

**PLAN COMMISSION
MEETING MINUTES
Thursday, August 5th, 2021**

Meeting was called to order at 6:00 p.m. by Mr. Harrigan

1. Roll Call.

Present: Mr. Michalski, Mr. Long, Mr. Reineke, Mr. Cashin

Absent: President Palmer, Mr. Jodie, Mr. Kujawa

Also: Thomas Harrigan - Zoning and Planning Administrator/Assistant to the Village Manager, David De Angelis – Village Manager and Hector de la Mora – Village Attorney and applicants

In absence of Chairman Palmer, Mr. Long motioned to appoint Mr. Michalski as Chair Pro Tem. Mr. Cashin seconded. Motion Carried 4-0.

2. Review and act on meeting minutes dated 7/8/21.

Mr. Long motioned to approve the minutes as submitted. Mr. Cashin seconded. Motion carried 4-0.

3. Review and act on a request for approval of a plan of operation for Yemas Family Restaurant pursuant to §335-85 for a Restaurant pursuant to §335-22A(50) located in the B-1 Local Business District at 890 Elm Grove Road.

Melinda Salgado, owner operator of Yemas Family Restaurant, was present before the Commission.

Ms. Salgado stated the restaurant will be open from 7:00 A.M. to Midnight, and focus primarily on breakfast service.

Mr. Michalski asked how late the previous restaurant operated until.

Mr. De Angelis stated it was open until midnight.

Mr. Long inquired about the patio seating as identified on the site plan, and if alcohol would be served on the patio area.

Mr. De Angelis stated the previous restaurant was allowed to serve alcohol on the patio areas, but was required to stop service at 10:00 P.M.

Mr. Michalski asked if there would be music played outside.

Ms. Salgado stated that if there would be music played outside, it would be low in volume simply to create a nice atmosphere.

Attorney de la Mora recommended an amendment to the site plan which demonstrates where specifically alcoholic beverages will be served regarding the outside seating.

Mr. Cashin motioned to approve the Plan of Operation on condition an amended exhibit be submitted which demonstrates where alcoholic beverages will be served outside, and noting the outdoor seating on the patio is permitted until 10:00 P.M. Mr. Reineke seconded. Motion carried 4-0.

4. Review and provide preliminary consultation on a draft Certified Survey Map pursuant to §305-6 for the property located at 14625 Watertown Plank Road.

Attorney Steven Schmuki was present before the Commission, representing Church Unlimited, 14625 Watertown Plank Road.

Mr. Schmuki explained the original draft CSM demonstrated a new single-family lot which conformed to Rs-1 single-family zoning code. The revised CSM was done to address the concerns related to the proposed access easement for driveway access to the home. Mr. Schmuki is now asking for the Commission to give conditional approval subject to legal and engineering review.

Mr. Schmuki indicated that he and Village Attorney de la Mora had recently discussed the topic of spot zoning, and if this rezoning would be classified as such. Based on his research, Mr. Schmuki is of the opinion the Village Plan Commission has complete authority to rezoning in whatever fashion they see fit. The new single-family lot may not comply with every detail of the Rs zoning code, but it is well within keeping with the community's zoning intent.

Attorney de la Mora clarified that the Commission does play a role in rezoning, but the decision is that of the Village Board.

After the last discussion, Attorney de la Mora recommended that Mr. Harrigan go back and look at the property files. After doing so, Mr. Harrigan was able to locate documentation which demonstrates a petition was filed to rezone the single-family residence, at that time, to I-1 Institutional zoning so that it could be used as the church parsonage.

Attorney de la Mora noted that spot zoning is not an unlawful occurrence, but the case law does say, besides a special benefit to the applicant, there is the ability to create a special lot with acreage and square footage of a lesser amount than would otherwise be required by the zoning district. The question that precipitated my research, the RS-1 zoning was originally proposed. Recommendation should be on condition that the new configuration shown does not create a setback issue. Along with the appropriate notation indicating what will happen to the existing paved area which is currently used as a shared access.

Mr. De Angelis commented that the Commission does not have a petition for rezoning at this point, only the draft CSM. The request for rezoning is a separate petition and a separate process. Also, the Commission should keep in mind that driveway configurations change all the time. The Commission may wish to be more concerned with the overall property configuration and the overall use.

It was noted by the Commissioners that existing adjacent homes which are zoned as Rs-1 do not meet all the base line zoning requirements of the Rs-1 zoning district.

Attorney Schmuki asked the Commission for clarification, as long as there is 125' of width on Watertown Plank Road, the Commission would entertain a new lot configuration.

Mr. De Angelis noted that he has never heard any Commissioners say they have issue with dividing the lot to create an Rs zoning, but we need to figure out how we get there.

Mr. Michalski agreed, but stated the new lot should be as similar to the existing Rs-1 lots to the west as possible.

Attorney Schmuki summarized what the Commission has stated thus far:

1. The new lot should be 125' in width at a minimum.
2. The new lot should be compliant with baseline setback requirements (when possible).
3. A new lot with 20,000 square feet in area is the target at this point.
4. If an access easement is to exist, the Commission will need to review this language.

Mr. Cashin highlighted that moving forward, the Commission must be extremely explicit in what may potentially be approved and why.

Mr. Michalski noted §335-34A which states driveway openings serving a single parcel shall be located at least three feet from all lot lines.

5. Other Business

None.

6. Adjournment

Mr. Long motioned to adjourn, seconded by Mr. Cashin, Motion carried 4-0.

Meeting adjourned at 6:49 P.M.

Respectfully Submitted,

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