

**PLAN COMMISSION  
MEETING MINUTES  
Monday, June 4, 2018**

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Meeting was called to order by President Palmer at 7:00p.m.

**1. Roll Call.**

Present: President Palmer, Mr. Reineke, Mr. Kujawa, Mr. Jodie, Mr. Long, Mr. Michalski, Mr. Cashin  
Absent: None

Also Present: Thomas Harrigan, Zoning and Planning Administrator, David De Angelis, Village Manager, Hector de la Mora, Village Attorney, and applicants.

**2. Review and act on meeting minutes dated 5/8/18 and 5/23/18.**

Mr. Michalski motioned and Mr. Long seconded to approve the meeting minutes dated 5/8/18. Motion carried 7-0.

Mr. Kujawa motioned and Mr. Long seconded to approve the meeting minutes dated 5/23/18. Motion carried 7-0.

**3. Review and act on a request for a demolition permit for a single family residential home located at 1185 Highland Drive pursuant to §106-11 to §106-19.**

Rob Miller was present before the Commission to represent the demolition proposal as the property owner.

President Palmer asked Mr. Miller if anything has changed in the demolition permit application since it was submitted for Plan Commission review.

Mr. Miller stated that nothing has changed in the application materials since submission.

President Palmer commented that the demolition proposal and supporting materials appeared to be in order and asked Mr. Miller if he intends to construct a new home on the property.

Mr. Miller expressed that a new home will eventually be built on the property but he is in the process of finalizing site layout and design with a client.

President Palmer asked if the Village Staff has any concerns with the proposal.

Mr. Harrigan stated there are none.

Mr. Michalski motioned and Mr. Cashin seconded to approve the demolition permit for the single family home located at 1185 Highland Drive. Motion Carried 7-0.

**4. Review and provide recommendation to the Village Board of Trustees regarding the Certified Survey Map pursuant to §305-8 for the combination of lots 1 & 2, Block 4, Plymouth Heights, being a part of the Northwest ¼ of the Northwest ¼ of Section**

**26, Town 7 North, Range 20 East, in the Village of Elm Grove, Waukesha County, Wisconsin (1185 Highland Drive).**

Rob Miller was present before the Commission to represent the lot combination as the property owner.

President Palmer noted the footprint of the existing home is currently located on two separate lots.

Mr. Miller indicated that as the intention for the property is to construct a new home, it makes sense to combine the two lots at this time.

President Palmer asked Mr. Miller if he is aware that once lots are combined through a CSM, they cannot be re-divided.

Mr. Miller stated that he is aware of this.

Mr. Michalski motioned and Mr. Kujawa seconded to recommend approval of the Certified Survey Map to the village Board of Trustees on condition that all outstanding items in the Ruckert & Mielke letter dated June 1<sup>st</sup>, 2018 are satisfied. Motion carried 7-0

**5. Review and act on a request for a plan of operation for Zisters Restaurant pursuant to §335-85, a conditional use permit pursuant to §335-22C(18) for the use of permeable surface materials to exceed the allowable percentage of maximum impervious surface area in the B-1 zoning district, and for a site plan parking amendment pursuant to §335-32L to allow for adjustments to the minimum number of parking spaces required.**

Dan Zierath, owner and operator of Zisters Restaurant, Patrick Ziegeweid, Trees on the Move, and Mark Augustine, Landmark Engineering Sciences were present before the Commission.

President Palmer asked which of the three gentlemen would like to address the Conditional Use Permit application for the use of permeable paver materials in order to exceed the allowable percentage of maximum impervious surface area in the B-1 zoning district.

Mr. Augustine introduced himself to the Commission and stated that all the outstanding items listed in the Ruckert & Mielke review letter dated May 31<sup>st</sup>, 2018 have been addressed and the permeable paver plan dated June 1<sup>st</sup>, 2018 reflects those changes.

President Palmer asked if the Village Staff is satisfied with the changes that were made to the permeable paver plan set dated June 1<sup>st</sup>, 2018.

