

**Village of Egg Harbor  
Architectural Review & Historic Preservation Board  
Meeting Minutes**

**September 6<sup>th</sup>, 2023, at 1:00 PM**

**This meeting will be conducted IN PERSON at the Paul J Bertschinger Center  
7860 STH 42 Egg Harbor, WI 54209**

**Members of the public can also join the meeting by Zoom Video Conference:  
TO CONNECT VIA COMPUTER/PERSONAL DEVICE:**

**Meeting Link: <https://villageofeggharbor.zoom.us/j/82584964675>**

**Meeting ID: 825 8496 4675**

**Members of the public with limited internet access are encouraged use the phone option:**

**Phone Number: +1 312-626-6799 Meeting ID: 825 8496 4675**

Chris Roedl, Chair

Kathy Navis, Member

Jim Vander Heiden, Member

Ken Mathys, Member

Paul Brophy, Member

**1. Call the meeting to order**

Roedl called the meeting to order at 1:00 PM. Those in attendance were Chris Roedl, Kathy Navis, Jim Vander Heiden, Ken Mathys, Paul Brophy, and Megan Sawyer. Also in attendance were Rob Esposito, Brian Johnsen, and Emily Pitchford.

**2. Approve the agenda**

Navis moved to approve the agenda, second by Vander Heiden, motion carried.

**3. Approve August 17<sup>th</sup>, 2023, Architectural Review and Historic Preservation meeting minutes**

The minutes were not available. Tabled for a future meeting.

**4. Open Session**

Brophy would like to ascertain that the developer has site control.

Sawyer asked Esposito to clarify what the partnership is between the property owner and DoCo Capital as they are not the same. Esposito stated that DoCo Capital has a controlling interest in the LLC that owns the property.

Brophy said that as a matter of procedure, he would like to make sure that before the Architectural and Historic Preservation Board reviews anything he would like to make sure that the ownership is clear. This is to ensure that the process does not continue only to find that the applicant does not have control of the property.

Emily Pitchford thanked the Board members for serving and said that she thinks this Board is very important to the future of the Village of Egg Harbor. This is crucial to the charm and industry in Egg Harbor.

**5. Review and consideration of project application for new construction submitted for parcel # 118-56-0006 on the Northwest Corner of Church Street and Orchard Rd, DoCo Capital**

Sawyer included the original application in the agenda packet for the Board's review. Sawyer also included an email she received from the applicant which explains the

changes to the previous project plans. The updated plans are also included in the agenda packet. Also included in the agenda packet is an executive summary provided by Sawyer and an outline that reviews the project against the Architectural Review and Historic Preservation ordinance provided by Vander Heiden.

Sawyer explained that in Vander Heiden's outline he has some comments regarding the zoning code, and whether or not a conditional use permit would be required in this case for this application. Sawyer explained that the applicant had a previous conditional use permit for the property that was issued by the Plan Commission. The applicant has since surrendered that conditional use permit.

Esposito contacted Sawyer when he determined that he would be taking the development in a different direction from the original project which was issued a conditional use permit to inquire what the process would look like and if a conditional use permit would be required.

Megan Sawyer reviewed her executive summary as included in the agenda packet: *At the September 6<sup>th</sup>, 2023, ARHP Board meeting, the Board will be reviewing a project application submitted for parcel #118560006 for the development of a resort. At both the August 17<sup>th</sup>, 2023, ARHP Board meeting and the August 22<sup>nd</sup>, 2023, Plan Commission meeting (update provided per surrender of issued CUP for the property), staff reported that the proposed development was a permitted use in the Village's Commercial C1 District, therefore a conditional use permit would not be required for the proposed project. Staff was approached by the applicant earlier this year regarding his intentions for the new direction of development for the parcel, and at that time, the applicant inquired if a conditional use permit application would be required for the new development plans. Staff provided the applicant direction that a conditional use permit would not be required for the project as a resort is a permitted use per the Village's Commercial C1 District. Staff received the attached project review outline from Architectural Review and Historic Preservation Board member, Jim Vander Heiden, on August 29<sup>th</sup>, 2023, to be included in the ARHP Board's September 6<sup>th</sup>, 2023 agenda packet. After reviewing the outline, the outline seems to suggest the possibility of a conditional use permit being required for the project per section 152.010 of the Village Zoning Code. Staff would like to take this opportunity to point out that per staff's initial review and follow up review after receiving the attached outline, as well as review with the Village's legal counsel, staff **will not** be recommending a conditional use permit application for the project to the Village Plan Commission. Per the Village Code of Ordinances, Section 152.025 Commercial District, (A) Permitted Uses, (1) Any use permitted in the Recreation District with the exception of golf courses, and Section 152.024 Recreational District (A) Permitted Uses (3) Motels, resorts, and bed and breakfast establishments, the proposed project of a resort is a permitted use for the proposed project parcel which is located in the Village's Commercial C1 district. The attached outline seems to suggest that a conditional use permit may be required for the project on the basis of a conditional use permit being required by section 152.010 for multiple family developments, this does not apply for this project as the proposed project is for a resort, which is defined separately and listed per use separately by the Village Zoning Code and more specifically the Recreational and Commercial Zoning districts permitted and conditional uses. Also, the attached outline seems to suggest that a conditional use permit may be required for the project on the basis of a conditional use permit being required by section 152.010 for any commercial building greater than 5,000 square feet in size. Per the submitted proposed plans, each building proposed is 1,060 sf. The conditional use permit requirement per section 152.010 specifically states*

