

# VILLAGE OF EGG HARBOR PLAN COMMISSION

TUESDAY SEPTEMBER 22, 2020 – 6:00 P.M.

**DONALD & CAROL KRESS PAVILION – GREAT HALL**

**7845 Church St. Egg Harbor, WI 54209**

Joe Smith, Chair  
Kathy Navis, Commissioner  
Emily Pitchford, Commissioner  
Jon Kolb, 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 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
- Jack Jackson – The Orchards Condo.

### 2. Approve agenda

- **Emily Pitchford moved to approve the agenda. Second by Cambria Mueller. Motion unanimously approved.**

### 3. Pledge of Allegiance

### 4. Approval of August 18, 2020 meeting minutes

- Paula Cashin: P3, Line 4 – Door County needs to be capitalized.
- Kathy Navis – Page 6 – based on findings and conclusions, delete the word is.
- Page 7 – with no changes to the number of units is not a sentence. Delete the period after specifications. Also, it should say a minimum of 40 parking spaces is required.
- Page 7 - Joe Smith – under conclusion of law, #2, should read I thought the length of time.
- Page 9 – public arts initiative donation. Ryan Heise: he is a talented artist.
- Jon Kolb – Page 3, Frank’s comments - stone should be store.
- **Joe Smith moved to approve the August 18, 2020 minutes as amended. Second by Kathy Navis. Motion unanimously approved.**

### 5. Open Session

- Jon Kolb: Covid-19. Yesterday Door County had 18 new cases. Today there are 29 new cases. Kewaunee County now ranks in the 30’s out of 880 counties around the nation. I know we agreed to take a blind eye to things but at some point, we have to say to Door County, we have to be more careful here.
- Joe Smith: I would say we have maybe one group per day that bucks the masking and we have to ask to leave. A lot of the time it is just people forgetting to put their mask back on if they leave their table to go to the bathroom. Lucky for us the bathrooms are at the top of the steps. The host or the manager reminds them. Once you remind them it’s fine.
- Jon Kolb: I am concerned that the nation is now over 200,000 deaths. We drove around last

weekend up through Sister Bay, it was just packed around here. Mary Jo Kolb has contacted Jack Moneypenny and expressed her concern along with several neighbors and friends. I caution us about taking that blind eye look. I want to go on the record that we need to start taking a tighter stance. I know we cancelled Pumpkin Patch. I also know that the Board has approved porta-potties, expecting a lot of people that weekend. What are things we can do to help lessen the risk of Covid, especially for the residents. I understand that people want to come here for vacation. We live up here. Does anyone have any thoughts on that?

- Kathy Navis: I agree with you, but I don't know what we as the Plan Commission can do. Perhaps the Village of Egg Harbor approaching the County Board might have an effect. I just heard Governor Evers has extended the mask order for another 2 months through November.
- Joe Smith: We'll see if the tourist season tapers off. It's been staying strong.
- Jon Kolb: It does seem like we've had a fairly strong tourism season this year. I do want to make sure we're doing what we can to keep our residents protected.
- Jon Kolb: Moving on to short term rentals. Has that ordinance ever been sent to owners of these properties? Do we have a list of agents representing those people who are not within the 75 mile radius?
- Ryan Heise: If you are running a short-term rental, you are required to pull a business license. Yes, we have a contact for those short-term rentals.
- Jon Kolb: We had about 2 weeks ago with renters on West Shore Drive. They were stealing political signs from a resident's yard that were found in the short-term rental property garbage can. People drinking in the middle of the street and driving around making noise at 2:00 AM. I would like to see a list of those agents so that people who are residents nearby know who to contact. I personally feel that the neighbor across the street from this property should not have had to go talk to someone who is drinking in the middle of the road. They should have the number of that agent. That agent should come in and enforce it. That leads me to the next question, what do we do with renters or owners who have a consistent problem? Are we going to turn a blind eye to that too?
- Ryan Heise: The last time the Plan Commission discussed penalties, there was consideration for a three strikes rule, but you decided not to go in that direction. The concern was that if someone had it out for a particular rental unit, they would file complaints one after another. It would be a difficult situation to enforce. When we received the complaints about that rental in the Point Beach neighborhood, we asked specifically what the violation in accordance with the ordinance that exists. In this case the violation was related to people parking all over the place and with the trash cans. We sent a letter to the owner highlighting the entire ordinance. They received it. We've been playing phone tag with the owner. If we receive another complaint, the next step would be we would go to our general penalties ordinance. We would have to figure out with our attorney what are we going to enforce and what the fee is going to be. That is how we would address it.
- Jon Kolb: I could live with that. Can we get a list of agents?
- Ryan Heise: Yes. That is the intent of getting those business licenses so we would have a specific contacts. That was also the intent of having them live within 75 miles so they can address issues like that. Let us know which ones you want, and we'll get you that list.
- Jon Kolb: I would like the contact information for all the rental units in Point Beach.
- Emily Pitchford: Ryan, are you on the Tourism Zone Commission?
- Ryan Heise: Yes. Beyond the business license information that the village has, the Tourism Zone has a list of those agents as well. The administrator for the Tourism Zone, Kim, does a fantastic job in tracking down anyone who is renting on any platform. The Tourism Zone knows who these property owners as well.
- Joe Smith: I saw a thread on Facebook that the Tourism Zone is going to increase the room tax. Is that true?
- Ryan Heise: There is one individual in the county, Dave Eliot, who is reaching out to municipalities to float the idea of increasing the room tax from 5.5 percent to eight percent. He has not laid out what the use of those funds would be. Each municipality would get a greater share of that money

