as a commission because that project will be going through?
- Ryan Heise: When Jan and Chad approached the Village about this property, we made them aware that the porch will need to be removed in 2023 during the HWY 42 project. The Village had been looking at ways to assist the prior owner to move the building or remove the porch. At some point when the project does move forward, we will have to obtain the easements at that time. At this time, they are not interested in removing the porch. They will address that when the project comes through.
- Joe Smith: Is there anything that the Plan Commission needs to do in regards to that or will it all go through the PPW and Trustees at that time?
- Ryan Heise: Correct.
- Emily Pitchford: It does not need to be a part of this conditional use permit at all – correct?
- Ryan Heise: Correct.
- Jon Kolb: What is the last word in the business description line?
- Jan Mills: Facials. We like the idea of walk in service for foot massage, chair massage for people that are walking through.
- **Joe Smith moved to accept the conditional use permit application filed by Jan Mills for 7818 State HWY 42 (Parcel # 118-0125302612B) schedule a public hearing at next month's regular meeting. Second by Paula Cashin. Motion unanimously carried.**

7. Chris McCahill Parking Presentation and review of § 152.030 (D) (2) (e) 500-foot limit.

- Ryan Heise: Introduced Chris McCahill. Chris is with the State Smart Transportation Initiative through UW Madison.
- Chris McCahill: Provided an overview of his parking findings and recommendation as outlined in the packet starting on Page 15. An overview of possible actions the Village of Egg Harbor could take:
 - Improved walking and biking conditions
 - Shuttle Service
 - Offer incentives to use public parking lots
 - Regulate and charge for public parking.
 - Form a Transportation Management Association
 - Form a Parking Benefit District.
- Cambria Mueller: Looking at these models you had suggested, have you found that small communities might do a hybrid model?
- Chris McCahill: What kind of emerged for Egg Harbor is likely a hybrid model with parts from different groups. I don't think you could do a pure parking benefit district because of state restrictions on how the money can be used. Zoning code is a good opportunity to put some of this in place but that will take time. There is only so much you can accomplish in this area in Egg Harbor.
- Cambria Mueller: If we would change a zoning ordinance, that would only be for new businesses. I feel like in the downtown area, there isn't a lot of space for many new businesses right now.

- Chris McCahill: You are right that there might be some limitations on those lines for Egg Harbor. Change of use might also call that new parking requirements. The solution might be when there is a change of use or new development, we want to make sure we get out of that development what we need to manage demand.
- Joe Smith: We want to encourage a walkable community and have Hwy 42 lined with store fronts. Let's say Casey's wants to add a new dining room for example, under our current code, if we get rid of the fee in lieu of parking, they would basically have to buy the building next door and tear it down to provide parking. I don't think that is good zoning in our community. What alternatives to having to tear down the building next door to provide parking have you seen?
- Chris McCahill: The unintended consequence of parking requirements is that you get developments that are ugly and does not fit in with the historic character. One of the last points in the presentation highlights form-based code. This is more focused on what the buildings look like rather than if they are meeting parking requirements. You could think about moving something like that but that might mean you have to toss the parking requirements. In that case you would need something like TDM requirements in its place. You would be saying you don't want business to build parking lots.
- Cambria Mueller: Joe you bring up a good point. We want places to have parking, but you don't want to hinder the businesses. We could possibly have these businesses help fund the parking.
- Jon Kolb: I would like to get an idea around timing. People are looking to get something done and not pushed further down the road or do another study. How long do you think it would take to implement?
- Chris McCahill: That is dependent on the Village's ability to put things in motion and you're probably running pretty thin and under resourced. A zoning code rewrite would probably be a pretty heavy lift and wouldn't get you immediate results. I think starting the conversation about where a TMA would live and who would be involved is a good place to start. The obvious players are the Village and the Egg Harbor Business Association. I would think this also needs to involve lodging owners. How do they encourage people to get to the Village if they are a mile away or less? That is the path as I see it.
- Cambria Mueller: Do you help with the logistics of a TMA? Sister Bay has a shuttle bus they use. There have been discussions about how to link to the next community. Is that something that you would help figure out the logistics of it?
- Chris McCahill: My group is often working on state policy issues more so than program execution at a local level is outside our wheelhouse.
- Joe Smith: There is no big public lot located in a convenient downtown area. The two big lots are private lots. Those owners are the most vocal, but the problem is that they just don't enforce their parking lot usage.
- Jon Kolb: I would take offence to that. I don't think it is their job to force people out of their parking lot. Their parking lot was built for their customers. We need to have a way to other business customers don't park there.
- Joe Smith: No, we don't. If it's your parking lot and you don't want others to use it, that is the owner's problem.
- Jon Kolb: The Village has created this parking problem. The Village has to deal with it. We can't tell them they need to put a guard at their gate. I would say One Barrel should put a guard at the gate and say if you are coming to us, you should park in the overflow.
- Joe Smith: And that is why parking discussions go nowhere.
- Ryan Heise: I discussed this with Chris, informing him about our parking situation with people using it as a public parking lot. When we started talking about the TMA and getting the business association involved. The question came up if we could use these funds to assist with enforcing parking, I believe the answer was yes.
- Chris McCahill: Yes, but more to that, If you don't figure out how to manage that conversation, you