*for any commercial “building” rather than specifically stating “development”. Therefore, as each building is less than 5,000 sf, this requirement does not apply to the proposed project. Lastly, the attached outline seems to suggest that a conditional use permit may be required for the project on the basis of a conditional use permit being required by section 152.010 for more than one principal structure per parcel. Per the Village Code’s definition of a hotel or resort (section 10.05 Definitions of the Village code (provided below)) a resort by definition is a building or group of buildings, therefore, this requirement does not apply to the proposed project.*

***HOTEL or RESORT. Buildings or groups of buildings** under the same management in which there are sleeping guests for short periods of time who are lodged, with or without meals, including but not limited to inns, hotels and resorts. A building or group of buildings which has a form of ownership whereby motel units, as defined in this chapter, are owned by individuals, may qualify as a motel provided that a motel unit cannot be owner occupied for more than 30 continuous days nor more than 16 weeks during a calendar year and further provided that individuals having an ownership interest in more than one motel unit are limited to an occupancy stay of a total not exceeding 30 continuous days nor more than 16 weeks during a calendar year regardless of the number of motel units owned.*

Sawyer stated that one piece of correspondence was submitted for the Board’s review from Karen Peterson.

Brophy said that as Peterson stated in her correspondence the Board’s review is not based on the Board’s personal taste but the guidelines that were established.

Esposito explained that he has been through a couple of iterations of this project and finally arrived at what is being presented today because essentially, he sees the short-term rental industry growing in Door County. He is trying to do it in a way that is appropriate and respectful to residential neighborhoods. Esposito explained that his plans have a contemporary take on the traditional small cabin vacation rental.

Esposito said to briefly speak to the previous plan that Sawyer mentioned which received a conditional use permit, he doesn’t think that that plan does a lot of things that the new plan does such as shield the parking and engage both sides of Church Street and Orchard Road. The previous design was more traditional than the updated design which is more contemporary. Although the design is contemporary, Esposito thinks it fits in with the criteria. Esposito thinks it is a good use of the corner for one of the last larger undeveloped areas in the Village. The other two developments down the street that Esposito built, are immensely popular and were awarded by the American Institute of Architects, WI Chapter, honor awards. The previous developments have brought interest to Egg Harbor and have hosted thousands of people over the past 4 years.

Esposito explained that there was a slight change made from the last time the project was presented and that was getting rid of the flat roof design and incorporating a pitched metal roof. This will fit in more with some of the surrounding architectural while using similar materials to surrounding architecture. Esposito would like to get some feedback from the Board because he and his architect do feel like after reviewing the ordinance that this design fits within the guidelines.

Esposito said he loves Egg Harbor and has invested a lot in Egg Harbor but is having a hard time deciphering what is the specific look of Egg Harbor, so he would love some

feedback.

Roedl said that the Board had the same findings and believes they referred to the Village architecture as a diverse fabric.

Brophy said he appreciates the point of view Esposito is taking on the project.

Esposito said what he didn't want to create a massive imposing hotel on this corner, he feels that what he is proposing is a human scale.

Vander Heiden asked if this site abuts the Village property or if there is green space between the two. Sawyer confirmed that the site abuts the Village property.

