

Plan Commission Hearing and Meeting Minutes

Tuesday, April 27, 2010 at 6:00 p.m.

Paul J. Bertschinger Community Center

7860 Hwy 42, Egg Harbor, Wisconsin

Members Present: Chair-Chris Anderson, Emily Pitchford, Kathy Mand Beck, Gail Hill, Sharon Fitzgerald, Bill Cammack, Josh Van Lieshout

Also Present: Kim Jensen, Tom Young, Chuck Ryan, Seth Wilson, Clarence Scherer, Kevin Vonck-UWGB, and others

1. Call Meeting to Order

Chair-Anderson called the meeting to order at 6:01 p.m.

2. Pledge of Allegiance

3. Approval of the Agenda

Fitzgerald moved to approve the agenda as presented, Cammack seconded. Motion carried.

4. Approval of Plan Commission Meeting Minutes for March 23, 2010.

A requested correction to the minutes in Agenda 5 was made to take the word "no" out of the sentence "...perhaps "no" parking areas. It should read perhaps parking areas. And the second requested correction is to replace "over by" with "on" in "The poor roadway condition. . ."

Cammack moved to approve the Plan Commission meeting minutes from March 23, 2010 with the corrections to the minutes. Fitzgerald seconded. Motion carried.

5. Open Session (limited to 10 minutes)

Mand questioned if the fines for signage during the recent audit are still outstanding. Van Lieshout stated there is only one outstanding fine at this time. One wishes to appeal the code regarding signs designating the types of flowers. All the other fines have been taken care of. Anderson stated this was one of the issues that was addressed in the sign code and is pending the outcome of the signage recommendations. Fitzgerald asked how to determine under the current signage code, the fine amounts that would be incurred if there is noncompliance. Van Lieshout stated the Village Board sets and determines the amount of no less than \$10 and no more than \$200.

6. Consideration and discussion regarding the final draft presentation of the Downtown Village Center Strategy

Vonck handed out a copy to review for the final draft of the Downtown Village Center Strategy. He is asking Plan Commissioners for a review of the final draft with any corrections or changes and return date of May 11th. He would like to have the finished copy completed for the next Plan Commission meeting in May. Vonck stated he will send an electronic copy to Popp to remain in the office for anyone else to review, etc.

Anderson asked Van Lieshout what the next step would be. Van Lieshout stated they may want to give notice and hold a public hearing to make sure that if there is something that this group did not cover, it would give others a chance. He suggested holding a hearing as early as possible, but it is optional and the statutes do not require a hearing. Van Lieshout also suggested an open house of some kind as well regarding the Downtown Village Center Strategy (perhaps EHBA). Anderson stated that perhaps we could have an open house right before the next PC meeting, starting right away at 6:00 pm. Vonck stated he agreed to that. Anderson stated this will be a valuable instrument of information for everyone to use.

7. Public Hearing on a conditional use permit application to expand a building located in the MU zoning district from Conch Company, Inc. for the purpose of expanding the brewery at 7791 STH 42, commonly known as Shipwrecked

The conditional use permit application to expand a building located in the MU zoning district from Conch company, Inc., for the purpose of expanding the brewery at 7791 STH 42, commonly known as Shipwrecked was opened to the Public by Anderson for comments. No public comments were made. Anderson closed the public hearing.

8. Public Hearing on a conditional use permit application for a business located at 7821 Horseshoe Bay Road, Unit 1 Harbor Square Condominiums, commonly known at the Chocolate Chicken building, for the purpose of a delicatessen and outdoor seating open to the public.

The conditional use permit application for the Harbor Square Condominiums-Unit 1, commonly known at the Chocolate Chicken building with the location of 7821 Horseshoe Bay Road, for the purpose of a delicatessen and outdoor seating was opened to the public for comment by Anderson. Tom Young introduced himself, as well as, Chuck Ryan and Seth Wilson. He stated he would like to clean up the exterior of the existing building. The building has deteriorated due to the condominium situation. They would like to put a tent or awning from the front to the back on the north side about 30 feet, to make it more visually appealing. They felt the awning would be easier to put up and take down and be more visually pleasing to the eye.

Anderson asked for any other comments. No on other comments from the public were made. Anderson closed the hearing.

9. Consideration and action to award a conditional use permit to Mojo Real Estate III, LLC for the purpose of the construction of a new entrance, pergola and outdoor seating area.

Anderson invited Jensen to comment and asked for renderings on the conditional use permit to Mojo Real Estate III, LLC for the purpose of the construction of a new entrance, pergola and outdoor seating area. Jensen handed out copies of a rendering, as well as displaying a large rendering. Jensen stated there will not be a pergola yet this year. Anderson stated that the drawings are absolutely what the Plan Commission was looking for regarding clarity. Jensen explained the seating would be across the front and the south facing side. There will be approximately 18 more seats along the outside of the building. Jensen explained each of the two dining rooms seats 30. There are about 100 seats indoors, including the bar area. There are currently 20 outdoor seats. Anderson stated that the current ordinance that recently passed will not allow this to pass at this time without compensating more parking. Fitzgerald asked when the new parking ordinance comes into place. Anderson stated it is currently in place. There was much discussion regarding the conditional use permit and compliance with parking. Anderson read section 1H under the new ordinance. Anderson stated demand on parking is 42 spaces. Jensen stated there are currently 40 asphalted spaces available (30 by her restaurant, 10 by Main Street Market). She currently is 2 asphalted spaces short.

