



1 the required number of parking spaces, (95), will not be, but the Plan Commission does have  
2 broad discretionary authority with respect to that requirement. Discussion then turned to  
3 lighting, and Michael Daubner and Tim Cross responded that low impact bistro-style lights  
4 are depicted on the plans and will be utilized. They also noted that they intend to comply  
5 with all the Village's lighting regulations.

6  
7 Attorney Randy Nesbitt was present and confirmed that in accord with §66.0404 of the  
8 Zoning Code - Adjustments To Required Parking, the Plan Commission does have the  
9 authority to make adjustments to the required parking, impose a fee in lieu of parking or  
10 approve off-site parking. If adjustments are made to parking the Plan Commission shall  
11 review the adequacy of that parking within one year following such modification and  
12 conduct periodic reviews thereafter.

13  
14 Shumway stated that she believes it would be best for the Plan Commission to take a one  
15 year "wait and see" approach with respect to parking for "The Boathouse", and  
16 Grutzmacher and Lienau concurred.

17  
18 *It was the consensus that the Development Agreement for "The Boathouse" shall be amended in such*  
19 *fashion that it states that parking for that establishment will be reviewed and re-addressed by the Plan*  
20 *Commission in one year.*

21  
22 Cross voiced concerns about the potential for he and his partners to incur considerable  
23 expense in the future if the determination is made that their parking is not sufficient.

24  
25 Denise Bhirdo asked if it would be possible to conduct a study which identifies the required  
26 parking for all businesses in the Village, and Lienau and Jackson indicated that they intend  
27 to do just that and will present the data to the Village Board at a future meeting. They also  
28 noted that the Village Board is considering utilization of a trolley in the Village.

29  
30 *A motion was made by Shumway, seconded by Baker that the Plan Commission approves the concept*  
31 *plans, site plans, elevation drawings, parking plan, lighting plan, landscaping plans, and architectural*  
32 *drawings for "The Boathouse" which were reviewed at this meeting as amended, on the condition that*  
33 *the performance standards of the Zoning Code must be met. Parking for "The Boathouse" will be*  
34 *reviewed by the Commission in approximately one year and may be subject to additional requirements.*  
35 *Attorney Nesbitt will draft a recordable letter for Ken and Candie Church to sign which states that*  
36 *they have no objections to a 3 foot side yard setback being maintained on both properties, and that*  
37 *document must be recorded in the Office of the Register of Deeds for Door County in a timely fashion.*  
38 *Motion carried - All ayes.*

39  
40 A page-by-page review of the draft of the Development Agreement which was included in  
41 the meeting packets was then conducted, and during the review process the Commission  
42 members pointed out some typographic errors and suggested some grammatical revisions.  
43 Jackson took note of all of them.

44  
45 *Bhirdo stated that because of the location of "The Boathouse" she believes Section 35 of the*  
46 *Development Agreement should state that outdoor music shall cease no later than 10:00 P.M. Several*  
47 *of the Commission members concurred, and Cross stated that he would not have any objections to*  
48 *such a condition being imposed most of the time, but if a wedding is conducted that could become an*

1 *issue. It was the consensus that the time limit delineated in Section 35 of the Development Agreement*  
2 *shall be 10:00 P.M. unless the Parks Committee grants permission for it to be extended to 11:00 P.M.*

3  
4 *A motion was made by Grutzmacher, seconded by Howard that the Plan Commission recommends*  
5 *that the Development Agreement which was reviewed at this meeting pertaining to the Boathouse,*  
6 *which establishment is located at 10716 N. Bay Shore Drive in the Village of Sister Bay, be approved*  
7 *as amended. Motion carried – All ayes.*

8  
9 *At 7:19 a brief recess was taken and the Commission reconvened at 7:29 P.M.*

10  
11 **Item No. 1. Review of plans for a commercial development for JACO Management on Lots**  
12 **7 and 8 of the Sister Bay Marketplace PUD; consider a motion to recommend approval to**  
13 **the Village Board:**