will end up with everyone defending the parking in their own area. When it's every person for themselves, it probably isn't going to work out. This may be an opportunity for shared enforcement for everyone's benefit.

- Lou Nyberg: There are vast differences opinions about parking in the village. It's more of an issue for the Main Street Market and One Barrel than others. When talking about a solution then I wonder how it is funded. What participation will there be from existing businesses compared to new businesses coming in? I think funding is a big issue as well as participation because there are strong feelings involved. You can easily see where the parking issues exist on the weekends. I think there are solutions. We are talking about having parking in other locations where they have to walk with signage. I think there is a real problem in the conversation with existing businesses. How do we approach that as a Village instead of individually? There are reasons that is happening, but I don't see any approach to getting that conversation going more openly without a lot of emotion in it. Main Street has been trying to enforce parking for their customers only. I think that enforcement is good and there was no argument the last occurrence I saw. I think it's going to come down to some kind of discussion among the business owners who have a parking issue along with those who don't have a parking problem. We need to get everyone in a format where we can talk about it without emotions involved. I don't see us coming up with a solution that will make everyone happy. Everyone is going to have to participate and that will be a better direction to take.
- Paula Cashin: I agree with Lou. We need to get the business owners to sit down and talk through this.
- Ryan Heise: There is a net deficiency of 90 public parking spaces today. With the Church Street Project, we will have a net gain of 160 spaces between church street and dog park parking lot. Once that occurs, how do you get some signage in place to encourage people to park there and make that walk interactive and fun. I think once people know about it they will start to use it. I think we're on the right track. We need to get the Transportation Management Association and get the businesses talking.
- Cambria Mueller: Sturgeon Bay is implementing a wayfinding program. Signage will indicate you are here, and it will take you x number of minutes to walk or drive other locations. It will be interesting to see how that work plays out.
- Joe Smith: What is the next step going forward?
- Ryan Heise: The village laid out a plan last year. I think they have done a good job of implementing that plan. I think a conversation with EHBA. A good next step is to get this on their agenda to see what role they want to play. You have your fee in lieu of parking. It isn't going to amount to much since we don't have much change of use or new construction which would trigger the need to pay into that program. There is a question about how to use those dollars.
- Chris McCahill: It sounds like some of that could be used for public parking facilities but who knows when that might happen. There are questions about what the appropriate use of these fees and you have to take into account what the state says about that. Maybe it isn't a problem so much with the fees as it would be for parking revenues.
- Joe Smith: There has been talk about getting rid of the 500-foot counting on street parking ordinance. How do you see that fitting into the mix?
- Chris McCahill: My understanding is that you can include on street parking within 500 feet and there is likely some double parking. I did mention in the end of the document, there are other communities that have similar provisions. They are definitely more restrictive on that. One counts only parking that is immediately in front. Others allow up to 150 feet from the property. It is good to give people that flexibility but at the same time to not give up leverage. That's where the fee is to support general public parking comes in.
- Cambria Mueller: If and when there are discussions with EHBA, could you see about the lodging partners possibly surveying their guests? Maybe it would be easy enough to provide a shuttle service from the neighboring lodging facilities. That could be an option.

