

VILLAGE OF EGG HARBOR PLAN COMMISSION MINUTES

TUESDAY SEPTEMBER 28, 2021 – 6:00 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 6:00 PM.**
 - b. Commission members present: Cambria Mueller, Paula Cashin, Jon Kolb, Kathy Navis, Lou Nyberg, Emily Pitchford, Chris Roedl,
 - c. Absent: None.
 - d. Staff present: Tom Strong, Megan Sawyer, Jim Kalny, Village Council
 - e. Audience members: John Heller, Village President, Tyler Pluff, David Pollman, Peter Gentry, Paul Brophy, Mary Reilly, Mary Jo Kolb, Luke Bentley, Lauren Schar, Jim Vitrano, Michael Schwantes, Jon Pinkert, Brian Peters, Jacinda Duffin, Kim Jensen, Joe Smith, Karen Petersen, Thomas Martin, Christopher Peoples, Myles Dannhausen, Jr., Tad Gilster, Ken Blaney, Kevin Wehrenberg, Charles Baum, Frank Guarino, Peter Culp, Jen Blahnik,
2. Approve Agenda
 - a. **Paula Cashin moves to approve the agenda.**
 - b. **Emily Pitchford second.**
 - c. **Motion unanimously carried.**
3. Pledge of Allegiance
4. Approval of August 23rd, 2021, Plan Commission Public Hearing Minutes for Shipwrecked Special Development District Relief Hearing and Conditional Use Permit Hearing
 - a. Changes: Paula Cashin and Cambria Mueller noted changes.
 - b. **Cambria Mueller moves to approve the August 23, 2021, Special Development District and Conditional Use Permit Public Hearing minutes with the noted changes.**
 - c. **Paula Cashin second.**
 - d. **Motion unanimously carried. Chris Roedl Abstained**
 - e. **Cambria Mueller moves to rescind her motion to approve the August 23, 2021, Special Development District and Conditional Use Permit Public Hearing minutes with the noted changes.**

- f. **Paula Cashin rescinds her second.**
- g. **Motion unanimously carried. Chris Roedl Abstained**
- h. Changes: Paula Cashin and Cambria Mueller noted additional changes.
- i. **Cambria Mueller moves to approve the August 23, 2021, Special Development District and Conditional Use Permit Public Hearing minutes with the noted changes.**
- j. **Paula Cashin second.**
- k. **Motion unanimously carried. Chris Roedl Abstained**

5. Approval of August 24, 2021, Meeting Minutes

- a. Changes: Paula Cashin and Cambria Mueller noted changes.
- b. **Cambria Mueller moves to approve the August 24, 2021, Commission minutes with the noted changes.**
- c. **Lou Nyberg second.**
- d. **Motion unanimously carried.**

6. Approval of September 13, 2021, Plan Commission Public Hearing Minutes for Double Barrel Brewing Co. Special Development District Relief

- a. Changes: Cambria Mueller noted changes.
- b. **Cambria Mueller moves to approve the September 13, 2021, Public Hearing minutes with the noted changes.**
- c. **Paula Cashin second.**
- d. **Motion unanimously carried.**

7. Open Session

- a. *Chairperson Mueller opened the floor for public comment.*
- b. *Karen Petersen: 7763 Hwy 42 Egg Harbor. A few months ago, we talked about event permits. We really do need to address that. We recently enjoyed our third sausage fest. The issue of parking for special events has not been addressed. It was especially bad when people are circling Main Street Market's parking lot trying to find an empty spot while the grocery store was basically empty. I would ask this group to look at special events to make sure that some of those issues are addressed before you grant permission. Regarding Shipwrecked, they are tying multiple properties together to get enough parking. If we allow that, there has to be some legal document to support that. What happens if they sell Fat Louie's or if Cape Cod changes usage. What happens then? Those things really need to be addressed before giving any approval, when you are tying multiple properties together to satisfy an ordinance. I hope you take that into consideration. Finally, these discussions have gone on for many months. We've had full audience meetings while other meetings had less in attendance. Most of the people who have written you letters, sent emails, and made comments, their opinions are still valid and haven't changed. Maybe they can't make every meeting. I hope that you keep those comments you have heard in the past in mind for your current discussions.*
- c. *Paul Brophy: 7632 Evergreen Lane Egg Harbor. On Page 78 of tonight's packet, item 8 says, 'That the Plan Commission reviewed the project consistency with the Village Comprehensive Master Plan and determined that the project including a building addition and an addition of 92 seats is ?'. I suggest to you that the proper answer is it is inconsistent with the comprehensive plan.*
- d. Kim Jensen was looking to speak via zoom but was not able to speak due to technical

difficulties.

8. Nominate Chairperson for Development Review Committee Exploratory Ad Hoc Committee

- a. *Megan Sawyer provided an overview of the Development Review Committee Exploratory Ad Hoc Committee as presented in the meeting packet.*
- b. **Chair Cambria Mueller moves to recommend to the Board of Trustees to appoint Chris Roedl as the Chairperson for the Development Review Committee Exploratory Ad Hoc Committee.**
- c. **Paula Cashin second.**
- d. **Motion unanimously carried.**

9. Bertschinger LLC Certified Survey Map

- a. *Megan Sawyer provided an overview of the Bertschinger LLC Certified Survey Map for parcel 118-35-3101 as presented in the meeting packet.*
- b. *Kathy Navis: The Yellow border is the complete lot today. The red box is the section that is being separated into a new parcel. Will the rest of the parcel remain as is?*
- c. *Megan Sawyer: That is correct.*
- d. **Chair Cambria Mueller moves to recommend to the Board of Trustees to approve the Bertschinger CSM request for parcel 118-35-3101 as presented. Jon Kolb Second.**
- e. **Motion unanimously carried. Emily Pitchford Abstained.**

10. Rezoning Petition – Parcel # 1180125302632A Alpine Resort Acquisition Company LLC from Recreational (REC) to Residential (R-1)

- a. *Megan Sawyer provided an overview of the Alpine Resort Acquisition Company LLC rezoning request to change a portion of parcel 118-0125302632A from Recreational to Residential as presented in the meeting packet. You will need to provide a recommendation to the Village Board. The board will set a public hearing date and take a final vote on the petition. The representative submitted supplementary documentation for review. They are asking to split the rezoned portion of the parcel into six parcels for residential lots. The original proposal included four lots. The proposed land division will come back to you at your next meeting.*
- b. *Tad Gilster provided additional information regarding the proposal for the commission members. There were two headstones in that area but contrary to popular rumor, there were no actual grave sites there.*
- c. *Megan Sawyer: The six parcels will meet all our ordinances for parcel size. These are all on the North Side, between Hwy G and the water. All six parcels are on the water and have access to sewer. The golf course area to the south of G will remain Recreational.*
- d. *Tad Gilster: These are intended to be sold as individual home sites. As currently zoned recreational, A larger condominium project would have been permitted here. The owner is much more interested in the restoration aspect and keeping scale in mind. The property was golf course holes. It is no longer used as golf holes, but it is still mowed for now.*
- e. *Megan Sawyer: There will be a public hearing at the board level. The public will have the opportunity to provide input or raise concerns.*
- f. *Cambria Mueller: I feel like this does fit in with other residential developments in the area. It will fit in better than a large condominium project. I think it fits.*

