

VILLAGE OF EPHRAIM

FOUNDED 1853



PLAN COMMITTEE MEETING MINUTES

Monday, January 26, 2009

7:00 p.m.

Village Offices at Norway and Q

Members Present: Fred Bridenhagen, Roy Elquist, Kathy Kirkland, Walt Fisher, John Cox, Brent Bristol, and Charity Forsch
Members Absent: Jim Stollenwerk and Paul Flottman
Also Present: Paul Burton, Hugh Mulliken, Diane Kirkland, Jane Olson, Rachel Willems, Debbie Krause, Steve Sauter & Charlie, and Beth Meisner-Gigstead (Hardy Gallery rep)

1. **Call to Order**

Chair Cox called meeting to order at 7:00 pm

2. **Quorum**

Chair Cox noted that a quorum is present.

3. **Changes in Agenda**

Chair Cox noted that there are no changes to the agenda at this time.

4. **Visitors' Comments**

There were no visitor's comments at this time.

5. **Previous Minutes**

Bridenhagen moved, seconded by Kirkland to approve the November 18, 2008 Plan Committee meeting minutes as presented. Motion carries, Elquist and Fisher abstain.

Plan Agenda Items:

6. **K&M Investment Properties**

Chair Cox called the conditional use hearing into session for the application from K&M Investment Properties for adding more transient lodging to the property at 9998 Pioneer Lane. (See attached notice and application)

Bristol stated that the conditional use application is asking for exception to the rule regarding the number of transient rental units. The exception is placing 7 units on the property, which is less than 1 acre. Currently the property is a mix of transient lodging and retail with four transient rental units.

Bristol stated that he has no issues with the conditional use application being approved.

Bristol explained to the Committee that this is the final step in approving the conditional use and change of use for the property located at 9998 Pioneer Lane.

Cox stated that he was accepting written and verbal comment on this matter

Bristol read the following comments into the record:

1. The Bethany Lutheran Parsonage, owned by the Congregation of Bethany Lutheran Church, is an Ephraim property within 300 feet of the referenced property. We at Bethany have no objection to Hugh Mulliken's request to increase from four to seven the total number of transient lodging rentals on this Pioneer Lane property. Richard Van de Ven, Treasurer Bethany Lutheran Church/Parsonage.
2. No objections from Karsten and Ellen Topelmann 3060 Hwy Q, Ephraim, WI 54211
3. We own the property to the east of Hugh and we have no problem with the conditional use permit allowing additional lodging in the existing buildings. Bruce and Cindy Nelson
4. As an Ephraim property owner within 300 feet of the K&M investment Properties, I would like to voice a positive comment in favor of the conditional use request from Hugh Mulliken to increase the total number of transient lodging rentals on his Pioneer Lane property from 4 to 7. Such an increase would not only be a positive and good thing for the owner's business, but it will also benefit those who have businesses in the surrounding area. Since this establishment has been in existence for some time now, it has become well known for the quality of the lodgings and the people who frequent them. Since Ephraim is a premier resort area, such respectable growth should be encouraged so that the beauty of the area can be shared with others. Sincerely yours, Amanda De Witt, 3054 Church St., Ephraim, WI. 54211 Mailing address is: P.O. Box 433, Ephraim, WI. 54211.

Bristol added that he received a verbal comment questioning the timing of the construction.

Mulliken commented that his property receives glowing 5 star reviews and he plans on maintaining that high standard with the construction of the new transient units. He would like to convert the Red Door Gallery into a transient lodging unit and his current office into a transient lodging unit. He stated that he would make the center unit of the building into an office and storage. The other two units would be made from the separating of a current unit that is currently existing as a two bedroom.

Mulliken provided a document to the committee titled "Transient Lodging Density – Commercial Center Ephraim". (see attached)

Mulliken stated that he feels this would be a positive impact for the village.

Chair Cox brought the discussion back to the committee.

Kirkland stated that she was in favor of the project.

Elquist stated that he was in favor of the project and questioned whether there would be any exterior changes to the buildings. Mulliken stated the only change would be replacing two large glass doors.

Bridenhagen stated that he was in favor of the project.

Fisher questioned Bristol on the type of zoning on the property ,mixed use, whether or not the density is still within guidelines for the area.

Bristol stated the only exception to the zoning ordinance is to the density of the lodging portion of the property.