through their 30 percent cut. There are also discussions around consolidating all the business associations at least administratively so they can have benefits and also better coordination.

- That is the idea there. It is in it's infancy. Dave also did research to look at what other areas charge for room tax.
- Joe Smith: We are incredibly low on the room tax. Other areas are commonly around 14 percent.
- Ryan Heise: I understand the average room tax rate is 7.3 percent.
- Ryan Heise: Jon, going back to your point about Covid 19, I would recommend writing a letter to the Village Board.

## 6. The Orchards Storage Condominium Site Plan Modification Request

- Jack Jackson provided an overview of the plan changes submitted for approval. The total number of units and footprint remain the same. Unit 29 is relocated. This reduces road length and removes an easement. Units 27 & 26 are reduced in size to 20 X 42. Unit 28 is relocated, and units are re-numbered. There are 8 units completed so far.
- Joe Smith: This seems straight forward to me. The original conditions stated that any changes to the site plans need to come back to the plan commission.
- Kathy Navis: These are storage units for RV's?
- Jack Jackson: These are for sale. So far it is mostly being used for boat and RV storage.
- Jon Kolb: So these are like condos.
- Jack Jackson: Yes. These are for sold as storge condos. You own it. You pay taxes on it individually.
- Jon Kolb: What is the buildout time period. I thought we had set a time limit at 18 months for the construction of the condominiums on Hwy 42. I thought he had to come back to get a new approval if he didn't start in a specific time.
- Ryan Heise: I think there was language in the original approval.
- **Joe Smith moved to approve the updated site plan for the Orchards Storage Condominiums. Second by Kathy Navis. Motion unanimously carried.**

## 7. Residential (R1) Zoning Review

- Joe Smith: This is coming from Jon Kolb who has concerns about zoning and R1
- Jon Kolb: This basically stems from the salon we approved. The comment was made that it was a conditional use and we had to approve it. We are talking about a residential neighborhood. I am really opposed to business opening in a residential neighborhood. If it is true that we have to approve them because it's a conditional use, I think we should go back and review this ordinance and tighten it up so that we don't have to allow businesses in residential areas. I understand working from home. That makes perfect sense to me especially going forward. If you are driving traffic into a neighborhood, I think that is wrong. I would like to see what we can do about making sure that R1 areas stay residential. We have plenty of other areas where businesses can open up. That is my point.
- Kathy Navis: What is the definition of a household occupation?
- Ryan Heise: I don't have a definition on me. Jim Kalny did review the salon application. He provided his opinion that we couldn't deny it based on the current language.
- Emily Pitchford: R1 zoning is all over the village. It isn't just Point Beach, I do think we have to consider the intent of the zoning in the first place. It isn't just one neighborhood. We have to look at it for all those properties in all those locations.
- Cambria Mueller: I don't disagree with you but how do you separate that from the vacation rental home which also drives business traffic into residential neighborhoods?
- Jon Kolb: The is state regulates rental homes. There is very little we can do about that. That is a

great pain I am suffering through and accepting. My thought here is more about an operating business. I get that a short-term rental is residential to some extent, This salon is driving daily traffic to a house. She has traffic coming in for an hour or two for a specific business purpose. She does have some conditions implemented. We agree that this is a special case. I don't think we should allow businesses in a residential R1 zoned area anywhere in the Village.