- g. *Paula Cashin: I like the idea of individual homes as well. That area is too beautiful to put a bunch of condos in.*
 - h. **Chair Cambria Mueller moves to recommend to the Board of Trustees the petition to the rezone a portion of parcel 118-0125302632A from Recreational to Residential as presented.**
 - i. **Paula Cashin second.**
 - j. **Motion unanimously carried. Emily Pitchford Abstained**
11. Deliberation, consideration, and possible action on Special Development District Relief Application filed by Peter Gentry on behalf of Double Barrel Brewing Co LLC for 4633 Market Street (Parcel # 1180125302612E) and scheduling of public hearing if necessary
- a. *Megan Sawyer presented an overview of the Double Barrel Brewing Co LLC for 4633 Market Street (Parcel # 1180125302612E) Special Development District relief application as presented in the packet starting on page 50. We held the public hearing on September 13th. The applicant submitted some updated plans in response to that public hearing that include seven additional parking spaces. This would also require side yard setback for the parking lot change. The original application did not include the side yard setback for the parking lot. We could schedule that meeting as early as October 12th.*
 - b. *Cambria Mueller: Peter heard what we were asking for. He added more parking. To discuss this revised plan, we have to start the process over with the public hearing. If we don't want to entertain this new plan with the seven additional parking spots, we will deliberate on the prior plans that were under consideration in the first public hearing.*
 - c. *Jon Kolb: This brings it to 47 parking spots. How many total spots would be required?*
 - d. *Megan Sawyer: 82 parking spots would be required.*
 - e. *Kathy Navis: We have to keep in mind that One Barrel met the required parking spots when they initially got their conditional use permit. They don't have to put in any parking.*
 - f. *Jon Kolb: I disagree with that.*
 - g. *Cambria Mueller: He is asking for setback relief for the storage building as well. We can't make him put in 82 parking spots.*
 - h. *Kathy Navis: I am very happy that they added more parking which is what we asked for. I would like to see this move on to the public hearing.*
 - i. *Paula Cashin: How many parking spaces do you have currently?*
 - j. *Peter Gentry: Twenty-five.*
 - k. *Lou Nyberg: I think we need to look at all the aspects of this proposal. I think that would warrant another meeting to do that.*
 - l. *Cambria Mueller: We can keep this process moving forward for Peter. We could hold the public hearing followed by the deliberation on the same day. We will follow the process and conduct the public hearing.*
 - m. *Megan Sawyer: This will need to be a class one notice. The soonest we could have it is October 12th. The Great Hall room is open before 2:00 PM and after 6:00 PM.*
 - n. *Commission members agreed to hold the public meeting on Tuesday October 12th 6:00 PM.*
 - o. **Cambria Mueller moves to schedule the public hearing for the Special Development District Relief Application filed by Peter Gentry on behalf of Double Barrel Brewing Co LLC for 4633 Market Street (Parcel # 1180125302612E) for Tuesday October 12, 6:00 PM at the Kress Pavilion Great Hall.**
 - p. **Lou Nyberg second**
 - q. **Motion unanimously carried.**
 - r. *Peter Gentry: If I table this until the spring, what time limits are in play for construction?*
 - s. *Megan Sawyer: I would have to check on the time limits for Special Development District*

approvals. Conditional Use permits are good for 18 months. I can review this in more detail and give you a call.

- t. Jon Kolb: Can you provide us with renderings of this new building?*
- u. Megan Sawyer: Renderings are in the original meeting packet from the first hearing and also published on the Village website.*

12. Kim Jensen 4655 CTH E Conditional Use Permit Extension Request

- a. Megan Sawyer provided an overview of the Kim Jensen Conditional Use Permit Extension Request as presented in the meeting packet. Permits are approved for 18 months. Upon written request, a 90-day extension is approved at no cost to the applicant. Kim is asking for a one-year extension due to Covid. 18 Months from the original approval will expire on November 19, 2021.*
- b. Commission members deliberated on the impact of Covid on this property length of time for the extension.*
- c. Emily Pitchford moves to approve the Kim Jensen Conditional Use Permit Extension for 12 months from November 19, 2021, due to the Covid 19 pandemic.**
- d. Paula Cashin second.**
- e. Motion carried 6-1. Cambria Mueller Nay.**

13. Staff's first review of the Conditional Use Permit application filed by Kim Jensen for an outdoor beer garden at 7778 STH 42 Parcel # 1180125302612E1 and scheduling a public hearing if necessary

- a. Megan Sawyer provided an overview of the First Review for the Kim Jensen Conditional Use Permit for 7778 STH 42, parcel #118-0125302612E1 as presented in the meeting packet. I did receive an updated site plan later last night that has all the seating laid out. It was not included in your agenda packet.*
- b. Cambria Mueller: I feel like we are missing required items to deliberate on this as presented.*
- c. Chair Cambria Mueller moves to table the Kim Jensen Conditional Use Permit Request for 7778 STH 42 and schedule a public hearing after additional items are received from the applicant.**
- d. Kathy Navis second.**
- e. Motion unanimously carried.**

14. Deliberation, consideration, and possible action on the updated construction schedule as required by the Conditional use permit issued to Michael J. Schwantes (Village View Condominiums) for 7784 STH 42, Parcel # 1180125302612D

- a. Megan Sawyer provided an overview of the proposed schedule as presented in the meeting packet.*
- b. Brian Peters: I represent Bayland Buildings. I can speak in detail about the construction schedule if you have any questions. There is a delay in delivery of raw materials that has had an impact on project timelines. We are now ready to go.*
- c. Emily Pitchford: Everyone here with a business is very concerned about how this might impact the busy season. Is it going to impact business or traffic? That is what people are concerned about.*
- d. Brian Peter: We have a strong history of working here. We will be very cognizant of our neighbors during construction. Our goal is to get footings and foundations in the ground as*