Navis questioned the floor plans versus the renderings as there seems to be window locations that do not match.

Johnsen said that for the purpose of the design review, there are two types of units, one with a southern view and one with a northern view. The floor plans weren't updated to show both views, it is a base floor plan, and the elevations show what the intended result would be.

Navis asked if the second floor has a big window, and Johnsen clarified that this is a French balcony with a patio door that would open up from the bedroom to look out onto the street. Johnsen elaborated on the design of the French balcony.

Esposito explained that the floor plans will be adapted to the elevations. Johnsen explained that the elevations and the renderings are the intent and the floor plans will be updated appropriately.

Brophy asked if the overhang is in what units, facing what street. Johnsen explained that there is a cantilever on the front, which is the main façade and on the back, there is an overhang that is kind of concealed with the continuation of a slatted wall to provide shelter covering over the terraces.

Brophy asked if the overhang is the same on the front and the back. Johnsen reviewed that it is deeper on the back.

The Board reviewed the outlined as drafted by Vander Heiden. Vander Heiden explained that when he began reviewing the project he tried to look at it more globally, which is more for the Plan Commission than this Board because this Board needs to weigh the project on the criteria that was established.

Vander Heiden said the Village's Comprehensive Plan has some interesting insight into what we want for the downtown, which includes creating some energy downtown and trying to activate the buildings on the first floor to try and create a pedestrian friendly environment. Vander Heiden said that one of the issues that came to him while he reflected on the comp plan and some of the earlier conversations is that this type of development doesn't allow the public to interact with it because it is essentially private, even though rentals. This sort of private development in the commercial district seems like it works against the comp plan. Vander Heiden said since this project isn't going to the Plan Commission, he feels like he needs to share this information here. Vander

Heiden pointed out that the most recent large development in the downtown area incorporated retail units on the first floor and housing above which he thinks suits the downtown.

Brophy asked what would keep an owner in a resort from doing a year long lease with someone and one of the units and effectively becoming multi family house.

Sawyer stated that the Village reviews types of businesses based on business license and how a business identifies themselves, which is then reviewed against the Village's definitions. If this development would have a use change from a resort to multifamily housing, the conditional use permit process would be required as a result of this change of use.

Roedl said he thinks this is good timing for Vander Heiden to make this point because the Plan Commission is going through a deep dive into zone uses and permitted uses. So tying that discussion to the comp plan and requiring an activated first floor might not be relevant today but is a good time to bring it up on what the Plan Commission is working on.

Sawyer said the Plan Commission is working on updating the zoning districts and zoning maps so there could be a chance that this property doesn't remain in the commercial district, but as it stands today it is.

Vander Heiden said as the Board looks toward the future with a 20 to 50 year view of the downtown, and there aren't many vacant sites left, Church Street is likely to become an activated part of the downtown. A large part of the Kress being situated on Church Street was to create more of a 3 dimensional downtown. Vander Heiden sees the site as part of the Village's downtown.

Esposito said he didn't want to create something that takes over the space in which it is located and regardless of how people feel about short term rentals, people do like to travel that way. Lodging needs to be a part of an activated downtown. Esposito said that although some developments have spaces incorporated into them like Vander Heiden is suggesting this may not be the same thing people are looking for in the future.

Vander Heiden said he thinks lodging is a good thing as long as the first floor is activated, in his view. Vander Heiden said it is up to Esposito to decide what he would like to do, he was just trying to bring back the longer term vision of the downtown commercial district.

Vander Heiden explained that through his outline, he tried to take a look at all of the 14 criteria and have the Board have some conversation about certain elements.

Vander Heiden identified the 3 or 4 elements that had the biggest impact on the development. These include orientation, massing and scale, building character and components, and terminal views and corners. After reviewing these items, the secondary criteria can be reviewed.

Vander Heiden thinks that each of the specific criteria under a major category is important to look at but it is important to look at the category in general.

Of the five units, three face Church Street and two face Orchard. Vander Heiden said the side of the building faces the civic space in front of the Kress and to him, he feels that the edge facing the civic space is very important. Vander Heiden feels that the civic space deserves something more important than the side elevation, but rather something more intentional.

Navis asked if there is a reason Esposito chose to have three of the buildings face Church vs. Orchard or could this be flipped. Johnsen said he believes this could be flipped.