Fisher questioned Mulliken as to if the proposed lodging will occur within the existing footprint of the premise.

Mulliken stated that yes it would.

Cox stated that he feels this is an appropriate use for the property and doesn't see this as an increase in the intensity of traffic in the area.

Bridenhagen moved, seconded by Kirkland to approve Hugh Mulliken's application for the change in density at 9998 Pioneer Lane from the now 4.71 units/acre to 8.24 units/acre and noting that he will now be allowed to rent separately the two units that are currently a two bedroom.

Bristol would like to add that this includes the change of use previously applied for.

Bridenhagen amended the motion to include the approval of the change of use that was applied for, seconded by Kirkland. Motion passed unanimously.

7. Commercial District Ordinance - Dimensional Standards (Commercial vs. Residential)

Bristol explained that this is a continuation item from the November meeting. This was a concept review brought by a resident to consider ideas and ultimate design ideas for the Sauter property. This refers to the lot size and the proration of lot coverage requirements due to the lot being less than 1 acre in size.

One of the issues is that a commercial building in the district could be 6,000 sq ft and a residential property could be 3,000 sq ft. Since Mr. Sauter's property is residential he is limited to a proration of size due to his lot being .51 acres, which means he is limited to a building with a garage of 2,280 sq ft. However, Mr. Sauter's home already covers approximately 2,600 sq ft, which means there wouldn't be any footprint available for an attached garage.

Bristol presented research regarding comparable properties within the same district of the Village.

Bristol explained that he identified the buildable area of Mr. Sauter's parcel once setbacks are met. For the other examples he placed an approximate 3,000 sq ft rectangle on the property to give the Committee an idea of what a 3,000 sq ft house would look like on a lot of similar size.

Mr. Sauter stated that he doesn't understand the different requirements for size being based on whether the property is being used commercially or residentially. He felt the commercial use was more invasive than the residential use, which has a lower impact but more restrictions. He stated that he would like to work with the village to resolve this issue.

Bristol questioned if the Committee would be interested in looking into whether or not to keep the proration requirement.

Bridenhagen questioned whether it would be feasible to allow residents to build a house with a footprint of a certain size and then allowing them to go up instead of having a larger footprint.

The committee discussed property rights, size restrictions, and possible requirements.

Diane stated that the problem with the Sauter property is that the property is less than an acre so it had to be prorated down. If the proration goes away, the property would be able to have the same sq ft as in other residential districts, 3,000 sq ft.

Bristol stated that a simple solution to this issue would be eliminating the proration requirement in this particular zoning district. He stated that the worst case scenario is a 3,000 sq ft house on a 10,000 sq ft lot.

Cox questioned how the committee would like to proceed with the situation.

Bristol stated that this discussion only covers commercial central and commercial south zoning districts.

The Committee discussed concerns regarding the scale of the properties in the district, they would like to make sure that the historic districts are protected by ordinance. The Committee discussed having Bristol put together an overlay of the downtown area and show what could happen with removing the proration, they would like to see the worse case scenario.

Bristol would like to know what information would need to be on the maps.

Cox questioned whether or not there is a way to look at just those properties that are missing the garages and look at them with a special exception.

Elquist would like to see this change become possible without the property having to turn commercial and then back to residential.

Paul Burton stated that the proration rule has worked well in the past and he would like to see an exemption based on conditional use or special exception, rather than changing the ordinance.

The Committee discussed the pros and cons of the options.

Bridenhagen would like to get an answer for all properties in the district versus looking at each section separately.

Kirkland would like to take each of these situations on a case by case basis by using conditional use and special exceptions.

Elquist agrees with Kirkland and doesn't think there will be that many instances like the current one on the table, if there are problems in the future take another look at the ordinance at that time.

Bridenhagen would like to work more with planning for the Village rather than taking the easy way out and allowing a conditional use or special exception.

Fisher agrees with Kirkland's statements, Burton's and Cox's suggestions. He would like to look into this further in the future.

Cox directed Bristol to work on language regarding conditional use and a special exception that will solve this problem. Sauter thanked the Committee for their work on this issue.

8. Sign Ordinance - Non conforming sign language

Bristol informed the Committee that this is an item that came back from the Village Board. This is the allowance for reproduction or consideration of non conforming signs by conditional use.

The Board was concerned with alienating people that had complied to the stricter sign requirements.