- soon as possible this off season. When the season begins, we would like to have the building contained so we are doing work inside by then. Staging will be a concern on this project. We will be working closely with the Village and the neighbors. Our project management team will have to work closely with the neighbors to figure out how we are going to stage equipment and materials to not impact traffic on the highway. We are telling our suppliers that space is limited. Inventory might need to remain at their facilities until we are ready to install. I don't expect to be blocking traffic or being a disruption to the neighbors.
- e. Cambria Mueller: What are your hours going to be?
 - f. Brian Peters: We will probably be working longer hours Monday through Thursday, so Fridays we will have a limited staff or possible not be on site at all. Some of our contractors love the four-day work week. Our goal is to minimize the impact to others in the area.
 - g. Cambria Mueller: With the blasting in December, do you need to provide proof of insurance for those within a certain radius?
 - h. Brian Peters: Our contractor for blasting does a lot of work in this area. We will be working with the Village and our safety partners with the blasting. It is a small, controlled blast. We pulled the tanks out, so a large part of that sight doesn't need to be blasted. We will notify the neighbors and the Village of our plans to blast well in advance.
 - i. Kathy Navis: Will there be a fence around the building site during construction? How high will this fence be?
 - j. Brian Peters: My main concern is safety. Michael Schwantes and his team will likely also want to have a marketing component and it looks great. It will be a six-foot-high fence. There will be signage for delivery and safety. We will work with Michael and his team to be sure this looks good during construction.
 - k. Michael Schwantes: We will work with the Village to make sure that this fence is acceptable to the Village.
 - l. Jon Kolb: I would not want people to be able to see through it. That would be a distraction for drivers. Megan, does the office staff have sufficient time to handle this project? How much time will be required?
 - m. Brian Peters: Our goal isn't to come to a meeting with a problem. Our goal is to come with recommendations and cover as many points as we can at the same time to make the best use of our time and Village staff time.
 - n. Kathy Navis: Is there anything you can anticipate that might delay this project? I would like to see the roof cover in place by June.
 - o. Brian Peters: That is a fair question. The pent-up demand won't be over next summer. It might be the following summer. We are vigorously writing contracts now to lock in pricing. It is a volatile market right now. If that would happen, the project team will be the first to know. The main concerns are around copper, insulation and computer driven components. These are all inside components. If this does happen, we will be looking for solutions before we approach the Village. I am the general contractor for this project. You will see me on site quite a bit.
 - p. Jon Kolb: Is there any construction scheduled to begin on Hwy 42 next fall?
 - q. Megan Sawyer: We are currently looking at starting the Hwy 42 construction after Pumpkin Patch in 2022.
 - r. Cambria Mueller: I would like to hear what Attorney Kalny has to say about the financial assurances.
 - s. Jim Kalny: We have received a letter from the financial institution detailing the security that is being required up front. This includes the nature and the amount of the assurances that will be required up front. Based on that, I am satisfied that there is a significant likelihood that they are able to complete this project, that they are financed and secured.
 - t. Jon Kolb: Did we also require insurance during blasting as a condition?

- u. *Megan Sawyer: To that point, the zoning or building paperwork hasn't been completed yet. Won't issue the zoning or building permits until all conditions are met.*
- v. **Kathy Navis moves to approve the updated construction schedule Michael J. Schwantes (Village View Condominiums) for 7784 STH 42, Parcel # 1180125302612D as presented.**
- w. **Emily Pitchford second.**
- x. **Motion unanimously carried.**

15. Deliberation, consideration, and possible action on Conditional Use Permit Application filed by David Pollman on behalf of Sojenhomer LLC for an addition at 7783 STH 42 and 7791 STH 42 (Parcel #s 118-0125302612N and 118-0125302612P)
- a. *Megan Sawyer provided an overview of the Conditional Use Permit Application filed by David Pollman on behalf of Sojenhomer LLC for an addition at 7783 STH 42 and 7791 STH 42 (Parcel #s 118-0125302612N and 118-0125302612P). The DRAFT findings of fact and conclusions of law document is in the meeting packet. Items in Red that need discussion include number 8 under conclusions of law and number 12 under possible conditions. We have not yet discussed consistency with the Comprehensive Master Plan. That is why item 8 is in red. Item 12 is also in red in anticipation of additional conditions you might impose.*
 - b. *Chris Roedl recused himself from deliberation on this agenda item.*
 - c. *Cambria Mueller: I went through all the testimony from the public hearings again. I organized it into groups on a handout sheet. The conclusions are my words, not a consensus of the group. We need to answer the question number 8 that Megan mentioned, if this project is consistent with the Master Plan. In looking at the public testimony, I know that we decided we do not like the word quaint. The Comprehensive Plan talks about scale, balanced growth, and character of the Village. This is another one of those things that everyone is going to perceive differently. After reviewing the testimony and the Comprehensive Master Plan, I feel the building itself is consistent with the Comprehensive Plan, but I do not agree that the expansion of people on that parcel. That is kind of a domino effect. Safety and parking congestion become more of a concern. All of that is affecting what we have laid out in our Comprehensive Plan. We want to keep the peace in the Village. What do other commissioners think?*
 - d. *Lou Nyberg: I read over the concerns presented in the testimony. It is mostly opinion related to cosmetics of the building. As far as the building is concerned if something was going to be done to the building style that should have been addressed several years ago. The new project and the outdoor seating expansion we've asked them to do a lot of things regarding impervious surface ratio and the appearance. I think they have complied with that and did a good job. I think an important part of this is to review the Attorney Kalny's memo of the State of Wisconsin statues which he has summarized three separate times. It demands that we have reasons to deny this application. I don't see what Shipwrecked has not complied with. For the appearance, someone mentioned the objection to the library building when that was built. I think we are going to see some of that this time as well, with more negative response than positive in the beginning. Unless someone comes up with a firm factual reason to deny it, I don't think we can deny it. They have done everything we have asked. I think that is where we are. We need to make a decision based on the proposal we have in front of us. They can't squeeze more parking places. Perhaps we could ask them to reduce the number of outdoor seats. The rest of the project would still be there. We are considering an 1800 square foot storage facility for One Barrel. This is a big restaurant, and they need more storage. They are adding it to their building. They don't have the option to build a detached storage building. An 1800 square foot pole building in the middle*

- of our Village isn't quaint. These are things we have to consider. Shipwrecked has done what we asked, and I think we should not deny it.*
- e. *Cambria Mueller: They have a shortfall of parking, and we all know there isn't more space to put in parking. The question that I would pose then if someone can't do something, but they have met all the requirements, that is where I get stuck. I agree they have complied. They came in with pervious surfaces to keep the impervious surface ratio down. The landscaping looks beautiful. I get lost in the fact that their whole project isn't checking all the boxes.*
 - f. *Kathy Navis: That makes sense, but I don't see what boxes they haven't checked. I feel that the changes they have made, they have done the best they can to remedy the things we objected to. David, are you planning to fill in the green space area with the five extra parking spots?*
 - g. *David Pollman: We do not want to do that, but if we have to do it, we will. We would like to keep that as green space in that area.*
 - h. *Jon Kolb: I disagree with the comments that we are over the dam so we should just continue on. I think this is a large building for such a small footprint. The parking itself doesn't fall within the intent of the fee in lieu of parking fee. The distance down to Cape Cod does not fall within the 500-foot limitation. The parking behind Fat Louie's is going to bring more foot traffic across Hwy 42. That curve is already a hazard. You start adding more cars coming in and out of Fat Louie's, that is going to make that curve that much worse. I also think it isn't fair to the businesses behind Fat Louie's. People will then start to take up parking from the business behind Fat Louie's. I think this project is just too big for this parcel. I think that location is not right for this project. I like the idea of softening the look of the side of that building. I like the idea of eating outdoors on the grass. I think that location is wrong for the Village. We as the plan commission need to look at the entire Village and ask if this is the direction that we want to go.*
 - i. *Paula Cashin: I agree with Jon about pedestrian traffic and safety. You are going to increase pedestrian traffic across Hwy 42.*
 - j. *Jon Kolb: There are only 27 parking spots for a 400-seat restaurant.*
 - k. *Lou Nyberg: We can walk down the street and find parking issues with many businesses. We had an ordinance that said one thing a year ago. We have an ordinance that says something else now. This plan has been in progress for a long while. I don't think there is any way that you are going to satisfy a parking issue, if you look at the number of people that come here. Look at Fish Creek. Look at Sister Bay. You have tens of thousands of people coming to Door County. We have a parking issue. We can put parking in other parts of the village. You can't eliminate businesses or restaurants. We ask them to come here for the beauty the place and to relax in the outdoors. Eating outdoors is the big thing because of Covid. We are getting so many outdoor restaurants. Some want to say Egg Harbor now is going to stop because we broke the camel's back with Shipwrecked. I can't blame Shipwrecked for the problem I have getting out to Hwy 42. That was a problem after it burned down. I still had trouble exiting onto Hwy 42. The approach that we took to expand parking options in the Village was a good idea. I think we do need to reconsider ordinances to be sure we are not going to run into similar issues in the future. I don't think it is fair or to our advantage to deny it. I think if we deny it, we will lose in court.*
 - l. *Megan Sawyer: We need to finish off the conclusion number 8, regarding the consistency with the Comprehensive Plan. We need to finish that conclusion then move on to any additional conditions to impose. Let's start by finalizing conclusion number 8.*
 - m. *Kathy Navis: I would like to hear the aspects of the Comprehensive Master Plan that commission members feel this project does not meet.*
 - n. *Emily Pitchford: The big thing is the word quaint, that we can't necessarily use.*