14 Since January, 2016 at least ten noticed public meetings have taken place regarding  
15 development of the Braun Property, which is now referred to as “Sister Bay Marketplace”. A  
16 Public Hearing was also conducted on March 22, 2016. The Village Board authorized the  
17 Village’s engineers to draft parking plans for the property, and based on the concept  
18 drawings which had been prepared for the development they determined that a couple of  
19 retaining walls would be required. Originally Village officials thought that there would be  
20 eighty-seven parking spaces within “Sister Bay Marketplace”, but based upon the  
21 topography of the property and cost considerations that number has now been reduced to  
22 sixty spaces. Several of the Commission members voiced concerns about there being  
23 sufficient parking in the entire downtown area, especially if a motel is constructed at some  
24 point in time.

25  
26 *At 7:36 P.M. a brief recess was taken as Lienau indicated that he needed to confer with the Village*  
27 *Attorney, and the Commission members reconvened at 7:44 P.M. At that time Lienau pointed out that*  
28 *the Plan Commission should base any decisions they make with respect to parking for Lots 7 and 8*  
29 *upon the development information which has been provided to them thus far.*

30  
31 Plans for the restaurant Chris Schmeltz and Jody Wuolette would like to construct on Lots 7  
32 and 8 of the Sister Bay Marketplace PUD were included in the meeting packets, and those  
33 plans now depict construction of a 300 seat restaurant which is equipped with an elevator. In  
34 accord with one interpretation of the Zoning Code ninety-five parking spaces will be  
35 required for the restaurant, but as was stated previously the Plan Commission does have  
36 broad discretionary authority with respect to that requirement. Wuolette noted that he and  
37 Schmeltz do not anticipate that the restaurant which is depicted on the plans which were  
38 included in the meeting packets will ever be open before 5:00 P.M. He also provided  
39 documentation which proves that on the busiest day of the season at “LURE”, an existing  
40 300 seat restaurant which is located in the Village, the customer count was 404 customers for  
41 the entire day. Wuolette stressed that under no circumstances does he ever want 300 people  
42 in the “Sister Bay Marketplace” restaurant at one time, but due to the provisions of the  
43 State’s liquor licensing regulations that is his only available licensing option. Given the way  
44 the proposed kitchen has been designed he anticipates that the maximum number of people  
45 he can seat and serve at one time would be 150.

46  
47 Following Wuolette’s presentation Jackson asked if the Plan Commission members felt that  
48 the documentation and testimony submitted by Wuolette satisfied the requirements of

1 §66.0404(a)(1) of the Zoning Code. (That section states, “The following provisions and factors  
2 shall be used as a basis to adjust parking requirements: (1) Evidence that actual parking  
3 demands will be less than chapter requirements. The petitioner shall submit written  
4 documentation and data to the satisfaction of the Plan Commission that the operation will  
5 require less parking than the chapter requires.”) Howard and Grutzmacher confirmed that  
6 they believed sufficient information had been provided, and the other Commission members  
7 concurred.

8  
9 Nesbitt stated that in accord with §66.0404(a)(3) of the Zoning Code it would be possible for  
10 the Plan Commission and Village Board to consider whether or not optional modes of  
11 transportation are available in the community.

12  
13 Schmeltz pointed out that one of the conditions of the accepted Offer To Purchase for the  
14 property in question was that the Village would make parking requirement concessions. If  
15 all had gone according to plans they would have been ready to break ground as early as next  
16 Monday.

17  
18 Sharon Doersching noted that she saw how much the parking lot on the property in  
19 question, which is vacant, was used during “the season”, and firmly believes that additional  
20 parking spaces will be warranted once new businesses are opened. If a new parking lot is  
21 created she believes the additional expense should be shared by all businesses within the  
22 PUD.

23  
24 Bhirdo stated that she does not believe any of the employees of the businesses in Sister Bay  
25 Marketplace should be allowed to park on-site or on Mill Road/Bay Shore Drive.

26  
27 Lengthy discussion took place regarding parking for Schmeltz and Wuolette’s restaurant,  
28 and it was eventually the consensus that the parking for that establishment shall likewise be  
29 reviewed by the Plan Commission in one year and may be subject to additional  
30 requirements.