- Ryan Heise: Sure. Good idea. If they could provide bicycles as well. Once the highway project is done the sidewalks will run past many of those lodging establishments. The idea is that they can park once. We might have to explore electric bikes.
- Sophie Parr: I helped Sister Bay launch the bus up there. We put together a feasibility study for all of the communities. We priced out costs for Egg Harbor. Louise was going to plan to share it with the other communities. We did have a focus on the costs for downtown Egg Harbor as well as outlying areas. I will check with Louise Howson to see how she would like to share that. About three years ago the trolley run that was not successful. Last summer we revamped the routes, did new signage and it was very successful. We started late in the summer but from the middle of June through Fall Fest we took about 5,000 people. We were very pleased by the results.
- Kathy Navis: How did it function? A continuous loop?
- Sophie Parr: It was on a 10-15-minute schedule for the mornings. Not many people were taking it so we reassessed. We started running a night loop on a half hour timeframe. It started at noon and ran every thirty minutes. There were a lot of learning curves along the way, but it isn't impossible to make it efficient and effective. The Village of Sister Bay purchased an old vehicle from ADRC or Sunshine house - a 12 passenger mini-bus. Businesses were able to advertise on the outside of the bus. We had really good bus drivers, so it turned into a fun kind of thing. We were very satisfied with the results.
- Jon Kolb: There was talk about the room tax increasing. Is that true and if so, could those funds be used for something like this?
- Ryan Heise: Yes, there is a group out of Baileys Harbor that is looking at raising the room tax from 5.5 percent to 8.5 percent. Yes, each municipality would receive a percentage of those funds.
- Jon Kolb: Tourism is driving this issue. To be able to use the tax dollars from lodging would be a great way to reduce our parking problem in the Village.
- Kathy Navis: I believe pre Covid we were talking about parking. We talked about looking at the parking lots from Double Delights to Nature Works at those parking lots that are not very efficient to see if those owners might be willing to make one extended parking lot behind those buildings.
- John Heller: That was all derailed by Covid. That needs to be brought back to the table. This parking study report needs to be a part of the agenda for the next board meeting.
- Jon Kolb: Was there talk at one point that it would become a street along Double Delights all the way to Church Street?
- Ryan Heise: There was some pretty loose discussion about using that space in more of an efficient way, making it a public parking area with some Village investment. That is the most centralized parking but is not efficiently used.
- Jon Kolb: Do we want to consider this when we look at the plan for the massage business in the former Double Delights building?
- John Heller: That would be more long term but that should be incorporated. We need to jump back into this.
- Joe Smith: For now, then the game plan is to wait for Church Street and see what those additional 160 parking spots do for us. Is that accurate?
- Emily Pitchford: I thought we removed the 500-foot public parking radius.
- Sophie Parr: That was not removed. I'm looking at the existing code with the revisions on page 27 of the packet. It is still in there.
- Ryan Heise: Should we add this as a specific agenda item for your next meeting?
- Sophie Parr:
- Paula Cashin: My thought is to leave it in the zoning code. Let's see what happens with Church Street. Also, we should be talking with business owners to work out an agreement.
- Emily Pitchford: We do need to resolve something here. We need to consider opportunities. When will Church Street be finished?