Mr. Harrigan stated that the plan does address the comments and requested revisions provided in the engineering review letter dated May 31<sup>st</sup>, 2018.

Mr. De Angelis clarified the Conditional Use Permit would be issued to the property owner, not the user. In this case, the Conditional Use is being applied for by Christina Korkos dba Elm Grove Park and Shop LLC. The permit is issued for the sole benefit of the owners of the property and shall terminate upon the removal of the permeable materials from the property.

Mr. Cashin motioned and Mr. Michalski seconded to recommend approval of the Conditional Use Permit to the Village Board of Trustees.

President Palmer asked if there is further discussion.

Mr. Kujawa stated that he does not believe the permeable patio as designed improves the downtown area. Mr. Kujawa commented the applicant is proposing to remove the only tree providing shade in the immediate area of the patio and the only other landscaping being proposed is a hedge row of small arborvitae and two beds of daylilies.

Mr. De Angelis noted that the Conditional Use Permit is discretionary and is not a permit by right.

Mr. Zierath commented that he has not seen anyone use the existing green space which is adjacent to Watertown Plank Road.

President Palmer suggested Mr. Zierath consider utilizing more perennial plantings in the patio area.

Seeing no more comment from the Commission, President Palmer called the vote.

Motion carried 6-1 (Kujawa voting nay).

Moving on, the Commission took up the Plan of Operation and Site Plan amendment proposal.

President Palmer asked Mr. Zierath if anything has changed on the Plan of Operation or the site plan amendment since it was submitted.

Mr. Zierath stated that he now intends to hold different hours of operation other than what was stated on the Plan of Operation. Hours of operation are as follows:

Monday	7:00a.m - 3:30p.m.
Tuesday	7:00a.m - 3:30p.m.
Wednesday	7:00a.m. - 2:00a.m.
Thursday	7:00a.m. - 2:00a.m.
Friday	7:00a.m. - 2:00a.m.
Saturday	7:00a.m. - 2:00a.m.
Sunday	7:00a.m. - 7:00p.m.

President Palmer asked Mr. Zierath if he could explain the rationale of having 26 tables on the patio which would sit 4 people at each table.

Mr. Zierath explained the intention is not to have all 26 tables on the patio to start. The intention is to open the patio with fewer tables in order to assess how the operation will function in the space provided. If it is determined all 26 tables can be located on the patio and the operation is still able to function properly, then 26 table will remain.

President Palmer asked Village Staff what the total parking stall count is for the Park and Shop property and whether the additional parking stalls related to the new patio space can be accommodated.

Mr. De Angelis noted there are 65 stalls located on the property and there is an additional 50 stalls from the Sendik's property that are assumed to be shared with the Park and Shop property. That would make a total of 115 stalls available for parking. The new patio area would require an additional 18 parking stalls and the total 115 parking stalls does accommodate this.

Mr. De Angelis asked Mr. Zierath if he intends to allow for alcohol to be consumed on the patio area until 2:00a.m.

Mr. Zierath commented that he would prefer to keep the option open.

Mr. De Angelis reminded the Commissioners that other restaurants in the downtown area which have patio seating areas are restricted to 11:00p.m. for the use of the outside seating area.

Mr. Michalski asked if Mr. Zierath intends to have music on the patio or in the restaurant.

Mr. Zierath stated not at this time, but he is interested in having a band play inside the restaurant.

President Palmer noted that a Dance Hall License would be required for that specific use.

Mr. Michalski Motioned to approve the Plan of Operation and Site Plan amendment pursuant to the changes made to the hours of operation in the Plan of Operation, Mr. Long seconded. Motion carried 7-0.

## **6. Other Business**

None

## **7. Adjournment**

Mr. Kujawa motioned and Mr. Cashin seconded to adjourn the meeting. Motion carried 4-0.

Meeting adjourned at 8:23 p.m.

Respectfully Submitted

Thomas Harrigan  
Zoning and Planning Administrator/Assistant to the Village Manager