

**PLAN COMMISSION
MEETING MINUTES
Monday, May 01, 2023**

Meeting was called to order at 6:00 P.M. by President Koleski.

1. Roll Call.

Present:

President Koleski
Ms. Stuckert (via zoom)
Mr. Kujawa
Mr. Cashin
Ms. Wynia-Smith
Ms. Becker
Mr. Fronberry
Dave De Angelis, Village Manager
Katherine Gehl, Assistant Village Manager/Zoning & Planning Administrator
Hector de la Mora, Village Attorney

Absent:

None

2. Public Hearing regarding a proposed amendment of the Project Plan for Tax Incremental District No. 2.

President Koleski opened the Public Hearing and asked if there was anyone present who would like to speak.

Mr. Robert Reineke, 820 Brinsmere Drive
Mr. Reineke stated that he was concerned about the potential environmental costs of the project as he did not believe there has been any analysis done about whether there are emerging contaminants present. He stated that if present, this could increase the cost of the project.

President Koleski closed the Public Hearing.

3. Review and act on meeting minutes dated April 03, 2023.

MR. CASHIN MOTIONED TO APPROVE THE MINUTES AS SUBMITTED. MS. WYNIA-SMITH SECONDED. MOTION CARRIED 7-0.

4. Consideration and possible action of a “Resolution Approving an Amendment to the Project Plan for Tax Incremental District No. 2”.

President Koleski introduced the item.
The Village has been working for the last 18 years on finalizing daylighting of Underwood Creek which was originally part of the stormwater mitigation plan back in 2005. This portion of the project was removed to allow for the project to move forward and to allow for additional funding to take place. This was accomplished by entering a Memorandum of Understanding with the

DNR to continue to pursue the daylighting which also brought to light this was an unpermitted structure and would not be allowed to be repaired again in the future. Over the years the Village has received multiple grants to move the project forward and now has several grants to assist in paying for this project. In addition, the material attached and the presentation from Ehlers demonstrates that the allowed extension of TID #2 along with monies from the stormwater utility will allow us to complete this final project component.

Mr. Todd Taves of Ehlers was present at the meeting and gave a presentation to explain the proposed amendment of the Project Plan for Tax Incremental District No. 2. TID No. 2 was created 20 years ago to provide a funding mechanism for the Village's original flood mitigation project. The TID was then amended in 2012 for a water main extension. The current proposed amendment will amend the total estimated expenditures to include the costs of daylighting Underwood Creek and will extend the life of TID by three years as a result of funding changes with the State Legislature. The proposal was reviewed by the Joint Review Board prior to the Plan Commission Public Hearing. If the amendment is approved by the Plan Commission, it will go to the Village Board for consideration and then it will go back to the Joint Review Board for consideration.

Ms. Wynia-Smith asked if there was any action taken at the Joint Review Board meeting. Mr. Taves explained that the Joint Review Board meeting was only an organization meeting.

President Koleski asked what would happen if the Plan Commission does not approve of the amendment. Mr. Taves explained that the amendment wouldn't move forward.

Mr. Fronberry asked if modified costs to the project would have to come back to the Plan Commission. President Koleski explained that the Village Board at the April 19th, 2023 Committee of the Whole meeting directed Staff get updated project costs as it was anticipated that they would increase. This project will eventually go to referendum because it will be a contract greater than \$1M. Mr. De Angelis explained that the costs may be modified but the action the Plan Commission is taking is to approve the project itself with an estimate of costs, not the actual dollar amount. Mr. De Angelis further explained that the Village Board will have to approve the Bid for the project and it will also have to pass a referendum.

Mr. Cashin asked if this project was required as part of the agreement with the Wisconsin Department of Natural Resources (DNR). Mr. De Angelis stated that this project is part of the agreement with the DNR and that if the Village were to not move forward with the project, any failure of creek will fall 100% to the property owners.

Ms. Becker asked why the projected Tax Increment freezes after 2022. Mr. Taves explained that this is to be conservative.

Ms. Wynia-Smith asked if any property will have to be rezoned as part of this project. Mr. De Angelis explained that anything that would need to be rezoned would be rezoned to Institutional as it will be Village property.