Vander Heiden said if this is done, he might make the case that Church Street also deserves better on the corner and asked if there is a way to create a corner building or something that makes the corner very interesting.

Johnsen asked for more clarification on the activities that occur at the Kress Pavilion. Johnsen also asked if there are plans for developing the green space south of the Kress Pavilion. Sawyer explained that this green space is owned by the Main Street Shops and she believes there are plans for that property for future expansion of that development but she is not sure of the timeline.

Mathys agreed with the comments made by Brophy and Vander Heiden about the site in terms of addressing the street and using the corner to enhance the area.

Vander Heiden provided some additional insight on the design of the Kress Pavilion site and building.

Esposito said that is he open to reworking the corner and he and Johnsen will look into that. He said he chose Church Street as it has better road frontage.

Vander Heiden said he doesn't think it needs to be an either or in this case or sacrificing one roadway for the other and he thinks there is a way to address both streets appropriately.

Vander Heiden reviewed the massing and scale element. Vander Heiden said for him, the first floor being as dark as it is, it sort of disappears, like the second floor is floating above the first floor. With the overhangs and deep shadows beneath the cantilevers and the overhangs, the massing of the second floor over the small first floor feels inconsistent with what is seen in the rest of the Village. Vander Heiden is concerned with the sort of massing that results from the composition. The darkness and looming second floor feels uncomfortable to Vander Heiden in the commercial district compared to other areas with an activated first floor where you can see what is going on in the space. Vander Heiden feels that this development is the opposite direction of the guidelines which requires second floors be flush with the first floors or stepped back.

The individual buildings does break up the façade along the street and breaks down the massing and the scale of the overall development.

Johnsen said he is not sure how to respond to some of the feedback because it seems as though there is an expectation to have a different type of development here than what is being proposed. Johnsen said he doesn't understand how the overhangs are looked at differently than porches on other Door County properties.

Mathys said that he doesn't feel anyone is making a requirement that the space be commercial, but the elements of the project need to fit the guidelines.

Esposito asked if the overhangs are a deal breaker for this project.

Brophy said he feels as though the buildings being proposed are not consistent with the guidelines and looks top heavy. The second floor feels out of scale with the lower half. This is in part the overhang and in part the elevation of the second floor. He thinks this is not consistent with the guidelines, specifically section F2 and F5.

Esposito asked if the potential change in building orientation of the building at the corner changes this.

The Board reviewed the side elevation in question regarding the "top heaviness". Vander Heiden thought this may be a result of the combination of colors, with the dark first floor and light second floor, which creates a perception of a heavy massing. Vander Heiden feels the massing is exaggerated because of the overhangs and the color. Vander Heiden doesn't feel like this integrates well with the rest of the commercial district.

Esposito asked what the Board is looking for in terms of integrating with the commercial district.

Navis said it appears to her like a house on stilts. Navis is more concerned with the side elevation that is all the dark color material in terms of visibility. Although this would not face one of the streets, the ordinance states any façade that is visible to the public.

Sawyer explained that this is more of a unique site because there are two street frontages as well as public property to the west. There are three public view points at this property versus other properties.

Roedl asked if Esposito would consider a design modification to address that top heavy feel.

Esposito asked to be clear on what is trying to be accomplished. He is open to this but would like to know more of what the Board is specifically looking for. Esposito asked if the Board would be open to softening this with landscaping. Esposito asked if the "top heaviness" is felt from the front elevation or only the side elevation.

Brophy wondered if Esposito would be open to reconsidering the color. Esposito is open to reconsidering this but would like some specific feedback on which direction.

Roedl agrees that there needs to be clear feedback on what the Board is asking for. Johnsen said there is some color nuisances that can be reviewed as well as the placement of the siding to create more of an interlock between the two components. Johnsen has some ideas that could be considered, but the Board should provide some more direction.

Johnsen gave the Board some context around where the design came from and the perched second floor was intended; however, it is a little bit severe due to the contrasting.

Vander Heiden thinks that if this design was placed in a different location in the Village,

it may fit better. Vander Heiden said in the commercial district, the Board is trying to create an urban fabric that still works 50 years from now.

Johnsen asked if it had ever been overly communicated with Esposito that this property was located in the commercial district. Esposito said that it was and the proposed use is a permitted use in this district.

Brophy said for him this is a matter of whether he considers the proposed project to be consistent with the guidelines. The Board is doing their best to honor the guidelines that the project is subject to.