Anderson moved to approve the conditional use permit to Mojo Real Estate III, LLC for the purpose of the construction of a new entrance, pergola and outdoor seating area, with compliance to parking. Mand Seconded. Motion carried.

10. Consideration and action to award a conditional use permit to Conch Company, Inc., commonly known as Shipwrecked for the purpose of expanding the brewery.

In regards to the consideration and action to award a conditional use permit to Conch Company, Inc., commonly known as Shipwrecked for the purpose of expanding the brewery, Van Lieshout stated the following: The setbacks have been met. It is his opinion that it meets the setback and requirements. As far as parking goes, it is up to the plan commission to ask for certain requirements. The improvements do not encroach on public property. It is all contained on private property. The existence or absence of a sidewalk has no bearing on this particular case. Anderson read the new parking ordinance. The parking ordinance was discussed in length regarding the CU permit. Due to the ordinance and the increased activity and expansion on a grandfathered property, this changes the property from being grandfathered and they would have to produce parking for this property to come into compliance. It was understood by the Commissioners that once you change the building by expansion, grandfathering becomes obsolete. It was the decision was that Conch Company will have to comply with parking due to the loss of grandfathering by the change in the footprint of the building. Anderson stated there is more information needed from the property owner. Since the new parking ordinance is in place, it now deems additional discussion and information to make this decision in this case.

Anderson moved to table this until more information is collected. Mand seconded. Motion carried.

11. Consideration and action to award a conditional use permit for a business located at 7821 Horseshoe Bay Road, Unit Harbor Square Condominiums, commonly known as the Chocolate Chicken building, for the purpose of a delicatessen and outdoor seating open to the public.

Plan Commission discussed the conditional use permit for 7821 Horseshoe Bay Road.

It was stated that the property line is within twelve inches of the foundation of the wall. The property surrounding the building is Village owned property. Mand questioned their use of the Village property when the Village is liable for the property. Van Lieshout stated that the only way to do this without a cumbersome lease would be a donation of picnic tables to put in the park.

Anderson stated he called the Village attorney regarding this. His opinion was that allowing a privately owned business to have something on Village property would not be in the Villages best interest. A possible donation of tables was discussed. The actual location of tables donated would be located as the Village saw fit. Young stated he would have no issue with donating. Anderson stated that the awning over the top of public space was another liability issue with the Village attorney. A temporary tent was suggested for such an event with rental use of the park in lieu of the awning. Anderson stated that they would like to do everything possible to help their business prosper, without liability to the village.

Anderson asked for other comments.

Young asked to withdraw their Conditional use permit and asked to take this up for discussion with Van Lieshout.

12. Consideration and action on recommendations from the Plan Commission Study Group regarding Municipal Building, Sign, and Development Related Codes activities

Anderson asked Jensen to comment on the Sign ordinance. Jensen explained some of the PC Study Groups proposed ordinance changes per Anderson's request. She would like to see the signage approved at this point. Vonck commented on the flag issue. He stated that you cannot regulate language. You are allowed two separate flags. A commercial message would include an open flag, Packer flag, television, etc. Commercial and non-commercial are the only messages that you can separate. You can regulate size, but you cannot regulate what is on the flag. The document now reflects the flag within it. The legality aspect of the signage ordinance has been well reviewed. Anderson stated that Vonck has done an excellent job of checking on the legalities during all of this. He also stated that the language is clear. The idea of retaining the quaintness of the Village was also a major point. Also creating an environment where everyone was welcome to come in an address and join in this ordinance discussion was important. He stressed the importance in the acceptable changes in the recommendations for signage. Plan Commission discussed the recommendations in length. Anderson stated that a two page summary will be provided as well for a quick reference. Any sign that is currently in use has been grandfathered in. Vonck stated that you cannot force someone to comply within a certain amount of time with signs and it is a state law.

Anderson stated he thought this was a big step in the right direction.

Anderson moved to accept the recommendations for the signage ordinance and recommend them to the Village Board for action. Mand asked that the inclusion of the two page summary be added to the motion. Anderson amended the motion to accept the recommendations for the signage ordinance and recommend them to the Village Board for action with the inclusion of a summary for individuals to review. Cammack seconded. Motion carried.

Anderson amended the motion to include the new language discussed on page 3, Chapter 155.02- Applicability, the number of flags authorized without a permit to read one (1) flag or banner per pole and under Permit required more than (2) mast arm poles, one (1) flag or banner per pole not to exceed (2) two banners; two (2) free-standing poles, three (3) flags per pole. Cammack seconded. Motion carried.

Anderson thanked everyone for their hard work and input on these ordinances. He thanked Vonck for all his work.

13. Next Meeting

The next meeting is scheduled for May 25, 2010 at 6:00 p.m. at the Paul J. Bertschinger Community Center.

14. Adjourn

Mand moved to adjourn the meeting at 8:40 p.m. Hill seconded. Motion carried.

Reported by,
Kelly A. Popp
Deputy Clerk/Administrative Assistant