- Ryan Heise: Spring of 2022 is when Church street will be completed.
- Cambria Mueller: The idea of a shuttle service that could include bikes to bring people to the downtown area especially for those that have a harder time walking. Maybe we explore that as a short-term measure then it can still be utilized in the future to compliment the extra parking on Church street.
- Jon Kolb: Could we allocate some of the tourism tax dollars to run a golf cart shuttle from the back-parking lot? Maybe run just a 5-minute loop and fund it from the tax dollars. That or to get it organized to run a small shuttle service, maybe a back and forth shuttle to the Marina as well.
- Ryan Heise: Sure, you could.
- Emily Pitchford: Why don't we wait to see what Sophie presents on the pricing. When I look at the 2019 parking study that was not part of the packet, it says create a task force for special event parking and encourage a parking once mentality. Is that however a part of the problem when people take up a prime parking spot from 4:00 PM to 11:00 PM? Is that a problem? I know we want people to walk but people are grabbing some of these prime spots and never leaving.
- Kathy Navis: That is a problem. People park in front of our building then are gone for 10 hours.
- Joe Smith: So, meters would solve that problem.
- Lou Nyberg: Who would enforce it? I think it's more important to talk to the businesses to have them participate on this solution. I don't think a shuttle is going to make that much of a difference. I think the understanding of what we're attempting to do and the time it might take to do this might be more beneficial to finding a solution. I think the shuttle could be a good idea but there will be about 160 parking spaces on Church street. Establishing the best route for the shuttle would need to include a conversation with the businesses.
- Cambria Mueller: Church street won't be done for another two seasons. Maybe working with the lodging facilities is the first step to keep those vehicles at those establishments. This would still allow them to walk through the Village and leave their cars behind. This would buy us some time until Church street is completed.
- Lou Nyberg: That would be a good discussion short term and would also show that something is being done. People will have to understand the full solution isn't going to happen next summer.
- Jon Kolb: I think we can have something in place for next summer. Let's see what Sophie has and what part of that we can speed up for next summer.
- Lou Nyberg: I agree with that, but the business owners need to be involved in that discussion.
- Cambria: Ryan is there any room in the budget to even consider any form of a Trolley?
- Ryan Heise: No, our budget is extremely tight. There is already a lot of groups who rely on those room tax dollars. We don't have a pool of money just sitting there. A room tax increase is a potential solution but that is a difficult conversation as well.
- Joe Smith: Just a thought for the commissioners, do you feel that parking is more important than the invasive species program? Is parking more important than invasive species?
- Jon Kolb: I think that puts residents against businesses. Residents would feel that your taking their dollars to pay to support tourism. As a resident invasive is important.
- Paula Cashin: A healthy business community helps keep our property values up.
- Emily Pitchford: Residents are also driving to the village and going to these businesses.
- Cambria Mueller: Joe, to your question, I would be ok to use some of those funds for invasive species for the short term until Church street is completed. To Paula's point, we do need to support the businesses in the Village.
- Joe Smith: I just wanted to get your opinion. Thank you.
- Kathy Navis: What kind of timeline for the tourism zone tax increase? Is that something that could happen by next season.
- Ryan Heise: The main person who is driving the topic hopes to see it by next summer. It is a lofty goal but that is what he is going for. It will be on multiple municipal agendas in the coming months.

David Elliot is the person leading this effort. He is the Chair of Bailey's Harbor.