- Joe Smith: I'm trying to think of other examples of a professional home office we might have in the community.
- Paula Cashin: This isn't a home office. My next-door neighbor is an art gallery. People come in. It is a business in a residential neighborhood. Is that considered to be a household occupation?
- Kathy Navis: I'm kind of stuck on that definition. To me a professional office as an accountant, an attorney, an architect, or an engineer who is running an office.
- Joe Smith: What about a hairdresser? They are licensed by the state, the same as an attorney.
- Jon Kolb: If you are an attorney, running a law office out of your neighborhood, you're running a business in a residential neighborhood. Again, residential is where you live.
- Emily Pitchford: You can also have a church or a school in an R1 area. That would drive a lot of traffic. There is quite a bit of permitted use. You are really suggesting changing the permitted uses. If you can't have a business, then you can't have a school. Maybe we should also look at churches and schools not being in R1. I go back to look at the original intent. We also have a Rural Residential area.
- Jon Kolb: The intent of a residential area is just that. I think we are too far on the other side. We will approve anything right now because of our conditional use section. There is no protection for a neighborhood.
- Emily Pitchford: Maybe we need to work on the definition of a professional home office.
- Jon Kolb: I would agree.
- Kathy Navis: This to me is a Sophie Parr question to provide clarity. That is standard language. It has to have a definition.
- Joe Smith: If we could somehow further define it to determine what we would allow, that might be the direction to go. For example, if someone wants to open a gift shop, that would be no good in my book. If you have a semi-retired lawyer who wants to have occasional office visitor.
- Jon Kolb: A dentist would be great, but they should operate in a business district. I don't think they need to be operating out of their house, driving traffic into a residential neighborhood.
- Paula Cashin: What is the difference then between the dentist and an attorney? Maybe we could come up with something that limits it to the owner of the business.
- Jon Kolb: I would like to see some working that limits driving traffic in the residential neighborhood.
- Cambria Mueller: Our neighbor rents out their home. I understand the state controls the rental aspect of it. If you own an Airbnb, that is ok. The benefit for a salon or a lawyer is they will likely have regular business hours.
- Jon Kolb: In essence, we are talking about the degradation of our residential neighborhoods. Period. Whether it is a short-term rental or a business, it isn't the traffic I would expect in a residential neighborhood. There is plenty of space in our business district to do that. If we're going to say we have to allow it because it's a conditional use, then we may as well get rid of residential neighborhoods and see how many people show up for that meeting. I think we are weak at defining and supporting residential neighborhoods. I think we'll be working from home more under Covid. If I am working from my home for Humana, I am not running a business. Working from home is not an at home business.
- Paula Cashin: I think we need to start by getting Sophie Parr's definition of Household occupation for the next meeting.
- Ryan Heise: Staff will bring something back for your next meeting.
- Joe Smith: For some of the permitted uses, we can figure out some language regarding driving

traffic.

- Emily Pitchford: It is also allowed to have a home business in a Rural Residential neighborhood. Some have to work out of our houses. I work out of my house.
- Jon Kolb: Are you driving customer traffic to your house?
- Emily Pitchford: No. None at all.
- Lou Nyberg: If I am a semi-retired Chiropractor taking one patient at a time at a home office, how is that different than the salon we approved? How do you control that?
- Jon Kolb: By not allowing it in a residential neighborhood. I'm saying a residential neighborhood is for residents. A business district is for businesses. We have plenty of other areas for businesses. Let's keep residential areas residential.
- Cambria Mueller: Would a retired chiropractor with a few patients here and there, would that person need a business license?
- Kathy Navis: That is a good question. At what point is it no longer a home occupation.
- Tom Strong: When Amie applied, she was considering having her daughter work there as well. In Jim Kalny's opinion, having additional people working at the location would not fall under the conditional use based on it being 'incidental to home use'. Amie backed off on having any employees during the review process.
- Ryan Heise: I was dealing with Jim Kalny on a separate but related issue. His comment was that if you are allowing employees to work at the house, you are outside the definition of household occupation. The first phrase in the definition states "Any gainful occupation conducted by a member of the family within his or her place of residence".
- Joe Smith: So it is defined someplace. Probably in the Village Ordinance Chapter 10 definitions.
- Ryan Heise: Let me do some research and bring back more information around the definition.
- Joe Smith: Just my personal opinion, I am not opposed to a household occupation or professional service in the limited capacity just as Jim Kalny is suggesting here: there are no other employees, it is a professional occupation or some household operation – maybe a shoemaker or something like that. I would however say a bookstore for example, even if the owner is the only person working there, is not appropriate.
- Jon Kolb: That is driving traffic. I'm not opposed to people working from home. That is the direction things are going. I would rather not see a traffic driving business in a residential area.
- Emily Pitchford: Something would need to be revised or refined.
- Kathy Navis: It seems like it is services provided by a home owner compared to selling something like an art gallery or book store. You could have an art studio where you are making it but not selling it to the public.
- Joe Smith: Ryan – next month please bring back the definition information for the committee. We can look at them next month.
- Emily Pitchford: Let's say you're operating business in your house and once in a while you have someone stop in who is not an employee, maybe a vendor or insurance rep, you have to be able to have some occasional traffic. To say no one can come would be super restrictive.
- Jon Kolb: I would just leave you with the thought that if we have a conditional use that allows business in a residential neighborhood, I think that's wrong. Last time we said that we had to approve it because it met conditions. I don't think that is right because we are talking about residential neighborhoods.