- o. Cambria Mueller: *The Comprehensive Plan is many pages and includes much more than the word quaint.*
- p. Megan Sawyer: *The items are laid out for you on Packet page 77, item 27. These are the elements of the comprehensive plan that were brought up during testimony. The elements that were included are architectural consistency, managed growth and congestion mitigation are the main takeaways.*
- q. Kathy Navis: *I would like to address architectural consistency. To me this is an addition to an existing structure. The design of an addition should match the style of the existing building. Architecturally, I think this makes what is there look much nicer. It softens the building with Christine's building gone. In that regard, I don't see any issue.*
- r. Jon Kolb: *I agree on that point. This however is an expansion of an existing use. We have 1500 restaurant seats already so there is no diversification in the Village. This is not managed growth. I would think managed growth would be not having everything in the center of the Village. This is high compact density in a small triangle. Having more on the edges of town would be managed growth.*
- s. Cambria Mueller: *I agree that this isn't helping diversification. We have a lot of restaurants. This would be another outdoor beer garden but that is an extension of the restaurant that is already there.*
- t. Kathy Navis: *As Lou was saying, people come here to eat outdoors. It is a difficult environment for the retail businesses. What kind of diversification are we looking for? They are a restaurant. What would we want them to add?*
- u. Cambria Mueller: *I don't think we need to find what is right. We just have to note that this is not adding to diversification. The golf simulator business did add to diversification. It isn't that it is wrong, it just isn't offering diversification.*
- v. Megan Sawyer: *Highlighted in the comprehensive plan were professional offices such as dentist are mentioned.*
- w. Jon Kolb: *Managed growth is something we need to look at for the entire village. We need to manage our growth. This project isn't managing that growth. It is complicating growth in that specific area.*
- x. Cambria Mueller: *I agree with that. How about congestion mitigation?*
- y. Kathy Navis: *We have a restaurant there already that has 302 seats and 11 parking spots. They are adding 92 seats and 20 parking spaces. The ratio of parking to seats is improved.*
- z. Jon Kolb: *You are still talking about a 300-seat restaurant with 7 parking spots. We are saying another 25 parking spots for a 400-seat restaurant makes it good. I hate trying to justify something by saying an improvement is now just not as bad as it was. When something like this happens, we are supposed to take a look at the entire picture. We have opportunity to fix it and address it. Instead of just adding 92 new seats, maybe they should have 92 fewer seats on the inside. That would balance the need for the additional parking and traffic. That would be a way to mitigate this. I like the idea of the addition and the outside seating area, but we need to mitigate the problem we have in that small, dense area*
- aa. Kathy Navis: *We have an ordinance for meeting the parking requirement and they are already doing that. They are meeting the ordinance.*
- bb. Jon Kolb: *They are not meeting the intent of the ordinance. My intention wasn't for this to be used for over 50 spots. My intention was for a fee of \$250 parking spot per fee. We went back to the board a second time at \$250 per spot. They are not meeting the intent of the ordinance.*
- cc. Kathy Navis: *Then why don't we ask them to pay \$250 per spot per year for the spots they are short?*
- dd. Lou Nyberg: *I don't think that would satisfy the problem. If that was the reason, we should have done that three years ago. We didn't look at the plans three years ago.*

- ee. *Emily Pitchford: They were able to build it on the same footprint. This is a new proposition. We didn't have any control over what is already there.*
- ff. *Lou Nyberg: I think managed growth is a great idea. At what stage are we going to do that? I got my house here 25 years ago. We have a problem here with too many people coming to Door County. That isn't unusual for a tourist area, particularly now. We have a lot of questions about density. We have a park that holds a farmers' market and music in the park that both draw people to the downtown area. That brings people across the street. The beach brings traffic down Hwy G, and we are making the beach bigger. I'm talking about reality and what is already there. You can't throw it into reverse. What are you asking them to do? Should we deny them the 92 seats? Would that satisfy your argument?*
- gg. *Paula Cashin: I would like to see them take 92 seats that are inside the building and put them outside.*
- hh. *Emily Pitchford: You are suggesting they should be allowed to put on the building addition without adding any additional seating?*
- ii. *Kathy Navis: Jim Kalny told us that they could put the addition on now and add 200 seats outside because outdoor seating isn't changing the size of the building. So, they could come to us today to put the addition on the building, then come back to us next year and add the 92 seats.*
- jj. *Megan Sawyer: I'm not sure that is accurate. You have the ability to put conditions on this project to limit the number of seats.*
- kk. *Jim Kalny: Yes, this is different. This is clearly the expanse of the use, so we are in a position to look at everything from square one. That is the result of the additional property that is being added.*
- ll. *Jon Kolb: That is why I think we need to do this now. We have the opportunity to look at this project to make things right and manage our growth.*
- mm. *Kathy Navis: Why are we putting all of this on Shipwrecked? We have a restaurant right across the street that has no parking at all. Shipwrecked is not causing the congestion issue on that corner.*
- nn. *Cambria Mueller: We can't have people continuously coming through our door asking us to build whatever they want, drawing more people to that area. They are coming to us asking them to do something for them. If they come to us, they are going to get this same conversation. We are not picking on Shipwrecked. We may agree they have checked all the boxes; I don't know how we can make a problem worse.*
- oo. *Lou Nyberg: I think we have addressed the problem with the added parking on Church Street and Hwy 42. We added 200 parking places.*
- pp. *Kathy Navis: They already have a 300-seat restaurant. An additional 100-person capacity would add 25 parking spots to their requirement.*
- qq. *Cambria Mueller: If you put an additional 100 people in that part of the Village is going to make a huge difference for traffic flow, pedestrian, and bike safety. There are ramifications beyond not having sufficient parking. There are ramifications from the number of people they will have there.*
- rr. *Megan Sawyer: We have deliberated on A and B as outlined in the draft conclusions document. So far, I have "The Plan Commission reviewed the project consistency with the Village Comprehensive Master Plan and determined that the project including a building addition and an additional 92 seats is consistent with the Comprehensive Plan relative to architectural consistency relative to the building addition but not consistent with the Comprehensive Plan relative to managed growth and diversification of businesses relative to the additional 92 seats." C we have not concluded.*
- ss. *Cabria Mueller: I am ok with that. Other commissioners?*
- tt. *Emily Pitchford: I think everyone here is ok with the building addition. It is the additional*