- Kathy Navis: Who feels like using the parking spaces within 500 feet is something we should continue to do.
 - Emily Pitchford: I do not.
 - Joe Smith: I am in favor of keeping it. Let's say Casey's wanted to add on, they would have to buy Grumpy's and tear it down to put in a parking lot.
 - Kathy Navis: Right now, we have the fee in lieu of parking.
 - Joe Smith: The Village board can change it if they want to. Right now, it's \$50 per parking space. They could make that \$500 per parking space if they want to.
 - Emily Pitchford: There are other alternatives.
 - Kathy Navis: If 6 businesses are using the same spots then there isn't enough parking.
 - Lou Nyberg: Do we know this for a fact? Are there cases where two or three are using the same space? I think a lot of people have enough parking to comply with the ordinance without the street parking within 500 feet. I think we need to know that and what the alternatives are. If we do discontinue that, then we better know what we're going to put in place of it.
 - Emily Pitchford: Let's get EHBA involved. They are aware there is a problem. Let's get them involved. Maybe that means they come to our next meeting. They probably have some ideas themselves. It would be good to get their discussion started prior to next meeting.
 - Joe Smith: EHBA is a marketing association, not a business association.
 - Cambria Mueller: I have contacts with EHBA. Lousie Howson, she is fully involved with the shuttle service in Sister Bay. If we could go to EHBA with recommendations about how they might approach their businesses would be a better first step. I believe the Village of Sister Bay had a substantial investment to get that started.
 - Sophie Parr: That is accurate. The Village supported the program, but the businesses were also involved. There was a lot of business support. One of the things was needing to balance the route. If you are looking to get investment from a specific business, then it's fair to expect you will have a stop close to that business. It is a balancing act and needs a balanced approach.
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- Cambria Mueller: I would feel better about going to the EHBA with solutions and also with the village rather than just saying there is a parking problem, and they need to fix it.
 - Lou Nyberg: Wherever you want to begin with this situation, they need to be aware of what we're doing.
 - Paula Cashin: Absolutely. They should be involved. Parking is a business community problem. They should be involved.
 - Cambria Mueller: I agree but the beach parking is getting closer and closer to us.
 - Jon Kolb: I agree with Paula, Emily and Lou. They should be at least contacted to let them know what needs to be worked on. We can go ahead with Sophie's advice, but they should be kept in the loop.
 - Cambria Mueller: I think we need to help provide them a path to a solution. We can't just put this on the EHBA to find the solution
 - Paula Cashin: We're asking them to be a part of the discussion to solve the problem.
 - Jon Kolb: It's been a 20-year problem. They are aware of it. Let's have them help in fixing it.
 - Joe Smith: Ryan, for next meeting, we will get someone from the EHBA to be involved in the shared parking discussion. We will also look at the information on a shuttle service from Sophie.

8. Alpine Property Owners Certified Survey Map Application (Parcel # 1180125302632A)

- Ryan Heise: Provided an overview of this CSM request. From a staff perspective this is a conforming lot. We have no concerns.
- **Joe Smith moved to recommend approval to the board for Alpine Property Owners Certified**

Survey Map Application (Parcel # 118-0125302632A). Second by Paula Cashin.

- **Emily Pitchford Abstained.**
- **Motion Carried**
- Tom Strong: I just realized that parent parcel is zoned Recreational. Do we need to specify that the child parcel will be zoned R1 the same as all the other lots in that neighborhood? I apologize. I just thought of that now.
- Joe Smith: That is a great question. I'm not sure how we would go about doing that?
- Emily Pitchford: That isn't that way now on the zoning map? It isn't going to change it on the map.
- Tom Strong: Emily, the problem is right now the entire parcel is zoned recreational, including the little section that you are splitting off. When I was looking into the question about the signs, that is when I found that lot next to your dad's house is zoned recreational. Can we move forward with the CSM request and change it from recreational to R1 later?
- Emily Pitchford: Why are you wanting to change the zoning on it?
- Tom Strong: Because all the other lots in that neighborhood are currently R1.
- Ryan Heise: What would drive the change? Why could it not remain recreational? Everything that is included in R1 is also included in recreational. So there are no limitations to build a house on it. If they do want to use it for a recreational purpose at this point they would be able to do that as well.
- Jon Kolb: If I was the owner, I would want to keep it as recreational.
- Ryan Heise: To change the zoning it would require a separate public hearing. You can split the parcel now then change the zoning later.
- Joe Smith: So, for now we are just splitting it.
- Kathy Navis: So, we are just talking about splitting off the little section? What is between that section and the parent parcel?
- Emily Pitchford: It is a private residence.
- Joe Smith: Is that private residence zoned R1?
- Jon Kolb: That parcel is zoned R1.
- Emily Pitchford: I don't think you can change the zoning at this meeting.
- Joe Smith: Correct. We can't change the zoning. We are just splitting it for now. We voted and that is recommended to the Village board.