Ms. Wynia-Smith asked what might be expected related to environmental issues. Mr. De Angelis stated that the Village paid for an updated report to be done in 2022 and it did not change any assumptions. Materials at the One Hour Martinizing property will have to be removed but there are already cost estimates rolled into the budget of the project for this. Mr. De Angelis stated that the only anticipated change could be for a change in dumping fees but this cost will be part of the Bid.

MR. KUJAWA MOTIONED TO APPROVE THE PROPOSED AMENDMENT OF THE PROJECT PLAN FOR TAX INCREMENTAL DISTRICT NO. 2 AS PRESENTED. MS. STUCKERT SECONDED. MOTION CARRIED 7-0.

5. Review and act on a request by ZA for a Plan of Operation pursuant to §335-85 for Restaurants, except drive-in restaurants or restaurants with drive-through windows with take-away service pursuant to §335-22A(50), located in the B-1 Local Business District at 13300 Watertown Plank Road.

President Koleski introduced the item.

The applicants, Gabriella and Elizabeth Zierath, are requesting approval for Plan of Operation for ZA. This restaurant will operate out of existing units A and B of the building. This business is proposed to have 20 employees and is anticipated to generate a daily average of 100 customers (50 customers at daily peak). The proposed tenant space is 3,135 square feet. Per the Village's parking requirements outlined in §335-32, restaurants are required to have 1 parking space per 150 square feet of the floor area. Based on this calculation, ZA would be required to have 21 parking spaces. Per the original parking assignment for this building the units which ZA will not be occupying shall still be guaranteed 8 parking spaces of 26 available spaces. ZA has also signed a Parking Space Lease with Town Bank for the use of 20 parking spaces at 13150 Watertown Plank Road. Additionally, properties 13320 Watertown Plank Road and 13300 Watertown Plank Road have a Reciprocal Access and Parking Easement in place. Please see the enclosed application and plan set for review.

Mr. Dan Zierath, owner of Zierath Restaurant Group, was present to represent the request. Mr. Zierath explained that the proposal for ZA is to take existing spaces of Units A and B of 13300 Watertown Plank Road and convert it into a full-service Italian restaurant offering wood fire pizza and other Italian dishes. They are proposing to have 20 employees, half of these employees being full-time and half of these employees being part-time.

Ms. Becker stated that she thinks opening a pizza restaurant is a wonderful idea and believes residents have been asking for this sort of restaurant for a long time. Ms. Becker asked Mr. Zierath to explain the parking. Mr. Zierath explained that there are 12 parking spaces in front of the proposed restaurant but does not expect there to be peak customer load until after 5:00 P.M. when the surrounding businesses close. Mr. Zierath also explained that he is proposing to have ZA employees park at the Zisters property, which he operates and stated has 64 parking spots assigned, and walk to ZA.

Mr. Fronberry asked about parking arrangements that Fairgrounds already has in place and asked whether the proposed hours of operation are permitted. Mr. Zierath explained that Fairgrounds will close as ZA is proposed to open. Mr. De Angelis stated that restaurants with an alcohol permit are permitted to stay open after 11:00 P.M. Mr. Zierath explained that the restaurant will most likely be closing earlier than midnight on most days.

Mr. Fronberry asked if any of the parking spaces will be used for pick-up service and asked where delivery vehicles will be parked. Mr. Zierath stated that two spaces will most likely be marked for pick-up service and staff will be picking up delivery orders in the back of the restaurant where there are nine parking spots. Any delivery vehicles will be parked at an offsite warehouse owned by Mr. Zierath.

Mr. Fronberry asked if Town Bank has any other existing parking agreements with other businesses. Mr. De Angelis stated he does not believe they have any other establish parking agreements but O'Donoghue's customers may just park there.

Mr. Mike Klein, the property owner, stated that ZA has secured a lease with Town Bank for 20 guaranteed parking spaces. President Koleski asked if these spaces will be designated. Mr. Klein stated that he believed they would be.

Attorney de la Mora asked if there is a parking agreement in place for employee parking. Mr. Zierath stated no but he operates Zisters and is aware that he will have spaces available there.

Attorney de la Mora asked who is on the lease for this space and asked if it can be provided. Mr. Zierath stated his daughters, Gabriella and Elizabeth Zierath, will be on the lease and the lease can be provided.