## 8. Parking Ordinance Recommendation

- Joe Smith: We got the whole fee in lieu of parking done, then Covid hit and Megan left us. I have a general feeling on this topic. This started back with Nancy Fisher. We started to assess fees in lieu of parking and if you didn't have enough parking space you weren't going to be grandfathered in after a certain date. We said you can count public parking spots within 500 feet of the business, but

we have been seeing more and more downtown development. Maybe that parking spots within 500 feet isn't the right thing to do. The Village Board set the fee at \$50 per parking spot. It doesn't shut down development, but it adds a cost to development. Part of what we've seen in the master plans is wanting infill in the downtown area. What we've seen in practice is that this infill has led to greater parking demands and is stressing the private resources because the public infrastructure is unable to handle it. I suggest getting rid of the 500 feet option for new development. We discussed it earlier this year but it was never completed. It was supposed to be right after our last in person meeting. Sophie started it but then it dwindled off.

- Emily Pitchford: For any new project I think we need to be very specific on the parking requirements like we have done with the recent developments such as the golf simulator, JJ's place and the Village View Condo's.
- Joe Smith: We had to figure out what that parking stall number was for the golf simulator business. I was under the same impression you were that we had finished that, but it was never finalized.
- Kathy Navis. If we never finished that we need to go back to where we left off. Maybe at our next meeting we can get the March meeting packet to verify the history.
- Ryan Heise: Yes, we can provide a summary of where you left off. There is a guy at UniverCity that is looking at parking, including the fee and what to use those funds for.
- Paula Cashin: We had a parking study a few years ago.
- Joe Smith: Wasn't the report that came out of the study that we had enough spaces, but they aren't located in the right places?
- Paula Cashin: If you look at the situation right now, last weekend there were cars parked all over. If this year is a picture of things to come, we do not have anywhere near enough parking spaces.
- Ryan Heise: Church Street starts in the fall of 2021 to be completed by the spring of 2022. That will add 100 parking spots on Church Street and sidewalks to the dog park which we repainted to add an additional 50 spots. So that's an increase of 150 spots that are very walkable. The next step is better signage to encourage people to take that 2-minute walk to the village.
- Joe Smith: Until there is a reason to entice people to park there they aren't going to go.
- Paula Cashin: It seems to me that the parking situation is only a problem on holiday weekends. Or is this a problem any weekend? Last weekend I drove down church street and there were cars parked on both sides of the road all the way to the dog park.
- Kathy Navis: At one of those last meetings prior to Covid, John Heller was going to talk to the people that own the property across the street from me to see if there is a way to combine all those parking lots. There is a huge amount of wasted space there between parking lots. If they were combined it could add a lot of parking spaces.
- Joe Smith: The last thing that was in the minutes was that John Heller was going to bring something back to us because he didn't like what we were proposing. That's where it left off.

## 9. Open Session

- No Comments.

## 10. Next Meeting

- October 27, 2020 6:00 PM. The Plan is Kress Pavilion Great Hall.
- Jon Kolb: Are these going to be all in person and if so, they will not be on Zoom?
- Joe Smith: We can do a hybrid meeting if we want. The Village has decided to do hybrid meetings for their committees. We are a commission so we can set our own rules if we want.
- Jon Kolb: I personally like zoom meetings as far as the Village Board meetings go. It's nice to be able to Zoom in and listen. I think people are more likely to participate in government. Zoom seems to be a medium that is widely understood.

- Joe Smith: The concern I have with that is when we have a conditional use permit application. Being in person to point things out on the drawings is important. The Village is looking at microphone options for this room. Ryan's concern was that the zoom participants were not able to hear everyone in the room well from a distance. This is why the Village is opting to discontinue hybrid meetings until we get these microphones. With the Condo project there is no way we could have done that on Zoom.
- Jon Kolb: Agreed. I would rather be in person for things like that. I like it when everyone is on zoom – then you can hear everyone. I think it's a nice offering to give our residents. I would like to see the next plan commission meeting be held on Zoom only if possible.
- Joe Smith: I have nothing against broadcasting once we get that equipment in place. That would just be like broadcasting on TV to allow the public to listen in. I think that would be a great idea.

## 11. Adjourn

- **Kathy Navis moved to adjourn the meeting. Second by Jon Kolb. Motion unanimously carried.**
- Meeting adjourned at 7:01 PM

Minutes submitted by Tom Strong on September 29, 2020 for committee approval on October 27, 2020.