9. Alpine Property Owners Certified Survey Map Application (Parcel # 1180125302631B)

- Tom Fisk: Provided an overview of this CSM application. This is the eastern end of the Alpine property that we have been negotiating with the Village. We need to split it off as a part of the larger property.
- Ryan Heise: How does the area labelled as the Quit Claim Deed fit into this request?
- Tom Fisk: This is here was a discrepancy between 2 surveys. This was an area of about 4,000 square feet. After discussions, it was nonissue for the Alpine Ownership. The decision was made to deed that over to the village so there is no longer a discrepancy between the Village and Alpine surveys.
- John Heller: Your surveyor emailed that he wanted to pass this on to the attorney as well as the county and title company. Do we still need that?
- Tom Fisk: Not at this point. The Quit Claim Deed removes that discrepancy.
- John Heller: The area highlighted on the survey has already been deeded to the village.
- Ryan Heise: Tom Fisk, just to be clear, that area is not a part of the CSM.
- Tom Fisk: Correct. That has already been deeded over to the Village.
- Joe Smith: Could you explain the area that is marked dedicated to the public? It looks like it crosses into Horseshoe Bay Road, highway G.

- Tom Fisk: That was likely done years ago in a prior survey.
- **Joe Smith moves to recommend to the board to approve the Alpine Property Owners Certified Survey Map Application (Parcel # 118-0125302631B). Second by Kathy Navis.**
- **Emily Pitchford Abstained.**
- **Motion Carried.**

10. Bertschinger LLC Certified Survey Map Application (Parcel # 118352701)

- Ryan Heise: Provided an overview of this CSM request.
- **Joe Smith moves to recommend to the board to approve the Bertschinger LLC Certified Survey Map Application (Parcel # 118-352701). Jon Kolb Second.**
- **Emily Pitchford Abstained.**
- **Motion Carried.**

11. The Orchards II Parcel Map Information (Parcel # 118-0220302722A)

- Tom Strong: Provided an overview of this Parcel Plat request. This was previously approved by the Plan Commission and will be on the Board Meeting Agenda on November 9th.
- Joe Smith: So no action is needed.
- Tom Strong: I will be working with Jack Jackson to assemble the paperwork needed for November 9th.

12. Casey's Outdoor Patio Request

- Tom Strong: Provided an overview of the request. Ryan Sophie and Tom all agree this outdoor patio and roof should not trigger a parking review. We also agreed it was right to bring it in front of this commission because of the sensitivity to parking.
- Jon Kolb: Is this going to be attached to the building?
- Matthew Peterson: No, it is about 10 feet from the building.
- Joe Smith: You are also adding a grease trap?
- Matthew Peterson: Yes. This was my best opportunity to add it and get up to code. That will be the last item installed.
- Joe Smith: I didn't realize your lot extended that far to the west.
- Matthew Peterson: Correct. I believe we are about 30 feet from the road down there.
- Joe Smith: So, there are no impervious surface
- Ryan Heise: The one question I have is about the new 32 X 34 concrete pad?
- Matthew Peterson: That is just leveling out the property itself so we can use it for seating.
- Ryan Heise: No concerns. It is a great view back there. I'm glad they are making the investment.
- John Heller: On behalf of the Utility committee, I'm glad to see you are doing that. That is fantastic. Well done.
- Joe Smith: Tom you are going to grant zoning permits?
- Tom Strong: Correct though Ryan will be signing off as the Zoning Administrator.

13. Residential (R1) Zoning Discussion

- Sophie Parr: Provided an overview of her written definition of a home-based business.
- Jon Kolb: I'm looking at the example from Dubuque. I think we would get into trouble if we defined both permitted and not permitted businesses. Would we be better off just defining what we would permit? That is a part of the discussion we would need to have.