Bristol did research and he couldn't find anything as a red flag property that would be adversely affected by this change in language. (See attached)

Bristol feels that his research met the Village Board's concern regarding the effects of this change to the sign code.

Elquist moved, seconded by Kirkland to recommend to the Village Board to consider the attached changes to the sign code. Motion passed unanimously.

9. Protected Waterfront Ordinance - non-profit sales

Cox asked the Committee to review the sample ordinance regarding the sale of merchandise by nonprofits in the protected waterfront area.

The Hardy approached the Village with this idea, to be able to sell museum type merchandise at the Hardy Gallery.

See attached items that would be available for sale, the list is not all inclusive.

Bristol provided a draft of the change in ordinance to accommodate this type of activity. (See attached)

The Committee questioned what the Hardy Gallery's plans were.

Meisner-Gigstead explained that the space would be a small portion of the Hardy Gallery that would sell items either made by local artists or items of a general nature of a gallery; however, the items wouldn't necessarily be identified as being from the Hardy Gallery.

Fisher would like to make sure that the Committee considers this change in ordinance as being applied to other locations within the district.

Sauter questioned whether it would be easier to change the terms of the lease at the Hardy Gallery rather than the ordinance.

Cox stated that this change would possibly help other non profits in the Village if there would be a situation where any one of them would need to close for 14 months, if that occurred they would lose their grandfathered status.

Diane stated that the lease at the Hardy states that it is solely an art gallery and gave a background on the need for this change. Since 2002 when the Hardy became a 501(C)(3) it hasn't been allowed to sell merchandise.

Bristol explained that by including the 501(C)(3) was an identifier, he would be amenable to removing it and adding the requirement of a conditional use for 501(C)(3)s to conform and sell the related items.

Fisher stated that the proposed language only relates to properties leased by the Village, what about other properties?

Fisher questioned why this language isn't in the lease agreement rather than placing it in the ordinance.

The Committee discussed what would happen if this language would pass, what would be the repercussions.

Cox stated that he felt the Village Board is wanting to help the non profits in Ephraim and make sure that the items are sold at a reasonable price.

Bridenhagen stated that the Hardy has gone to a non profit status and it no longer helps the promotion of the local art community.

Kirkland stated that she had concern regarding the amount of area that would be used and the merchandise that would be sold.

Meisner-Gigstead stated that the area isn't set yet, however, the back corner is an example of the space being used.

Cox explained that the village would like to help in this area, he would like the Hardy and the Committee to take a step back and figure out what everyone really wants to do in the future.

Kirkland stated that she would like to see the Hardy sell local artwork and not minimal trinkets and t-shirts.

Elquist questioned whether or not the Hardy used to see items. Meisner-Gigstead explained the history.

Bristol stated that if the exception was made under conditional use the Committee has the right to review the exception annually.

Fisher would like to see more conversation on the other non-profits in the protected waterfront district rather than solely discussing the Hardy gallery.

The Committee discussed what direction should be taken at this point.

Bristol would like everyone to think about this and come back next month to continue the discussion on what should be done.

Cox would like Bristol to modify the language for the next meeting.

Bristol would like to make sure that the focus is on the non-profits operating out of the district versus the sale of merchandise in the district.

10. Old Business

- Smart Growth - Implementation - Utilities & Community Facilities

The Committee reviewed the draft of the Utilities and Community Facilities portion of the Comprehensive Plan including the implementation steps. Bristol presented it to the Wastewater Committee and they only had one change that was mainly cosmetic. The Committee reviewed the implementation steps for this portion of the Smart Growth plan and made minor wording changes.

Bridenhagen left at 8:58 pm

- Smart Growth - Future Land use map

The Committee reviewed the existing Land Use Map for the Village.

Bristol explained that the County would like all of the communities land use and future land use maps to be submitted. The Committee discussed future land use mapping.

The Committee discussed whether there was a need to expand the future land use of the commercial district.

The Committee would like to leave the land use map as is currently.

11. New Business

Smart Growth - Housing

Board of Appeals Training - February 26 at 1:00 at the Village Hall Village Board, Board of Appeals, and Plan Committee are invited.

12. Visitor's Comments

None at this time.

13. Adjournments

Elquist moved, seconded by Kirkland to adjourn at 9:40 pm. Motion passed unanimously.
Recorded By:
Charity Forsch
Administrator/Clerk

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