- seating and lack of parking that is the issue.*
- uu. *Jon Kolb: I would agree with that, but I would add density of people crossing the highway.*
- vv. *Emily Pitchford: I think we have to look at the parking that is being proposed. The question regarding the fee in lieu of parking, I do think you have to consider that the intent of that was not for this many more spots. The question is the 92 seats. That seems to be where the disagreement is. There is already a parking shortage. This is creating a greater shortage.*
- ww. *Lou Nyberg: Expanding public parking on Church Street and Hwy 42 was planned before Shipwrecked asked for 92 more seats. It wasn't that the Village didn't know we had a parking problem. We are spending millions to try to solve it. Maybe we can look for a compromise on the number of seats. Maybe cut the number of outdoor seats in half. I don't think that is going to solve the parking problem in Egg Harbor. We have to get past where we are.*
- xx. *Jon Kolb: We are going to have to have the same conversation with Mojo Rosa's and One Barrel. We are focused on Shipwrecked now because that is in front of us. Next year we will be focused on Kim's project. We will also be talking about One Barrel and likely at some point, Casey's.*
- yy. *Cambria Mueller: The Village is already making a lot of great improvements to improve the parking. The Village is now trying to get ahead of it, I don't want to constantly be trying to catch up. I think that goes back to the managed growth. It is going to take us some time to get there. I don't think we should stunt our business community growth. I don't think adding 92 seats here is going to put food on the table of someone who doesn't already have food on the table. I don't want to be five steps behind like we have been. We have to get traction at some point.*
- zz. *Lou Nyberg: We could develop the ordinance so that when someone first proposes an addition, we can recommend up front the likely conditions we would impose. We haven't done that to this point. You stop a project before it starts, not when it finishes. I understand the concern, but we need to stop these before they get started, not when it is ready to go.*
- aaa. *Megan Sawyer: Let's wrap up our conclusions. I think we have concluded on congestion mitigation. What I have now is "The Plan Commission reviewed the project consistency with the Village Comprehensive Plan and determined that the project including a building addition and an addition of 92 seats is consistent with the Comprehensive Plan relative to the building addition as the addition matches the architecture of the existing building but is inconsistent with the comprehensive plan relative to managed growth and diversification of businesses relative to the additional 92 seats as the additional 92 seats contributes to a continuation of an existing business type in the village and is also inconsistent with the comprehensive plan relative to congestion mitigation as the project has limited onsite parking spaces and requires patrons to park offsite and travel from other areas of the village to the business."*
- bbb. *Several commission members agreed with this conclusion.*
- ccc. *Kathy Navis: I feel like we are not taking into consideration that they are added parking both on site and at Fat Louie's. They also agreed to put a walkway from County G and Hwy 42 and have it signed for pedestrians. I don't agree that we don't believe there is congestion mitigation.*
- ddd. *Jon Kolb: Have we approved Fat Louie's? My concern would be with car traffic coming in and out there along with the additional pedestrian traffic.*
- eee. *Megan Sawyer: We already have a condition in the draft version on the Fat Louie's parking lot expansion. If they would not receive relief there, they would be subject to review for parking requirement fulfillment.*
- fff. *Cambria Mueller: Kathy, your disagreement is noted. I would like to propose a condition that I have on my worksheet. I like the building. I think the outdoor space is great. I'm struggling with the amount of extra people they want to add. What if they do all the landscaping, but maybe have them move indoor seats outside and we cap the total number of seats*

at 302?

ggg. Paula Cashin: *I like that condition.*

hhh. Emily Pitchford: *You aren't preventing people from going there. I could work with that.*

iii. Kathy Navis: *Why would they go through all that expense and not add any seats? They could leave it just as it is. Is that what we want? I think that would be horrible to have the big black wall there indefinitely. I don't understand why a business owner would invest hundreds of thousands of dollars into a business if they can't add any more seats? Is this defensible in court? What are we basing this decision on?*

jjj. Cambria Mueller: *We have to look at it from the Village's standpoint. Then it becomes a business decision for the owner.*

kkk. Emily Pitchford: *You do have to look at the intent of the fee in lieu of parking. We are willing to offer a lot of spots to be covered by the fee in lieu of parking, just not as many as would be required.*

lll. Cambria Mueller: *In that case I would agree they would be helping with congestion mitigation. They aren't adding any new seats. They are making it a beautiful outdoor space and adding parking. This would be a step closer to mitigating the congestion issues at that corner.*

mmm. Kathy Navis: *I would reiterate why would they do this project then? Would we prefer that they leave it as it is with 11 parking spaces?*

nnn. Lou Nyberg: *How many days of the year will they be able to utilize those outdoor seats? I would guess that is thirty to forty percent of the year that they will actually be used. There are already people crossing that street all the time. That is a weak argument in my opinion. Those seats aren't going to make a noticeable change in the pedestrian traffic. I don't think your argument is strong enough to deny this application. Let's ask the attorney.*

ooo. Jon Kolb: *I will go back to the fact that they already only have 7 parking spots.*

ppp. Paula Cashin: *At that time, they were able to count on street parking within 500 feet, so it worked.*

qqq. Emily Pitchford: *You can count on the fee in lieu of parking.*

rrr. Kathy Navis: *Our ordinance gives them the option to pay a fee for spots they are short. There is no limitation in the ordinance as to how many spaces they can pay the fee for.*

sss. Jon Kolb: *I will argue the intent that even though the board changed it, it was changed back to our original intent. We as a plan commission said the fee should be \$250. The board changed it to \$50 because the manager of Shipwrecked made the motion to drop it to \$50. We discussed it a second time in detail, justifying a \$250 fee. That went back to the board a second time, and the board again approved it.*

ttt. Lou Nyberg: *The manager didn't have anything to do with the change. I don't think you should even suggest that. I can play it back to you. He did not make that suggestion. He did make the motion.*

uuu. Jon Kolb: *I can suggest it because it is recorded. He made the motion. It is in our ordinance that the Plan Commission may accept any combination of the methods that meets the intent of this ordinance, or another alternative that is acceptable. The intent isn't the dollar amount. The intent is the number of spots. That was my intent. We aren't going allow someone to build a giant facility on a small spot so that I as a taxpayer can spend two and a half million dollars to put parking on the street. That was not my intent that something like that would happen. A facility should have sufficient parking. Seven spots is not sufficient*