- Sophie Parr: The challenge in defining specific businesses that you would permit; you are basically saying you wouldn't permit anything else. It can get muddy very quickly. You might find that you permit something then someone with a very similar businesses that isn't defined you would then deny. That doesn't mean you can't go down this road but just be aware that defining things within the zoning code, you still run the risk of having new things presented that you haven't thought of.
- Jon Kolb: My problem was with the conditional use for the salon, that we had no choice but to approve it. I would like to see more tightening of that. Maybe the maximum 500 square feet, 25 percent of the area or limiting traffic as a conditional to the use.
- Joe Smith: I like the definition that says you can't have stock in trade or displays. That limits the traffic it is generating.
- Jon Kolb: I think this is a good starting point. I could see an architect coming on occasionally. I agree with what you are saying Joe.
- Cambria Mueller: Wouldn't the salon that is currently there still be acceptable? That would drive some traffic.
- Jon Kolb: I wouldn't want to exclude a salon, but I would want to talk about it more than just saying we have to approve it because we approve everything on a conditional use for a resident. I am concerned about the phrase "by resident occupants". Let's say I, my wife and child are all residents and stylists, does that mean we can run a three-person operation in our salon?
- Emily Pitchford: If you have three stylists, then is it still incidental to home use?
- Joe Smith: If you have the 500 square feet limit, you aren't going to get something that large. Tom or Ryan, do you think you could take the household occupation, take out some of the examples, include the part about limiting the square feet area, and something along the lines of having no displays ready for next meeting? They could offer recommendation for an update to this definition.
- Kathy Navis: I would like to see this entire document in the packet for the next meeting so we can compare it with the staff recommendations.
- Emily Pitchford: Was this for multiple Zoning Districts?
- Sophie Parr: This is very specific to residential, R1. Basically, a household occupation allows for people to have a business in their home but that comes with stipulations. That is this conversation.
- Jon Kolb: My point was to lessen traffic being driven into a neighborhood so I would like to discuss this further.
- Sophie Parr: I can find a couple more examples for next meeting. I can find a few more examples that I think would be relevant.

14. Outdoor Tent Fire Code Discussion

- Joe Smith: Provided an overview of the topic for the initial discussion. The Village has offered relief for using the outdoor areas during the pandemic. Restaurants put out tents like so many have. How about for heating? The Village of Egg Harbor follows NFPA that say s propane tanks can't be under a tent. The Plan commission talked to staff about zoning relief for tents. What do you think about heating relief?
- Paula Cashin: Fire Chief comments?
- Joe Smith: He has been fair and consistent in applying enforcement based on the current code. Concerns for fire and carbon monoxide. This portion of the code was written in the 1940's after a circus tent fire that killed 168 people. These are large tents that are fully walled. That is why I put in there no more than 75% of the sides enclosed.
- Emily Pitchford: What about electric heating units?
- Joe Smith: Electric is very inefficient.
- Lou Nyberg: What kind of propane heaters are we talking about?

- Joe Smith: Anything really. Casey's had one model with the hood on top. Mojo's had a different model with the flames visible in a glass tube.
- Lou Nyberg: Safety features in newer equipment is pretty good and there is very little concern. If I were in the restaurant business, I would be exploring that. You do need to make sure it is safe.
- Joe Smith: New York city has a requirement that the LP tank needs to be located away from the tent. They use a flexible hose to the unit.
- Lou Nyberg: You have outside propane tanks running into homes. If there is a leak there is an automatic shut off. There are ways to protect yourself. If you take care of what you use you won't have a problem. If the fire department wants to setup some rules on it that would be fine.
- Cambria Mueller: Joe, can you speak to the dangers of having something like this? Did Andy Staats bring this to the attention of the Village?
- Joe Smith: Andy is enforcing the current law that say you can't have heaters under a tent. He can enforce it using a fire department order. He could shut you down if he wants to if you don't comply. Everyone has complied with his order.
- Cambria Mueller: So we can enact something to provide relief to the restaurants?
- Joe Smith: I don't know. This was just starting a discussion. Village ordinances give the fire chief his authority and adopt the NFPA standards as is. My thought is we could possibly adopt that standard except for A, B, C.
- Jon Kolb: Am I the only one who sees this as being dangerous? Having an open flame in a tent with people walking around in it? Are there exit routes?
- Joe Smith: That is why I put it in my initial idea to insist on some percentage of the sides would need to be left open.
- Cambria Mueller: I think times are changing and people are going to want to remain outdoors after the pandemic is over. I think finding a safe solution for people to enjoy the outdoors. I do get your point Jon.
- Jon Kolb: I get the desire to enjoy the outdoors. The longer the season the better. I just worry about the Village authorizing this.
- Paula Cashin: I agree with Jon. I don't want to authorize it. What about going back to our fire chief to make some recommendations?
- Joe Smith: His recommendation is the electric heaters. There is a potential that he would approve that option.
- Cambria Mueller: Pandemic. People are going to want to keep dining out doors.
- Joe Smith
- Kathy Navis: It seems to me that this has to be happening around the country. Is there some other community that has come up with an ordinance that we can look at?
- Joe Smith: I think a lot of communities are just ignoring it. Andy got an anonymous community complaint about Shipwrecked. That is what Egg Harbor is really good at.
- Jon Kolb: I think the Village did a good job of helping the businesses get through this over the summer. I think it would be a good idea to find out what others are doing. I would also want to know what the Village liability would be. We allowed outdoor seating this summer and that was fine. I wouldn't want to sign off on ignoring fire codes unless the fire chief signed off on it or the state says it's ok to turn your back on it.
- Emily Pitchford: I think we should look at what other communities in the state are doing.
- Lou Nyberg: It depends on what kind of heaters you have. I've been in many buildings that use Modine heaters that are run by propane in enclosed areas. There is no gas problem and very rarely a fire hazard. I think you need to look at what kind of heater to use. There are things out there you can use in an enclosed area. You can keep the LP tank outside and run a line in to the heating unit.
- Cambria Mueller: I agree with looking at what other communities are doing. They have come so far with technology that there has to be an option that provides heat safely.