Navis feels that this iteration of the plan is a big improvement from the first plan set submitted.

Esposito stated that he is open to incorporating the feedback from the Board but he doesn't want it to be open ended.

Roedl reviewed that the Board is looking for two things to change, one being a solution to better address the corner, or the side of Church Street and Orchard Road, both not one or the other. The other being to solve the issue of massing and scale, with mainly the form feeling top heavy as it stands now.

Vander Heiden stated that the Board needs to be careful not to redesign the project for them, so he thinks these two items are good points for the architect to take and work off.

Esposito said this is very helpful, but he still wonders if the side elevation not visible from one of the streets will be as much of a concern.

Vander Heiden suggested that the project team not start with the assumption that adding a lot of landscaping will solve the concern but rather start with a side elevation that can stand on its own merits.

Roedl feels as though if those two issues are solved than the design is well on its way otherwise.

Vander Heiden said if there is any kind of public use that Esposito can come up with he would like to encourage this.

Navis asked about the lack of windows on the north façade. Johnsen explained that there are some windows, with the remainder of the space, being space for the mechanical functions of the buildings. Navis said that she doesn't see this on the plans. Johnsen said that for the next round, he will be sure that the floor plans match the elevations.

The Board moved on to reviewing the character and components section of Vander Heiden's outline. The Board is looking for a mix of architectural style not everything that is homogeneous or the same. He thinks where the design is headed in this is a positive direction.

Mathys said that a big part of the decision when the guidelines were put together was making sure new development fits in with the immediate surrounding area as well and that is complimentary to the immediate neighborhood.



Vander Heiden said that he thinks the two most recent buildings that were constructed are the Kress and Hatch and both buildings take a contemporary view of building materials and detailing but echo the historic form.

Roedl said he thinks this plays in that context as it references the roof line of the Kress yet balance with the more contemporary feel of the Flats, so he is comfortable with this.

Brophy asked to what degree the chimneys are visible from the street and where the venting is for the dryer. Esposito reviewed the location for the venting and stated that the chimneys will be visible as shown on the renderings. Esposito stated that what he has learned from his other developments has been having the mechanicals accessible from the outside so that there is no interruption to guests when maintenance is required.

The last section of Vander Heiden's outline refers to section H, specifically related to highly visible corners and terminal views. Vander Heiden said there are very few of these left that are undeveloped in the Village and he thinks that is why the Board is trying to pay special attention to this site.

The Board discussed the secondary criteria which include open spaces. In this case all of the open space is private.

Brophy clarified that the parking area will be asphalt. The green space will be landscaped but will not include any communal green space.

Sawyer stated that the outline indicated that more information is needed regarding lighting and landscaping and asked if the Board would like to see this brought back at the next meeting.

Vander Heiden said that some of this level of detail may not be quite developed yet and asked if the applicant would need to come back when they have that information.

Esposito said based on the renderings the Board will see that in terms of landscaping the plan calls for simple landscaping with tall grasses and softening the edges and this is likely the direction that will go.

Vander Heiden asked how the setbacks were determined for the buildings. Esposito stated that he followed the setbacks from the ordinance. Vander Heiden asked if canopy trees are included in the design and Johnsen explained that this is the intent for the street edge and then more of a screening tree will be used within the site.

The Board asked if there is a developed tree plan for Church Street. Sawyer stated that there is a plan, but it requires trees to be planted on private property as there is no available right of way the village has for trees. Sawyer can share the selection of tree species that were proposed for Church Street with Esposito.

Brophy said his sense is that he understands that there needs to be more extensive changes made to the proposal, but the Board will need to take a look at the landscaping and lighting.

Roedl asked if the construction can be approved with reviewing the lighting and landscaping later. Brophy said he thinks the committee needs to review it. Sawyer stated

that a general layout of landscaping could be presented up front with a more detailed level of plant selections approved later.

Brophy thanked Vander Heiden for putting together the outline and walking the Board through the discussion.

6. **Open Session**

Navis mentioned that there may be opportunities for solar panels on some portions of these proposed buildings if it is not too impactful to the design.

7. **Next Meeting**

The next meeting was not formally scheduled but will be scheduled when needed.

8. **Adjournment**

Navis moved to adjourn at 2:50 p.m., second by Brophy, motion carried.