vvv. Kathy Navis: *The intent never came up in the discussion.*

www. Megan Sawyer: *I have the possible condition #12 as "In order to address inconsistencies identified against the Village Comprehensive Plan, that the seating capacity be limited to the existing seating capacity of 302 seats."*

xxx. Cambria Mueller: *I agree with that statement. Are there any changes?*

- yyy. *Kathy Navis: I don't agree with that statement. I think that is a huge ask of a business. They already spent money to purchase the land and move the building. We are going to ask them to build an addition to the building but not add any additional seats.*
- zzz. *Jon Kolb: I think Kaaren Northrop said it a year or two ago that when you are in business, you make business decisions and justify those decisions. If a 302-seat limitation doesn't justify the addition, that is a decision they have to make. We aren't making their decision to do it or not.*
- aaaa. *Kathy Navis: I contend they have met the ordinances. What leg do we have to stand on legally to not allow them to do this addition? In terms of a conditional use permit, I don't think we have a leg to stand on. This will turn into a court battle that we are going to lose. Two years from now the project is going to happen. This will cost the Village tens of thousands of dollars.*
- bbbb. *Emily Pitchford: What if we come up with a number of seat expansion less than 92 and greater than 0.*
- cccc. *Cambria Mueller: I have a tough time with that idea. My reasoning behind 302 is that they aren't adding any seats. I think we get into a sticker problem trying to justify increasing it by a number of seats.*
- dddd. *Jon Kolb: They have already increased seats from 270 to 302 so they have already increased their seat count.*
- eeee. *Emily Pitchford: When you rebuild on a footprint and keep everything exactly as it was, how then do you add 32 more seats? They took out the hotel rooms. Who said that was ok?*
- ffff. *Lou Nyberg: When they applied for that, they were able to count on street parking up to 500 feet away.*
- gggg. *Jim Kalny: The first thing you need to do is that if you are going to impose a condition, that condition has to be based on something that is already in your ordinance. It has to be based in a way that makes sense. It has to be something that you are convinced, in this case that it will mitigate congestion. It has to be something that is coming out of your ordinance. You are saying this is coming out of your Comprehensive Plan, with the idea that it will take care of congestion. Would a reasonable person believe that this condition would serve that goal? Those are the two hurdles you have to jump. In regard to the intent discussion, I am troubled by the fact that there is no discussion of intent at the board level that says we are going to limit the payment in lieu of parking. The fact of the matter is the ordinance doesn't put a limit on it.*
- hhhh. *Cambria Mueller: I feel like we cover those hurdles by not allowing them to expand their seating.*
- iiii. *Kathy Navis: You think something in our ordinance will prove factually that 92 less seats will mitigate congestion. How are you going to prove that?*
- jjjj. *Cambria Mueller: You can't add on without adding to that congestion. If they keep the seats they have, adding parking and the walking path, they are mitigating what they have.*
- kkkk. *Megan Sawyer: I have it updated as "In order to address inconsistencies with the Comprehensive Plan relative to congestion mitigation, that the seating capacity be limited to the existing capacity of 302 seats."*
- llll. *Cambria Mueller: The Comprehensive Plan also talks about the character of the Village. I see the character of the Village isn't the high density of people in one area. I have strong feelings about it because of what I see at One Barrel. That is my opinion.*
- mmmm. *Jon Kolb: That is also the opinion of seventy five percent of the public who filled out the survey for the Comprehensive Plan. The public wants more attention on maintaining quaintness, while only two percent want less paid to quaintness. A 400-seat restaurant in the center of the Village isn't quaint.*
- nnnn. *Lou Nyberg: If we set that precedent then we should deny One Barrel. If that is the*

precedent, that is kind of a hard precedent to set. I don't want to be in business in the Village in that case. We have problems we need to address but you don't do this by taking an extreme step like this.

oooo. Jon Kolb: We are doing it as we bring proposals to us. I believe this project was brought to us after the five hundred feet on street parking was removed from the ordinance.

pppp. Tom Strong: The 500 feet of on street parking was removed from the ordinance in February. This application was submitted in March, after the allowance for on street parking was removed.

qqqq. Megan Sawyer: As it stands now, the condition reads "In order to address inconsistencies with the Comprehensive Plan relative to congestion mitigation, that the seating capacity be limited to the existing capacity of 302 seats, in order to eliminate additional seats contributing to congestion."

rrrr. Emily Pitchford: I don't know how we can say what the additional 92 seats will result in. How do we really know?

ssss. Cambria Mueller: I think a reasonable person would draw a conclusion that the additional 92 people will increase congestion. Jim Kalny, please comment.

tttt. Jim Kalny: One of the standards is if a reasonable person would come to that conclusion based on the evidence. The evidence should be objective to the extent that is practical. I don't know how objective this is. It is a difficult decision that you are wrestling with if the Comprehensive Plan would be affected by the 92 additional seats.

uuuu. Kathy Navis: The ordinance is definitive. Jim Kalny, what has more weight in a court of law, the Comprehensive Plan, or the ordinance?

vvvv. Jim Kalny: The ordinance does refer to the Comprehensive Plan. It is difficult to say one has more weight than the other. If this goes to court, the big issue is if there is if there is substantial evidence that this condition will make the link to the Comprehensive Plan that you think it will, that it will help mitigate congestion. The court would have to determine if your rationale for the condition was valid.

wwww. Lou Nyberg: What if we would propose to the applicant to split the difference and land on 46 outdoor seats? That would give them some expansion and also gives us some gain on the possible congestion. This would also set a precedent that we are going to look a hard look at projects like this going forward. We can give them the opportunity to say if this is acceptable or not. If we have a compromise, we can move forward. This would be a practical way to move forward.

xxxx. Cambria Mueller: We can't be certain that they wouldn't take us to court over this either. I guess we are speculating on this too.

yyyy. Jon Kolb: Should we plan based on the thread of going to court? No. We as a Plan Commission should plan based on how we want the Village to develop according to our Comprehensive Plan.

zzzz. Kathy Navis: I'm not looking at it from a possible court case. I'm looking at what it says in our ordinances, and how have they complied with our ordinances. With the changes they have made, they are complying across the board. We never set a limit on the fee in lieu of parking until a month ago. That was not in the ordinance when they submitted their plan. That plan includes 92 additional seats.

aaaaa. Cambria Mueller: I think everyone is fine with their plan but not with the additional 92 seats.

bbbbb. Jon Kolb: They are bringing a brand-new proposal. They originally had 270 seats approved. Can we start at 270 which is what they were actually approved for when the building was opened?

ccccc. Kathy Navis: The spots at Fat Louie's they are legally allowed to use, along with the fee in lieu of parking.