- Paula Cashin: We would need to go back to our insurance company to see how they would handle it. If the Village gets sued, that includes all of us.
- Jon Kolb: There are different ways to mitigate the risk such as putting the propane tank outside the tent or locating it on the opposite side of the exits. If an insurance company says it's ok, then I would be ok with it. Let's check into that.
- John Heller: I like the idea but in no way are we going to expose the village or personnel to any liability.
- Joe Smith: Thank you all very much for your input.

15. Zoning Administrators Report

- Ryan Heise: Provided an overview of the Zoning Administrators Report.
- No questions from the Commission members.

16. Zoning Map Public Hearing Schedule

- December 14th, 5:30 PM. This will precede the regular board meeting.

17. Open Session

- Joe Smith: Regarding the Dollar Store in Town of Egg Harbor, this is a retail store, and they could setup shop in the Village of Egg Harbor that would be fine. They would be a permitted use in the village. I've seen many comments against it for what ever reason. I'm just brining the subject up.
- Jon Kolb: This will be on the edge of Village of Egg Harbor.
- Paula Cashin: This isn't really that close to the Village.
- Cambria Mueller: Would a dollar store need to get a conditional use permit? Has anything come up to protect communities after the 2017 law update? Using the Dollar General store for example, that just wouldn't fit.
- Joe Smith: Yes you could.
- Emily Pitchford: I was just reading about the quarry development that it didn't fit in with their comprehensive plan. That was one of the seven arguments.
- Joe Smith: But the Dollar General store wouldn't have to go through the conditional use. They just have to get their business license from the Clerk.
- Jon Kolb: Could I open a Subway restaurant? I thought there was something about no chain stores are allowed north of Sturgeon Bay.
- Joe Smith: That is just Door County folklore.
- Kathy Navis: Should we think of ways to protect the village from that kind of thing happening? They shut then down in Sister Bay because they didn't want to meet the impervious surface requirements.
- Paula Cashin: They would still need to meet our building requirements.
- Cambria Mueller: Is there an Architecture committee? I through an architectural committee was going to be a separate group when we talked about it a few years ago.
- Kathy Navis: We have an architectural committee. It is the planning commission.
- Joe Smith: We are it but what do we do with it. What are our rules and standards? That needs to be flushed out.
- Lisa Van Laanen: Do we not have limitations on adult businesses?
- Joe Smith: You can have that right now but you can't have a sign out front.

18. Next Meeting

- November 24, 2020 12:00 PM on Zoom.
- We will meet at noon again for the winter months.

19. Adjourn

- **Cambria Mueller moved to adjourn the meeting. Second by Lou Nyberg. Motion unanimously carried.**
- Meeting adjourned at 8:30 PM

Minutes submitted by Tom Strong on October 30, 2020 for committee approval on November 24, 2020.