Attorney de la Mora asked if there are any plans in place for the enforcement of parking as there is a lot of parking already happening in Town Bank's parking lot. Mr. Zierath stated that there will be signage in Town Banks parking lot marking ZA's parking spaces. Currently there is no mention of assigned parking in the agreement with Town Bank or the ability to enforce it. Mr. Klein stated that they can tow cars if needed but could amend the parking lease with Town Bank to state that there will be parking spaces and to list enforcement measures.

Attorney de la Mora asked if there were any intentions to shield the nearby residential neighborhood from the site. Mr. Klein stated no.

Attorney de la Mora asked what entity will be operating this business. Mr. Zierath explained that Zierath Restaurant Group will be operating the business and it will be incorporated once the Plan of Operation is approved.

President Koleski requested that the applicant provide further clarification and visuals for the flow of parking that will outline when and where customers can be parked at different times of the day.

Mr. Kujawa stated that there is a lot of moving pieces to this proposal and feels that the Village should promote this type of use to increase the value of downtown and provide something that residents have always wanted.

President Koleski asked the applicant if there will be any outside seating. Mr. Zierath stated that they plan to have bistro tables in the walkway under the porch overhang.

President Koleski asked that updated renderings be provided to show this outdoor seating and that the Plan of Operation be updated to include this use. Mr. De Angelis stated that the applicant could withdraw the outdoor seating from the current request and they could come back with an amended Plan of Operation later.

President Koleski asked how food and supply deliveries will be handled. Mr. Zierath stated that he had not yet considered this but could establish a loading zone or could restrict deliveries to a certain timeframe.

Attorney de la Mora recommended to the Plan Commission to give the applicant the opportunity to address issues discussed at tonight's meeting including providing the lease, providing an

amended parking lease agreement with Town Bank to address the enforcement of parking and designation of parking spaces, providing a parking agreement that addresses employee parking, providing a chart detailing the location and size of parking spaces serving ZA and surrounding properties and when customers will be coming and going, withdrawing the outdoor seating from the Plan of Operation, and incorporating shielding and/or protections from the business negatively impacting the nearby residential neighborhood.

MR. FRONBERRY MOTIONED TO TABLE THIS REQUEST IN ANTICIPATION OF A REVISED PROPOSAL BEING SUBMITTED FOR REVIEW. MR. KUJAWA SECONDED. MOTIONED CARRIED 7-0.

6. Review and act on a request by The Good Feet Store for a Plan of Operation pursuant to §335-85 for Shoe stores and leather goods stores, sales and repairs pursuant to §335-22A(52) located in the B-1 Local Business District at 15280 W Bluemound Road.

President Koleski introduced the item.

The applicant, Arnold Pereira, is requesting approval for a Plan of Operation in order to operate a store for the retail sale of shoes and supports. The Good Feet Store will be occupying the tenant space previously occupied by Firehouse Subs. The business is proposed to have 3 employees and is anticipated to generate a daily average of 6 customers (8 customers at daily peak). The proposed tenant space is 1,627 square feet. Per the Village's parking requirements outlined in §335-32, retail stores are required to have 1 parking space per 200 square feet of the floor area. Based on this calculation, The Good Feet Store would be required to have 9 parking spaces. The Good Feet Stores' lease agreement with Culver's guarantees access and right to use all parking areas identified in Culver's site plan. Shoe Stores are a permitted use under the B-1 Local Business District zoning designation. Please see the enclosed application and plan set for review.

Ms. Wynia-Smith clarified that this business operation will not include any sort of medical clinic. Ms. Gehl clarified that there will be no medical clinic as part of the business operation.

MR. FRONBERRY MOTIONED TO APPROVE THE PLAN OF OPERATION AS PRESENTED. MS. STUCKERT SECONDED. MOTION CARRIED 7-0.

7. Other Business

President Koleski requested that staff prepare a Request for Proposal for the creation of a Downtown Master Plan.

8. Adjournment

MR. KUJAWA MOTIONED TO ADJOURN. MR. CASHIN SECONDED. MOTION CARRIED 7-0.

Meeting adjourned at 7:23 P.M.

Respectfully Submitted,

Katherine Gehl

Assistant Village Manager/Zoning & Planning Administrator