- ddddd. Cambria Mueller: *That is where I get caught up too. You can have any number of shared parking agreements. It wouldn't be the intent to have someone come in with thirty signed parking agreements.*
- eeee. Jon Kolb: *I don't think I would find it acceptable to have additional parking spaces around a corner, making more people driving around the corner of Hwy G and Hwy 42?*
- ffff. Kathy Navis: *I don't think we have a leg to stand on. With the conditions we are suggesting here, we are basically denying them if we are asking them to limit the seats. They have met the ordinances. All that is left is the point of congestion mitigation. From that we are going to say you can't add any seats?*
- ggggg. Cambria Mueller: *That is not a true statement. That would be a condition of the approval for this project. We need to draw a conclusion on this topic.*
- hhhhh. Megan Sawyer: *"In order to address inconsistencies with the comprehensive plan relative to congestion mitigation that the seating capacity be limited to the existing seating capacity of 302 in order to eliminate additional seats contributing to increased congestion." I don't know that we concluded on the number of seats. The compromise condition I have as 'In order to address inconsistencies with the comprehensive plan relative to congestion mitigation that the seating capacity be limited to 348 seats in order to eliminate additional seats significantly contributing to increased congestion. An increase of seats beyond 348 would deem the property in violation of the conditional use permit and subject to a parking review by the Village Plan Commission."*
- iiii. Cambria Mueller: *I know it is a compromise we want to land at expanding half of the 92 seats. Is that what we want to do?*
- jjjjj. Kathy Navis: *We have five or six options to fulfill the parking requirement. Maybe this compromise falls under the section that the Plan Commission can recommend an alternative option for the fulfillment of the parking requirement, by reducing the number of seats.*
- kkkkk. Megan Sawyer: *One of the options in the ordinance is to reduce the number of seats.*
- lllll. Jon Kolb: *Read ordinance 152.030 D says "Change activity or use. The owner can reduce the amount of functional space, the number of seats, the number of employees, or in some other manner reduce the scope of business operations in order to conform to the requirements of the ordinance."*
- mmmmm. Cambria Mueller: *So, we could cap it at 302 seats.*
- nnnnn. Megan Sawyer: *I think we should tie that condition to that specific ordinance. Here is what I have "In order to address inconsistencies with the comprehensive plan relative to congestion mitigation as well as the impact of limited onsite parking creating a nuisance to neighboring parking lots and in relation to pedestrian safety the seating capacity be limited to 348 seats in order to eliminate additional seats contributing significantly to increased congestion and on the basis of section 152.030(D)(2)(d) and (g) as deemed a combination of methods that meets the intent of the ordinance by the Plan Commission. Therefore, reducing the amount of parking required for the project and reducing the amount of increased congestion. An increase of seats beyond 348 would deem the property in violation of the conditional use permit and subject to review by the Village Plan Commission."*
- oooo. Cambria Mueller: *I'm willing to compromise but I think we are compromising for the wrong reasons. I get stuck at capping it at the existing 302 seat capacity that they are operating at.*
- ppppp. Kathy Navis: *I would be willing to go along with allowing them to increase to 348 seats.*
- qqqqq. Megan Sawyer: *shared the ordinance fulfillment section of ordinance 152.030 on the screen.*
- rrrrr. Kathy Navis: *I would prefer to hang my hat on that and section G that states "The Plan Commission may accept any combination of the above methods that meets the intent of the ordinance, or another alternative that is acceptable."*
- sssss. Jim Kalny: *In other occasions we have engaged the application in situations like this. You*

- can choose to ask the owner. They would have the option to speak to the question or not.
- ttttt. Cambria Mueller: I don't feel comfortable bartering for seats during deliberation. Our deliberation should be based on the testimony and evidence provided.
- uuuuu. Emily Pitchford: I believe we did that with Village View Condo's because they were way over the size limit. The question we are asking is if the project is still viable by adding only 46 spots.
- vvvvv. Cambria Mueller: David Pollman, do you feel this project is viable with expanding 46 seats?
- wwwww. David Pollman: Cutting the number of seats in half makes the project no longer financially viable. That is how we are paying for the addition to the building, with the addition of the seats. With One Barrel, they were told they could add as many seats as they want. Wouldn't that apply to us as well at the moment? If we walked away from this project, what would stop us from just adding outdoor seats? That is what One Barrel has currently done.
- xxxxx. Kathy Navis: I don't believe there is anything that would stop you but that is a Jim Kalny question.
- yyyyy. Chris Roedl: The reason you didn't need a Conditional Use Permit when you rebuilt is because you agreed not to make it any larger than the building was before the fire.
- zzzzz. Kathy Navis: Was that to not build a larger building or add additional seats?
- aaaaa. Megan Sawyer: That was discussed prior to rebuilding shipwrecked. In the October 24, 2017, minutes, there was a statement that the restaurant seats and the brewery will not be increased. The Plan Commission made the decision to not require a Conditional Use Permit on the basis that the use would not be increased. I'm not sure how the expanse of use qualifies in the same respect as One Barrel because they are under a conditional use permit. This is a separate issue that would need to be examined.
- bbbbb. Jim Kalny: We are going to have to talk about One Barrel. When I did the opinion, I was under the misconception that we were talking about expanding the parking lot only. The fact that there is an addition of a structure, that does sound like an expanse of a conditional use. We should probably get back on point for this matter. What was said back then was regarding the structure. They are now adding property along with the addition to the building.
- ccccc. Jon Kolb: Should we be using 270 as the starting point as opposed to 302?
- ddddd. Jim Kalny: I don't know how you arrived at 302 so I can't comment on that.
- eeeee. Kathy Navis: Jim Kalny, if they sell the Christine's property and make no addition to their building, would they be allowed to add outdoor seating as much as they wanted, because outdoor seating doesn't require revisiting a conditional use permit? This would trigger a parking review, but only for the additional seats. In that case, they would be considered under the prior ordinance that allows 500 feet on street parking. That was my understanding.
- fffff. Cambria Mueller: We extended the guidelines for Covid to allow seating in the parking lots. That won't be allowed when that expires.
- ggggg. Jon Kolb: I would like clarification if we should be starting at 270 seats or 302. The agreement when the rebuilt was that they would stay at 270. They have 302 seats, but they were only permitted for 270. Maybe Jim needs to look at that.
- hhhhh. Jim Kalny: The issue before you is the total number of seats for the project with the addition to the property that is being proposed. They have been allowed to operate with 302 seats so the proposal so the real increase is 92 seats in addition to the 302.
- iiiiii. Cambria Mueller: My opinion for the record is that the condition should be with no additional seats. They can add on and spread out. Anyone else? We need to come to a consensus.
- jjjjj. Paula Cashin: I agree to hold them at 302.