31  
32 The Plan Commission members then discussed the merits of evaluating every B-3 zoned  
33 property in the Village in accord with §66.0404(g) of the Zoning Code over the course of the  
34 next year.

35  
36 Attorney Nesbitt noted that one way to address the parking problems which have been  
37 identified would be to create a Business Improvement District. If that were to occur all B-3  
38 zoned properties could be assessed in some fashion for parking needs. Jackson has done  
39 some preliminary calculations, and based upon his analysis thus far, nearly every business in  
40 the downtown area does have a parking space deficit. Jackson noted that if every business in  
41 the densely developed downtown area actually had adequate on-site parking there would be  
42 no need for the public parking areas on Bay Shore Drive or Mill Road, or any of the public  
43 parking lots to be utilized by anyone other than those who utilize the beach or parks.

44  
45 A site plan, floor plans, a lighting plan, a parking proposal, elevation drawings and a  
46 landscaping plan for the building Schmeltz and Wuolette would like to construct were  
47 included in the meeting packets, and the Commission members jointly reviewed all of those

1 documents. During the review process the Commission members noted that they are  
2 amenable to allowing the roofline to encroach 2'6" onto the adjoining lot.

3  
4 *Schmeltz presented samples of "Cinnabar" LP Smart Siding and "Pewter Weatherwood" CertainTeed*  
5 *shingles, and stated that those are the materials he would like to use on the previously mentioned*  
6 *restaurant. He also indicated that he would like the building to have white trim. It was the consensus*  
7 *that the proposed siding and shingles as well as proposed color choices are acceptable.*

8  
9 *A motion was made by Howard, seconded by Baker that the concept plans, site plans, elevation*  
10 *drawings, parking plan, lighting plan, landscaping plans, and architectural drawings for the building*  
11 *JACO Management, LLC would like to construct on Lot #7 and Lot #8 of the Sister Bay Marketplace*  
12 *PUD which were reviewed at this meeting are approved as amended, on the condition that the*  
13 *performance standards of the Zoning Code must be met. The proposed shingles, siding and color*  
14 *samples which were reviewed at this meeting are also approved as presented, and parking for the*  
15 *previously mentioned building will be reviewed by the Plan Commission in approximately one year*  
16 *and may be subject to additional requirements. Motion carried – All ayes.*

17  
18 A draft of an applicable Development Agreement was included in the meeting packets, and  
19 the Commission members jointly reviewed that document. During the review process some  
20 grammatical and typographic revisions were suggested and Jackson took note of all of them.  
21 The Commission members again agreed that the time limit for outdoor music, which is  
22 delineated in Section 36 of the Development Agreement, shall be 10:00 P.M. unless the Parks  
23 Committee grants permission for that time limit to be extended to 11:00 P.M.

24  
25 *A motion was made by Bell, seconded by Shumway that the Plan Commission recommends that the*  
26 *Development Agreement with JACO Management, LLC which pertains to Lots 7 and 8 of the "Sister*  
27 *Bay Marketplace" PUD and was reviewed at this meeting be approved as amended. Motion carried –*  
28 *All ayes.*

29  
30 **Item No. 3. Report by the Zoning Administrator regarding development activities, various**  
31 **enforcement actions, and issuance of Sign and Zoning Permits:**

32 Jackson noted that he didn't have anything further to report, but asked if any of the  
33 Commission members had any questions for him. No one responded.

34  
35 **Item No. 4. Matters to be placed on a future agenda or referred to a committee, official or**  
36 **employee:**

37 *It was the consensus that the following issues shall be addressed at a future meeting of the Plan*  
38 *Commission:*

- 39  
40
  - *Discussion regarding parking issues throughout the Village.*

41  
42 **Adjournment:**

43 *A motion was made by Grutzmacher, seconded by Baker to adjourn the meeting of the Plan*  
44 *Commission at 9:31 P.M. Motion carried – All ayes.*

1 Respectfully submitted,



2

3 Janal Suppanz,

4 Assistant Administrator