- kkkkkk. Jon Kolb: I'm fine with the limit on seating at 302. I think we learned from Shipwrecked going from 270 to 302 and One Barrel going from 180 to 300, that we have to set the limit in the condition. Unless we put a number on it, people will continue to add on seating.
- llllll. Kathy Navis: We are talking about the whole 392 seats for the project as a whole. I propose that we limit seating at 392, what they are asking for.
- mmmmmm. Commission members deliberated on limiting the number of seats in this condition at 302, 348 or 394.
- nnnnnn. Jon Kolb: Jim Kalny, would a traffic study guide us or be of any value here? How would a traffic study tell us that?
- oooooo. Jim Kalny: If we have some idea if those seats are going to actually increase the congestion, that will certainly bolster a condition if we impose that kind of condition. I don't know how you would come up with objective figures to measure the impact of those additional seats. There might be a way of determining that. I can't say that I'm a traffic engineer. Off the top of my head, I can't think of a traffic study that will help determine this issue.
- pppppp. Jon Kolb: If Shipwrecked had agreed to a fee of \$250 per spot per year, and we agreed to use those funds to put in pedestrian cross walk lighting. Is that a condition we could propose?
- qqqqqq. Jim Kalny: Control of traffic on Hwy 42 is a state issue. We would be out of our jurisdiction. We would have to jump through a lot of hoops with the state.
- rrrrrr. Commission members continued to deliberate on limiting the number of seats in this condition at 302, 348 or 394.
- ssssss. Megan Sawyer: "In order to address inconsistencies with the comprehensive plan relative to congestion mitigation as well as the impact of limited onsite parking creating a nuisance to neighboring parking lots and in relation to pedestrian safety the seating capacity be limited to 348 seats in order to eliminate additional seats contributing significantly to increased congestion and on the basis of section 152.030(D)(2)(d) and (g) as deemed a combination of methods that meets the intent of the ordinance by the Plan Commission. Therefore, reducing the amount of parking required for the project and reducing the amount of increased congestion. An increase of seats beyond 348 would deem the property in violation of the conditional use permit and subject to review by the Village Plan Commission."
- tttttt. Megan Sawyer: I think we need to establish where we are at related to the seat limitation for this commission. I feel like we have stalled at this point.
- uuuuuu. Megan Sawyer asked for a consensus vote on the condition set with the limit at 348 seats: Mueller, Nay, Navis Aye, Cashin Nay, Kolb Nay, Nyberg Aye, Pitchford Aye
- vvvvvv. Megan Sawyer asked for a consensus vote on the condition set with the limit at 302 seats: Mueller, Aye, Navis Nay, Cashin Aye, Kolb Aye, Nyberg Nay, Pitchford Nay
- wwwwww. Cambria Mueller: I don't feel we shouldn't be compromising at 348.
- xxxxxx. Emily Pitchford: Then we have to go back to the drawing board. We aren't getting anywhere.
- yyyyyy. Jon Kolb: I still think the idea of the beer garden is a good idea. Maybe they don't have to build that particular design.
- zzzzzz. Kathy Navis: Where is the property line in relation to the Christine's property? Have these two properties been joined?
- aaaaaaa. Megan Sawyer: The CSM to join these properties was approved already. I don't know if joining these properties have been filed with the county. Megan pointed out where the property line between the parcels.
- bbbbbbb. Joe Smith: These have not been joined yet. The rock line on the plans Megan is showing is where the property line is.
- cccccc. Megan Sawyer: Jim, should we be looking for additional information at this point

to aid in the decision-making process?

ddddddd. Jim Kalny: It seems to me that we are spinning our wheels at the moment. You could adjourn deliberation at this point but try to do that quickly. During that time, staff could explore if there are other options to consider.

eeeeeee. Emily Pitchford: What happens if the Plan Commission can't reach an agreement?

ffffff. Jim Kalny: In that case the application is not approved. The only notice that needs to go out is the public notice of the meeting 24 hours in advance. This isn't a public hearing. If you table it now, I suggest you do it right away.

ggggggg. Cambria Mueller: Maybe if we come back after clearing our heads something will change. I agree that we appear to be stuck at the moment.

hhhhhhh. Lou Nyberg: My point of view is that we need to compromise. We have asked them to do all these things and they have done it. If we would have told them from the beginning that we will not allow them to add any seats, then that would have been the way to do it. We can't go through this whole thing then say, you can't add any new seats, but we expect you to finish the project. A year ago is when we should have said that that.

iiiiiii. Jon Kolb: This is the time to do this, to develop the conditions for the project. I think it is the right time.

jjjjjjj. Emily Pitchford: Are we allowed to have a conversation with the owners before the 13th?

kkkkkkk. Jim Kalny: There is nothing wrong with talking with the owner about the status of deliberations and exploring alternatives. We aren't taking additional evidence at this time.

lllllll. Plan Commissioners agreed to table this to deliberation until Wednesday, October 13th at 6:00 PM.

mmmmmmm.

nnnnnnn. Cambria Mueller moves to table agenda items 15 and 16, to continue deliberations on Wednesday October 13, 2021, at 6:00 PM

ooooooo. Paula Cashin second.

ppppppp. Motion unanimously carried. Chris Roedl abstained.

16. Deliberation, consideration, and possible action on Special Development District Relief Application filed by Tyler Pluff on behalf of Sojenhomer LLC for 7783 STH 42 and 7791 STH 42 (Parcel #s 118-0125302612N and 118-0125302612P)

a. Item 16 is tabled until October 13, 2021, 6:00 PM.

17. Correspondence

a. Cambria Mueller opened the floor to any comments regarding the correspondence.

b. *Megan Sawyer: The correspondence of the crashes was provided by Dawn McGinnis. I had a title on the initial submission. I thought that was also on the document.*

c. *Jim Kalny: If you thought it was relevant, you would have to do that through public hearing. Shipwrecked should have the opportunity to respond to it.*

18. Zoning Report

a. *Megan Sawyer provided an overview of the building report as presented in the meeting packet.*

b. *No questions from the commissioners.*

19. Open Session

- a. *Cambria Mueller opened the floor for public comment.*
- b. *Jon Kolb: Can we put in a band ordinance on a future agenda? There was a very loud band you could hear at our house last weekend.*
- c. *David Pollman: I am really disappointed that we haven't reached a decision or even had a vote. Everything you have asked us to do, we have done. When we come back with almost exactly what you asked for, then you ask us for more. At some point, you have to make a decision one way or another. It appears to me that you are headed in the direction of not taking a vote, which is technically a vote. Hopefully you make a decision once and for all, and we can move on to the next step, whatever that is. This is our plan. Don't expect a lot of changes. We have done everything you have asked us to do. Yet after another 3 or 4 hours of deliberation, we are still stuck in limbo. If there is anything we can do to move this along, by all means just reach out and ask. That is all I have to say. Hopefully we can get passed these marathon meetings and get back to the fun ones again.*
- d. *Joe Smith: I am very disappointed as David just said. We have done everything you have asked. What else do you want us to do. It was said very well. We've met every condition you have asked of us. I don't know what more we can do. Please spell it out to us how we can get this to move forward. Please just let us know.*

20. Next Meeting

- a. October 12, 6:00 PM public hearing and regular meeting for One barrel.
- b. October 13, 6:00 PM regular meeting for Shipwrecked
- c. Regular Meeting schedule: October 26, 2021, 6:00 PM.

21. Adjourn

- a. **Cambria Mueller moved to adjourn.**
- b. **Paula Cashin second.**
- c. **Motion unanimously carried.**
- d. Meeting adjourned at 10:03 PM.

Minutes completed by Tom Strong on October 1, 2021. Submitted for approval on October 13, 2021.

Bold – Commission Action

Italics – Summarized Comments